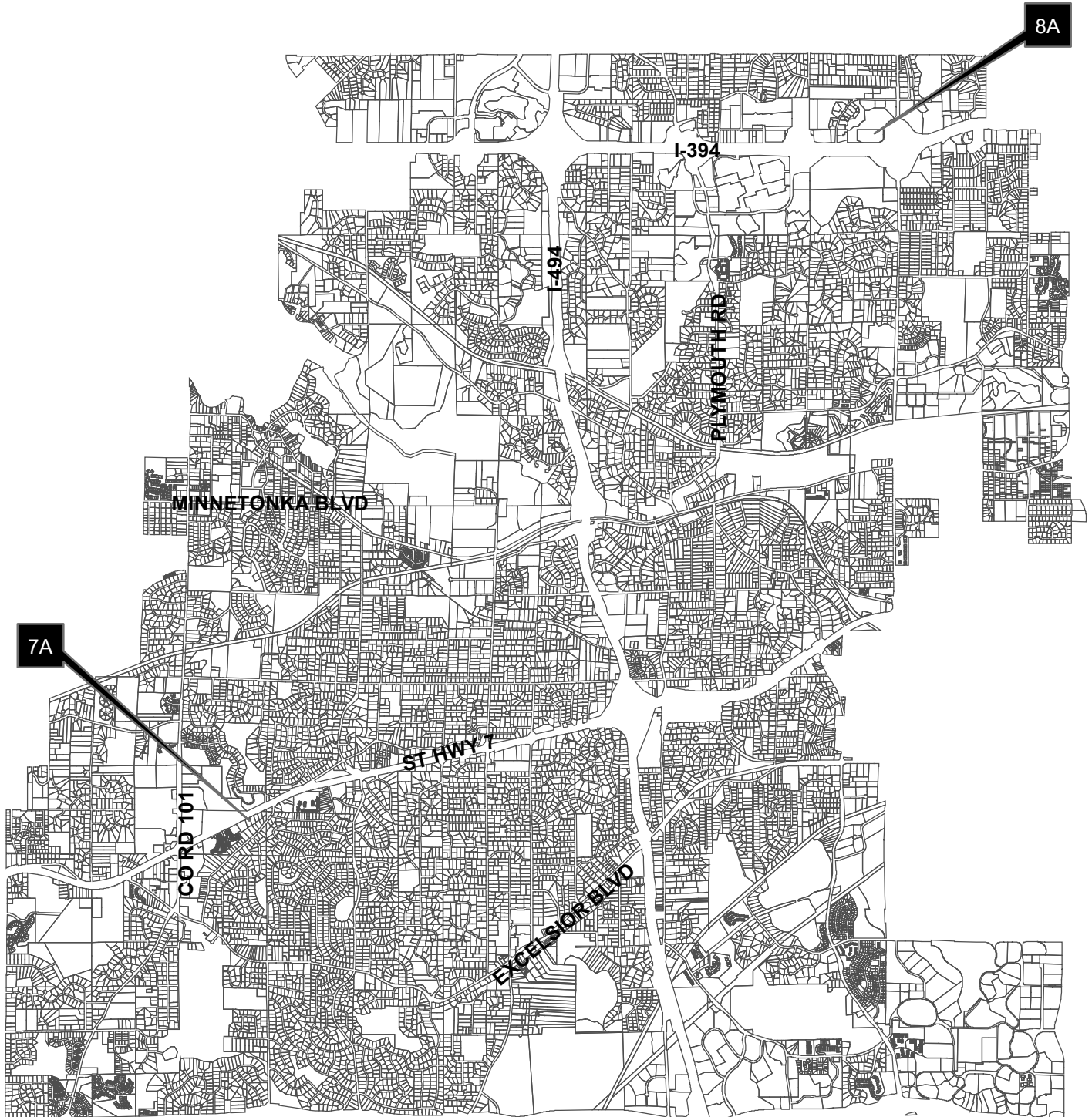




CITY OF
MINNETONKA

CITY OF MINNETONKA
PLANNING COMMISSION
AUG. 15, 2019

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
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CITY OF
MINNETONKA

Planning Commission Agenda

Aug. 15, 2019 – 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:** Aug. 1, 2019
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
 - A. Conditional use permit and expansion permit for an accessory at 16913 Highway 7.
Recommendation: Recommend the city council approve the proposal (4 votes)
 - Recommendation to City Council (Aug. 26, 2019)
 - Project Planner: Ashley Cauley
- 8. Public Hearings: Non-Consent Agenda Items**
 - A. Conditional use permit for a dental clinic at 11300 Wayzata Boulevard.
Recommendation: Recommend the city council approve the proposal (4 votes)
 - Recommendation to City Council (Aug. 26, 2019)
 - Project Planner: Susan Thomas
- 9. Adjournment**

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. The following applications are tentatively schedule for the Sept. 5, 2019 agenda.

Project Description	Bosch Residence, CUP
Project Address	13052 Stanton Drive
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Olive Garden, Sign Plan Amendment
Project Address	11390 Wayzata Blvd
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	7-Hi Center, Sign Plan Amendment
Project Address	11790 Hwy 7
Assigned Staff	Drew Ingvalson
Ward Councilmember	Tim Bergstedt, Ward 4

Project Description	Dykhoff Residence, CUP
Project Address	5304 Westmill Road
Assigned Staff	Drew Ingvalson
Ward Councilmember	Tim Bergstedt, Ward 4

Project Description	New Perspectives Senior Living, Sign Plan Amendment
Project Address	5900 Clearwater Drive
Assigned Staff	Susan Thomas
Ward Councilmember	Bob Ellingson, Ward 1

Project Description	Highwood Ridge, 2-lot subdivision
Project Address	14916 Highwood Drive
Assigned Staff	Susan Thomas
Ward Councilmember	Mike Happe, Ward 3

Project Description	Crimmins Residence, Variance
Project Address	11820 Karen Lane
Assigned Staff	Drew Ingvalson
Ward Councilmember	Mike Happe, Ward 3

Minnetonka Planning Commission Meeting
Aug. 15, 2019

Agenda Item 4

Previous Meeting Minutes from Aug. 1, 2019

**Unapproved
Minnetonka Planning Commission
Minutes**

Aug. 1, 2019

1. Call to Order

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

2. Roll Call

Commissioners Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, and Natural Resources Manager Leslie Yetka.

3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with the changes from the change memo dated Aug. 1, 2019.

Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk voted yes. Motion carried.

4. Approval of Minutes: July 11, 2019 and July 18, 2019

Powers moved, second by Sewall, to approve the July 11, 2019 meeting minutes as submitted.

Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk voted yes. Motion carried.

Luke moved, second by Hanson, to approve the July 18, 2019 meeting minutes as submitted.

Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of July 22, 2019:

- Adopted an ordinance amendment to the pollinators' ordinance.
- Adopted a resolution approving an accessory apartment on Hopkins Crossroad.
- Adopted a resolution approving a preliminary plat for Conifer Heights, a six-lot subdivision.

The next planning commission is scheduled to be held on Aug. 15, 2019.

There will be a joint tour with planning commissioners and the EDAC on Aug. 22, 2019 at 6 p.m.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

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

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

A. Side yard setback variance for a garage addition at 10824 Oak Knoll Terrace.

Adopt the resolution approving a side yard setback variance for a garage addition at 10824 Oak Knoll Terrace North.

B. Expansion permit for a front porch addition at 14849 Lake Street Extension.

Adopt the resolution approving an expansion permit for a front porch addition at 14849 Lake Street Extension.

Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk voted yes. Motion carried and the items on the consent agenda were approved as submitted.

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

8. Public Hearings

A. Amendment to the Minnetonka Corporate Center sign plan at 12400 Whitewater Drive.

Chair Kirk 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 Chair Kirk's question, Thomas explained that the initial vision for the facility was for all of the buildings and signs to look the same. Now, all of the buildings look different.

Jason Meyer, representing Quality Sign Solutions, applicant, stated that Thomas covered the proposal well. He was present to answer questions.

Sewall asked if the signs would be illuminated. Mr. Meyer answered affirmatively.

The public hearing was opened.

Tim Hauch, CFO of Respicardia, thanked Thomas for collaborating with the applicant. Respicardia is a start-up company that has been located in Minnetonka since 2006. The company was granted FDA approval of its product in 2017. The company's technology will now be commercialized and the company will continue to grow. Employees will be added in Minnetonka and across the country. The site will begin receiving visitors. The product was approved outside of the U.S. and visitors arriving from the airport have found it difficult to locate the facility. The sign would help the company establish more credibility as a growing medical device company and allow visitors to locate the business.

No additional testimony was submitted and the hearing was closed.

Luke moved, second by Powers, to adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 12400 Whitewater Drive.

Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk voted yes. 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. Preliminary plat of Bird Song, a 13-lot subdivision at 5410 Oakland Road.

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

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

Sewall asked if dead trees are included in the tree count. Ingvalson answered that dead, diseased, and severely damaged trees are not included in the tree count.

Henry asked if invasive species like black locust and buckthorn are included in the tree count. Yetka explained that the tree ordinance excludes some trees including boxelder, elm, ash, poplar, silver maple, Norway maple, and black locust.

Powers asked how the tree ordinance is enforced. Ingvalson explained that during the building permit review, staff visits the site to inspect erosion control and tree protection measures. Natural resources staff inspect the site with a plan showing which trees can be removed and which ones must be saved.

In response to Powers' question, Ingvalson stated that engineering staff review plans to make sure the plat would meet stormwater management requirements. The site is lower than surrounding areas.

Commissioners and Ingvalson discussed the grading plan and stormwater management plan features.

Eric Zehnder, of Zehnder Homes, applicant, stated that:

- Ingvalson did a good job of explaining the proposal.
- He was committed to saving trees.
- The proposal would be a great addition to the neighborhood.
- He hoped to get the project done quickly and have as little impact as possible to the neighborhood.
- He was available for questions.

Chair Kirk asked if changes were made in response to neighbors' comments. Mr. Zehnder appreciated the neighbors' opinions. He worked with staff for over a year looking at different concept plans. The proposal is the best version to save trees and provide a development that made sense. He was open to changing the construction hours to 7 a.m. to 8 p.m.

In response to Powers' question, Mr. Zehnder stated that the houses would be custom built and look different. The prices of the houses would start at \$1.4 million with some expected to exceed \$2 million. The property is beautiful.

Henry asked how long it would take to build all of the houses. Mr. Zehnder anticipated three years.

In response to Henry's question, Bob Molstad of Sathre-Bergquist, Inc., the applicant's engineer, explained the topography of the site and reason for the location of the pond.

In response to Sewall's question, Mr. Zehnder stated that the proposed subdivision meets all R-1 requirements. Ingvalson agreed.

The public hearing was opened.

Eric Bressler, 2465 Crowne Hill Road, stated that:

- The proposal would not impact his property at all.
- He thought neighbors north of the site who do not have sewer or water access would like to access the proposal's sewer and water lines. That seemed reasonable to him.
- He cautioned against grading the entire property at the same time. He was concerned with the eye sore that would last three to four years.

- He asked what the recourse would be if the developer would go out of business before completing the proposal.
- He requested that the grading areas be covered to prevent erosion and hide the eyesore.

Mary Lynn Carver, 2422 Crowne Hill Road, stated that:

- She was surprised that the city must approve the application because it meets all R-1 Ordinance requirements. She recommended that the city gain more control over projects like this one.
- She was told that she could not build something near the wetland in her backyard.
- She understood that grading needs to be done. It makes complete sense.
- There should be a time limit set for when the project would need to be completed.
- No one would buy her property during construction due to the construction noise.
- The city's purpose should be to prevent adverse impact of one land use upon the other. The builder is doing a nice job of doing all he can, but there is "no protection" for homeowners when this occurs.

Lucy Taylor, 2117 Indian Road West, stated that:

- She is concerned with the runoff from the site. On the west end, the elevations change from the road to the wetland.
- She was concerned with grading the site all at once. Dirt would be washed away by rain storms. She questioned if the holding pond would work well enough considering the addition of a road, roofs, and driveways.

No additional testimony was submitted and the hearing was closed.

Ingvolson and Yetka explained:

- Erosion control measures that would be taken once the property would be graded. Staff would inspect the site throughout construction.
- The drainage pattern, stormwater management practices that would be utilized, and protection of the wetland.
- Once graded, the site would be hydroseeded to provide cover and prevent erosion.
- The city would hold money from the developer in escrow to cover the cost of completion of the project if the developer would fail to meet all project approval requirements.
- No grading would occur in the wetland.

Knight asked how long it would take to construct a house. Mr. Zehnder anticipated nine months.

Mr. Zehnder stated that there is a lack of new housing development in Minnetonka. A low interest rate benefits homebuyers. Minnetonka is a great location.

In response to Luke's question, Mr. Zehnder answered that once the site would be graded, then it would be covered with seed and mulch.

Mr. Zehnder held a neighborhood meeting and handed out his card to many neighbors. His information is on the website. He welcomes comments and feedback.

In response to Luke's question, Mr. Zehnder explained why grading the entire site at the same time makes the most sense. Retaining walls would be created to save trees.

Powers stated that the proposal is well within the rules for an R-1 residential district. The site is beautiful. He felt bad neighbors would have to look at the graded site for two to three years.

Sewall stated that this is a perfect spot for high-end residential houses. The density is appropriate for the property. Grading the site all at once would make a greater initial impact, but would make the overall project less intrusive to the neighbors. This is one of the best undeveloped pieces of property left in the city. The site would look different to the neighbors, but it would be similar to what exists on Crowne Hill Road.

Luke agreed that the site is beautiful. She appreciated the proposal meeting the R-1 district requirements. Ten years from now, the beautiful houses and landscaping would be completed. The proposal meets all ordinance requirements. It would be the best use of the property.

Henry liked the public hearing process to give residents the opportunity to provide feedback. He appreciated the developer hosting a neighborhood meeting. His concerns would be met with the graded site being hydroseeded. It would be an appropriate use of the land.

Knight felt it would be a very nice, very well done development.

Hanson stated that the proposal makes sense.

Chair Kirk stated that new development is required to maintain or improve the water quality of runoff in Minnetonka. The plat meets all ordinance requirements. He encouraged the developer to continue working with neighbors.

Hanson moved, second by Powers, to recommend that the city council adopt the resolution approving a preliminary plat of Bird Song with changes provided in the change memo dated Aug. 1, 2019, a 13-lot subdivision at 2410 Oakland Road.

Luke, Powers, Sewall, Hanson, Henry, Knight, and Kirk voted yes. Motion carried.

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Aug. 26, 2019.

9. Other Business

A. Concept plan for Villas at Woodhill at 4323 and 4325 Woodhill Road and 14335 Coronet Drive.

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

Cauley reported. She recommends that commissioners provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Sewall confirmed with Cauley that the tree protection ordinance would be applied if an application would include rezoning and a subdivision.

Michael Siskin, applicant, introduced his wife, Vicki Siskin, and Kim Chapman, an ecologist. Mr. Siskin stated that:

- The proposal has a low-impact, conservation focus.
- He has met with staff and listened to neighbors.
- The comprehensive plan wants to attract new residents and make housing available for existing residents.
- The area has a lot of commercial businesses as well as office and retail uses to the west and south.
- The property is on a highway. There is some noise. The property has some challenges.
- The price point would range from \$500,000 to \$650,000. There is a lack of new housing for aging residents to downsize in Minnetonka.
- He held a neighborhood meeting in February.
- There would be a nice buffer of trees between the setback and the right of way.
- The existing house would remain. There would be 11-clustered lots. He identified where the retention pond would be located. There would be community green space.
- There are dead and diseased trees and buckthorn on the site.

Mr. Chapman stated that:

- The proposal is a compromise between development and preservation.
- He looked for opportunities to connect natural resources in chunks.

- About two thirds of the site would remain green space by creating smaller lots with a house with a small footprint.
- The road would be the standard 28-foot width.
- A third of the site would have impervious cover.
- The site has a fast infiltration rate. The runoff would be distributed over open space and then to an infiltration basin.
- The goal is to remove the buckthorn on Hwy 7. The focus is on oak regeneration and thinning boxelder and ash trees.

Mr. Siskin provided examples of the proposed houses. He was available for questions.

Henry likes how the proposal would provide public, open, green space. He supports preservation of the oak trees. He suggested adding a trail that would border all properties or a dog walking area. He asked if there would be a trail in the green space. Mr. Siskin stated that he is open to something like that.

Luke asked if he had considered lower density. Mr. Siskin stated that there would be less control to save natural features with an R-1 residential district than with a planned unit development. The proposal would provide a transition between the commercial uses and single-family residences.

Sewall asked what would be considered green space. Mr. Chapman answered any land that does not have pavement on it. That would equal 65 percent of the site. A conservation area would cover a third of the site and would run with the property deed. There would be a stewardship plan to ensure that all property owners would understand that the land would be required to be managed as a natural area. There would be an annual inspection. The home owner's association would be responsible for providing funds to keep the area natural.

Mr. Chapman explained the slopes of the site and drainage patterns.

Henry asked how long he estimates it would take to complete construction. Ms. Siskin, a realtor, stated that two builders would be used so construction could be completed in two years. There is a huge demand for one-level, detached townhomes at this price point.

Chair Kirk invited those present to comment.

Brian Grogan, 14409 Woodhill Terrace, stated that:

- His property is a storm runoff pond. He has been working with engineering staff to deal with flooding in his backyard.
- The pond needs to be dredged and made larger. The city has pumped the pond the last five years. He has had water reach his house the last two years.
- He was sure the developer is a good developer.

- Eleven townhomes would be too many for the site. Four houses would fit on the site.
- The neighborhood has a lot of walk-out ramblers built in the 1950s.
- His pond does not have the capacity to take on more water.

James Fox, 14268 Coronet Drive, stated that:

- This proposal is worse than the previous one.
- Eleven units would be incompatible with the surrounding neighborhood. It would destroy the Royal Hills community.
- It would create too much traffic. The traffic is already horrible.
- Water is encroaching on his property and has been worse the last five years.

Kurt Weissenfels, 4216 Woodhill Road, stated that:

- The lot sizes would not fit with the neighborhood.
- The amount of hard surface coverage would equal 35 percent.
- Water was pumped from the catch basin onto Woodhill Road and traveled to the lower catch basin. Some backyards had standing water. Adding more than an acre of hard surface cover on the top of Woodhill Road is a bad idea.
- He was concerned that the townhomes would have to be sold for \$300,000 and bring down property values. He would like to know the square footage of the price comparisons.
- There needs to be a plan to handle the stormwater.

Louis Larson, 14300 Coronet Drive, stated that:

- His neighbor's house has flooded five times in two years. Anymore water would cause more damage.

Allen Bloch, 14368 Coronet Drive, stated that:

- He was concerned with water, density, and traffic.
- The water runoff is terrible right now.
- The line of sight would be impacted. Houses would be seen instead of trees and green space.
- Construction over two years would create noise and dirt.
- The project would decrease property values.
- He was concerned with vehicles endangering children.
- He opposed the project.

Caleb McKnee, 14404 Wildcrest Road, stated that:

- He is already kept awake by traffic noise. He would like a noise test done to see how much the noise would increase.
- He has enough problems with water.
- He does not think a young buyer would spend \$600,000 on the proposed villas.
- He would not be able to sell his house during construction.
- He has not found a neighbor in support of the proposal.

There was a five-minute break.

Laurie Frahm, 4318 Kings Drive, stated that:

- The house north of the pond has bags of sand because of the water traveling onto his property. There cannot be an increase in the amount of water.

Pat Tollefson, 14301 Coronet Drive, stated that:

- There would be too many houses in too small an area.
- Her house would be located below the site.
- She was not opposed to the area being cleaned up. The trees are not attractive, but she wants what looks good preserved.
- The houses would be one story tall, but located on a hill.
- She opposed a trail being located on the top at the north end because she would be looking up at the people on it from her residence. She would like the trail where it was located on the original plan.

Cauley explained that engineering staff have been studying the hydrology and drainage in the area independent of this concept plan. The stormwater management practices review has not been done yet since an application has not been submitted. The city's stormwater management plan requires every development to implement features to keep the rate and volume of water runoff the same or lower and quality of water runoff the same or better than before development.

Chair Kirk thought 11 townhomes would not have a large impact on traffic.

Sewall was comfortable with the city's stormwater management practice standards. He thought the density may be a little too high for the site. He saw no unique green areas. The proposal is fine. The concept is reasonable, but having a yard and woods is not unique. The price point is not in the commission's purview. He likes the overall concept.

Luke thanked the neighbors for sharing the water runoff concerns. She thought the proposal would be too dense. The noise from Hwy 7 could travel easier over the proposal. She encouraged the developer to consider less density and clean up the green

space now. She thought the concept plan would be out of character with the neighborhood.

Powers stated that Minnetonka needs this product. He liked the developer's passion. It may be a little dense, but, overall, the product is needed in the city. He appreciated the applicant listening to the neighbors. The proposal is too dense.

Hanson wanted to know what would happen with the green space. He struggled aesthetically with the idea of three units fitting on a lot typically for one. He would like a pair of houses on the north side. The plan would not ruin the neighborhood.

Knight stated that the city would require that the runoff be no more than what occurs now. The proposal is a couple houses too dense. The empty nesting seniors would not create a lot of noise or vehicle trips. Most drivers would head to Hwy 7 rather than drive through the neighborhood. This type of housing is needed in the city. The houses would help block the noise from Hwy 7, not add to it.

Henry agreed that the density would be too high for the neighborhood. This type of housing is needed. He applauded the dedicated open, green space and clustering of the houses to save trees. It could be workable in some form.

Chair Kirk stated that the villa type of housing is needed in the city. Empty-nest, single-level, new construction is needed. The concept plan is too dense. He likes green space adjacent to Hwy 7. There should be a larger buffer on Hwy 7 on the north. The driveways need to be deep enough to park one vehicle. There should be on-street parking available for guests between driveways. The quick access on and off the highway makes the site more amenable to detached villas. He would like to know the mass of each villa.

10. Adjournment

Sewall moved, second by Luke, to adjourn the meeting at 10:15 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting
Aug. 15, 2019

Agenda Item 7

Public Hearing: Consent Agenda

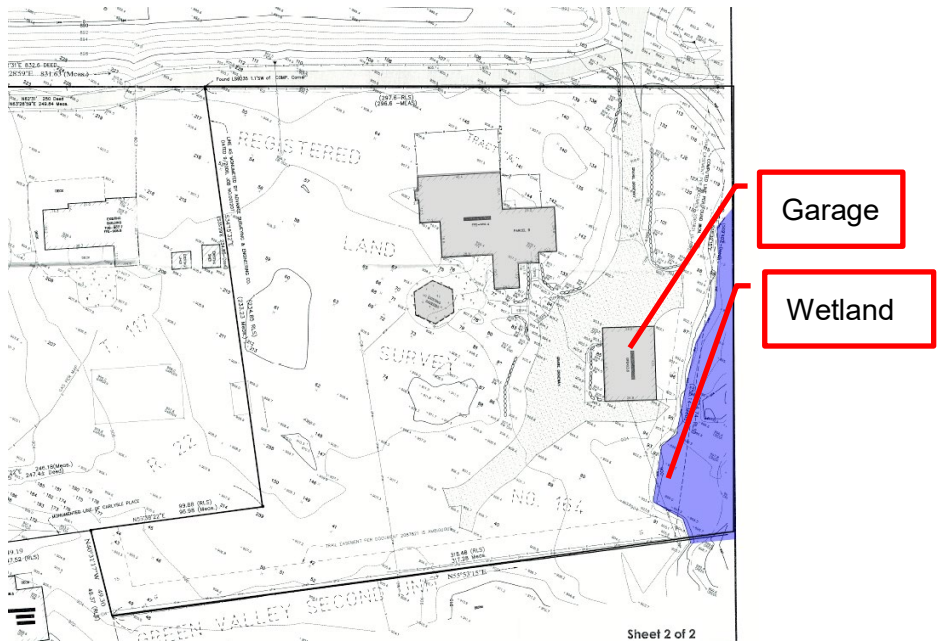
MINNETONKA PLANNING COMMISSION
Aug. 15, 2019

Brief Description	Conditional use permit and an expansion permit for an accessory structure at 16913 Hwy 7.
Recommendation	Recommend the city council approve the request

Introduction

The subject property is 1.7-acres in size and is improved with a single-family home, gazebo and a 1,200 square foot detached garage. The garage has a building height of nine feet.¹ The city does not have a record of an approved building permit for the garage; however, aerial photography suggests the garage was built in the early 1970s. At the time, “private garages” were allowed as accessory uses provided the garages were:

- a) more than 5-feet from the main building but not located within 15 feet of the rear lot line;
- b) not located in any front or side yard;
- c) not over one story and not exceeding 12-feet in height;
- d) not occupying more than 30 percent of the area of any rear yard.²



The wetland edge was delineated in 2015 in preparation for a potential development.³ By current city code, the required wetland setback is 35-feet, but the garage has a nonconforming setback of 14.5 feet.⁴

¹ Building height is measured as the vertical distance between the ground elevation abutting a building and the midpoint elevation of the pitched roof to the highest ground elevation abutting the building. Due to the slight topography change, the garage height is nine feet as defined by city code. However, the front of the garage is 10.5 feet to the midpoint.

² 1972 City Code §300.17, Subd.3(7).

³ Wetland delineations are valid for 5 years.

⁴ The adoption of the first Wetlands District and associated standards was in Sept. 1974. This was after the construction of the garage.

Proposal

Mike Russell, on behalf of the property owners, is proposing to remove the existing garage in order to construct a new detached garage. The garage would be located within the same footprint of the existing garage, but the height of the garage would be increased to 14.5 feet. The aggregate gross floor area of accessory structures on the property is 1,590 square feet.

The proposal requires:

- A conditional use permit to allow for an accessory structure in excess of 12 feet in height and to allow accessory structures with an aggregate gross floor total exceeding 1,000 square feet.
- An expansion permit to allow for a vertical expansion of a structure within the wetland setback.

Staff Analysis

Staff finds that the applicant's proposal is reasonable as:

- The garage would meet the general and specific conditional use permit standards for accessory structures in excess of 12 feet in height and an aggregate total of 1,000 square feet.
- The new garage would be located within the footprint of the existing garage.
- The garage would be reasonably screened from adjacent properties and Hwy 7 by existing topography and vegetation. The nearest residential structure is over 150 feet away.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit and an expansion permit for an accessory structure at 16913 Hwy 7.

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

Supporting Information

Project No. 19027.19a
Property 16913 Hwy 7
Applicant Mike Russell, Sussell Builders, on behalf of the property owners
Land Uses

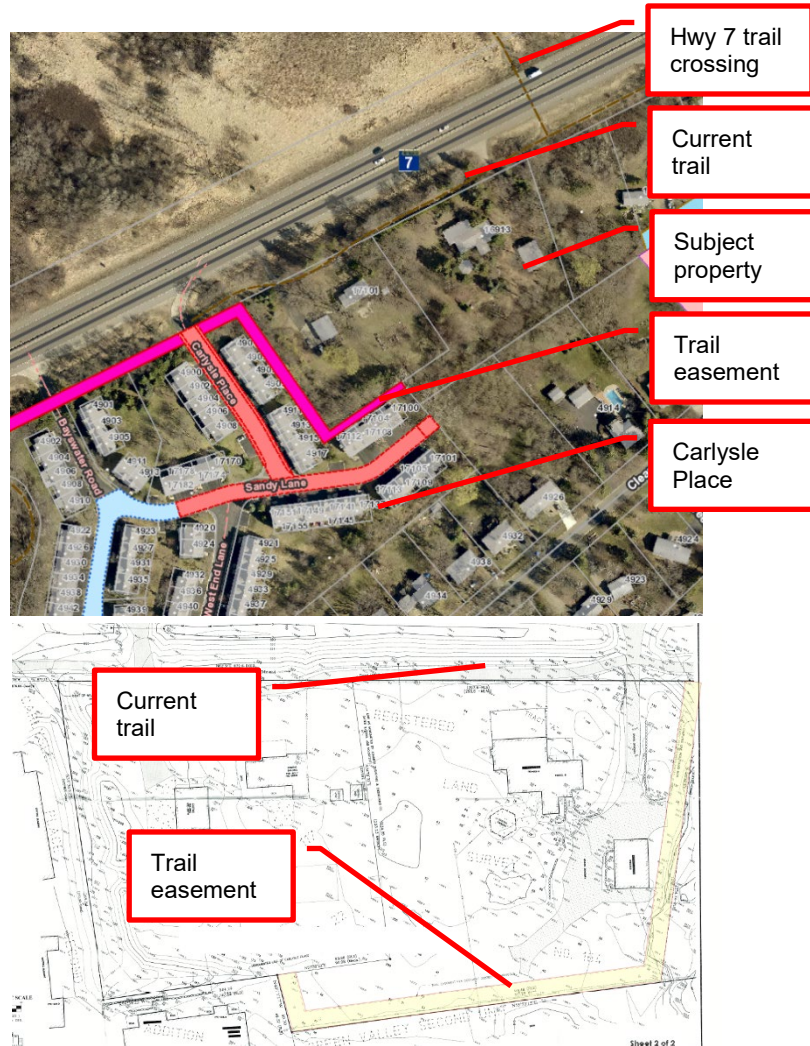
SURROUNDING LAND USES			
	Land	Zoning	Guided by the 2030 comp plan
North	Hwy 7 and wetland beyond	R-1	Open space
East	Single family homes	R-1	Medium density
South	Single family homes	R-1	Low density
West	Single family home and townhomes beyond	R-1 and R-3 beyond	Medium density
SUBJECT PROPERTY			
	Single family home	R-1	Medium density

100-year floodplain The 100-year floodplain associated with the wetland is 897.5 feet. The accessory structure would need to maintain a 10-foot horizontal setback and have a minimum low floor elevation of 899. As proposed, the garage would exceed these minimums.

Trees According to the plans, the garage would utilize the existing foundation. There is a river birch and a large ash tree close to the foundation on the west side of the garage. It is likely that these trees would be removed, or significantly impacted if the garage footings are replaced. Since the proposal does not include an expansion of the footprint proposed at this time, the trees can be removed without mitigation under the city's current tree ordinance.

Trail

Carlisle Place, the townhomes to the west, was developed in 1989. A trail easement was acquired as part of the development to allow for a "crucial connection" between Purgatory Creek (west of the site) and the existing crossing under Hwy 7. The easement location was to allow for the connection from Carlisle Place and future townhomes to the east. An easement was acquired on the subject property, but the townhomes were never constructed. Staff believes that it is unlikely the trail connection could be constructed within the easements due to existing topography on the site and the construction of a trail connection on the north side of the property. Nonetheless, the easement does exist on the property. Staff has verified that the new garage would not encroach into or interfere with the trail easement.



CUP Standards

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

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

4. The use does not have an undue adverse impact on the public health, safety, or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(f) for a detached garage, storage sheds, or other accessory structures in excess of 1,000 square feet or 12 feet in height:

1. Side or rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

Finding: By ordinance, the garage would have a setback of 15 feet. As proposed, the garage would be set back 20 feet from the eastern property line.

2. No additional curb cuts to be permitted;

Finding: The proposed garage would be located within the footprint of an existing garage and would utilize an existing driveway. Nonetheless, this has been added as a condition of approval.

3. Not to be used for commercial activities;

Finding: According to the applicant's written statement, the garage would not be used for commercial activities. Nonetheless, this has been added as a condition of approval.

4. Structure to be architecturally consistent with the principal structure;

Finding: The proposed garage would generally be architecturally consistent with the existing home.

5. Landscaping to be required to buffer view when the structure is highly visible from adjoining properties; and

Finding: The proposed garage would be screened by existing topography and vegetation both on the subject property and on adjacent properties. The nearest residential structure (on the left-hand side of the image) is over 150 feet away from the garage.



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

Finding: The plan has been reviewed and would meet the site and building plan standards outlined in section 300.27 of the ordinance.

Expansion Permit

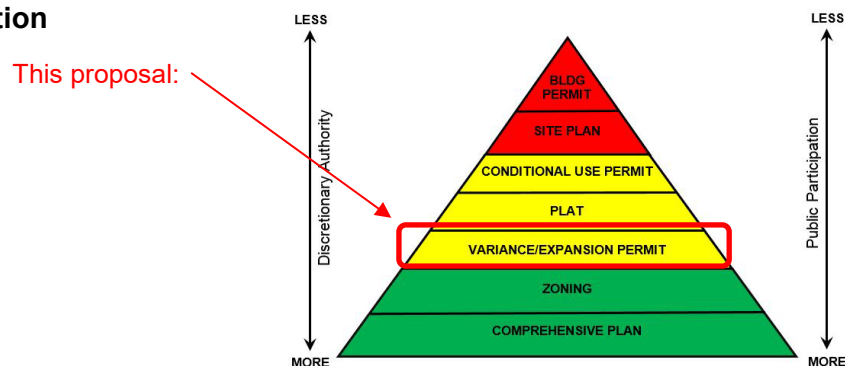
By city code, an expansion permit for non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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 no 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.

Pyramid of Discretion



Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of

a simple majority. The city council's approval requires an affirmative vote a simple majority.

Motion Options

The planning commission has three options:

1. Concur with staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood
Comments**

The city sent notices to 75 area property owners and received no comments to date.

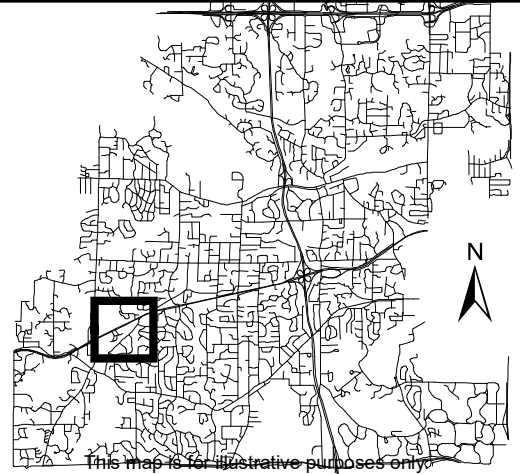
**Deadline for
Decision**

Nov. 13, 2019



Location Map

Project: Newcomb Residence
Address: 16913 Hwy 7

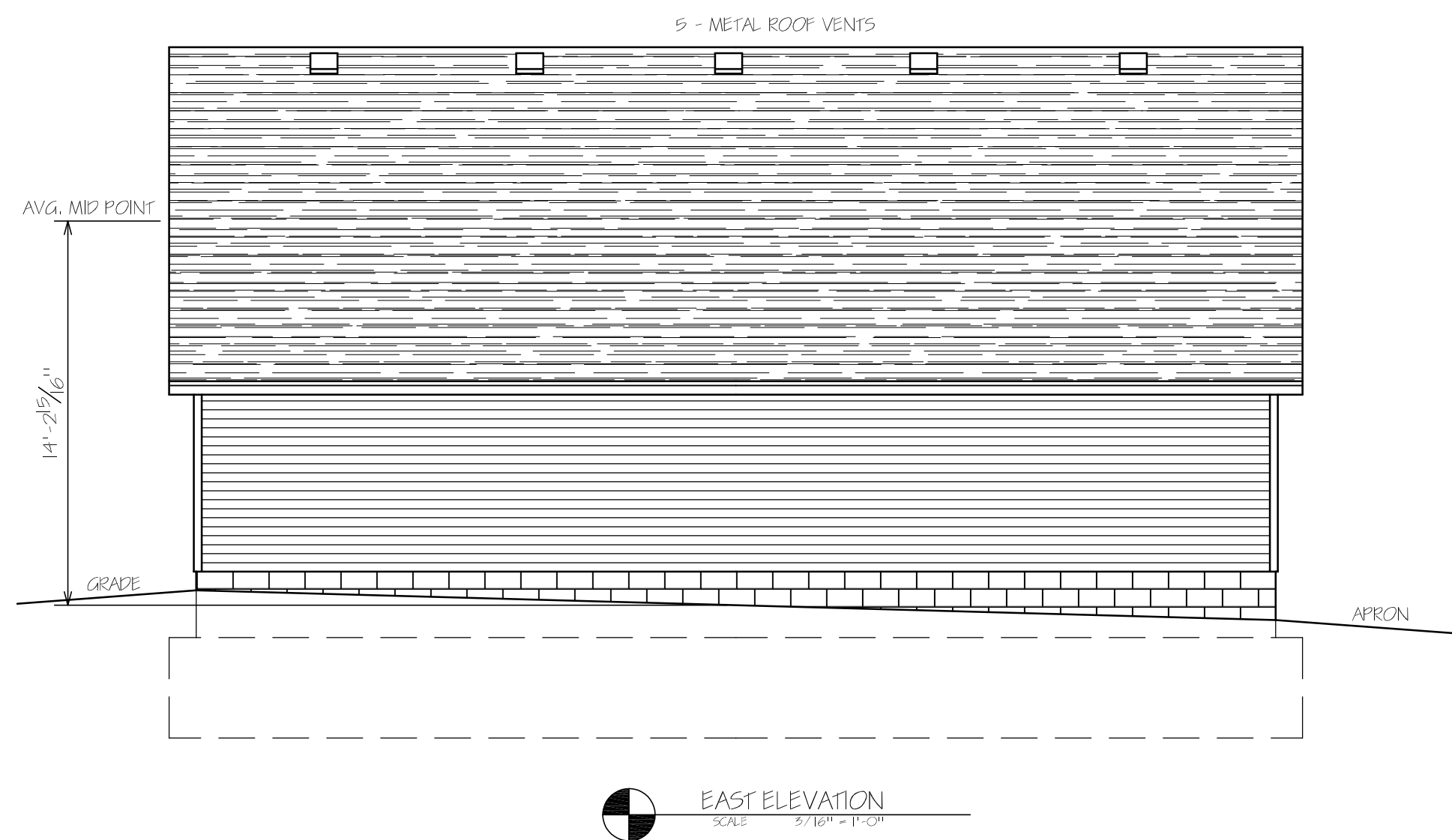
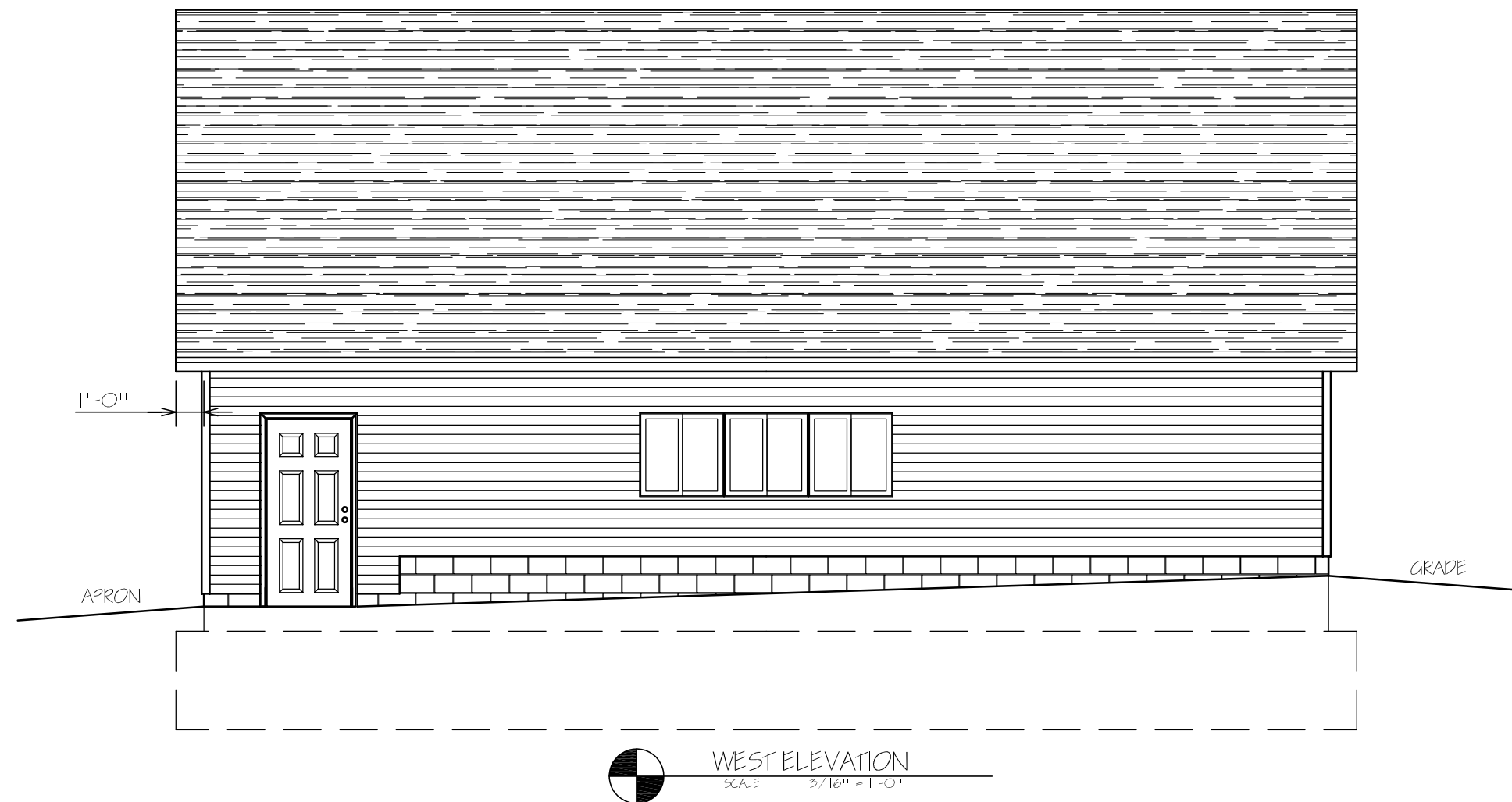
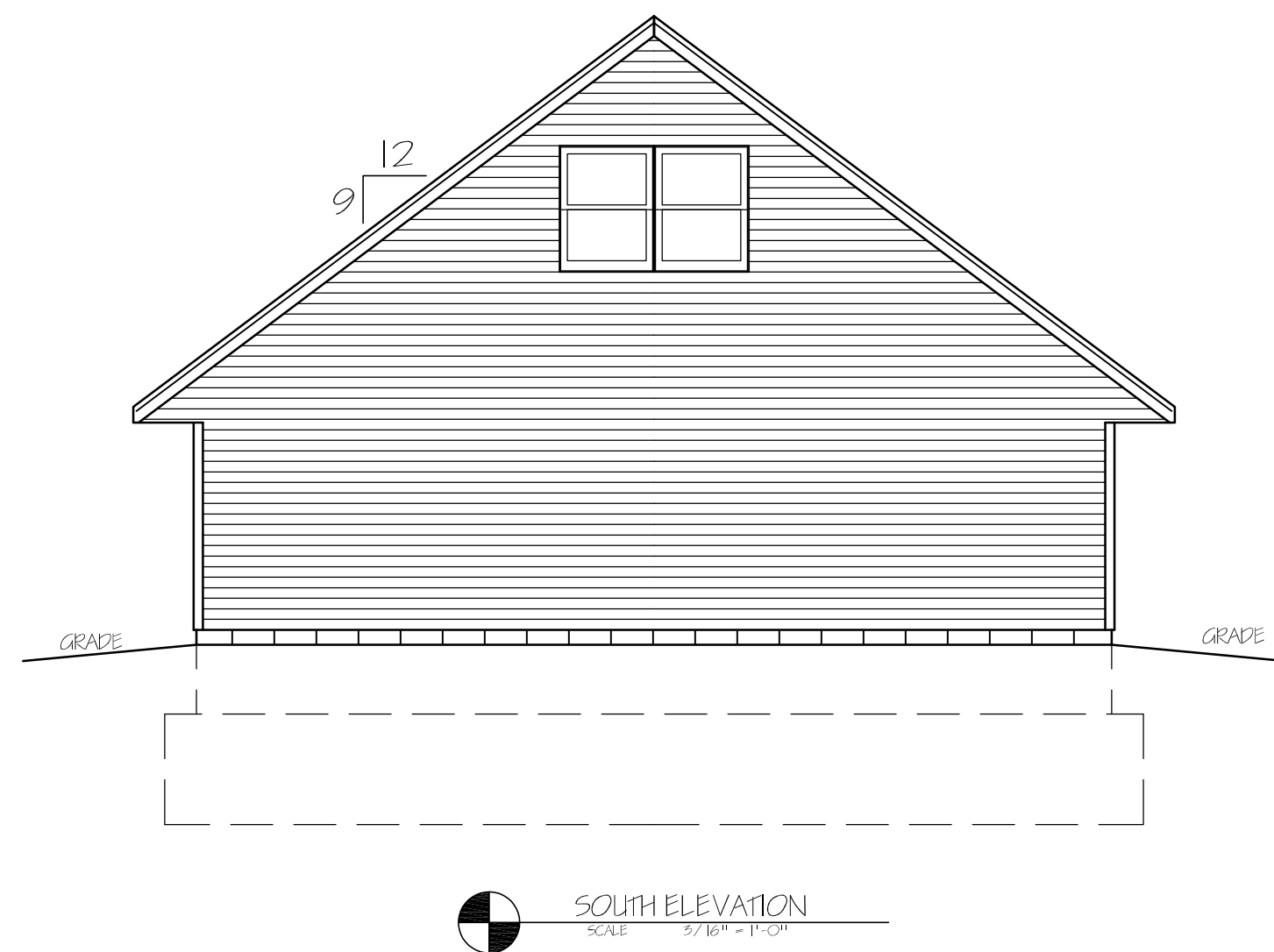
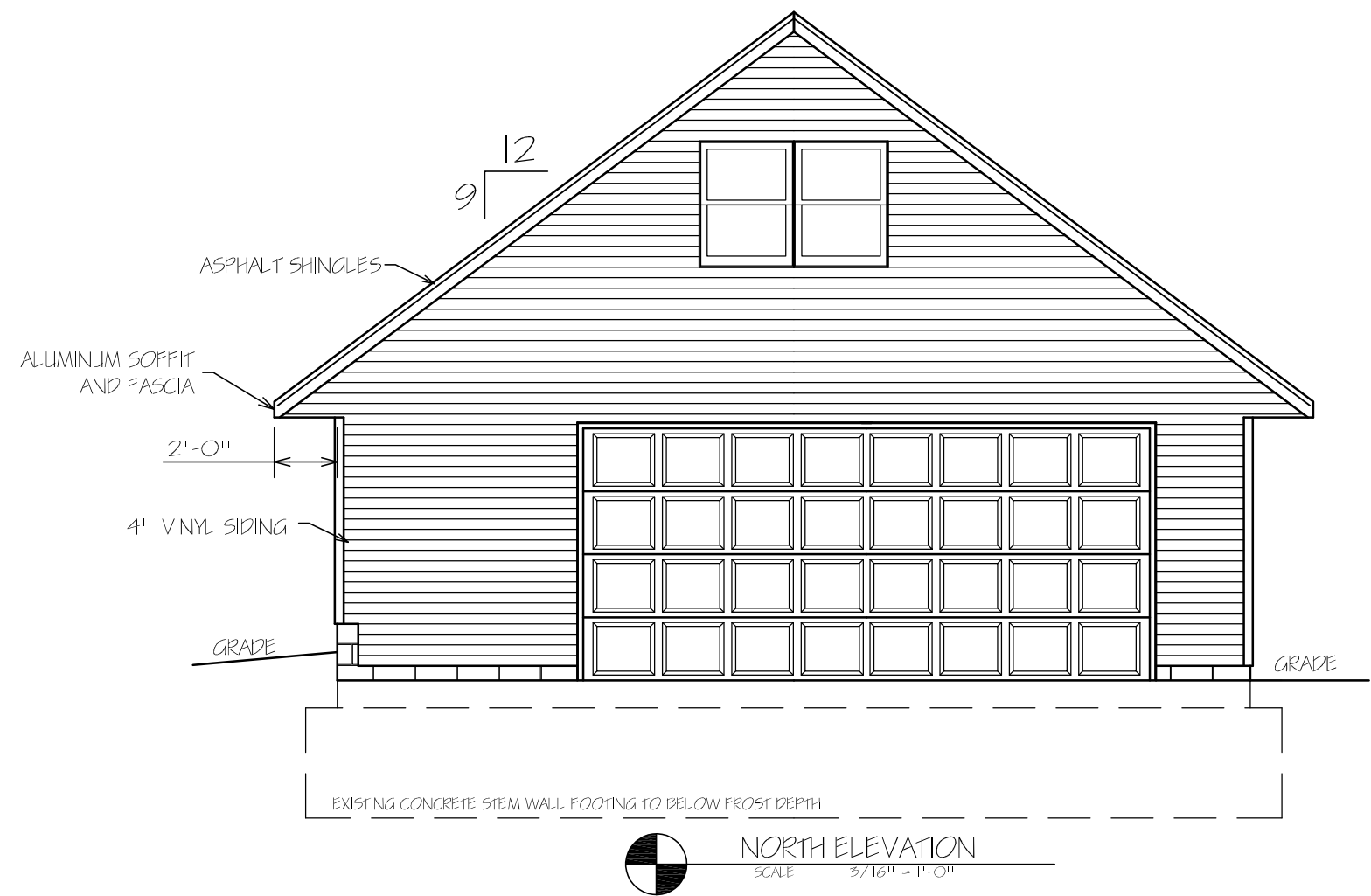


This map is for illustrative purposes only.

Existing
Garage







GRADE:
 FINAL GRADE TO BE A MINIMUM OF 6" BELOW TOP OF
 FOUNDATION FINISH GRADE SLOPE 1/2" PER FOOT. MINIMUM OF 6FT. FROM WALL
 SOIL WILL SETTLE OVER TIME, HOMEOWNER TO MAINTAIN SOIL DRAINAGE.
 THESE PLANS AND PRINTS REMAIN THE EXCLUSIVE CONFIDENTIAL PROPERTY OF SUSSEL,
 AND MAY BE USED BY OTHERS ONLY FOR THE PURPOSE SPECIFICALLY AUTHORIZED BY SUSSEL.
 UNAUTHORIZED COPYING OR REPRODUCTIONS OF ANY PORTION IS FORBIDDEN

Note:
 Written dimensions on these plans shall
 have precedence over all scaled dimensions,
 Susse Builders must be notified of any
 variations from these dimensions and
 conditions of the above drawing.

Susse Builders
 654 Transfer Road Saint Paul, MN 55114
 Office (651) 645-0331 Fax (651) 645-8371
 www.SusseBuilders.com Lic. BC001934

Mike Newcomb
 16915 Hwy 7
 Minnetonka, MN 55362

Customer Approval

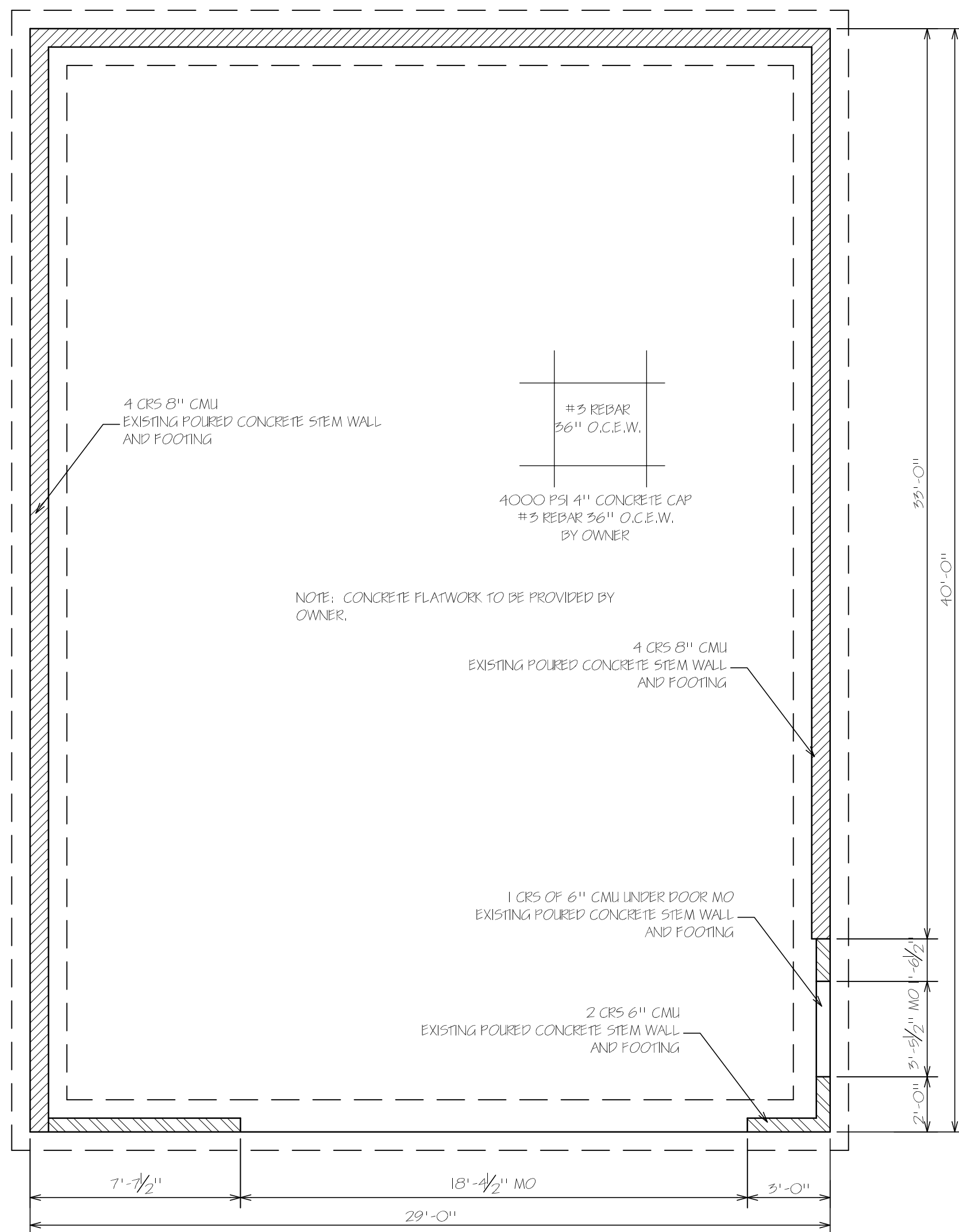
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- Plan approved as corrected
- Plan not approved

Signature _____ Date _____

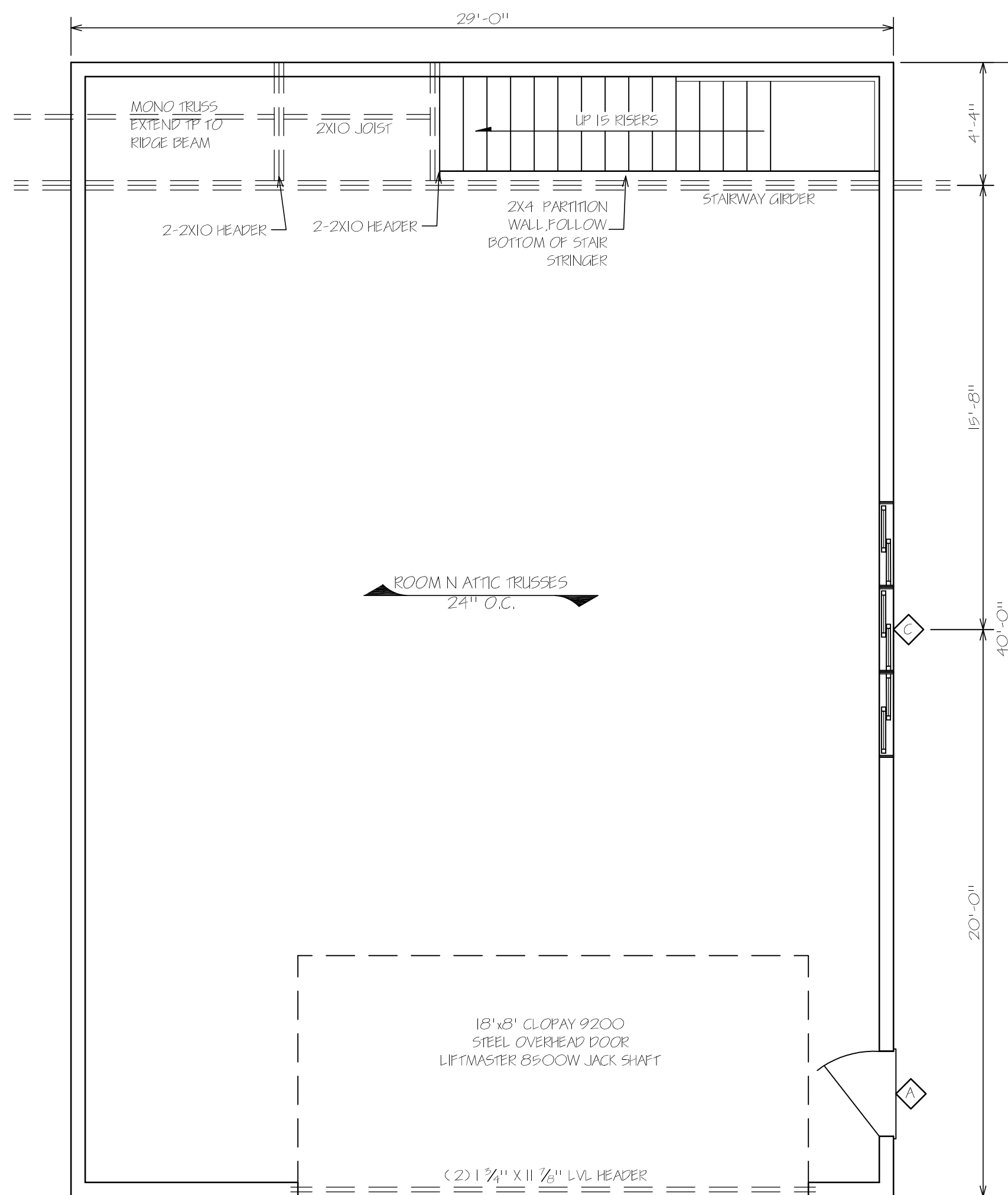
Drawn By:
 LORI W.

Date
 6-3-2019

Sheet
 A-1



FOUNDATION
SCALE 1/4" = 1'-0"



FLOOR PLAN
SCALE 1/4" = 1'-0"

GRADE:
FINAL GRADE TO BE A MINIMUM OF 6" BELOW TOP OF
FOUNDATION FINISH GRADE. SLOPE 1/2" PER FOOT. MINIMUM OF 6FT. FROM WALL.
SOIL WILL SETTLE OVER TIME, HOMEOWNER TO MAINTAIN SOIL DRAINAGE.
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Susael Builders
654 Transfer Road Saint Paul, MN 55114
Office (651) 645-0331 Fax (651) 645-8371
www.SusaelBuilders.com Lic. BC001934

Mike Newcomb
16915 Hwy 7
Minnetonka, MN 55362

Customer Approval

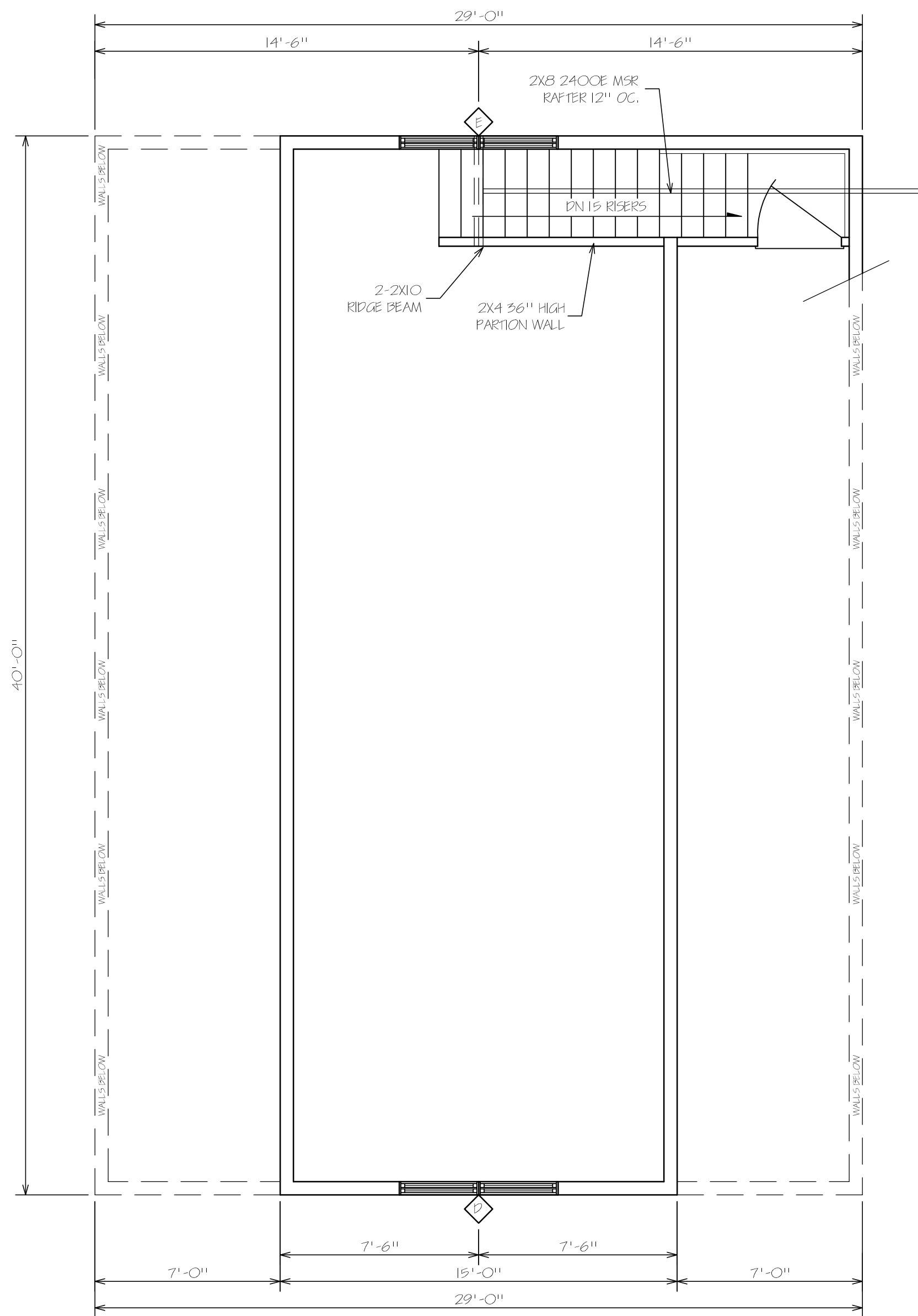
- Plan approved as shown
- Plan approved as corrected
- Plan not approved

Signature _____ Date _____

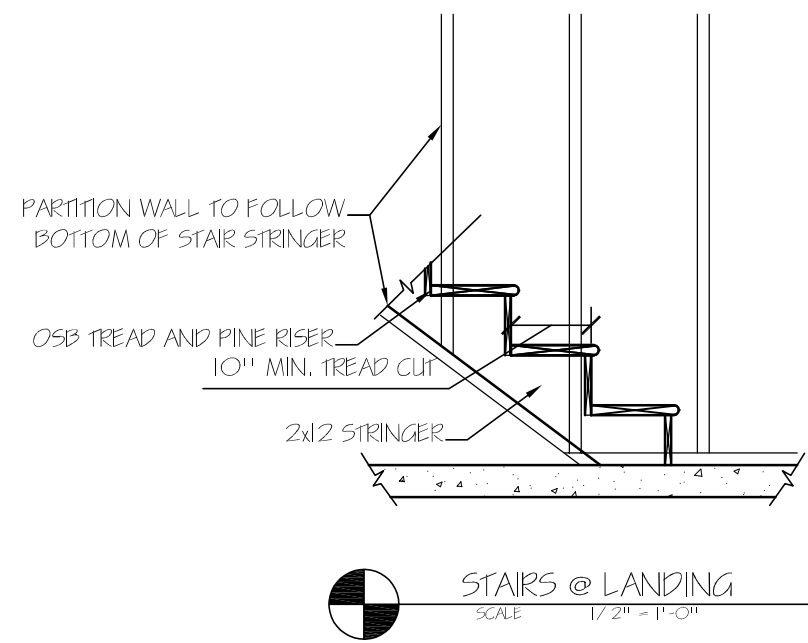
Drawn By:
LORI W.

Date
6-3-2019

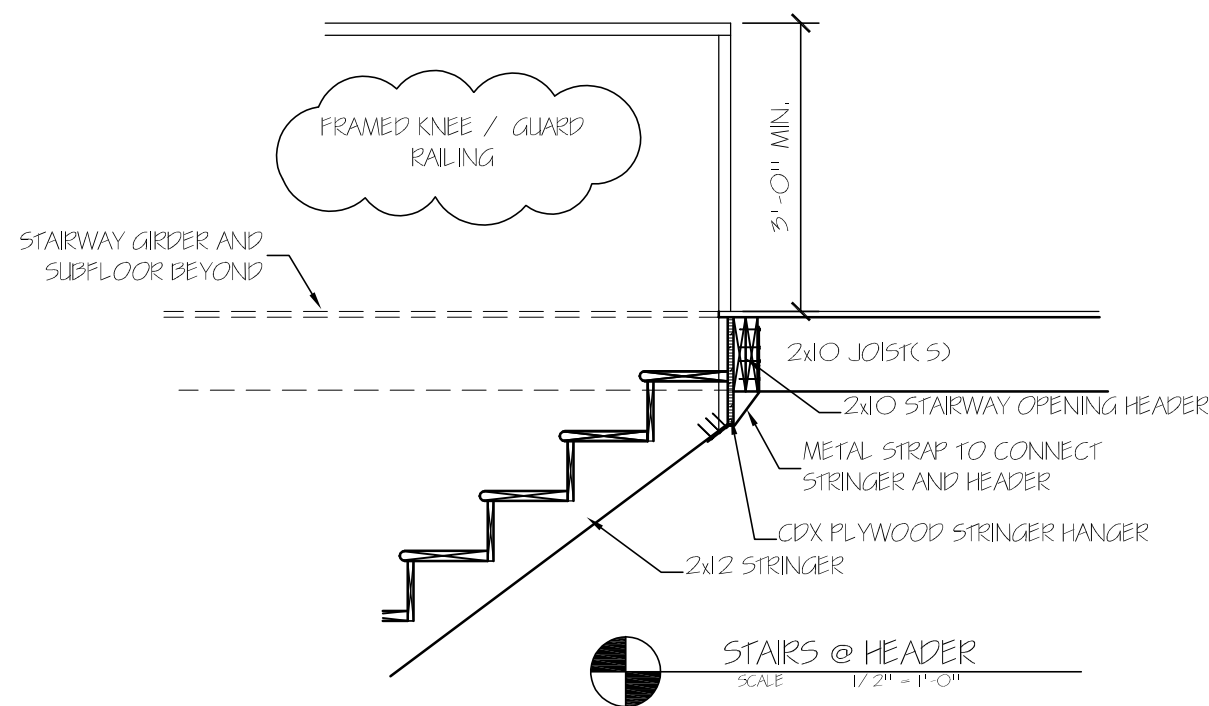
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A-2



ATTIC FLOOR PLAN
SCALE 1/4" = 1'-0"



STAIRS @ LANDING
SCALE 1/2" = 1'-0"



STAIRS @ HEADER
SCALE 1/2" = 1'-0"

Note:
Written dimensions on these plans shall have precedence over all scaled dimensions. Sussel Builders must be notified of any variations from these dimensions and conditions of the above drawing.

Sussel Builders

654 Transfer Road Saint Paul, MN 55114
Office (651) 645-0331 Fax (651) 645-8371
www.SusselBuilders.com Lic. BC001934

Mike Newcomb
16915 Hwy 7
Minnetonka, MN 55362

Customer Approval

- Plan approved as shown
- Plan approved as corrected
- Plan not approved

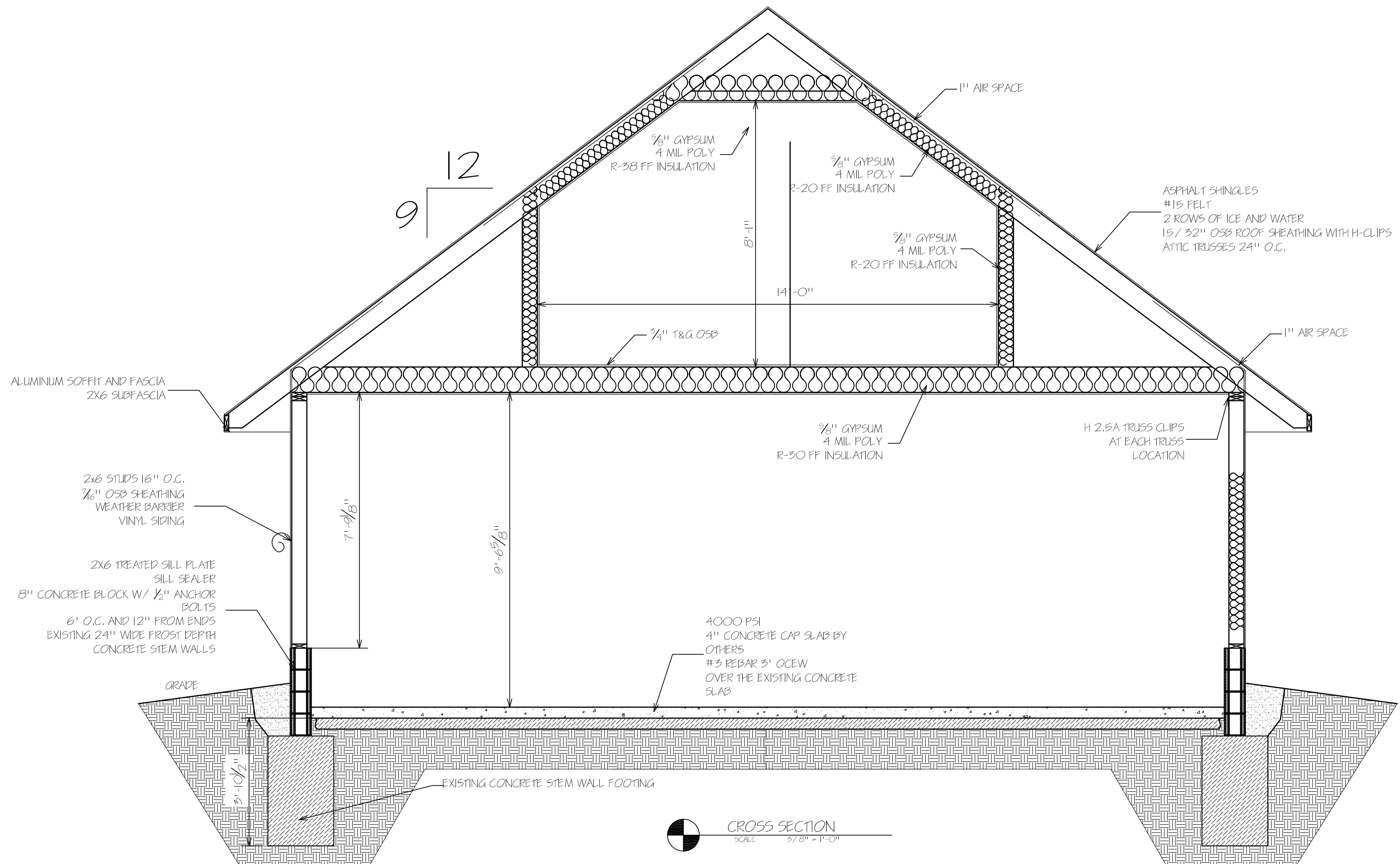
Signature _____ Date _____

Drawn By:
LORI W.

Date
6-3-2019

Sheet
A-3

THESE PLANS AND PRINTS REMAIN THE EXCLUSIVE CONFIDENTIAL PROPERTY OF SUSSEL, AND MAY BE USED BY OTHERS ONLY FOR THE PURPOSE SPECIFICALLY AUTHORIZED BY SUSSEL. UNAUTHORIZED COPYING OR REPRODUCTIONS OF ANY PORTION IS FORBIDDEN.



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Susse Builders
654 Transfer Road Saint Paul, MN 55114
Office (651) 645-0331 Fax (651) 645-8371
www.SusseBuilders.com Lic. BC001934

Mike Newcomb
16915 Hwy 7
Minnetonka, MN 55362

Customer Approval
 Plan approved as shown
 Plan approved as corrected
 Plan not approved
Signature _____ Date _____

Drawn By:
LORI W.

Date
6-3-2019

Sheet
A-4

Resolution No. 2019-

**Resolution approving a conditional use permit and an expansion permit for
a detached garage at 16913 Hwy 7**

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

Section 1. Background.

1.01 Mike Russell, on behalf of the property owners, is proposing to remove the existing detached garage on the property in order to construct a new garage.

1.02 The property is located at 16913 Hwy 7. It is legally described as:

Tract A, Registered Land Survey No. 0164, Hennepin County, Minnesota.

1.03 Based on aerial photography, the garage was constructed in the early 1970s prior to the adoption of the city's current accessory structure requirements and wetland ordinance.

	Required by code	Existing	Proposed
Accessory structure building height	12 ft. Structures exceed 12 ft require a conditional use permit	9.5 ft	14.5 ft *
Gross floor area of accessory structure	1,000 sq. ft. Aggregate gross floor area exceeding 1,000 sq. ft. requires a conditional use permit	1,590 sq ft	1,590 sq ft *
Wetland setback	35 ft	14.5 ft	14.5 ft **
* requires a conditional use permit			
** requires an expansion permit to increase the height of a structure within the setback			

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

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

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

1.07 On Aug. 15, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

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

2.02 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for detached garages, storage sheds, or other accessory structures in excess of 1,000 square feet of gross floor area or 12 feet in height:

1. side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;
2. no additional curb cuts to be permitted;
3. not to be used for commercial activities;
4. structure to be architecturally consistent with the principal structure;
5. landscaping to be required to buffer views when the structure is highly visible from adjoining properties; and
6. site and building plan subject to review pursuant to section 300.27 of this ordinance.

2.03 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 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.

Section 3. Findings.

- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.
- 3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(f).
1. By ordinance, the garage would require a 15-foot setback from any side or rear lot line. As proposed the garage would have a 20-foot setback from the eastern (side) property line and 81 feet from the southern (rear) property line.
 2. The proposed garage would be located within the footprint of the existing garage and would utilize the existing driveway. Nonetheless, as a condition of this resolution, no additional curb cuts are allowed.
 3. According to the applicant's written statement, the garage would not be used for commercial activities. Nonetheless, this has been included as a condition of this resolution.
 4. The proposed garage would generally be architecturally consistent with the existing home.
 5. The proposed garage would be screened by existing topography and vegetation both on the subject property and on adjacent properties. The nearest residential structure is over 150 feet from the garage.
 6. The plan has been reviewed and would meet the site and building plan standards outlined in section 300.27 of the ordinance.
- 3.03 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29, Subd. 7(c):
1. Reasonableness and neighborhood character: The proposed 14.5-foot wetland setback is reasonable and would not negatively impact the character of the surrounding neighborhood. The garage would:
 - a) Be located within the footprint of a garage that was originally constructed prior to the adoption of the city's first wetland ordinance.
 - b) Not encroach further into the wetland setback than the existing garage.
 - c) Be reasonably screened from surrounding properties and Hwy 7.

2. Unique Circumstance: The existing detached garage, predates the city's first wetland ordinance. It has remained unchanged for the last 47 years. The expansion permit would increase the height of the structure within the required setback, but the structure would not encroach further into the required setback.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, 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:
 - Existing conditions survey date stamped Aug. 1, 2019
 - Elevations and floor plans dated June 3, 2019.
2. Prior to the issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County.
 - b) Install a temporary rock driveway, erosion control, tree and wetland fencing and any other measures as identified as the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
3. The new garage cannot exceed the existing garage's footprint.
4. The minimum low floor elevation is 899.
5. No additional curb cuts are allowed.
6. The accessory structure cannot be utilized for commercial activities.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Aug. 26, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Aug. 26, 2019.

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting
Aug. 15, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
Aug. 15, 2019

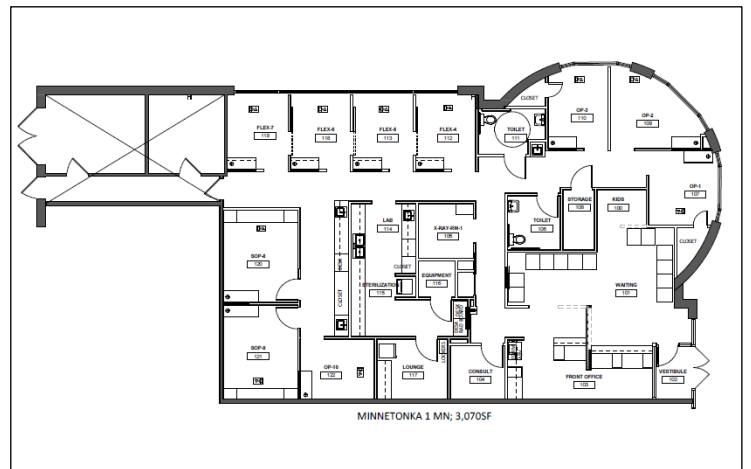
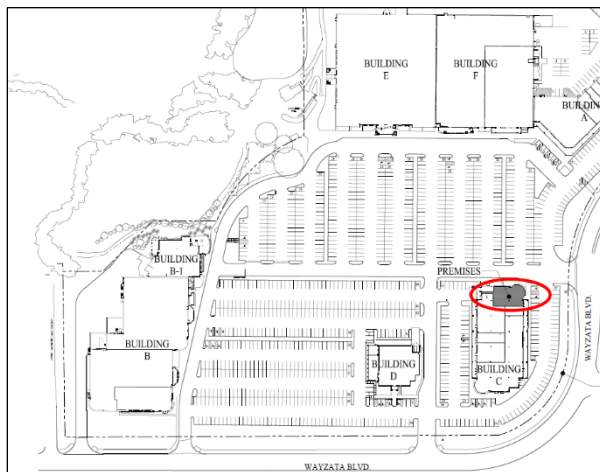
Brief Description	Conditional use permit for a dental clinic at 11300 Wayzata Blvd
Recommendation	Recommend the city council approve the permit

Background

West Ridge Market is a roughly 21-acre commercial development located in the northwest quadrant of the I-394/Hopkins Crossroad. The area was approved in 1995 and currently contains a mix of retailers and restaurants.

Proposal

CSM West Ridge Inc., on behalf of Pacific Dental, is proposing to operate a dental clinic within a 3,070 square foot tenant at West Ridge Market. (Until recently, the space was occupied by a LeeAnn Chin.) Dental clinics are conditionally-permitted on property designated for commercial uses.



Staff Analysis

Staff supports the proposal, as:

- ✓ The dental clinic would meet all conditional use permit standards. These standards are outlined in the "Supporting Information" section of this report.
- ✓ Relative to the previous restaurant use of the tenant space, the proposed dental clinic would reduce parking demand and vehicle trip generation in the immediate area.

Staff Recommendation

Recommend the city council adopt the resolution a conditional use permit for a dental clinic at 11300 Wayzata Blvd.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Properties

	North	South	East	West
Use	Retail	Retail	Wayzata Blvd	Retail/Restaurant
Zoning	PID	PID	PID	PID
Guide Plan Designation	Commercial	Commercial	Commercial	Commercial

Subject Property

	Existing	Proposed
Use	single-family home	No change
Zoning	R-1	
Guide Plan Designation	mixed-use	

Medical Clinics

By city code, a medical clinic is defined as “a total occupied space of 2,000 square feet or greater used for patient examination and treatment by physicians, dentists, optometrists, psychologists or other health care professionals and where patients are not lodged overnight.”

CUP Standards

The proposal would meet the general and specific conditional use permit standards for medical clinics as outlined in City Code §300.31 Subd.4

General Standards

1. The use is in the best interest of the city;
2. The use is compatible with other nearby uses; and
3. The use is consistent with other requirements of this ordinance.

Specific Standards

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

Finding: The proposed dental clinic would be surrounded by retail uses.

2. Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

Finding: Access to the clinic site would be via Wayzata Blvd., which is classified as a major collector.

3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: The clinic would be located over 600 feet from the closest resident use. Further, the clinic is not anticipated to have more emergency vehicle traffic than any other use in West Ridge Market.

4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Finding: The clinic would be just 3,070 square feet in area.

Parking

By city code, West Ridge Market is under parked. Though the site contains 1,201 parking stalls, the uses within the development technically require well over this amount. However, given that the uses have different peak parking demand times, the city has not observed any parking issues in the past nor received any parking complaints.

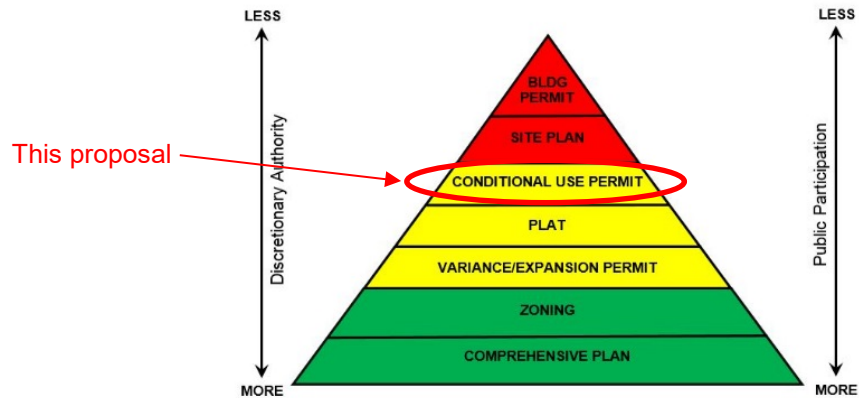
The proposed clinic would reduce the code-required parking on the West Ridge site.

	EXISTING	PROPOSED
Commercial	1092	1092
Boulevard	130	130
Caribou	31	31
LeeAnn Chin	51	-
Olive Garden	156	156
Pacific Dental	-	20
TOTAL REQUIRED	1460	1429

Neighborhood Comments

The city sent notices to 109 area property owners and received no written comments to date.

Pyramid of Discretion



Motion options

The planning commission has the following motion options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the conditional use permit.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the permit. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

Voting Requirement

The planning commission will make a recommendation to the city council; any recommendation requires a simple majority vote. Approval requires the affirmative vote of four councilmembers

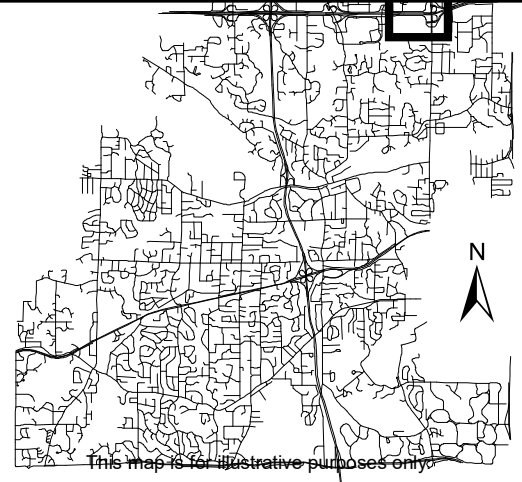
Deadline for Decision

Oct. 28, 2019

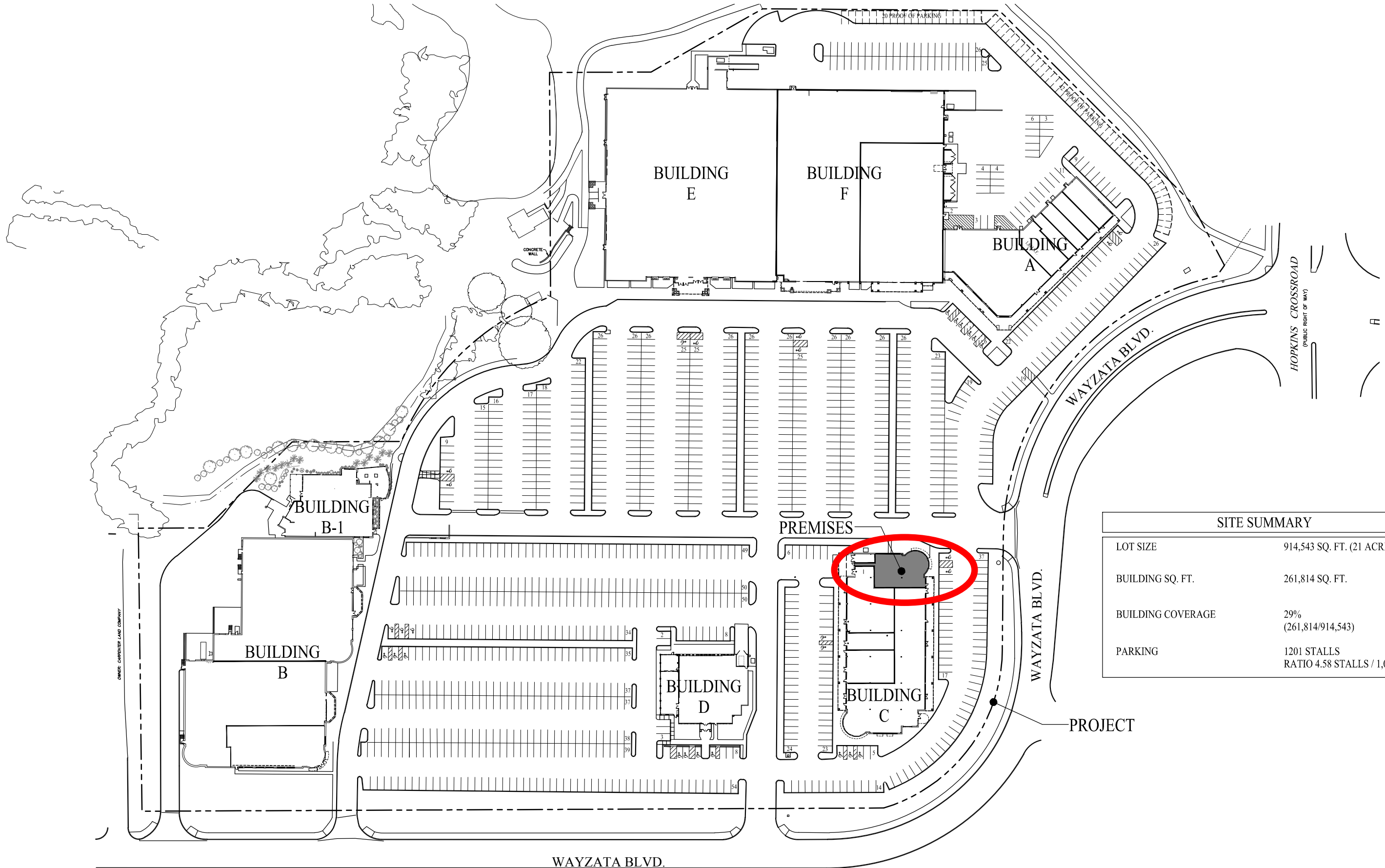


Location Map

Project: Pacific Dental
 Address: 11300 Wayzata Blvd, Suite G



This map is for illustrative purposes only.



SITE SUMMARY	
LOT SIZE	914,543 SQ. FT. (21 ACRES)
BUILDING SQ. FT.	261,814 SQ. FT.
BUILDING COVERAGE	29% (261,814/914,543)
PARKING	1201 STALLS RATIO 4.58 STALLS / 1,000 SF

1 SITE PLAN
SP-1 SCALE: NTS



G:\Arch\2000\Projects\Active\CSM Retail\Westridge Market\Building C\Tenants-Current\Pacific Demol\PR-3.dwg

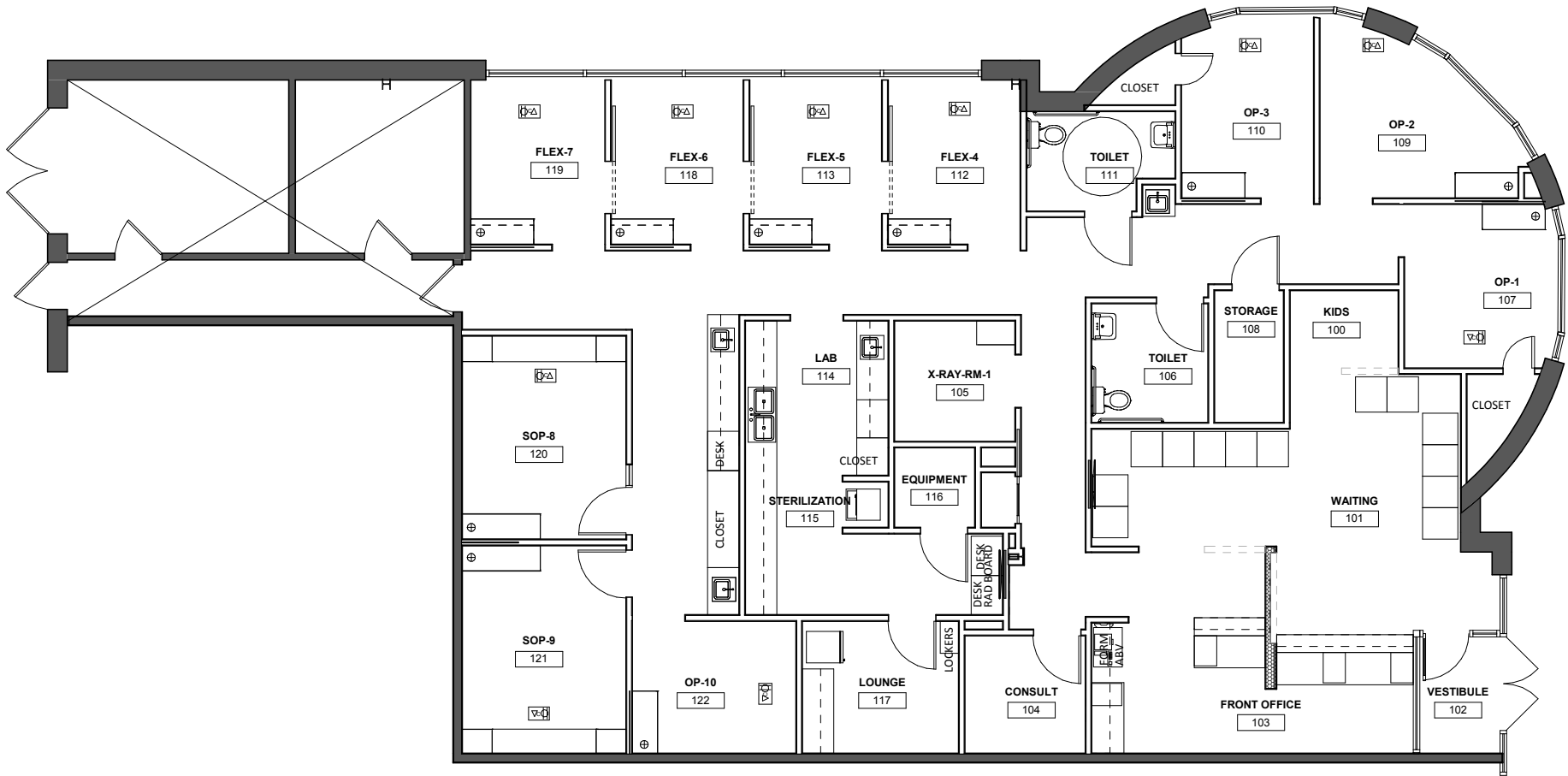
WESTRIDGE MARKET

11300 WAYZATA BLVD.
MINNETONKA, MN 55305

DATE: JULY 9, 2019
DRAWN BY: JASON GRUHN

CSM 500 Washington Avenue South, Suite 3000
Minneapolis, MN 55415
Bus: (612) 395-7000 Fax: (612) 395-7002
DEVELOPING REAL ESTATE FOR PEOPLE,
BUSINESS & COMMUNITIES

PR-3



MINNETONKA 1 MN; 3,070SF

Resolution No. 2019-

Resolution approving a conditional use permit for a dental clinic at 11300 Wayzata Blvd

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

Section 1. Background.

- 1.01 CSM West Ridge Inc., on behalf of Pacific Dental, is proposing to operate a dental clinic within a 3,070 square foot tenant at West Ridge Market
- 1.02 The property is located at 11300 Wayzata Blvd. It is legally described as:
Lot 4, Block1, BOULEVARD GARDENS SECOND ADDITION.
- 1.03 On Aug. 15, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

- 2.01 City Code §300.31 Subd.4(b)(1) outlines the general standards that must be met for granting a conditional use permit in the PID zoning district. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.31 Subd.4(b)(2)(d) outlines the following specific standards that must be met for granting a conditional use permit for clinics:
1. Shall not be adjacent to low-density residential areas;
 2. Shall have direct access from the site to a collector or arterial street as
 3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and
 4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required.

Section 3. Findings.

- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.31 Subd.4(b)(1).
- 3.02 The proposal meets all the specific conditional use permit standards outlined in City Code §300.31 Subd.4(b)(2)(d).
1. The proposed dental clinic would be surrounded by retail uses.
 2. Access to the clinic site would be via Wayzata Blvd., which is classified as a major collector roadway.
 3. The clinic would be located over 600 feet from the closest resident use. Further, the clinic is not anticipated to have more emergency vehicle traffic than any other use in West Ridge Market.
 4. The clinic would be just 3,070 square feet in area.

Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. This resolution must be recorded with Hennepin County.
 2. The tenant space must comply with all requirements of the Minnesota state building code, fire code, and health code.
 3. The city council may reasonably add or revise conditions to address any future unforeseen problems.
 4. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Aug. 26, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Aug. 26, 2019.

Becky Koosman, City Clerk