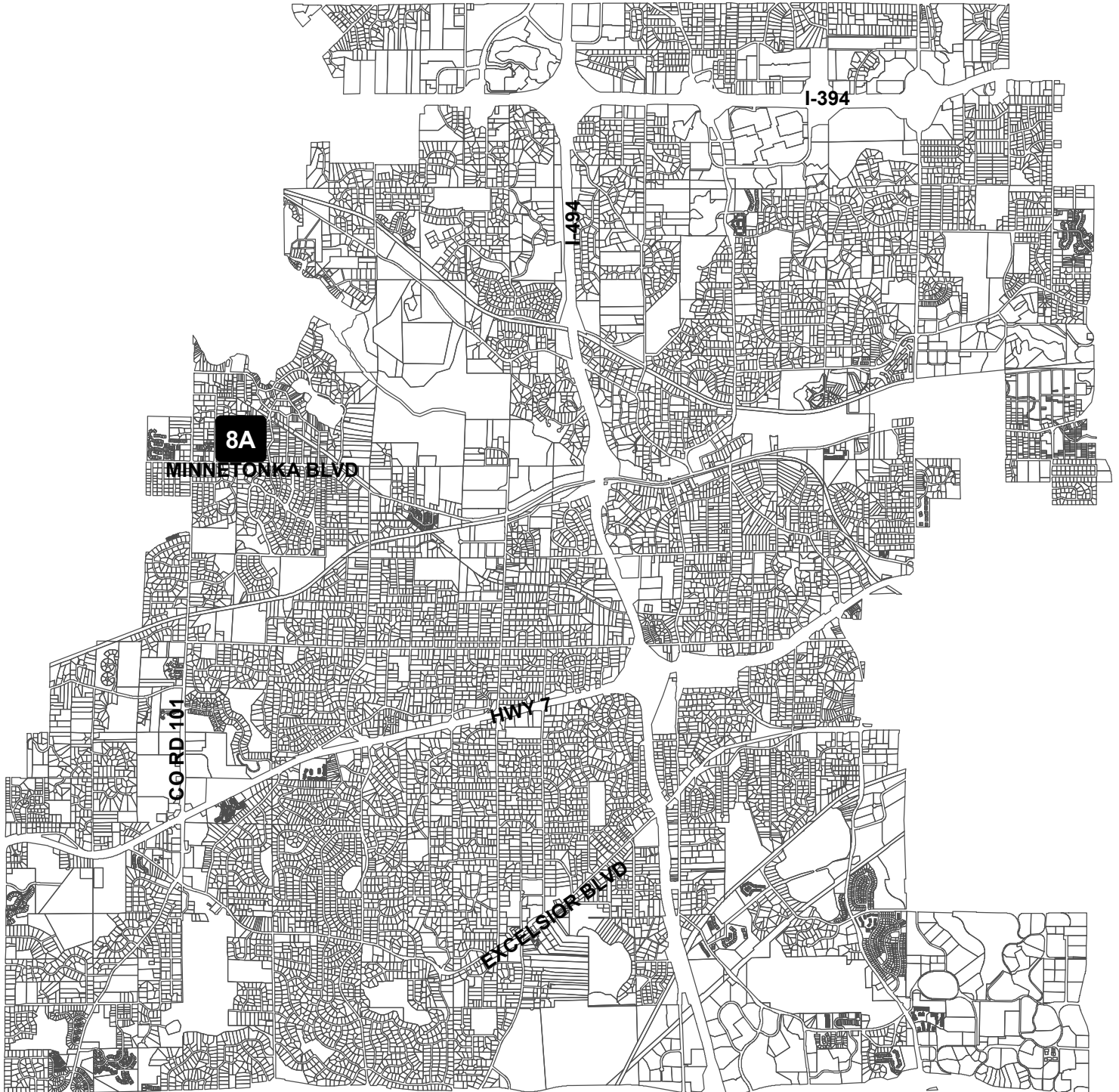




CITY OF  
**MINNETONKA**

# MINNETONKA PLANNING COMMISSION DEC. 15, 2022

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**Planning Commission Agenda  
Dec. 15, 2022  
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:** Dec. 1, 2022

**5. Report from Staff**

**6. Report from Planning Commission Members**

**7. Public Hearings: Consent Agenda**

None

**8. Public Hearings: Non-Consent Agenda Items**

A. Amend and replace the resolution for the cemetery use of the properties at 3300 and 3228 Woodlawn Avenue.

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

- Recommendation to City Council (Jan. 9, 2023)
- Project Planner: Ashley Cauley

**9. Other Business**

None

**10. Adjournment**

**Planning Commission Agenda**

**Dec. 15, 2022**

**Page 2**

**Notices**

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Jan. 5, 2023 agenda.

<b>Project Description</b>	Parking Ordinance
<b>Project Location</b>	City Wide
<b>Assigned Staff</b>	Bria Raines and Susan Thomas
<b>Ward Councilmember</b>	City Wide

<b>Project Description</b>	Housekeeping Ordinance
<b>Project Location</b>	City Wide
<b>Assigned Staff</b>	Susan Thomas
<b>Ward Councilmember</b>	City Wide

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**Dec. 1, 2022**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Banks, Hanson, Henry, Maxwell, Powers, and Sewall, were present. Waterman was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Planner Bria Raines.

**3. Approval of Agenda**

***Maxwell moved, second by Hanson, to approve the agenda as submitted with switching the order of items 9A, a concept plan review for Saville West located at the southeast corner of Co. Rd. 101 and Excelsior Blvd., and 8B, Housekeeping Ordinance 2022.***

***Banks, Hanson, Henry, Maxwell, Powers, and Sewall, voted yes. Waterman was absent. Motion carried.***

**4. Approval of Minutes: Dec. 1, 2022**

***Henry moved, second by Hanson, to approve the Dec. 1, 2022, meeting minutes as submitted.***

***Banks, Hanson, Henry, Maxwell, Powers, and Sewall, voted yes. Waterman was absent. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting on Nov. 28, 2022:

- Adopted a resolution approving a conditional use permit for educational use within Cross of Glory at 4600 Shady Oak Road.
- Introduced a housekeeping ordinance amending various sections of the zoning regulations of the Minnetonka City Code.
- Reviewed the concept plan for Walser Kia at 15700 Wayzata Blvd.
- Reviewed the concept plan for Minnetonka Partners, LLC at 15407 and 15409 Wayzata Blvd.



A neighborhood meeting was held for a proposed Doran apartment project on Wayzata Blvd. on the north side of I-394. The concept plan review is expected to take place in January.

A neighborhood meeting was held to review proposed changes for Groveland Elementary and Groveland Cemetery.

A neighborhood meeting will be held at city hall in the Minnehaha Room for The Mills on Dec. 6, 2022, from 6 p.m. to 8 p.m.

A neighborhood meeting will be held next week at city hall to look at properties at Roland Road and Baker Road that the city is considering reinvesting in from 5:30 p.m. to 7:30 p.m. in the city council chambers.

The next planning commission meeting is scheduled to be held on Dec. 15, 2022, at 6:30 p.m.

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

**7. Public Hearings: Consent Agenda**

No item was removed from the consent agenda for discussion.

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

**A. Expansion permit for a garage addition at 16160 Lake Street Extension.**

Adopt the resolution approving an expansion permit for a garage addition at 16160 Lake Street Extension.

***Banks, Hanson, Henry, Maxwell, Powers, and Sewall, voted yes. Waterman was absent. Motion carried, and the item on the consent agenda was approved as submitted.***

**8. Public Hearings**

**A. Amendment to the sign plan for West Ridge Market at 11500 Wayzata Blvd.**

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

Raines reported. She recommended the denial of the application based on the findings listed in the staff report.

In response to Maxwell's question, Thomas explained that the proposal would exceed the height requirement provided in the sign plan for this shopping center and the sign ordinance, which applies to all retail establishments in the city.

Powers confirmed with Raines that every tenant in the shopping center under 10,000 square feet in size has one sign no higher than 26 inches.

In response to Chair Sewall's question, Raines explained that Land's End has existed prior to the adoption of the current sign plan, but the proposal's location was created after the adoption of the sign plan.

Charlie Schall Leo, representing the applicant, Fidelity Investments, stated that:

- He apologized for not being able to be there in person.
- Fidelity Investments has been at the site since 2012.
- A request for a second sign to be located on the south façade was previously denied by the planning commission. The sign was placed above the entrance on the east side. The south façade is empty and faces I-394. There are window signs in the windows, but they are not visible to drivers on I-394.
- The site is unique. Land's End has two signs and is located on a corner. The Fidelity Investments space is on a corner. The applicant is the only corner tenant in the shopping center that does not have a second sign. Shane Co. and Olive Garden have three façade signs.
- The applicant feels the proposed second sign is necessary for the identification and presentation of the tenant space.
- The proposed sign would fit with what already exists in the shopping center.
- The Fidelity logo and layout are unique. It is taller than its length. The sign would be 38 square feet in size. It is not a large sign compared to the majority of tenants in the center.
- The south elevation is 124 feet long and looks empty without a sign. The sign would not be extravagant or over-the-top.
- The proposed sign would provide visibility and put the look of the tenant more in line with the look of the shopping center.
- The sign on the east elevation is not visible when traveling east on I-394.
- He requested the proposal be approved.
- He was available for questions.
- Four years ago, the bank manager told him that bank staff received numerous complaints from patrons regarding not being able to locate the bank.

In response to Powers' question, Mr. Schall Leo stated that the applicant would agree to commissioners approving a sign for the south elevation with a height limit of 26 inches if a sign with a height of 34.5 inches would not be approved.

Raines clarified that the sign plan allows the Land's End location to have two signs. She referenced Page 70 of the packet, which states that tenants over 10,000 square feet in size in Building A are permitted one sign three feet in height on the southwest façade and a second sign up to 26 inches in height on the southeast façade. All tenants under 10,000 square feet in the shopping center have one sign.

The public hearing was opened.

Brian Noah, 5321 Michaele Lane, stated that:

- He gets confused trying to identify the Fidelity Bank location.
- He felt 2,000 square feet short of 10,000 square feet is not that much of a difference.
- Allowing the sign is common sense.
- He favors promoting businesses.

No additional testimony was submitted, and the hearing was closed.

Maxwell stated that:

- It makes more sense to consider wayfinding, the number of facades, and the number of ways to enter a building when determining how many signs to allow than the square footage of a use.
- She would be willing to entertain an amendment to the sign plan that would allow a sign on the south façade.

Powers stated that:

- He agrees with the importance of supporting a business.
- He felt it makes sense to have two signs at the Fidelity Investments location.
- He would be o.k. with a sign with a height of 26 inches or 34.5 inches.
- A bank is not as often an impulse stop for motorists driving by as a retail location, but wayfinding is important.
- He supports the applicant's proposal.

Hanson stated:

- He concurs with Maxwell and Powers. The proposed sign would make it easier for a driver to locate the bank from I-394.
- To maintain the integrity of the future sign plan, he suggested that the amendment to the sign plan allow a second sign on the south elevation to be tied specifically to Fidelity Investments.

Banks stated that:

- He concurs with commissioners. It is important for a business to be identifiable. He drove I-394 and found that the existing sign was not visible from one direction until the vehicle reached a certain point.
- The large, vacant wall could use a sign.
- He understands the reason the staff recommends the denial of the application.
- There are unique factors attached to this application and the location of the tenant. The current sign has limited visibility from certain areas; the tenant is located on a corner, and a second sign located on the south façade would be consistent with other corner tenants in the shopping center.
- He was not sure if 26 inches would look too small for the façade or if 34.5 inches would be more appropriate.
- He is in agreement with approving a second sign for the south façade and restricting its size to 26 inches if commissioners agree.

Henry stated:

- He thought a second sign located on the south façade was needed. He drives by often on I-394 and only notices the Staples sign.
- He agrees that the corner business needs a sign on the large, blank south side wall.
- He supports being consistent, and the sign plan should allow any future business at that location to have a second sign on the south façade as approved for the current applicant if the same amount of square footage is maintained.
- If the building would be divided up further, then that would require a new sign plan amendment. The sign should be specific to the size of the tenant space.

Maxwell was curious what commissioners would think about Michaels and The Boulevard applying to have signs on the south façade. Hanson would not support that since it would not be their wall. Henry would like more opportunities to delve into what-if scenarios. Raines clarified that Michaels and The Boulevard would not be allowed to have a sign beyond their leased spaces.

Chair Sewall stated:

- Sign plans and ordinances matter to keep the city looking attractive. Some cities have so many signs that it looks cluttered and less-than-appealing.
- He did not think wayfinding is needed as much for a bank where a patron would be more likely to plan a visit to a specific one rather than stop on

impulse. The request is motivated by branding and marketing, which is reasonable.

- He understood the ineffectiveness of signs located in windows.
- This proposal would not cause a precedent.
- An amendment to the sign plan is allowed when conditions change. He agrees that things have changed since 1996.
- This is a unique situation and a reasonable request.
- Allowing a second sign on the south façade no taller than 26 inches in height would be the best compromise.

Henry suggested approving the sign plan amendment to allow a sign on the south façade with a height no taller than 26 inches.

Hanson and Powers support tying the sign plan amendment to Fidelity Investments tenancy in the space. A new tenant would be subject to the former sign plan.

***Hanson moved, second by Powers, to adopt a resolution approving a sign plan amendment to the West Ridge Market Sign Plan to allow a second wall sign on the south façade with a height no taller than 26 inches on the corner tenant of Building B, at 11500 Wayzata Blvd. for Fidelity Investments only.***

***Banks, Hanson, Henry, Maxwell, Powers, and Sewall, voted yes. Waterman was absent. Motion carried.***

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

**B. Concept plan review for Saville West, located at the southeast corner of Co. Rd. 101 and Excelsior Blvd.**

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

Thomas reported. Staff recommends commissioners provide feedback on the key topics identified by staff and any other land-use-related items commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

Curt Fretham, with Lakewest Development, applicant, stated that:

- Lakewest Development has done many in-fill housing projects in Minnetonka.
- He gave a presentation that included photos of the existing properties and an aerial view of the proposed site.
- There are two busy roads adjacent to the properties. The corners of the intersection have a daycare, a 100-unit senior housing building, a library,

and an office building. The site is the only corner zoned and guided for R-1.

- It is hard to be incentivized to make improvements to a single-family house located on a busy road.
- The concept plan would be a low-intensity use. The concept plan has 20 units which would be less than 12 units per acre.
- The condo flats would be suited to empty nesters with one or two bedrooms which would keep the amount of traffic generated by the redevelopment down. The proposal is being responsive to the neighbors' request to keep the amount of traffic down.
- He provided photos of an office building Lakewest Development revitalized.
- The concept plan aligns with the city's goals listed in the 2040 comprehensive guide plan. The proposal would strengthen the neighborhood, provide two affordable housing units and provide a rare housing product that is lacking in Minnetonka.
- The new building would require a front setback variance from 50 ft. to 35 ft. to provide a better layout. The variance would not be needed if the parking lot were located between the street and the building, but it looks better from the street to have the building between the street and the parking lot.
- There would be four single-family houses on the south end of the site. A street frontage variance would be required to provide a better layout and allow the houses to fit in better with the topography and trees. The variance could be avoided.
- A public street could be constructed.
- He provided a rendering of the proposed building.
- He provided photos of houses redeveloped by Lakewest Development.
- He recalled a lot of opposition expressed during the application and review process for the North Memorial Medical Clinic on Hwy. 7 due to a concern for an increase in traffic and the removal of existing houses. Neighbors are now benefitting from the redevelopment of the properties.
- The plan has been thought through and would meet stormwater management and tree protection requirements.
- At the neighborhood meeting, neighbors expressed concern about an increase in traffic caused by the redevelopment of the properties.

In response to Hanson's question, Mr. Fretham stated that the proposed condominium flats would be a unique housing product for Minnetonka. Hanson likes the concept plan. He likes the parking lot located on the east side, and the aesthetic appeal is great. The design is unique compared to other villa-style houses. He likes each house having a private drive from Tracy Lynn Terrace. The villas accessing Excelsior Blvd. make sense.

In response to Henry's question, Mr. Fretham answered that Lakewest Development did not move forward with a proposal to change the site's zoning to R-1a in 2015 in order to

come up with a plan for the north corner so that buyers of the proposed houses would know what would be happening with the north corner before purchasing a residence. The builder also learned of difficulties that prevented the project from working economically. R-1a zoning would need more than seven residences to make the project economically feasible.

Henry likes the concept plan's architecture and agrees that the housing type is needed.

Henry agreed that the view of the building would look better than a parking lot from Co. Rd. 101. He asked if it would be possible to remove all external parking stalls and have all underground parking. Mr. Fretham explained that the site's topography might prevent that from happening. There is a wetland east of the parking lot, so no neighbors would be impacted by vehicle lights.

Henry stated that the proposal would be a decent use of the property, but the parking lot would detract from the residential look.

In response to Powers' question, Mr. Fretham stated that the proposed villas would not be taller than 35 feet. Powers likes the design and access to Spring Lane and Excelsior Blvd.

Banks confirmed with Mr. Fretham that the affordable units would be located in the condominium building and would be identical to the rest of the units. A building with 100 units would be able to provide more affordable units.

Maxwell asked if he had looked into the design of the proposed single-family residences. Mr. Fretham stated that an architect has not yet taken a close look at the houses.

Henry recommended that solar panels and sustainable features be incorporated into the project. Mr. Fretham supports solar use but has not yet looked into if it would be viable.

Powers likes the proposed style of the villas and opposes a flat roof.

In response to Chair Sewall's question, Mr. Fretham answered that the applicant is fairly confident that the tree protection ordinance requirements would be met. The properties are counted as one development.

The public hearing was opened.

Chanthol Sok, 5400 Tracy Lynn Terrace, stated that:

- He supports the single-family houses but opposes changing the zoning to allow more density because of the traffic on Co. Rd. 101 and Excelsior Blvd. between 7 a.m. and 8 a.m. and 2 p.m. and 3 p.m., created by the nearby high school and elementary schools. Traffic is already really bad.



- He did not know if adding 20 condominiums would add value to the neighborhood.
- The condominiums would create a lot of traffic. He would like a traffic study completed.

Sergejs Rogozins, 5336 Co. Rd. 101, stated that:

- He walks his dog every day in the area.
- He opposes changing the zoning from low density to high density.
- He was concerned with an increase in traffic.
- A lot of kids run around outside.
- His biggest concern is the impact on trees and wildlife.
- He would like more residential in that area.
- The condominiums look great, but he would rather see more houses.
- He questioned how long construction would take.
- Not much maintenance has been done on the four houses being rented now. He does not like the current appearance of them.

No additional testimony was submitted, and the hearing was closed.

Mr. Fretham speculated that the condominium building with an underground garage would take approximately 12 to 18 months to be constructed. The houses on Tracy Lynn Terrace could begin construction right away and take approximately one year to be completed.

Hanson stated:

- He appreciates the presentation. He likes the aesthetics of the building. The renderings of the building are very helpful.
- This is one of the more appealing multi-family buildings he has seen in a long time. It presents a true lifestyle and blends in with the neighborhood.
- He likes the current positioning of the condominium building to hide the view of the parking lot from Co. Rd. 101 since there would be a wetland and no neighbors living adjacent to the other side of the parking lot.
- He wants to make sure that the setback would be appropriate next to a busy road.
- He is comfortable with the proposed rezoning.
- The concept plan would meet the city's affordable housing requirements.

Maxwell stated that:

- She agrees with Hanson. She appreciates that the existing houses being rented would be remodeled to allow a lower price point which is a rare housing type in Minnetonka.

- She favors moving the condominium building near the wetland so a resident could enjoy a balcony overlooking the wetland instead of overlooking the parking lot.
- She loves the aesthetics of the building. She is sick of the rectangular, flat roofs for multi-family residential buildings.
- She likes the inclusion of single-family residences to provide a transition to the adjacent properties on the south.
- The condominiums are a reasonable use for the property located at a busy intersection.

Powers stated that:

- He thought single-family residences would do well anywhere in Minnetonka.
- He likes the overall layout of the concept plan.
- There is a lot of traffic generated by the neighboring schools, which may cause trouble at the intersection of 20 units.
- There is a lot to be enjoyed about the proposed development.
- He thinks the applicant is onto something. He was not sure why the applicant would want to do condominiums instead of apartments.
- He felt it would be reasonable for the neighbors to know how long it would take to complete construction.

Banks stated that:

- He appreciated the presentation.
- The concept plan is different, refreshing and the condominium building looks gorgeous.
- He appreciates the neighbors' concerns.
- He thought 12 to 14 units would fit better at the location. He drives through the area quite a bit. He always sees kids walking on roads that have no sidewalks.
- He supports three-bedroom units for families instead of another place for empty nesters.
- He suggested building the two new houses at a lower market-rate price point of \$400,000 to \$600,000.

Henry stated:

- R-4 zoning would make sense, provide empty-nester housing at the busy intersection and provide a different type of housing stock.
- He can imagine grandparents watching their grandkids before and after school.
- He saw a compelling reason to change the zoning to R-4 for the location of the proposed condominium building but did not see as much of a

compelling reason to change the zoning for the property with the single-family residences. He was unsure about that.

- He encourages the neighbors and the developer to be as communicative with each other as possible.
- He likes the layout of the site plan. It would not be quite as good if the building were turned 90 degrees.
- He would like the above-ground parking removed or reduced as much as possible.
- Twenty units would have a pretty good mass and fit into the neighborhood.
- He likes the trail connections idea. Dog paths are fine.
- He suggested showcasing more of the woods and wetland.
- He appreciates the affordable housing requirement being met.
- He encouraged as much screening to be done as possible on the Co. Rd. 101 side and on the south side between the single-family houses.
- He encouraged the developer to continue working on the proposal.

Chair Sewall stated:

- He would not support a rezoning of the site to a PUD since there would be no public good above meeting the city's affordable housing requirement.
- He thought a traffic study would be needed because of the location, which already has a high level of traffic, not because the proposal would create enough traffic to trigger the need for a traffic study.
- The parking lot seems big for 20 units. He did not think the need for external parking would be that great.
- He likes the building location parallel to Co. Rd. 101 but could go either way with keeping it there or moving it closer to the wetland and locating the parking lot along the road.
- He likes the proposed street access. Shrubs and trees should be utilized to screen headlights.
- He likes the building style.
- Three houses sharing one driveway would not work. A street would need to be created to service the houses.
- He likes the houses providing a buffer to properties on the south.

Chair Sewall thanked the residents for sharing their thoughts. This item is scheduled to be reviewed by the city council at its meeting on Dec. 19, 2022.

## 9. Other Business

### A. Housekeeping Ordinance 2022

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

Thomas reported. She recommended approval of the application based on the findings listed in the staff report.

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

***Powers moved, second by Maxwell, to review and provide feedback to the housekeeping ordinance amending various sections of Chapter 3, Zoning Regulations, of the Minnetonka City Code.***

***Banks, Hanson, Henry, Maxwell, Powers, and Sewall, voted yes. Waterman was absent. Motion carried.***

**10. Adjournment**

***Banks moved, second by Henry, to adjourn the meeting at 9:45 p.m. Motion was carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 8**

Public Hearing: Non-Consent Agenda

**MINNETONKA PLANNING COMMISSION**  
**Dec. 15, 2022**

**Brief Description** Resolution amending and replacing the existing conditional use permit for the cemetery use of the properties at 3300 and 3228 Woodlawn Avenue.

**Recommendation** Recommend the city council approve the request.

**Background**

In 2008, the city approved a conditional use permit for cemetery use of the existing properties at 3300 and 3228 Woodlawn Avenue. The conditional use permit was intended to: (1) bring the existing cemetery, which was established in the late 1880s, into conformance with the zoning ordinance; and (2) to allow for expansion of this cemetery use onto the neighboring property to the north, which was then occupied by a single-family home. The conditional use permit was approved with several conditions, including:

“Plots must be sold and developed sequentially from south to north. An entire east-west row of plat must be sold before moving northerly to the next row of plots”.

In December 2010, the city council considered a request by the Groveland Cemetery Association to amend the sequential sale of plots conditions to allow increased flexibility in the south half of the 3228 Woodland Avenue property. Ultimately, the request was tabled, and the staff was directed to meet with the Cemetery Association and interested neighbors to determine if a reasonable compromise could be reached. A plan reasonable and acceptable to all parties was developed after several meetings were held.

In February 2011, the city council approved Res. 2011-009 with the following conditions:

- 1) The south four rows of cemetery graves sites will be made available for sale from 2011 through the year 2026. Lots will only be sold in the southern two rows until a landscaped buffer is planted in row 45.
- 2) A new row of lots will be made available for sale every five years based on the following schedule:
  - Row 45 – 2026
  - Row 28 – 2031
  - Row 27 – 2036
  - Row 10 – 2041
  - Row 9 – 2046

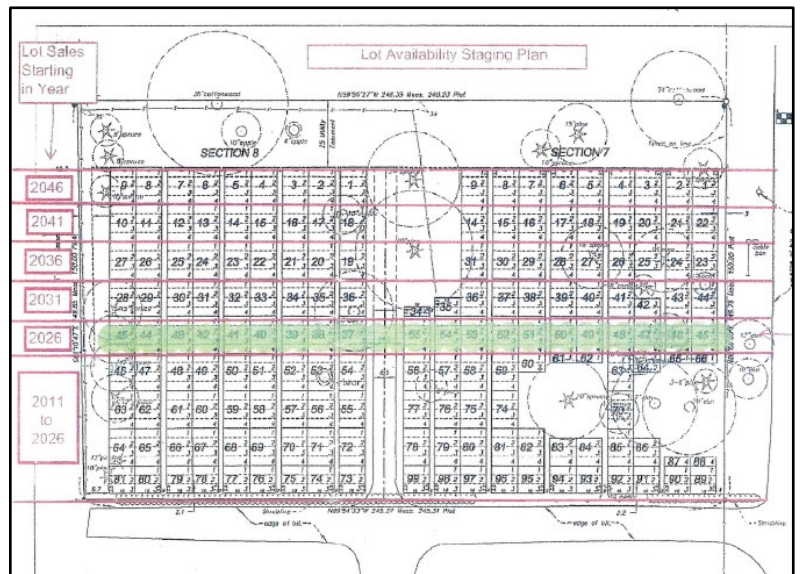


Figure 1: Current Staging Plan for 3228 Woodlawn property

- 3) A row of landscape plantings or a fence will be placed in row 45. The landscaping material will be determined after consultation with natural resources staff for site suitability while achieving desired screening qualities. When lots in row 45 become available for sale in 2026, landscaping or fencing may be removed as needed. Landscaping that dies would be replaced with material of a reasonable size to achieve screening.

The approval was based on the following findings:

- 1) Cemeteries are conditionally-permitted uses in residential areas. In so designating cemeteries, the zoning ordinance grants that cemetery uses are not incompatible with residences.
- 2) The staging plan provides a reasonable and orderly use of the cemetery that balances the expectations of the neighborhood.
- 3) Additional landscaping within the cemetery will provide screening from residential properties promoting the compatibility of these adjacent uses.
- 4) The ordinance does not contain any physical restriction on the use of cemetery property for cemetery purposes.

**Proposal**

The Groveland Cemetery Association has noted a gradual increase in the rate of sales, and the rate of burials is higher than originally anticipated. It's anticipated that the area available until 2026 will be exhausted in 2023.

The association is now requesting plots in two blocks be released in 2023 and 2028, shown in Figure 2 and the following table:

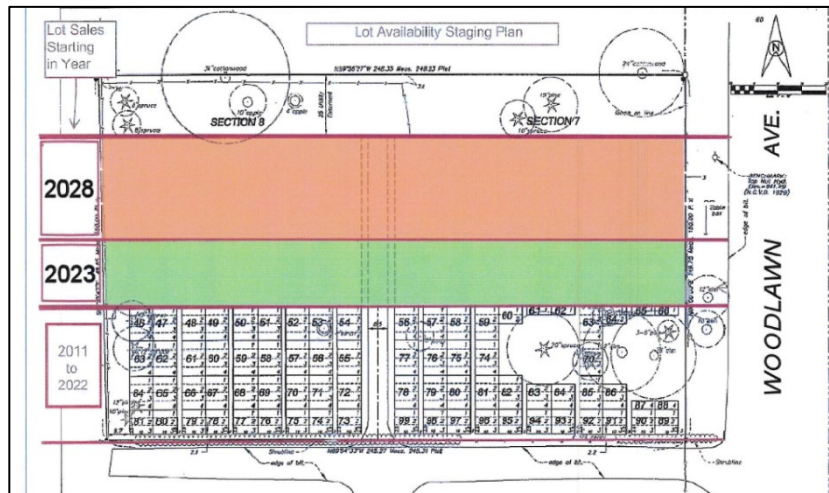


Figure 2: Proposed Plan

Year to release	Row	Section
2023	Row 45	Section 7, Lots 45 – 55 Section 8, Lots 37 – 45
	Row 28	Section 7, Lots 34 – 44 Section 8, Lots 28 – 36
2028	Row 27	Section 7, Lots 23 – 31 Section 8, Lots 19 – 27
	Row 10	Section 7, Lots 14 – 22 Section 8, Lots 10 – 18
	Row 9	Section 7, Lots 1 – 9



		Section 8, Lots 1 – 9
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The change requires an amendment to the existing conditional use permit.

### **Neighborhood Meeting**

On Wednesday, Nov. 30, 2022, Groveland Elementary and Groveland Cemetery held a joint open house meeting for their respective projects. Five cemetery board members and nine area residents attended the meeting. Relative to the cemetery's project, residents:

- Discussed screening opportunities and placement.
- Confirmed that no trees are proposed to be removed other than the existing buffer, which was intended to be removed in 2026.
- Noted concerns regarding property values in the neighborhoods.
- Discussed headstone heights.

### **Staff Analysis**

Staff continues to find that the cemetery use and plot release plan is appropriate:

- 1) Cemeteries are conditionally-permitted uses in residential areas.
- 2) The amended staging plan would continue to provide a reasonable and orderly use of the cemetery.
- 3) The cemetery association is working with the adjacent property owner to increase screening opportunities.

### **Staff Recommendation**

Recommend that the city council adopt the attached resolution. This resolution amends and replaces Resolution No. 2011-009 and previously amended Resolution No. 2008-062 for a cemetery use of the existing properties at 3300 and 3228 Woodlawn Avenue.

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

### Supporting Information

#### Surrounding Land Uses

Northerly: Single-family residential, zoned R-1, guided low density residential.  
Easterly: Gro Tonka, park, zoned R-1, guided parks  
Southerly: Groveland Pond, Zoned PUD, medium density Residential  
Westerly: Groveland Elementary, zoned R-1, guided institutional

#### Planning

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

#### CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and
4. The use does not have an undue adverse impact on public health, safety, or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 3(j):

1. Minimum lot size of five acres;

**Finding:** Groveland Cemetery was established in the 1880s and operated as a nonconforming use until 2008, when the city council approved a conditional use permit. The combined area is 3.89 acres. The council authorized the cemetery use of the property.

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

**Finding:** Minnetonka Blvd is classified as an A Minor Expander.

3. Direct views from all adjoining residential parcels shall be buffered by appropriate means; and

**Finding:** The 2008 approval required a landscape buffer to be planted in the utility easement between the cemetery and the property at 3216 Woodlawn Avenue. The 2011 approval included

a condition for a landscape row to be planted in Row 45. This landscape row would be removed in 2026, when the row would be released. The cemetery association has agreed to work with the property owner of 3216 Woodlawn Avenue to provide additional opportunities for screening.

4. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

**Finding:** The approval complies with the site and building plan standards as outlined below.

### **SBP Standards**

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

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

**Finding:** The project and use have been reviewed by the city's planning, building, engineering, natural resources, fire, and public works staff. Staff finds it to be generally consistent with the city's development guides.

2. Consistency with this ordinance;

**Finding:** The city approved a conditional use permit for the cemetery use of the properties.

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 proposal would change the dates on which the lots would be released but would not change the use of the property.

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 proposal would not change the relationship between the site features and existing and future buildings. The proposal would ultimately change the timeline.

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 proposal would not change the internal sense of order, amount of open space and landscaping, and circulation patterns of the site.

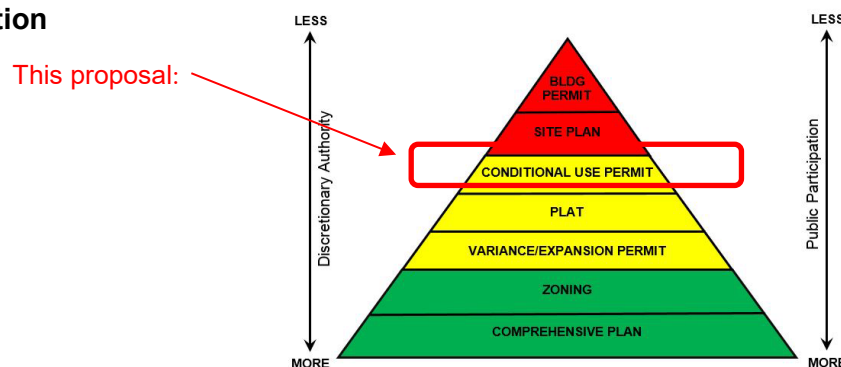
- 6. Promotion of energy conservation through design, location, orientation, and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

**Finding:** The proposal would not change the use or design of the property but rather change the timeline in which the previous approval is released.

- 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 proposal would not change the use or design of the site.

### Pyramid of Discretion



### 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.

**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 resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. 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 92 area property owners and received no comments.

**Deadline for  
Decision**

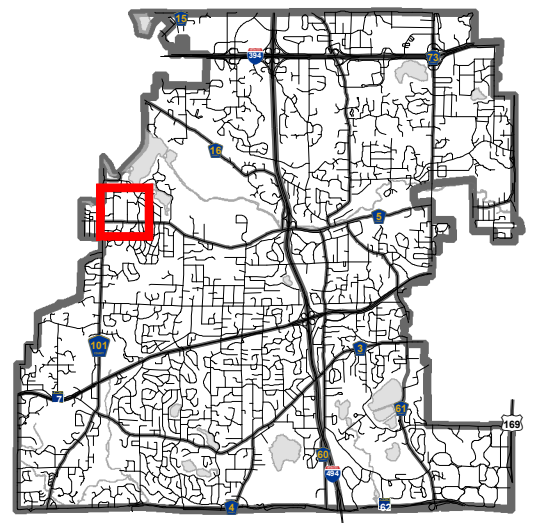
March 7, 2023





### Location Map

Project: Groveland Cemetery  
Address: 3228 & 3300 Woodlawn Ave





# *Groveland Cemetery Association*

3300 Woodlawn Avenue  
Wayzata, Minnesota 55391-2821  
Email: [info@grovelandcemetery.org](mailto:info@grovelandcemetery.org)  
Phone: 952-847-0011



November 4, 2022

To: City of Minnetonka – Planning Department  
Minnetonka, MN

Attn: Ashley Cauley, Senior Planner

Re: Groveland Cemetery – Conditional Use Permit

Dear Ms. Cauley,

Groveland Cemetery Association is submitting this Conditional Use Permit Application, in order to request a modification to the existing use timelines in our current CUP as described in the Minnetonka Resolution 2011-009 and the Exhibit A site map from that resolution.

The affected area is contained within PID 1711722240012, with the legal description: Lots 17, 18 and 19, Block 9, Thorpe Brothers Groveland Shores, Hennepin County, MN

Groveland has followed the existing timeline in the 2011-009 Resolution and there have been no sales or burials outside of the permitted area.

Our proposed modifications to 2011-009 Exhibit A, reflect that Groveland Cemetery has seen a gradual increase in the rate of sales and burials that are higher than anticipated by the historical data which was used in the initial application in 2008 and updated in 2011. We will exhaust available space in the current area permitted sometime in 2023. For flexibility, our request reflects modification to the map timeline to show two blocks



of space that would be used beginning in 2023 and 2028. This would replace the current five year blocks.

The proposed map is based on the 2011-009 Resolution map. It is color overlaid with the new timeline requested by this CUP Application. We have specifically left the plot details out of the color-coded areas as shifts from full burials to cremation will influence the actual plot layouts within each of the colored timeline areas.

Thank you for accepting our Conditional Use Application

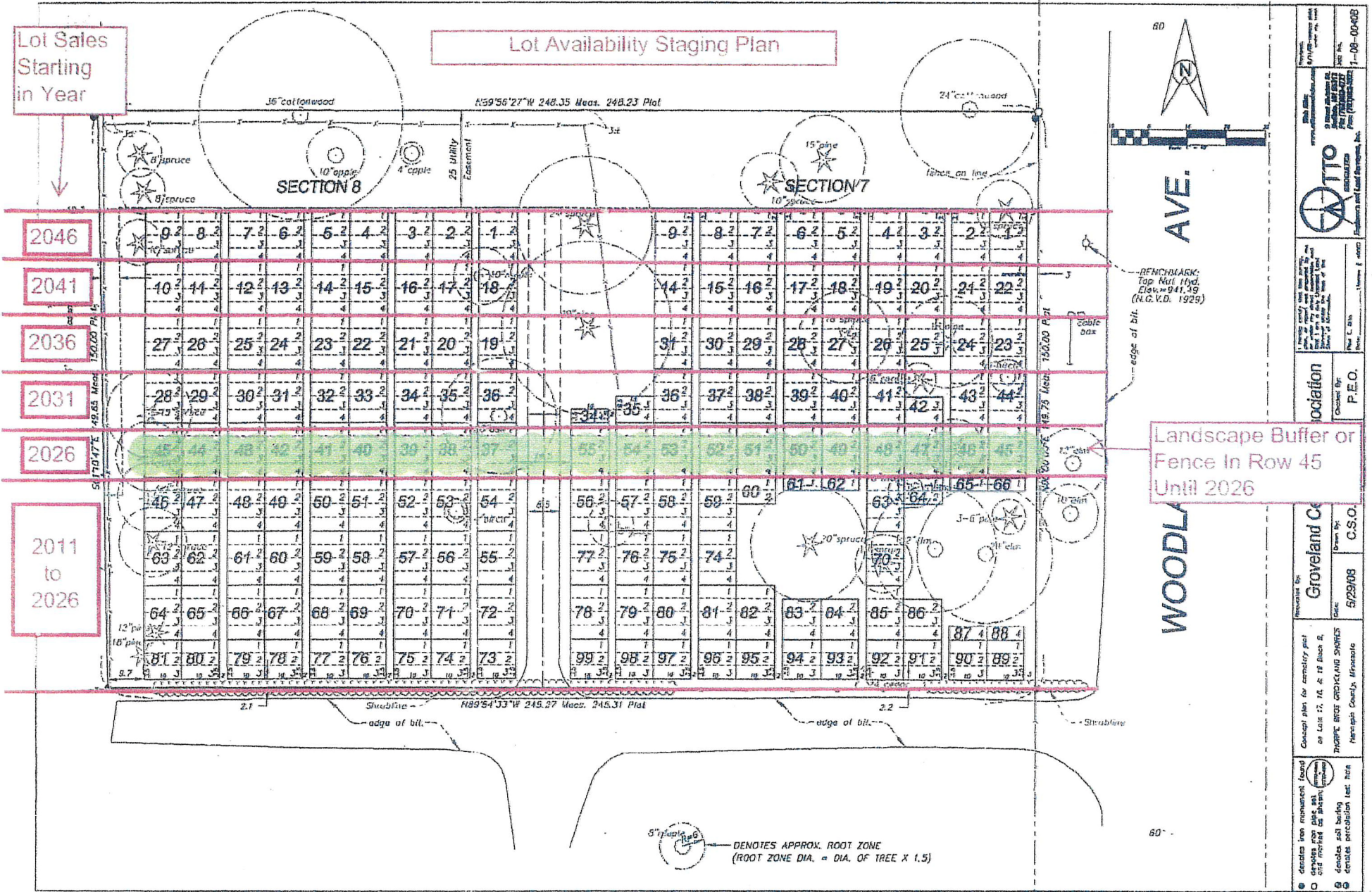
Sincerely,

A handwritten signature in blue ink that reads "Jeff Walton". The signature is fluid and cursive, with a long horizontal flourish extending to the left.

Jeff Walton  
Vice President  
Groveland Cemetery Association

Attachment: Conditional Use Permit Application  
Proposed Timeline Map

# EXHIBIT A - Current



Prepared by: <b>ATTO</b> Planning and Land Services, Inc. 11-06-00-008
Association: <b>Groveland C.</b> C.S.O.
Prepared for: <b>Groveland C.</b> 5/23/08
Consultant: <b>P.E.O.</b>



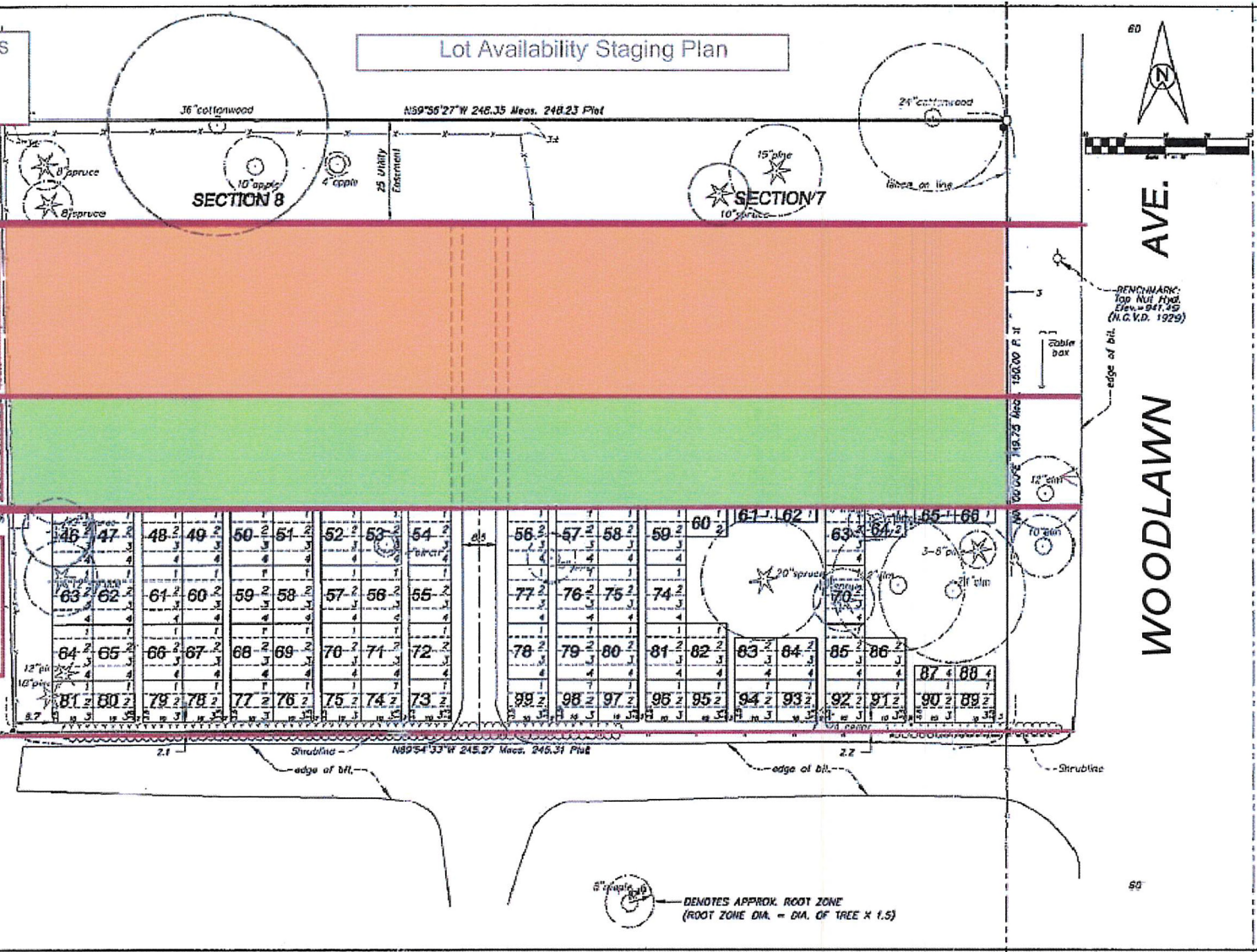
Lot Sales Starting in Year

Lot Availability Staging Plan

2028

2023

2011 to 2022



Groveland Cemetery  
 3300 AND 3228 WOODLAWN AVE.  
 5/28/08  
 C.S.O.  
 P.E.O.  
 1-88-00408

GROVELAND CEMETERY  
3300 AND 3228 WOODLAWN AVE

## **Resolution No. 2023-**

### **Resolution amending and replacing Resolution No. 2011-009, and Resolution No. 2008-062, for cemetery use of the existing properties at 3300 and 3228 Woodlawn Avenue**

---

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

Section 1. Background.

1.01 In June 2008, the city council approved Resolution No. 2008-062, approving a conditional use permit for the cemetery use of the properties at 3300 and 3228 Woodlawn Avenue. This approval included the following condition:

Plots must be sold and developed sequentially from south to north. An entire east-west row of plots must be sold before moving northerly to the next row of plots.

1.02 In February 2011, the city council approved Resolution No. 2011-009. This resolution amended and replaced Resolution No. 2008-062. The 2008 condition was amended to include the following conditions:

1. The south four rows of cemetery grave sites will be made available for sale from 2011 through the year 2026 (Section 7, Lots 56-99; Section 8, Lots 46-81). Lots will only be sold in the southern two rows until a landscape buffer is planted in row 45.
2. A new row of lots will be made available for sale every five years based on the following schedule:
  - Row 45 – 2026 (Section 7, Lots 45-55; Section 8, Lots 37-45)
  - Row 28 – 2031 (Section 7, Lots 34-44; Section 8, Lots 28-36)
  - Row 27 – 2036 (Section 7, Lots 23-31; Section 8, Lots 19-27)
  - Row 10 – 2041 (Section 7, Lots 14-22; Section 8, Lots 10-18)
  - Row 9 – 2046 (Section 7, Lots 1-9; Section 8, Lots 1-9)
3. A row of landscape plantings or a fence will be placed within row 45. The landscape material will be determined after consultation with natural resources staff for site suitability while achieving desired screening

qualities. When lots in row 45 become available for sale in 2026, landscaping or fencing may be removed as needed. Landscaping that dies would be replaced with material of a reasonable size to achieve screening.

1.03 The Groveland Cemetery Association has requested that these conditions be amended as follows and depicted on Exhibit A of this resolution.

<b>Year to release</b>	<b>Row</b>	<b>Section</b>
2023	Row 45	Section 7, Lots 45 – 55 Section 8, Lots 37 – 45
	Row 28	Section 7, Lots 34 – 44 Section 8, Lots 28 – 36
2028	Row 27	Section 7, Lots 23 – 31 Section 8, Lots 19 – 27
	Row 10	Section 7, Lots 14 – 22 Section 8, Lots 10 – 18
	Row 9	Section 7, Lots 1 – 9 Section 8, Lots 1 – 9

1.04 The properties are located at 3300 and 3228 Woodlawn Avenue. The properties are legally described as:

Lot 20 to 26, Block 9 THORPE BROS GROVELAND SHORES and the East 33 feet of Lot 21 and the East 33 feet of the South 62 9/10 feet of Lot 20 HERZOG DEEPHAVEN ACRES also that part of the West 10 rods of the Southeast ¼ of the Northwest ¼ Section 17 Township 117 Range 22 lying South of Lot 24, Block 9 THORPE BROS GROVELAND SHORES.

And

Lots 17, 18 & 19, Block 9, THORPE BROS GROVELAND SHORES, Hennepin County, Minnesota

1.05 On Dec. 15, 2022, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 In adopting Res. 2008-062, the city council found that the cemetery use of the existing property was reasonable. Those findings are incorporated here by reference and were reaffirmed by Res. 2011-009.

2.02 The requested amendment to Resolution 2011-009 is reasonable as:

1. Cemeteries are conditionally-permitted uses in residential areas.
2. The amended staging plan would continue to provide a reasonable and orderly use of the cemetery.
3. The cemetery association is working with the adjacent property owner to increase screening opportunities.

Section 3. City Council Action.

3.01 Resolution 2011-009 is hereby amended and replaced by this resolution and is subject to the following conditions:

1. This resolution must be recorded with Hennepin County.
2. The site must be developed and maintained in substantial conformance with Exhibit A and as identified below:

<b>Year to release</b>	<b>Row</b>	<b>Section</b>
2023	Row 45	Section 7, Lots 45 – 55 Section 8, Lots 37 – 45
	Row 28	Section 7, Lots 34 – 44 Section 8, Lots 28 – 36
2028	Row 27	Section 7, Lots 23 – 31 Section 8, Lots 19 – 27
	Row 10	Section 7, Lots 14 – 22 Section 8, Lots 10 – 18
	Row 9	Section 7, Lots 1 – 9 Section 8, Lots 1 – 9

3. Groveland Cemetery Association or any subsequent property owner is responsible for the replacement of any required planting that does not survive. Required landscaping is identified on the approved landscape plan received Sept. 15, 2007, and attached as Exhibit B.
4. No plots or roadway connections are allowed within the existing Metropolitan Council sanitary sewer easement.
5. The sanitary sewer easement must be physically demarcated to ensure no future encroachment occurs within the easement other than approved landscaping.
6. The city council may reasonably add or revise conditions to address any future unforeseen problems.
7. Any change to the approved use that results in a significant increase in a significant change in character, including an increase in traffic, would

require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Jan. 9, 2023.

---

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.

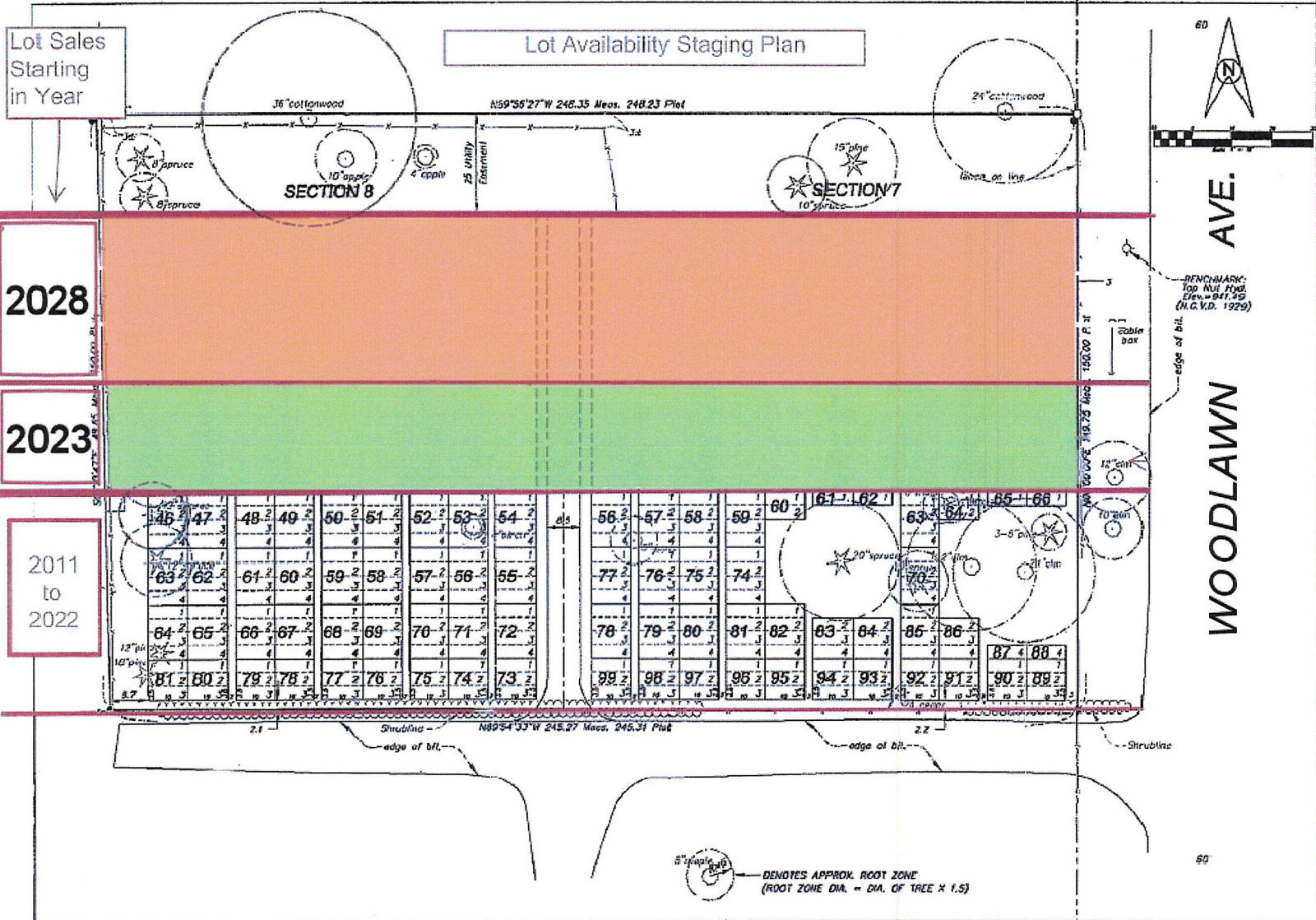
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Jan. 9, 2023.

---

Becky Koosman, City Clerk



**Exhibit A**



Made with  
 AutoCAD  
 12/17/2008  
 User: J. L. ...  
 Job No.  
 Project No. 1-08-00408

**TTO**  
 THE TOWN OF ...  
 ...  
 ...

Checked by: P.E.O.  
 Drawn by: C.S.O.  
 Date: 5/28/08

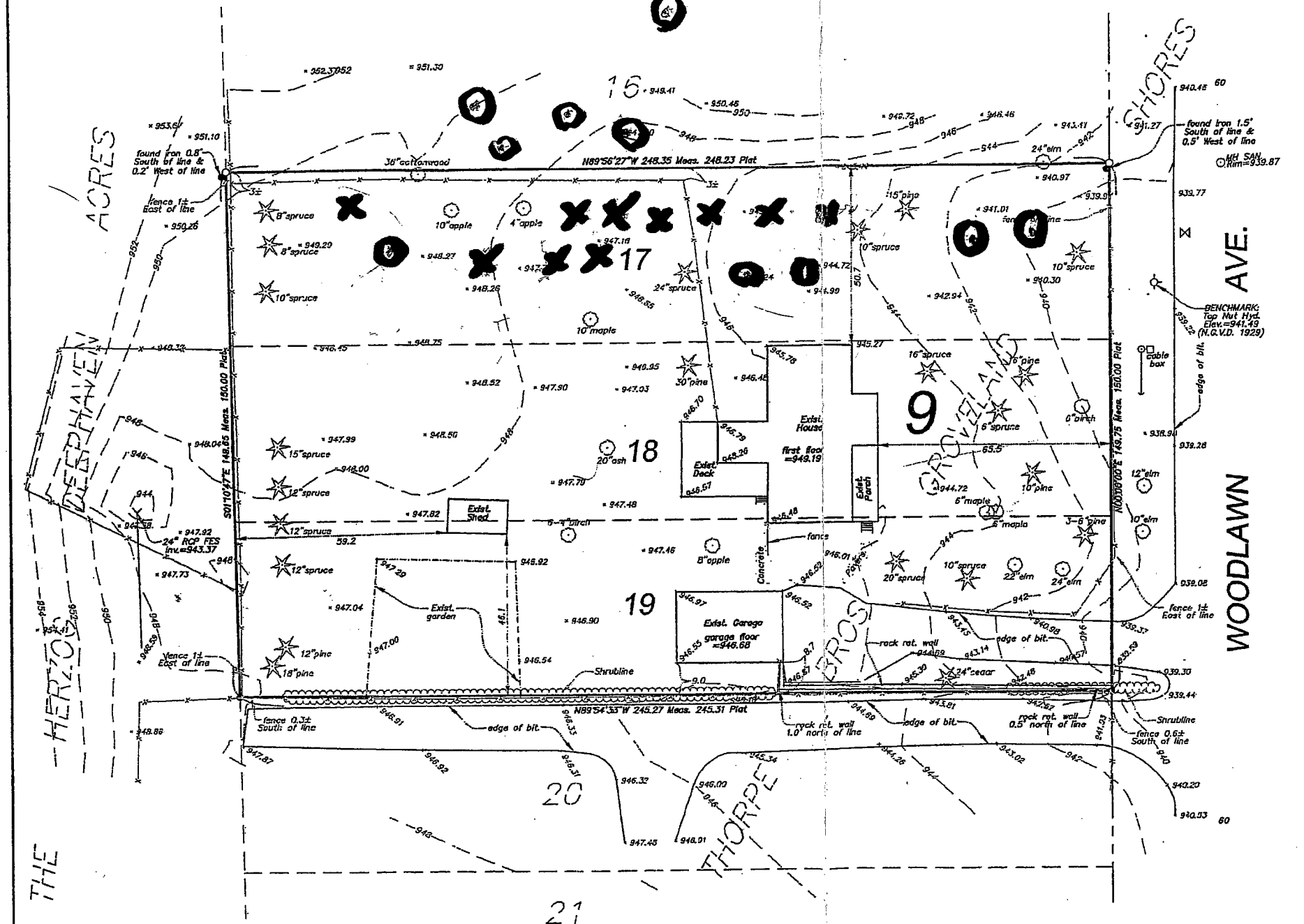
Concept plan for cemetery plot  
 44 lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44

GROVELAND CEMETERY  
 3300 AND 3228 WOODLAWN AVE.

GROVELAND CEMETERY  
3300 AND 3228 WOODLAWN AVE

# Certificate & Topographic Survey

RECEIVED  
SEP 15 2008  
CITY OF MINNETONKA



AREA = 36942.41 S.F.

- LEGEND**
- denotes fence
  - M denotes gate valve
  - ⊕ denotes hydrant
  - denotes shrubline
  - denotes existing contour
  - \*1021.8 denotes existing spot elevation
  - denotes culvert
  - ⊙ denotes power pole
  - ⊙ denotes tree
  - denotes guy wire

**O = Black Hills Spruce**  
**X = White Pine**

RECEIVED  
MAR 19 2008  
CITY OF MINNETONKA

PROPERTY DESCRIPTION:  
Lots 17, 18, and 19, Block 9, THORPE BROS GROVELAND  
SHORES, Hennepin County, Minnesota, according to the record plat thereof.

<ul style="list-style-type: none"> <li>● denotes iron monument found</li> <li>○ denotes iron pipe set and marked as shown: (OTTO-14343) (OTTO-40062)</li> <li>⊙ denotes soil boring</li> <li>⊙ denotes percolation test hole</li> </ul>	Certificate & Topographic Survey on Lots 17, 18, & 19 Block 9, THORPE BROS GROVELAND SHORES Hennepin County, Minnesota	Requested By: <b>Groveland Cemetery Association</b>				I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  Paul E. Otto Date: 3-6-08 License # 40062	Web Site: www.ottoassociates.com  9 West Division St. Buffalo, MN 55313 Ph: (763)682-4727 Fax: (763)682-3522	Revised:
		Date: 2/29/08	Drawn By: M.L.H.	Scale: 1" = 20'	Checked By: P.E.O.			Job No. 1-08-0040

**OTTO ASSOCIATES**  
Engineers and Land Surveyors, Inc.

**GROVELAND CEMETERY**  
**3300 & 3228 WOODLAWN AVE**  
**#08014.08a**