



Planning Commission Agenda

March 3, 2016—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: February 18, 2016
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda

None

8. Public Hearings: Non-Consent Agenda Items

- A. Expansion permit to increase the height of a detached, nonconforming garage at 16560 Grays Bay Boulevard

Recommendation: Adopt the resolution approving expansion permit (4 votes)

- Final Decision Subject to Appeal
- Project Planner: Ashley Cauley

- B. Variances to allow construction of a second story addition to the house at 2513 Bantas Point Lane

Recommendation: Adopt the resolution approving expansion permit (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Ashley Cauley

9. Elections

- Election of Commission Chair
- Election of Commission Vice Chair

10. Planning Commission Bylaws and Policies

11. Adjournment

Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the March 17, 2016 Planning Commission meeting:

Project Description: The applicant is proposing site and building plan for a parking lot expansion at 14001 Ridgedale Drive.

Project No.: 07041.16

Staff: Ashley Cauley

Ward/Council Member: 2—Tony Wagner

Section: 3

Project Description: The applicant is proposing to expand parking at 5900 Clearwater Drive. As proposed, a new parking area would “link” to existing lots and requires: (1) a minor amendment to the existing master development plan; and (2) site plan review.

Project No.: 91038.16a

Staff: Susan Thomas

Ward/Council Member: 1—Bob Ellingson

Section: 35

Project Description: The applicant is proposing changes to both the site and building at 14900 State Highway 7. As proposed, the interior and exterior of existing building would be significantly remodeled and new parking areas and driveways constructed. The primary tenant of the building would be a specialty medical clinic. The proposal requires: (1) preliminary and final plats; (2) a major amendment to the existing master development plan; (3) site and building plan review; and (4) a conditional use permit.

Project No.: 86091.16a

Staff: Susan Thomas

Ward/Council Member: 3—Brad Wiersum

Section: 21

Glen Lake Study

Staff: Julie Wischnack

Planning Commission Training

WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The Commission will then discuss the proposal. No further public comments are allowed.
10. The Commission will then make its recommendation or decision.
11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

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

**Unapproved
Minnetonka Planning Commission
Minutes**

February 18, 2016

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and Natural Resource Manager Jo Colleran.

Also present: former planning commissioner Mark Magney.

3. Approval of Agenda

Powers moved, second by Knight, to approve the agenda as submitted with a modification provided in the change memo dated February 18, 2016.

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

4. Approval of Minutes: February 4, 2016

Powers moved, second by Knight, to approve the February 4, 2016 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of February 8, 2016:

- Adopted a resolution approving items for the Bren Road Daycare.
- Adopted a resolution approving items for Wilson Ridge 5th Addition plat.

- Reviewed concept plans for Highview Villas and Villa West.

The next planning commission meeting is scheduled for March 3, 2016.

6. Report from Planning Commission Members

Former commissioner Magney approached the commission and expressed his appreciation for working with thoughtful commissioners and awesome staff.

Calvert encouraged everyone to participate in the next citizens' academy. She enjoyed it and learned a lot.

Powers was impressed with how Wischnack conducted the Shady Oak Redevelopment meeting. Wischnack stated that there will be another meeting regarding potential redevelopment April 7, 2016. A reminder will be sent.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Items concerning Williston Woods West, a five-lot subdivision at 5431 and 5439 Williston Road.

Acting Chair Odland introduced the proposal and called for the staff report.

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

In response to Acting Chair Odland's question, Thomas explained that the January proposal would have impacted 30 percent of the high priority trees and the current proposal would impact 29 percent.

Curt Fretham, of Lakewest Development, applicant, stated that he was available for questions.

Powers asked why the plan was changed. Mr. Fretham stated that some issues were worked through.

Calvert asked how access to Williston Road would be handled. Mr. Fretham stated that each residence would have a turnaround or be able to back into a neighbor's driveway to exit.

Powers asked if there would be easements for each property to be allowed to back into a neighbor's driveway. Mr. Fretham answered that there would be a

common driveway easement and maintenance agreement that would be recorded with each property. Thomas added that there is a condition that would require a common access easement for each residence that would include a "non-blockage clause."

The public hearing was opened.

Sharon Gibbons, 5402 Williston Road, stated that she and her neighbors support the proposal. This proposal makes sense. It has been hard to watch the property deteriorate for 12 years. She is glad the south piece of property was added to the project. She asked if construction would be done for the five houses individually or if all of the houses would be done at once. She would like them to be done quickly. The rendering makes the site look more level than it is. The proposal is a good solution. It would provide housing needed in Minnetonka.

No additional testimony was submitted and the hearing was closed.

Thomas explained that the site would be platted as individual lots with common easements for access to the lots. Construction must substantially conform to the elevations in the approved site and building plan to provide general consistency. The city does have a deadline for when construction must be completed after issuance of a building permit, but there is no deadline when a developer must apply for a building permit. The residences may be constructed one at a time.

Mr. Fretham explained that he is working with a builder, but does not have a timeframe of when the houses would be constructed.

In response to Powers' question regarding runoff, Mr. Fretham stated that his engineers have included features and worked with the grades to provide control measures.

Powers asked for the proposed houses' selling price. Mr. Fretham estimated from \$400,000 to \$600,000.

Acting Chair Odland asked if there would be one or multiple builders. Mr. Fretham said that it would be likely that there would be one builder for all of the lots.

Calvert agreed that the proposed houses are desirable for the area and would provide a transition from a dense area to a low-density, residential area. She liked the proposal and agreed with the PUD zoning. She was a little concerned with the timeline. She liked the concept.

Powers said that including the second small lot made sense to him. Solving the problem so drivers would not have to back onto Williston Road is significant.

Acting Chair Odland gave Mr. Fretham kudos for responding to the feedback.

Calvert moved, second by Powers, to recommend that the city council adopt the following with an address correction provided in the change memo dated February 18, 2016:

- 1) ***Ordinance rezoning the property from R-1 to PUD and adopting a master development plan for Williston Woods West (see pages A38-A41 of the staff report).***
- 2) ***Resolution approving a preliminary plat of Williston Woods West (see pages A42-A46 of the staff report).***
- 3) ***Resolution approving final site and building plans for Williston Woods West (see pages A47-A57 off the staff report).***

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

9. Other Business

A. Concept plan review for a 350-unit apartment building at 10101 Bren Road East.

Acting Chair Odland introduced the proposal and called for the staff report.

Thomas and Cauley reported. They requested commissioners provide comments, feedback, and direction that may lead to the preparation of more detailed development plans.

O'Connell asked if the green space is being incorporated into the project. Thomas explained that it is part of the large lot.

Tom Hayden, development director for LeCesse Development, applicant, introduced the civil engineer, Nick Mannel, and the architect, Martin Cook, for the project. Mr. Hayden stated that:

- The proposal is for 350 luxury apartments.
- The plan addresses concerns regarding height, mass, and green space.
- The building would be 5 stories tall.

- He would appreciate feedback to create a design that would work for everyone.
- The proposal is not comparable to the project in Maple Grove. This design would be more urban.

Wischnack clarified that residential development is exempt from the trip generation ordinance because it does not create peak-hour traffic.

O'Connell confirmed with Mr. Hayden that the cost would be \$1.75 per square foot. He asked what the market study showed in relation to the location. Mr. Hayden stated that the number and mix of units was determined by the market study. The demographic would be a young, millennial office worker.

Wischnack stated that the SWLRT housing gaps analysis found no housing product in the rental category that is over 80 percent AMI in the area. There will be a presentation next month with all of the details which are also available on the SWLRT website.

Powers thought more than seven stories would be suitable for the site. He asked what would make the units qualify to be luxury. Mr. Cook explained that the construction costs would raise dramatically if the project would go higher than 5 stories. The upgrades in each unit and an amenity package that includes roof-top amenities with an outdoor pool, 24-hour fitness area, coffee bar, golf simulator, and dog-washing station would make the apartment building on the luxury level. The trend is to decrease the size of the unit and increase the amount of amenities.

Hanson asked what would happen with the green space on the west side. Mr. Hayden answered that has not been determined.

Calvert asked for the square footage of a proposed apartment. Mr. Hayden estimated 900 to 1,000 square-feet. A studio would be 650 square feet with a sliding wall. The small, one-bedroom units are the first to go in an urban setting like this. Forty percent of the units would have two bedrooms. The remainder would be studio or one bedroom units.

O'Connell asked if the proposal would work without the SWLRT. Mr. Hayden is appreciative of the light rail, but the demographics in the area would support the project without the light rail.

Calvert asked what the building would look like. Mr. Cook explained that the massing plan shows the mass, but does not represent the architecture. The first rendering would work in this area. As the proposal moves forward, he would work

closely with staff to create the direction of the aesthetics, massing, and design of the materials and so on.

Calvert asked why the courtyard would be closed off rather than having an open view. Mr. Hayden found that residents enjoy enclosed, quiet, courtyards with amenities. Mass would be located as high as possible and spread out. The plan would be to relocate the path to a location that would work for everyone.

Hanson likes the courtyard and pool. He would look for privacy. He asked if the pool would be in shade. Mr. Hayden stated that would be a good thing to consider.

Calvert asked if the water table level would cause a problem for the two underground levels of parking. Mr. Mannel stated that soil borings did not find water down to 21 feet. The groundwater table should not be an issue.

Hanson asked if there could be a green area in the courtyard that would collect water from the roofs. Mr. Mannel stated that the city and watershed district stormwater requirements would be met. There would probably be underground stormwater collection features. The deck in the courtyard would be located over the parking.

Acting Chair Odland asked how the urban building would be made to fit in with the city's value of natural surroundings. Mr. Hayden stated that there would be a natural buffer from Bren Road to the entrance. The mass would go up and the building would use as little green space as possible. There would be landscaping and open, green space. He was open to suggestions regarding how to create more natural features.

Hanson suggested using colors that would blend in.

Calvert asked what amenities would be located on the roof. Mr. Cook answered soft-seating areas, landscaping, and fire pits.

Powers likes the roof-top amenities very much. There are areas for groups to gather all around the property. He asked if the applicant has built a similar project. Mr. Hayden agreed that residents would need to drive to a grocery store and movie theater. That is not unusual. As the light rail is operational, the surrounding office park may transform to include retail and restaurants. Wischnack noted that there are 789 units of housing in the area already. The 1970 Opus plan includes mixed uses and residential housing.

O'Connell asked how fast the leasing went for the Carlson Project. Wischnack said that the market is strong and vacancies are still very low, less than two percent.

Calvert favored keeping the green space and keeping the natural setting running along the path.

Acting Chair Odland asked what green features would be incorporated. Mr. Hayden said that he would work with staff to create an energy-efficient building that would include green elements.

Knight liked what he saw. He is a fan of rooftop amenities. He asked if a rain garden could be located on a roof. Mr. Hayden said that would be very difficult. There are systems that use plastic containers that link together. A rain garden would add a tremendous amount of weight and the price would increase to a point where it would not be feasible.

Knight noted that there are a lot of single-family houses that are not surrounded by amenities and many existing homes within a short walk from the site. He did not think it would be a problem. He likes the proposal.

Calvert likes the proposal. She supports it being a green building.

Powers likes the idea overall. He appreciates his questions being answered so well.

Hanson agreed with saving trees and keeping the path.

10. Adjournment

***Calvert moved, second by Powers, to adjourn the meeting at 8:10 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

March 3, 2016

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)

Minnetonka Planning Commission Meeting

March 3, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
March 3, 2016

Brief Description	Expansion permit to increase the height of a detached, nonconforming garage at 16560 Grays Bay Boulevard
Recommendation	Adopt the resolution approving expansion permit

Background

The subject property is located in the INTPA-NINI subdivision, which was platted in 1885. In 2013, the existing home was removed and a new 5,300 square foot home was constructed on the property. The home complied with all city's standards and incorporated a previously detached garage. The property is also improved with a 700 square foot detached, accessory structure. The structure is located entirely within the property's required 35-foot front yard setback and has an existing height of 14 feet. While the accessory structure's original construction date is unknown, the structure does appear in aerial photographs from 1956. (See page A8.)

Proposal

The property owners, Jeff and Nicole Stone, are proposing several improvements to the detached accessory structure, many of which are cosmetic and intended to enhance the structure's appearance. However, the property owners are also proposing to remove an existing lean-to on the east side of the structure and increase the structure's height. The removal of the lean-to would effectively increase the structure's setback from the east property line from four feet to ten feet. The proposal requires an expansion permit to increase the height of the structure from 14 feet to 18 feet. (See narrative and plans on pages A1-A5.)

Staff Analysis

Staff finds that the proposed expansion meets the expansion permit provisions of the non-conforming use ordinance.

- Reasonable use and neighborhood character: The proposed expansion is reasonable and would not negatively impact the character of the surrounding neighborhood. The addition would:
 1. Not increase the existing footprint of the garage or encroach further into required setbacks. In fact by removing the lean-to, the structure's setback from the front – or east – property line would be increased from four feet to ten feet.
 2. Improve the integrity of the structure.

3. Bring a more cohesive architectural character to the property and surrounding neighborhood. The improvements would add visual interest to the detached structure more closely resembling the recent home renovations.
- Unique circumstance: The existing structure has a non-conforming height and setback which is unusual for similarly situated properties.

Staff Recommendation

Adopt the resolution on pages A10–A13, which approves an expansion permit to increase the height of a detached structure at 16560 Grays Bay Boulevard.

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

Supporting Information

- Project No.** 05056.16a
- Property** 16560 Grays Bay Boulevard
- Applicant** Nicole and Jeff Stone
- Surrounding Land Uses** Northerly: single family residential home, zoned R-1
Easterly: single family residential home, zoned R-1
Southerly: single family residential home, zoned R-1
Westerly: Lake Minnetonka
- Planning** Guide Plan designation: low density residential
Zoning: R-1, low density residential
- Expansion Permit** By City Code §300.29 Subd. 3(g) an expansion permit is required for *any* proposed expansion of a non-conforming structure when that expansion would *not* intrude into required setback beyond that of the existing non-conforming structure.
- Accessory structure** Accessory structures, such as detached garages, are permitted accessory uses in the R-1 zoning district provided they do not exceed 12 feet in height or 1,000 square feet of gross floor area.

The following is intended to summarize required, existing and proposed conditions:

	Required	Existing	Proposed
<i>Front yard setback (east property line)</i>	35 ft	4 ft	10 ft
<i>Side yard setback (north property line)</i>	10 ft	2 ft	3 ft
<i>Building height</i>	12 ft	14 ft	17.5 ft*
<i>Floor area</i>	less than 1,000 square feet of gross floor area	670 sf	526 sf

** expansion permit required

- Previous Approvals** In 2005, the city approved a conditional use permit and variance for a second detached accessory structure on the property. The accessory structure was 1,500 square feet in size, with a building

height of 20 feet. When the new home was constructed in 2013, the detached garage was incorporated into the principal structure. (See page A7.)

Natural Resources During the construction of the new home, in 2013, an active eagle nest was observed on an adjacent property. The United States Fish and Wildlife Service (USFWS) provided recommendations to ensure that the eagles were not disturbed. It is possible that the eagles may reuse the nest or nest near the “old” nest. If it is determined by the builder, city staff or the property owners that the nest continues to be active, the previous recommendations should be followed and the USFWS should be notified.

Burden of Proof By city code, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

1. The proposed expansion is reasonable use of the property, considering such things as:
 - Functional and aesthetic justifications for the expansions;
 - Adequacy of off-street parking for the expansion;
 - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
 - Improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

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

Appeals Any person aggrieved by the planning commission’s decision about the requested permit may appeal such decision to the city

council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Approving Body

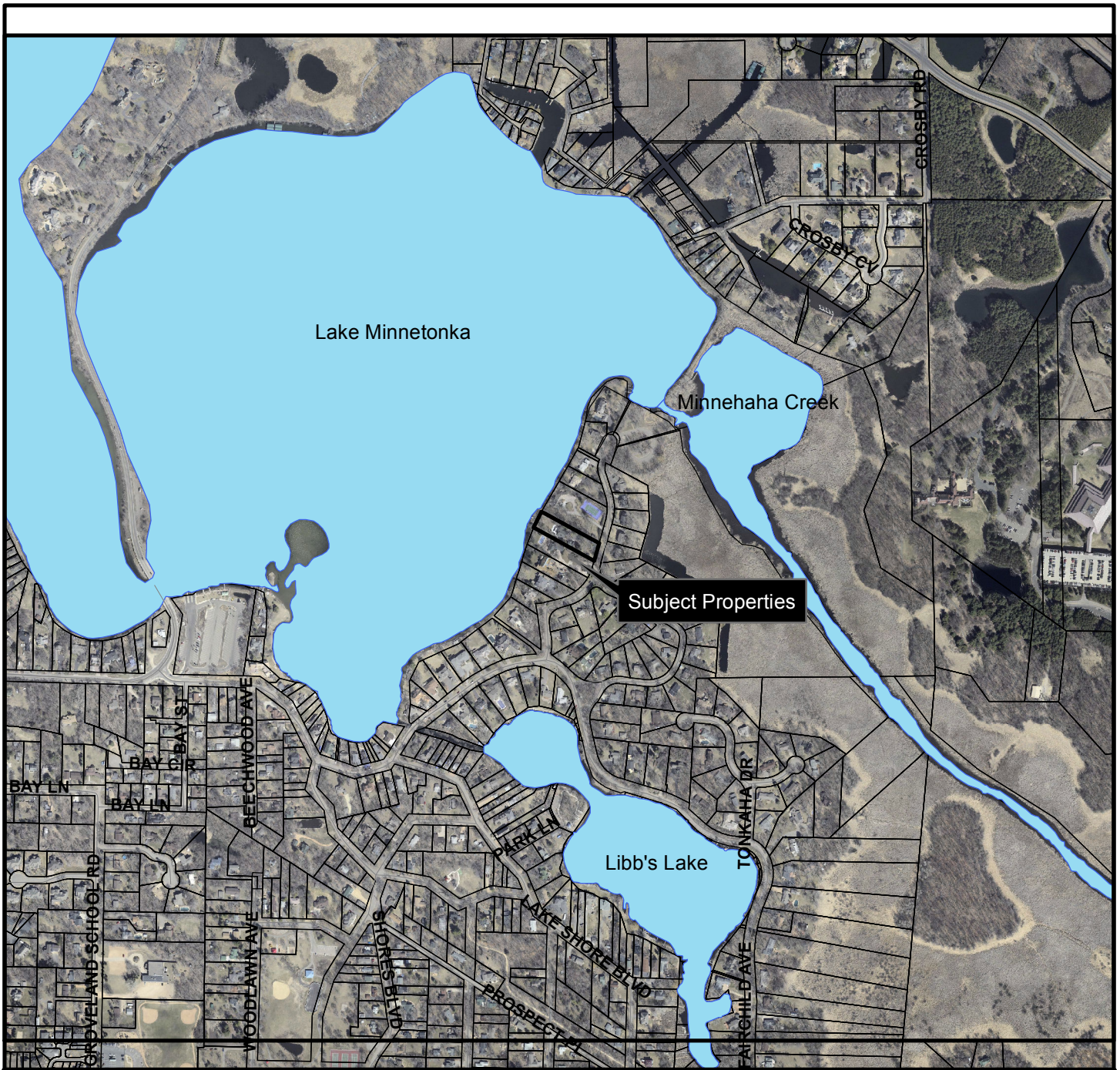
The planning commission has final authority to approve or deny the request. (City Code §300.29 Subd.7(c)(2))

Neighborhood Comments

The city sent notices to 26 area property owners and received no comments to date.

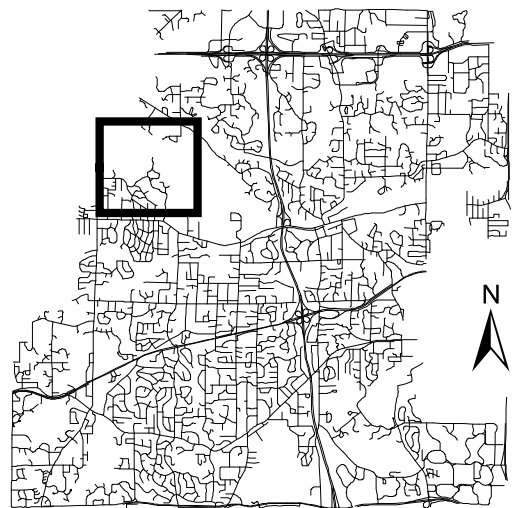
Deadline for Decision

June 10, 2016



Location Map

Applicant: Nicole & Jeff Stone
 Address: 16560 Grays Bay Blvd
 Project No.005056.16a



This map is for illustrative purposes only.

Jeff and Nicole Stone
 16560 Grays Bay Boulevard
 05056.16a

Written Statement – 16560 Grays Bay Blvd

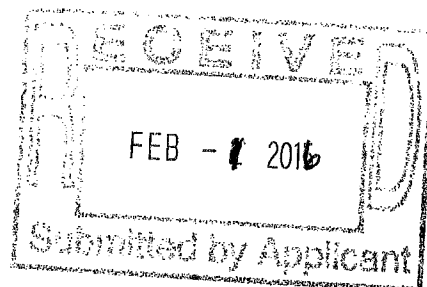
We purchased the property in August 2013. There was a house (built 1916) and a 3-car garage (built 2006). The 2-car garage (estimate 100 years old) we would like to repair was also on property at the time we purchased. We tore down the house in May 2014, rebuilt a home and connected it to the existing 3-car garage (March 2015). The new home and 3-car garage are within the setback requirements.

The 2-car garage is not within the setback requirements and therefore we are requesting an expansion permit to complete the following required repairs:

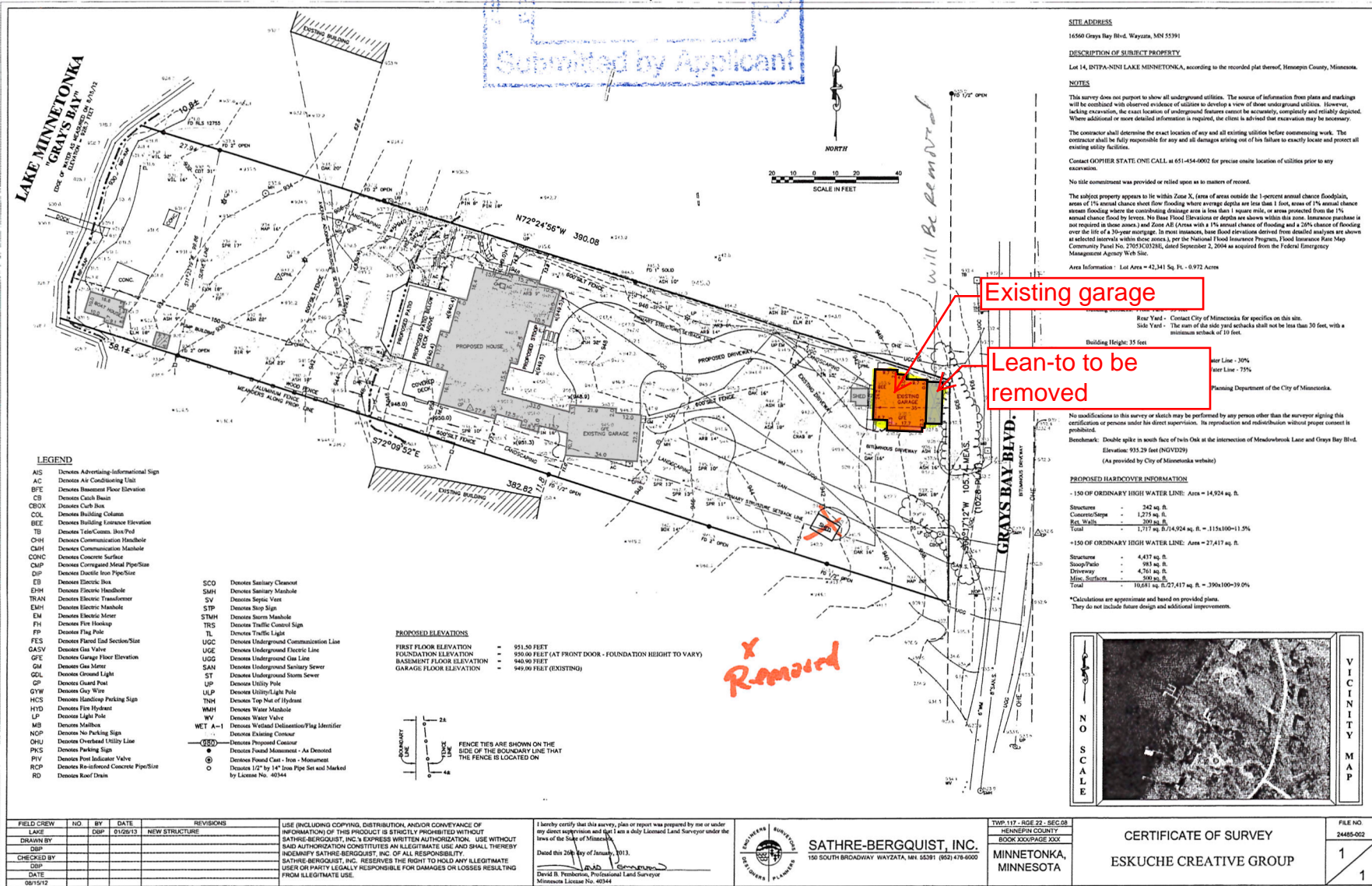
1. Siding replacement – we painted last spring to match our new home but the siding needs to be replaced.
2. Roof – pitch is almost flat and keeps pooling with large amounts of snow melt. We patched last year but have been told the pitch will need to be increased to prevent the issue in the future.
3. Stairs – the existing stairs to the finished area are not safe and need to be replaced.
4. Lean-to – there is a lean-to/shed that we will remove. The lean-to is closest to the street so garage will be farther from the road. We will continue the siding to cover the portion removed.

We have discussed the changes with our neighbors and they welcome the “upgrade”. They have been nice but the garage is an eyesore. Thanks for the consideration.

Nicole and Jeff Stone



RECEIVED
FEB - 2 2016
Submitted by Applicant



- LEGEND**
- AS Denotes Advertising Informational Sign
 - AC Denotes Air Conditioning Unit
 - BFE Denotes Basement Floor Elevation
 - CB Denotes Catch Basin
 - CRUC Denotes Curb Box
 - COL Denotes Building Column
 - BEE Denotes Building Entrance Elevation
 - TC Denotes Toilet Comm. Box/Pit
 - CH Denotes Communication Handhole
 - CMH Denotes Communication Manhole
 - CONC Denotes Concrete Surface
 - CMP Denotes Corrugated Metal Pipe/Size
 - DIP Denotes Electric Iron Pipe/Size
 - EB Denotes Electric Box
 - EH Denotes Electric Handhole
 - TRAN Denotes Electric Transformer
 - EMH Denotes Electric Manhole
 - EM Denotes Electric Meter
 - FH Denotes Fire Hookup
 - FP Denotes Flag Pole
 - FES Denotes Fenced End Section/Size
 - GASV Denotes Gas Valve
 - GFE Denotes Garage Floor Elevation
 - GM Denotes Gas Meter
 - GGL Denotes Ground Light
 - GP Denotes Guard Post
 - GYW Denotes Guy Wire
 - HCS Denotes Handicap Parking Sign
 - HTD Denotes Fire Hydrant
 - LP Denotes Light Pole
 - MS Denotes Mailbox
 - NCP Denotes No Parking Sign
 - OHU Denotes Overhead Utility Line
 - PKS Denotes Parking Sign
 - PVV Denotes Post Indicator Valve
 - RCP Denotes Reinforced Concrete Pipe/Size
 - RD Denotes Roof Drain
 - SCO Denotes Sanitary Cleanout
 - SMH Denotes Sanitary Manhole
 - SV Denotes Septic Valve
 - SYP Denotes Stop Sign
 - STMH Denotes Storm Manhole
 - TR Denotes Traffic Control Sign
 - TL Denotes Traffic Light
 - UGC Denotes Underground Communication Line
 - UGE Denotes Underground Electric Line
 - UGD Denotes Underground Gas Line
 - USAN Denotes Underground Sanitary Sewer
 - UP Denotes Underground Storm Sewer
 - ULP Denotes Utility/Light Pole
 - TNH Denotes Top Not of Hydrant
 - WV Denotes Water Valve
 - WET A-1 Denotes Wetland Delineation/Flag Identifier
 - WC Denotes Existing Corner
 - WC Denotes Proposed Corner
 - WM Denotes Found Monument - As Decried
 - WM Denotes Found Monument - Not - Monument
 - WM Denotes 1/2" by 1/4" Iron Pipe Set and Marked by License No. 40344

PROPOSED ELEVATIONS

FIRST FLOOR ELEVATION	= 91.50 FEET
FOUNDATION FLOOR ELEVATION	= 90.00 FEET (AT FRONT DOOR - FOUNDATION HEIGHT TO VARY)
BASEMENT FLOOR ELEVATION	= 94.00 FEET
GARAGE FLOOR ELEVATION	= 94.00 FEET (EXISTING)

FENCE TIES ARE SHOWN ON THE SIDE OF THE BOUNDARY LINE THAT THE FENCE IS LOCATED ON

SITE ADDRESS
16560 Grays Bay Blvd, Wayzata, MN 55391

DESCRIPTION OF SUBJECT PROPERTY
Lot 14, NTPA-NINI LAKE MINNETONKA, according to the recorded plat thereof, Hennepin County, Minnesota.

NOTES
This survey does not purport to show all underground utilities. The source of information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.
The contractor shall determine the exact location of any and all existing utilities before commencing work. The contractor shall be fully responsible for any and all damages arising out of its failure to exactly locate and protect all existing utility facilities.
Contact Gopher State One Call at 651-454-0002 for precise onsite location of utilities prior to any excavation.
No site commitment was provided or relied upon as to matters of record.
The subject property appears to be within Zone X. (Area of areas outside the 1-percent annual chance floodplain, areas of 1% annual chance short flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevation or depths are shown within this zone. Insurance purchase is not required in these areas.) and Zone AE (Area with a 1% annual chance of flooding and a 20% chance of flooding over the life of a 30-year mortgage. In most instances, base flood elevations derived from detailed analyses are shown at selected intervals within these areas.) per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 27053C031M, dated September 2, 2004 as acquired from the Federal Emergency Management Agency Web Site.
Area Information: Lot Area = 42,341 Sq. Ft. - 0.972 Acres
Rear Yard - Contact City of Minnesota for specifics on this site.
Side Yard - The sum of the side yard setbacks shall not be less than 30 feet, with a minimum setback of 10 feet.
Building Height: 35 feet
Set Line - 30%
Rear Line - 75%
Planning Department of the City of Minnesota.

No modifications to this survey or sketch may be performed by any person other than the surveyor signing this certification or persons under his direct supervision. Its reproduction and redistribution without proper consent is prohibited.
Benchmark: Double spike in south face of Twin Oak at the intersection of Meadowbrook Lane and Grays Bay Blvd.
Elevation: 935.29 feet (NGVD29)
(As provided by City of Minnesota website)

PROPOSED HARDCOVER INFORMATION

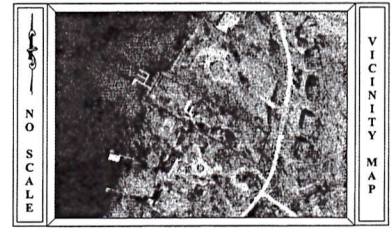
- 150 OF ORDINARY HIGH WATER LINE: Area = 14,924 sq. ft.

Structure	= 242 sq. ft.
Concrete/Steps	= 1,279 sq. ft.
Ret. Walls	= 200 sq. ft.
Total	= 1,721 sq. ft./4,924 sq. ft. - 115x100=11.5%

+ 150 OF ORDINARY HIGH WATER LINE: Area = 27,417 sq. ft.

Structure	= 4,417 sq. ft.
Slopp/Pavls	= 983 sq. ft.
Driveway	= 4,761 sq. ft.
Misc. Surfaces	= 500 sq. ft.
Total	= 10,661 sq. ft./27,417 sq. ft. - 39x100=39.0%

*Calculations are approximate and based on provided plans. They do not include future design and additional improvements.



eskuche ASSOCIATES

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www.eskuche.com

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Denali
Custom Homes, Inc.
www.denalicutomhomes.com
(952) 476-2679
18352 Minnetonka Boulevard
Deephaven, Minnesota

GRAY'S BAY RESIDENCE

WAYZATA, MINNESOTA

PERMIT SET

4 FEBRUARY 2013

SHEET

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Dated this 20th day of January, 2013.
David B. Pemberton, Professional Land Surveyor
Minnesota License No. 40344

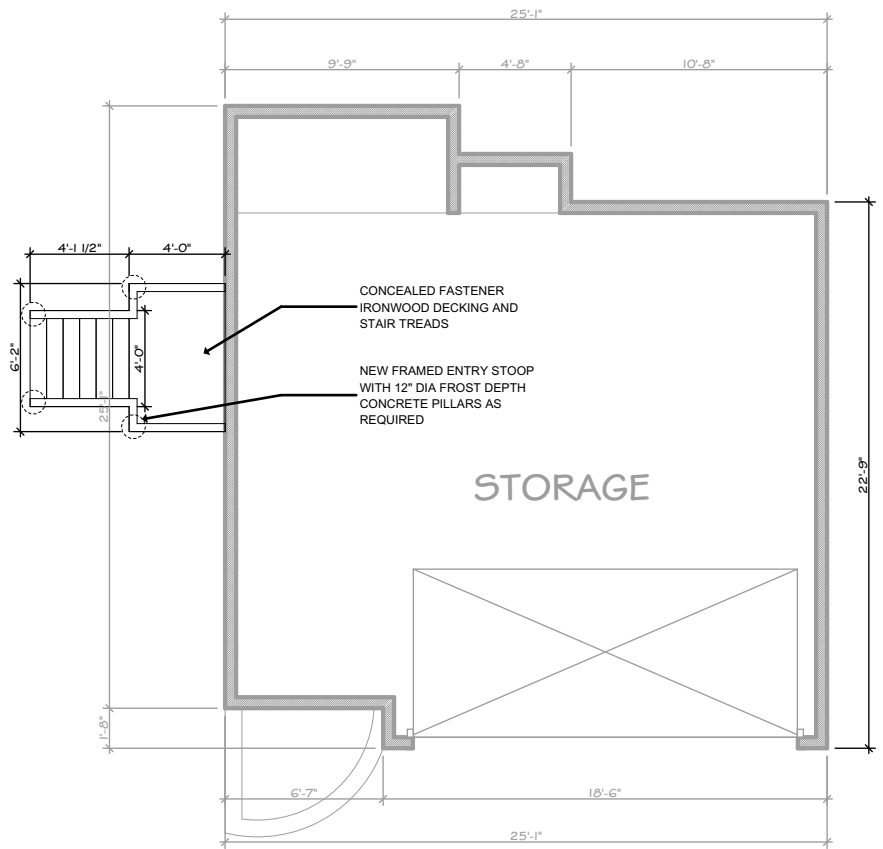
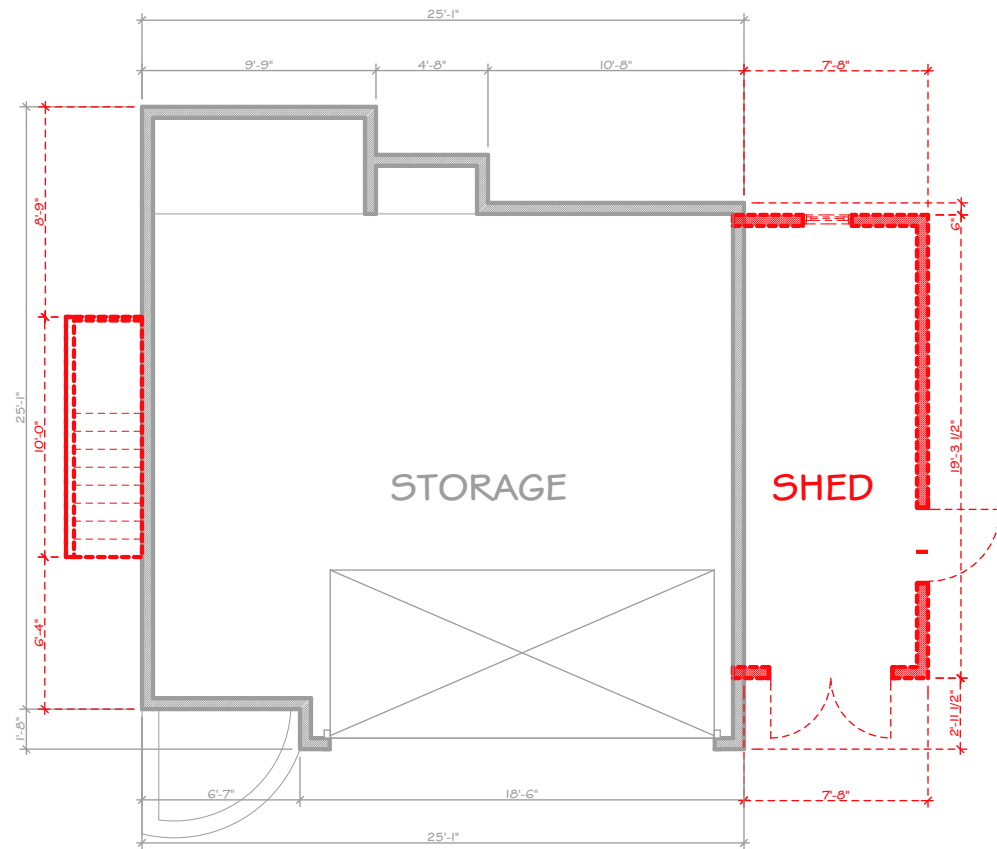
SATHRE-BERGQUIST, INC.
130 SOUTH BROADWAY WAYZATA, MN 55391 (952) 478-6000

TWP. 117 - RGE. 22 - SEC. 08
HENNEPIN COUNTY
BOOK XXXXPAGE XXXX
MINNETONKA, MINNESOTA

CERTIFICATE OF SURVEY
ESKUCHE CREATIVE GROUP

FILE NO. 24485-002
1
1

Jeff and Nicole Stone
16560 Grays Bay Boulevard
05056.16a



CARRIAGE HOUSE REPAIR

16560 GRAYS BAY BLVD
WAYZATA, MN 55391

29 JANUARY 2015

1 EXISTING CARRIAGE HOUSE
SCALE: 1/8" = 1'-0"

2 PROPOSED CARRIAGE HOUSE REMODEL
SCALE: 1/8" = 1'-0" A4

Jeff and Nicole Stone
16560 Grays Bay Boulevard
05056.16a



Background information

5-7-1956

existing shed

An aerial photograph of a coastal property. A red rectangular box is drawn around a structure on the right side of the property, with two red arrows pointing from the box to the structure. The property is surrounded by water and contains various buildings and structures. A road or path runs along the coastline. The overall scene is in black and white.

Jeff and Nicole Stone
16560 Grays Bay Boulevard
A8 05056.16a

Resolution

Planning Commission Resolution No. 2016-

Resolution approving an expansion permit to increase the height of a detached structure at 16560 Grays Bay Boulevard

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

Section 1. Background.

1.01 Jeff and Nicole Stone own the property located at 16560 Grays Bay Boulevard. The property is legally described as follows:

LOT 14, INTPA-NINI LAKE MINNETONKA, according to the plat thereof, Hennepin County, Minnesota

1.02 The existing detached accessory structure has several non-conforming aspects:

	Required	Existing
Front yard setback	35 feet	4 feet
Side yard setback	10 feet	2 feet
Building height	12 feet	14 feet

1.03 While the original construction date of the detached structure is unknown, the structure appears in aerial photographs taken in 1956. This date is prior to the city's first zoning ordinance which was adopted in 1966.

1.04 The property owners are proposing several improvements to the existing structure. While most of the improvements are cosmetic intended to enhance the structure's appearance, the property owners are also proposing to remove the existing lean-to on the east side of the structure and replace the roof system which would increase the height of the structure.

1.05 By removing the lean-to the non-conforming setbacks would be improved. As proposed, the structure’s setback from the east – or front – property line from 4 feet to 10 feet. Additionally, the new roof system would increase the structure’s height from 14 feet to 18 feet. (Project 05056.16a).

1.06 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

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

1.08 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonable use and neighborhood character: The proposed expansion is reasonable and would not negatively impact the character of the surrounding neighborhood. The addition would:

- a) Not increase the existing footprint of the garage or encroach further into required setbacks. In fact by removing the lean-to, the structure's setback from the front – or east – property line would be increased from four feet to ten feet.
 - b) Improve the integrity of the structure.
 - c) Bring a more cohesive architectural character to the property and surrounding neighborhood. The improvements would add visual interest to the detached structure more closely resembling the recent home renovations.
2. Unique circumstance: The existing structure has a non-conforming height and setback which is unusual for similarly situated properties.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
 - Survey date stamped February 1, 2016
 - Floor plans and elevations dated January 29, 2015
2. Prior to issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County.
 - b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction
3. No modifications to existing and previously-approved stormwater management techniques is allowed.
4. Existing driveway exceeds the city's width at right-of-way requirement. The driveway width must be brought into conformance with city ordinance, as per letter dated September 5, 2014.
5. Bald eagles have previously been observed nesting in this area. The

United State Fish and Wildlife Service must be notified if nesting is observed at any time during construction.

6. This expansion permit approval will end on December 31, 2017, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 3, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 3, 2016.

Kathy Leervig, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
March 3, 2016

Brief Description Variances to allow construction of a second story addition to the house at 2513 Bantas Point Lane

Recommendation Adopt the resolution approving the request

Project No. 05029.16a

Property 2513 Bantas Point Lane

Applicant Struction Contracting, LLC, represented by Brad Bollman

Property Owners Mark and Ann Young

Background **February 2005.** The planning commission approved a series of variances to shoreland, floodplain, and side yard setbacks to allow the reconstruction of a new home within the footprint of an existing home. The home was never constructed.

January 2006. The planning commission approved a series of setback and lot variances to allow for construction of a new home on the property. Ultimately the commission found that while the new home required these variances, they would result in a home that would have a greater separation from the south property line and would be elevated out of the 100-year floodplain. (See previously plans and minutes on pages A8-A11.)

The following table summarizes the variances approved:

	Required	Approved in 2006
Shoreland setback	35 ft	15 ft
Floodplain setback	20 ft	0 ft
Side yard setback	7 ft	3 ft; and 1.6 for overhangs
Shoreland setback for deck	25 ft	10 ft
Impervious surface	35%	47%
Floodplain elevation for garage	2 ft	1.5 ft
Lot area variance	22,000 sf	5,630 sf
Buildable area variance	2,400 sf	0 sf
Lot width at required setback	110 ft	9 ft
Lot width at ROW	80 ft	9 ft
Lot depth	125 ft	55 ft

Proposal The applicants are currently proposing to increase the height of the north side of the existing home by four feet to allow for a functional second story living area. As proposed, the addition would be entirely within the footprint of the existing home. (See pages A2-A5.)

Variances The variances approved in 2006 became the 'conforming' and regulating setbacks for the subject property. Any subsequent building permits are required to be in substantial conformance with the 2006 approved plans. The approved plans indicate that the area currently under review would be open to the living area below. The applicants are proposing to increase the structure height and extend floors to enclose the area, essentially providing for additional living space. The variance request is required as the living area and increased building height were not shown on the 2006 plans.

Staff Analysis Staff finds that the applicants' proposal meets the variance standard outlined in city code:

- Reasonableness: It is reasonable to increase the height of a portion of the home to allow for additional and functional living space. The addition would be within the existing home's footprint and would not extend further into the previously-approved setbacks. The current request is the result of the living area – and increased height - not being included in the building plans approved in 2006.
- Unique circumstance and neighborhood character: Due to the lack of buildable area on the property, any type of addition to the existing house would require a variance. The proposed addition would not adversely impact the surrounding neighborhood character. By increasing the height of a portion of the home on the north side by four feet, the addition would not increase the footprint of the house or its visual massing from the street. Further, the Bantas Point neighborhood has had a long history of approved variances. Of the eleven homes on the Bantas Point peninsula, seven of the homes have had variances approved. While the city attorney has advised that this does not necessarily set precedent for future approvals, it does indicate that the city has acknowledged the unique circumstances and neighborhood character of the neighborhood since the late 1970s. Collectively, the present circumstances on the subject property are not

uncommon within the Bantas Point neighborhood but are not common to other similarly zoned properties.

Staff Recommendation

Adopt the resolution on pages A13–A16, which approves variances for a second story living addition at 2513 Bantas Point Lane.

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

Supporting Information

Surrounding Land Uses	Northerly and easterly: Lake Minnetonka Canal Southerly and westerly: single family homes, zoned R-1
Planning	Guide Plan designation: low density residential Zoning: R-1, low density residential
Expansion permit	<p>A variance is required when an expansion of a use will intrude further into a setback area beyond the distance of the existing structure. An expansion permit is required when an expansion of a use will occupy a <i>non-conforming</i> area that was not previously occupied.</p> <p>While the proposed addition would not extend beyond the existing structure, the existing structure's setbacks are not considered <i>non-conforming</i>. The structure's setbacks became 'conforming' with the 2006 variance approvals. As such, the variance request is the result of the proposed addition expanding within an area not previously occupied or approved as part of the 2006 approvals.</p>
Impervious Surface	Currently, the city establishes a maximum impervious surface requirement for properties within the shoreland overlay district. The allowed amount of impervious surface is related to the property's distance from the public water. In 2006, the planning commission approved a variance to increase the maximum impervious surface from 35-percent to 47-percent. The proposal will not result in an increase amount of impervious surface on the property.
McMansion Policy	<p>The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.</p> <p>The property would continue to comply with the McMansion Policy with a FAR of 0.45. Previously the portion of the home which is currently being reviewed, was open to the living room below. By ordinance, additional floors are assumed for every 15-feet of interior building height. As such this area, while not previously physically having a floor, would have been counted in the floor area. (See previous floor plan on page A9.)</p>

The property with the largest FAR in the neighborhood is located immediately adjacent to the subject property with an FAR of 0.52. (See page A6.)

Bantas Point Neighborhood

The Bantas Point neighborhood has had a long history of approved variances. The table below is intended to summarize the variances granted amongst the eleven properties that make up the Bantas Point neighborhood.

Address	Side-yard setback	Front yard setback	Shoreland setback	Floodplain setback	Impervious surface
2502	-	9 ft	10 ft	-	-
2503	3.37 ft	4 ft	-	-	-
2504	-	7 ft	22 ft	0 ft	40%
2508	3 ft	5 ft	-	-	34%
2511	3.9 ft	-	23 ft	1 ft	-
2515	4 ft	-	-	-	-
2513	0 & 6 ft*	-	16 ft	0 ft	-
2513	3 & 3 ft**	-	15 ft	0 ft	47%
2510	5 ft	15 ft	16 ft	0 ft	45%

* approved in 2005
** approved in 2006

Variance Standard A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

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

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

Approving Body The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4)

**Neighborhood
Comments**

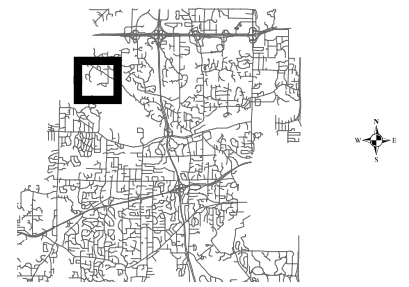
The city sent notices to 31 area property owners and received no comments to date.

**Deadline for
Decision**

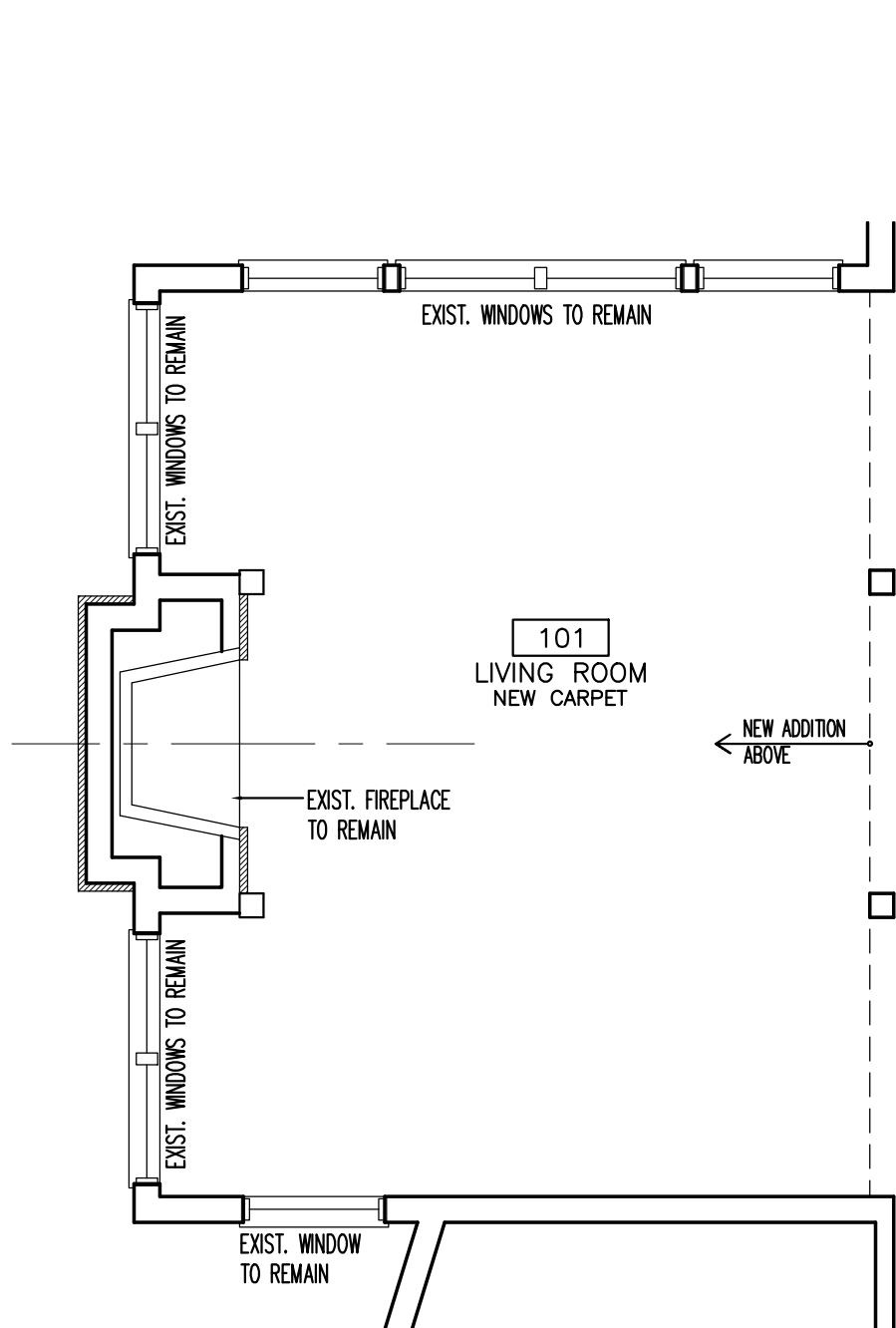
June 10, 2016



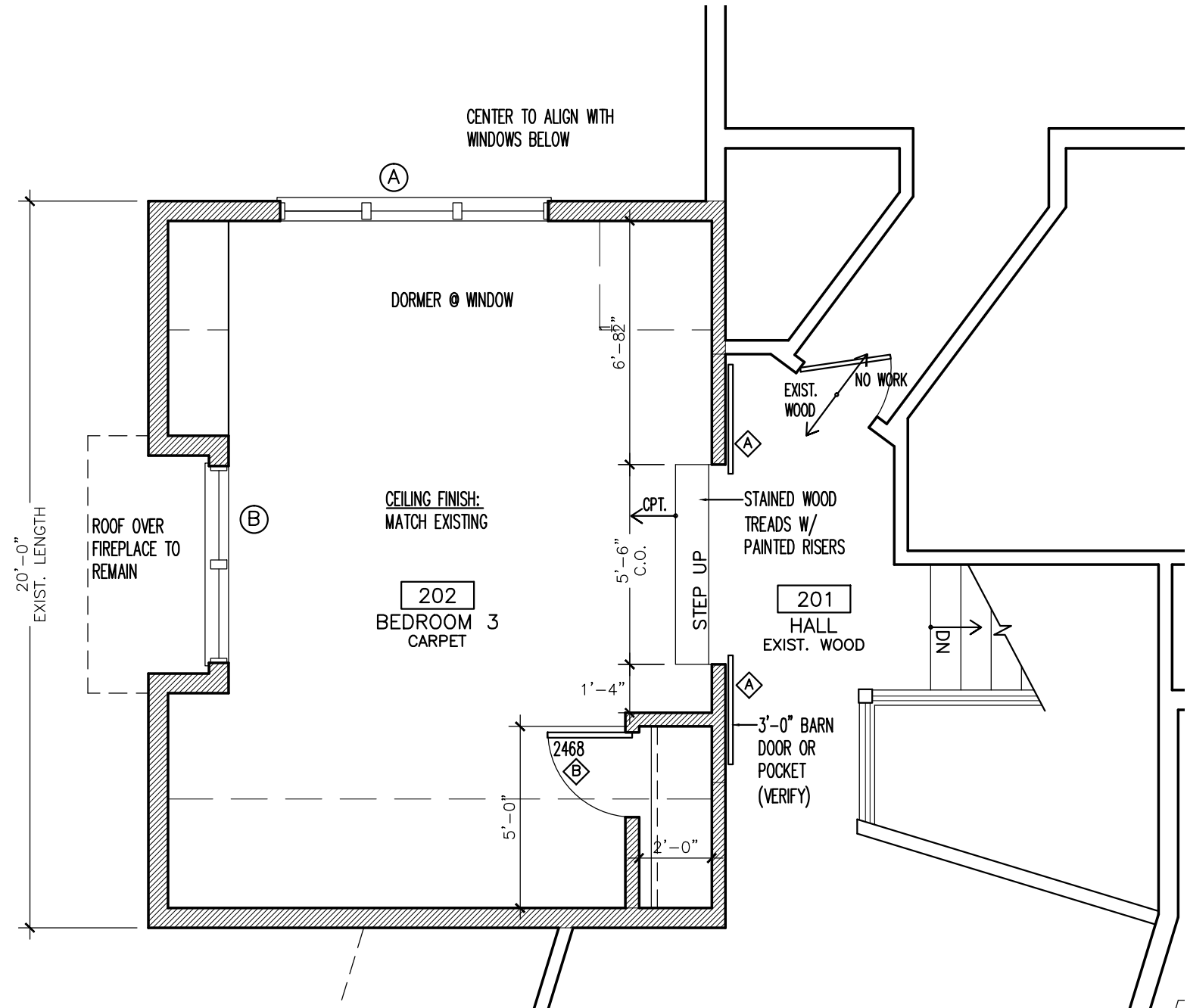
Applicant: Mark and Ann Young
Address: 2513 Bantas Point La
Project No. 05029.16a



This map is for Mark and Ann Young only.
2513 Bantas Point Lane



2 PROPOSED PLAN - MAIN LEVEL
A2.0 SCALE: 1/4" = 1'-0"



2 PROPOSED PLAN - 2ND FLOOR
A2.0 SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE:	
MARVIN INTEGRITY WINDOWS	
Ⓐ	CUDH3226-3W - EGRESS WINDOW
Ⓑ	CAWN 2830-2W
MATCH SCREENS, HARDWARE AND WINDOW STYLE	

ARCHITECTURAL SYMBOL KEY:	
	NEW WALL
	REFLECTED CEILING
Ⓐ	WINDOW TAG
Ⓐ	DOOR TAG



SHEET TITLE:
PROPOSED FLOOR PLANS

RESIDENCE:
YOUNG RESIDENCE
2513 BANTAS POINT LN. MINNETONKA, MN 55391

BID SET

ISSUE DATE 01.18.16
REVISION DATES:

SHEET NUMBER:

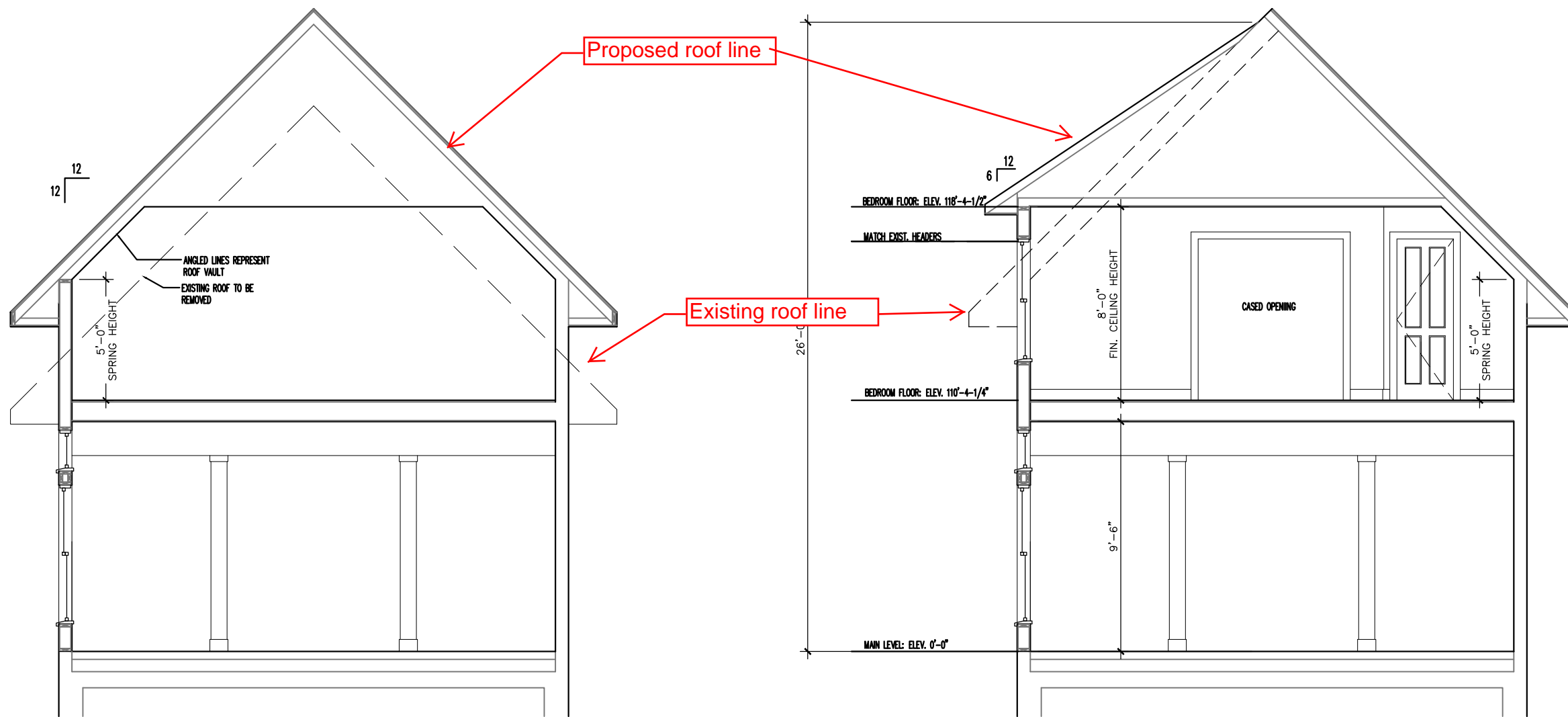
A2.0

A.SADOWSKI DESIGNS
17800 HUTCHINS DR.
MINNETONKA, MN 55345
952.303.4230
www.asadowskidesigns.com

Mark and Ann Young

2513 Bantas Point Lane
05029.16a

RIDGE



1 BLDG. SECTION
A4.0 SCALE: 3/16" = 1'-0"

2 BLDG. SECTION - W/ DORMER
A4.0 SCALE: 3/16" = 1'-0"



A. SADOWSKI
DESIGNS

SHEET TITLE:
BUILDING
SECTIONS

RESIDENCE:
YOUNG
RESIDENCE
2513 BANTAS POINT
LANE
MINNETONKA, MN
55391

BID SET
ISSUE DATE 01.18.16
REVISION DATES:

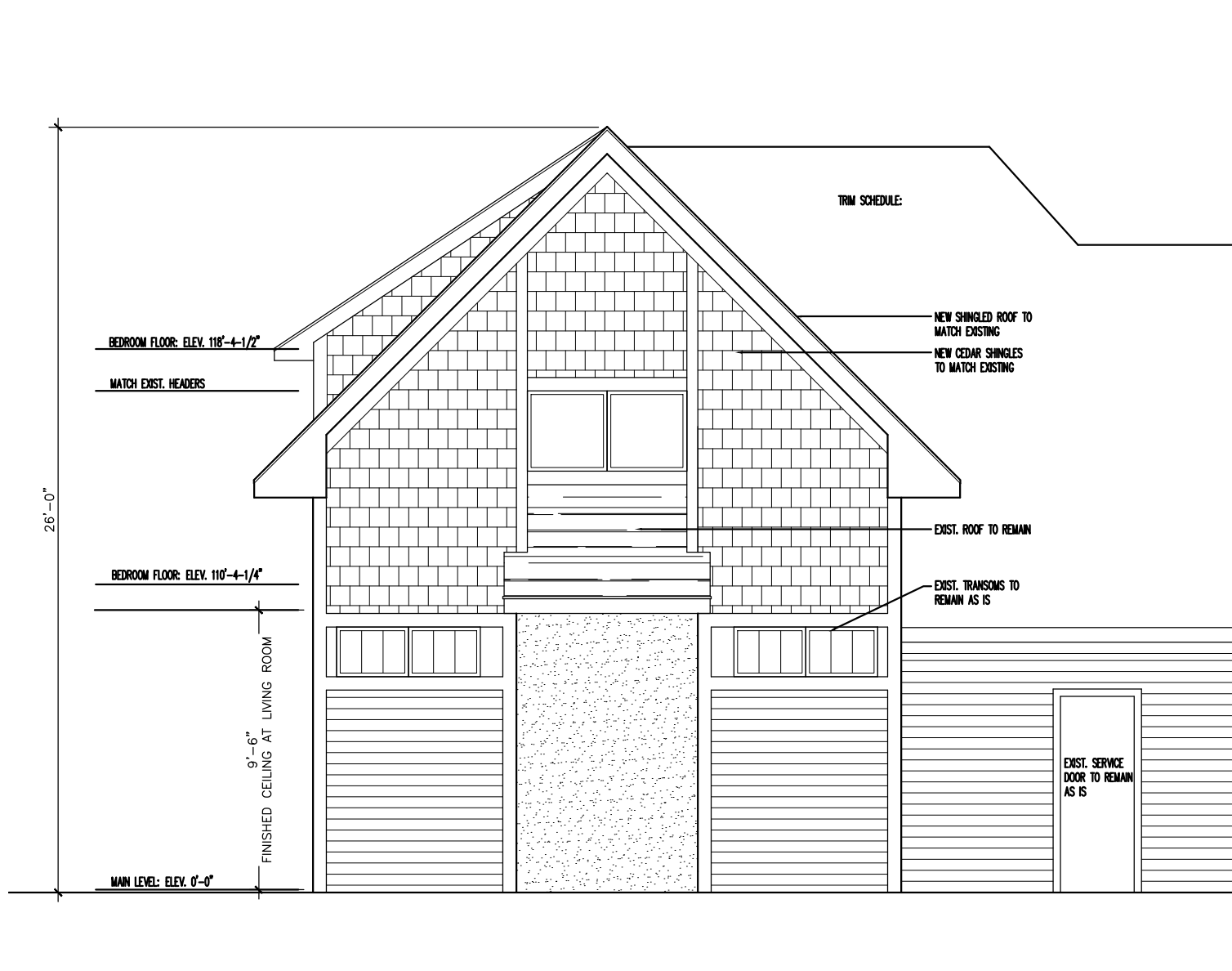
SHEET NUMBER:

A4.0

A. SADOWSKI DESIGNS
17800 HUTCHINS DR.
MINNETONKA, MN
55345
952.303.4230
www.asadowskidesigns.com

Mark and Ann Young

2513 Bantas Point Lane
05029.16a



1 NORTH ELEVATION
A3.0 SCALE: 3/16" = 1'-0"



2 EAST ELEVATION
A3.0 SCALE: 3/16" = 1'-0"



A. SADOWSKI
DESIGNS

SHEET TITLE:
EXTERIOR
ELEVATIONS

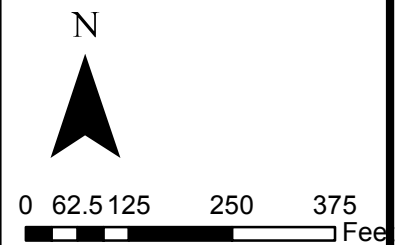
RESIDENCE:
YOUNG
RESIDENCE
2513 BANTAS POINT
LANE
MINNETONKA, MN
55391
BID
DOCUMENTS
ISSUE DATE 01.18.16
REVISION DATES:

SHEET NUMBER:

A3.0

A. SADOWSKI DESIGNS
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MINNETONKA, MN
55345
952.303.4230

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Mark and Ann Young
2513 Bantas Point Lane
05029.16a

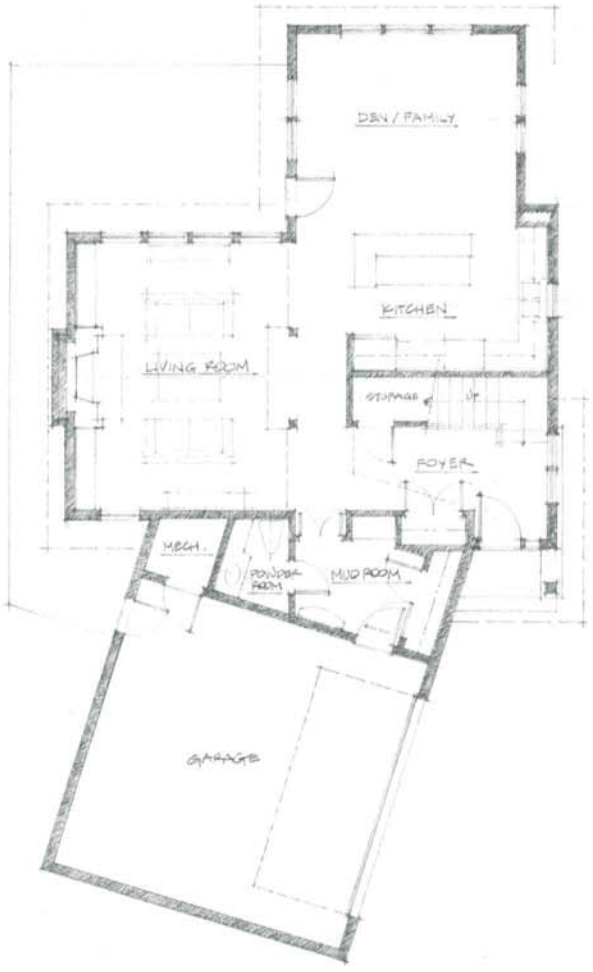


McMansion Policy

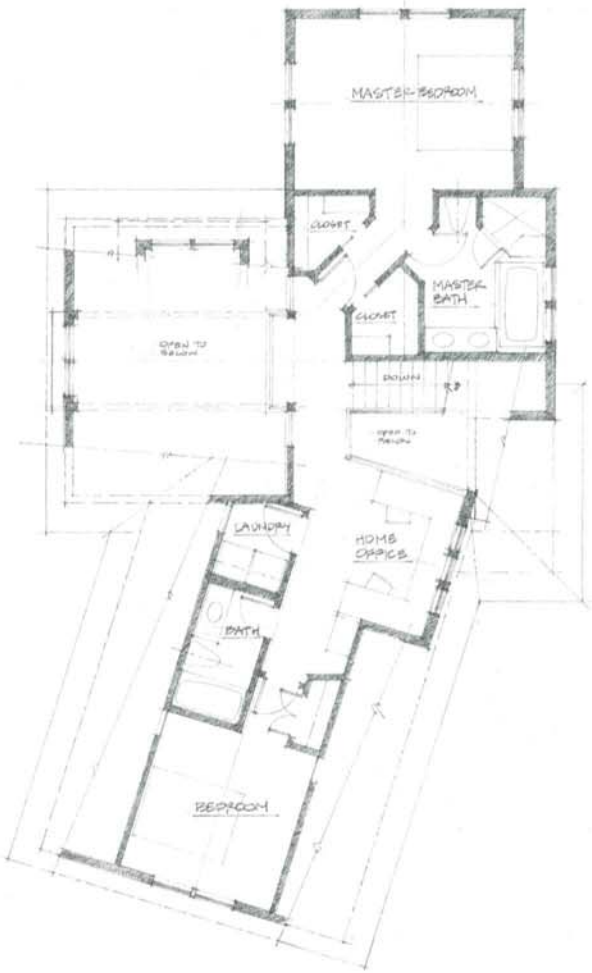
Map prepared by: City of Minnetonka
Mark and Ann Young
2513 Bantas Point Lane
05029.16a

2006 Approval

A10



MAIN LEVEL PLAN



UPPER LEVEL PLAN



D. Multiple variances to tear down and rebuild the home at 2513 Bantas Point Lane for Thomas and Marlys Olson (05029.05b)

Adopt the resolution on pages A1–A4 of the staff report, which approves the proposed variances, based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstance that is unique to this property:
 - a. The hardship is caused by the small lot size, the odd shape of the lot, and the entire lot is located within the 100-year flood plain. No structure could be built on the site without variances. Even if this lot were not located within the flood plain, the buildable area would be limited to a 10 to 15 foot deep building footprint.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The applicant is proposing reasonable use of the property.
 - d. The proposed 1½- to 2-story, 23-foot-tall home would be in character with the existing neighborhood.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) A detailed grading plan must be submitted with the building permit. These plans are subject to review and approval by the city engineer.

- 3) Fill around the foundation of the home is not permitted. The crawl space below the 933.5 elevation must be designed to internally flood.
- 4) The home must be built with an automatic fire sprinkler protection system, subject to review and approval of the building official and fire marshal.
- 5) The home must meet all uniform building code requirements.
- 6) Maintain the existing 3 to 5 foot buffer from the water's edge.
- 7) The installation and maintenance of erosion control and tree protection fencing must be installed, subject to review by the city's natural resources manager.
- 8) The driveway area to the street must be paved with pervious pavers.
- 9) This variance will end on December 31, 2007, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

Resolution

Planning Commission Resolution No. 2016-

Resolution approving variances for a second story living addition at 2513 Bantas Point Lane

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

Section 1. Background.

1.01 Struction Contracting, LLC, on behalf of the property owners, has requested a variance from the city code to increase the height of the existing home to allow for a second story living addition. (Project #05029.16a)

1.02 The property is located at 2513 Bantas Point Lane. It is legally described as:

Lot 5, and that part of Lot 4, Banta's Point, which lies Easterly of a straight line drawn from a point on the Northerly line of said Lot 4, which point is distant 14 feet Westerly from the Northeasterly corner of said Lot 4 to a point on the Southerly line of said Lot 4, which point is 9 feet Westerly from the Southeasterly corner of said Lot 4.

1.03 In 2006, the planning commission approved the following variances to allow the construction of a new home on the subject property:

	Required	Approved in 2006
Shoreland setback	35 ft	15 ft
Floodplain setback	20 ft	0 ft
Side yard setback	7 ft	3 ft; and 1.6 for overhangs
Shoreland setback for deck	25 ft	10 ft
Impervious surface	35%	47%
Floodplain elevation for garage	2 ft	1.5 ft
Lot area variance	22,000 sf	5,630 sf
Buildable area variance	2,400 sf	0 sf

Lot width at required setback	110 ft	9 ft
Lot width at ROW	80 ft	9 ft
Lot depth	125 ft	55 ft

1.04 The applicant is proposing to increase a portion of the roof by four feet to allow for a second story living addition on the north side of the existing home. The addition would be located within the footprint of the existing home and would not intrude further into any required setback.

1.05 The proposed addition requires variances to occupy space not previously occupied within the floodplain and shoreland setbacks approved in 2006.

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

Section 2. Standards.

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The proposal is in harmony with the general purposes of the zoning ordinance. The proposed addition would be within the existing building footprint, not extending further into the previously-approved setbacks for the property.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposal is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving and enhancing existing single-family neighborhood. The requested variances would allow for continued investment in the property and

increased living space, without expanding the footprint of the existing home.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:
 - a) REASONABLENESS: It is reasonable to increase the height of a portion of the home by four feet to allow for additional and functional living space. The addition would be within the existing home’s footprint and would not extend further into the previously approved setbacks. The current request is the result of the living area – and increased height - not being included in the building plans approved in 2006.
 - b) UNIQUE CIRCUMSTANCE and CHARACTER OF LOCATILTY: Due to the lack of buildable area on the property, any type of addition to the existing house would require a variance. Further, the proposed addition would not adversely impact the surrounding neighborhood character. By increasing the height of a portion of the home on the north side by four feet, the addition would not significantly increase the footprint of the house or its visual massing from the street. The Bantas Point neighborhood has had a long history of approved variances. Of the eleven homes on the Bantas Point peninsula, seven of the homes have had variances approved. While this does not necessarily set precedent for future approvals, it does indicate that the city has acknowledged the unique circumstances and neighborhood character of the neighborhood since the late 1970s. Collectively, while the present circumstances of the subject property are not uncommon within the Bantas Point neighborhood, they are not common to other similarly zoned properties.

Section 4. Planning Commission Action.

4.01 The Planning Commission approves the above-described variance based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
 - Survey date-stamped February 11, 2016
 - Floor plans and elevations dated January 18, 2016

2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
3. This variance will end on December 31, 2017, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 3, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 3, 2016.

Kathy Leervig, Deputy City Clerk

**Planning Commission Staff Report
Meeting of March 3, 2016**

Brief Description	Election of chair and vice-chair
Recommendation	Elect a chair and vice-chair.

Introduction

Article IV of the Planning Commission's Bylaws requires that the Commission hold an election for its chair and vice chair at the first meeting in March each year. Brian Kirk was elected chair and Heather Odland was elected vice chair last year. Staff recommends that the commission hold its election of officers at this time. According to the Bylaws, officers of the commission serve for a one-year period.

Staff Recommendation

Elect a chair and vice-chair.

Originator: Loren Gordon, AICP, City Planner

MINNETONKA PLANNING COMMISSION
March 3, 2016

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

Staff has no changes to recommend; however, commissioners should review the bylaws and policies. Please review the bylaws and policies and advise staff before the meeting of any suggested changes.

Staff Recommendation

Readopt the attached bylaws and policies, with any suggested changes.

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.

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.

CITY OF MINNETONKA PLANNING COMMISSION POLICIES

General Policies regarding specific types of variance requests:

The following policies are not intended to be hard and fast rules, since each variance 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 to allow setback intrusion are considered in light of reasonable use as long as variances are limited to the greatest extent practicable.
3. Variances are considered in light of providing room additions of functional size with adequate internal circulation.
4. The configuration and position of the existing house is considered when reviewing variance requests.
5. The proposed addition should be designed to conform to development

constraints of the property.

6. Variances 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 are considered in light of the size and configuration of the structure so that variances are limited to the greatest extent possible.
4. Variances are considered in light of impacts to adjoining properties.
5. Neighborhood characteristics may be considered for review of accessory attached structures.
6. Deck variances 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 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