Planning Commission Agenda

Sept. 19, 2019 – 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: Sept. 5, 2019
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda

A. Front yard setback variance for a roof addition to the existing detached garage at 3910 Baker Road

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

   • Final Decision, subject to appeal
   • Project Planner: Drew Ingvalson

B. Front yard setback variance and expansion permit for garage and living space addition at 16708 Seymour Drive

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

   • Final Decision, subject to appeal
   • Project Planner: Drew Ingvalson

C. Expansion permit for an addition within the rear yard setback at 5208 Woodhill Road

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

   • Final Decision, subject to appeal
   • Project Planner: Drew Ingvalson
D. Side setback variances for a living space addition at 16030 Woodland Curve

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

- Final Decision, subject to appeal
- Project Planner: Ashley Cauley

E. Ordinance amending City Code §400.300 Subd.6(3) pertaining to lot-behind-lot standards

Recommendation: Recommend the city council adopt the ordinance (4 votes)

- Recommendation to City Council (Oct. 7, 2019)
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

A. Amendment to the Minnetonka Corporate Center sign plan at 6050 Clearwater Drive

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

- Final Decision, subject to appeal
- Project Planner: Susan Thomas

B. Variances to expand the parking lot at 5400 Opportunity Court

Recommendation: Adopt the resolution approving the proposal (54 votes)

- Final Decision, subject to appeal
- Project Planner: Ashley Cauley

C. Items concerning the Hennepin County Medical Examiner’s Office at 14300 Co. Rd. 62

Recommendation: Recommend the city council adopt the ordinance (4 votes)

- Recommendation to City Council (Oct. 7, 2019)
- Project Planner: Loren Gordon

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.

2. The following applications are tentatively scheduled for the Oct. 3, 2019 agenda.

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Minnetonka Planning Commission Meeting
Sept. 19, 2019

Agenda Item 4

Previous Meeting Minutes from Sept. 5, 2019
1. **Call to Order**

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

2. **Roll Call**

Commissioners Sewall, Hanson, Henry, Knight, Powers and Kirk were present. Luke was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley and Planner Drew Ingvalson.

3. **Approval of Agenda**

*Sewall moved, second by Hanson, to approve the agenda as submitted with additions and modifications provided in the change memo dated Sept. 5, 2019.*

*Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried.*

4. **Approval of Minutes:** Aug. 15, 2019

*Powers moved, second by Henry, to approve the Aug. 15, 2019 meeting minutes as submitted.*

*Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried.*

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of Aug. 26, 2019:

- Adopted a resolution approving a dental clinic at 11300 Wayzata Blvd.
- Adopted a resolution approving the final plat for the Fourth Addition of Legacy Oaks.
- Adopted a resolution approving a conditional use permit and expansion permit for an accessory structure on Hwy 7.
- Adopted a resolution approving the preliminary plat of Bird Song, a 13-lot subdivision at 2410 Oakland Road.
Gordon announced that a community workshops are being held to discuss options for city-owned property on 5337 Co. Rd. 101. Information on future meetings can be found on eminnetonka.com.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

Item 7B, a conditional use permit for an accessory apartment at 5304 Westmill Road, was removed from the consent agenda for discussion and separate action.

Powers moved, second by Hanson, to approve items 7A and 7C listed on the consent agenda as recommended in the respective staff reports as follows:

A. Variances for a garage addition at 11820 Karen Lane.

Adopt the resolution approving variances for construction of a garage addition at 11820 Karen Lane.

C. Conditional use permit for an expanded medical clinic at 12301 Whitewater Drive.

Recommend that the city council adopt the resolution approving a conditional use permit with access variance for a medical clinic at 12301 Whitewater Drive.

Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried and items 7A and 7C on the consent agenda were approved as submitted.

Chair Kirk stated that an appeal of the planning commission’s decision for Item 7A must be made in writing to the planning division within 10 days and Item 7C is scheduled to be reviewed by the city council Sept. 16, 2019.

8. Public Hearings

A. Conditional use permit for an accessory apartment at 5304 Westmill Road.

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 explained that the property owner would be required to live in one part of the dwelling.

Shawn Dykhoff, 5304 Westmill Road, applicant, stated that the apartment existed when he purchased the property. He needs to bring the property into compliance with ordinances so he may refinance the mortgage.
Henry asked how many vehicles are usually parked at the residence. Mr. Dykhoff stated that there are eight parking spaces. The other occupant has two vehicles and one motorcycle and Mr. Dykoff has two vehicles.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Bev Ryther, 5300 Westmill Road, stated that:

- She shares the driveway with the applicant. She is concerned with parking. She needs to be able to access the driveway.
- Before Mr. Dykhoff owned the property, the previous owner did not live on the property. There were a lot of issues with the occupants in 2003. She did get the city involved. The city took the property owner to court to force compliance with the ordinance requirements.
- She was not really against the application. She was concerned with being able to access the driveway.

Ron Buchanan, 3033 Chase Drive, stated that:

- All bedrooms should have an egress window.
- He questioned if the city licenses and inspects rental properties.

No additional testimony was submitted and the hearing was closed.

Ingvalson explained that:

- The city does not license rental properties or have annual inspections. Inspections are performed on a complaint basis.
- The amount of parking is adequate.
- The city does not regulate parking on a private drive. A private agreement could be utilized.

Mr. Dykhoff stated that the apartment has one bedroom.

Sewall supports staff’s recommendation.

_Hanson moved, second by Henry, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 5304 Westmill Road._

_Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried._

Chair Kirk stated that this item is scheduled to be heard by the city council Sept. 16, 2019.
B. Conditional use permit for an accessory apartment at 13052 Stanton Drive.

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

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Scott Bosch, 13052 Stanton Drive, applicant, stated that:

- The proposed accessory apartment is intended for his mother-in-law and father-in-law.
- All ordinance requirements would be met.

The public hearing was opened.

Ron Buchanan, 3033 Chase Drive, stated that the plan looks great. He asked what could happen with the next owners of the property.

No additional testimony was submitted and the hearing was closed.

Cauley explained that a future property owner would have to live on the property for the conditional use permit to be valid.

Chair Kirk noted that the proposal would create affordable housing. The conditional use permit would be tied to the property and future owners.

Powers visited the site and noted that there is plenty of room on the property. It would look appropriate for the neighborhood. He spoke to a neighbor who was comfortable with the proposal.

Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 13052 Stanton Drive.

Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried.

C. Amendment to the Minnetonka Corporate Center sign plan at 5900 Clearwater Drive.

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.

Ryan Novaczyk, president and chief financial officer of New Perspective, stated that:
• The corporate headquarters would be moving to the location.
• The horse-shoe shape of Whitewater Ave. creates the need for two signs. There needs to be a sign visible from Clearwater Road and a sign visible from Whitewater Ave. or visitors would miss the turn.
• The business would occupy two suites totaling 30,000 square feet of the 96,000 square-foot building. There would be visitors for trainings and meetings.
• The brushed-metallic signs do pop with the brick wall.
• There are multiple signs in the adjacent building surrounding the office park. The Gardner School is an example. Each business has its own entrance into the building.

Chair Kirk confirmed with Mr. Novaczyk that the signs would be located on parts of the building occupied by the applicant.

The public hearing was opened. No testimony was submitted and the hearing was closed.

_Sewall moved, second by Powers, to adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 5900 Clearwater Drive with a modification provided in the change memo dated Sept. 5, 2019._

_Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried._

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

_D. Amendment to the West Ridge Market sign plan at 11390 Wayzata Blvd._

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

Cauley reported. She recommended approval of the application for a wall sign on the rear elevation and the blade sign on the west elevation, but denial of the wall sign on the west elevation and parking lot sign based on the findings listed in the staff report.

Henry asked for the square footage of the proposed Olive Garden building. Cauley answered just over 7,000 square feet.

Chair Kirk asked if the proposed west sign would be visible from eastbound traffic on I-394. Cauley stated that the sign would be visible from Wayzata Blvd. and the applicant believes that a driver would be able to see the sign from I-394.
Chair Kirk noted that the city does not want areas to have too many signs that would appear cluttered.

Powers asked if approval for additional signs could be requested in the future. Cauley answered affirmatively. She provided an illustration that shows the signs that staff is recommending be approved.

Chair Kirk confirmed with commissioners that all were comfortable with the signs staff was recommending for approval. He suggested that discussion be limited to the two signs that staff recommended for denial.

Sean Smith, representing the applicant, stated that:

- The applicant was delayed in applying for the sign plan amendment sooner.
- The proposed Olive Garden is being located four miles from its current location in another city.
- The proposed Olive Garden is “stronger” than the anchor stores. It would probably attract more traffic to the center than the current anchor stores.
- The wall sign on the front was modified to meet the opening on the front elevation. It would have exposure.
- The blade sign design was modified from the typical sign to make it more directional in nature. Visitors park in that area and access the egress and ingress.
- He appreciated staff’s interpretation for the rear wall sign.
- The west elevation sign would provide visibility from I-394 before the exit. If the property would have been platted separately, then the building would be allowed to have 15 percent of the elevation and a wall-face sign up to 150 square feet in size. Olive Garden will not have a freestanding sign.
- The applicant is requesting appropriate branding to provide quality way-finding devices for drivers to prevent erratic driving behavior.
- The directional sign in the rear was intended to provide direction if the west sign would be overlooked.
- He introduced Justin Wing, the tenant coordinator.

Justin Wing, director of leasing for CSM, stated that:

- He agreed with Mr. Smith’s comments.
- He was sad to see two failed restaurants on the site previously. Olive Garden is investing a lot of money into the building.
- The applicant does not want to clutter the building with signs. It would not look good. The building elevations have been tastefully done. The signs would fit the façade.
- He was available for questions.
Powers confirmed with Cauley that the proposed freestanding Olive Garden building would have a separate sign plan from the rest of West Ridge Market buildings.

Sewall asked how many signs the Shane, Co. building has. Mr. Smith answered two signs. The Shane Co. building is over 10,000 square feet in size. Mr. Smith said that it is extremely rare that a free-standing building like the proposed one would only be allowed one sign. Three signs would not feel like too many.

Knight confirmed with Mr. Smith that a patron could reach the to-go pick up area by entering the front door.

Mr. Smith stated that the Olive Garden plans to open in approximately four weeks, although the parking lot is not as far along as he thought it would be by now.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Sewall felt that the rear elevation sign and blade sign make sense. He did not think that the parking lot sign would make sense, because it would be redundant to the rear sign. He agreed with those three parts of staff’s recommendation. He struggled with the west elevation. He questioned if the front elevation sign would give a motorist traveling east on I-394 enough time to see it and exit onto Hopkins Crossroad.

Hanson agreed with the middle column. The site would be more attractive with fewer signs. He thought most families who visit Olive Garden would have planned out the route. He did not think a wall sign would cause drivers to divert their course to go to Olive Garden. He supports staff’s recommendation.

Powers supports the west-side sign because he is older and finds it helpful to see the sign. He did not think it would feel intrusive to the integrity of the city. The site is located on a freeway corridor. He thought the secondary “to-go” sign would not be as necessary. He did like the proposed signs on the walls.

Henry and his young nephew recognize Olive Garden by the appearance of the exterior walls. He thought the sign would blend in well with the design of the building. It would not cause any intrusiveness. Neighbors would not complain about it. He leaned more toward allowing the sign on the west. He did not think the other “to-go” sign would be helpful at all.

Knight agreed with Henry and Powers. The building can be driven all the way around. The building would be attractive. He likes the Olive Garden sign. He supports the three wall signs, but not the other parking-lot sign.

Sewall was optimistic regarding the appearance and design of the signs.

Powers wants Olive Garden to succeed. He appreciated that the applicant is not taking that for granted.
Chair Kirk appreciated the applicant rebuilding the building to look like an Olive Garden. He supports approving the west sign because the site can be accessed from any direction. A lot of the parking lot is located west of the building and visitors may not see the signs on the north or south sides.

**Hanson moved, second by Powers, to adopt a resolution approving an amendment to the West Ridge Market sign plan to allow a wall sign on the north (rear) elevation and a blade sign and wall sign on the west elevation.**

**Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried.**

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

**E. Amendment to the 7-Hi Center sign plan at 11790 Hwy 7.**

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report. Ingvalson and Thomas provided the sign history of the location.

Eric Bjelland, chief manager of 7-Hi Retail, LLC, stated that:

- His company purchased the site in 2001.
- He wants to address the changes that have happened since the sign criteria was created in 2001 including the creation of Amazon.com, Blue Plate, and Stitch Fix.
- There is a need to create a way finder to Target on Hwy 7.

Rick Ferraro, Spectrum Science Systems, stated that:

- A 50-square-foot allotment of graphic area for six or seven tenants creates a difficult task.
- Every inch of character height provides 30 feet of visibility.
- The tree scape blocks the view of the tenants from Hwy 7 and the major road. The Walgreens and bank also block the view of the on-building-tenant signs.
- The proposal would provide a uniform tenant list that would provide visibility rather than a hodge-podge of different logos displayed on a sign competing against each other.
- The sign would be internally illuminated and have a mason base to tie it into the building.
Sewall asked if the applicant has a formal sign agreement with Target. Mr. Bjelland explained that a reciprocal easement agreement was signed in 2001 between the developer tract, which his company owns, and the Target tract, which Target owns. Mr. Bjelland has been requesting that Target change the signs since his company bought the center in 2001. Target is now going to change its graphics and said that it would be a good time to get the proposed changes done.

Mr. Bjelland said that representatives were present from Club Pilates, Cigar Lounge, and Original Pancake House to speak on the importance of the proposed signs.

The public hearing was opened.

Gary Olson, general manager of the Original Pancake House in Minnetonka, stated that:

- The growth of the location is not moving as fast as the owner would like to see.
- Numerous customers who live in the area have commented that he or she did not know that the business existed for the past three years.
- The restaurant needs more exposure.
- The Maple Grove location has three signs directing traffic from I-494 and Bass Lake Road and have seen growth in patronage each year.

Steve Bounds, co-owner of Club Pilates at the Seven-Hi Shopping Center, stated that:

- He owns four Club Pilates locations. The Minnetonka location has the lowest visibility. The walk-in traffic from seeing a sign is less than 10 percent. His best studio has close to 30 percent of customers walking-in from seeing a sign. The business is hidden in a valley.
- When free classes are offered to new customers, the Minnetonka location has more late participants than any other studio by far because the customers have trouble finding the business.
- If a driver misses the turn off of Hwy 7, it is another mile before the motorist may turn around.
- Any kind of sign to help with way finding would be beneficial.

Ed Elliot, owner of The Cigar Lounge, stated that:

- His business has operated at the 7-Hi location for 10 years. The business used to be located across the street in the Westwind Plaza for 13 years. Newcomers find it hard to locate the store. He receives phone calls asking where the store is located. Callers recognize Wendy’s, but most do not know that Walgreens or Discount Tires exist.
- The numbers speak for themselves. He had more sales when the store was located in Westwind Plaza due to the lack of visibility at the current location.
• He supports approval of the proposed signs. He requested commissioners approve the proposal.

Mr. Bounds added that:

• Traveling west on Hwy 7, he has found that the sign is very visible when sitting at the Co. Rd. 101 and Hwy 7 intersection.

No additional testimony was submitted and the hearing was closed.

Knight confirmed with Ingvalson that the Target sign is not located on property owned by Target, but on property owned by 7-Hi Retail, Inc. He knew that the Original Pancake House was in that location, but he was not aware of the surrounding businesses. He thought a way-finding sign would be appropriate.

Sewall agreed that those businesses have insufficient way-finding signs. He noted that a sign may have helped the previous restaurant at that site. He noted that it would be a pretty big departure from ordinance requirements, but there is a need for more signage for those businesses.

Powers agreed with the business owners. He has heard comments from residents of the city who were unaware that the Original Pancake House existed in Minnetonka. There is a need for signage there. He was undecided.

Mr. Bjelland explained that the applicant does not have the authority to prevent Target from having its sign. Target controls the signage. Target has given 7-Hi Retail, Inc. an opportunity while Target is planning to rebrand to expand the tenant sign to include the businesses located in the rear of the site from Original Pancake House to Discount Tire. That is why there would be six businesses listed on the sign. There is a reciprocal easement agreement signed in 2001 between Target and 7-Hi Retail, Inc. that has been amended three times. It would be amended again if this sign plan would be approved. He would love to redo all three signs, but Target would not allow that. Hwy 7 has the most visibility. The users in the back have the least amount of visibility. The sign needs to get done.

Chair Kirk noted that this type of sign would be unusual for Minnetonka. The oddly-shaped property line was done deliberately for Target to own property for a sign. Approving this request could impact other village centers in Minnetonka.

Hanson empathized with the business owners. He did not think the sign would be very attractive. If the sign would be more attractive, he would be more supportive.

Henry thought the sign would be too large. He was concerned with setting a precedent. There is an aesthetic standard to be held. He sympathized with the businesses. He hoped a sign could happen, but the proposed sign grossly outweighed the standard.
Powers drove up and down Hwy 7 looking at signs. Some of the signs near the high school are not pretty. The sign is not very attractive and appears very utilitarian, but he supports the proposal because the businesses need the help.

Sewall agreed that the sign is not attractive, but would be a better alternative than businesses that would not get enough patronage and be forced to close.

Chair Kirk wants to support the tenants, but is leaning towards voting to deny the application because he did not want to set a precedent. This site is unique. If the site is identified as unique enough to prevent a precedent being set for other village centers, then he would lean more towards approving the proposal.

Powers recalled an application for a dynamic sign for Caribou Coffee and Bruegger’s Bagels that rotates that he supported because he did not think it would set a precedent for other dynamic signs. He was less worried about setting a precedent for this proposal than other commissioners. The sign would not be perfect, but it would serve its purpose.

Knight asked if the Town and Country Village Center has a sign identifying all of the tenants and if the proposed sign would set a precedent. Ingvalson explained that a legal precedent has to show that the two situations are very similar. It is common for people to question staff as to why something was approved in one place, but not another. Approving a sign now that would be 50 percent larger than ordinance allows, could be questioned by an applicant in the future who would want a multi-tenant sign of similar size. Gordon provided that the Town and Country Village Center has a Lunds and Byerly’s monument sign at the entrance and on Minnetonka Mills Road, but none of the other businesses are listed.

Hanson struggled with allowing 50 percent more than what the ordinance allows.

Powers noted that buffer zones exist between commercial and residential areas. He would be hesitant if the sign would be located near a residential area.

_Hanson moved, second by Henry, to adopt the resolution denying the requested amendment to the 7-Hi Shopping Center sign plan as it pertains to the monument sign at 17790 State Hwy 7._

_Hanson, Henry and Kirk voted yes. Sewall, Knight and Powers voted no. Luke was absent. Motion carried._

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

**F. Preliminary plat for Highwood Ridge at 14916 Highwood Drive.**

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.

Scott Koppendrayer, LDK Homes, applicant, stated that he was available for questions.

Chair Kirk encouraged the applicant to save as many trees as possible. Mr. Koppendrayer agreed. Each lot would be graded for each buyer. A rambler is planned for one lot.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Knight moved, second by Powers, to recommend that the city council adopt the resolutions approving the preliminary and final plats of Highwood Ridge.

Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried.

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Sept. 16, 2019.

9. Adjournment

Powers moved, second by Sewall, to adjourn the meeting at 9:20 p.m. Motion carried unanimously.

By: __________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
Sept. 19, 2019

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
Sept. 19, 2019

Brief Description
Front yard setback variance for a roof addition to the existing detached garage at 3910 Baker Road.

Recommendation
Adopt the resolution approving the variance

Proposal
The property owner, MongHang Tran, is proposing to add a pitched roof addition to an existing, detached garage with a flat roof.

Existing Property Information

- **Size:** 29,158 square feet
- **Use:** Residential Single Family Home
- **Buildings:**
  - Single Family Home: 1,176 square feet (built 1956)
  - Detached garage: 730 square feet (built between 1964-1969)
  - Shed 1: 249 square feet
  - Shed 2: 34 square feet
- **Access:** Baker Road
- **Topography:** The property elevation rises as you travel west. As such, the detached garage is built into a hill. The home is located at the highest elevation of the property. The property then falls as you travel west of the home.
Proposal Requirements

The current garage has a flat roof. The proposed roof addition would not change the footprint of the structure; however, the subject addition would be a vertical expansion (6-foot pitched roof) within the front yard setback. As such, a front yard setback variance is required. (See “Expansion v. Variance section of this report for more discussion.)

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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 roof addition would create a more functional structure, particularly given the Minnesota climate.

- **Unique Circumstance**: The structure location creates a unique circumstance for the property owner. The subject structure currently encroaches into the front yard setback. Any addition to the detached garage would likely require a front yard setback variance.

- **Neighborhood Character**: The detached structure currently encroaches into the front yard setback. In addition, the majority of the structures within the area have pitched roofs. As such, the current encroachment of the structure would not alter the essential character of the neighborhood and modifying the structure’s roof (from a flat roof to a pitched roof) would be more architecturally consistent with the rest of the neighborhood.

Staff Recommendation

Adopt the resolution approving a front yard setback variance for a roof addition to the existing detached garage at 3910 Baker Road.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>19036.19a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>3910 Baker Road</td>
</tr>
<tr>
<td><strong>Applicants</strong></td>
<td>MongHang Tran</td>
</tr>
<tr>
<td><strong>Surrounding</strong></td>
<td>Northerly: single-family home, zoned R-1, guided for single family residential</td>
</tr>
<tr>
<td></td>
<td>Easterly: single-family home, zoned R-1, guided for single family residential</td>
</tr>
<tr>
<td></td>
<td>Southerly: single-family home, zoned R-1, guided for single family residential</td>
</tr>
<tr>
<td></td>
<td>Westerly: Hopkins West Junior High School, zoned R-1, guided for institutional</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 legal non-conforming structure when expansion would intrude into one or more setback areas beyond the distance of the existing structure, or an addition is being added to a structure that does not have legal non-conforming status and the addition would not meet setback requirements. |

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.

Staff was unable to find evidence that the detached garage was legally constructed prior to the adoption of the front yard setback ordinance requirement. Aerial photography shows that it was constructed sometime between 1964 and 1969 (city code was adopted in 1966). As such, the existing detached garage is not considered non-conforming, and it is not eligible for an expansion permit. Thus, 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)

**Neighborhood Comments**
The city sent notices to 26 area property owners and received no comments to date

**Pyramid of Discretion**

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 variance.

2. Disagree with staff’s recommendation. In this case, a motion should be made 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**
Dec. 16, 2019
Planning Commission Resolution No. 2019-
Resolution approving front yard setback variance for roof addition to the existing detached garage at 3910 Baker Road

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 3910 Baker Road. It is legally described in Exhibit A.

1.02 The property owner, MongHang Tran, is proposing to add a pitched roof addition to the existing, detached garage with a flat roof. The proposed roof addition would not change the footprint of the structure; however, the subject addition would be a vertical expansion (6-foot pitched roof) within the front yard setback.

<table>
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<tbody>
<tr>
<td>Front Yard</td>
<td>50 feet</td>
<td>35.7 feet</td>
<td>35.7 feet</td>
</tr>
</tbody>
</table>

1.03 The city is unable to find evidence that the detached garage was legally constructed prior to the adoption of the front yard setback ordinance requirement. Aerial photography shows that it was constructed sometime between 1964 and 1969 (city code was adopted in 1966). As such, the existing detached garage is not considered non-conforming, and it is not eligible for an expansion permit. As such, a front yard setback variance is required.

1.04 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 the required front yard setback is to ensure appropriate separation between structures and rights-of-way. The requested variance meets this intent. The proposed roof addition would not change the footprint of the existing structure. In other words, the proposed pitched roof would not encroach further into the required front yard than the existing structure.

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 in the property.

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

   a) REASONABLENESS: The requested variance is reasonable. The proposed roof addition would create a more functional structure, particularly given the Minnesota climate.

   b) UNIQUE CIRCUMSTANCE: The structure location creates a unique circumstance for the property owner. The subject structure currently encroaches into the front yard setback. Any addition to the detached garage would likely require a front yard setback variance.

   c) CHARACTER OF LOCALITY: The detached structure currently encroaches into the front yard setback. In addition, the majority of the structures within the area have pitched roofs. As such, the current encroachment of the structure would not alter the essential character of the neighborhood and modifying the structure’s roof (from a flat roof to a pitched roof) would be more architecturally consistent with the rest 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, excepted as modified by the conditions below:
   - Survey issue dated Aug. 19, 2019
   - Building plan set dated Aug. 22, 2019

2. The proposed addition and building improvements are subject to the city’s building code and require a building permit.

3. A copy of this resolution must be recorded with Hennepin County prior to issuance of a building permit.

3. This variance will end on Dec. 31, 2020, 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 Sept. 19, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 Sept. 19, 2019.

Fiona Golden, Deputy City Clerk
Exhibit A

ALL THAT PART OF THE NORTH 112.92 FEET OF THE FOLLOWING DESCRIBED TRACT:


WHICH LIES EAST OF A LINE PARALLEL WITH AND 336.87 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER OF NORTHWEST QUARTER OF NORTHEAST QUARTER.
Brief Description  
Variance and expansion permit for a covered front stoop and home addition at 16708 Seymour Drive.

Recommendation  
Adopt the resolution approving the request

Proposal

Andy Johnsrud of Lecy Bros. Homes & Remodeling, on behalf of the property owner, is proposing to construct a covered front stoop and home addition. The proposed home addition would be for a third stall on an existing attached garage (lower level) and bedrooms (upper level).

Existing Property Information

- **Lot Size:** 16,084 square feet (platted in 1956)
  - Non-conforming lot area (22,000 square feet required by ordinance)

- **Use:** Residential Single Family Home

- **Buildings:**
  - Single Family Home: Split Level, 1,944 square feet (built 1959)
    - Attached two car garage (tuck under)

- **Non-Conforming Setbacks:** The existing home has a non-conforming front yard setback.
Proposal requirements

The proposed front stoop and home addition would not meet the front yard setback requirements. Specifically, the front stoop would encroach further into the front yard setback than the existing structure, requiring a variance. The home addition would require an expansion permit, as it would maintain the same non-conforming front yard setback as the existing home. (See attached.)

<table>
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<td>35 ft.</td>
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<td>29.6 ft.**</td>
</tr>
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</table>

* requires variance
** requires expansion permit

Staff Analysis

For purposes of this review, the staff analysis will be split into two sections. The first section will analyze the front yard setback variance request for the covered front stoop. The second section will analyze the expansion permit request for the home addition.

Front Stoop Variance Request

Staff finds that the applicant’s proposal for the front stoop is reasonable as:

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 front yard setback requirement is to provide consistent building lines within a neighborhood and to provide for adequate separation between homes and public right-of-ways. Several homes near the subject property are located within 35 feet of the right-of-way due to being constructed prior to the city ordinance or being allowed a closer setback because they are a “corner lot.” As such, the proposed stoop would be generally consistent with setbacks of the other existing homes within the neighborhood and would be in harmony with the intent of the zoning 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 finds that the request for a variance from the front yard setback is reasonable. The proposed stoop extends only 6.5 feet out from the subject home and would be located a similar distance from property lines as other homes on Seymour Drive.
   - Circumstance Unique to the Property: The subject home was originally constructed in 1959, predating city ordinance by 7 years. The subject home is legal non-conforming, as it is located within the front yard setback. Due to the location of the home, city ordinance would only permit a 1.6-foot unenclosed, front stoop on the
subject home. As such, the location of the subject home, in relation to the front property line, has created a practical difficulty for the property owner.

- Neighborhood Character: The immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:
  - The early platting of the land (1956);
  - The construction of the homes prior to adoption of city ordinance (1966); and
  - Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Based on aerial images, and a review of the area, it appears that there are 11 structures within 400 feet of the subject property that are located within 35 feet of their front property line - as such, approving a variance to construct the proposed stoop would not alter the essential character of the neighborhood.

Expansion Permit for Home Addition

Staff finds that the applicant’s proposal for the home addition (1st-floor garage stall and 2nd-floor bedrooms) is reasonable as:

1. Reasonableness: The proposed addition would maintain the existing legal non-conforming front yard setback of the existing structure; it would enhance the use of the home and, it would meet all other setback requirements.

2. Circumstance Unique to the Property: As stated previously, the subject home was originally constructed in 1959, predating city ordinance by 7 years and has a legal non-conforming front yard setback. The current location of the home, with the front yard setback, creates a circumstance unique to the property and a practical difficulty for the property owner when attempting to add an addition onto the home.

3. Neighborhood Character: As stated previously, the immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:
   - The early platting of the land (1956);
   - The construction of the homes prior to adoption of city ordinance (1966);
   - Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Again, based on staff’s review, there appears to be 11 structures within 400 feet of the subject property that are located within 35 feet of their front property line – as such, approving an expansion permit to construct the proposed addition would not alter the essential character of the neighborhood.
**Staff Recommendation**

Adopt the resolution approving the variance and expansion permit for a covered front stoop and home addition at 16708 Seymour Drive.

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

Project No. 19033.19a
Property 16708 Seymour Drive
Applicant Andy Johnsrud of Lecy Bros. Homes & Remodeling
Owner Tom and Katie Sullivan

Surrounding Land Uses

East: Single family home, zoned R-1, guided for low density residential
West: Spring Hill Park, zoned R-1, guided for park and recreation
North: Single family home, zoned R-1, guided for low density residential
South: Spring Hill Park, zoned R-1, guided for park and recreation

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

Proposal
The applicant has three specific proposals:

First, the applicant is requesting to add a covered front stoop. The proposed stoop would be about 15 feet wide and extend 6.5 feet out from the home (98 square feet). Please note, staff measures stoop dimensions from the farthest extending part of the structure (typically roof overhangs), not post footings.

Second, the applicant is requesting a home addition. This home addition would include a lower level addition for a third garage stall. This part of the addition would be 13 feet by 25 feet (or 325 square feet). This addition would also include a second level improvement for two new bedrooms. This part of the addition would be 13 feet by 27 feet (or 351 square feet). This improvement would include a 2-foot bumpout over the front side of the home, continuing the existing bumpout on the home over the existing garage.

The applicant has also proposed to expand an existing deck. The proposed deck would meet all setback requirements. As such, the deck is not considered as part of this review.

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 does not meet these qualifications as:
- The property is 16,084 square feet in area; and
- The average lot size of lots in the surrounding neighborhood is approximately 18,238 square feet.

**Front Yard Setback Exemption**

City code permits a 5-foot exemption for unenclosed canopies or similar architectural features. As such, the subject stoop (unenclosed) is permitted to have a 30-foot front yard setback, instead of a 35-foot front yard setback. However, the applicant has applied for a variance from the 30-foot front yard setback to construct the proposed stoop.

**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.

Staff did not use the McMansion Policy for the subject request as:
- The request requiring a variance (front stoop) would not add any additional living space to the subject home, thus not increasing the homes FAR.
- On the other hand, the home addition would add additional living space to the home, but this request requires only an expansion permit, which does not trigger the McMansion Policy. The policy is specifically for variances.

As an exercise, staff ran the FAR for the subject property. Currently, the property’s FAR is 0.17, the largest within 400 feet of the property. The proposed additions would increase the FAR to 0.21, which would expand the largest FAR in the area.

**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 considered non-conforming as the structure was built prior to the adoption of the city ordinance. The home addition requires an expansion permit as it would not encroach farther into the required setback. The front stoop addition requires a variance as it encroaches closer to the front property line than the existing home.
Expansion Permit

By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

1. The proposed expansion is reasonable use of the property, considering such things as:
   - Functional and aesthetic justifications for the expansions;
   - Adequacy of off-street parking for the expansion;
   - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
   - Improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

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 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 of erosion control and tree fencing.

### Motion Options
The planning commission has three options:

1. Concur with staff's recommendation. In this case a motion should be made approving the variance and expansion permit requests.

2. Disagree with staff's recommendation. In this case a motion should be made denying the variance and expansion permit requests. This motion must include a statement as to why the requests are denied.

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.

### Neighborhood Comments
The city sent notices to 46 area property owners and has received no comments.

### 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
Dec. 2, 2019
CERTIFICATE OF SURVEY
FOR:
Lecy Bros.
Homes & Remodeling

LEGAL DESCRIPTION:
Lot 11, Block 5, WOODLAND HILLS 3RD ADDITION

Thomas & Kathryn
Sullivan Residence

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.
As surveyed by me this 10th day of August, 2019.

David E. Crock
Minn. Reg. No. 22414

dac@questoffice.net

DEMARS-GABRIEL
LAND SURVEYORS, INC.
2517 W. 93rd St.
Bloomington, MN 55431
763-559-0908
612-751-4785

dac@questoffice.net
CERTIFICATE OF SURVEY

Lecy Bros.
Homes & Remodeling

LEGAL DESCRIPTION:
Lot 11, Block 5, WOODLAND HILLS 3RD ADDITION

Proposed Deck (Only Building Permit Needed)

35-foot setback

30-foot setback

Thomas & Kathryn Sullivan Residence

DEMARIS--GABRIEL LAND SURVEYORS, INC.
2317 W. 93rd St.
Bloomington, MN 55431
763-559-0028
612-781-6788
dec@westoffice.net

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.

As surveyed by me this 10th day of August, 2019.

David E. Croce
Minn. Reg. No. 22444
Properties with <35-foot Front Yard Setbacks

- Homes with <35-foot front yard setbacks
- Subject Property
- 400-foot measurement from subject property

Map prepared by: City of Minnetonka

Not a Survey. Not to Scale
Planning Commission Resolution No. 2019-

Resolution approving a variance and an expansion permit to allow construction of a front stoop and home addition at 16708 Seymour Drive

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

Section 1. Background.

1.01 Andy Johnsrud of Lecy Bros. Homes & Remodeling, on behalf of the property owner, is proposing to construct a front stoop and home addition. The proposed front stoop and home addition would not meet the front yard setback requirements. Specifically, the front stoop will encroach farther into the front yard setback than the existing structure, requiring a variance. The home addition would require an expansion permit as it would maintain the same front yard setback as the existing home.

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<td>29.6 ft.**</td>
</tr>
</tbody>
</table>

* requires variance  
** requires expansion permit

1.02 The property is located at 16708 Seymour Drive. It is legally described as:

Lot 11, Block 5, Woodland Hills 3rd Addition, Hennepin County, Minnesota.

1.03 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances and expansion permits.

1.04 City Code §300.29 Subd.3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.05 City Code §300.07 authorizes the city to variances.

1.06 City Code §300.29 Subd.7(c) authorizes the city to grant expansion permits.

Section 2. Standards.

2.01 By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandated, when an applicant meets the burden of proving that:
1. The proposed expansion is a reasonable use of the property, considering such things as:
   a) Functional and aesthetic justifications for the expansions;
   b) Adequacy of off-street parking for the expansion;
   c) Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
   d) Improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

2.02 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 covered front stoop would meet the variance standards as outlined in City Code §300.07.

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 front yard setback requirement is to provide consistent building lines within a neighborhood and to provide for adequate separation between homes and public right-of-ways. Several homes near the subject property are located within 35 feet of the right-of-way due to being constructed prior to the city ordinance or being allowed a closer setback because they are a “corner lot.” As such, the proposed stoop would be generally consistent with setbacks of the other existing homes within the neighborhood and would be in harmony with the intent of the zoning 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.

   a) REASONABLENESS. The request for a variance from the front yard setback is reasonable. The proposed stoop extends only 6.5 feet out from the subject home and would be located a similar distance from property lines as other homes on Seymour Drive.

   b) UNIQUE CIRCUMSTANCE. The subject home was originally constructed in 1959, predating city ordinance by 7 years. The subject home is legal non-conforming, as it is located within the front yard setback. Due to the location of the home, city ordinance would only permit a 1.6-foot unenclosed, front stoop on the subject home. As such, the location of the subject home, in relation to the front property line, has created a practical difficulty for the property owner.

   c) NEIGHBORHOOD CHARACTER. The immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:

   • The early platting of the land (1956);
   • The construction of the homes prior to adoption of city ordinance (1966); and
   • Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Based on aerial images, and a review of the area, it appears that there are 11 structures within 400 feet of the subject property that are located within 35 feet of their front property line. As such, approving a variance to construct the proposed stoop would not alter the essential character of the neighborhood.

3.02 The proposed home addition would meet the expansion permit standards as outlined in City Code §300.29

1. REASONABLENESS. The proposed addition would maintain the existing legal non-conforming front yard setback of the existing structure; it would
enhance the use of the home and, it would meet all other setback requirements.

2. CIRCUMSTANCE UNIQUE TO THE PROPERTY. As stated previously, the subject home was originally constructed in 1959, predating city ordinance by 7 years and has a legal non-conforming front yard setback. The current location of the home, with the front yard setback, creates a circumstance unique to the property and a practical difficulty for the property owner when attempting to add an addition onto the home.

3. NEIGHBORHOOD CHARACTER. As stated previously, the immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:

- The early platting of the land (1956); early platting of the land (1956);
- The construction of the homes prior to adoption of city ordinance (1966); and
- Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Section 4. Planning Commission Action.

4.01 The planning commission hereby approves the variance and expansion permit requests, based on the findings outlined in sections 3.01 and 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:

   - Floor plans and elevations dated Aug. 5, 2019.

2. Prior to issuance of a building permit:

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

   b) The applicant must install erosion control and tree protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction. Tree protection is required adjacent to the trees along the east lot line to protect them from construction.

   c) Applicant must confirm that the proposed addition will meet the minimum floodplain low floor elevation of 919.0 feet.
d) The applicant must provide material information for the driveway, which must be an improved surface.

e) The survey must be revised to include all platted easements.

4. This variance will end on Dec. 31, 2020, 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 Sept. 19, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 Sept. 19, 2019.

Fiona Golden, Deputy City Clerk
MINNETONKA PLANNING COMMISSION  
Sept. 19, 2019

**Brief Description**  
Expansion permit for an addition within the rear yard setback at 5208 Woodhill Road.

**Recommendation**  
Adopt the resolution approving the request

---

**Proposal**

Scott Rutledge of Rutledge Construction, on behalf of the property owner, is proposing to construct an addition to an existing home. The proposed addition would be for a master bedroom (1st floor) and loft space (2nd floor).

**Existing Property Information**

- **Size:** 22,419 square feet (platted in 1981)
- **Use:** Residential Single Family Home
- **Buildings:**
  - Single Family Home: 2,198 square feet (built 1928)
  - Detached garage: 542 square feet
  - Shed: 160 square feet
- **Non-Conforming Setbacks:** The existing home has non-conforming rear yard (west) and side yard (north) setbacks.
- **Access:** Woodhill Road
Proposal requirements

The proposed addition would meet the required side yard setback. The applicant has proposed to maintain the rear yard setback of the existing non-conforming home. However, the addition would be within the rear yard setback, requiring an expansion permit. (See attached.)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>10 ft.</td>
<td>9.9 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>39.8</td>
<td>28.5 ft.</td>
<td>31 ft.*</td>
</tr>
</tbody>
</table>

* requires expansion permit

Staff Analysis

Staff finds that the applicant’s proposal is reasonable:

1. Reasonableness:

   The request for the addition is reasonable as:

   - The proposed addition would be located further from the rear property line than the existing structure and would meet all other setback requirements; and
   - The proposed structure would be an enhancement to the property.

2. Circumstance Unique to the Property:

   The existing legal non-conformity of the subject home is a unique characteristic of the property. The existing structure is located 28.5 feet from the rear property line. The proposed addition would be located 2.5 feet further from the rear property line than the existing structure.

3. Neighborhood Character:

   If approved, the proposed structure would not alter the essential character of the neighborhood. First, the property owner would not be encroaching toward another home, as the property to the rear (west) is an outlot used for stormwater capture and does not contain a home. Second, the existing home has been encroaching into the required rear yard setback for over 90 years, and the proposed addition would continue to maintain this setback.

Staff Recommendation

Adopt the resolution approving a rear yard setback expansion permit to construct a home addition at 5208 Woodhill Road.

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

Project No. 19031.19a
Property 5208 Woodhill Road
Applicant Scott Rutledge of Rutledge Construction, on behalf of the property owner

Surrounding Land Uses
East: Single family home, zoned R-1, guided for low density residential
West: Outlot, zoned R-4, guided for park and recreation
North: Single family home, zoned R-1, guided for low density residential
South: The Glen Condominiums, zoned R-4, guided for high density residential

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

Proposed Structure
The proposed first-floor addition would be 19.1 feet wide by 17.5 feet deep (334 square feet) and the second-floor addition would be 574 square feet. The total height of the addition would be the same height as the existing structure (22 feet).

The proposed addition would enclose an open area of the home; however, the applicant has moved the addition south 1-foot from the existing northern wall line to ensure that it would meet the northern side yard setback. (See attached).

Expansion Permits and Variances
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. 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 proposed addition qualifies for an expansion permit, as the home was originally constructed prior to the adoption of city ordinance and the proposed addition would not encroach farther into the rear yard setback than the existing structure.
Pyramid of Discretion

![Pyramid 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 the expansion permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the expansion permit. This motion must include a statement as to why the request is denied.

3. Table the request. In this case, a motion should be made to table the item. The motion should be made to 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 four commissioners.

Appeals
Any person aggrieved by the planning commission’s decision about the requested expansion permit 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.

Neighborhood Comments
The city sent notices to 124 area property owners and has received no comments.

Deadline for Decision
Dec. 2, 2019
Location Map

Project: Sheeley Residence
Address: 5208 Woodhill Rd
Expansion permit application and Written Statement

Attention: Ashley Cauley | Senior Planner  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345  
Direct: 952-939-8298

Project: Proposed addition at 5208 Woodhill Rd.

Subject: Expansion Permit

Enclosed are the following:

<table>
<thead>
<tr>
<th>Qty.</th>
<th>Drawings/File</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Expansion permit</td>
<td>Signed by applicant and property owner</td>
</tr>
<tr>
<td>1</td>
<td>Survey</td>
<td>Survey with legal description of property</td>
</tr>
<tr>
<td>1</td>
<td>Site plan</td>
<td>Proposed site plan with contours and site notes</td>
</tr>
<tr>
<td>1</td>
<td>Floor plan</td>
<td>Proposed 1st and 2nd floor plan</td>
</tr>
<tr>
<td>1</td>
<td>Elevations</td>
<td>Proposed elevations (finishes to match existing)</td>
</tr>
</tbody>
</table>

Statement and remarks:
Ashley,

The use of the proposed 2 story addition will be living space that will provide a master bed & bath on the main floor with an open room / loft above. 
The current structure is located within the rear and side yard setbacks making it necessary for this expansion permit review. The footprint of the proposed expansion of the structure will not exceed or extend past the existing structure at either side. 
The proposed expansion and exterior finishes will match the existing to create uniformity between new and existing structure.

Please contact me with any questions.

Thank you,
Scott Rutledge
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.

### PRACTICAL DIFFICULTIES

<table>
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<tr>
<th>Describe why the proposed use is reasonable</th>
</tr>
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<tr>
<td>Current use and proposed use</td>
</tr>
<tr>
<td>is single family</td>
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<th>Describe:</th>
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<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>and why the need is not solely based on economic considerations.</td>
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| House was not constructed in alignment with the property lines. The existing house encroaches on the current set back's, making it difficult to build a square addition in line and consistent with the current house. |

<table>
<thead>
<tr>
<th>Describe why the variance would not alter the essential character of the neighborhood</th>
</tr>
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<tbody>
<tr>
<td>We feel that the variance would enhance the appearance of the home and improve the character of the neighborhood</td>
</tr>
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</table>

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE
Proposed Addition

- New asphalt shingles to match existing
- New siding and trim to match existing
- New insulated windows and trim to match existing
- New soffit and fascia to match existing
- New painted wood shutters

- New addition
- Existing

Sheehey Residence
5208 Woodhill Road
Minnetonka, Minnesota

SCALE: 1/4" = 1'-0"
Planning Commission Resolution No. 2019-
Resolution approving an expansion permit for an addition within the rear yard setback at 5208 Woodhill Road

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 5208 Woodhill Road. It is legally described as:

Lot 3, Block 1, The Glen, Hennepin County, Minnesota

1.02 Scott Rutledge of Rutledge Construction, on behalf of the property owner, is proposing to construct a first and second-floor addition to an existing home. The proposed addition would maintain the rear yard setback of the existing, non-conforming home. However, the addition would be within the required rear yard setback, requiring an expansion permit.

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</table>

* requires expansion permit

1.03 Minnesota Statute §462.357 Subd.1(e)(b) allows a municipality, by ordinance, to permit an expansion of non-conformities.

1.04 City Code §300.29 Subd.3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.05 City Code §300.29 Subd.7(c) authorizes the city to grant expansion permits.

Section 2. Standards.

2.01 City Code §300.29 Subd.7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:
1. The proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The proposal would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. REASONABLENESS: The request for the addition is reasonable as:

   • The proposed addition would be located further from the rear property line than the existing structure and would meet all other setback requirements; and

   • The proposed structure would be an enhancement to the property.

2. UNIQUE CIRCUMSTANCE: The existing legal non-conformity of the subject home is a unique characteristic of the property. The existing structure is located 28.5 feet from the rear property line. The proposed addition would be located 2.5 feet further from the rear property line than the existing structure.

3. CHARACTER OF THE LOCALITY: If approved, the proposed structure would not alter the essential character of the neighborhood. First, the property owner would not be encroaching toward another home, as the property to the rear (west) is an outlot used for stormwater capture and does not contain a home. Second, the existing home has been encroaching into the required rear yard setback for over 90 years, and the proposed addition would continue to maintain this setback.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit 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:

2. A building permit is required for all additions.

3. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) The applicant must install tree protection and erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
   c) The property must be current on all utility bills.

4. This variance will end on Dec. 31, 2020, 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 Sept. 19, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 Sept. 19, 2019.

______________________________
Fiona Golden, Deputy City Clerk
Brief Description: Resolution approving an aggregate side yard setback variance for an addition onto the existing home at 16030 Woodland Curve

Recommendation: Adopt the resolution approving the request

Proposal

The property at 16030 Woodland Curve is improved with a roughly 2,000 square foot rambler home, originally constructed in 1987. The building permit for the home indicated that the house would meet all required setbacks. However, historical aerial photography and the existing conditions survey indicate that the house was not constructed as originally shown on the survey.

The property owners, Mark and Jennifer Hoffman, are proposing to construct a 250 square foot addition onto the southeast side of the home. The addition requires an aggregate side yard setback variance.

<table>
<thead>
<tr>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback</td>
<td>35 ft</td>
<td>131 ft</td>
</tr>
<tr>
<td>Aggregate side yard setback</td>
<td>30 ft</td>
<td>29 ft</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
<td>10 ft</td>
<td>11 ft</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>40 ft</td>
<td>43 ft</td>
</tr>
</tbody>
</table>

* variance required

Staff Analysis

Staff finds the applicant’s request is reasonable and meets the variance standards as outlined in city code.
1. The proposed addition would meet the minimum 10-foot setback from the south property line.

2. The proposed addition would be set back over 100-feet from the roadway and would be screened by existing topography and vegetation.

3. Despite the property’s size, the property is substandard in width, with the widest part of the lot being at the right-of-way. At the existing home’s front building line, the lot is only 85 feet wide. Even with this substandard width, the home would meet the city’s required setback requirements if it were “square” on the property or situated parallel to the side property lines. The variance request is largely the result of the home’s orientation in relation to the property lines.

**Staff Recommendation**

Resolution approving an aggregate side yard setback variance for an addition onto the existing home at 16030 Woodland Curve.

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

Project No. 19034.19a

Property 16030 Woodland Curve

Applicant Property owners, Mark and Jennifer Hoffman

Surrounding Land Uses

Northerly: Redeemer Bible Church, zoned R-1, guided for institutional use
Easterly: Single family, zoned R-1
Southerly: Single family, zoned R-1
Westerly: twin homes, zoned R-2

Planning

Guide Plan designation: low density residential
Zoning: low density residential

McMansion Policy

The city’s 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 FAR of the properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

The home, including the proposed additions, would have a FAR of 0.13. This is less than the largest FAR in the neighborhood of 0.15.

Impervious Surface

The city only regulates impervious surface within shoreland overlay districts. The property is not located within an overlay district.

Encroachments

The survey indicates several encroachments onto neighboring properties. The fence along the north property line is within a sanitary sewer and water easement, which contains public infrastructure. If the city needed to repair the water main in the future, the fence would be removed.

Review

The city’s planning, building, engineering, natural resources, fire and public works staff have reviewed this proposal to ensure general consistency with the city’s water resources management plan and applicable codes and ordinances. Any concerns raised by staff during this review have already been addressed or have been included as conditions of approval in the staff drafted resolution. The proposal will require a building permit, at which time a more thorough structural review will occur, and staff will ensure any conditions of approval are addressed.

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 of erosion control fencing.

**Neighborhood Comments**
The city sent notices to 33 area property owners and have received no comments to date.

**Pyramid of Discretion**

![Pyramid Diagram]

**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.

**Appeals**
The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4) 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**
Dec. 16, 2019
Location Map
Project: Hoffman Residence
Address: 16030 Woodland Curve
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.

<table>
<thead>
<tr>
<th>PRACTICAL DIFFICULTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe why the proposed use is reasonable</td>
</tr>
<tr>
<td>The existing aggregate side yard set back is 25 feet and non-compliant. The addition is located and sized so that it won’t reduce the existing aggregate setback further while at the same time satisfying the minimum size requirement for the functionality of the addition. The aggregate side yard setback of the addition, when taken in isolation, is one foot greater than the existing aggregate side yard set back. See above regarding existing house already non-compliant with set-backs. Unique lay-out of existing house to lot lines. We are not requesting further reduction of current aggregate side yard set-backs. Our family is in need of additional space but we are attempting to keep the size as minimal required for functionality while still being as respectful of city code as possible.</td>
</tr>
</tbody>
</table>

Describe:
- circumstances unique to the property;
- why the need for variance was not caused by the property owner; and
- and why the need is not solely based on economic considerations.

Describe why the variance would not alter the essential character of the neighborhood
- The house addition is 130 feet back from front lot line -- on a hill. The addition will not be large enough to have any effects on house-to-lot ratio aesthetics.
- It will add symmetry to house for additional curb appeal
- No disruption to times expected from addition.

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE

PROCESS
Certificate of Survey

Prepared for:

Jennifer Hoffmann

Site Address:
16530 Woodland Curve
Minnetonka, MN 55345

Boundary Description (supplied by client):
Lot 1, Block 1, HUNTINGTON OAKS, according to the
recorded plat thereof, Hennepin County, Minnesota.
Subject to any and all easements of record.

I hereby certify that this certificate of survey was
prepared by me or under my direct supervision and
that I am a duly Registered Land Surveyor under the
laws of the State of Minnesota.

Kelly L. Brouwer

Job Number: 8833
Book/Page: LL
Survey Date: 4/8/19
Drawing Name: hoffmann.dwg
Drawn By: DMS
Revisions: 8/22/19 (proposed addn.)
VARIANCE APPLICATION FOR AGGREGATE SIDE YARD SET BACK
LESS THAN 30.0, REQUESTING VARIANCE FOR 26.0 AGGREGATE
SIDE YARD SETBACK.

EXISTING AGGREGATE SIDE YARD SETBACK 14.6 + 10.6 = 25.2
PROPOSED AGGREGATE SIDE YARD SETBACK 14.6 + 11.4 = 26.0

EXISTING SITE DRAINAGE IS NOT IMPACTED AND WILL NOT BE
MODIFIED AS A RESULT OF THE ADDITION

PROPOSED LOCATION FROM SIDE YARD PROPERTY LINE

LOCATION OF CLOSEST STRUCTURE TO
SIDE YARD PROPERTY LINE, AS SURVEYED

Proposed addition

SITE PLAN
1/16" = 1'-0'

1. SITE PLAN

1/16" = 1'-0'

ISSUED FOR VARIANCE APPLICATION
Not Enclosed
FAMILY RM
EXISTING RETAINING WALLS TO BE REPAIRED UNDER SEPARATE PROJECT
LINE OF EXG. BUILDING ABOVE EXG COLUMN, TYP
LINE OF ADDITION ABOVE C.J. TYPE COLUMN
CONCRETE PAVING
COORDINATE EXTENT OF PAVING WITH OWNERS RETAINING WALL REPAIR
COORDINATE DECK REPLACEMENT WITH OWNERS RETAINING WALL REPAIR
ROOF RUN-OFF SPLASH AREA
SLOPE TO EXISTING SITE DRAINAGE
DOWN SPOUT
PROPERTY LINE
COORDINATE DECK REPLACEMENT WITH OWNERS RETAINING WALL REPAIR
ROOF RUN-OFF SPLASH AREA

LOWER LEVEL - NEW
ISSUED FOR VARIANCE APPLICATION

©   2019 ALBERS DESIGN LLC
FALSE GABLE VENT, TYP
FASICA TRIM BOARD, TYP
SHINGLE STYLE SIDING, TYP
LAP SIDING, TYP
5 1/2" CORNER BOARD, TYP
CHISELED STONE SILL, TYP
STONE VENEER, TYP
GARAGE LEVEL 2'-0"

LEVEL 1 9'-4"
COLUMN SURROUND
STONE SILL
STONE VENEER
LOWER LEVEL 0'-0"

RE-VENT EXISTING GAS FIREPLACE FLUE THROUGH ROOF
EXTEND WALL UP TO NEW ROOF
ASPHALT ROOFING, MATCH EXISTING

Jen and Mark Hoffman
HOFFMANN ADDITION
16303 Woodland Curve
Minnetonka, MN 55345
Re-roof existing to ridge. Provide full coverage of ice and water shield under shingles.

Infill valley with asphalt roofing and ice and water shield. Confirm minimum slope for roofing.

Gutter and downspout.
Planning Commission Resolution No. 2019-

Resolution approving an aggregate side yard setback variance for an addition to the existing home at 16030 Woodland Curve

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

Section 1. Background.

1.01 The property owners, Mark and Jennifer Hoffman, have requested a variance from the city code to reduce the aggregate side yard setback to allow the construction of an addition onto the southeast corner of the existing home. (Project #19034.19a).

1.02 The property is located at 16030 Woodland Curve. It is legally described as:

Lot 1, Block 1, HUNTINGTON OAKS, according to the recorded plat thereof, Hennepin County, Minnesota. Subject to any and all easements of record.

1.03 City Code §300.10 Subd. 5(c) requires an aggregate side yard setback of 30 feet. The applicants are proposing an aggregate side yard setback of 27 feet.

1.04 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 intent of the aggregate side yard setback is to provide for adequate separation between residential structures and side property lines. Due to the orientation of the home on the lot, the existing home already has a nonconforming aggregate side yard setback. While the addition would physically encroach further into the required setback, the proposed addition would not visually appear to do so as it would align with the rear corner of the home.

2. CONSISTENT WITH COMPREHENSIVE PLAN: One of the guiding principles in the comprehensive guide plan calls for maintaining, preserving, and enhancing single-family neighborhoods. The requested variance would allow for investment into a property to enhance its use without impacting the surrounding residential character of the neighborhood.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:
   a. REASONABLENESS: The existing home has a nonconforming aggregate side yard setback. The proposed addition would encroach further into the setback by two feet. This request is reasonable, as it not visually appear to encroach further into the setback than the existing house.
   b. UNIQUE CIRCUMSTANCE: Despite the property’s size, the property is substandard in width, with the widest part of the lot being at the right-of-way. At the existing home’s front building line, the lot is only 85 feet wide. That said, the home would meet the city’s required setback requirements if it were “square” on the property.
   c. CHARACTER OF LOCALITY: The proposed variance for the addition would not alter the character of the neighborhood. The home is set back over 130 feet from the front property line and is further screened from the roadway by existing topography and vegetation.

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:

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 Dec. 31, 2020, 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 Sept. 19, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 Sept. 19, 2019.

Fiona Golden, Deputy City Clerk
MINNETONKA PLANNING COMMISSION  
Sept. 19, 2019

Brief Description  Ordinance amending city code 400.300 Subd.6(3) pertaining to lot-behind-lot standards

Recommendation  Recommend the city council adopt the ordinance amendment

Background

In 2014, the city adopted a new subdivision ordinance. The ordinance did not include any substantive changes to the ordinance then “on the books.” Rather, it was updated for consistency with the zoning ordinance and existing practices. In updating the ordinance, a standard requiring fire protection for new homes on lots-behind-lots was inadvertently deleted. Since the adoption of the new subdivision ordinance, there have been no new lot-behind-lots created.

Proposed

Staff proposes reinserting this fire protection requirement, as 400.030 Sub.6(3)(f):

  automatic fire sprinkler protection must be provided for every new dwelling built on or moved onto a lot-behind-a-lot.

Staff recommendation

Recommend the city council adopt the ordinance amendment.

Originator: Susan Thomas, AICP, Assistant City Planner  
Through: Loren Gordon, AICP, City Planner
Ordinance No. 2019-

An ordinance amending city code section 400.030 Subd.6, regarding lot-behind-lot standards

The City Of Minnetonka Ordains:

Section 1. Section 400.030 Subd.6(3) of the Minnetonka City Code, regarding lot-behind-lot standards, is amended to include the following:

   f. automatic fire sprinkler protection must be provided for every new dwelling built on or moved onto a lot-behind-a-lot.

Section 2. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on ______________, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Sept. 16, 2019
Date of adoption:
Motion for adoption:
Seconded by:

The stricken language is deleted; the single-underlined language is inserted.
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ________________, 2019.

Becky Koosman, City Clerk
Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
Sept. 19, 2019

**Brief Description**  
Amendment of the Minnetonka Corporate Center sign plan as it pertains to the building at 6050 Clearwater Drive

**Recommendation**  
Adopt the resolution approving the amendment

---

**Background**

The Minnetonka Corporate Center includes several offices and commercial service buildings. The development is governed by a sign plan which was approved concurrently with the center’s master development plan in 1984. Unlike other sign plans within the city, which uniformly apply sign standards to a building or series of buildings, the Minnetonka Corporate Center “assigned” the location and type of signs to each of the center’s properties and buildings. The prescribed sign types include monument signs, wall signs, and address identifiers.

The subject property is roughly 6.4-acres in area. It is improved with a two-story, 82,000 square foot Children’s Minnesota clinic building. In 2008, the city approved a sign plan amendment to allow three, 62.5 sq.ft. wall signs on the building. The signs are located on the clinic’s south, east, and west elevations.

**Proposal**

Children’s Minnesota has changed its logo and is now proposing to replace the wall signs at subject property to reflect this change.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Logo</td>
<td><img src="#" alt="Existing Logo" /></td>
<td><img src="#" alt="Proposed Logo" /></td>
</tr>
<tr>
<td>Color/Display</td>
<td>white, on brick background</td>
<td>white, on brick background</td>
</tr>
<tr>
<td>Total Wall Signs</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Location</td>
<td>South, East, West facades</td>
<td>North, South, West facades</td>
</tr>
<tr>
<td>Max. Height</td>
<td>6 ft</td>
<td>5.3 ft</td>
</tr>
<tr>
<td>Max. Area</td>
<td>62.5 sq.ft.</td>
<td>87 sq.ft.*</td>
</tr>
<tr>
<td>Total Area</td>
<td>187.5 sq.ft.</td>
<td>236 sq.ft.</td>
</tr>
</tbody>
</table>

* Sign proposed on the north side would be smaller (62.5 sq.ft) and include “Surgery Center.”
Staff analysis

The proposed change is reasonable, as:

- The number of wall signs would remain the same.
- In the opinion of staff, the updated signs would be more “readable” than the existing signs, providing for better wayfinding.
- Under the sign ordinance, the Children’s building would be allowed up to 240 sq.ft. of total wall signage. Were the property governed by the sign ordinance, proposed wall signs would simply be allowed.

Staff recommendation

Adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 6050 Clearwater Drive.

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

Surrounding Properties

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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</thead>
<tbody>
<tr>
<td>Use</td>
<td>Hotel/Daycare</td>
<td></td>
<td>manufacturing</td>
<td></td>
</tr>
<tr>
<td>Zoning</td>
<td>PUD</td>
<td></td>
<td>Co Rd 62</td>
<td>I-1</td>
</tr>
<tr>
<td>Guide Plan Designation</td>
<td>Mixed Use</td>
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<td>Mixed Use</td>
<td>I-494</td>
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Subject Property

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<tr>
<th></th>
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<tr>
<td>Use</td>
<td>Clinic</td>
<td>No change</td>
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<tr>
<td>Zoning</td>
<td>PUD</td>
<td></td>
</tr>
<tr>
<td>Guide Plan Designation</td>
<td>Mixed Use</td>
<td></td>
</tr>
</tbody>
</table>

Pyramid of Discretion

The city sent notices to 12 area property owners and have received no comments to date.

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.

<table>
<thead>
<tr>
<th>Voting Requirement</th>
<th>The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals</td>
<td>Any person aggrieved by the planning commission’s decision about the requested sign plan amendment 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>Dec. 3, 2019</td>
</tr>
</tbody>
</table>
Location Map

Project: Children's MN
Address: 6050 & 6060 Clearwater Dr
July 25, 2019

City of Minnetonka
Drew Ingvalson, Planner
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Sign Plan Review Application – Written Statement/Children’s Minnesota

Dear Mr. Ingvalson,

Thank you for reviewing the request to update signage at 6050/6060 Clearwater Drive – the Children’s Minnesota Surgery and Specialty Center.

We are requesting to increase the sign size on the South and West elevations from the current size of 62.5 square feet to 87.5 square feet, for an overall increase of 25 square feet. The height of the proposed signs is 64.5 inches as compared to the existing sign height of 72”.

This request also includes installation of a sign on the North elevation. The overall sign size is 62.5 square feet, conforming to the existing parameters. The existing sign on the East elevation will be removed.

The proposed signs on the South and West elevations will be illuminated. The proposed sign on the North will not be illuminated.

The requested changes are consistent with current code parameters and will not impact the surrounding area or other businesses.

The Children’s Minnesota Surgery and Specialty Center is a destination for thousands of patients and families each year and it is extremely important that the facility is adequately landmarked and visible from I494 and Highway 62. The main entrance is not visible from the road, and the visibility of the building is partially concealed by a mature treescapes along the West, South and East elevations. The increased sign sizes on the South and West elevations will assist with identification and wayfinding to the facility from I494 and Highway 62.

Thank you for your consideration.

Sincerely,

Tera Bollig
Brand Marketing Consultant
Children’s Minnesota
Proposed
Children's Minnesota - Minnetonka

Furnish and Install (1) 5'-4 1/2" x 16'-3" LED Face Illuminated Raceway Mount Letter Set

- 5" White Aluminum Letter Returns
- 1" White Edge Trim
- 3/16" #7328 White Acrylic Faces
- White High Intensity LED Clusters
- Children's - 8" x 5" Aluminum Raceway Finished to Match Wall Background
- Minnesota - 6" x 5" Aluminum Raceway Finished to Match Wall Background

Side View

West Elevation

- Due to variances among color monitors, the colors shown may vary from actual finish color -
Children's Minnesota - Minnetonka

Furnish and Install (1) 5'-4 1/2" x 16'-3" LED Face Illuminated Raceway Mount Letter Set

- Due to variances among color monitors, the colors shown may vary from actual finish color -

5'-4 1/2"
16'-3"
33"
11 1/2"

5" White Aluminum Letter Returns
1" White Edge Trim
3/16" #7328 White Acrylic Faces
White High Intensity LED Clusters
'Childrens' - 8" x 5" Aluminum Raceway Finished to Match Wall Background
'Minnesota' - 6" x 5" Aluminum Raceway Finished to Match Wall Background

South Elevation

Customer Approval

Date
Children's Minnesota - Minnetonka

1602804

Children's
MINNESOTA

Surgery Center

Furnish and Install (1) 4'-6 1/2" x 13'-9" Non-Illuminated Reverse Channel Letter Set

1" Reverse Channel Letters
Painted White

Flush Stud Mounted to Wall

Wall Background

Slide View

North Elevation

- Due to variances among color monitors, the colors shown may vary from actual finish color.
Existing
Existing East Letter Set

Existing South Letter Set

Existing West Letter Set

- Due to variances among color monitors, the colors shown may vary from actual finish color -
Planning Commission Resolution No. 2019-

Resolution amending the Minnetonka Corporate Center
sign plan as it pertains to the building at 6050 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 6050 Clearwater Drive, within the Minnetonka Corporate Center. The property is legally described as:

Lot 1, Block 1, Minnetonka Corporate Park, including the adjacent part of Outlot E, Minnetonka Technological Park 2nd Addition formerly used as public road right of way and now vacated as per Document No. 5521810 subject to road.

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

1.03 Children's Minnesota is proposing an amendment to the sign plan as it pertains to the subject property.

<table>
<thead>
<tr>
<th>Proposed</th>
<th></th>
</tr>
</thead>
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* Sign proposed on the north side would be smaller (62.5 sq.ft) and include the “Surgery Center.”
Section 2. FINDINGS.

2.01 The proposed signs and requested amendment are reasonable for two reasons:

1. The number of wall signs would remain the same.

2. In the opinion of staff, the updated signs would be more “readable” than the existing signs, providing for better wayfinding.

3. Under the sign ordinance, the Children’s building would be allowed up to 240 sq.ft. of total wall signage. Were the property governed by the sign ordinance, the proposed wall signs would simply be allowed.

Section 3. Planning Commission Action.

3.01 The Minnetonka Corporate Center sign plan as it pertains to 6050 Clearwater Drive is amended as described in section 1.03 of this resolution. The amendment is subject to the following conditions:

1. Sign permits are required for all signs on the property.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Sept. 19, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 Sept. 19, 2019.

Fiona Golden, Deputy City Clerk
Brief Description: Variances to expand the parking lot at 5400 Opportunity Court

Recommendation: Adopt the resolution approving the request

Background

In Dec. 1977, the city council approved a site plan for two office/warehouse buildings at 5400 Opportunity Court. The combined lot area was 31,500 square feet. After receiving the site plan approvals, the developer contacted Nine Mile Creek Watershed District to obtain their necessary approval. The watershed district required the reconfiguration and reorientation of the building to comply with their requirements. Afterwards, the developer confirmed with the city that no additional city approvals were required and construction of the buildings began.

During the review of a subdivision request in 1978, staff recognized that the reorientation of the building should have required additional variances and all onsite work stopped.

In March 1978, the city council approved the subdivision to allow separate ownership of the two properties and the variances necessary to accommodate the reconfigured building. Additionally, variances to reduce parking lot setbacks to five feet were approved.

In 1982, the planning commission approved site plans for Honeywell to allow a 1,400 sf addition onto the north side of the building for pollution control equipment required by the Metro Waste Control Commission. The city did not require any additional parking due to the applicant’s unique use of the building and because the addition would not increase the number of employees on site. The floor plan submitted at that time indicated that the building was predominately warehouse, storage, and manufacturing uses and only a small amount of office existed within the building.
Beginning in Dec. 2018, the current property owner began to explore options to expand and reconfigure the existing parking lot. A reconfigured parking lot would allow for some additional parking and also improve access to the loading dock on the north side of the building. To that end, the property owner approached the city inquiring about purchasing a portion – or all – of the city-owned property west of Opportunity Court. However, city staff noted a few items requiring additional information:

- **Zoning and combination:** The city-owned property includes the property on the east and west of Opportunity Court. It is currently zoned R-1. Purchase of the property would require a rezoning and administrative lot division to combine the subject property and the adjacent lot.

- **Wetland:** A wetland exists on the property. The property owner had the wetland delineated, and it is north of the driveway on the city property.

- **Floodplain:** Currently, Nine Mile Creek Watershed District regulates the floodplain in this area a foot higher than the city does (878.5 feet vs. 877.5 feet respectively). Based on this readily available information, the city-owned property is almost entirely encumbered by regulated floodplain. As such, expansion of the parking lot onto city property is unlikely. However, both the watershed district and the city recognize that two events may have impacted the area’s floodplain elevation: (1) floodplain alteration in conjunction with the extension of Opportunity Court through the city property in the 1990s; and (2) the re-meandering of the creek, east of the site, in the late 2000s. Stormwater modeling of floodplain elevations occurs roughly every ten years. An updated model is expected to be completed in Feb. 2020.

While the property owner and city staff may continue these property discussions in the future, it was decided that no further discussion would occur until the stormwater modeling of the floodplain is completed.

In May 2019, the city received a building permit for an office remodel. During this review, staff discovered that, at some point, the building was converted to predominately office space. City records indicate that two building permits for tenant improvements were approved in 1999 and 2000. However, the city no longer has copies of the plans to verify what the improvements
entailed. While office use is a permitted use within the industrial zoning district, office tenants tend to have a much higher parking generation than industrial users. By code, the existing parking lot would not have enough stalls to accommodate the amount of office within the building. However, since the 2019 permit was to reconfigure existing office space, make general repairs and façade improvements, staff issued the permit with the condition that the applicant must either increase the amount of available parking onsite or obtain a variance to formally acknowledge the deficit.

Proposal

Bill Marceau, on behalf of Opportunity Business Center, LLC, is proposing to reconfigure the parking lot to increase the amount of parking onsite to the code-required amount and to allow for improved access to the loading dock on the north side of the building.

The proposal would increase the amount of parking onsite from 37 stalls to 68 stalls while maintaining the previously approved parking lot setbacks.

<table>
<thead>
<tr>
<th></th>
<th>Required by code</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of stalls</td>
<td>68 stalls</td>
<td>37 stalls</td>
<td>68 stalls¹</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>Max. 85%</td>
<td>71%</td>
<td>74%</td>
</tr>
<tr>
<td>Parking lot setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>10 ft ²</td>
<td>.5 ft</td>
<td>5 ft ³</td>
</tr>
<tr>
<td>East</td>
<td>20 ft ²</td>
<td>0 ft</td>
<td>5 ft ³</td>
</tr>
<tr>
<td>South</td>
<td>10 ft</td>
<td>16 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Floodplain setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizontal</td>
<td>10 ft</td>
<td>0 ft</td>
<td>0 ft ³</td>
</tr>
<tr>
<td>Vertical</td>
<td>1 ft</td>
<td>0 ft</td>
<td>0 ft ³</td>
</tr>
</tbody>
</table>

¹ 6 of the 68 stalls would be paved proof-of-parking (unstriped)
² variance approved in 1978 reduced required setback to 5 ft
³ requires a variance

The proposal requires the following:

- **Setback variance:** The variance would allow for an expansion of the parking lot that maintains a similar setback to what was approved by the council in 1978. It would reduce the north setback from 10 feet to five feet and the east setback from 20 feet to five feet.
Floodplain setback variance: Parking areas may not be located within 10 feet of the floodplain and be a minimum of one foot above the designated 100-year floodplain.¹ The northeast corner of the existing parking lot is located within a 100-year floodplain.

Staff Analysis

A land-use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and aggregates them into primary questions or issues. The following outlines both the primary questions associated with the proposal and staff’s findings.

- Is the proposed setback variance reasonable?

Yes. Staff finds the setback variance reasonable, as:

1. In 1978, the city council approved a variance to reduce the parking lot setback from the north and east property line to five feet.

2. By city code, the property would be deficit in parking spaces now that the building is predominately office. The expansion permit would maintain the five-foot setback previously approved for the parking lot and would bring the property into conformance with the city’s parking ordinance.

3. The as-built survey and aerial photography suggest that at some point the parking lot was expanded into the five-foot setback. These areas would be removed, as part of the project, bringing the property back into compliance with previous approvals.

4. The edge of the parking lot on the east side would be roughly 100 feet from the paved portion of Opportunity Court. Visually the parking lot would far exceed the required setback as viewed from the roadway.

5. The edge of the parking lot on the north side would be roughly 120 feet from the adjacent building and would be screened by existing vegetation.

¹ City Code §300.14, Subd. 8(f)
• Is the floodplain variance reasonable?

Yes. The existing parking lot is currently located within the floodplain. The variance would be to formally acknowledge this condition and allow for a roughly 300 square foot expansion in the northwest corner of the parking lot.

Staff acknowledges that, while the proposal includes an addition within the floodplain, the proposal would result in the removal of roughly 700 square feet of pavement within the floodplain and associated setback.

Given the area’s small size, any floodplain alteration needed to accommodate the expansion would likely only require an administrative permit.²

Summary Comments

The conversion to office use over time has caused a parking deficit by city code. However, the site rarely experiences a parking shortage. The expansion permit and variance would allow the property to be brought into conformance with city code while formally acknowledging existing conditions.

Staff Recommendation

Adopt the attached resolution approving variances to the setbacks and floodplain for a parking lot expansion 5400 Opportunity Court.

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

² City Code §300.24 Subd. 9 (a): No alteration of the floodplain district is allowed without a floodplain alteration permit, except that only a grading permit approved by the city planner is required or permitted uses that do not involve excavation or fill of an area greater than 1,000 square feet or a volume greater than 20 cubic yards of land located outside of the floodway.
Supporting Information

Project No. 19030.19a
Property 5400 Opportunity Court
Applicant Bill Marceau, on behalf of the property owner

Surrounding Land Uses
Northerly: Industrial use, zoned I-1, guided for mixed-use
Easterly: Creek zoned R-1, guided for mixed-use
Southerly: Industrial use, zoned I-1, guided for mixed-use
Westerly: Industrial use, zoned I-1, guided for mixed-use

Planning
Guide Plan designation: Mixed-use
Zoning: I-1, industrial

Review
The city’s planning, building, engineering, natural resources, fire, and public works staff have reviewed this proposal to ensure general consistency with the city’s water resources management plan and applicable codes and ordinances. Any concerns raised by staff during this review have already been addressed or have been included as conditions of approval in the staff drafted resolution. The proposal will require a building permit, at which time a more thorough engineering review will occur, and staff will ensure any conditions of approval are addressed.

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

This proposal
<table>
<thead>
<tr>
<th>Motion options</th>
<th>The planning commission has the following motion options:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Concur with staff’s recommendation. In this case, a motion</td>
</tr>
<tr>
<td></td>
<td>should be made adopting the resolution approving the variance.</td>
</tr>
<tr>
<td>2.</td>
<td>Disagree with staff’s recommendation. In this case, a motion</td>
</tr>
<tr>
<td></td>
<td>should be denying the request. The motion should include</td>
</tr>
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<td></td>
<td>findings for denial.</td>
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<td>3.</td>
<td>Table the request. In this case, a motion should be made to</td>
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<td></td>
<td>table the item. The motion should include a statement as to why</td>
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<td></td>
<td>the request is being tabled with direction to staff, the applicant,</td>
</tr>
<tr>
<td></td>
<td>or both.</td>
</tr>
</tbody>
</table>

| Appeals        | The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4) 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 | Nov. 28, 2019 |
Location Map

Project: Opportunity Business Ctr
Address: 5400 Opportunity Ct
July 30, 2019

City of Minnetonka
Attn: Planning Department
Attn: Ashley Cauley
14600 Minnetonka Blvd.
Minnetonka, MN 55345

RE: Building Permit

After today’s conversation OBC appears not to need a variance for parking. We have been able to place the required number of parking spaces within our present footprint, (see attached). We may require an expansion permit to comply with City codes to achieve the correct number of spaces and how they relate to the setback.

The present building has been an office building for fifteen years with eight tenants and parking has never been an issue. Also, OBC will not do any work on the parking lot until the necessary permits are issued.

Thank you for issuing our building permit today to enable us to continue work on the interior of our building.

If you have questions, please contact me at 952-746-5251.

Thank you,

Bill Marceau
Owner
Opportunity Business Center, LLC
Planning Commission Resolution No. 2019-

Resolution approving variances to allow a parking lot expansion at 5400 Opportunity Court

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

Section 1. Background.

1.01 Bill Marceau, on behalf of Opportunity Business Center, LLC has requested variances from the city code for a parking lot expansion. (Project #19030.19a)

1.02 The property is located at 5400 Opportunity Court. It is legally described as:

The East 230.00 feet of that part of Lot 1, Block 1, Opus 2 Third Addition which lies Southerly of the following described line:
Beginning at the Northwest corner of Lot 2, said Block 1; thence South 85 degrees 55 minutes 44 seconds West along the Westerly extension of the North line of said Lot 2 a distance of 532.92 feet to the Westerly line of said Lot 1 and there terminating.

1.03 In 1978, the city approved the site plans with variances to reduce the setback for the parking lot from the north and east property lines. The variances reduced required setback to five feet.

1.04 In 1982, the city approved a site plan to allow a 1,400 square foot addition onto to the north side of the existing building. Additional parking was not required, as no additional employees would be added onsite.

1.05 Since that time, the building has converted from warehousing, and industrial uses to predominately office use and portions of the parking lot have expanded up to the property line.

1.06 The parking lot does not currently meet setback requirements. The following is intended to summarize city code requirements, existing and proposed conditions:
Planning Commission Resolution No. 2019-  

<table>
<thead>
<tr>
<th></th>
<th>Required by code</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of stalls</td>
<td>68 stalls</td>
<td>37 stalls</td>
<td>68 stalls</td>
</tr>
<tr>
<td>Parking lot setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>10 ft 2</td>
<td>.5 ft</td>
<td>5 ft 3</td>
</tr>
<tr>
<td>East</td>
<td>20 ft 2</td>
<td>0 ft</td>
<td>5 ft 3</td>
</tr>
<tr>
<td>South</td>
<td>10 ft</td>
<td>16 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Floodplain setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizontal</td>
<td>10 ft</td>
<td>0 ft</td>
<td>0 ft 3</td>
</tr>
<tr>
<td>Vertical</td>
<td>1 ft</td>
<td>0 ft</td>
<td>0 ft 3</td>
</tr>
</tbody>
</table>

1. 6 of the 68 stalls would be paved proof of parking (unstriped)
2. variance approved in 1978 reduced required setback to 5 ft
3. requires a 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 proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the zoning ordinance is to provide for adequate separation from roadways, adjacent structures, and natural features. Additionally, the zoning ordinance establishes minimum parking requirements to ensure that parking demands are provided onsite. The parking lot would visually maintain required setbacks as it would be more than 100 feet from the paved roadway of Opportunity Court and more than 120 feet from the adjacent building to the north. Approval of the variance would provide the code-required amount of parking stalls without encroaching further into the parking lot setback than the existing parking lot.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The comprehensive guide plan calls for a continuation of mixed uses within the Opus Business Park Regional Area. The proposal is consistent with the comprehensive guide plan as it allows for a mix of uses in the park.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:

   a) **REASONABLENESS:** The request to reduce the setback from the property line and the floodplain is reasonable as:

   **Setback:** The proposed parking lot would maintain the same setback that was approved for the site in 1978. The variance would allow the parking lot to be “squared up,” which would allow for improved navigation throughout the site.

   **Floodplain:** The existing parking lot is located within the regulated floodplain. The proposed variance would recognize the existing condition and allow for a 300 square foot expansion of the parking lot in the northwest corner of the site. The proposal would result in the removal of roughly 700 square feet of the parking lot that was expanded without city approval within the floodplain.

   a. **UNIQUE CIRCUMSTANCE:** There are several unique circumstances that make the request reasonable:

   **Setback:** The building has been converted to predominately office over time. By code, office users have a higher parking ratio than industrial-type uses. The setback variance would allow for the code-required amount of parking stalls onsite while not expanding the parking lot beyond the previously approved setback for the existing parking lot.

   **Floodplain:** The existing parking lot is located within the floodplain. The variance would result in an improved condition as the overall impervious surface within the floodplain would be reduced.

   b. **CHARACTER OF LOCALILTY:** The variances would not impact the character of the locality:

   **Setback:** The property is located within an industrial area and has a substantial amount of separation from the paved portion of Opportunity Court and the adjacent building to the north. Additionally, the parking lot would be screened by existing vegetation.

   **Floodplain:** The parking lot is currently located within an existing floodplain.

**Section 4.** Planning Commission Action.
4.01 The planning commission hereby 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 July 30, 2019

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) Additional information on the amount of disturbance. Stormwater treatment is required if disturbance exceeds 5,000 square feet or 50 cubic yards of excavation.
   c) A right-of-way permit is required for driveway replacement outside of the property.
   d) 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, 2020, 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 Sept. 19, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 Sept. 19, 2019.

Fiona Golden, Deputy City Clerk
Brief Description

Items concerning the Hennepin County Medical Examiner’s Office Project at 14300 Co. Rd. 62:

1) Major amendment to an existing master development plan;

2) Conditional use permit and;

3) Site and building plan review

Recommendation

Recommend the city council adopt the ordinance and resolution approving the project.

Proposal

Hennepin County is proposing to construct a new medical examiner’s facility on the west side of the County Home School site (CHS) at 14300 County Road 62. The proposed two-story, 56,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages.

The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building. The facility will replace the current downtown Minneapolis location. All operations from the downtown facility location would be moved to the Minnetonka site. The Hennepin County Medical Examiner’s Office serves Hennepin, Dakota and Scott Counties.

Plan Submissions

During the summer of 2018, the Hennepin County presented a concept plan to the neighborhood, planning commission and city council to develop the “eastern” portion of the CHS site for an informal review. The council introduced the ordinance, but prior to the planning commission public hearing, the county decided to reconsider site options after staff raised a number of concerns about the access road disturbance, steep slopes, grading impacts and future site development.
In Feb. 2019, the city council reviewed formal development plans to develop the facility on the “eastern” portion of the CHS property. The proposed facility moved north of the location shown in the concept plan to reduce site impacts. The council introduced the ordinance, but prior to the planning commission public hearing, the county decided to reconsider site options after staff raised a number of concerns about the access road disturbance, steep slopes, grading impacts and future site development.

After considering other site development options, the county developed a revised plan to move the facility from the undeveloped east to the developed west side of the property. The current formal development plan proposes a “west side” CHS site location. The location is on a portion of the site where cottages exist.

The proposal requires the approval of:

1) **Master Development Plan Amendment.** By City Code §300.22 Subd.9, the proposal requires a major amendment to the existing civic center master development plan, as the proposal: (1) substantially alters the location of buildings; and (2) increases the gross floor area of the building by more than 10 percent. Major amendments can only be approved by ordinance.

2) **Conditional Use Permit.** By City Code §300.22 Subd.3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit in a PUD. Public buildings are conditionally-permitted uses in all zoning districts.

3) **Site and Building Plan Review.** By city code, site and building plan review is required for the construction of any non-single-family residential building.
Primary Questions and Analysis

The planning commission’s charge is to review proposed land uses and determine whether they are appropriate given zoning ordinance standards and land use policy. The following outlines the primary land use questions associated with the proposed improvements and staff’s findings.

1. **Is the proposed use appropriate?**

   Yes. Hennepin County has operated uses serving the public’s interest for over a century at this location. Development of the medical examiner’s office at this location is logical and reasonable.

2. **Are the anticipated impacts acceptable?**

   Yes. The anticipated impacts are acceptable. The proposed plans allow for reuse of the cottages area of the property that will be vacated after providing services for more than 50 years. Reuse of this area avoids the development of other undisturbed areas of the property. Unlike other areas of the property, there are no woodland preservation areas, wetlands, or steep slopes.

Staff Recommendation

Recommend the city council adopt the ordinance and resolutions approving the medical examiner’s office located at 14300 Co. Rd. 62.

Originator: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Single-family homes and Glen Lake
- Easterly: Industrial uses
- Southerly: Industrial uses
- Westerly: Golf Course and single-family homes

**Planning**
- Existing Zoning: PUD
- Guide Plan designation: Institutional

**Shoreland Management:**
The proposed facility is located outside the Shoreland Management area of Glen Lake.

**Steep Slopes:**
The proposed facility location is not located on steep slope areas.

**Wetlands:**
There are wetlands adjacent to the proposed facility location and storm water infiltration basin. The proposed development will not impact the wetland.

**Access:**
The proposed facility will utilize the existing site access at Co. Rd. 62 which is a signalized intersection. The Glen Lake Golf Course also shares this access.

**Misc. Standards**
The development proposes the following standards:

<table>
<thead>
<tr>
<th></th>
<th>Required*</th>
<th>Existing Cottages*</th>
<th>Proposed*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>n/a</td>
<td>1570 ft</td>
<td>1570 ft</td>
</tr>
<tr>
<td>South</td>
<td>n/a</td>
<td>410 ft</td>
<td>410 ft</td>
</tr>
<tr>
<td>East</td>
<td>n/a</td>
<td>1400 ft</td>
<td>1400 ft</td>
</tr>
<tr>
<td>West</td>
<td>n/a</td>
<td>215 ft</td>
<td>215 ft</td>
</tr>
<tr>
<td><strong>Parking lot setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>n/a</td>
<td>-</td>
<td>1520 ft</td>
</tr>
<tr>
<td>South</td>
<td>n/a</td>
<td>-</td>
<td>300 ft</td>
</tr>
<tr>
<td>East</td>
<td>n/a</td>
<td>-</td>
<td>1275 ft</td>
</tr>
<tr>
<td>West</td>
<td>n/a</td>
<td>-</td>
<td>80 ft</td>
</tr>
<tr>
<td><strong>Impervious surface</strong></td>
<td>n/a</td>
<td>9%</td>
<td>11%</td>
</tr>
<tr>
<td>(160 ac site)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>66 stalls</td>
<td>-</td>
<td>78 stalls</td>
</tr>
</tbody>
</table>
Review Standards

Based on the required applications for project review, the following sections of city code are applicable.

- Section 300.22. Subd. 4 Planned Unit Development General Standards

A PUD may be approved when the following general standards are met:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The PUD results in at least one of the public benefits as outlined in section 2 of this ordinance</td>
<td>Yes. Development is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts.</td>
</tr>
<tr>
<td>The PUD is consistent with and advances the community-wide goals of the comprehensive plan</td>
<td>Yes. The property has long been guided for institutional use in the comprehensive plan. Continued public use of the property advances community-wide goals.</td>
</tr>
<tr>
<td>The PUD is appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through the continuation of existing land use types, architectural transitions, landscape buffering, or other means.</td>
<td>The proposed development plan utilizes land already under use on the CHS site. The redevelopment of this area is appropriately integrated into the site through the use of existing roadways and utilities. The location provides a transition of use from Co. Rd. 62 through the site to other uses. Redevelopment at this location also prevents the disturbance of other undeveloped areas of the site.</td>
</tr>
</tbody>
</table>
- Section 300.27. Site and Building Plan Review

<table>
<thead>
<tr>
<th>In evaluating a site and building plan, the planning commission and city council shall consider its compliance with the following:</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;</td>
<td>Yes</td>
</tr>
<tr>
<td>b) consistency with this ordinance;</td>
<td>Yes</td>
</tr>
<tr>
<td>c) 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;</td>
<td>Yes</td>
</tr>
<tr>
<td>d) 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;</td>
<td>Yes</td>
</tr>
<tr>
<td>e) creation of a functional and harmonious design for structures and site features, with special attention to the following:</td>
<td></td>
</tr>
<tr>
<td>1) 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;</td>
<td>Yes</td>
</tr>
<tr>
<td>2) the amount and location of open space and landscaping;</td>
<td>Yes</td>
</tr>
<tr>
<td>3) 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</td>
<td>Yes</td>
</tr>
<tr>
<td>4) 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.</td>
<td>Yes</td>
</tr>
<tr>
<td>f) 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</td>
<td>Yes</td>
</tr>
<tr>
<td>g) protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of</td>
<td>Yes</td>
</tr>
</tbody>
</table>
History

The County Home School property has served the changing needs of its residents for over a century. In 1916, the Glen Lake Sanatorium was built on the current site of the Glen Lake Golf Course. In the 1950’s and 60’s corrections facility administration and treatment program buildings were constructed. (The red outline indicates the medical examiner’s location in the photo series).
Neighborhood Comments
The city has sent notice to 986 area property owners and has received no written comments to date.

Pyramid of Discretion

Motion Options
The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the ordinance and resolutions approving proposal.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the proposal. This motion must include a statement as to why denial is recommended.

3. Table the request. In this case, a motion should be made to table the items. The motion should include a statement as to why the requests are being tabled with direction to staff, the applicant, or both.

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

Deadline for Decision
Jan. 31, 2020
HENNEPIN COUNTY MEDICAL EXAMINER FACILITY

- Visitor Parking: 21 stalls
- Staff Parking: 57 stalls
- 8’ Tall Solid Privacy Fence
- 8’ Tall Metal Fence
- Entry Gate
- Relocated Homeschool Gate
- Access Road / Fire Lane
- Entry Landscape
- Courtyard
- East Patio
- Stormwater Basins / Rain Gardens

DF/ LEO A DALY
SITE PLAN

VISITOR PARKING: 21 STALLS
STAFF PARKING: 57 STALLS
8' TALL SOLID PRIVACY FENCE
8' TALL METAL FENCE
ENTRY GATE
RELOCATED HOME SCHOOL GATE
ACCESS ROAD / FIRE LANE
ENTRY LANDSCAPE
COURTYARD
EAST PATIO
STORMWATER BASINS / RAIN GARDENS
HENNEPIN COUNTY MEDICAL EXAMINERS

1 AUGUST 08, 2019

SITE PLAN

PATIO
ACCESS ROAD / FIRE LANE
LOADING DOCKS
ENTRY GATE
21 VISITOR PARKING
UTILITY YARD
SERVICE GATE
POND
57 STAFF PARKING
GABION WALL
8' TALL FENCE
8' TALL PRIVACY FENCE
VISITOR PARKING: 21 STALLS
STAFF PARKING: 57 STALLS
8' TALL SOLID PRIVACY FENCE
8' TALL METAL FENCE
ENTRY GATE
RELOCATED HOME SCHOOL GATE
ACCESS ROAD / FIRE LANE
ENTRY LANDSCAPE
COURTYARD
EAST PATIO
STORMWATER BASINS / RAIN GARDENS
ENTRY WALK

HENNEPIN COUNTY MEDICAL EXAMINER FACILITY
HENNEPIN COUNTY
• ADA ACTUATOR PUSH BUTTON FACILITY
• (BDBM)
• MAX BY 054000
• DIAGONAL BRACING AS REQ'D BY 054000 (CFMF-1)
• (CGRM)
• (CJV)
• MASONRY REQUIREMENTS (CR)
• PREFINISHED - SSG HENNEPIN COUNTY THERMALLY BROKEN CURTAINWALL FINISH SYSTEM.

133'-0"

• LEVEL 2 PLANNING ARCHITECTURE ENGINEERING

• 2" EXPANSION JOINT, ROOF: FRAMED BELLOWS COVER SYSTEM WITH MOISTURE BARRIER. (MM SYSTEMS ERJ SERIES OR APPROVED EQUAL)

EXPANSION JOINT COVER - COPPER
EXPANSION JOINT COVER - BRONZE

• TO BRICK COLOR

730 SECOND AVE SOUTH, SUITE 1300,
MINNEAPOLIS, MN 55402-2455
T: 612.338.8741

2" PREFINISHED INTERIOR EXPANSION JOINT WALL

FULLY ADHERED EPDM ROOFING.  60 MIL MEMBRANE, 1/2" COVER BOARD, 5" MIN POLYISO INSULATION AND VAPOR BARRIER. (FIRESTONE RUBBERGARD EPDM PLATINUM SYSTEM OR APPROVED EQUAL)

FIRE ALARM EXTERIOR BELL, SEE ELEC. (FB)

LADCO DRAWING NO:
023-10155-025

LABORATORY EQUIPMENT DESIGN

• INTERIOR GYPSUM BOARD - 5/8" TYPE X (GBD-1)
• (GSH-1)

HOLLOW METAL DOOR AND FRAME (PNT-8) (HMDF)

• POLYISOCYANURATE RIGID BOARD INSULATION (INS-1)
• (INS-3)
• (INS-4)

SPRAY FOAM INSULATION, SPRAY-APPLIED THERMAL BARRIER IN EXTERIOR STUD WALL

GALVANIZED STEEL LINTEL, SEE STRUC. - COLOR TO MATCH BRICK (PNT-8) (LTFX)

• COMPOSITE COPPER PANEL WITH CONCEALED FASTENING. INCLUDE FURRING, SUPPORTING ELEMENTS AND TRIM.

GALVANIZED GRATING ROOF ACCESS STAIR BY 055113

CELLULAR MASONRY WEEP/VENT (TOP & BOT) (MWV-1)

• WITH CONTINUOUS HEAVY DUTY WEATHER SEAL

PRECAST WINDOW SILL, MATCH TO BRICK COLOR.

D1 EXTERIOR ELEVATION - EAST
SCALE: 1/16" = 1'-0"

• PRECAST WINDOW SILL, MATCH TO BRICK COLOR.

D2 EXTERIOR ELEVATION - SOUTH
SCALE: 1/16" = 1'-0"

• PRECAST WINDOW SILL, MATCH TO BRICK COLOR.

D3 EXTERIOR ELEVATION - WEST
SCALE: 1/16" = 1'-0"

• PRECAST WINDOW SILL, MATCH TO BRICK COLOR.

D4 EXTERIOR ELEVATION - NORTH
SCALE: 1/16" = 1'-0"

• PRECAST WINDOW SILL, MATCH TO BRICK COLOR.

REVISIONS

A1 EXTERIOR ELEVATION - WEST

[additional text and diagrams]

NOT FOR CONSTRUCTION

HOMER 95% CONSTRUCTION DOCUMENTS

AE200

[copyright notice]
1. Verify all field conditions and utility locations prior to excavation/construction. If any discrepancies or unknown utilities are found that impact design or impair construction, the engineer and owner should be immediately notified.

2. Dimensions shown on this plan are to face of curb or edge of pavement and exterior face of building unless noted otherwise.

3. Meet and match existing conditions. Provide transition as necessary.

4. On-site curb to be B612 concrete curb & gutter.

5. All curbs to have 3/4" expansion joints at a maximum of 100'-0" and control joints at a maximum of 10'-0".

6. All parking stalls to be painted with a 4" wide white striping. Accessible symbols to be painted in white and accessible access aisles to be painted with a 4" wide painted stripe 18 inches on center and at 45 degree angles to stall, with 'No Parking' marked. ReflectORIZED paint shall comply with MNDOT 3592.

SITE PLAN NOTES

PROJECT SUMMARY

PROPERTY AREA SUMMARY

PROPERTY AREA 160.263 AC.

EXISTING IMPERVIOUS 14.662 AC. (9%)

EXISTING IMPERVIOUS DISTURBED 1.940 AC. (13% OF EXISTING IMPERVIOUS)

POST DEVELOPMENT IMPERVIOUS 16.331 AC. (11% INCREASE FROM EXISTING)

DISTURBED AREA SUMMARY

TOTAL DISTURBED AREA 8.735 AC.

IMPERVIOUS 3.609 AC.

TOTAL BUILDING AREA 1.559 AC. (67,922 SF. +/-)

PROPOSED BUILDING 1.281 AC. (55,795 SF. +/-)

FUTURE NORTH ADDITION 0.192 AC. (8,383 SF. +/-)

FUTURE SOUTH ADDITION 0.086 AC. (3,744 SF. +/-)

PARKING, WALK, & TRASH 2.050 AC.

PERVIOUS AREA 5.126 AC.

PARKING SUMMARY

REQUIRED MUNICIPAL BUILDING 10 SPACES + 1 SPACE / 500 GFA. + 1 SPACES / VEHICLE PREMISED CUSTOMER GENERAL OFFICE 1 SPACE / 250 GFA. (REQUIRED MIN. 10 SPACES)

PROPOSED 78 STALLS 8'X18' ACCESSIBLE STALL 4 STALLS 9'X18' STANDARD STALL 74 STALLS
SEE SHEET CS100 FOR SITE PLAN NOTES, SUMMARY AND LEGEND.
CITY SUBMITTAL

CONTROL PLAN

AND COUNTY ROAD 62 INTERSECTION OF HOME SCHOOL ROAD
08/15/2019

PROVIDE INLET PROTECTION AT THE TWO
LAD18010

CK511
LOG
FILTER
E3
CK511

SILT FENCE (TYP)

CK521
WEIR (TYP)

CITY SUBMITTAL

ROCK

WEIR (TYP)

TOP OF BERM AT 911.0

10' OVERFLOW WEIR AT 910.50

SEE LANDSCAPE
BASIN BOTTOM

STAMP
B
A5
A6

LTH
SMJ
DITCH CHECK (TYP)

BLANKET
CK511
CONTROL
ADD RIP RAP TO
EXISTING FES

DITCH CHECK (TYP)

EROSION CONTROL BLANKET

FILTER LOG SEDIMENT CONTROL

PREVENT SEDIMENT
THE SWPPP. RESTORE TO

TEMPORARY STOCKPILE
SILT FENCE (TYP)

SILT FENCE (TYP)

BLANKET

ROCK CONSTRUCTION ENTRANCE

STILLWATER, MN 55082 T:651-705-1231

140 THIRD STREET SOUTH,
TRUE NORTH CONSULTING
TELECOMMUNICATIONS ENGINEERING
ADD RIP RAP TO
EXISTING FES

LABORATORY EQUIPMENT DESIGN

CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE

EROSION CONTROL NOTES

- A DIRT OUTFALL
- A SECONDARY EFFLUENT TREATMENT FACILITY

LEGEND

NEW REGIONAL MEDICAL EXAMINER FACILITY
MINNETONKA, MN
EST. 1915

INTERIORS
ENGINEERING
ARCHITECTURE
PLANNING

NOT FOR CONSTRUCTION

ELY

trueNORTH
before you dig. Call 1" = 10'

$\text{ENLARGED GRADING PLAN}$

$\text{CITY SUBMITAL}$

$\text{CG401}$

$\text{08/15/2019}$

$\text{A1}$
4. Use VB grate at all low points.
5. Use V grate where there is a defined direction of flow.

SECTION 08/15/2019

 Catch Basin / Storm Manhole (STMH/CBMH)

Erosion Control & Storm Sewer Details

- Erosion Control Blanket
- Inlet Protection
- Erosion Control Blanket

Infill Construction:
- Hard Surface - Public Road
- Hard Surface - Wetland Buffer Area
- Hard Surface - Wetland Buffer Area

Additional information on Erosion Control & Storm Sewer Details can be found in the TrueNorth software.
Ordinance No. 2019-

An ordinance amending existing master development for the Hennepin County Home School property located at 14300 Co. Rd. 62

The City Of Minnetonka Ordains:

Section 1.

1.01 Hennepin County is proposing a new medical examiner’s office on the county home school property.

1.02 The site is located at 14300 Co. Rd. 62 and is legally described in Exhibit A.

1.03 The proposed medical examiner’s office includes a two-story, 56,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages. The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building.

1.04 The property is zoned planned unit development.

1.05 Section 300.22 Subd. 9 requires a major amendment to the master development plan.

Section 2.

2.01 Section 300.22 Subd. 4 provides general standards for approval of a planned unit development. A planned unit development may be approved when the following general standards are met:

1. The PUD results in at least one of the public benefits as outlined in section 2 of this ordinance;

2. The PUD is consistent with and advances the community-wide goals of the comprehensive plan; and
3. The PUD is appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through the continuation of existing land use types, architectural transitions, landscape buffering, or other means.

2.02 This ordinance is based on the following findings:

1. The development continues the institutional nature, which serves the public interest.

2. The property has long been guided for institutional use in the comprehensive plan. Continued public use of the property advances community-wide goals.

3. The redevelopment of this area is appropriately integrated into the site through the use of existing roadways and utilities. The location provides a transition of use from Co. Rd. 62 through the site to other uses. Redevelopment at this location also prevents the disturbance of other undeveloped areas of the site.

Section 3.

3.01 This ordinance hereby amends a master development plan for the Hennepin County Home School.

3.02 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:
   - Site plan, dated Aug. 15, 2019
   - Grading plan, dated Aug. 15, 2019
   - Sediment and Erosion Control Plan, dated Aug. 15, 2019
   - Utility plan, dated Aug. 15, 2019
   - Exterior Elevations, dated July 26, 2019

2. Construction must further comply with all conditions outlined in City Council Resolution No. 2019-xx.

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

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.
Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: Sept. 16, 2019
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
EXHIBIT A

PARCEL A:
Lot one (1) Block three (3) Beautiful Avondale, according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL B:
Lots two (2) and three (3) in Block three (3) Beautiful Avondale according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL C:
Lots Four, (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Three (3), "Beautiful Avondale", Hennepin County, Minnesota, according to the duly recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County.

PARCEL D:
Commencing on the East line of SW 1/4 of NW 1/4 at a point 76.8 ft. South from the S.E. corner of Glen Lake Heights, thence South to the SE corner of SW 1/4 of NW 1/4, thence West 330 ft., thence North 200 ft., thence West 581 ft., thence Easterly to the point of beginning, Section 34, Township 117, Range 22, Village of Minnetonka.

PARCEL E:
A tract of Land in the South West Quarter - SW 1/4 - of the North West Quarter NW 1/4 of Section Thirty-four - 34 - Township One hundred Seventeen - 117 N. Range Twenty-two - 22 - W - described as follows beginning at a point 409 feet East of the West Quarter post of said section 34. Thence East 581 feet more or less to the East line of the W 3/4 - Three Quarters of the South West Quarter of the North West Quarter - SW 1/4 of NW 1/4 - Thence north along the last described line the distance of 200 feet. thence West parallel with the South line 81 feet Thence South 200 feet to point of beginning containing 2 2/10 Two and 1/10 Acres more or less.

PARCEL F:
All that part of the East one-half (E. ½) of the Southwest quarter, (S.W. 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West, of the 5th Principal Meridian, lying North of the Northerly right of way line of the old Chicago, Milwaukee and St. Paul Railroad and the new Chicago, Milwaukee and St. Paul Railroad, as located and established through the said East Half (E. ½) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West of the 5th Principal Meridian, containing 60.66 acres more or less according to the Government survey, thereof.
PARCEL G:
The West Half of the South West Quarter - W. ½ of the S.W. 1/4 of Section 34 - Thirty-four - Township 117 - One hundred Seventeen Range 22 - Twenty-two. Also a right of way one Rod wide across and along the North line of the N.E. 1/4 of the S. E. 1/4 - North East Quarter of the South East Quarter of Section 33 Thirty-three Township 117 One hundred Seventeen Range 22 - Twenty-two Hennepin County Minnesota, to the Eden Prairie Road. Containing 80 acres more or less according to the United States Government Survey thereof.

PARCEL H:
A tract of land in Section 33 Township 117 Range 22 W. described as follows: Beginning at the East line of said Section One Rod South of the East Quarter post. Thence West parallel with the East and West center line of said Section 33 a distance of approximately 631 feet to the center line of Eden Prairie Road. Thence Southwesterly along the Center of said Road making an angle to the left of 69 Degrees 38 minutes from the last described line a distance of 194 3/10 feet. Thence continuing Southwesterly along the center line of said Road making an angle of 3 degrees and 7 minutes to the right from the last described line a distance of 433 2/10 feet. Thence East parallel with the said East and West center line of said Section 33 a distance of 871 1/10 feet more or less to the East line of said Section 33. Thence North along the East line of said Section 33 a distance of 579 55/100 feet to the point of beginning. Also all that part of the North One Rod in width of the North East Quarter of the South East Quarter of said Section 33, Township 117 - Range 22 - W. lying East of the said Eden Prairie Road above mentioned and described containing Ten Acres more or less according to the United States Government Survey thereof.

PARCEL I:
That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117) North, Range Twenty-two (22) West of the Fifth Principal Meridian, described as follows, to wit: Commencing on the East line of said Section Thirty-three (33) 596.5 feet South of the Northeast corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4), which point is the Southeast corner of a ten acre tract of land deeded to the County of Hennepin by that certain deed recorded in Book 647 of Deeds on page 435; thence South on the East line of said Section Thirty-three (33) distance of 218.4 feet; thence West parallel with the South line of said a deeded to Hennepin County hereinbefore referred to a distance of 1083.76 land feet to the center line of the Eden Prairie Road; thence Northeasterly along the center line of said Eden Prairie Road 265.46 feet to the Southeast corner of said tract to deeded to Hennepin County; thence East 915.4 feet more or less to the place of beginning containing five acres more or less.

PARCEL J:
That part of the northeast quarter - 1/4 of the Southeast quarter - 1/4 - of Section 33, Township 117, North Range 22, West of the fifth principal meridian described as follows: Beginning at a point on the East line of said section 33, eight hundred fourteen and forty-five one-hundredths feet - 814.45 - South of the East quarter - 1/4 - post of said section; thence West Ten Hundred eighty-three
and severity-six one-hundredths feet - 1083.76 - to the center line of Eden Prairie road; thence Southwesterly along center line of said road a distance of four hundred and eighteen one-hundredths feet - 445.18 -, to its intersection with the West forty-five line of the Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - of said section, thence South on the West line of the Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - a distance of seventy-four and seventy-five one hundredths feet - 74.75 more or less to the Southwest corner thereof; thence East thirteen hundred eight and five tenths feet - 1308.5 - to the Southeast corner of said Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - of said Section; thence North four hundred thirty three and fifty-four one-hundredths feet – 433.54 – to beginning.

PARCEL K:

The East five-eighths (5/8) of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of Section thirty-three (33), Township one hundred and Southeast seventeen (117), Range twenty-two (22), subject to an easement for the purpose of a public roadway now laid out and established along the South line of said tract; said tract containing twenty-five (25) acres of land be the same more or less according to tract the government survey thereof. Also conveying herein and hereby an easement for the free use for roadway purposes of a certain cart-way now laid out and established along the roadway North line of the West three-eighths of said Southeast quarter (SE 1/4) of Southeast quarter (SE 1/4) of the said Section, which cart-way is reserved and defined in a certain deed bearing date August 5, 1912, conveying said last above described land executed by Louise B. Sheehan and husband to Nels Weberg, and recorded in the office of the Register of Deeds for said Hennepin County August 7, 1912, in Book 738 of Deeds on page 140.

PARCEL L:

The Westerly three-eights (3/8) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117), Range Twenty-two (22): Excepting and reserving there from a roadway which at present exists entering said tract on the west line about Twenty (20) rods, more or less, north of the Southwest corner of said tract and running thence in a southeasterly direction across said tract; and

Also excepting from said tract and reserving a cartway running along the north line of said tract; Said tract containing fifteen (15) acres, more or less, according to the Government Survey thereof.

PARCEL M:

All that part of the South West Quarter (SW 1/4) of the South East Quarter (SE 1/4) of Section Thirty-three (33) Township One Hundred Seventeen (117) Range Twenty Two (22) lying Southeasterly (SE) of the Eden Prairie Road and Northerly of the Public Road running Southeasterly from said Eden Prairie Road, toward and along the South line of said Section, being one and seven eights (1 7/8) of
an acre more or less.

PARCEL S:

Lots 13 to 20 inclusive, Block 2, Beautiful Avondale, Hennepin County, Minnesota, VILLAGE OF MINNETONKA.

PARCEL T:

Outlet A, Glen-Moor, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.
Resolution No. 2019-

Resolution approving a conditional use permit and site and building plan review for a new medical examiner’s office located on the Hennepin County Home School property located at 14300 Co. Rd. 62

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

Section 1. Background.

1.01 Hennepin County is proposing a new medical examiner’s office on the county home school property.

1.02 The site is located at 14300 Co. Rd. 62 and is legally described in Exhibit A.

1.03 The proposed medical examiner’s office includes a two-story, 56,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages. The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building.

1.04 The property is zoned planned unit development and guided institutional in the comprehensive plan.

1.05 On Sept. 19, 2019, 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 project.

Section 2. Standards and Findings.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit.

1. the use is consistent with the intent of this ordinance;
Finding: the expansion of the existing public use of the property is consistent with the zoning as planned unit development.

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

Finding: the proposed use is consistent with the institutional guidance of the property in the comprehensive plan.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and

Finding: The proposed use would further the delivery and efficiency of governmental essential public services.

4. The use does not have an undue adverse impact on the public health, safety, or welfare.

Finding: The proposed use would benefit public health, safety, and welfare conditions.

2.02 City Code §300.27 Subd. 5 outlines the following site and building plan standards the planning commission and city council shall consider:

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

Finding: The proposal is consistent with the guided use of the property as institutional. The proposed stormwater management plan meets the city's standards.

2. consistency with this ordinance;

Finding: The proposal meets all zoning code standards.

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;

Finding: The proposed development plan utilizes land already under use on site. The redevelopment of this area is appropriately integrated into the site through the use of existing roadways and utilities. The location provides a transition of use from Co. Rd. 62 through the site to other uses. Redevelopment at this location also prevents the disturbance of other undeveloped areas of the site.
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;

Finding: The facility blends into the natural environment of the by using the site features to buffer from adjacent residential neighborhoods to the north.

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.

Finding: The facility blends into the natural environment site by using the site features and existing buildings to buffer from adjacent residential neighborhoods to the north. Existing circulation systems would be utilized. Parking and pedestrian areas would be logically located and provide adequate parking supply.

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

Finding: The facility will utilize a number of current and forward-looking design and technologies. The project will incorporate state B3 Guidelines that are required for the design of new buildings to meet sustainability goals for site, water, energy, indoor environment, materials, and waste.

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.
Finding: The facility blends in to the natural environment of the site by using the site features and existing buildings to buffer from adjacent residential neighborhoods to the north which would ensure the preservation of views, light, and air. Existing topography and upland vegetation would adequately protect adjacent properties from sight and sounds of the facility.

Section 3. City Council Action.

3.01 The above-described final site and building plans, with variance, is hereby approved, subject to the following conditions. Approval is based on the findings outlined in section 2 of this resolution and 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:

   - Site plan, dated Aug. 15, 2019
   - Grading plan, dated Aug. 15, 2019
   - Sediment and Erosion Control Plan, dated Aug. 15, 2019
   - Utility plan, dated Aug. 15, 2019
   - Exterior Elevations, dated July 26, 2019

2. Prior to issuance of a permit:

   a) Submit the following items associated with site work:

      1) Final site, grading, drainage, utility, and a stormwater pollution prevention plan (SWPPP) for staff review and approval. In addition the:

         a. Final landscaping plan must:

            1. Meet minimum landscaping requirements as outlined in city ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

            2. Include information relating to species, sizes, quantities, location, and landscaping values.

         b. Final site plan must include a sidewalk connection to the existing sidewalk on the west side of the property.

         c. Final stormwater management plan is required.
This plan must demonstrate conformance with the following criteria:

- **Rate**: limit peak runoff flow rates to that of existing conditions from the 2-, 10- and 100-year events at all points where stormwater leaves the site.

- **Volume**: provide for onsite retention of 1-inch of runoff from the entire site’s impervious surface.

- **Quality**: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

- **Infiltration basins** must draw down in 48 hours and have a maximum depth of 2.0’ per the city’s water resources management plan.

2) The following legal agreements for review and approval by the city attorney:

   a. A stormwater maintenance agreement in the city approved format for review and approval of city staff.

   b. A private hydrant agreement for new and existing hydrants.

3) Right-of-way permit for new tap(s) into the city water main.

4) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.

5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required
landscaping or vegetation has survived one full growing season.

6) A cash escrow in the amount of $1000. 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.

- City staff may waive this escrow amount upon review of the final plans.

7) Provide a conservation easement the wetland buffer on the west side of the wetland to meet the minimum buffer width required as based on a MnRAM to be provided.

8) Provide a detailed tree inventory, tree preservation plan, and landscape plans for staff review and approval prior to issuance of either a grading or building permit.

3. Monitor the impact, if any (not anticipated), of the increased traffic at the County Road 62 signal and make timing adjustments if deemed necessary.

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

5. This resolution must be recorded with Hennepin County.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

_______________________________________
Brad Wiersum, Mayor
Attest:

Becky Koosman, 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 Oct. 7, 2019.

__________________________________

Becky Koosman, City Clerk
EXHIBIT A

PARCEL A:
Lot one (1) Block three (3) Beautiful Avondale, according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL B:
Lots two (2) and three (3) in Block three (3) Beautiful Avondale according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL C:
Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Three (3), "Beautiful Avondale", Hennepin County, Minnesota, according to the duly recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County.

PARCEL D:
Commencing on the East line of SW 1/4 of NW 1/4 at a point 76.8 ft. South from the S.E. corner of Glen Lake Heights, thence South to the SE corner of SW 1/4 of NW 1/4, thence West 330 ft., thence North 200 ft., thence West 581 ft., thence Easterly to the point of beginning, Section 34, Township 117, Range 22, Village of Minnetonka.

PARCEL E:
A tract of Land in the South West Quarter - SW 1/4 - of the North West Quarter NW 1/4 of Section Thirty-four (34) - Township One hundred Seventeen - 117 N. Range Twenty-two - 22 - W - described as follows beginning at a point 409 feet East of the West Quarter post of said section 34. Thence East 581 feet more or less to the East line of the W 3/4 - Three Quarters of the South West Quarter of the North West Quarter - SW 1/4 of NW 1/4 - Thence north along the last described line the distance of 200 feet. thence West parallel with the South line 81 feet Thence South 200 feet to point of beginning containing 2 2/10 Two and 10 Acres more or less.

PARCEL F:
All that part of the East one-half (E. ½) of the Southwest quarter, (S.W. 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West, of the 5th Principal Meridian, lying North of the Northerly right of way line of the old Chicago, Milwaukee and St. Paul Railroad and the new Chicago, Milwaukee and St. Paul Railroad, as located and established through the said East Half (E. ½) of the Southwest Quarter (SW 1 /4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West of the 5th Principal Meridian, containing 60.66 acres more or less according to the Government survey, thereof.
PARCEL G:
The West Half of the South West Quarter - W. ½ of the S.W. 1/4 of Section 34 - Thirty-four - Township 117 - One hundred Seventeen Range 22 - Twenty-two. Also a right of way one Rod wide across and along the North line of the N.E. 1/4 of the S. E. 1 /4 - North East Quarter of the South East Quarter of Section 33 Thirty-three Township 117 One hundred Seventeen Range 22 - Twenty-two Hennepin County Minnesota, to the Eden Prairie Road. Containing 80 acres more or less according to the United States Government Survey thereof.

PARCEL H:
A tract of land in Section 33 Township 117 Range 22 W. described as follows: Beginning at the East line of said Section One Rod South of the East Quarter post. Thence West parallel with the East and West center line of said Section 33 a distance of approximately 631 feet to the center line of Eden Prairie Road. Thence Southwesterly along the Center of said Road making an angle to the left of 69 Degrees 38 minutes from the last described line a distance of 194 3/10 feet. Thence continuing Southwesterly along the center line of said Road making an angle of 3 degrees and 7 minutes to the right from the last described line a distance of 433 2/10 feet. Thence East parallel with the said East and West center line of said Section 33 a distance of 871 1/10 feet more or less to the East line of said Section 33. Thence North along the East line of said Section 33 a distance of 579 55/100 feet to the point of beginning. Also all that part of the North One Rod in width of the North East Quarter of the South East Quarter of said Section 33, Township 117 - Range 22 - W. lying East of the said Eden Prairie Road above mentioned and described containing Ten Acres more or less according to the United States Government Survey thereof.

PARCEL I:
That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117) North, Range Twenty-two (22) West of the Fifth Principal Meridian, described as follows, to wit: Commencing on the East line of said Section Thirty-three (33) 596.5 feet South of the Northeast corner of the Northeast Quarter (NE 1 /4) of the Southeast Quarter (SE 1 /4), which point is the Southeast corner of a ten acre tract of land deeded to the County of Hennepin by that certain deed recorded in Book 647 of Deeds on page 435; thence South on the East line of said Section Thirty-three (33) distance of 218.4 feet; thence West parallel with the South line of said a deeded to Hennepin County hereinbefore referred to a distance of 1083.76 land feet to the center line of the Eden Prairie Road; thence Northeasterly along the center line of said Eden Prairie Road 265.46 feet to the Southeast corner of said tract to deeded to Hennepin County; thence East 915.4 feet more or less to the place of beginning containing five acres more or less.

PARCEL J:
That part of the northeast quarter - 1 /4 of the Southeast quarter - 1 /4 - of Section 33, Township 117, North Range 22, West of the fifth principal meridian described as follows: Beginning at a point on the East line of said section 33, eight hundred fourteen and forty-five one-hundredths feet - 814.45 - South of the East quarter - 1 /4 - post of said section; thence West Ten Hundred eighty-three
and severity-six one-hundredths feet - 1083.76 - to the center line of Eden Prairie road; thence Southwesterly along center line of said road a distance of four hundred and eighteen one-hundredths feet - 445.18 -, to its intersection with the West forty-five line of the Northeast quarter - 1 /4 - of the Southeast quarter - 1 /4 - of said section, thence South on the West line of the Northeast quarter - 1/4 - of the Southeast quarter - 1 /4 - a distance of seventy-four and seventy-five one hundredths feet - 74.75 more or less to the Southwest corner thereof; thence East thirteen hundred eight and five tenths feet - 1308.5 - to the Southeast corner of said Northeast quarter - 1 /4 - of the Southeast quarter - 1 /4 - of said Section; thence North four hundred thirty three and fifty-four one-hundreds feet – 433.54 – to beginning.

PARCEL K:

The East five-eighths (5/8) of the Southeast quarter (SE 1 /4) of the Southeast quarter (SE 1 /4) of Section thirty-three (33), Township one hundred and Southeast seventeen (117), Range twenty-two (22), subject to an easement for the purpose of a public roadway now laid out and established along the South line of said tract; said tract containing twenty-five (25) acres of land be the same more or less according to tract the government survey thereof. Also conveying herein and hereby an easement for the free use for roadway purposes of a certain cart-way now laid out and established along the roadway North line of the West three-eighths of said Southeast quarter (SE 1 /4) of Southeast quarter (SE 1 /4) of the said Section, which cart-way is reserved and defined in a certain deed bearing date August 5, 1912, conveying said last above described land executed by Louise B. Sheehan and husband to Nels Weberg, and recorded in the office of the Register of Deeds for said Hennepin County August 7, 1912, in Book 738 of Deeds on page 140.

PARCEL L:

The Westerly three-eights (3/8) of the Southeast Quarter (SE 1 /4) of the Southeast Quarter (SE 1 /4) of Section Thirty-three (33), Township One Hundred Seventeen (117), Range Twenty-two (22): Excepting and reserving there from a roadway which at present exists entering said tract on the west line about Twenty (20) rods, more or less, north of the Southwest corner of said tract and running thence in a southeasterly direction across said tract; and Also excepting from said tract and reserving a cartway running along the north line of said tract; Said tract containing fifteen (15) acres, more or less, according to the Government Survey thereof.

PARCEL M:

All that part of the South West Quarter (SW 1 /4) of the South East Quarter (SE 1 /4) of Section Thirty-three (33) Township One Hundred Seventeen (117) Range Twenty Two (22) lying Southeasterly (SE) of the Eden Prairie Road and Northerly of the Public Road running Southeasterly from said Eden Prairie Road, toward and along the South line of said Section, being one and seven eights (1 7/8) of
an acre more or less.

PARCEL S:

Lots 13 to 20 inclusive, Block 2, Beautiful Avondale, Hennepin County, Minnesota,
VILLAGE OF MINNETONKA.

PARCEL T:

Outlet A, Glen-Moor, according to the plat thereof on file or of record in the office
of the Registrar of Titles in and for said County.