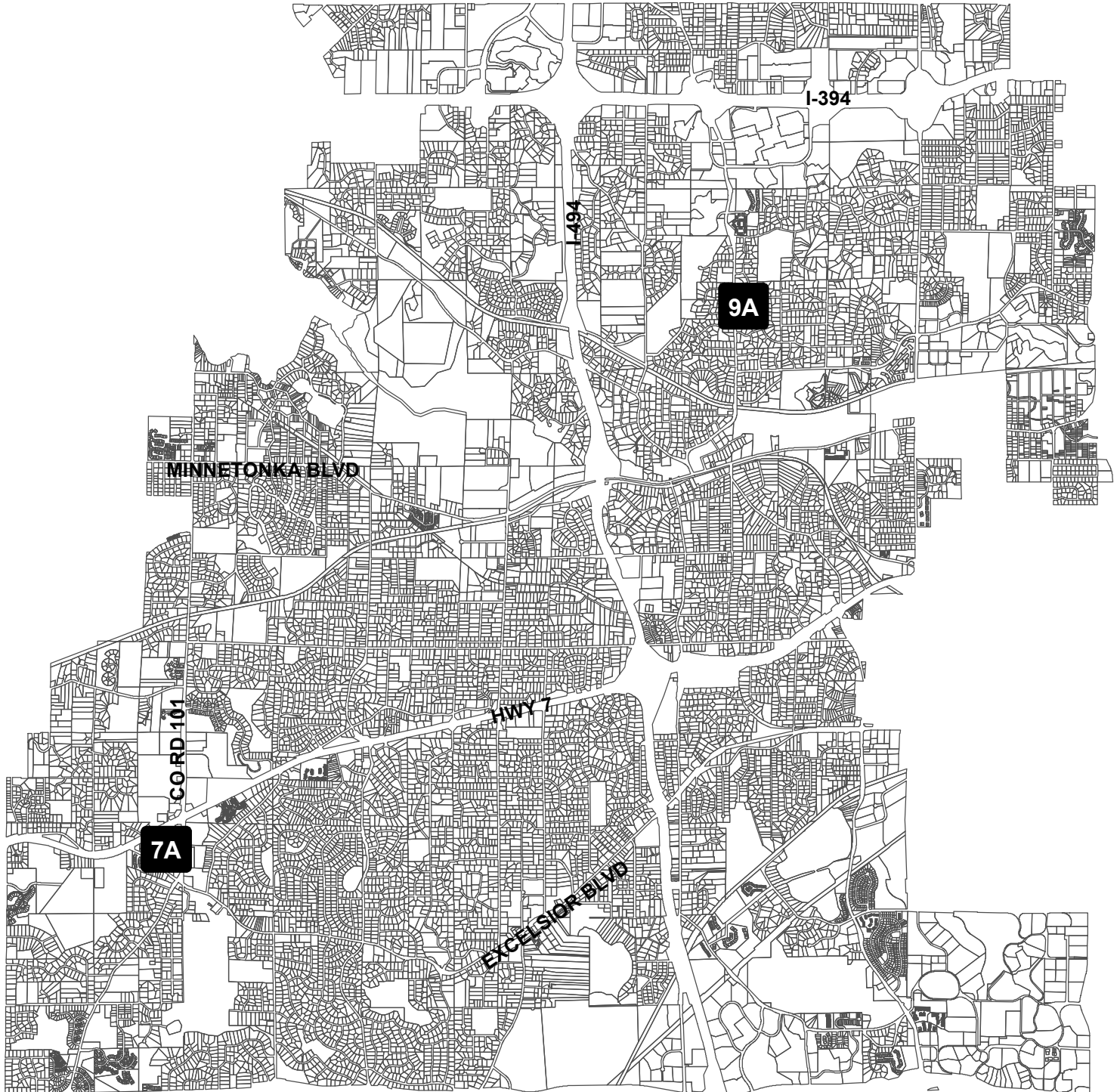




CITY OF
MINNETONKA

MINNETONKA PLANNING COMMISSION MARCH 2, 2023

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





CITY OF
MINNETONKA

Planning Commission Agenda
March 2, 2023
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:** Feb. 2, 2023
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda:**
 - A. Conditional use permit for medical use of the existing building at 17809 Hutchins Drive.
Recommendation: Recommend the city council adopt the resolution (4 votes).
 - Recommendation to City Council (March 6, 2023)
 - Project Planner: Bria Raines
- 8. Public Hearings: Non-Consent Agenda Items – None**
- 9. Other Business**
 - A. Concept plan review for the Dudycha Properties at 2611 and 2615 Plymouth Road
Recommendation: Provide feedback; no formal action.
 - To City Council (March 27, 2023)
 - Project Planner: Susan Thomas
- 10. Elections**
 - Election of Planning Commission Chair
 - Election of Planning Commission Vice Chair
 - Nomination of Sustainability Commission liaison
- 11. Planning Commission Bylaws and Policies**
- 12. 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. There following applications are tentatively schedule for the March 16, 2023 agenda.

Project Description	Greystar Development, multiple applications
Project Location	10701 Bren Road E
Assigned Staff	Ashley Cauley
Ward Councilmember	Brian Kirk, Ward 1

Project Description	Dave's Hot Chicken, CUP
Project Location	1805 Plymouth Rd
Assigned Staff	TBD
Ward Councilmember	Rebecca Schack, Ward 2

**Unapproved
Minnetonka Planning Commission
Minutes**

Feb. 2, 2023

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Planner Bria Raines.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Jan. 19, 2023

Waterman moved, second by Powers, to approve the Jan. 19, 2023 meeting minutes as submitted.

Maxwell, Powers, Waterman, Banks, Hanson, and Sewall voted yes. Henry 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 Jan. 30, 2023:

- Adopted a resolution approving a conditional use permit and site plan review with a variance and expansion permit for a drop-off and pick-up loop at Groveland Elementary at 17310 Minnetonka Blvd.
- Introduced an ordinance and referred it to the planning commission for items concerning Greystar at 10701 Bren Road East.
- Reviewed the concept plan for Marsh Run II at 11816 Wayzata Blvd.
- Reviewed a concept plan for Ridgewood Road Villas located at 18116 Ridgewood Road.

Minnetonka held its first Contractor's Expo earlier today to provide educational presentations and materials to help contractors and homeowners with all aspects of the building-permit-review process.

The next planning commission meeting is scheduled to be held on Feb. 16, 2023.

6. Report from Planning Commission Members

Powers attended the Minnetonka Contractor's Expo and found it very informative. He hopes it will be held every year. One visual aid showed how water runoff impacts the earth. The event was very well done.

7. Public Hearings: Consent Agenda

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

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

A. Conditional use permit for a 2,100-square-foot detached-accessory structure at 14730 Stone Road.

Recommend that the city council adopt the resolution approving a conditional use permit for a 2,100-square-foot-detached-accessory structure at 14730 Stone Road.

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

8. Public Hearings

A. Parking Ordinance

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

Thomas and Raines reported. Staff recommends approval of the application based on the findings listed in the staff report.

Hanson was concerned that fewer parking stalls for an apartment building might decrease its affordability by an additional charge being added for a resident to utilize a parking space. He would appreciate staff researching the possibility of that unintended consequence. Thomas noted that there is a correlation between requiring an apartment building to have a higher number of parking stalls and an increase in rent. Staff will research how a decrease in the number of available "free parking stalls" may impact affordable housing goals.

Hanson felt that a community that provides free parking has a competitive advantage over one that does not. He finds it easier to frequent establishments in Hopkins because it has ample free parking.

Banks noted that most of the requests for parking variances he has seen as a planning commissioner had been submitted by businesses. He asked what prompted the change to parking requirements for apartments. Thomas explained that no apartment building had been required to adhere to the two-parking-stalls-per-unit-ordinance requirement in

the last six years due to the city's ordinance requiring more parking than the standards set by the Institute of Transportation Engineers (ITE).

Gordon noted that Applewood Pointe might meet the parking ordinance requirements because it provides more surface parking.

Chair Sewall noted that the proposal is being made to fix an issue with the ordinance repeatedly not matching the requirements of the ITE.

Thomas noted that the proposal meets two of three conditions that may indicate that it is time to change an ordinance: to match a change to state or federal law, if a city is constantly issuing the same variance, or if the ordinance is older than the staff members enforcing it.

Raines continued with the staff report.

Waterman confirmed with Raines and Thomas that the requirement for visitor parking to be easily accessible did stem from observing that visitors do not utilize the underground visitor parking stalls provided at the Birke.

Chair Sewall noted that underground visitor parking might not be intuitive but thought a large "visitor parking" directional sign may be helpful.

Powers did not think visitors would drive underground to park.

Thomas and Raines continued with the staff report.

Chair Sewall confirmed with staff that multi-family residences that receive city funds would be required to provide electric-vehicle-charging stations. Hanson and Chair Sewall agreed that the vehicle market would create the need for electric-vehicle-charging stations.

Maxwell supports the requirement to provide a bike-parking area but was concerned about the safety of some of the locations which may not be safe to travel to by bicycle.

Powers felt that the requirement should not apply to locations that would not be safe to travel to by bicycle.

Thomas noted that the uniqueness of a property could justify a variance to the requirement if, for example, the only road access to the site is Hwy. 7.

In response to Hanson's question, Thomas explained that safety features such as lighting for parking areas are regulated by the building code. A city staff member has recently received training on crime prevention through site design and reviews permits for items such as lighting and landscaping relative to safety.

Raines continued the staff report.

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

Powers suggested including apartment-building tenants in the parking survey as well as the property owners.

Hanson was comfortable with staff providing additional information to the city council prior to their meeting regarding the items commissioners discussed. He agreed that surveying renters for input on parking would be beneficial.

Banks moved, second by Waterman, to recommend that the city council adopt the ordinance amending city code 300.28, subdivision 12, regarding parking and loading requirements and adding a new section 315.

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

This item is tentatively scheduled to be reviewed by the city council on Feb. 27, 2023.

Chair Sewall appreciated the staff's work on this.

9. Adjournment

Waterman moved, second by Maxwell, to adjourn the meeting at 7:18 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
March 2, 2023

Brief Description	Conditional use permit for a medical clinic at 17809 Hutchins Drive
Recommendation	Recommend the city council adopt the resolution approving the proposal.

Background

The 1.22-acre property at 17809 Hutchins Drive is improved with a 9,300-square-foot building. The city council approved site and building plans for the office building and a conditional use permit for a bank facility in 1979. The tenants within the building converted to medical uses over time. It's unclear how all the medical uses came to be within the building, but the uses seem to predate the conditional use section of the zoning code. This means that the uses would have nonconforming status with continuous business operations.

In 1995, a building permit was approved for a dialysis facility, and another in 2011 for a dentist's office. In 2011, the dental office occupied what is now Dentistry by Design and proposed Anchored Orthodontics tenant spaces. In 2014, a building permit was approved to dissect this space into two offices, thus creating a total of three tenant spaces within the building. The third tenant space was then occupied by Basile Orthodontics until Dec. 2021; the tenant space has since been vacant for over 12 months.



Per State Statute and City Code, the nonconforming status of the third tenant space was forfeited when the medical use was discontinued for over 12 months. The use of the third tenant space must conform to the city code with either a permitted use or by applying for a special use permit. By City Code, an orthodontic clinic requires a conditional use permit (CUP) in the B-1 Office Business zoning district.¹

¹ MS §394.36, Subd. 1 – A nonconforming use existing at the time of the adoption of this state statute may continue unless the nonconformity is discontinued for a period of more than one year; the use must then be conforming.

City Code Chapter 3, Section 300.29, Subd. 3(b) – No nonconforming use may be resumed if normal operation of the use has been discontinued, or if a nonconforming building has been removed and not replaced, for a period over 12 months.

Proposal

The applicant, MSP Hutchins LLC, proposes that Anchored Orthodontics occupy the third tenant space at 17809 Hutchins Drive. The proposed use is consistent with the previous use in this tenant space; however, the use requires a conditional use permit since the previous nonconforming use was discontinued. Anchored Orthodontics would have approximately four employees and operate Monday to Friday from 8:00 am to 5:00 pm. The proposed use would be in addition to the two other medical use tenants; Dentistry by Design and DaVita Dialysis.

Staff Analysis

A land use proposal is comprised of many details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the medical use and the staff's findings.

- **Is the proposed use appropriate for the site?**

Yes. The property is zoned B-1 for business office uses, and the existing building contains medical uses. This zoning district does allow medical clinics as conditionally-permitted use.

- **Can the required parking be accommodated on-site?**

Yes. For multi-tenant or multi-use buildings, the city's parking ordinance calculates minimum parking requirements based on the individual uses within the building. By ordinance, the applicant's proposal, and existing uses, would require a minimum of 43 stalls. The proposed parking ordinance would require 24 stalls.

Currently, there are a total of 52 stalls. The site would meet the requirements of the existing and proposed parking ordinances.

	Square footage	Current Ordinance		Proposed Ordinance	
		Requirement	Required stalls	Requirement	Required stalls
Davita Dialysis	2,838 sf	1 per 175 sf with a minimum of 20 spaces	16 stalls	3 per 1,000 sf, with a minimum of 5 required stalls	9 stalls
Dentistry by Design	2,822 sf		16 stalls		9 stalls
Anchored Orthodontics	1,880 sf		11 stalls		6 stalls
Totals			<i>43 stalls</i>		<i>24 stalls</i>

In recent years, the city has received complaints about traffic and inadequate parking. These complaints were specifically related to a pediatric clinic east of the subject property and traffic and parking associated with Minnetonka High School. The subject property has adequate parking for on-site uses, and only one of the three tenants opens at the same time as school begins (See table below).

Tenants	Use	Employees	Hours of Operation
DaVita Dialysis	Kidney Dialysis	6	MWF 6:00 am – 7:00 pm
Dentistry by Design	General Dentistry	8	M-Th 9:00 am – 6:00 pm
Anchored Orthodontics	Orthodontic Care	4	M-F 8:00 am – 5:00 pm

Staff does not anticipate a subsequent increase in traffic from the orthodontic clinic, as, prior to Dec. 2021, a medical use existed in this tenant space for at least ten years in city records.

- **Would the proposed use have a negative impact on the surrounding neighborhood?**

No. Staff closely evaluated how the available parking could impact the surrounding neighborhood and tenants at this site. Staff calculated the highest amount of required parking possible for each tenant at the site. The available parking at the subject property is adequate to accommodate the three medical uses. Although the area does have traffic and parking issues, staff does not anticipate the proposed use would result in an increase in either. Prior to the discontinued use in Dec. 2019, an orthodontic use has existed at this site without parking complaints. This proposal would reestablish orthodontic use via a conditional use permit.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for Anchored Orthodontics at 17809 Hutchins Drive.

Originator: Bria Raines, Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

Northerly: Zoned B-1 Office Business and B-3 General Business
Easterly: Zoned B-1 Office Business
Southerly: Zoned B-1 Office Business,
Westerly: Zoned PUD for High-Density Residential

Planning

Guide Plan designation: Mixed Use
Existing Zoning: B-1, Office Business

B-1 Zoning Standards

By City Code §300.17 Subd. 2, outlines that a conditional use permit is required for a medical clinic in the B-1 district.

City Code §300.17 Subd. 6 outlines the following additional standards for uses in the B-2 district:

1. All developments shall be subject to site and building plan review pursuant to section 300.27 of this ordinance.

Finding: The existing site and structure will not be altered. A site and building plan review is not required for a change in use.

2. All developments shall comply with the wetlands, floodplain, and shoreland regulations contained in sections 300.23, 300.24, or 300.25 of this ordinance.

Finding: The existing site complies with wetland, floodplain, and shoreland regulations.

3. Parking shall be regulated pursuant to section 300.28 of this ordinance.

Finding: The site will meet the parking ordinance. The site will have a surplus of available parking.

4. All developments shall comply with the city's water resources management plan.

Finding: The site meets the city's water resources management plan.

5. Signs shall be regulated pursuant to section 325 of the code of city ordinances.

Finding: The existing signage at the property is not in compliance. The property is permitted two wall signs. In 2014, the property was approved for one new wall sign, which would have totaled two wall signs at the property. However, additional unpermitted wall signage was installed prior to ownership by MSP

Hutchins LLC. The applicant has been made aware that the signage is not in compliance and that when new signage is applied for, the third sign must be removed to meet the city code allowance of two wall signs.

This condition is included in the resolution.

CUP Standards

By City Code §300.21 Subd. 2, medical clinics in the B-1 district are subject to the following general conditional use standards. The proposal would meet these standards.

- a) The use is consistent with the intent of this ordinance;

Finding: The proposed use meets the intent of the ordinance.

- b) The use is consistent with the goals, policies, and objectives of the comprehensive plan;

Finding: The proposed use meets the comprehensive plan.

- c) The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements;

Finding: The use is not anticipated to cause an adverse impact on governmental facilities, utilities, services, or existing or proposed improvements.

- d) The use is consistent with the city's water resources management plan;

Finding: The use meets the city's water resources management plan.

- e) The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and

Finding: The site meets the parking ordinance. The site exceeds the number of required parking stalls.

- f) The use does not have an undue adverse impact on public health, safety, or welfare.

Finding: The use is not anticipated to cause an adverse impact on public health, safety, or welfare.

By City Code §300.21 Subd. 3(e), medical clinics in the B-1 district are subject to the following additional conditional use permit standards.

1. Shall not be adjacent to low-density residential areas;

Finding: The subject property is not adjacent to a low-density residential area. The proposal meets this standard.

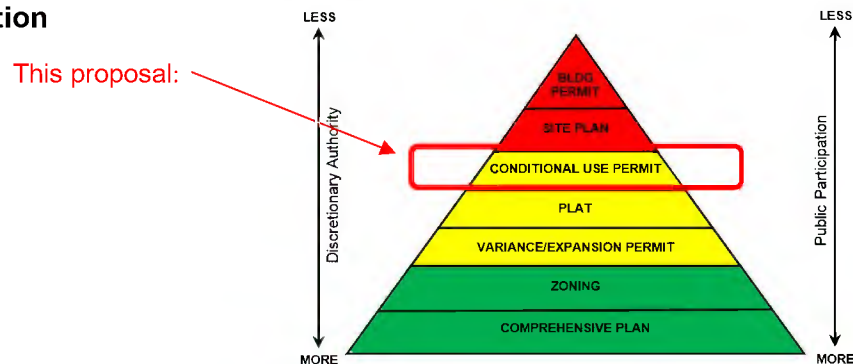
2. Site shall have direct access to a collector or arterial street as defined in the comprehensive plan; and

Finding: The subject property is accessed via County Road 101 to Hutchins Drive. The existing site meets this standard.

3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.

Finding: The subject property has two existing accesses. The east access is not adjacent to or across from any residential use. The existing site meets this standard.

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.

Neighborhood Comments

The city sent notices to 56 area property owners and received no comments.

Commission Action

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.

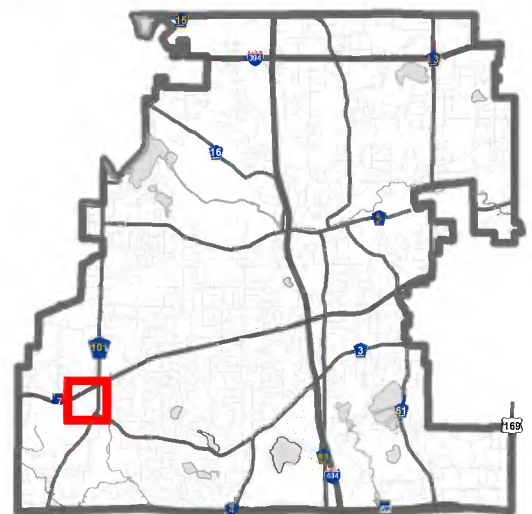
**Deadline for
Decision**

June 3, 2023



Location Map

Project: MSP Hutchins LLC
Address: 17809 Hutchins Dr



**Attachment to Conditional Use Permit Application
17809 Hutchins Drive
Written Statement from MSP Hutchins LLC**

MSP Hutchins LLC purchased 17809 Hutchins Drive in January 2020 as a three-tenant medical office building. The tenants in occupancy at the time of purchase were DaVita Dialysis, Dentistry By Design and Basile Orthodontics.

During our due diligence process for purchasing the building, we received a *Land Use and Zoning Confirmation* letter from the City of Minnetonka that provided assurance to MSP Hutchins LLC that all existing uses in occupancy were conforming to the City zoning ordinance, and title insurance was subsequently placed when the decision was made to close on the building purchase. From past records we researched, it appears that medical use began at the property in the late 1980's.

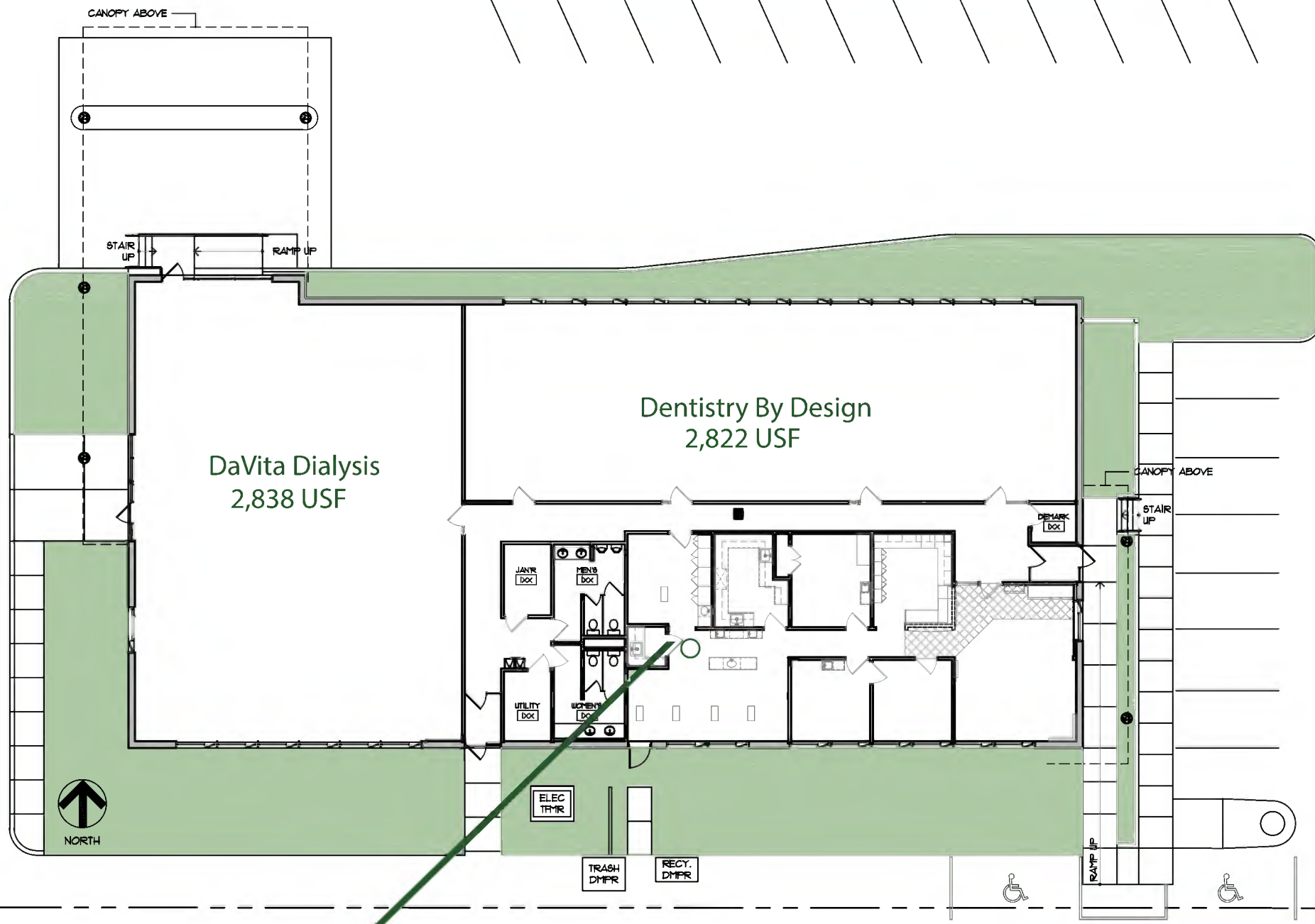
Basile Orthodontics made the business decision to consolidate their operations to south-Metro locations and subsequently vacated the building in September 2021. In the summer of 2022, we began lease negotiations with Anchored Orthodontics to lease the 1,880 usable square foot suite previously occupied by Basile Orthodontics. A formal lease was signed in November 2022 and construction plans were submitted for approval in December 2022. It has now been brought to the attention of MSP Hutchins LLC by City Staff that a Conditional Use Permit is required for the building before the construction permit for Anchored Orthodontics may be approved, and that part of the reason is due to the passage of time between Basile Orthodontics vacating the property and Anchored Orthodontics applying for a construction permit.

MSP Hutchins LLC respectfully requests that a Conditional Use Permit be granted for the property, and given the history of granted medical uses at the property, we respectfully request that the construction permit for Anchored Orthodontics be granted during the week of February 6-10 so there will not be any material delay in the tenant's previously set construction and business opening schedule. The surprise of having to go through the CUP application process will have a significant impact on the tenant's ability to open before the end of the school year in order to capture their proforma share of new business at a critical time of year. Dr. Molly McMahon and her husband Kevin live in Minnetonka and they have a very detailed marketing plan that incorporates establishing deep connections with the Minnetonka community to help grow their new business and care for area residents.

This Conditional Use Permit application ties to City code Section 300.17 B-1 Office Business District, 4-e relating to permitted conditional use as a hospital and medical clinic.

<u>Tenants</u>	<u>Use</u>	<u># of Staff</u>	<u>Hours of Operation</u>
DaVita Dialysis	Kidney Dialysis	6	MWF 6:00 a.m. – 7:00 p.m.
Dentistry By Design	General Dentistry	8	M-Th 9:00 a.m. – 6:00 p.m.
Anchored Orthodontics	Orthodontic Care	4	M-F 8:00 a.m. – 5:00 p.m.

Tenants	Use	# of Staff	Hours of Operation
DaVita Dialysis	Kidney Dialysis	6	MWF 6:00 a.m. – 7:00 p.m.
Dentistry By Design	General Dentistry	8	M-Th 9:00 a.m. – 6:00 p.m.
Anchored Orthodontics	Orthodontic Care	4	M-F 8:00 a.m. – 5:00 p.m.



Required Stalls: 43
Available stalls: 52



17809 Hutchins Drive
 Minnetonka, MN 55345
 Grade Level

ANCHORED ORTHODONTICS

MINNETONKA, MN



903 N Third St # 139
Minnetonka, MN 55341
www.foundationarch.com
612.343.5630

PERMIT SET
12/22/2022

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Minnesota.

Robert A. Shaffer
Robert A. Shaffer
Date: 12/22/2022 Reg. No. 1881

ANCHORED ORTHODONTICS
33000 AUTCHENHOF DRIVE
MINNETONKA, MN 55345

DOB: HOLLY MCKONAH

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GENERAL INFORMATION

Date: 12/22/2022
Project Number: 22-28

G001

CODE ANALYSIS

PROJECT DESCRIPTION: REMODEL OF EXISTING DENTAL TENANT SPACE FOR A NEW DENTAL OFFICE.
CODES:
200 MINNESOTA BUILDING CODE
200 MINNESOTA ELEVATOR CODE
200 MINNESOTA MECHANICAL AND FUEL GAS CODE
200 MINNESOTA PLUMBING CODE
200 MINNESOTA FIRE CODE
200 MINNESOTA ELECTRICAL CODE
200 MINNESOTA NATIONAL ELECTRICAL CODE
MNFPA MINNETONKA LOCAL JURISDICTIONS

BUILDING INFORMATION:
BUILDING TYPE: EXISTING
TENANT AREA: 1800 SF
FLOOR AREA: 2000 SF
ELEVATOR: NONE
SPRINKLERED: TO BE COMPLETED

OPTIMAL PROVISIONS OF MINN. BUILDING CODE ADOPTED BY THE MUNICIPALITY OR MINN. FIRE CODE PROVISIONS ADOPTED BY THE MUNICIPALITY:
GROUP 1: 200 BUILDING, AUTOMATIC SPRINKLER PROTECTION FOR 200 BUILDINGS, MUST BE PROVIDED AND MAINTAINED UNDER PERMANENT CONDITIONS AT THE TIME OF OCCUPANCY. PROTECTION SHALL BE MAINTAINED UPON OCCUPANCY THROUGH THE FULL SERVICE LIFE OF THE OCCUPANCY. QUALIFICATION FOR ESTABLISHMENT IN PERMITTED USES ARE ITEMS A TO S. THESE CODES DO NOT APPLY TO 200 USES.

MEET 200.0 OCCUPANCY CLASSIFICATIONS:
BUSINESS
STORAGE ACCESSORY OCCUPANCY

MEET 200.0.100 PROVISIONS:
PROVISIONS OF THE BUILDING CODE SHALL BE PROVIDED FOR THIS USE UNLESS THE PROVISION IS EXCEPTED BY THE MUNICIPAL SITE PLAN (FOR PROPOSED LOCATIONS)

MEET 200.0.100.1 ALARMS:
GROUP 1: AUTOMATIC FIRE DETECTORS ARE NOT REQUIRED & NOT PROVIDED.
FIRE EXTINGUISHING SYSTEM IS NOT REQUIRED & NOT PROVIDED.

MEET 200.0.100.2.100.1 TABLE 200.0.100.2.100.1 FLOOR LABEL ALLOWANCES:
BUSINESS: 100 OCCUPANTS
STORAGE: 100 OCCUPANTS
TOTAL: 200 OCCUPANTS

MEET 200.0.100.2.100.2 FLOOR LABEL ALLOWANCES:
TOTAL: 200 OCCUPANTS

MEET 200.0.100.2.100.3 FLOOR LABEL ALLOWANCES:
TOTAL: 200 OCCUPANTS

MEET 200.0.100.2.100.4 FLOOR LABEL ALLOWANCES:
TOTAL: 200 OCCUPANTS

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TOTAL: 200 OCCUPANTS

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TOTAL: 200 OCCUPANTS

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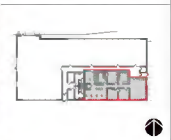
LOCATION MAP



VICINITY MAP



KEY PLAN



30 VIEW
G001 NTS - FOR REFERENCE ONLY



1 FLOOR PLAN - LESS SAFETY
G001 NTS - FOR REFERENCE ONLY

SHEET SCHEDULE

NUMBER	TITLE	DATE	REVISION
001	GENERAL INFORMATION		
002	EXISTING FLOOR PLAN/LOCATION		
003	DOOR PLAN		
004	REFLECTED CEILING PLAN		
005	CEILING PLAN		
006	MECHANICAL PLAN		
007	ELECTRICAL PLAN		
008	PLUMBING PLAN		
009	MECHANICAL PLAN		
010	MECHANICAL PLAN		
011	MECHANICAL PLAN		
012	MECHANICAL PLAN		
013	MECHANICAL PLAN		
014	MECHANICAL PLAN		
015	MECHANICAL PLAN		
016	MECHANICAL PLAN		
017	MECHANICAL PLAN		
018	MECHANICAL PLAN		
019	MECHANICAL PLAN		
020	MECHANICAL PLAN		

WALL RATING SYMBOLS

	EXISTING ASSEMBLY
	NEW PARTIAL ASSEMBLY

LIFE SAFETY KEY

	EXIT	EXIT ACCESS
	EXIT	EXIT ACCESS
	EXIT	ACCESSIBLE EXIT

PROJECT DIRECTORY

ARCHITECT	FOUNDATION ARCHITECTS
CONTRACTOR	MINNETONKA CONSTRUCTION
OWNER	ANCHORED ORTHODONTICS

Resolution No. 2023-

Resolution approving a conditional use permit for a medical clinic at 17809 Hutchins Drive

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

Section 1. Background.

1.01 The subject property is located at 17809 Hutchins Drive, within the B-1 Office Business zoning district. It is legally described as:

Reg. Land Survey No. 0117, Hennepin County, Minnesota.

1.02 MSP Hutchins LLC has requested a conditional use permit to operate medical clinics on the property. The subject property would contain three separate medical clinics.

1.03 On March 2, 2023, 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 proposal.

Section 2. Standards.

2.01 City Code §300.17 Subd. 2 outlines that a conditional use permit is required for a medical clinic in the B-1 district.

2.02 By City Code 300.21 Subd. 2 outlines the general conditional use standards for a medical clinic in the B-1 district.

- a) The use is consistent with the intent of this ordinance;
- b) The use is consistent with the goals, policies, and objectives of the comprehensive plan;
- c) The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements;
- d) The use is consistent with the city's water resources management plan;

- e) The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
- f) The use does not have an undue adverse impact on public health, safety or welfare.

2.04 By City Code 300.21 Subd.3 outlines the additional conditional use standards for a medical clinic in the B-1 district.

- 1. Shall not be adjacent to low-density residential areas;
- 2. Site shall have direct access to a collector or arterial street as defined in the comprehensive plan; and
- 3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.

Section 3. Findings.

3.01 This resolution would provide the subject property with the conditional use permit necessary to meet City Code §300.17 Subd. 2.

3.02 The proposal would meet the general conditional use standards outlined in City Code §300.21 Subd. 2:

- 1. The proposed use meets the intent of the ordinance;
- 2. The proposed use meets the comprehensive plan;
- 3. The use is not anticipated to cause an adverse impact on governmental facilities, utilities, services, or existing or proposed improvements;
- 4. The use meets the city's water resources management plan;
- 5. The site meets the parking ordinance. The site exceeds the number of required parking stalls; and
- 6. The use is not anticipated to cause an adverse impact on public health, safety or welfare.

3.03 The proposal would meet the additional conditional use permit standards outlined in City Code 300.21 Subd. 3(e) for a medical use.

- 1. The subject property is not adjacent to a low-density residential area. The proposal meets this standard.
- 2. The subject property is accessed via County Road 101 to Hutchins Drive. The existing site meets this standard.

3. The subject property has two existing accesses. The east access is not adjacent to or across from any residential use. The existing site meets this standard. Further, the proposed orthodontics use is not anticipated to generate emergency vehicle traffic.

Section 4. City Council Action.

4.01 The city council approves the conditional use permit based on the above findings. Approval is subject to the following conditions:

1. This resolution must be recorded with Hennepin County prior to the issuance of a building permit.
2. Subject to staff approval, the property must be developed and maintained in substantial conformance with the submitted narrative and plans.
3. The applicant is responsible for obtaining all applicable state, county, and city licenses.
4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
5. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 6, 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 March 6, 2023.

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 9

Other Business

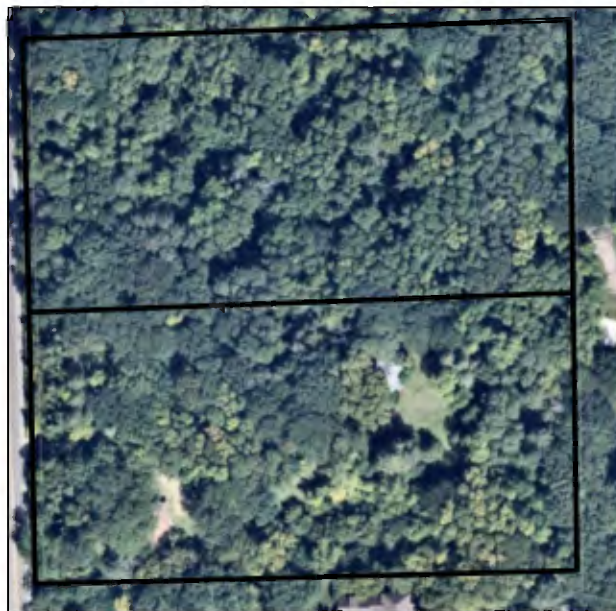
MINNETONKA PLANNING COMMISSION
March 2, 2023

Brief Description	Concept plan redevelopment of the properties at 2511 and 2516 Plymouth Road
Action Requested	Discuss the concept plan with the applicant. No formal action is required.

Concept Plan

Lake West Development Co. LLC has submitted a concept plan for the redevelopment of the two large properties at 2511 and 2516 Plymouth Road. The combined site is roughly 9.5 acres in size. It is heavily wooded and contains an oak woodland brushland-type woodland preservation area; portions of the wooded areas are also steeply-sloped. The site is zoned R-1 and has a corresponding low-density residential land use designation.

The concept plan suggests the combined site be divided into ten single-household lots. The lots would be accessed via a new, public cul-de-sac. A formal proposal resulting from the concept plan would likely include an application for a preliminary plat, with variances.



Review Process

The staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** A neighborhood meeting was held on Feb. 8, 2022. Five area residents were in attendance. They asked questions about the following:
 - ✓ Tree removal;

- ✓ Potential home builders and homeowners' association; and
- ✓ Screening from existing homes.

- **Planning Commission Concept Plan Review.** The purpose of the concept plan review is to allow commissioners to identify – for the developer and city staff – what they see as the positive components of a development concept and any issues or challenges they foresee. The concept plan review meeting will include a presentation by the developer of conceptual sketches and ideas but not detailed engineering or architectural drawings. No staff recommendations are provided, no motions are made, and no votes will be taken.

- **City Council Concept Plan Review.** The city council concept plan review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission concept plan review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to provide feedback without any formal motions or votes.

Identified Issues/Topics

City staff has identified the following issues/topics related to the concept plan:

- **Natural resources impact.** Lake West Development has indicated its intention to meet the provisions of the city's natural resource protection ordinances. Given the site's many trees and significant topography, city staff cannot determine compliance with these ordinances at the concept review stage; a full tree inventory and grading plans, submitted in conjunction with a formal application, would be necessary. Does the commission have comments on the natural resource impact?

- **Variations.** As drawn, the concept plan would not meet several zoning and subdivision ordinance requirements.¹ If a formal proposal were made based on the concept plan, the following variance may be necessary:
 - Right of way width variance, from 50 to 40 feet;
 - Lot width at frontage variance, from 80 feet to 0 feet (Lot 10);
 - Lot depth variance (Lot 8); and
 - Front yard setback variances (All lots).

Does the commission have any general comments on variances for the redevelopment of the site?

- **Other Considerations.** What other land use-related items would the commission like to comment on?

¹ These variances are based on a cursory review of the concept plan. The exact type and number of variances could only be determined after a review of engineered plans submitted in conjunction with a formal application.

Staff Recommendation

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

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

SUPPORTING INFORMATION

Background

In 2022, Rachel Development and Charles Cudd Co. submitted a concept plan to redevelop the combined site. That concept plan contemplated 18 single-family lots, a public road with access from Plymouth Road, two private common driveways serving four lots, and the preservation of 3.6 acres of woodland and natural topographic features. The previous concept and meeting minutes are attached to this report.

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.
- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.
- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.
- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.
- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.
- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



LOCATION MAP

Project: Dudcycha Properties
Location: 2511/2615 Plymouth Rd



LAKE WEST

DEVELOPMENT, LLC

January 30, 2023

Re: Narrative for 10-Lot Single Family Residential Concept at 2615/2511 Plymouth Road known as "Dudycha Property"

The objective of this project is to create a welcoming, residential neighborhood that fits within the neighboring community. The subject property known as "Dudycha" consists of two parcels: a southern, 4.74 acre lot and a northern, 4.77 acre lot. Our proposal combines the two lots to total a 9.51 acre site with 10 single family R-1 lots. There is a 1,000-foot cul-de-sac that connects the north parcel to the southern parcel.

There is a high concentration of existing trees on the property and steep slopes weaved throughout. These two elements and the County only allowing a single, northern access point to Plymouth Road have helped to create a dynamic and winding neighborhood that fits within the natural environment. There is a planned outlot on the Plymouth Road side that will allow a native trail path to connect to the public trail and wind through the site. This path is planned to use wood chips and will be field located as to not disturb any existing trees along the way.

The new neighborhood meets the 25% Woodland Preservation Disturbance requirement by only disturbing around 15% of this area. It meets the High Priority Tree removal threshold of 35% with only removing 31.6% of High Priority Trees that are not Ash trees. The layout meets the Significant Tree removals rate of 50% by only removing around 37.8% of Significant Trees after Ash trees are excluded.

The nonconforming elements of this concept are listed below:

- 1,000-foot cul-de-sac (City code allows for a 500-foot length).
- 20-foot front building setback (City code allows for a 35-foot front building setback from Local Streets).
- The planned ROW width is 40 feet and City code allows for a typical 50-foot ROW width.
- The public street is planned to be 26 feet in width.

These variances have allowed the design to create a one-of-a-kind neighborhood that contains winding roads that avoid steep slopes, closer house pads to the street, and saving more trees than allowed per code. This also provides the development with enough area for a native trail connection that runs through the project.

Sincerely,



Curt Fretham
CEO, Lake West Development

Office: (952) 930-3000
Cell: (612) 720-5690
Email: CurtF@LWestDev.com

Cc: Susan Thomas
Loren Gordon
Chad Feigum
Mike St. Martin

DUDYCHA PROPERTY

2511 & 2615 Plymouth Road
Minnetonka, MN 55305

LAKE WEST DEVELOPMENT, LLC

14525 Highway 7, Suite 265
Minnetonka, MN 55345

LOUCKS

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are instruments of the Consultant professional services for use solely with respect to this project. These CADD files shall not be used for other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS

PROFESSIONAL SIGNATURE

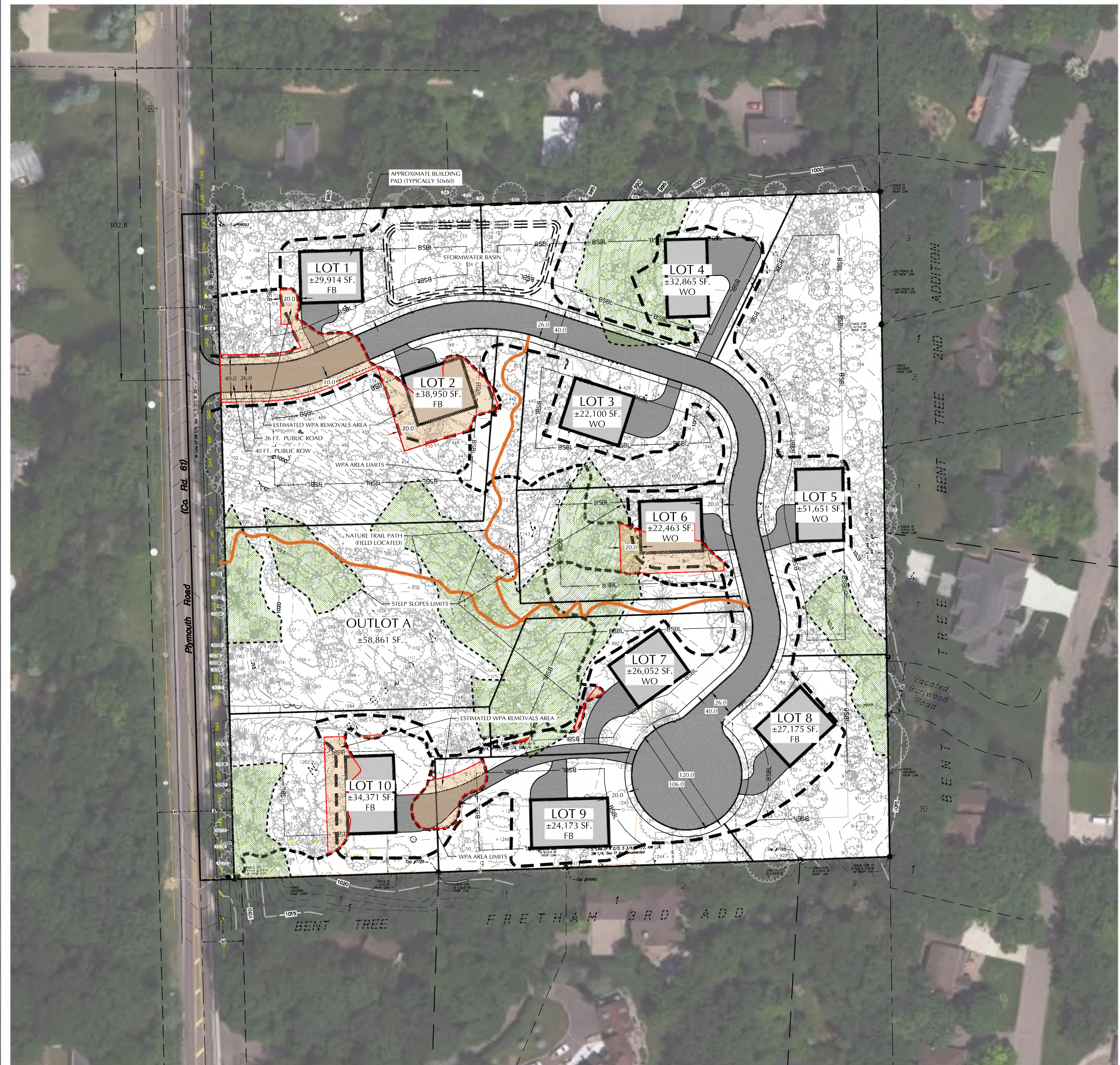
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.

Chad E. Feigum - LA 46508
Date

QUALITY CONTROL

Loucks Project No. 21509.0
Project Lead CEF
Drawn By CEF
Checked By TJG/CEF
Review Date

SHEET INDEX



SITE DATA:

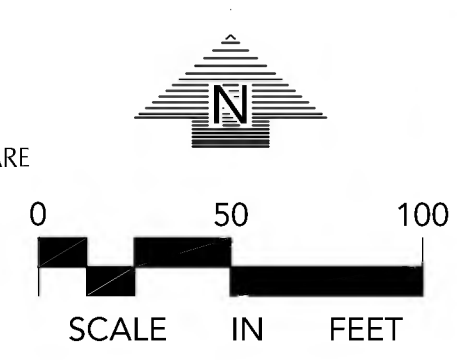
EXISTING ZONING:	R-1, LOW DENSITY RESIDENTIAL DISTRICT
2040 COMP PLAN:	LOW DENSITY RESIDENTIAL
PROPOSED ZONING:	R-1, LOW DENSITY RESIDENTIAL DISTRICT
LOT AREA MIN.:	22,000 SF.
LOT BUILDING AREA MIN.:	3,500 SF.
LOT WIDTH:	110 FEET @ SBK; 80 FEET @ ROW; 65 FEET @ CUL-DE-SAC
LOT DEPTH:	125 FEET
BUILDING HEIGHT - PRINCIPLE STRUCTURE:	35 FEET
WATERSHED DISTRICT:	MINNEHAHA CREEK WATERSHED DISTRICT
WETLAND:	NO-WETLAND DETERMINATION BY KJOLHAUG
BUILDING SETBACKS PER CODE -	
FRONT YARD:	
ROW & RAIL:	35 FEET (LOCAL & NEIGHBORHOOD COLLECTOR STREETS)
ROW:	50 FEET (MAJOR COLLECTOR & ARTERIAL ROADWAYS)
FRONT SETBACK ON PLAN:	20 FEET
SIDE YARD:	10 FEET MIN. (MUST COMBINE TO TOTAL 30 FEET.)
REAR YARD:	LESSER OF 40 FEET MIN. OR 20% OF LOT DEPTH
MIN. SETBACK ON LOTS-BEHIND-LOTS:	40 FEET OR 20% OF THE AVERAGE DISTANCE BETWEEN OPPOSITE LOT LINE, WHICHEVER IS LESS, BUT NOT LESS THAN 25 FEET.
STREET WIDTHS -	
LOCAL STREET:	50 TO 80 FEET
COLLECTOR STREET:	60 TO 100 FEET
TOTAL LENGTH:	500 FEET
CUL-DE-SAC STANDARDS -	
MIN. ROW DIAMETER:	100 FEET
MIN. PAVEMENT DIAMETER:	80 FEET
CUL-DE-SAC LENGTH ON PLAN:	1,000 FEET
TOTAL PARCEL AREA:	±9.5 ACRES
TOTAL LOTS:	10 LOTS
DENSITY:	0.95 LOTS/AC.
WOODLAND PRESERVATION AREA (WPA):	142,789 SF.
ALLOWABLE DISTURBANCE AREA IN WPA:	35,697 SF. (25.0%)
ESTIMATED DISTURBANCE AREA IN WPA:	±21,779** (15.2%)
WO = WALKOUT***	
FB = FULL BASEMENT***	

* SURVEY WAS DONE BY LOUCKS ON 10/6/2021.

* PROPOSED BUILDING SITES ARE SHOWN AS 50' x 60' BOXES. IT IS EXPECTED THAT CUSTOM HOMES UNDER AN HOA WILL BE DEVELOPED TO MINIMIZE WPA IMPACTS.

** NOT INCLUDING DISTURBANCE AREA FOR UTILITIES OR DETAILED GRADING FOR EACH HOME SITE. PER CITY CODE REQUIREMENTS OF 10 FEET DISTURBANCE AROUND DRIVEWAYS AND 20 FEET DISTURBANCE AROUND STRUCTURES WITH FROST FOOTINGS (HOMES).

*** SITE HAS NOT BEEN GRADED BY AN ENGINEER AND THESE HOUSING STYLES ARE ONLY ESTIMATES FOR WHAT THEY COULD POTENTIALLY BECOME.



CONCEPT PLAN
CP-12A



CITY OF MINNETONKA

14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

TO: Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

FROM: Susan Thomas, AICP, Assistant City Planner

DATE: Feb. 9, 2023

SUBJECT: Saville West Neighborhood Meeting

Lake West Development hosted a neighborhood meeting on Feb. 8, 2023, presenting two concepts for the redevelopment of the properties at 2511 and 2615 Plymouth Road. The first concept suggests a 12-lot, R-1 subdivision accessed by a public, looped road. The second concept is for a 10-lot, R-1 subdivision accessed by a public cul-de-sac.

Seven people attended the meeting:

- Two Lake West representatives
- Five area residents

Resident comments/questions and Lake West responses are outlined below:

- Did you hear the neighborhood comments regarding the last concept for the site? Existing residents are particularly concerned about tree preservation, impact to wildlife, and maintaining the lot size and density characteristics of the existing, surrounding areas.
- Would there be one builder for all lots or could buyers bring their own? What would be the character of the homes?

Response: There will likely be one to two custom home builders chosen. They have not been identified yet. The homes would likely be larger, more characteristic of new homes being built on large lots.

- Will there be an association?

Response: There may be, but it would be very limited. It would likely cover the stormwater facilities and any common open space. (Concept 2.)

- Any plans for buffering or screening from existing homes? Fences or trees?

Response: Lake West can work with owners on tree planting that would be mutually beneficial.

- These concepts look better than the previous concept; it is more similar to existing development patterns.
- The “self-containment” of the concepts is nice.

The meeting concluded with staff notice that the planning commission and city council consideration of the concept were going to be postponed, due to some scheduling issues. A postponement notice would be mailed and another notice sent when the meetings were rescheduled.

2022 Concept Plan

Minnetonka Woodland Preserve

PUD Concept Plan



Preserved Woodland	- 3.6 acres
Ponding	- 0.3 acres
Lotted Area	- 4.1 acres
Right of Way (inc. grading)	- 1.5 acres
Total Area	- 9.5 Acres

Total Custom Homes - 18

Density - 1.89 unit/acre

CHARLES CUDD CO.
Architectural Design • Build

RACHEL
DEVELOPMENT

NOTE: ponding is conceptual, areas, while accurate, may change, total area used came from the Hennepin County property tax information.

Minnetonka Woodland Preserve

Examples of Home Detailing



Waterman supports the proposal. It seems like a natural extension of the predefined uses listed in the master development plan. His environmental-impact concerns have been addressed. He is excited for a new business to operate in Minnetonka.

Chair Sewall noted that safe guards are in place to prevent an adverse environmental impact. Parking would be adequate and more could be added later if needed. He supports staff's recommendation.

Banks moved, second by Powers, to recommend that the city council adopt the ordinance amending the existing Minnetonka Corporate Center master development plan as it pertains to 6000 Clearwater Drive.

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

9. Other Business

A. Concept plan for Minnetonka Woodland Preserve at 2511 and 2615 Plymouth Road.

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

Gordon reported. Staff recommends the planning commission provide comments and feedback on the identified key issues and any others the planning commission deems appropriate.

Paul Robinson, development director for Rachel Development, representing the applicant, provided a presentation. He stated that:

- Rachel Development completed Highcroft Meadows in Minnetonka and over 70 residential housing projects consisting of 5,000 housing units.
- The site is 9.5 acres in size and 90 percent of it is covered with trees.
- The site was previously a farm.
- There is a 43-foot decrease in elevation across the property. Most of the drainage travels from the north to the south. The center of the property is considered a steep slope by ordinance.
- The applicant worked to create a conservation design to work with the topography of the site and cluster the houses to reduce the overall footprint and save a large, contiguous area of trees.
- Two to four units per acre would equal 19 units.
- The proposal would leave 41 percent of the land open space.
- A planned unit development (PUD) would be the only way to utilize the conservation approach and reduce the footprint of the development.
- In response to the initial concept plan, he received calls from neighbors concerned with buffering. The location of the south road was modified

- and the number of units changed to 17 to allow more buffering on the south and west. A strip of trees would be preserved behind all of the lots.
- Utilizing a PUD would provide greater preservation of existing natural resources; many people, including neighboring residents, want this product and there is none available in the area; and it would show that a project could be viable and successful and still meet the city's stringent tree protection and steep slope ordinances.
- The units would be custom, single-level living residences with a homeowners association to provide exterior maintenance and sell for \$1.2 million to \$1.3 million.
- A development that would follow R-1 zoning requirements would not do as good of a job protecting the environment.
- The entire site could use a private drive which would allow the units to be moved closer together and protect more of the woodland area.
- He looks forward to hearing feedback from commissioners.

Powers appreciated the applicant's presentation. He asked for the estimated size of the houses. Mr. Robinson stated that the footprints in the concept plan would accommodate a 3,500-square-foot to 4,000-square-foot house. Most of the living space would be on the main floor. The topography would allow for walk-out basements.

Waterman appreciated the thorough presentation which answered most of his questions. He asked for the width of the lots in Revision Two. Mr. Robinson answered 65 feet in width. He would be willing to install a fence if that would help provide a buffer from the neighbors.

Banks asked how a public street would impact the concept plan. Mr. Robinson said that a private drive would allow a street to be 25 feet wide rather than 50 feet wide and save 25 feet of trees. The open space could be an area controlled by the homeowner's association (HOA) or public trail.

Chair Sewall invited public comments.

Emily Anthony, 12610 Bent Tree Road, stated that she spoke on behalf of several neighbors. She stated that:

- She collected 87 signatures on a petition.
- The concept plan is at odds with the strategic priorities as defined by the city and listed on the website.
- She has four areas of concern: tree preservation, runoff and water treatment, impact to the environment and quality of life.
- The concept plan would build 18 houses on 4.1 acres of the site to equal .23 acres per unit.
- She chose to live in Minnetonka for the trees.
- Bald eagles, owls, deer and other animals live in the area.

- There has been no environmental assessment.
- She liked seeing the elevation and drainage pattern detail on the concept plan. There is already concern for soil erosion and runoff in the area.
- The average surrounding density is .71 acres per lot.
- Highcroft Meadows looks beautiful and elegant and has a lot of space between the trees, but she did not think the impact on the quality of life was fully appreciated or assessed.
- It is harder to develop a site that has trees than convert a meadow into a development.
- She requested an independent, comprehensive, environmental review be done before a proposal would be formally considered and reviewed by the planning commission and city council.
- She requested the idea of rezoning the site to a PUD be denied due to the lack of a public benefit.
- She suggested the city purchase the property and use it for a park and to construct a trail from Ridgedale to Hilloway Park and Big Willow Park.

No additional comments were submitted.

Waterman stated that:

- He appreciates the detail provided in the applicant's presentation and Ms. Anthony's presentation.
- He understood the environmental and traffic concerns which would be reviewed thoroughly if a formal application would be submitted.
- He would be curious to know how many trees would be removed from the site for a housing development that would meet R-1 zoning requirements.
- There is not a lot of this type of housing stock in Minnetonka. It could be a beneficial use of the property. It would create natural affordable housing by seniors who want to stay in Minnetonka moving out of their older, less expensive, single-family houses to move into new single-level living houses. There would be a benefit to Minnetonka to provide this type of housing.
- Any variance to the tree ordinance would have to be pretty limited. He appreciated the concept plan being created to try to save as many trees as possible.
- As much buffering as possible should be done to the adjacent properties. The natural elevation may cause the new houses to look over properties on the east and south sides.
- He was not sure if it would be possible to have 16 lots.
- Meeting the tree protection ordinance requirements is a high priority.

Hanson stated that:

- He thought 16 lots would look crowded.

- He did not see the concept plan providing much of a public benefit or fitting a housing need since people with \$1.2 million could remodel their existing house.

Powers stated that:

- He appreciated Ms. Anthony's presentation.
- He did not like the idea. It would be a dramatic change for the neighbors to the south and east.
- He did not see much of a public good yet.
- He likes the lot sizes. Minnetonka does need smaller lots. He likes the 65-foot lot width.
- He thought the houses would be too big.
- There is a big market for residents who want to stay in Minnetonka, but need to move to one-level living.
- The costs for development are so extraordinarily high that he could understand why the price would be \$1.2 million.

Banks stated that:

- He appreciated the presentations.
- This is a good starting point for a concept plan.
- He likes the lot sizes, but would prefer fewer lots.
- He appreciated the plan preserving over a third of the trees.
- Only one house and an access to the property would be visible from Plymouth Road by preserving the wooded area and tucking houses behind the trees which is a fabulous idea.
- The price point for houses is expensive. He would like to see more affordable houses, but he understood the cost challenges.
- He would like to see fewer lots to preserve more trees and woodland area and make the houses more affordable if possible.

Maxwell stated that:

- She lives very close to the site, attended the neighborhood meeting and toured the gorgeous property with Mr. Robinson to get a feel for the steep slopes and tree coverage.
- She appreciated the level of detail with the topography and tree survey provided with the concept review.
- Meeting and exceeding the tree protection ordinance would provide a public benefit.
- This type of housing may have to work a little more to be considered a public benefit to justify PUD zoning.
- Donating the remaining land to the city or adding publically-accessible trails through the wooded area may provide a public good.

- Preserving the ecosystem may be considered providing a public good.
- She appreciates the proposed smaller lots, but the houses would be too big on the lots. She suggested having either large houses on fewer lots or smaller houses on the current lots. The villa-style house has a larger footprint to fit more on the main level than a standard two-story house.
- She knows the city prefers streets that meet public-street standards.
- The big wooded space with trees clustered together needs to be preserved rather than scattering homes throughout the property. That would be healthier for the ecosystem. It would keep the gorgeous view for residents overlooking the pond.
- The road access on Plymouth Road would be located on a hill and visibility would not be good at that location. The sight lines need to be studied.

Chair Sewall stated that:

- He was less swayed by the argument that the housing would provide a public good since it would not be affordable housing.
- He would consider the environmental benefits of a PUD as a public benefit. He would like to hear more information on the differences between the environmental benefits of the site being developed as a PUD and R-1 zoning.
- He would defer to staff's recommendation regarding a private or public road.
- This property is regulated and guided by the tree ordinance, so he would like that to be followed and create the parameters for the rest of the development.
- He was fine with the proposed smaller lots, but not with houses 4,500 square feet to 5,000 square feet in size.
- He noted that neighbors who oppose a property's development usually propose that the city buy the proposed site and turn it into a park, but, unfortunately, the city's budget is not able to do that and the property is not zoned for a park.

Gordon appreciated the input. The concept plan is scheduled to be reviewed by the city council at its meeting on March 21, 2022.

10. Other Business

A. 2021 Community Development Annual Report Presentation

Wischnack reported.

Hanson requested more information on how a new house priced at \$1.2 million would provide housing stock affordability. Wischnack explained that the report shows that the

Calvert moved, Kirk seconded a motion to hold the public hearing and adopt Ordinance 2022-04 and Resolution 2022-026. All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

14. Other Business:

A. Concept plan for Minnetonka Woodland Preserve at 2511 and 2615 Plymouth Road

City Planner Loren Gordon gave the staff report.

Paul Robinson, Development Director for Rachel Development, introduced himself to the city council along with the team at Rachel Development. He described the types of projects his company had completed over the past 10 years. He noted he has teamed up with Charles Cudd in the past to construct high end custom homes. He reviewed the project location, which was 9½ acres in size and discussed the natural features on the site. The historical use of the property was described and he commented on how the tree code applies to the site. He indicated the site has 598 ash trees and stated he would like to see more efforts made to save oak trees than ash trees, due to the increasing spread of emerald ash borer. The topography of the site was then reviewed along with the steep slope requirements. He then commented on the proposed site plans and discussed a wildlife overlook or wayside rest that could be placed on the property.

Rick Denman, Charles Cudd, introduced himself to the council and noted he was a homebuilder. He explained this was an A+ location and his targeted home buyers would be empty nesters. He reported this development would be within an association.

Schack questioned if the proposed plan met the city's tree ordinance by discounting the ash trees on the site. Mr. Robinson commented he could make a plan work with the ash, but could make the plan work better without the ash trees.

Kirk asked if the designated pond area was a viable stormwater pond area. Mr. Robinson reported this was the case. He commented trees would have to be removed in order to create a stormwater ponding area.

Calvert requested further information regarding the proposed density for this development. Mr. Robinson reviewed the density on the lot and commented on

the density for the High Croft Meadows project, which has a conservation easement.

Calvert discussed the proposed drive for the development. She questioned if this would be a private or public drive. Mr. Robinson reported this plan was proposing to have a public road to the cul-de-sac and then a private drive from there on. He stated the private drive was being proposed in order to save trees. He commented adjustments could be made.

Wiersum reported Minnetonka was proud of the fact it had 59% tree cover. He understood this was a difficult lot to develop because it was fully wooded. He asked if all of the ash trees would be removed from the property, if staff was convinced this was not a significant tree. Mr. Robinson stated he would likely not remove all of the ash trees, unless they were dead, diseased or dying.

Wiersum stated he believed the point about the ash trees was a valid point.

Calvert noted she watched the planning commission and understood there was question as to the public benefit of the PUD. She questioned what public benefits were identified in other PUD's. Gordon stated the city has only had one or two other single family PUD's that have been considered since the ordinance changed. He reported most of the PUD's were for multi-family developments. He commented this meant the city did not have a lot of experience with single family PUD's.

Calvert commented she had concerns with a private drive stemming from the proposed cul-de-sac. Gordon indicated staff has been discussing the private drive with the applicant and the applicant was told staff does not approve of the private drive. He explained there were concerns with emergency access, along with the maintenance and upkeep of the street.

Kirk asked what project would be comparable to the proposed development. Gordon stated this project would be more similar to High Croft Meadows than Groveland Pond.

Kirk explained he saw the benefit of preserving the woodlands but noted this was impacting the density of the project. He believed the public good for this project can be found in creating a plan that preserves woodlands. He questioned if this would justify a PUD. Gordon reported this has yet to be determined by the city council.

Schack commented on the Cedar Pass area and asked if the proposed development was similar. Gordon indicated this was the case, as the lots would be similar in size along with the homes.

Wiersum stated the Portico neighborhood was built as a conservation oriented neighborhood with common areas. Gordon reported there were similarities in that the developer clustered homes where homes could be placed in order to preserve other areas.

Wiersum opened the meeting to the public.

Emily Anthony, 12610 Bent Tree Road, explained she was speaking on behalf of 92 of her neighbors who have submitted a petition to the city. She discussed how this development has brought the neighborhood together to talk about what was important and what makes Minnetonka such a special place to live. She was of the opinion the current plan does not meet the definition of public good and should not be allowed to move forward as a PUD. She requested an environmental impact analysis be completed to show what this plan would do to the surrounding area. She commented on the city's strategic priorities and reported Minnetonka's focus on community, inclusion and sustainability were extremely important to her neighbors. She argued that the development that has been brought forward was inconsistent with the city's strategic priorities. She had concerns with how the development would impact tree preservation, the ecosystem, other environmental impacts and quality of life. She encouraged the city council to use this opportunity to lead. She commented further on the density of the project noting the development was around .23 units per acre when the surrounding neighborhood was closer to .71 units per acre. She encouraged the council to consider how "public good" was defined. She was of the opinion that \$1.3-\$1.4 million single family homes do not meet the definition of public good. She discussed the petition that was presented to the city and requested the comprehensive independent environmental review be completed before there was a final review of the project. In addition, she requested that the proposal to rezone the property to a PUD be denied due to the lack of public benefit.

Ms. Anthony then spoke on her own behalf and suggested the city be more creative with this land. She encouraged the city to use their imagination and to use this property to connect from Minnetonka Boulevard to Ridgedale and Hilloway Park.

Steve Borowsky, 2630 Crescent Ridge Road, commented he lives within 400 feet of the proposed development. He stated he has been part of the neighborhood group and thanked Emily Anthony for her presentation and leadership regarding this project. He explained destroying trees was harmful to the environment. He indicated the city's strong tree ordinances were something the city was proud of and he encouraged the council to hold to these ordinances. He was of the opinion the trees on this lot were more important than a few more luxury homes. He recommended that the city's arborist speak to emerald ash borer before the developer is allowed to discount these trees. He reported the PUD rezoning was in question because the public benefit was not obvious. He was of the opinion

the developer did not make a strong case for the public benefit within this development. He stated complying with current tree ordinances or preserving trees that were part of a protected area was not a public benefit. He explained he had faith in this process and he encouraged the council to protect the community and environment accordingly.

Wiersum closed the meeting to the public.

Schack thanked the neighbors for making a presentation. She indicated she appreciated the engagement the neighborhood has had with the developer and the fact that the developer was willing to make adjustments to the project. She noted she observed the neighborhood meeting and she appreciated the progress that has been made since that meeting. She stated it was difficult for the council to balance private development rights with the benefit to the greater community. She indicated there was a great tension here in that regard. While she would love to purchase this land for a park, she did not believe this would be possible due to the price of the parcel. She explained this was a difficult piece of land to develop, and the council had to take into consideration if compliance with the tree and steep slope ordinance providing a public good. She indicated she was open to new ideas but did not believe \$1.3 to \$1.4 million dollar houses were creative for this site. She wanted to see something that works on this site but was not convinced the small lots were the best option for this property.

Kirk stated he loved the idea of protecting this area, but noted there were development rights. He reported the idea that this parcel provided views for the neighbors, and therefore the neighbors didn't want it to develop was not fair. He commented when developing a lot like this, the neighbors have to consider what would be allowed within an R-1 development. He requested staff provide the council a picture of what would be allowed as an R-1 development. He was of the opinion the proposed development was too dense and he would like to see more woodlands protected. He recommended that more space be created between the lots in order to allow for new tree growth and to make room for snow removal.

Calvert noted she agreed with both Councilmember Kirk and Councilmember Schack. She thanked staff and the applicant for making adjustments to the plan already. She thanked the neighbors for having a spokesperson and for organizing their thoughts and main concerns with the proposed project. She reported she has a very deep love for trees and she has been searching for creative ways to use the wooded lots that remain in Minnetonka. She indicated viewshed was not a property right, but protecting bald eagles may be another matter. She stated she would like to see this development compared to an R-1 single-family development. She indicated she was concerned with the proposed lot size, but noted the city was in need of single level housing. However, the need was for 2,000 square foot moderate to affordable housing, and not \$1.3 to \$1.4 million homes.

Coakley stated she appreciated the presentations from the developer and the neighbors. She reported both were very informative for her. She agreed she would like to see what an R-1 development would look like in on this lot.

Mr. Robinson clarified that he was proposing to construct one-level homes that were 2,000 square feet in size. He reported that some of these homes would have full basements and some may have partial basements.

Wiersum commented the job of the council was to balance the rights of property owners and the interest of the city with those of existing residents. He reported this was a nice piece of property and it was highly unlikely that it would become a park. He indicated the city does not have funding available for additional open space acquisitions and his anticipation was that this piece of property would end up as single family homes. He explained the city must then consider what type of homes do they want. He was of the opinion the concept plan has some merits, and he encouraged the developer to pursue subsequent ideas as this would add attractiveness to the proposal. He stated having a baseline on what an R-1 development would look like on this property would be helpful because it would provide the council with a baseline. He supported the council having this information because it would provide a starting point to further discuss the public good. He suggested a bit less density and more variety be drawn into the plan. He stated he understood it was difficult to build in Minnetonka, but he valued the ordinances and regulations that were in place noting this assisted in creating strong neighborhoods within the community.

Discussion item and provided feedback.

B. Diversity, Equity and Inclusion

Acting City Manager Mike Funk gave the staff report.

Wiersum stated he put a great deal of thought into the shared vision statement. He provided staff and the council with his proposed revisions to the statement. He explained he struggled with the phrase “root out” and changed this language to read: by acknowledging our biases and by working to eliminate intolerance and racism wherever they exist in our community. He believed this revision was more realistic.

Kirk suggested “acknowledging” be changed to addressing.

Calvert agreed addressing was a more actionable word.

Wiersum supported this change.

MINNETONKA PLANNING COMMISSION
March 2, 2023

Brief Description	Election of planning commission officers and sustainability commission liaison.
Recommendation	Hold an election for the positions of chair, vice-chair, and sustainability commission liaison.

Background

The Planning Commission Bylaws state that the commission shall have officers consisting of a chair, vice-chair and a liaison to the sustainability commission. The officers shall be elected for one-year at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum.

Officer roles are:

- Chair: The chair shall preside over all meetings of the commission. If the chair and vice-chair are absent, the commission members present shall designate one of themselves to serve as chair.
- Vice-Chair: The vice-chair shall perform all the duties of the chair in the absence of the chair.
- Sustainability commissioner liaison: The sustainability commission charter requires a planning commission member to serve as a liaison to the sustainability commission. This is an annual appointment.

Planning commission officers for 2022 were Josh Sewell, who served as chair, and Alex Hanson, who served as vice-chair. Matt Henry served as the planning commission liaison to the sustainability commission. The planning commission roster for 2023 includes:

- Josh Sewell
- John Powers
- Matt Henry
- Alex Hanson
- Amanda Maxwell
- David Waterman
- Derrick Banks

Staff Recommendation

Hold an election for the positions of chair, vice-chair, and sustainability commission liaison.

Originator: Loren Gordon, AICP, City Planner

MINNETONKA PLANNING COMMISSION
March 2, 2023

Brief Description	Review of the planning commission's bylaws and policies
Recommendation	Readopt the bylaws and policies

Introduction

The planning commission's bylaws require that the commission review its bylaws and policies each year. The current bylaws and policies are attached.

Comments

Although the planning commission adopts the bylaws and policies each year, changes to the bylaws and policies are not proposed every year.

Commissioners should review the bylaws and policies and advise staff of any suggested changes. A bylaw omission from 2022 was the inclusion of the city charter language requiring a planning commissioner to serve as a liaison to the sustainability commission. The language is included in Article IV(D). No other changes to the planning commission bylaws or policies for 2023 are proposed.

Staff Recommendation

Readopt the bylaws and policies.

Originator: Loren Gordon, AICP, City Planner

CITY OF MINNETONKA PLANNING COMMISSION
BYLAWS

ARTICLE I - GENERAL

The Minnetonka Planning Commission is established under City Code section 300.04 and Minnesota State Statutes Annotated section 462.354, subdivision 1(2).

ARTICLE II - PURPOSE

The commission is appointed by the City Council to assist and advise the City Council in the administration of the City Zoning Ordinance, Guide Plan and Subdivision Ordinance: to conduct public hearings upon matters as required by the provisions of City Code, section 300, and on any other matters referred by the City Council.

ARTICLE III - MEETINGS

Section I. Regular Meetings

The regular meetings of the commission will be held at the offices of the City of Minnetonka, located at 14600 Minnetonka Boulevard. The meeting schedule will be as designated on the official city calendar. All meetings will be open to the public, except as otherwise provided by law.

The planning commission meeting will convene at 6:30 P.M. and conclude no later than 11:00 P.M. unless a majority of the members present vote to continue the meeting beyond 11:00 P.M. for a single item. Items not covered by 11:00 P.M. will be automatically continued to the next planning commission meeting and given priority placement on the agenda.

Before opening a public hearing, the chair will ask for a presentation from the applicant. The chair will then open the public hearing. At larger public hearings, the chair will request a presentation from any neighborhood representatives. Following that, the chair will ask for comments from any other members of the public. The chair will encourage the applicant and neighborhood representatives to limit their presentations to about fifteen minutes each. The chair will encourage other public speakers to limit their time to about eight minutes, so everyone has time to speak at least once. However, time limits will be at the discretion of the chair. Once everyone has spoken, the chair may allow speakers to return for additional comments. The public hearing will remain open until the chair determines that all information and statements have been heard. The chair may then close the public hearing and limit discussion to members of the commission.

The voting order shall be alphabetical according to the last name of each commissioner. The voting order shall rotate alphabetically at each planning commission meeting. The presiding officer shall always vote last.

Section II. Special Meetings

A special meeting may be held when deemed necessary by four members of the commission or by the request of the city council.

Section III. Quorums

At any duly called meeting of the commission, a majority of the active members shall constitute a quorum.

Section IV. Agendas

An agenda for each meeting shall be prepared by the Planning Department for the City in cooperation with the chair. The agenda shall be delivered to all members of the commission along with supporting data on the Friday before the next regular meeting.

The commission may continue consideration of any scheduled item when supportive material for that item has not been delivered to the members five (5) full business days before the meeting at which it is considered.

The city planner shall add items to the consent agenda that he or she considers to be routine. The planning commission shall hold one public hearing and then approve all such items with one motion. Before voting on the consent agenda, the chair will open the hearing, announce each item and ask if anyone wishes to have a separate discussion or vote on that item. If so, the commission will then remove that item from the consent agenda and hold a separate hearing on it after voting on the consent agenda items. There will be no staff presentation or discussion by the public or commission on the items remaining on the consent agenda. However, the chair may allow informational questions without removing an item from the consent agenda. Items approved under the consent agenda are approved subject to the staff recommendations.

Section V. Voting

Any vote that requires a two-thirds majority shall be based on the current planning commission membership, excluding any vacant positions. Members present must vote on all agenda items, unless disqualified because of a conflict of interest under the City's Code of Ethics or State law.

ARTICLE IV - OFFICERS

Officers of the commission shall consist of the chair and a vice chair. The officers shall be elected for a one-year period at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum.

- A. Chair: The chair shall preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present shall designate one of themselves to serve as chair.
- B. Vice Chair: The vice chair shall perform all the duties of the chair in the absence of the chair.
- C. Secretary: The Secretary is a non-elected member of the Planning Department staff. The secretary shall keep an accurate account of meetings and proceedings of meetings, send written notices and agendas of all meetings to members, keep a policy file of all commission records and documents, and notify the city council in writing of all commission conclusions and recommendations.
- D. Sustainability Commission liaison: The sustainability commission charter requires a planning commission member to serve as a liaison to the sustainability commission.

ARTICLE V - CODE OF ETHICS

The planning commission members shall abide by the Code of Ethics established in Section 115 of the Minnetonka Code as amended from time to time. Additionally, no planning commissioner shall act as a representative for someone else for any planning or zoning item that comes before the Minnetonka Commission or Council. A planning commissioner may represent a planning or zoning item for their own property or property in which they have a real interest.

ARTICLE VI - PARLIAMENTARY PROCEDURE

The proceedings of the commission shall be governed by and conducted according to the latest rules of Roberts Rules of Order, as revised.

ARTICLE VII - AMENDMENTS

The commission shall review its bylaws and policies at the first meeting in March of each year. These bylaws may be amended or altered by a majority vote of the members of the commission at any regular or special meeting, having a quorum, provided the amendment was mailed or delivered to the commission members at least five days before the meeting.

Revised February 2008;
Readopted with changes March 3, 2011; March 2, 2023

CITY OF MINNETONKA PLANNING COMMISSION POLICIES

General Policies regarding specific types of variance and expansion permit requests:

The following policies are not intended to be hard and fast rules, since each variance or expansion permit request is unique unto itself. The policies have evolved from past decisions of the City along with administrative interpretation of the zoning ordinance. The primary purpose of the following sections is to establish a framework whereby reasonable use of single-family residential property is outlined and fair treatment can be applied to all properties.

A. Garages

1. A two-car garage on single-family residential property and a one-car garage on a double dwelling property is generally considered to be a reasonable use. Larger garages may be approved if consistent with neighborhood characteristics and the findings for a variance.
2. Maximum standard two-car garage dimensions are 24' x 24'. Maximum standard one-car garage dimensions are 13' x 24'.
3. Garages that require variances should minimize setback intrusion to the greatest extent possible.
4. Conversion of garage area to living space does not justify a variance for new garage space.
5. Neighborhood characteristics may dictate the size and setbacks of a garage considered to be a reasonable use.
6. Variances are considered in light of mature tree location and preservation opportunities.

B. House Additions

1. Reasonable use of property is considered in light of general City-wide development standards.
2. Variances and expansion permits to allow setback intrusion are considered in light of reasonable use as long as the variance or expansion permit is limited to the greatest extent practicable.
3. Variances and expansion permits are considered in light of providing room additions of functional size with adequate internal circulation.
4. Variances and expansion permits that do not increase the floor area or building height are considered reasonable use.
5. The configuration and position of the existing house is considered when reviewing variance and expansion permit requests.
6. The proposed addition should be designed to conform to development constraints of the property.

7. Variances and expansion permits are considered in light of mature tree location and preservation opportunities.

C. Accessory Attached Structures

1. Decks, screen porches, and bay windows are by definition accessory uses or uses incidental to the principal use.
2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent in the property.
3. Variances and expansion permits are considered in light of the size and configuration of the structure so that the variance or expansion permit is limited to the greatest extent possible.
4. Variances and expansion permits are considered in light of impacts to adjoining properties.
5. Neighborhood characteristics may be considered for review of accessory attached structures.
6. Deck variances and expansion permits will be reviewed in light of ordinance provisions that permit encroachment into required setbacks.

D. Accessory Detached Structures Other Than Garages

1. Sheds, barns, utility buildings, and recreational facilities are by definition accessory uses or uses incidental to a principal use.
2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent to the property.
3. In light of the above policy to allow two-car garages, accessory structures are, in most cases, above and beyond the reasonable use of the property.
4. Mitigating circumstances may exist whereby accessory structure variances may be considered. These circumstances primarily relate to unique conditions resulting from extraordinarily burdensome regulations applied to a property.
5. Where mitigating circumstance exists, neighborhood characteristics can be considered.

E. Undersized Lots

1. Undersized lots of record not meeting the minimum dimensional requirements, may be considered for variances to apply a buildable status.
2. Buildable status will be applied only if a reasonable development opportunity will result.
3. The size and dimensional standards of the lot should be consistent with the average neighborhood lot area.
4. Efforts to obtain additional property should be exhausted.

5. The house should be designed to fit the dimensional constraints of the lot and conform to all setback requirements.
6. If the property is and has been assessed and taxed as a buildable lot, strong consideration will be given to dimensional and setback variances.
7. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, then no hardship exists.
8. If an undersized lot was purchased after adoption of the zoning ordinance, then the hardship is self-created.

Revised March 2, 2001

Readopted with changes March 3, 2011; March 1, 2018