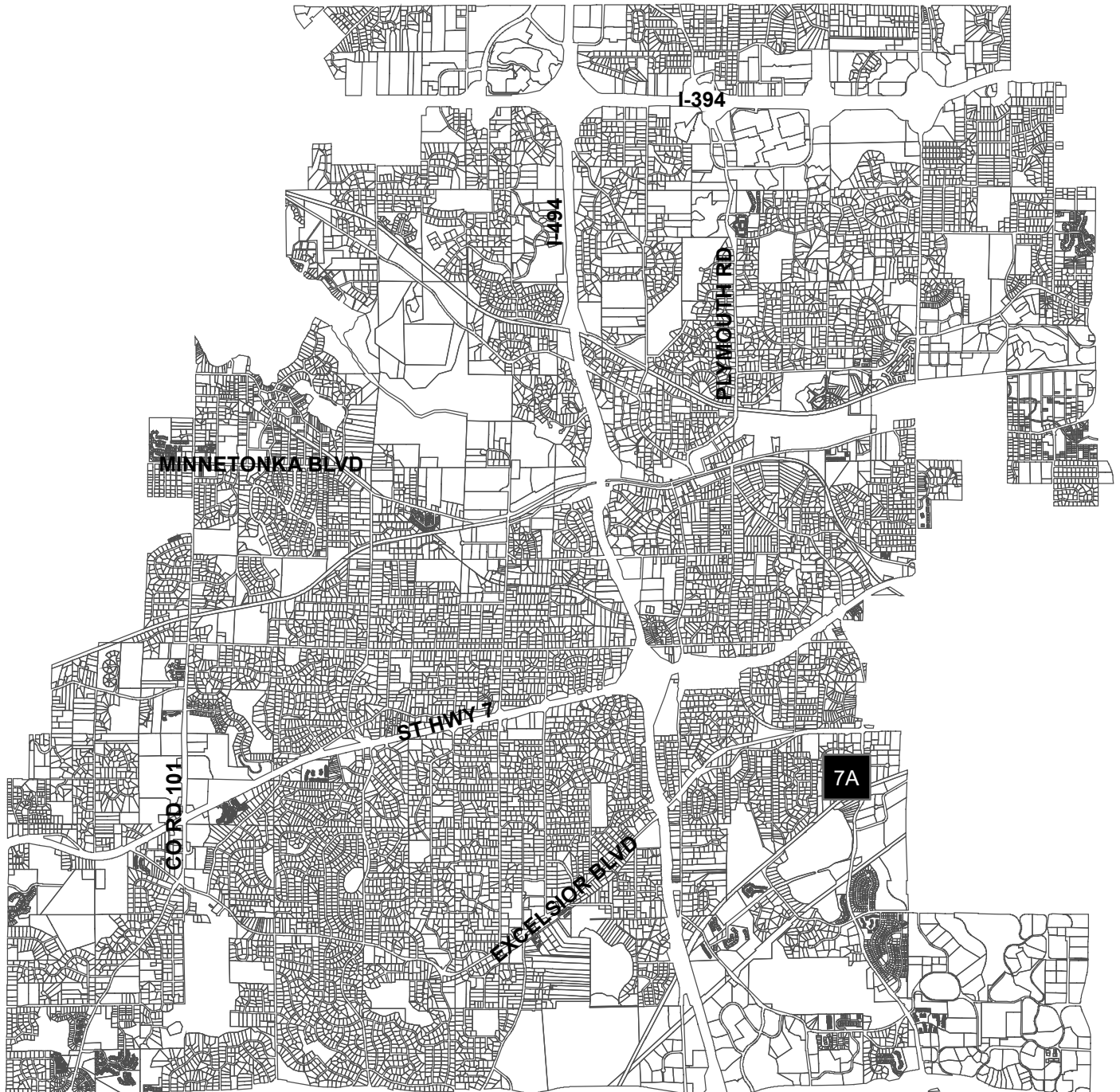




CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
Oct. 12, 2023**

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





**Planning Commission Agenda
Oct. 12, 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:** Sept. 28, 2023
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda Items**
 - A. Conditional use permit for an attached accessory dwelling unit at 11621 Shady Oak Drive.

Recommendation: Recommend the city council adopt the resolution approving the request (4 votes).
 - To City Council (Oct. 30, 2023)
 - Project Planner: Drew Ingvalson
- 8. Adjournment**

Planning Commission Agenda

Oct. 12, 2023

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 scheduled for the Oct. 26, 2023 agenda.

| | |
|----------------------------|---|
| Project Description | Priory Woods, PPL for a 3-lot subdivision |
| Project Location | 4633 Sparrow Rd |
| Assigned Staff | Bria Raines |
| Ward Councilmember | Kissy Coakley, Ward 4 |

| | |
|----------------------------|-------------------------------|
| Project Description | Ulta Beauty, Sign Plan Review |
| Project Location | 13145 Ridgedale Dr |
| Assigned Staff | Susan Thomas |
| Ward Councilmember | Rebecca Schack, Ward 2 |

| | |
|----------------------------|----------------------------------|
| Project Description | MidCountry Bank – Multiple Items |
| Project Location | 14617 Hwy 7 |
| Assigned Staff | Bria Raines |
| Ward Councilmember | Kissy Coakley, Ward 4 |

**Unapproved
Minnetonka Planning Commission
Minutes**

Sept. 28, 2023

1. Call to Order

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

2. Roll Call

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

Staff members present: Assistant City Planner Susan Thomas and Planner Drew Ingvalson.

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

4. Approval of Minutes: Sept. 7, 2023

Banks moved, second by Maxwell, to approve the Sept. 7, 2023 meeting minutes as submitted.

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

5. Report from Staff

Thomas briefed the commission on land use applications considered by the city council at its meeting on Sept. 18, 2023:

- Adopted an ordinance rezoning the properties at 5432 Rowland Road and 5501 Baker Road from R-1 to R-2 low-density residential.
- Adopted a resolution approving the preliminary plat of Ridgedale 11th Addition at 12431 Wayzata Blvd.

The fire department and city open house is scheduled to begin at 5 p.m. on Oct. 10, 2023.

The next planning commission meeting is scheduled to be held Oct. 12, 2023.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action.

Henry moved, second by Powers, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Expansion permit for a second-story addition at 2492 Bantas Point Road.

Adopt the resolution approving a second-story addition at 2492 Bantas Point Road.

B. Conditional use permit for EKA Sports at 15314 Minnetonka Industrial Road.

Recommend that the city council adopt the resolution for EKA Sports at 15314 Minnetonka Industrial Road.

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

8. Public Hearings

A. Items concerning Xcel Energy replacing existing electrical poles.

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

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

Henry asked if the city's height restriction for utility poles should be changed to match the national electrical safety code. Ingvalson explained that this is the first instance of a variance being needed for this type of situation. Staff will research the issue.

In response to Waterman's question, Ingvalson explained that the city may require a new utility line to be buried in a newly developed residential area. An existing utility pole is typically allowed to be replaced. Thomas added that the city works with a utility company to have existing above-ground-utility lines located on a street undergoing reconstruction be buried at the same time as a street improvement project is completed.

Powers confirmed with Ingvalson that no trees would be removed.

Michelle Swanson, Xcel Energy community and local government relations manager, representing the applicant, stated that:

- The proposal would improve reliability for residents and businesses.
- She appreciates all of the work staff put into reviewing the complex application.
- Xcel Energy agrees with the staff report and presentation.
- She is available for questions.

Chris Berglund, Xcel Energy senior land rights agent, representing the applicant, stated that:

- Xcel hires a company to inspect the poles each year.
- The poles that would be replaced were installed in the 1950s. Seventy-five years is the end of a utility pole's life expectancy.
- There are some poles that were replaced recently enough not to need replacing at this time.
- The life expectancy for the new poles is also 75 years.
- A distribution line typically carries under 13,800 volts. Transmission lines carry 69,000 volts. A transmission line would need a large amount of space for it to cool if buried underground. If a buried line would fail, then a trench would have to be dug until the failure location would be found. The location of a failure for an above-ground line can be visibly located and fixed easily. Nothing could be located above a buried transmission line. A fifty-foot-wide-vacant area would extend the length of a buried transmission line. The cost would be five to six times greater to bury a transmission line.
- Xcel already has the easement to replace the pole in Purgatory Park. No resident wants the pole located in their yard.
- Restoration would be done after replacing the poles.
- The replacement poles would be roughly the same size as the existing poles.
- Two square laminate poles would be utilized at the intersection of County Road 101 and Excelsior Blvd. to hold all of the guide wires inside the structure.
- There is a spreadsheet of all of the proposed replacement poles in the staff report.
- The poles currently located on sidewalks would be moved off of the sidewalk.
- The wetland banking credit would be utilized in Sibley County as described in the agenda packet.

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

Powers noticed that the Target by Ridgedale had a power outage for four hours and all of the chilled foods had to be destroyed. He supports Xcel's ability to provide reliable service to its customers. He supports the reasonable request. He appreciates Xcel offering wetland credits.

Maxwell appreciates the preventative maintenance of the infrastructure that will improve reliability for customers. She does not want a situation where poles would only be

replaced after being downed from a storm and customers would not have electricity for an indefinite time period. She supports the proposal.

Waterman supports the proposal. He appreciates all of the technical information provided. Xcel and staff have already done so much work on the proposal. The height difference of some of the poles would not be noticeable.

Banks agrees with commissioners. He supports the proposal. He appreciates all of the information provided by the applicant. He likes that the replacements would be done within three to four months. He believes that the poles are at the end of their life. The project would improve reliability for Xcel customers.

Henry appreciates the well-thought-out proposal. He supports the proposal.

Chair Sewall supports the proposal. He appreciates that the same footprints would be utilized to decrease construction time and minimize tree loss. He appreciates the applicant providing all of the technical information.

Powers moved, second by Banks, to recommend that the city council adopt the resolution approving the request for pole additions and replacements along the existing 0734 Xcel Energy electrical line.

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

This item is scheduled to be reviewed by the city council at its meeting held on Oct. 16, 2023.

9. Adjournment

Banks moved, second by Henry, to adjourn the meeting at 7:30 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
Oct. 12, 2023

| | |
|--------------------------|---|
| Brief Description | Conditional use permit for an accessory dwelling unit at 11621 Shady Oak Drive. |
| Recommendation | Recommend the city council approve the request. |

Proposal

The property owner, Perry Ranan, is requesting a conditional use permit for an existing accessory dwelling unit (ADU) in his home at 11621 Shady Oak Drive.¹ The unit includes a living space, two bedrooms, a kitchen, and a bathroom.

Staff Analysis

The staff finds that the applicant's proposal is reasonable.

- The ADU would meet the conditional use permit standards outlined in the city code. Those standards, as well as the staff's findings, can be found in the "Supporting Information" section of this report.
- The ADU would be completely integrated into the existing home. Access to the ADU would be through the existing home and through a newly added walkout door located on the front of the home.
- The ADU would be 905 square feet and 26 percent of the existing structure. This is under the 1,000 square foot and 35 percent limits outlined in the city code.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory dwelling unit at 11621 Shady Oak Drive.

Originator: Drew Ingvalson, Associate Planner/Sustainability Coordinator

Through: Loren Gordon, AICP, City Planner

¹ By City Code Sec. 300.02, an "accessory dwelling unit" is a secondary dwelling unit located on the same property as a principal dwelling unit, which includes provisions for living independent of the principal dwelling, such as areas for sleeping, cooking, and sanitation, as determined by the city planner. This definition includes secondary dwelling units attached to or detached from the principal dwelling unit.

Supporting Information

| | Subject Property | North | South | East | West |
|------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Use | Single-family residential home | Single-family residential home | Single-family residential home | Single-family residential home | Single-family residential home |
| Zoning | R-1 | R-1 | R-1 | R-1 | R-1 |
| Guide plan designation | Low density residential | Low density residential | Low density residential | Low density residential | Low density residential |

Background

In 2020, the property owner submitted a building permit application to refinish the lower level of their home. This project included adding two bedrooms, a full bathroom, a living area, and a wet bar (sink). All of these items can be approved administratively; however, the property owner also installed an oven in the wet bar area, which was not shown in their submittal. This addition created a space that provides the ability for an independent residence (providing sleeping, cooking and sanitation areas), separate from the principal dwelling.

In September 2023, the property owner began discussions with staff about adding a walkout to the front of the home. It was then that staff became aware of the oven. Staff then informed the property owner that the ADU was illegal and required a conditional use permit (CUP). The property owner applied for the CUP shortly after this conversation.

CUP Standards

By City Code 300.16, Subd. 3(d), outlines the following standards for accessory dwelling units (ADUs):

| CITY CODE STANDARD | STAFF FINDING |
|--|--|
| | 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 the 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, and welfare. |
| The proposal would meet the specific conditional use permit standards as outlined in City Code §300.16, Subd. 3(d) for accessory apartments: | |
| GENERAL STANDARDS | |

| | | |
|--|---|---|
| a. | ADUs are allowed only on properties zoned R-1, R-1A, and R-2. | The property is zoned R-1. |
| b. | No more than one ADU is allowed per property. | Only one ADU is proposed. |
| c. | The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year. | This has been added as a condition of approval. |
| d. | ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit. | The ADU is integrated into the single-family home, but this has been added as a condition of approval. |
| e. | Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property. | Off-street parking would be provided in the existing four-car garage and paved parking areas. |
| f. | The ADU and the property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply. | The existing home has a nonconforming front yard setback. However, the proposed ADU would be completely integrated into the existing home and would have no change to the existing setbacks of the home. The ADU would comply with all other setback requirements for general structures. The site contains no natural features requiring a setback, such as a wetland or floodplain. |
| CONSTRUCTION AND DESIGN STANDARDS | | |

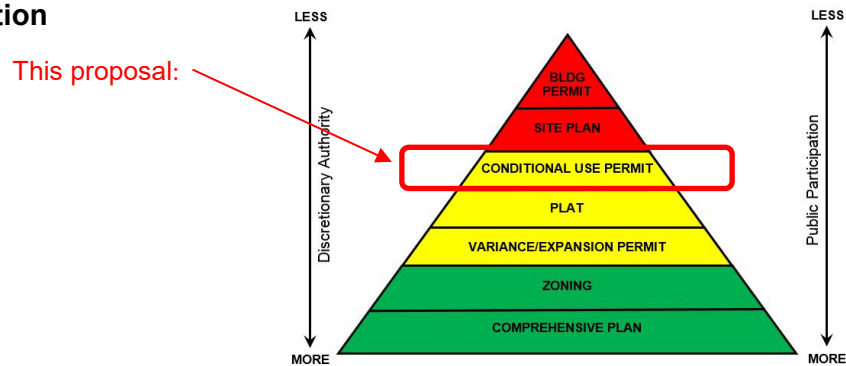
| | | |
|------|---|--|
| a. | On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure. | The ADU would be attached and integrated into the existing house. |
| b.1. | Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts on the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique. In no case may a detached ADU be 200 square feet or less in total size. | The existing home is 3,518 square feet. Thirty-five percent of the existing home would be 1,231 square feet. The proposed ADU would be both under 1,000 square feet (905 square feet) and less than 35 percent of the floor area of the principal dwelling (26 percent). |
| b.2. | Must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines | The ADU would be integrated into the existing home. Nonetheless, this has been |

| | | |
|----------------------|---|--|
| | shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure. | added as a condition of approval. |
| b.3. | Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes. | This has been added as a condition of approval. |
| b.4. | May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance. | No additional curb cuts are proposed; however, this has been added as a condition of approval. |
| b.5 | Must be registered with the Minnetonka police and fire departments prior to occupancy. | This has been added as a condition of approval. |
| ATTACHED ADUs | | |
| 1. | Must be designed to maintain the single-family appearance of the principal dwelling from off-site views. | The ADU would be created by converting the basement. There are existing egress windows for both of the lower-level bedrooms. The applicant has proposed to add a walkout access from the lower level to the front of the property. None of these property modifications would change the single-family character of the home and would not increase the size or height of the existing home. |
| 2. | May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site. | |
| 3. | Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district. | |
| DETACHED ADUs | | |
| 1. | Must be designed to maintain the residential character of | The ADU is attached. |

| | | |
|----|---|--|
| | the lot on which it will be located. | |
| 2. | May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for the construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits a detailed plan that demonstrates adequate vehicular parking exists on the site. | |
| 3. | The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not adversely impact neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique. | |

| LOCATION REQUIREMENTS | | |
|-----------------------|---|---|
| 4a. | Behind the rear building line of the principal dwelling unit. In the case of corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures. | The ADU is integrated into the existing house. |
| 4b. | To preserve existing, natural site features to the extent practicable. | |
| 5. | Must be set back from side and rear property lines at a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance. | |
| OTHER REQUIREMENTS | | |
| 6. | May contain a maximum of two bedrooms. | Two bedrooms would be located in the basement. |
| 7. | Must be constructed on a permanent foundation with no wheels. | The ADU would be integrated into the existing home. |

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 the 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 40 area property owners and received no comments.

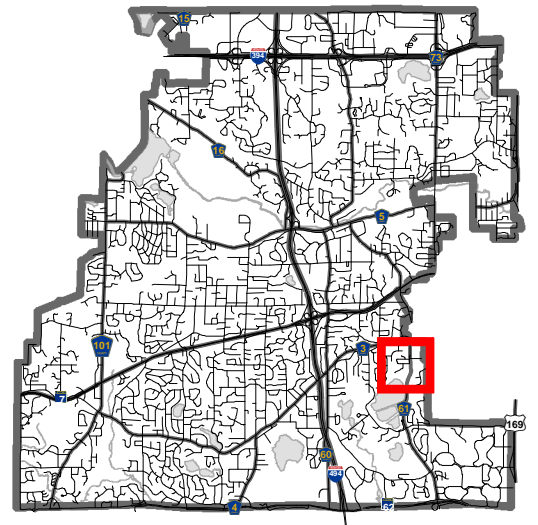
**Deadline for
Decision**

Oct. 30, 2023



Location Map

Project: Ranan Residence
Address: 11621 Shady Oak Rd

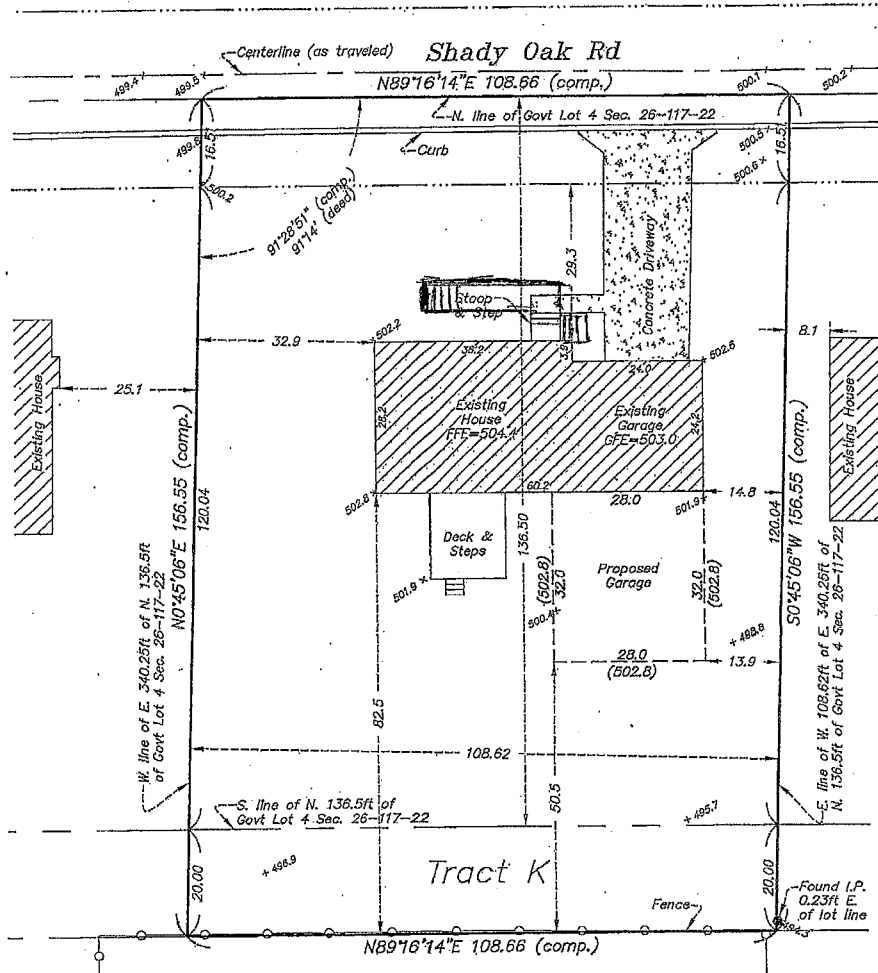


11621 Shady Oak Dr

MI 198037
6/5/15

Building Permit Survey

Prepared for:
Perry Ranan

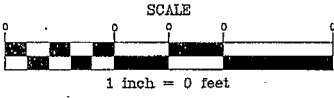


- Legend**
- Found Iron Monument
 - Set Iron Monument (LS 14700)
 - × 000.0 Existing Elevation
 - (000.0) Proposed Elevation

Site Address:
11621 Shady Oak Rd
Minnetonka, MN 55343

Proposed Elevations:
Garage Floor = 503.0

Boundary Description (supplied by client)
The West 108.62 feet of the East 340.25 feet of the North 136.5 feet of Government Lot 4 of Section 28, Township 117, Range 22, Hennepin County, Minnesota, also Tract K of REGISTERED LAND SURVEY No. 528, Hennepin County, Minnesota. Subject to any and all easements of record.



Bearings and elevations based on assumed datum.

SCHOBORG LAND SERVICES INC.

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

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

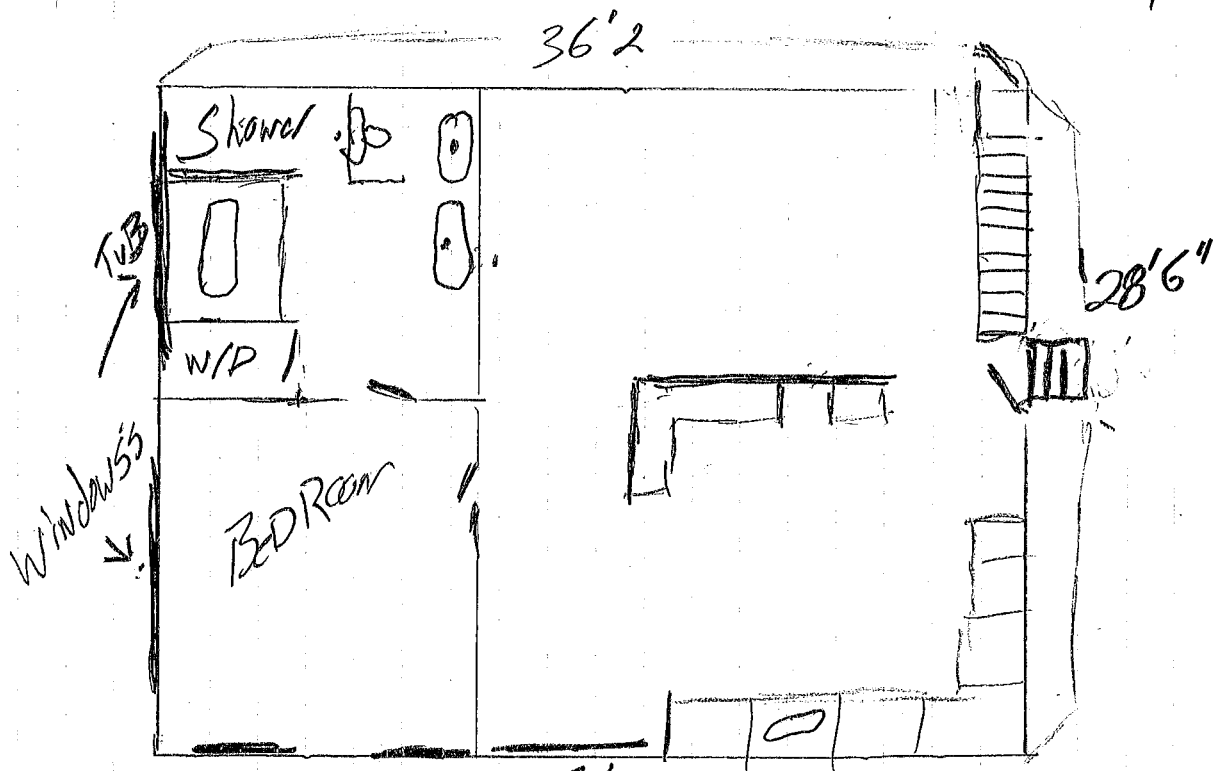
Paul B. Schoborg
Paul B. Schoborg

Date: MAR 27 2015 Registration No. 14700

| | |
|---------------|---------------------|
| Job Number: | 7952 |
| Book/Page: | LL |
| Survey Date: | 3/18/15, 3/25/15 |
| Drawing Name: | ranan-03-25-115.dwg |
| Drawn by: | DMS |
| Revisions: | |

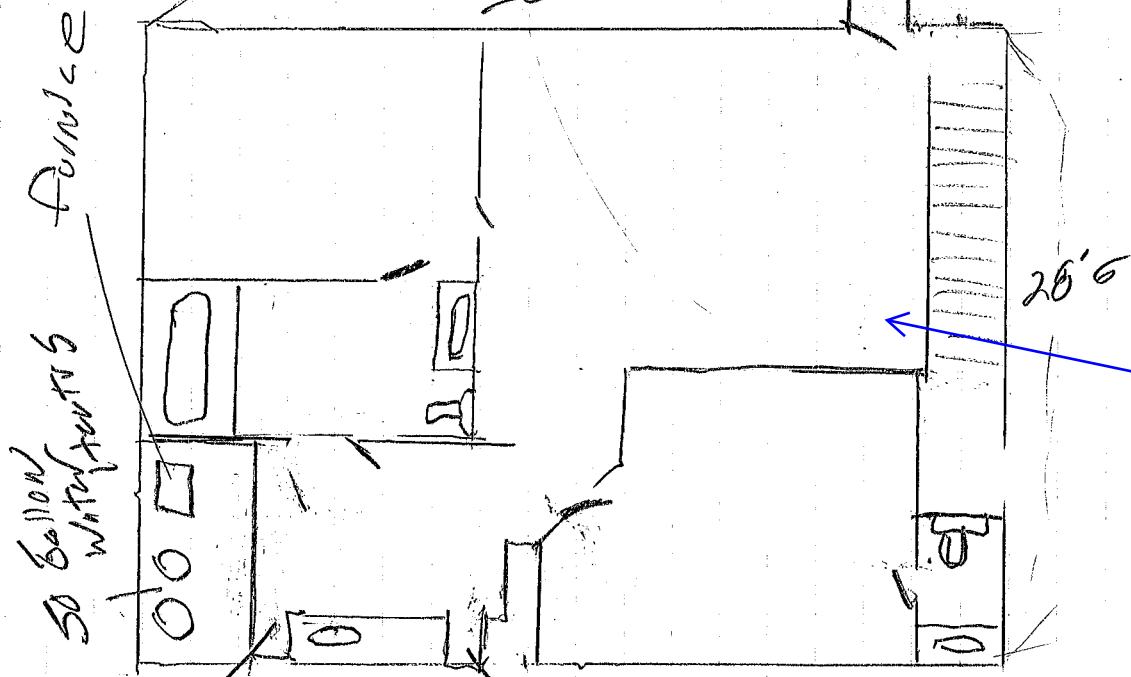
8

Upper 1,000 sq ft



Slider NEW PAVER WALLS

Lower 850 sq ft



Accessory Dwelling Unit

Slat and Brim

1/8" Scale Per foot

Front of Home (facing south)



Future below
grade walkout

~~716 x 16 wide~~
~~footing 1/2 ReBar~~

~~All cores filled with concrete~~

Lime Stone floor

~~1/2" ReBar~~

~~French Drain~~

~~Sand & Backfill~~
~~Perch~~

~~Steel stays~~

Landing

47" x 53"
x 12" H

Remove Block

RO

5'-7"

15"
Not Poured
in place
Wall

47"

existing
Wall
Room -
FT STEPS

All is Block Retaining wall

Resolution No. 2023-

**Resolution approving a conditional use permit for an attached
accessory dwelling unit at 11621 Shady Oak 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 11621 Shady Oak Drive. It is legally described as:

The West 108.62 feet of the East 340.25 feet of the North 136.5 feet of Government Lot 4 of Section 26, Township 117, Range 22, Hennepin County, Minnesota, also Tract K of REGISTERED LAND SURVEY No. 526, Hennepin County, Minnesota.

Torrens Certificate number: 1399526

1.02 The property owner, Perry Ranan, is requesting a conditional use permit for an existing accessory dwelling unit on his property.

1.03 On Oct. 12, 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 permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. General Standards:

a) ADUs are allowed only on properties zoned R-1, R-1A, and R-2.

- b) No more than one ADU is allowed per property.
- c) The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
- d) ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
- e) Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.
- f) The ADU and the property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.

2. Construction and Design Standards:

- a) On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.
- b) Any ADU, whether attached or detached:
 - 1) Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts on the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers

important or unique. In no case may a detached ADU be 200 square feet or less in total size.

- 2) Must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
 - 3) Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 - 4) May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.
 - 5) Must be registered with the Minnetonka police and fire departments prior to occupancy.
- c) Attached ADUs:
- 1) Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.
 - 2) May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.
 - 3) Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.
- d) Detached ADUs:
- 1) Must be designed to maintain the residential character of the lot on which it will be located.
 - 2) May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for the construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits

a detailed plan that demonstrates adequate vehicular parking exists on the site.

- 3) The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not result in undue adverse impacts on neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.
- 4) Must be located:
 - a. Behind the rear building line of the principal dwelling unit. In the case of a corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.
 - b. To preserve existing, natural site features to the extent practicable.
- 5) Must be set back from side and rear property lines at a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance.
- 6) May contain a maximum of two bedrooms.
- 7) Must be constructed on a permanent foundation with no wheels.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

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

1. General Standards:

- a) The property is zoned R-1.

- b) Only one ADU is proposed.
- c) As a condition of this resolution, the owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, for not less than 185 days per calendar year.
- d) Subdivision is not proposed. Nonetheless, this has been added as a condition of approval.
- e) Off-street parking would be provided in the existing four-car garage and paved parking area.
- f) The existing home has a nonconforming front yard setback. However, the proposed ADU would be completely integrated into the existing home and would have no change to the existing setbacks of the home. The ADU would comply with all other setback requirements for general structures. The site contains no natural features requiring a setback, such as a wetland or floodplain.

2. Construction and Design Standards:

- a) The ADU would be attached and integrated into the existing house.
- b) Any ADU, whether attached or detached:
 - 1) The existing home is 3,518 square feet. Thirty-five percent of the existing home would be 1,231 square feet. The proposed ADU would be both under 1,000 square feet (905 square feet) and less than 35 percent of the floor area of the principal dwelling (26 percent).
 - 2) The ADU would be integrated into the existing home. Nonetheless, this has been added as a condition of approval.
 - 3) As a condition of this resolution, the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 - 4) No additional curb cuts are proposed. This has been added as a condition of this resolution.
 - 5) As a condition of this resolution, the ADU must be registered with the Minnetonka police and fire departments prior to occupancy.

3. Attached ADUs Standards: The ADU would be created by converting the basement. There are existing egress windows for both of the lower-level bedrooms. The applicant has proposed to add a walkout access from the lower level to the front of the property. None of these property modifications would change the single-family character of the home and would not increase the size or height of the existing home.
4. Detached ADUs: The proposed ADU would be attached and integrated into the existing house. The proposal includes two bedrooms that would be located in the basement.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. A building permit must be submitted and approved by city staff for the walkout stairwell, and all work associated with the basement remodel.
3. The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
4. The ADU may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
5. No more than four vehicles may be parked or stored anywhere outside the property. This maximum does not include vehicles of occasional guests who do not reside on the property.
6. The ADU must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
7. The principal structure and the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
8. The ADU must be registered with the Minnetonka police and fire departments prior to occupancy.
9. The ADU cannot contain more than two bedrooms.
10. No additional curb cuts are allowed without approval from the city's engineering department.

11. Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measured as identified as the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
12. Pay all past-due utility bills.
13. The city council may reasonably add or revise conditions to address any future unforeseen problems.
14. 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 Oct. 30, 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 Oct. 30, 2023

Becky Koosman, City Clerk