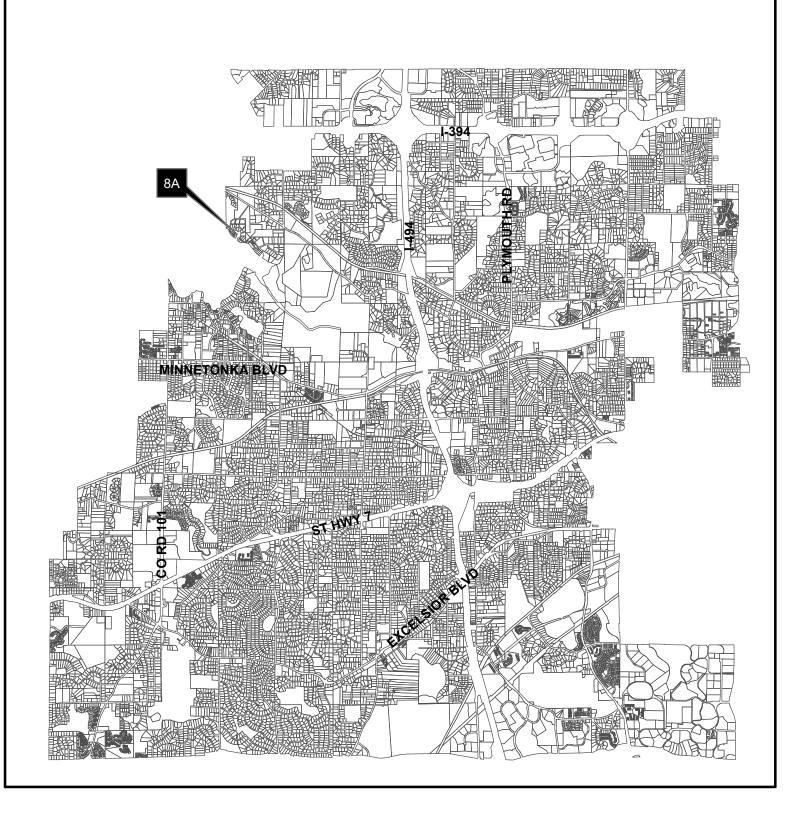


CITY OF MINNETONKA PLANNING COMMISSION MARCH 17, 2016

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





Planning Commission Agenda

March 17, 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: March 3, 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. 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. Adjournment
- 10. Planning Commissioner Training in Grays Bay Room

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 31, 2016 Planning Commission meeting:

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

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

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

March 3, 2016

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon and Senior Planner Ashley Cauley.

- **3. Approval of Agenda:** The agenda was approved as submitted.
- **4. Approval of Minutes**: February 18, 2016

Odland moved, second by Knight, to approve the February 18, 2016 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of February 29, 2016:

- Adopted a resolution approving zoning ordinance amendments related to definitions and lot width for R-1A zoning districts.
- Reviewed a concept plan for Lecesse Apartments.

The planning commission will have a meeting and training session March 17, 2016 and the next regular planning commission meeting will be March 31, 2016.

6. Report from Planning Commission Members

Calvert attended the Minnetonka citizen's academy. She highly recommends it. Minnetonka is a great city to live in.

- 7. Public Hearings: Consent Agenda: None
- 8. Public Hearings
 - A. Expansion permit to increase the height of a detached, nonconforming garage at 16560 Grays Bay Boulevard.

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

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

Nicole Stone, 16560 Grays Bay Boulevard, applicant, explained that there is a finished area above the garage that her husband hopes to use as an office. The roof is almost flat which caused water damage. The roofing company suggested creating a pitch to prevent leaks. A bathroom may be considered in the future.

In response to Chair Kirk's request, Cauley explained that ordinance allows accessory dwelling units only within the principle structure of the house.

Knight was concerned with carbon monoxide being a hazard to someone in the space. Ms. Stone explained that the garage is mainly used for storage. A vehicle may be parked there occasionally. Gordon stated that the building code would address vapor barriers if required.

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

Calvert thought that the proposal would be a cosmetic improvement. Removing the lean-to would provide better visibility and fixing the stairway is a safety and cosmetic issue. The new trusses would help support the walls. She felt it would be an improvement to the structure.

Chair Kirk asked if the chimney is attached to a fireplace. Ms. Stone answered affirmatively. Chair Kirk noted fireplace regulations.

Chair Kirk agreed that removing the lean-to and fixing the roof's structural problems would be improvements.

Odland moved, second by Powers, to adopt the resolution on pages A10-A13 of the staff report which approves an expansion permit to increase the height of a detached structure at 16560 Grays Bay Boulevard.

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

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

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

Action on this item was postponed due to the lack of members required to render a decision.

9. Elections

Calvert moved, second by Knight, to elect Kirk to serve as chair of the Minnetonka Planning Commission for 2016.

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

Knight moved, second by Calvert, to elect Odland to serve as vice chair of the Minnetonka Planning Commission for 2016.

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

10. Elections

Odland moved, second by Calvert, to adopt the Minnetonka Planning Commission bylaws as attached for 2016.

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

11. Adjournment

Odland moved, second by Kn	ight, to adjourn	the meeting a	t 7:05 p.m.
Motion carried unanimously.			

By:			

Lois T. Mason Planning Secretary

Minnetonka Planning Commission Meeting March 17, 2016

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)

Minnetonka Planning Commission Meeting March 17, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION March 17, 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
	7 11	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

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 *non-conforming* area that was not previously occupied.

While the proposed addition would not extend beyond the existing structure, the existing structure's setbacks are not considered *non-conforming*. 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.

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

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.

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.)

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

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)

^{**} approved in 2006

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

Deadline for Decision June 10, 2016

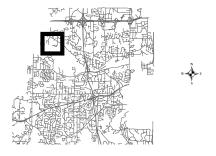


A1

Applicant: Mark and Ann Young Address: 2513 Bantas Point La

Project No. 05029.16a

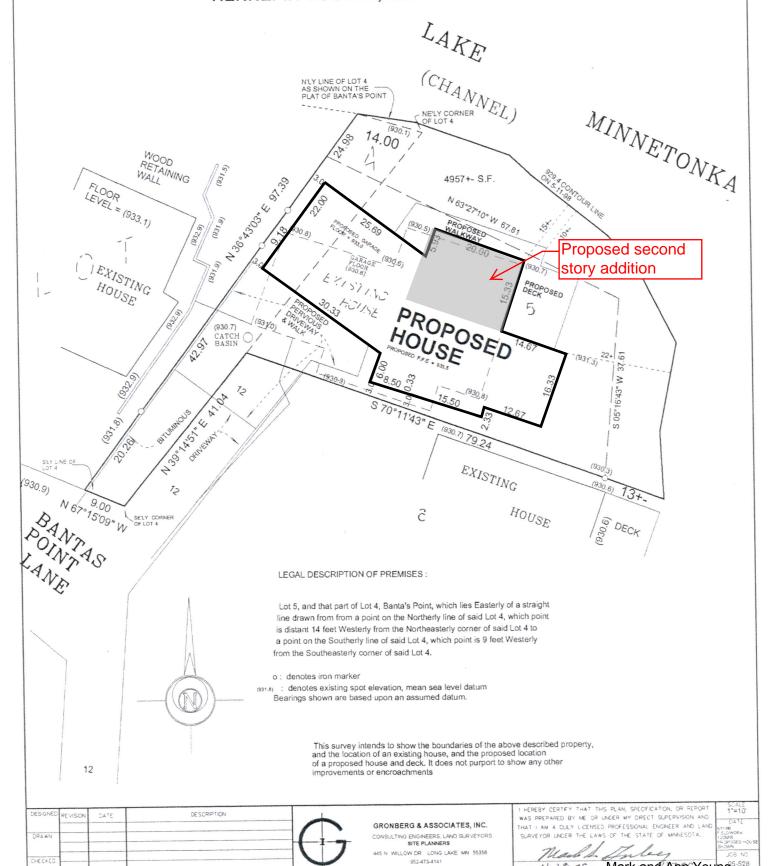




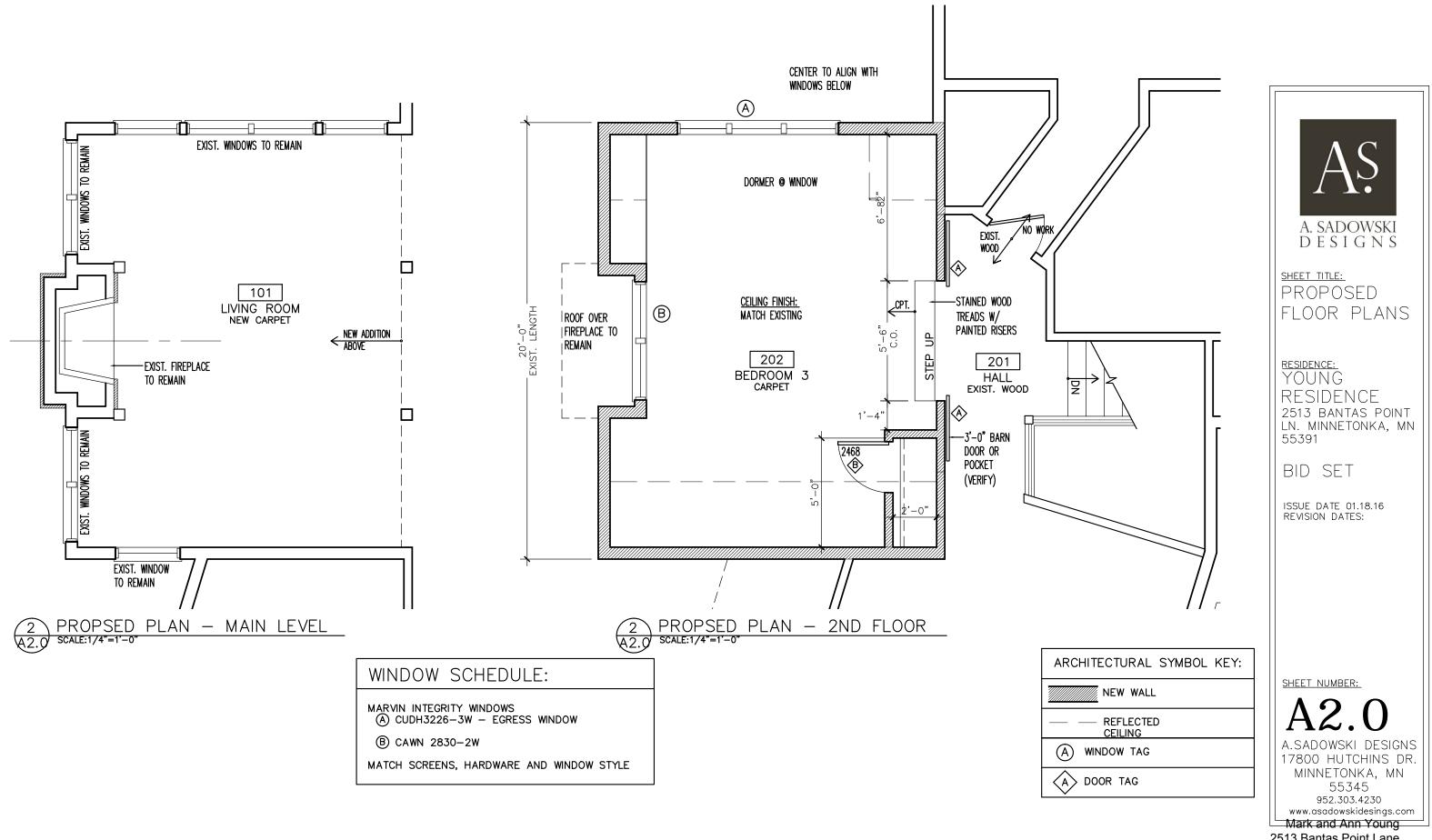
This map is fo Markinand Ann Seath Shly. 2513 Bantas Point Lane

CERTIFICATE OF SURVEY FOR SCHWARZ BUILDERS

IN BLOCK 5, BANTA'S POINT HENNEPIN COUNTY, MINNESOTA

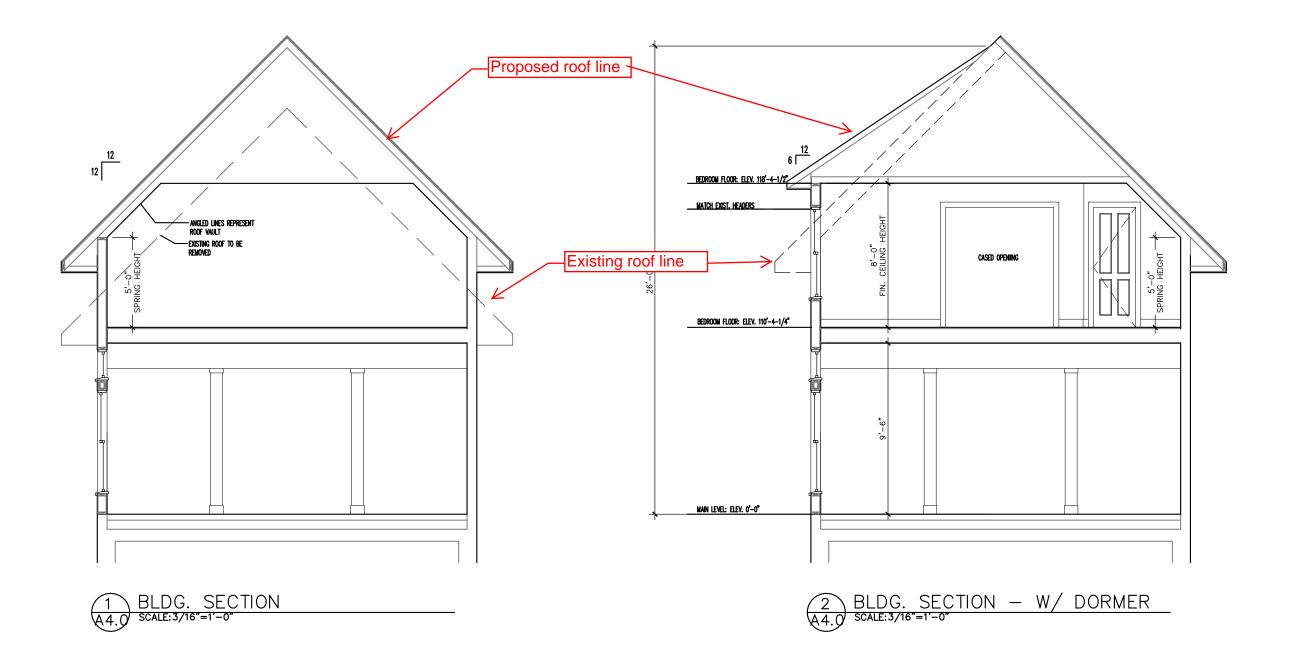


DATE 12-28-05 WN - Mark and Ann Young 5-528



2513 Bantas Point Lane 05029.16a







SHEET TITLE:
BUILDING
SECTIONS

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

BID SET

ISSUE DATE 01.18.16 REVISION DATES:

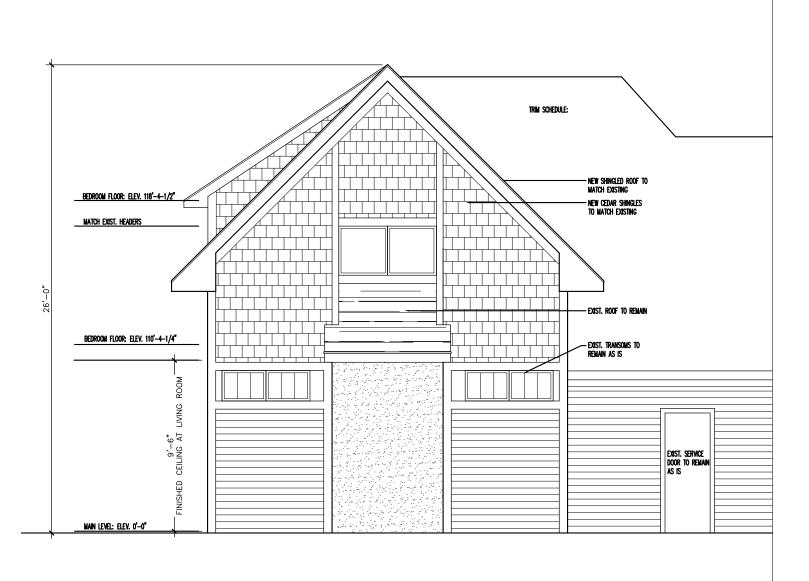
SHEET NUMBER:

A4.0

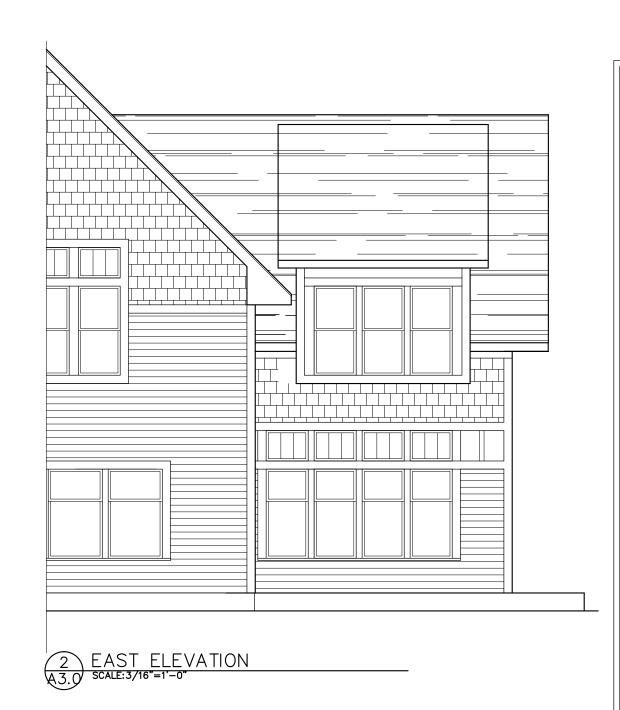
A.SADOWSKI DESIGNS 17800 HUTCHINS DR. MINNETONKA, MN 55345 952.303.4230 www.asadowskidesings.com

Mark and Ann Young 2513 Bantas Point Lane

05029.16a



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



A. SADOWSKI D E S I G N S

SHEET TITLE: EXTERIOR ELEVATIONS

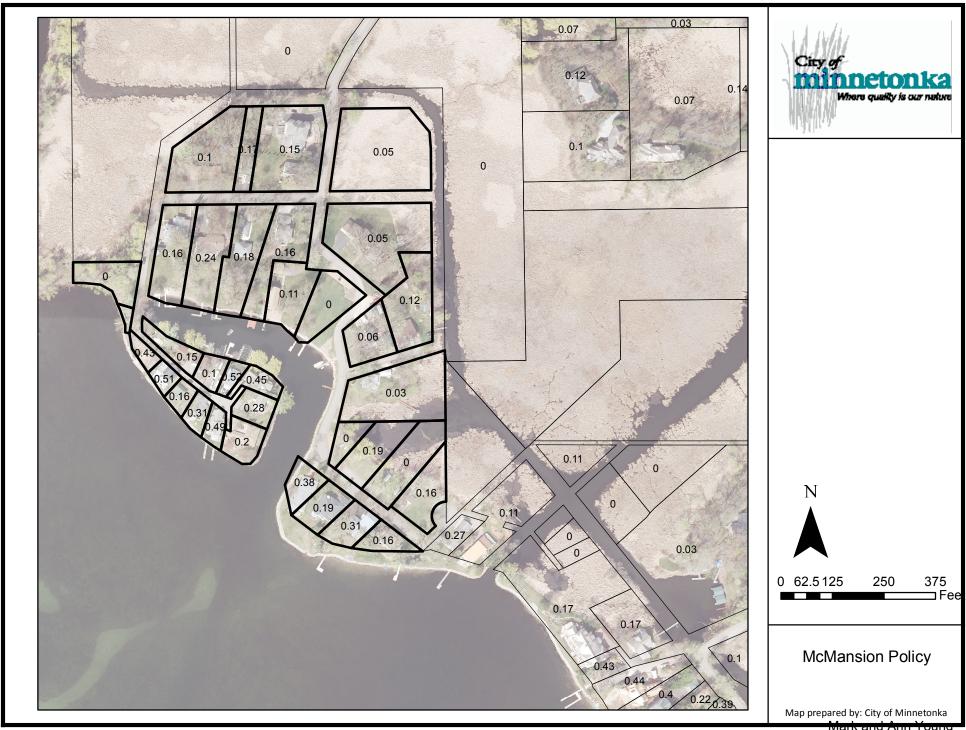
RESIDENCE:
YOUNG
RESIDENCE
2513 BANTAS POINT
LANE
MINNETONKA, MN
55391
BID
DOCUMENTS
ISSUE DATE 01.18.16
REVISION DATES:

SHEET NUMBER:

A3.0

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

Wark and Andr Young
2513 Bantas Point Lane
05029.16a



2006 Approval





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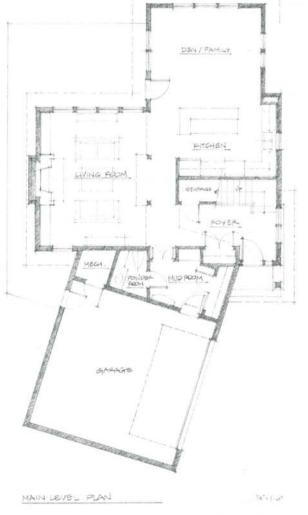
SOUTH ELEVATION

WEST ELEVATION

JAL Architects Ltd, 307 Markitoba Avenue Saurth Wayster - PM 3539 952-404-(655

PROJECT 05.18





AID



SCALE L

JAL Architects Ltd.
307 Maritaba Avenue South
Woyaste - MN 50306
202-404-1605

Mark and Ann Young 2513 Bantas Point Lane 05029.16a 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:

- 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 word cothook	7 ft	3 ft; and 1.6 for
Side yard setback		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.

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.
 - 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. 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:
 - 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 17, 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 17, 2016.
Kathy Leervig, Deputy City Clerk