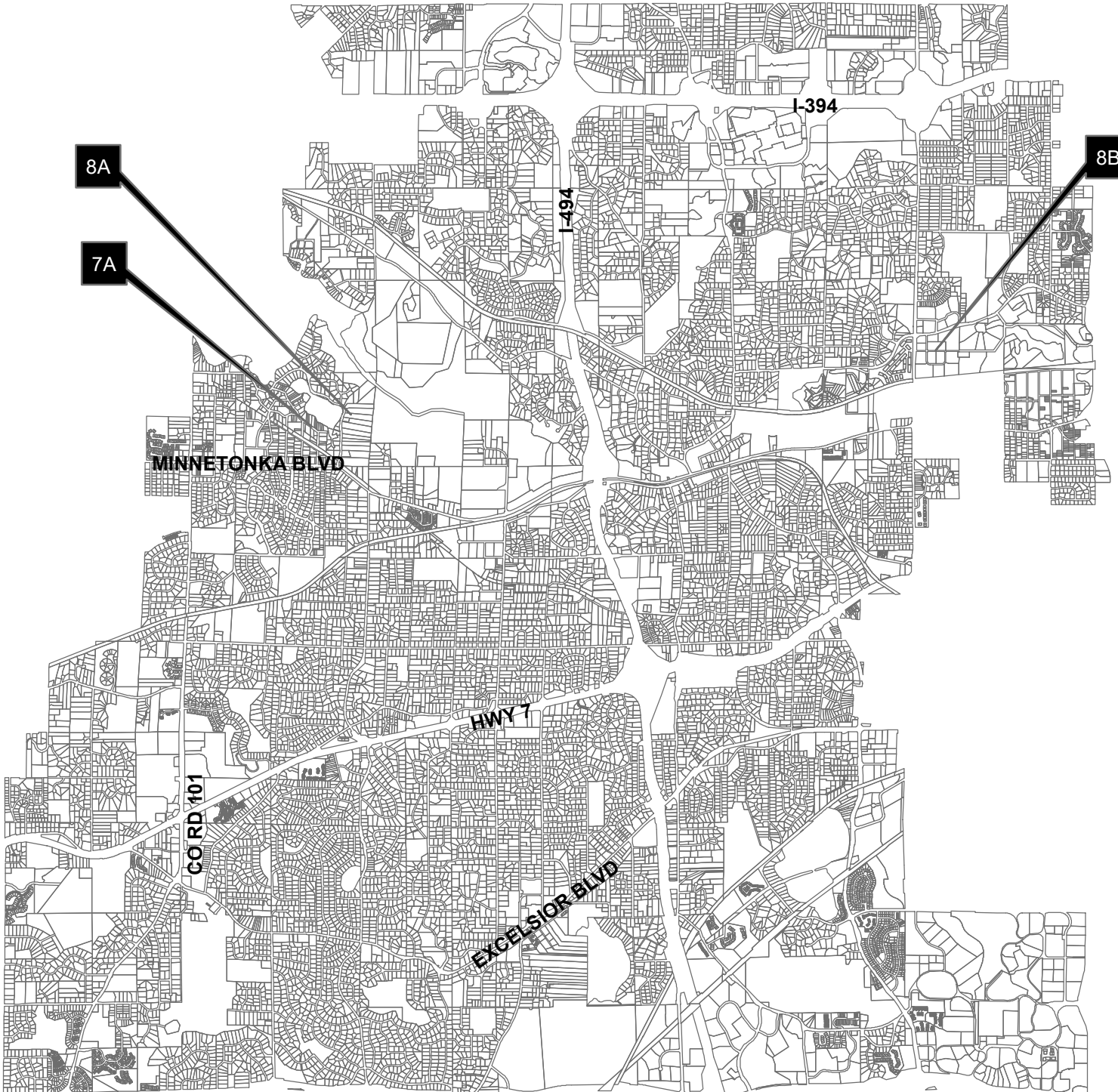




CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
DEC. 3, 2020**

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





Planning Commission Agenda

Nov. 19, 2020 – 6:30 p.m.

Virtual Meeting via WebEx

Due to the COVID-19 health pandemic, the planning commission's regular meeting place is not available. Pursuant to Minn. Stat. § 13D.021, planning commission members will participate in the meeting remotely via WebEx. Members of the public who desire to monitor the meeting remotely or to give input or testimony during the meeting can find instructions at <https://www.minnetonkamn.gov/government/virtual-meeting-information>.

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: Nov. 19, 2020

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

- A. Front yard setback variance, and an expansion permit, for an addition at 3177 Lake Shore Blvd.

Recommendation: Adopt the resolution approving the request. (5 votes)

- Final decision
- Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

- A. Conditional use permit allowing accessory structures with an aggregate total of 1,100 square feet at 3109 Fairchild Avenue.

Recommendation: Recommend the city council adopt the resolutions approving the request. (4 votes)

- Recommendation to City Council (Dec. 21, 2020)
- Project Planner: Ashley Cauley

Planning Commission Agenda

Dec. 3, 2020

Page 2

B. Conditional use permit for a religious facility at 10800 Greenbrier Road.

Recommendation: Recommend the city council adopt the resolutions approving the request.
(4 votes)

- Recommendation to City Council (Dec. 21, 2020)
- Project Planner: Drew Ingvalson

9. Other Business

A. Presentation: Municipal Separate Storm Sewer System (MS4) Permit.

Staff Report: Leslie Yetka and Sarah Schweiger

Planning Commission Agenda

Dec. 3, 2020

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Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Dec. 17, 2020 agenda.

Project Description	Accessory Dwelling Unit Ordinance
Project Location	City-Wide
Assigned Staff	Susan Thomas
Ward Councilmember	City-Wide

Minnetonka Planning Commission Meeting

Agenda Item 4

Previous Meeting Minutes

**Unapproved
Minnetonka Planning Commission
Virtual Meeting
Minutes**

Nov. 19, 2020

1. Call to Order

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

2. Roll Call

Commissioners Waterman, Henry, Maxwell, Powers, and Sewall were present. Hanson and Luke were present.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Natural Resources Manager Leslie Yetka, and IT Assistants Gary Wicks and Joonas Sundstrom.

3. Approval of Agenda

Powers moved, second by Henry to approve the agenda as submitted with additions and modifications provided in the change memo dated Nov. 19, 2020.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried.

4. Approval of Minutes: Oct. 22, 2020

Maxwell moved, second by Waterman, to approve the Oct. 22, 2020 meeting minutes as submitted.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Nov. 9, 2020:

- Adopted a resolution approving the conditional use permit and site and building plan review for Crane Lake Park at 11905 Ridgedale Drive and the new Park at Ridgedale at 12590 Ridgedale Drive.
- Adopted a resolution approving the preliminary plat with variances for Tonkawood Farms Third Addition at 15014 Highwood Drive.
- Directed staff to prepare a resolution denying a conditional use permit for a licensed residential care facility at 12701 Lake Street Extension.

- Discussed a concept plan for Minnetonka Station at 10400, 10500, and 10550 Bren Road East.
- Discussed a concept plan for Doran Development at Shady Oak Road at 5959 Shady Oak Road.

The next planning commission meeting is scheduled to be held Dec. 3, 2020.

6. Report from Planning Commission Members

Chair Sewall expressed his appreciation for early voting at city hall and all the work done by election officials.

7. Public Hearings: Consent Agenda

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

Henry moved, second by Waterman, to adopt a resolution denying the variance request to deem the vacant lot at 3274 Fairchild Ave. developable for a principle structure as recommended in the staff report as follows:

A. Resolution formalizing a denial of a variance to declare the property at 3274 Fairchild Ave. developable for a principle structure.

Adopt the attached formal resolution denying the variance request to deem the vacant lot at 3274 Fairchild Ave. developable for a principle structure. This resolution includes findings from the Oct. 22, 2020 planning commission meeting.

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

Chair Sewall 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. Expansion permit for a garage and living space addition at 16856 Sherwood Road.

Chair Sewall 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.

Powers asked if there was a concern with runoff. Thomas explained that a condition of approval would require stormwater management practices to be used if the amount of disturbance would meet that requirement.

Steven Eggert, representing Curt Fretham at Lakewest Development, applicant, stated that he was available for questions.

The public hearing was opened. Wicks indicated that no one was waiting to speak. No testimony was submitted and the hearing was closed.

Waterman supports the proposal. It makes sense. It would add value to the property. It would have the same footprint and setbacks. It would be reasonable.

Powers supports the proposal. It would add value to the property and neighborhood while maintaining the character of the neighborhood.

Powers moved, second by Maxwell, to adopt the resolution approving the expansion permit for a garage and living space addition at 16856 Sherwood Road.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried.

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

B. Items concerning a detached structure with an accessory apartment at 4225 Tonkawood Road.

Chair Sewall 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.

Maxwell asked how visible the height would be from the road. Cauley provided an exhibit that showed a berm with vegetation on top of the berm that would separate the proposal from the road.

Henry asked why the property has a larger than usual right of way area between the paved portion of the road and the property line. Cauley explained that the large right of way was a result of Tonkawood Road being reconstructed.

Powers asked if comments had been received from neighbors. Cauley noted that two letters from neighbors are included in the agenda packet.

In response to Waterman's question, Cauley explained that staff would investigate a complaint regarding a property not complying with the home occupation ordinance or

conditional use permit requirements and enforcement action would begin with a violation notice sent to the property owner. Several enforcement steps would be taken until the property would be in conformance with ordinance and conditional use permit requirements.

Tom Larson, of Gonyea Transformations, representing the Fickle family, applicant, stated that he was available for questions. He assured everyone that the purpose of the space would be for a home office for the resident to utilize instead of having to travel to an office.

Henry suggested adding a shower to the half bath. Mr. Larson said that a rough-in to add a shower in the future may be included.

Henry noted that the neighbors did not express concern with the structure. It would be a good use of space. He encouraged the property owner to speak with the neighbors to address their concerns. Mr. Larson said that he would contact the authors of the letters to address their concerns.

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

Waterman encouraged the applicant to work with the neighbors to address their concerns. The project looks great. He supports the proposal.

Powers concurred with Waterman and Henry. He did not find the structure attractive, but it would not alter the character of the neighborhood enough for him to oppose the project. A driver going by would not even notice it without stopping at the property. He supports the proposal.

Maxwell agreed with commissioners. The use would be reasonable for the space. The footprint would be the same as the existing garage's footprint. She did not have a problem with the stairs on the rear side. She supports the proposal.

Chair Sewall noted that the property has a newer house in an older neighborhood, so he understood that the neighbors dealt with new construction already being done on the site. The proposal would not require excavating or large equipment. He encouraged the property owner to talk with neighbors about their concerns. He supports the proposal. The setback would be reasonable.

Henry moved, second by Waterman, to recommend that the city council adopt the attached resolutions for the property at 4225 Tonkawood Road. These resolutions approve a conditional use permit for a detached structure in excess of 12-feet in height with a setback variance and a conditional use permit with a locational variance for an accessory apartment.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried.

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Dec. 7, 2020.

C. Conditional use permit with a variance for Blue Pearl at 10301 Wayzata Blvd.

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

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

In response to Powers' question, Ingvalson explained that the door that would be used to bring dogs outside would be located as far away from the residential properties as possible and would be adjacent to the street right of way.

Chair Sewall confirmed with Ingvalson that the proof of parking area would not be paved unless it would be determined in the future that the stalls are needed.

Joshua Pardue, applicant, stated that staff summed up the project well. There would be no outdoor kennels. It would be an animal hospital. He was available for questions.

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

Henry felt it would be a good use of the space. The location would be easy to find. The green space on the west side would be well utilized and prevent disturbance to the neighbors. He supports the proposal.

Chair Sewall noted that there may be a greater demand for pets than office space right now.

Waterman agreed with Henry. The variance makes sense. The topography and distance create a buffer from the site and the closest residential houses. It would operate similar to most commercial operations. He supports the proposal.

Maxwell agreed with commissioners. The conditional use permit and variance would be reasonable. There would be no visible change to the building. She supports the proposal.

Powers supports the proposal. It would be a good use of the site. The building would be far enough away from the residential houses to impact them.

Chair Sewall lives in the area. The noise from Interstate 394 would be louder than any dog barking. He was not concerned since the building would so far away from the residential houses. He supports the proposal.

Powers moved, second by Maxwell, to recommend that the city council adopt the resolution approving a conditional use permit with variance for a veterinary hospital, Blue Pearl, at 10301 Wayzata Blvd.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried.

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Dec. 7, 2020.

D. Items concerning Lake Minnetonka Care Center at 16913 Hwy. 7.

Chair Sewall 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.

Maxwell confirmed with Cauley that the proposed facility would be required to hook up to the city's sewer service.

In response to Waterman's question, Cauley answered that the 1996 feasibility study studied five options. At that time, the north alignment was selected because it would provide for a more immediate service to the 17101 address and would not preclude further extension. An east extension along the north property line makes sense, but since that time, trees have grown and the trail has been developed which makes the north alignment more challenging.

Powers thought the size of the building would make it too large to appear residential in nature. He found it difficult to drive into and out of the site. Cauley explained that the building's residential appearance refers to it having the aesthetic appearance of a single-family house rather than being institutional or commercial in design. The anticipated number of 13 trips per day includes visitors, employees, and service providers and is similar to the number of trips generated by a single-family residence.

In response to Chair Sewall's question, Cauley explained that the applicant would need to secure permission from a property owner on Clear Springs Drive to grade onto that property. The trench limit on the south side would be just over 50 feet and would accommodate the depth at the minimum grade installation. The trench limit would provide a stable grade change. The applicant's landscaping plan includes plantings within that area. Staff would make sure that the landscape plan meets city requirements.

In response to Henry's question, Cauley stated that density equals units per acre. The state licenses and regulates care facilities.

Jeff Sprinkel, owner and operator of the Lake Minnetonka Care Center, applicant, stated that Cauley did a great job covering the proposal. He stated that:

- The Lake Minnetonka Care Center is the smallest nursing home in Minnesota. His desire is to make the facility as residential in appearance as possible. The building would be two stories.
- The facility has been operating in Deephaven for 33 years. He explained that a third of the residents have no visitors, a third have visitors two days a year, and a third have a regular visitor every week or every other week. Traffic would not be a problem.
- To access Hwy. 7 from the site, he waits about a minute until the light turns red at the intersection of Hwy. 7 and Co. Rd. 101 and then it is easy. He has done it many times.
- He is looking forward to being able to provide private rooms for the residents. A private room is a single, occupied room with a bathroom. The current facility has no private rooms. It has double and triple rooms which cause a safety risk due to the pandemic.
- The turn lane would be worked out with MNDOT and would be funded by the applicant.

David TeBrake, with Miller Architects and Builders, representing the applicant, stated that:

- MNDOT would govern the turn lane and he has been working with them. The applicant would cover the cost to have the turn lane constructed.
- The facility would have the same number of vehicle trips per day as a single-family residence. None of the residents drive. There would be weekly garbage pickup and oxygen delivery.
- A trench box would be used to minimize the amount of slope and width of the trench.
- Ten additional parking stalls would be available on the inside corner and vehicles could park on the driveway since it would be extra wide on the one or two holidays a year that may require extra parking.

Powers asked if something would be done to protect pedestrians on the trail. Mr. TeBrake stated that the staff report includes the application's plan that would straighten out the trail and lower berms at the driveway entrance. Right now, there are berms on both sides that block visibility of someone on the trail until the vehicle driver is crossing the trail. The berms would be shortened and the trail would be straightened to provide better sight lines of the trail and its users. Signs would also be added to identify the trail crossing. The applicant would agree to add striping on the drive to emphasize the crossing area if staff approves.

Henry noted that the current site in Deephaven is operating in a single-family house. Mr. Sprinkel explained that the applicant received a moratorium exception from the Minnesota Department of Health to create a facility to allow the 21 residents to have a private room due to the risks created by Covid-19 to the residents who currently share rooms with one or two other residents.

Henry asked if neighbors of the site had been informed. Mr. Sprinkel answered affirmatively. As Cauley pointed out, there have been three meetings on the site. He visited adjacent property owners three times and spoke with and delivered flyers to them. Five people attended the virtual meeting. There were two on-site meetings back in June. It was done outdoors and people socially distanced. Everyone he heard from likes the look of the building. Mr. Devins expressed his concern with the hook up of the utilities, but that was the only concern. Everyone else was very positive and likes the look of it.

In answer to Henry's question, Mr. TeBrake stated that MNDOT found that an acceleration lane would not be warranted due to the controlled intersection that would create gaps in traffic when exiting the site. The applicant would pay to create a deceleration lane to enter the site.

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

Waterman likes the proposal. It would be a great use of land. All the requirements for a conditional use permit would be met. The applicant has been diligent working with staff to come up with the best solution for the utility situation and minimize tree loss. He encouraged the applicant to work with neighbors to minimize impact to neighbors during construction. He supports the proposal and staff's recommendation.

Maxwell agreed that the nursing home meets the conditional use permit standards and the site and building plans are reasonable. She was not sure 13 trips a day would warrant the increase in impervious surface to create the turn lane to enter the site. She understood if MNDOT requires the turn lane. Mr. TeBrake confirmed that MNDOT would require the deceleration lane and clarified that no trees would need to be removed because of it. Maxwell supports staff's recommendation.

Powers noted that the proposal meets all conditional use permit standards and setback requirements. The view of the site would change dramatically. He was troubled by it, but not enough to vote to deny the application.

Henry noted that the site is located on Hwy. 7. The use would be a natural progression between the highway and single-family residences. He is glad there would be a turn lane. He supports the proposal.

Chair Sewall stated that his initial concerns related to parking and utility hook up have been addressed. The proof of parking option is the better, ecological option and would save more trees. The use would fit in the area with Hwy. 7 and townhouses. The proposal would meet all tree ordinance requirements. He supports staff's recommendation.

Henry encouraged the applicant to utilize solar power if possible.

Waterman moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit and final site and building plans for a 21-resident nursing home at 16913 Hwy. 7.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried.

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Dec. 7, 2020.

9. Adjournment

Maxwell moved, second by Powers, to adjourn the meeting at 8:40 p.m. Motion carried unanimously.

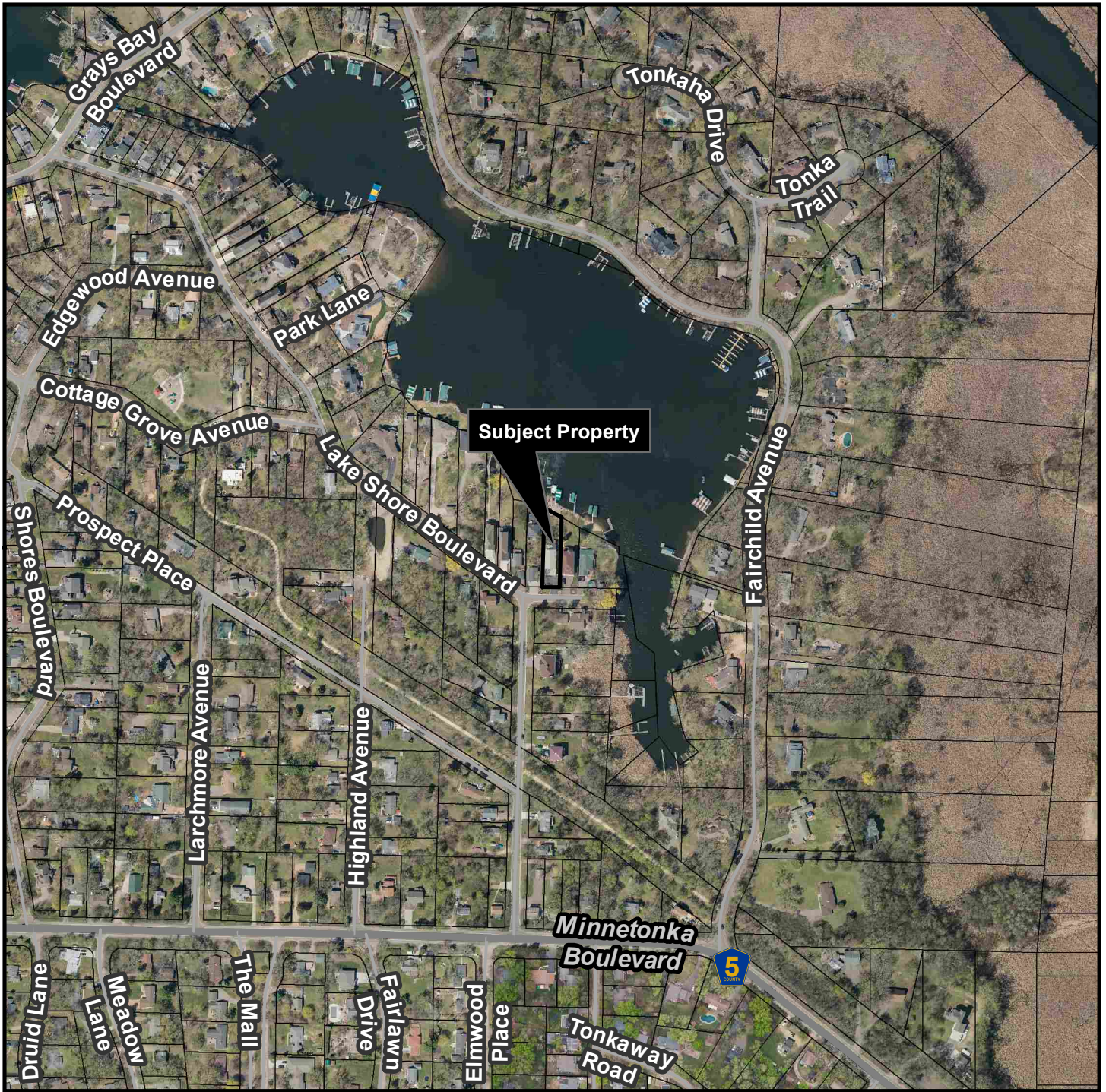
By: _____

Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

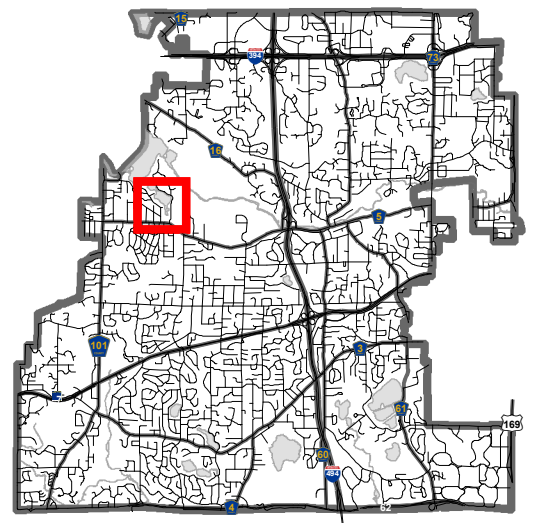
Agenda Item 7

Public Hearing: Consent Agenda



Location Map

Project: MacEachern Residence
Address: 3177 Lake Shore Blvd



MINNETONKA PLANNING COMMISSION
Dec. 3, 2020

Brief Description Front yard setback variance, and an expansion permit, for an addition at 3177 Lake Shore Blvd

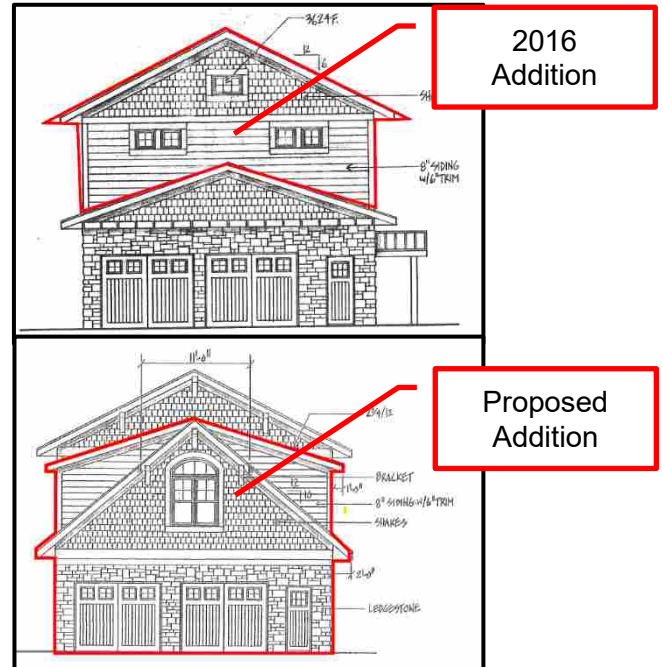
Recommendation Adopt the resolution approving the request

Background

In 2016, the planning commission approved an expansion permit for a second addition onto the existing home at 3177 Lake Shore Blvd. The addition did not extend over the existing garage.

Proposal

The property owner is now proposing to construct a 450 square foot addition onto the front of the existing garage. The proposal also includes a second story addition over the existing garage and a portion of the new addition.



Setback		Required	Existing	Proposed
	Front yard		35 feet	38 feet
Aggregate side yard		30 feet	20 feet	20 feet **

* requires a variance

** requires an expansion permit

Staff Analysis

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

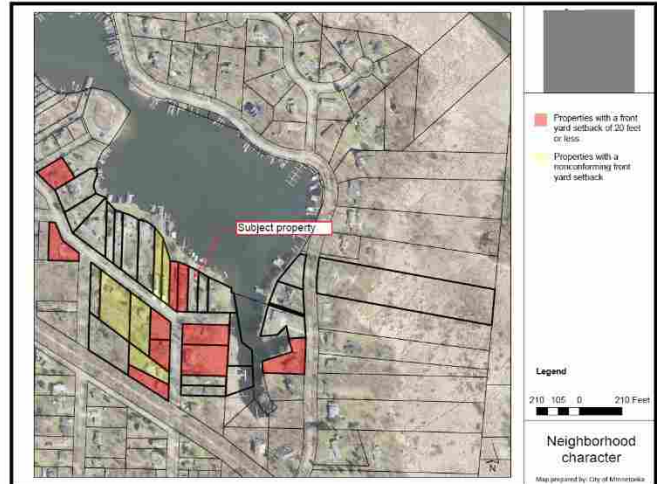
- The property was platted in 1916. The property is 10,700 square feet in area, with a width of 50 feet. This is less than half than what is required by current ordinance standards.
- The addition would maintain the setback of the existing structure from the side property lines. Additionally, the garage addition would not increase the amount of impervious surface on the property, as the garage would be constructed over the existing driveway.

- Of the 29 area properties improved with a single-family home, over half have nonconforming front yard setbacks. Of those, 10 have front yard setbacks that are less than 20 feet. The detached garage on the property to the west has a front yard setback of 16.7 feet.

Staff Recommendation

Adopt the resolution which approves a front yard setback variance, and an expansion permit, for an addition at 3177 Lake Shore Blvd.

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



Supporting Information

- Project No.** 16021.20a
- Property** 3177 Lake Shore Blvd
- Applicant** John MacEachern
- Surrounding Land Uses** Libb’s Lake is north of the property. Properties to the east, south, and west are improved with single-family residential homes, zoned R-1 and guided for low density residential.
- Planning** Guide Plan designation: Low density residential
Zoning: R-1
- Impervious Surface** By City Code §300.25, Subd. 7, the maximum impervious surface on properties within the shoreland overlay district are:
- 30 percent on the portion of land within 150 feet of the ordinary high water level.
 - 75 percent on the portion of the lot that is beyond the 150 feet of the ordinary high water level.
- Based on staff’s calculations, the property has a surface coverage on the property located outside of the 150 feet of the ordinary high water level is 85 percent. The plans do not indicate an increase of impervious surface on the property. Nonetheless, as a condition of approval, an equal amount of impervious surface must be removed from this area for any proposed increase.
- Small Lot** By City Code §300.10, Subd. 7, properties that are defined as qualifying small lots are allowed lesser setbacks from property lines than “typical” properties. To be defined as a small lot, a property must be:

Ordinance requirement	Subject Property
Less than 15,000 square feet in size;	✓
Have been a lot of record prior to Feb. 12, 1966;	✓
Be located in an area in which the average lot size of residential lots is less than 15,000 square feet	X

Despite the property’s “smaller” size and subdivision date, it does not qualify as a small lot. The average lot size of properties in the surrounding neighborhood is roughly 18,000 square feet, exceeding the maximum average lot area to be considered a small lot.

**Variance vs.
Expansion Permit**

A variance is required for any alteration that will intrude into one or more of the setback areas beyond the distance of the existing, non-conforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity.

The applicant's proposal requires a variance and an expansion permit. The variance is required for the garage addition, which would intrude into the required front yard setback. The expansion permit is required for the second story, which would expand vertically within a required setback without encroaching further into it.

Variance Standard

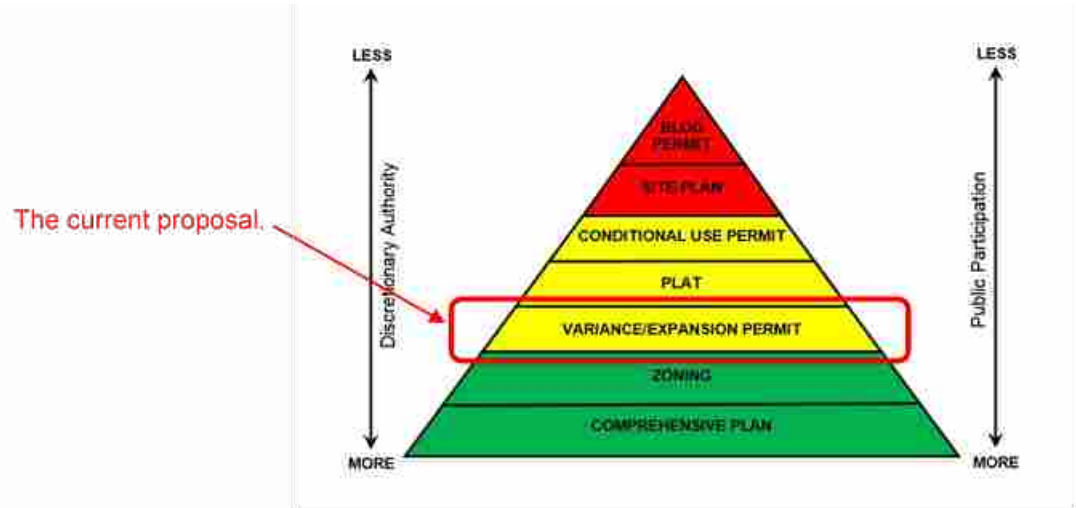
A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the 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)

Expansion permit

By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandated, 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 impact affect or alter the essential character of the neighborhood.

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 adopting the resolution approving the variance and expansion permit.
2. Disagree with staff's recommendation. In this case, a motion should be denying the request. 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.

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.

Neighborhood Comments

The city sent notices to 29 area property owners and received no comments to date.

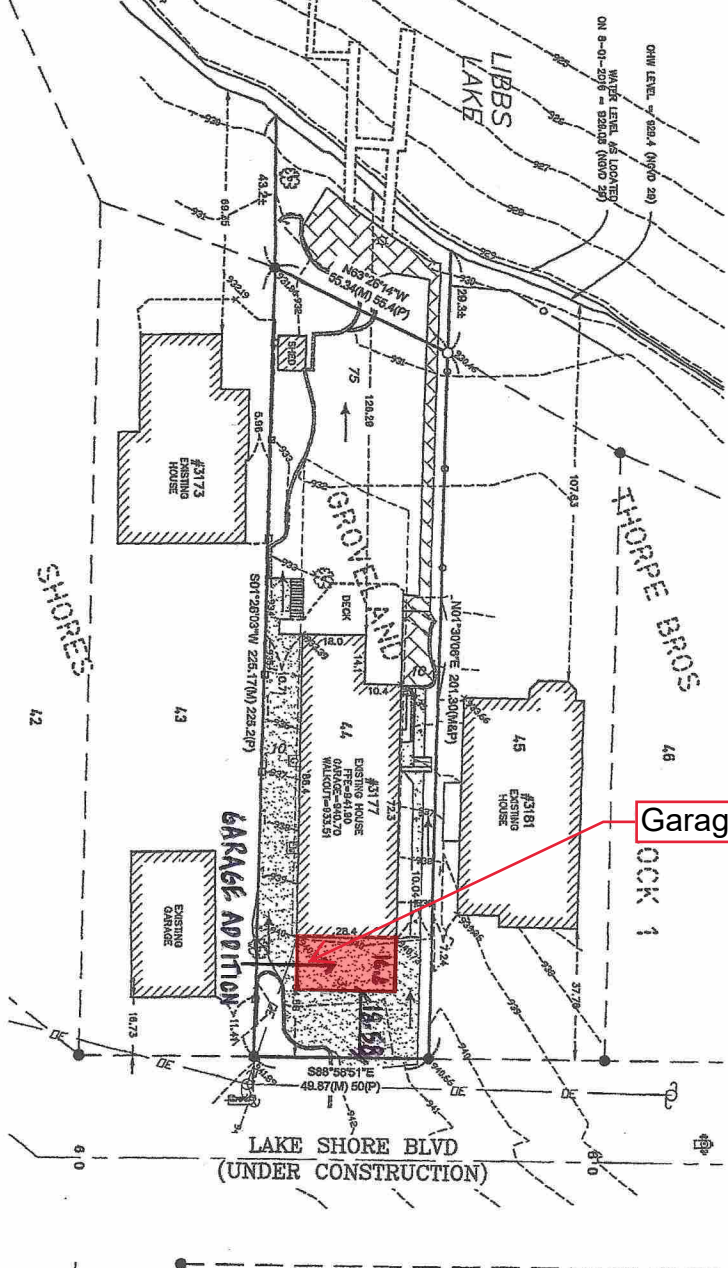
Deadline for Decision

Feb. 18, 2021

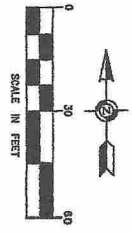
CERTIFICATE OF SURVEY

for
BRIAN MUELLER

Garage addition



- LEGEND**
- DENOTES FOUND PROPERT/RY IRON
 - DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
 - DENOTES BOUNDARY LINE
 - DENOTES LOT LINE
 - DENOTES SETBACK LINE
 - DENOTES EXISTING CONTOUR LINE
 - DENOTES EXISTING ELEVATION
 - DENOTES CONCRETE SURFACE
 - DENOTES BRIMMIDIOUS SURFACE
 - DENOTES PATIO PAVER SURFACE
 - DENOTES RETAINING WALL
 - DENOTES CHAINLINK FENCE
 - DENOTES WOOD FENCE
 - DENOTES OVERHEAD ELECTRIC
 - DENOTES ELECTRIC POWER POLE
 - DENOTES GUY ANCHOR
 - DENOTES TELEPHONE PEDESTAL
 - DENOTES ELECTRIC METER
 - DENOTES GAS METER
 - DENOTES DECIDUOUS TREE
 - DENOTES DRAINAGE FLOW
 - DENOTES FINISH FLOOR ELEVATION
 - DENOTES MEASURED DISTANCE
 - DENOTES PLATTED DISTANCE



LEGAL DESCRIPTION
 Lot 44, Block 1, THORPE BROS. GROVELAND SHORES, Hennepin County, Minnesota, according to the recorded plat thereof.

REFERENCE BENCHMARK
 ELEVATION 43.29 (MNS 29)
 MINOR DISK TAVERN AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF HWY 7 & FAIRHILLS RD.

BUILDING SETBACKS
 ZONING: R1 - LOW-DENSITY RESIDENTIAL
 HOUSE: FRONT = 35 FT
 SIDE = 10 FT, SUM NOT LESS THAN 30 FT
 REAR = 10 FT FROM OWN'L

HARDCOVER
 EXISTING BUILDINGS & DECK: 2,885 SQ. FT.
 EXISTING PAVED SURFACES: 3,875 SQ. FT.
 TOTAL LOT AREA: 12,877 SQ. FT.
 EXISTING HARDCOVER: 62.8 %

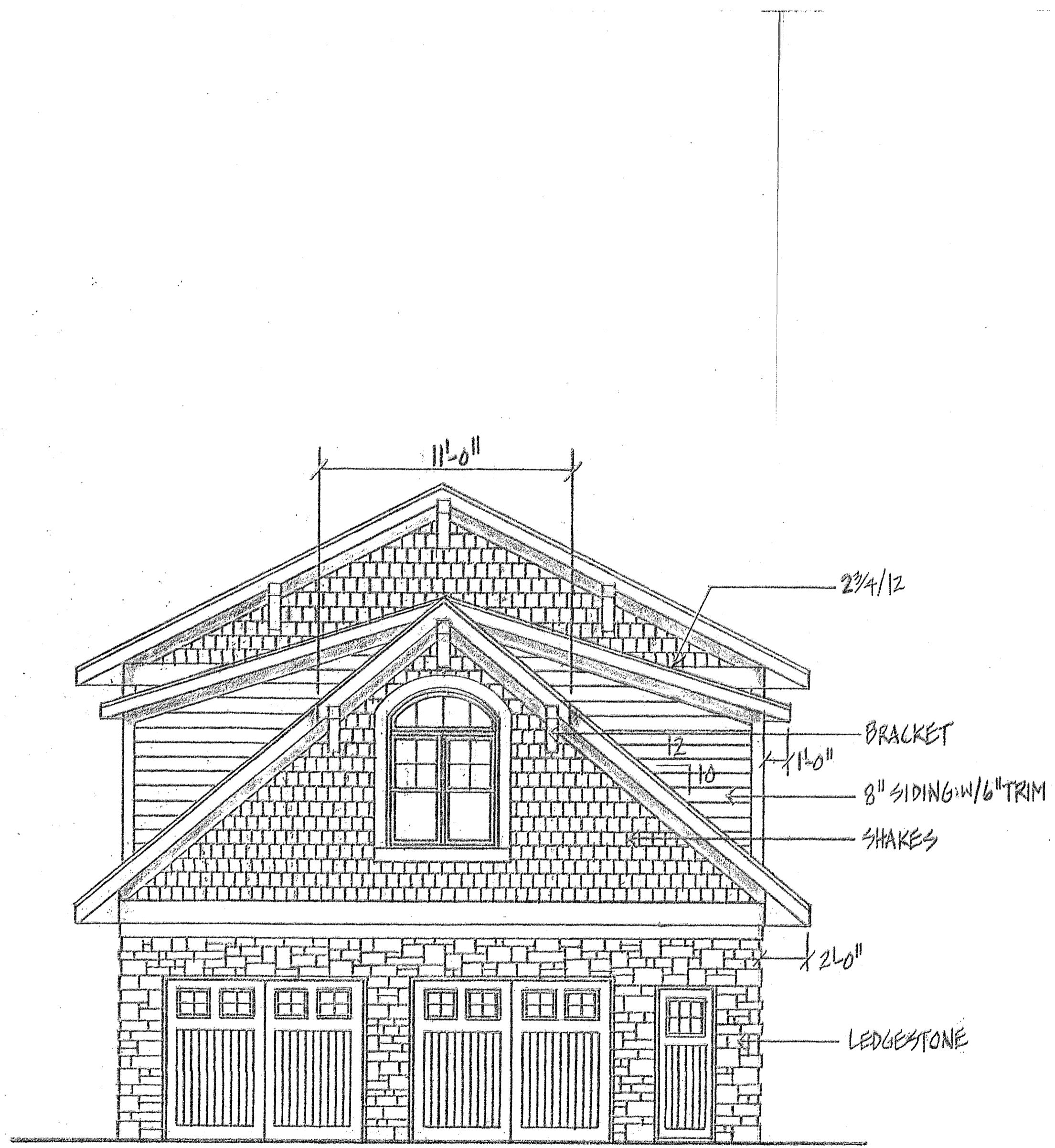
NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
4. EXISTING UTILITIES AND SERVICES SHOWN HEREON LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT AND NOT SHOWN HEREON. THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING THE UTILITIES COMPANY SHALL AT (651) 481-4002 PRIOR TO ANY DESIGN, PLANNING OR RECONSTRUCTION.

EDS ENGINEERING DESIGN & SURVEYING
 2480 Wyoming Blvd. Minneapolis, MN 55422
 Office: (763) 445-2800 FAX: (763) 445-2901
 EMAIL: info@edsmin.com WEBSITE: mnp17.edsmn.com

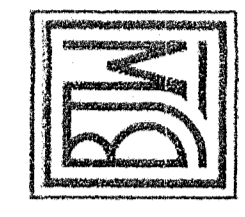
DESIGNED BY: Yuhuan Swank DATE: 09/05/16
 DRAWN BY: Brian Mueller
 CHECKED BY: NS
 PROJECT NO.: 16-105
 SHEET NO.: 1 OF 1

Call 48 Hours before digging
GOPHER STATE ONE CALL
 Twin Cities Area 651-454-0002
 MN. Toll Free 1-800-252-1186



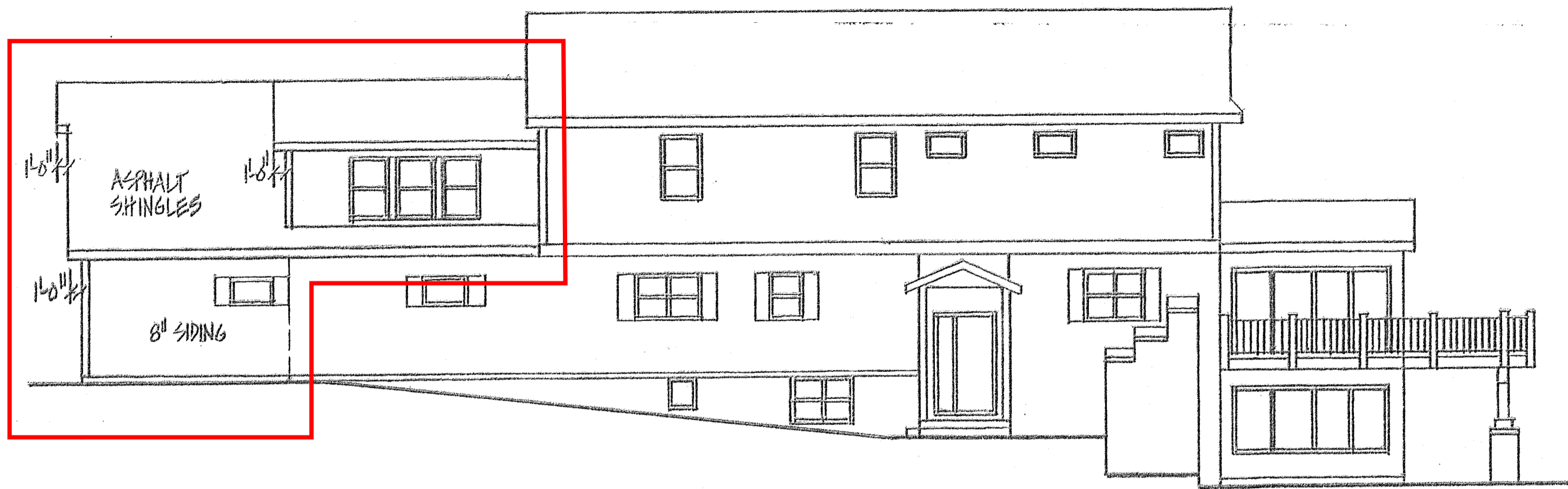
FRONT ELEVATION
SCALE 1/4" = 1'-0"

BRITT J. WILLIS
DESIGNER OF HOMES
FINE HOME DESIGN / REMODELING
612.390.6838

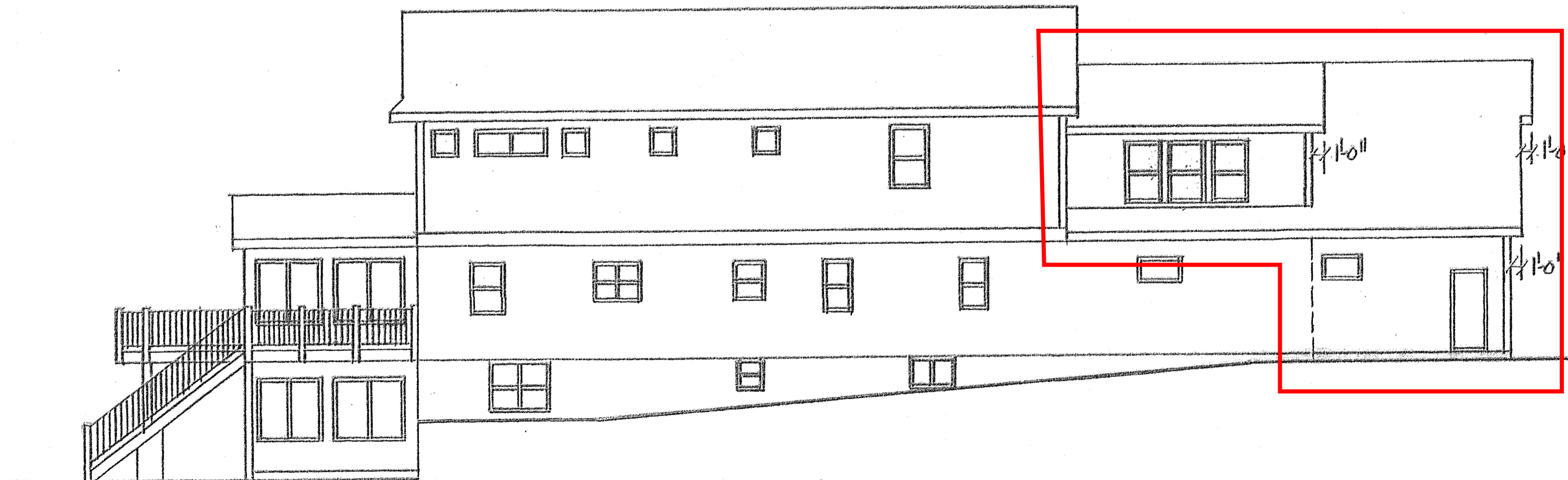


MACEACHERN/HOGGE RESIDENCE
3177 LAKE SHORE BLVD, WAYZATA, MN

PLAN # 20120
SHEET 1 OF 4

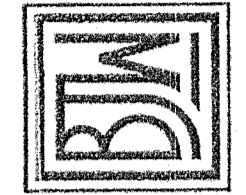


RIGHT ELEVATION
SCALE 1/8" = 1'-0"



LEFT ELEVATION
SCALE 1/8" = 1'-0"

BRITT J. WILLIS
DESIGNER OF HOMES
FINE HOME DESIGN / REMODELING



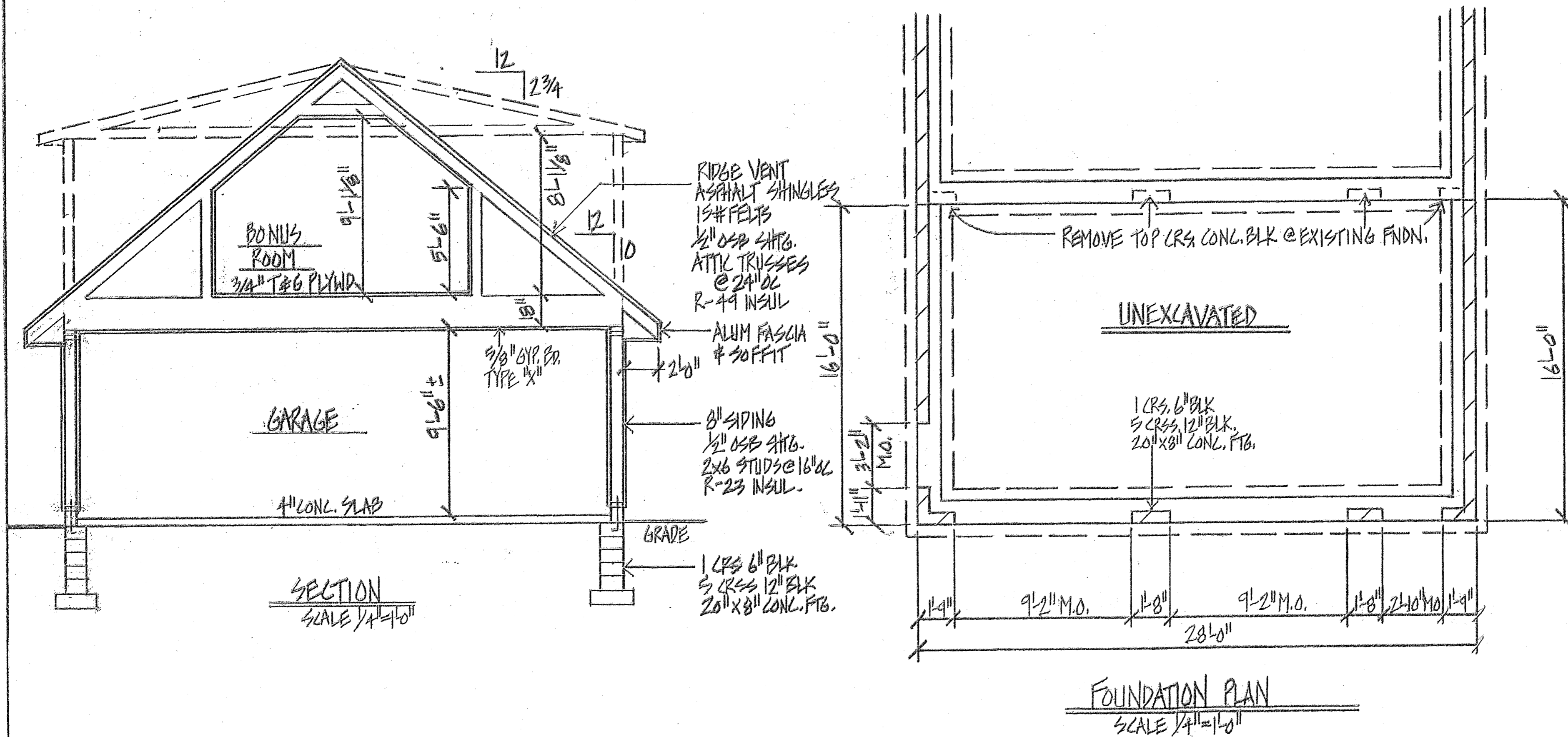
Cell: 612.390.6838

MACEACHERN/HOGGE RESIDENCE

PLAN # 2020
SHEET 2 OF 4



MACEACHERN/HOGGE RESIDENCE

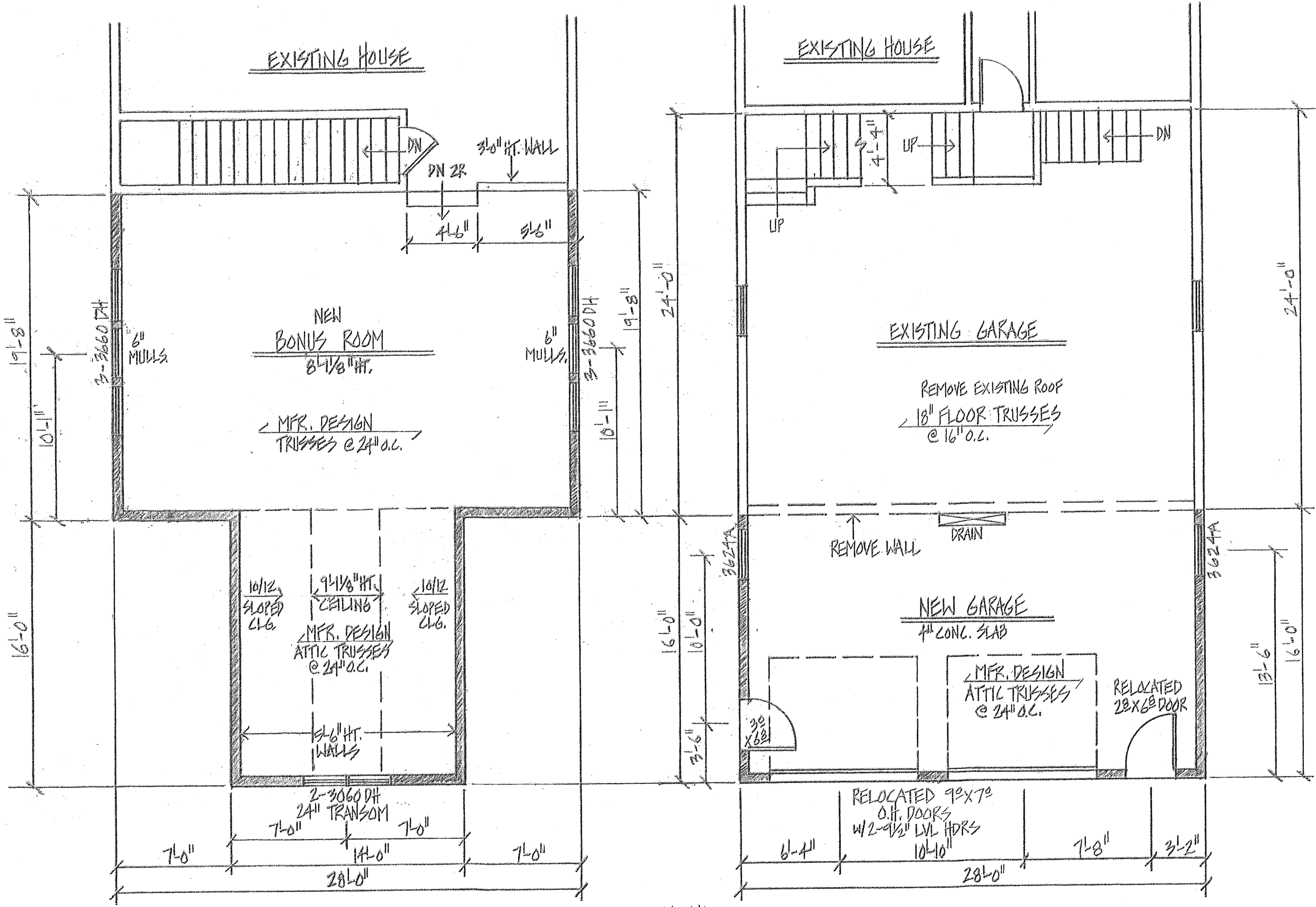




MACEachern HOGGE RESIDENCE

PLAN # 20120

SHEET 4 OF 4



EXISTING HOUSE

EXISTING HOUSE

NEW
 BONUS ROOM
 8'-1 1/8" HT.

EXISTING GARAGE

REMOVE EXISTING ROOF
 18" FLOOR TRUSSES
 @ 16" O.C.

MFR. DESIGN
 TRUSSES @ 24" O.C.

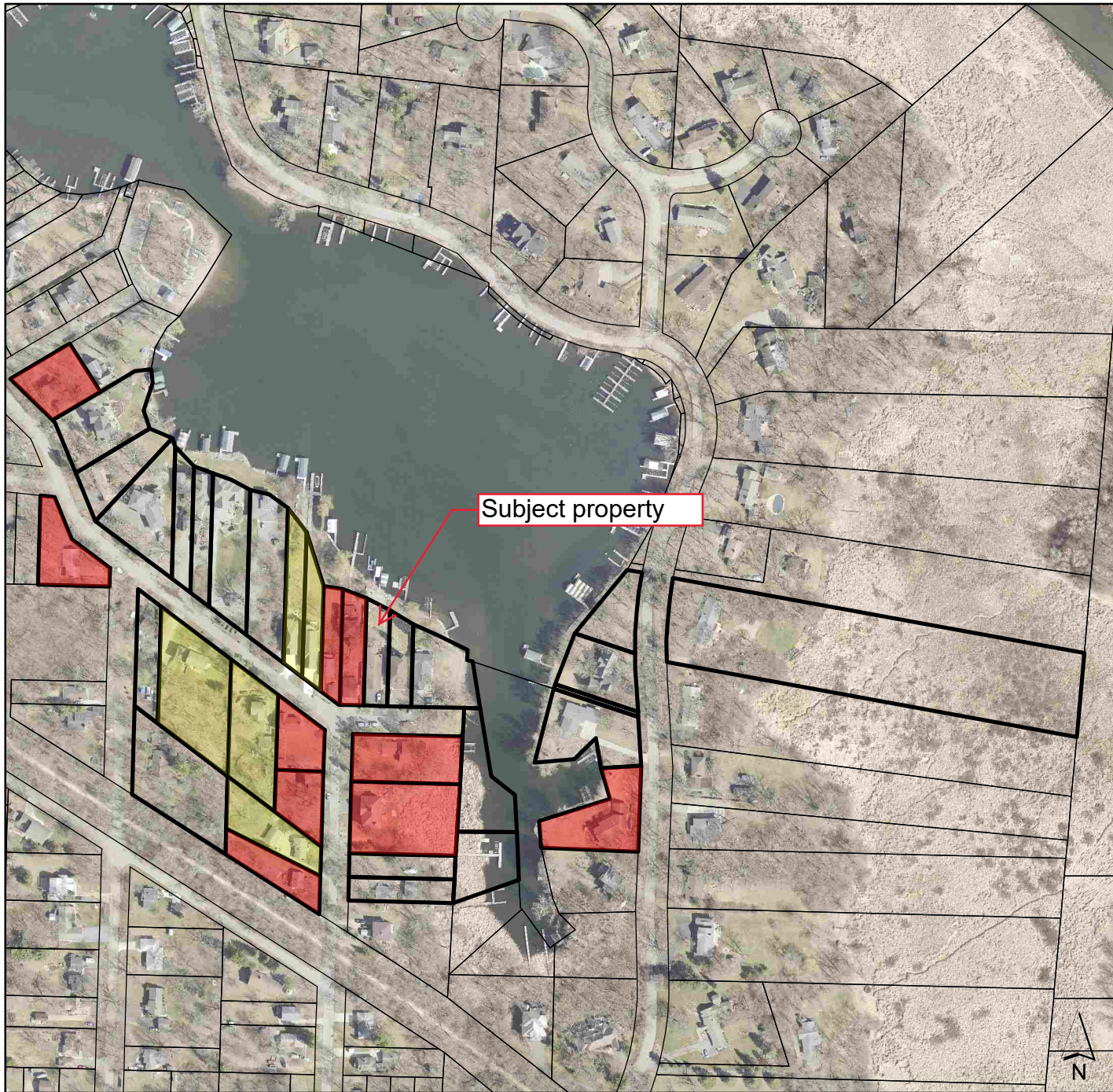
10/12 SLOPED CLG.
 9'-1 1/8" HT. CEILING
 MFR. DESIGN
 ATTIC TRUSSES
 @ 24" O.C.
 10/12 SLOPED CLG.



NEW GARAGE
 4" CONC. SLAB

MFR. DESIGN
 ATTIC TRUSSES
 @ 24" O.C.

RELOCATED
 28' X 68" DOOR

RELOCATED 90" X 70"
 O.H. DOORS
 W/ 2-9 1/2" LVL HDRS
 10'-10"



-  Properties with a front yard setback of 20 feet or less.
-  Properties with a nonconforming front yard setback

Legend



Neighborhood character

Map prepared by: City of Minnetonka

- B. Expansion permit for a second story addition on a home at 3177 Lake Shore Boulevard.**

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.

The applicant was available for questions.

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

Odland moved, second by Powers, to adopt the resolution on pages A11-A14 of the staff report. This resolution approves an aggregate side yard setback expansion permit for a second-story addition at 3177 Lake Shore Boulevard.

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

Planning Commission Resolution No. 2020-
Resolution approving a front yard setback variance, and an expansion
permit, for an addition at 3177 Lake Shore Blvd

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

Section 1. Background.

- 1.01 John MacEachern, property owner, has requested a variance and an expansion permit from the city code for a garage addition.
- 1.02 The property is located at 3177 Lake Shore Blvd. It is legally described as:

Lot 44, Block 1, Thorpe Bros. Groveland Shores, Hennepin County, Minnesota.
- 1.03 Code §300.10, Subd. 5(b), requires a 35 foot front yard setback. The applicant is proposing 18.5 feet.
- 1.04 City Code §300.10, Subd. 5(c), requires the sum of the side yard setbacks shall not be less than 30 feet. The existing structure, which was constructed prior to adoption of this code requirement, has non-conforming aggregate side yard setback of 20 feet.
- 1.05 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the planning commission to grant variances.
- 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 city to grant expansion permits.
- 1.09 On Dec. 3, 2020, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all the comments and the staff report, which are incorporated by reference into this resolution.

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.
- 2.02 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 things 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 such 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, and 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 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 and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide appropriate separation between a public right-of-way and a principal structure. Over half of the properties within 400 feet of the subject property have nonconforming front yard setbacks.
 2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provides for maintaining, preserving and enhancing existing single-family residential neighborhoods. The required variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:
 - a) REASONABLENESS: The request for a variance from the aggregate side yard setback is reasonable. The subject property was platted in 1916 and has a lot area and lot width that is less than half of what is required by current ordinance. The variance would allow for reasonable investment and function of the existing house without increasing the amount of impervious surface on the property.
 - b) UNIQUE CIRCUMSTANCE: Despite the property's unusual small size, the property is not considered a small lot under current ordinance. The property has an area of less than half of what the current ordinance would require, in an area with a number of nonconforming front yard setbacks, is a circumstance unique to the property.
 - c) CHARACTER OF LOCALITY: The area has a long history of variances and nonconformities in the area due to the early platting of the land in 1916. Of the 29 neighboring properties improved with a single-family home, over half have nonconforming front yard setbacks. Of those, 10 have front yard setbacks of less than 20 feet. Additionally, the detached garage on the property immediately to the west has a front yard setback of 16.7 feet.

3.03 The proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd. 7(c):

1. REASONABLE EXPANSION: The proposed construction of a second story addition is reasonable as the addition would maintain the existing non-conforming setbacks and would not intrude further into the required setback beyond the setbacks of the existing structure.
2. CIRCUMSTANCE UNIQUE TO THE PROPERTY:
 - a) The existing house was built in 1969 prior to the adoption of the aggregate side yard setback requirement.
 - b) The subject property is 10,700 square feet and has a width of 50 feet. Both are less than half of what is required by the current subdivision ordinance.
 - c) The existing house has non-conforming aggregate side yard setback. The proposed garage addition and second story addition would maintain the setback of the existing aggregate side yard setback.
3. NEIGHBORHOOD CHARACTER: The proposed addition would maintain

the essential character of the surrounding neighborhood, which is characterized by homes with varying degrees of reduced side yard setbacks.

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 survey and plans submitted on Oct. 21, 2020.
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.
 - c) Confirm the garage is accessible with the existing driveway configuration.
 - d) Confirm the pipe materials of any utility services located under the proposed addition are in compliance with the MN Plumbing Code.
3. A driveway permit is required if any modifications to the driveway are made within the right-of-way.
4. If the addition or driveway modifications results in an increase the amount of impervious surface on the property, an equal area of impervious surface must be removed as approved by city staff.
5. This variance will end on Dec. 31, 2021, 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 Dec. 3, 2020.

Josh Sewall, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

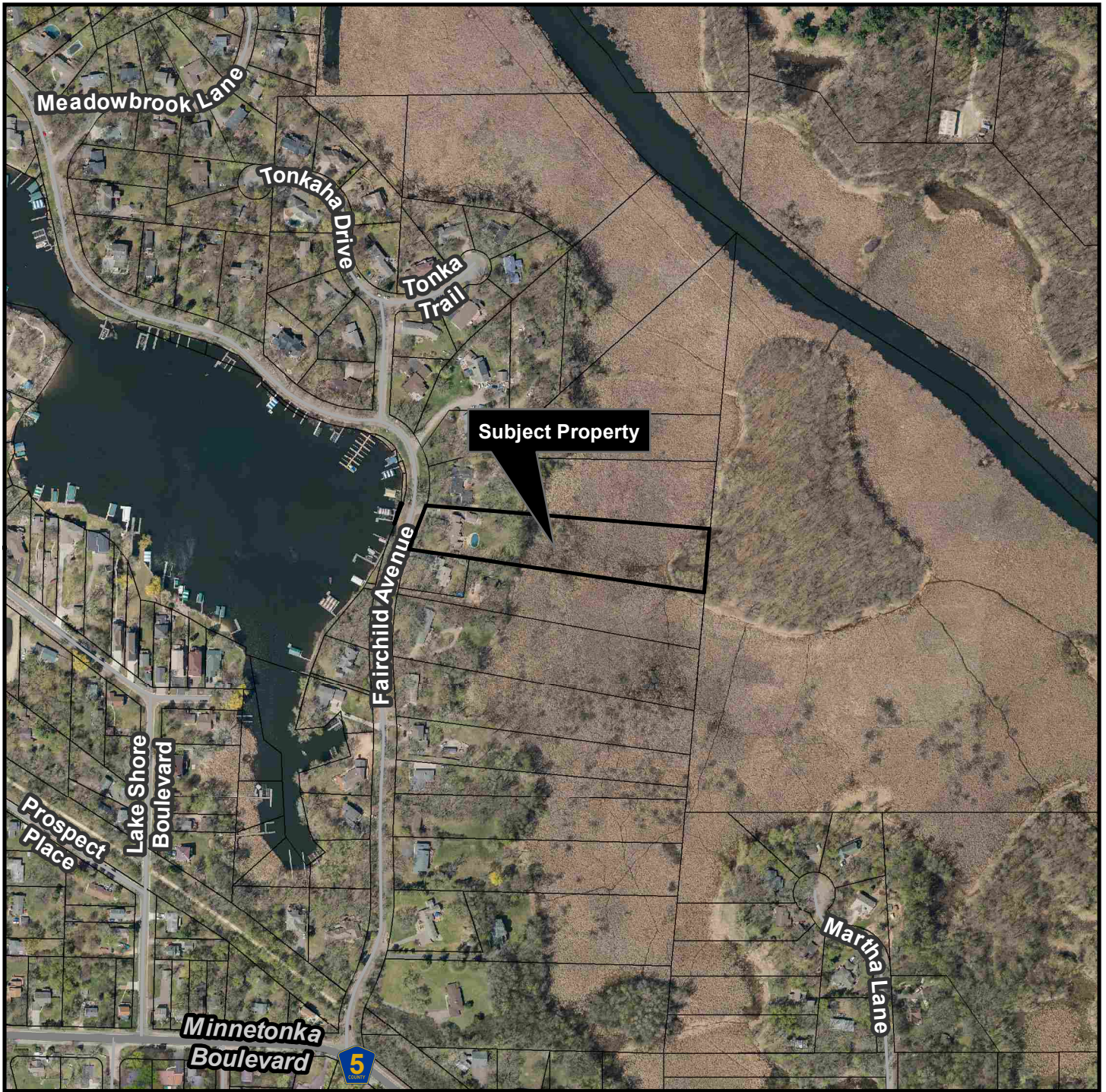
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Dec. 3, 2020.

Fiona Golden, Deputy City Clerk

Minnetonka Planning Commission Meeting

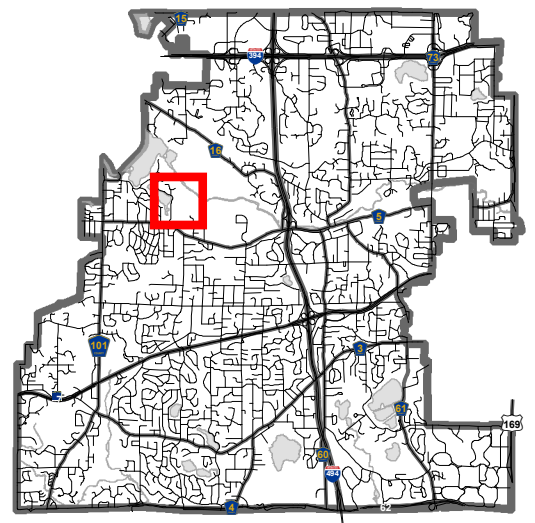
Agenda Item 8

Public Hearing: Regular Agenda



Location Map

Project: Liupakka/Christy Residence
Address: 3109 Fairchild Ave



MINNETONKA PLANNING COMMISSION
Dec. 3, 2020

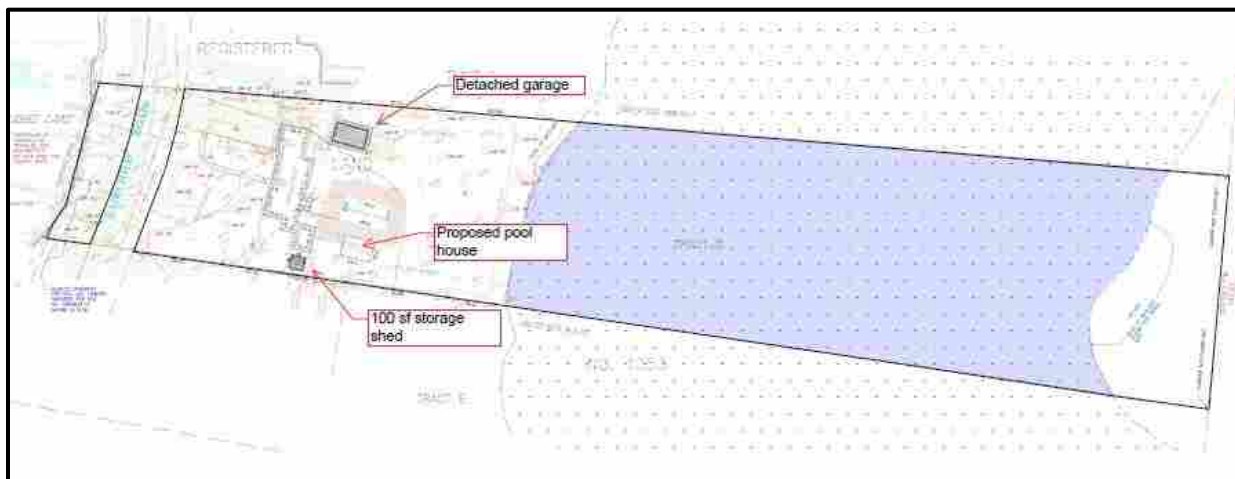
Brief Description Conditional use permit allowing accessory structures with an aggregate total of 1,100 square feet at 3109 Fairchild Avenue.

Recommendation Recommend the city council approve the request

Proposal

The property at 3109 Fairchild Avenue is roughly three acres in size, but is significantly encumbered by wetland. The property is currently improved with a single family residential home, detached garage and a small 100 square foot storage shed.

Denali Custom Homes is proposing to construct a 385 square foot pool house. The pool house would be 12 feet tall. The gross floor area of the three accessory structures would be 1,100 square feet in total. As such, a conditional use permit is required.



Staff Analysis

Staff finds the applicant's request reasonable, as:

- The proposal would meet the general and specific conditional use permit standards for accessory structures exceeding 1,000 square feet of gross floor area.
- The proposed structure would be located adjacent to a pool area and would maintain all required setbacks.
- The structure would be architecturally consistent with the principal structure and would be screened by existing structures, vegetation and a fence.

Staff Recommendation

Recommend that the city council adopt the resolution allowing accessory structures with an aggregate total of 1,100 square feet at 3109 Fairchild Avenue.

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

Supporting Information

Project No.	20025.20a
Property	3109 Fairchild Avenue
Applicant	Denali Custom Homes
Surrounding Land Uses	Northerly: Single family home, zoned R-1, guided for low density residential Easterly: Jidana Park Southerly: Single family home, zoned R-1, guided for low density residential Westerly: Libbs Lake
Planning	Guide Plan designation: Low density residential Zoning: R-1
CUP Standards	<p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:</p> <ol style="list-style-type: none">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; and4. The use does not have an undue adverse impact on the public health, safety or welfare. <p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 3 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:</p> <ol style="list-style-type: none">1. Side and rear setbacks equal to the height or 15 feet, whichever is greater; <p>Finding: The existing detached garage and storage shed have setbacks less than 15 feet, but the proposed pool house would have a side yard setback of 17 feet, therefore meeting this requirement.</p> <ol style="list-style-type: none">2. No additional curb cuts to be permitted; <p>Finding: No curb cuts are proposed.</p>

3. Not to be used for commercial activities;

Finding: The pool house is not proposed to be used for commercial activities. However, this has been included as a condition of approval.

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

Finding: The structure would not be visible from the right-of-way, but would 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

Finding: The proposed pool house would be reasonably screened by an existing fence, structures and vegetation.

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

Finding: The proposal complies with the site and building plan standards as outlined below.

SBP Standards

The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: Staff from the city's community development, engineering, finance, fire, natural resources and public works department have reviewed the proposal and finds it consistent with the city's comprehensive guide plan and water resources management plan.

2. Consistency with this ordinance;

Finding: The proposal meets all ordinance standards.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: The proposed pool house would have minimal impact on the natural state of the property.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: The proposed pool structure would be architecturally consistent with the existing home. Additionally, the structure would be screened by existing structures, vegetation and fence.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b) the amount and location of open space and landscaping;
 - c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The pool structure would be in a logical, functional, and harmonious location. The structure would also be consistent with details, colors and materials of the existing home.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: Any new construction would need to meet existing energy and code requirements.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

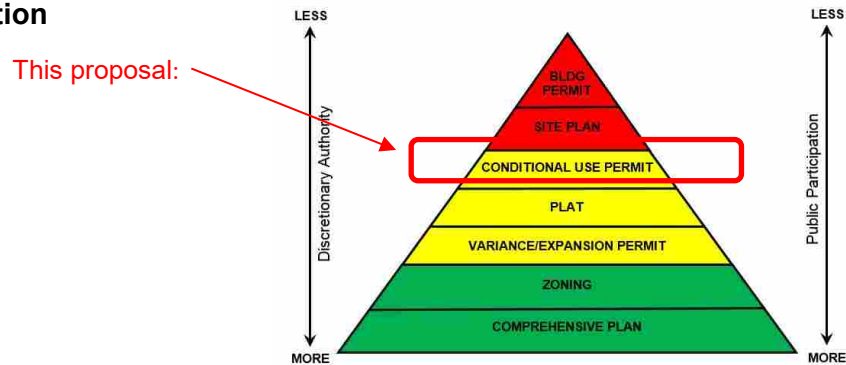
Finding: The existing vegetation, structures, and fence would screen the new structure. The structure would not impede

drainage patterns, views, or have an adverse impact on adjacent properties.

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 of five members, due to the parking variance.

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 15 area property owners and received no comments to date.

Deadline for Decision

March 9, 2021

DESCRIPTION OF PROPERTY SURVEYED
 Tract D, REGISTERED LAND SURVEY NO. 1353, Hennepin County, Minnesota.

GENERAL NOTES

1) Site Address: 3109 Fairchild Avenue, Minnetonka, MN 55391

2) Flood Zone Information: This property is contained in Zone X, AE and A (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet 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 Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) Areas with a 1% annual chance of flooding and a 26% 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 zones. Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas, no depths or base flood elevations are shown within these zones.) per Flood Insurance Rate Map, Community Panel No. 796240032E, effective date of September 2, 2004.

Parcel Area Information: Net Area: 129,435 +/- square feet or 2.971 +/- acres
 R/W: 3,558 +/- square feet or 0.197 +/- acres
 Gross: 137,993 +/- square feet or 3.168 +/- acres

Site Elevation: Elevations are based on Hennepin County Station Name: PHH, which has an elevation of: 966.23 feet (NAVD83).

Zoning Information: The current zoning for the subject property is R-1 (Low Density Residential) per the City of Minnetonka's zoning map dated March 26, 2008.

Principal Structure Setbacks - Front: 35 feet
 Side: sum of side yards shall be 30 feet, with a minimum of 10 feet
 Rear: 49 feet or 20% of depth of lot, whichever is less
 Lake: 50 feet (From Ordinary High Water Line) Libbs Lake is a GD, General Development lake
 Height: 33 feet
 Hardcover: 30 percent of lot area within 150 of OHW
 75 percent of lot area beyond 150 of OHW

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651.454-0022.

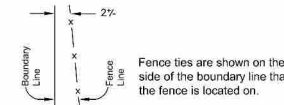
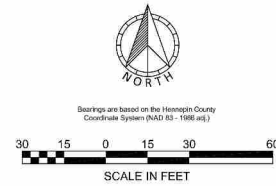
Hardcover (Excluding R/W Esmt)

House: 2,412 S.F.
 Garage: 609 S.F.
 Deck: 791 S.F.
 Pool: 527 S.F.
 Bituminous: 2,630 S.F.
 Concrete: 1,485 S.F.
 Deck: 4 S.F.
 Total Impervious Area: 8,458 S.F.

Net Area: 129,435 S.F.
 8,458/129,435= 6.53% Hardcover

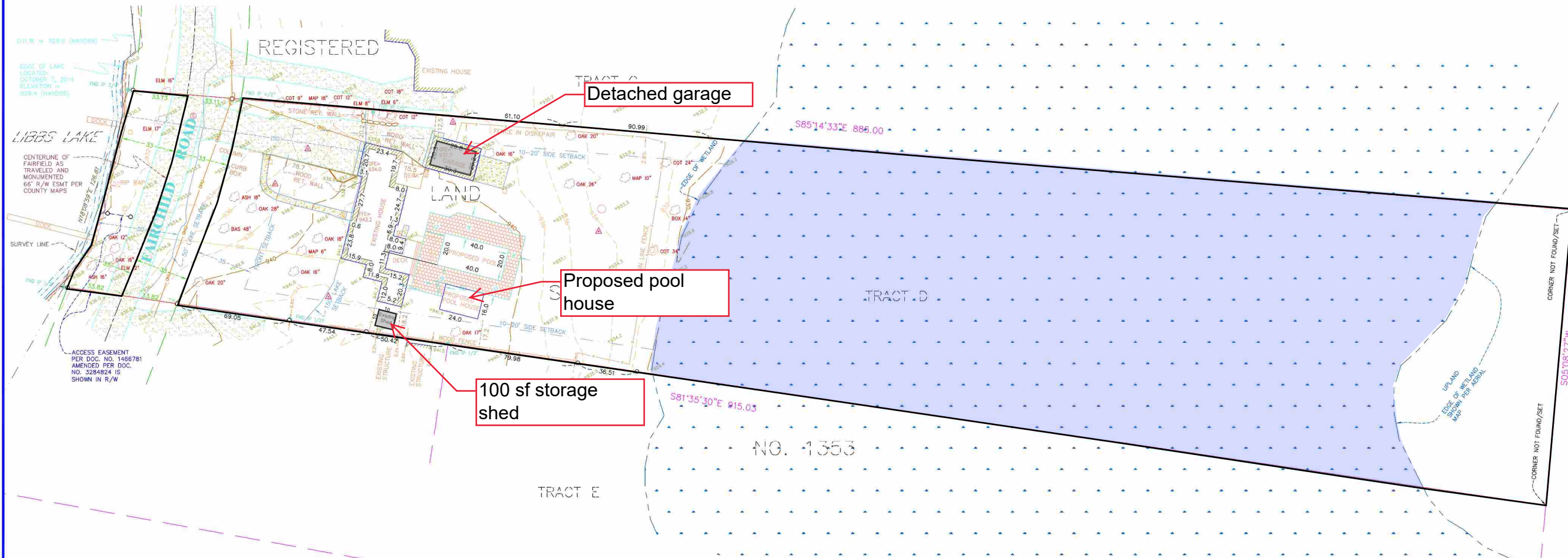
Hardcover (Including R/W Esmt)

House: 2,412 S.F.
 Garage: 609 S.F.
 Deck: 791 S.F.
 Pool: 527 S.F.
 Bituminous: 3,100 (470) S.F.
 Concrete: 1,485 S.F.
 Deck: 12.0 S.F.
 Column: 7 S.F.
 Fairchild Bituminous: 2,717 S.F.
 Total Impervious Area: 11,660 S.F.
 Gross Area: 137,993 S.F.
 11,660/137,993= 8.45% Hardcover



SURVEY LEGEND

- CAST IRON MONUMENT
- CATCH BASIN
- FLARED END SECTION
- GATE VALVE
- GUY WIRE
- HYDRANT
- SURVEY MONUMENT SET
- SURVEY MONUMENT FOUND
- SURVEY CONTROL POINT
- LIGHT POLE
- POWER POLE
- SANITARY MANHOLE
- SANITARY CLEANOUT
- SIGN
- GROUND ELEVATION
- STORM DRAIN
- A/C UNIT
- CABLE TV PEDESTAL
- ELECTRIC TRANSFORMER
- ELECTRIC MANHOLE
- ELECTRIC METER
- GAS METER
- GAS VALVE
- GUARD RAIL
- HAND HOLE
- SOIL BORING
- TREE CONIFEROUS
- TREE DECIDUOUS
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL
- UTILITY MANHOLE
- BITUMINOUS
- CABLE TV
- CONCRETE CURB
- CONCRETE
- CONTOUR EXISTING
- CONTOUR PROPOSED
- DRAIN TILE
- ELECTRIC UNDERGROUND
- FENCE
- FIBER OPTIC UNDERGROUND
- GAS UNDERGROUND
- OVERHEAD UTILITY
- RAILROAD TRACKS
- SANITARY SEWER
- STORM SEWER
- TELEPHONE UNDERGROUND



Date:
 7.1.20
 10.30.20
 11.9.20

Pete & Liz Liupakka
 3109 Fairchild Ave
 Wayzata, MN 55391

Denali Custom Homes
 18352 Minnetonka Blvd
 Wayzata, MN 55391
 License #BC175394



FIELD CREW	NO.	BY	DATE	REVISIONS
LAKE	1	TS	10/06/20	ADDED POOL AREA TS
DRAWN BY	2	TS	10/30/20	POOL HOUSE REVISED TS
DBP/TS				
CHECKED BY				
AS				
DATE				
10/03/14				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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 8th day of October, 2020.

Allen Schlipp
 Allen Schlipp, PE/RLS
 aschlipp@sathre.com
 Minnesota License No. 21292

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-8000

ENGINEERS SURVEYORS DESIGNERS PLANNERS

TWP.117 - RGE.22 - SEC.17
 HENNEPIN COUNTY
 MINNETONKA,
 MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
 LIUPAKKA RESIDENCE

FILE NO.
 51508-001

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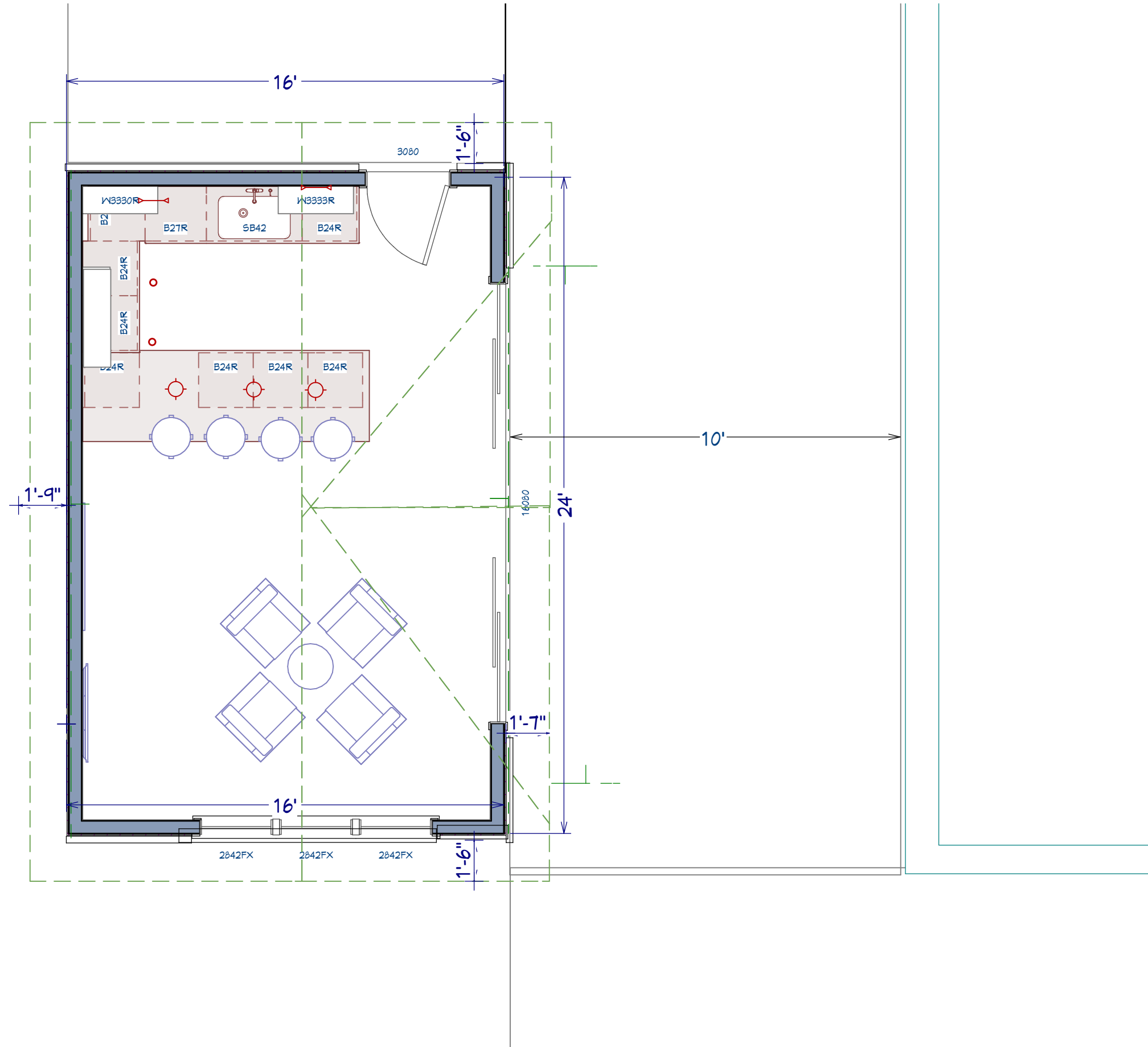
Construct a new pool house for clients

2x6 wall construction
Electrical to code
HVAC: mini split
Plumbing tied back into home

All openings to be double 2 x 9 7/8 LVL
New Marvin 16' patio door
New 3'0 side door
New triple 3x Casement Windows

Roof hand framed 2x6 12" O.C.
3/12 pitch

REVISED PER C.U.P. SUBMITTAL on 11/9/20
5/12 Gable Roof 14'6" in overall height to blend
in more with
the existing home and aesthetic per
homeowner's request



Date:
7.1.20
10.30.20
11.9.20

Pete & Liz Liupakka
3109 Fairchild Ave
Wayzata, MN 55391

Denali Custom Homes
18352 Minnetonka Blvd
Wayzata, MN 55391
License #BC175394



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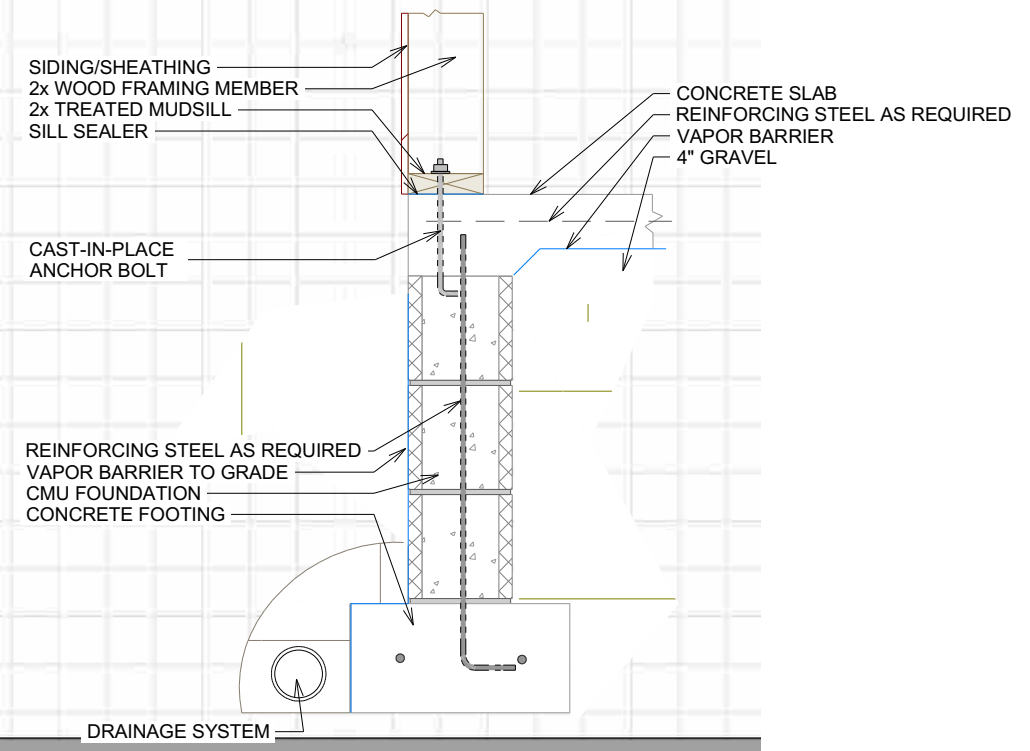
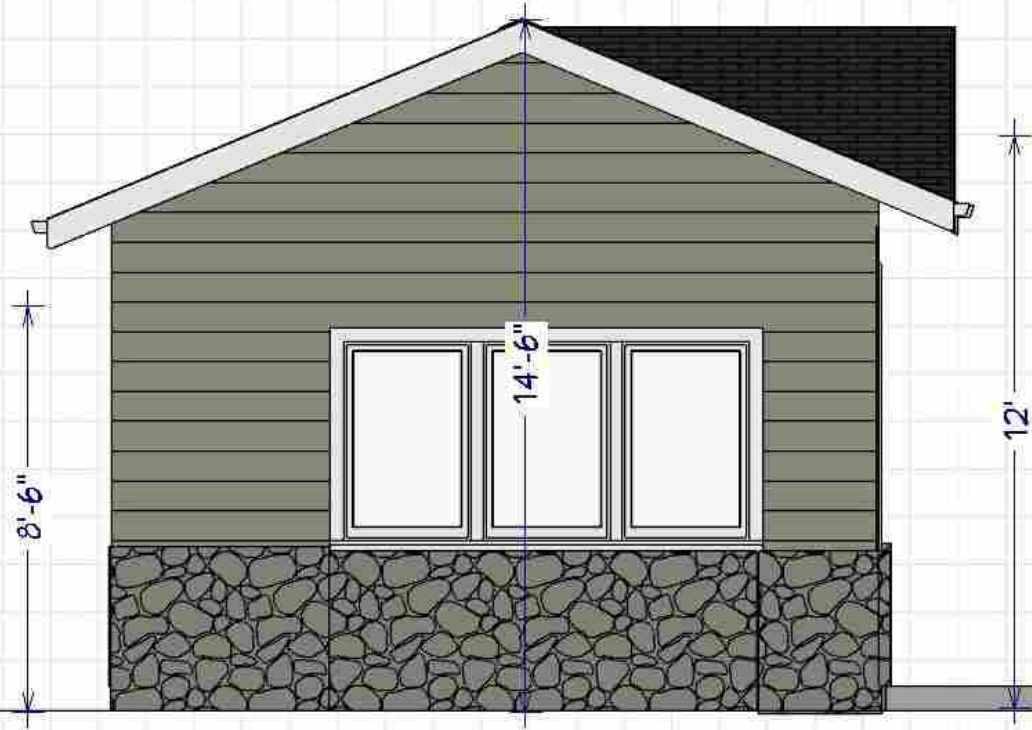
Date:
7.1.20
10.30.20
11.9.20

Pete & Liz Liupakka
3109 Fairchild Ave
Wayzata, MN 55391

Denali Custom Homes
18352 Minnetonka Blvd
Wayzata, MN 55391
License #BC175394



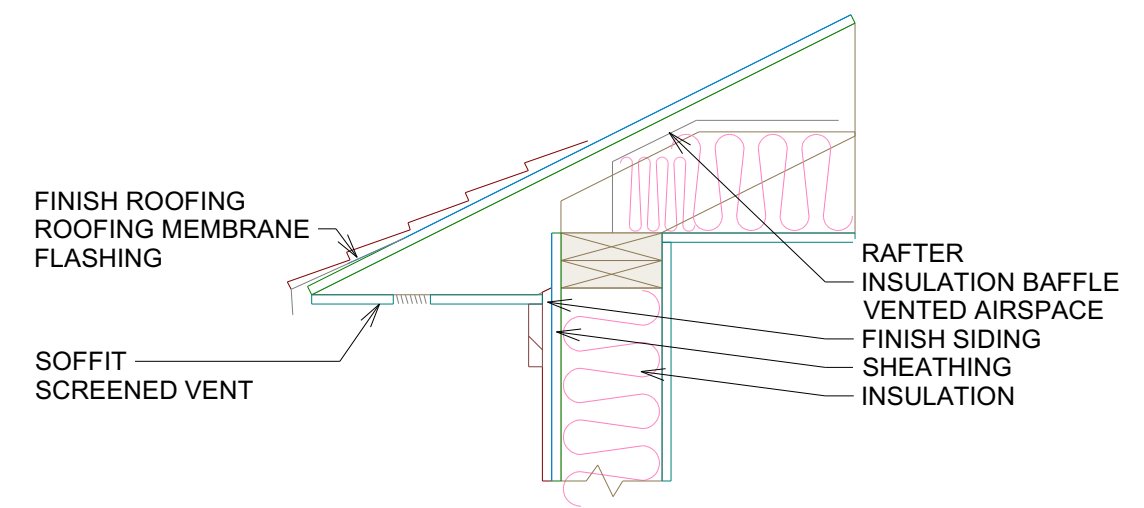
PAGE



Monolithic Slab on CMU Frost Footing

All construction to be within realm of MN Statues 326B & 327A
 All work to be done to Code within the City of Minnetonka

- Footings to be 42" frost footings
- New Concrete floor
- Insulated Walls
- LP siding
- CertainTeed Shingles
- Masonry Stone (for aesthetics)
- Paint (when weather permits)



Vented Soffit
 (print at 1"=1')

Date:
 7.1.20
 10.30.20
 11.9.20

Pete & Liz Liupakka
 3109 Fairchild Ave
 Wayzata, MN 55391

Denali Custom Homes
 18352 Minnetonka Blvd
 Wayzata, MN 55391
 License #BC175394



PAGE

Resolution No. 2020-

Resolution approving a conditional use allowing accessory structures with an aggregate total of 1,000 square feet at 3109 Fairchild Avenue.

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

Section 1. Background.

- 1.01 Denali Custom Homes has requested a conditional use permit for 1,100 square feet of accessory structures.
- 1.02 The property is located at 3109 Fairchild Ave. It is legally described as:
Tract D, Registered Land Survey No. 1353, Hennepin County, Minnesota
Torrens certificate number: 1056398
- 1.03 On Dec. 3, 2020, 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 accessory structures with a gross floor area in excess of 1,000 square feet:
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.

Section 3. Findings.

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

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

1. The existing detached garage and storage shed have setbacks less than 15 feet, but the proposed pool house would have a side yard setback of 17 feet, therefore meeting the setback requirement.
2. No curb cuts are proposed.
3. The pool house is not proposed to be used for commercial activities. However, this has been included as a condition of this resolution.
4. The structure would not be visible from the right-of-way and would be architecturally consistent with the principal structure.
5. The proposed pool house would be reasonably screened by an existing fence, structures and vegetation.
6. The proposal would meet site and building plan standards outlined in City Code §300.27, Subd. 5, and as outlined in the staff report dated Dec. 3, 2020.

Section 4. City Council Action.

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

1. The property must be developed and maintained in substantial conformance with the following plans:
 - Survey dated Oct. 30, 2020
 - Floor plans and elevations dated Nov. 9, 2020
2. This resolution must be recorded with Hennepin County prior to issuance of a building permit.

3. No additional curb cuts are permitted on the property.
4. The accessory structure cannot be used for commercial proposes.
5. The city council may reasonably add or revise conditions to address any future unforeseen problems.
6. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 21, 2020.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

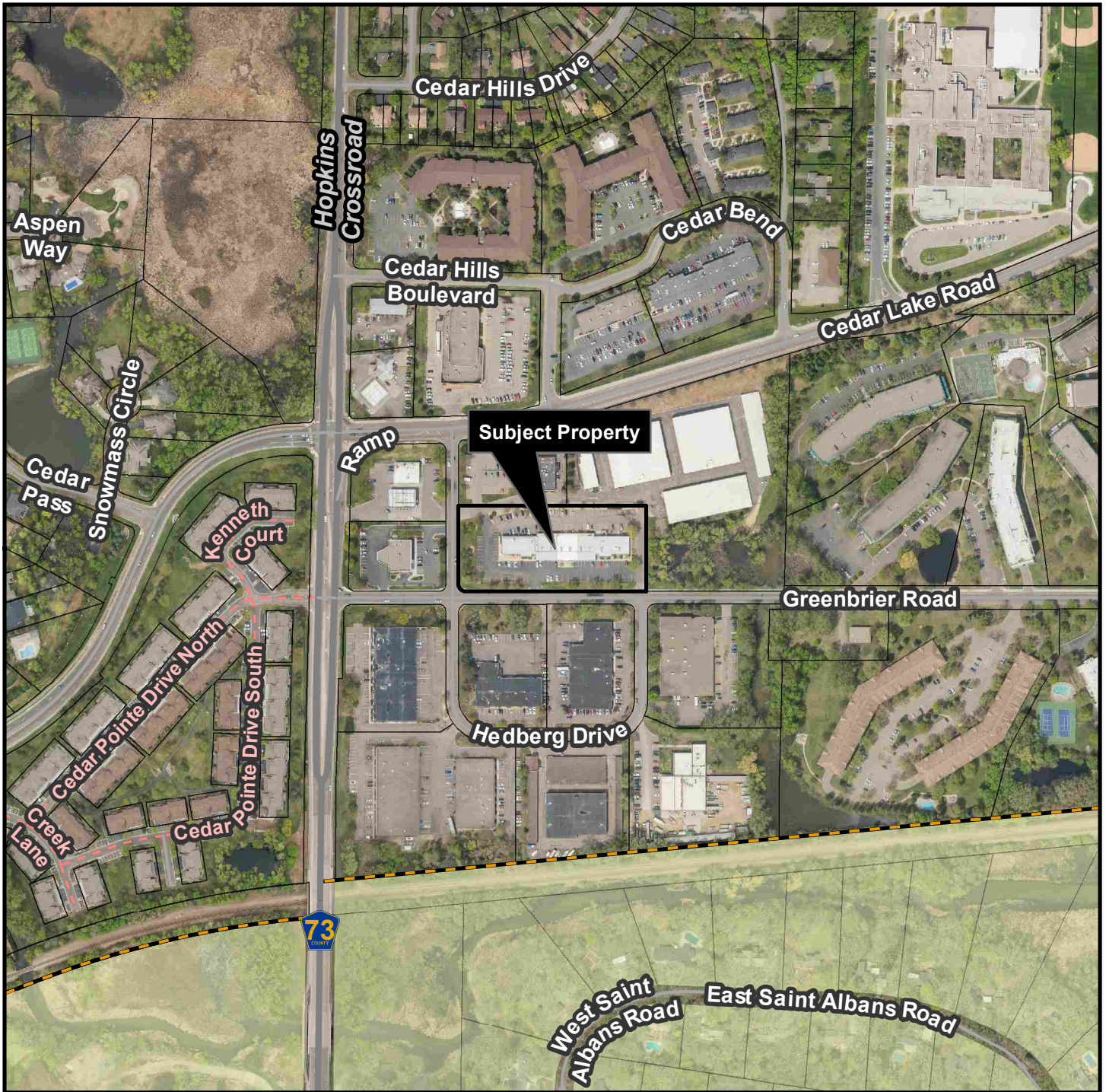
Abstained:

Absent:

Resolution adopted.

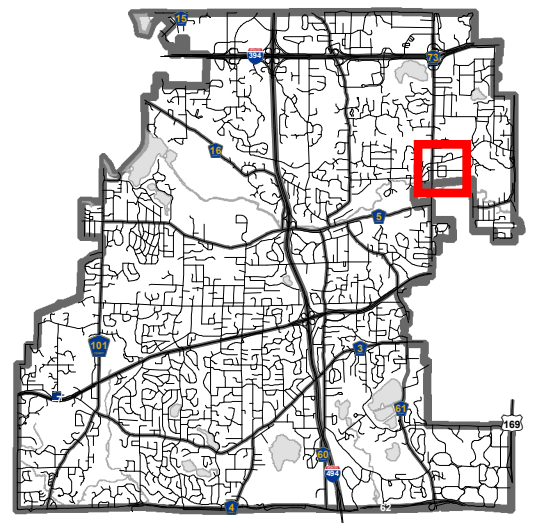
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Dec. 21, 2020.

Becky Koosman, City Clerk



Location Map

Project: Door Christian Fellowship Ct
Address: 10800 Greenbrier Rd



MINNETONKA PLANNING COMMISSION
Dec. 3, 2020

Brief Description A conditional use permit for Door Christian Fellowship Church at 10800 Greenbrier Road

Recommendation Recommend the city council adopt the resolution approving the request

Proposal

Gabriel D. Vallo, on behalf of the property owner and Door Christian Fellowship Church, is requesting a conditional use permit (CUP) to operate a religious facility within an existing lease space at 10800 Greenbrier Road. The applicant has proposed interior changes to the subject lease space, but no exterior additions are proposed at this time.

Existing Property Information

- **Lot Size:** 3 acres
- **Zoning:** B-2, Limited Business District
- **Land Use:** Commercial
- **Building:**
 - One Story
 - 22,000 square feet
- **Proposed Lease Space:** 1,600 square feet
 - 42 seats proposed in worship area
- **Parking:** 161 spaces (only 143 spaces required by city code with proposed use)
- **Public Road Access:** Greenbrier Road and Hedberg Drive



Proposal requirements:

This proposal requires:

- Conditional Use Permit: The property is zoned B-2, Limited Business District. Public buildings are conditionally permitted within this district. By city code, the city is allowed to

consider “other uses similar to those permitted in this section, as determined by the city,” when considering items for a conditional use permit. The applicant is requesting that their use, religious facility, be considered for a conditional use permit, as it is similar to a public building.

Staff Analysis

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the applicant’s request and staff’s findings:

1. Is the use generally reasonable and would it meet the CUP standards for a public building?

Yes. The proposed use of the building is reasonable and would generally meet standards outlined in city code. The applicant has proposed using the site for a religious gathering space and religious education for church leaders and members. While the zoning district does not contain any provisions for schools, religious institutions, or gathering spaces, the ordinance does allow – as conditionally-permitted uses – public buildings and “*other uses similar to those permitted in this section, as determined by the city.*”

Based on the programming of the site, staff determined it would be appropriate to review the proposal under the “other uses similar to” provision. On several occasions and in several zoning districts, the city has reviewed day cares, schools, religious institutions, and gathering spaces under this “other uses similar to” provision. The city has found that these types of uses operate similar to public buildings in which large groups of people gather at specified times for a specified purpose. Public buildings are a conditionally permitted use in the B-2 zoning district.

The only conditional use permit standard required by ordinance for public buildings is meeting the site and building plan standards. The majority of these standards are related to development and construction. As the applicant has not proposed any exterior additions, the proposal would meet all of the required standards for site and building plan approval. The standards and findings are outlined in the “Supporting Information” section of this report.

2. Would the specific proposal be appropriate for the site and area?

Yes. The proposed facility would be appropriate for the site and area. The proposal would occupy a vacant lease space in a multi-tenant, commercial building. The subject property is located in a mixed-use area of residential, industrial, and commercial land uses.

Staff Recommendation

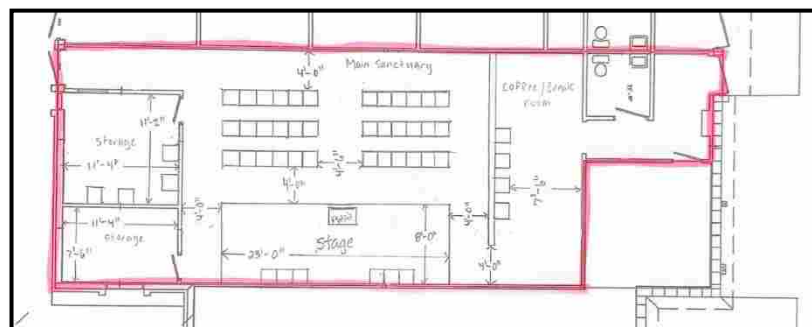
Recommend that the city council adopt the resolution approving a conditional use permit for Door Christian Fellowship Church at 10800 Greenbrier Road.

Originator: Drew Ingvalson, Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

Project No.	20024.20a
Property	10800 Greenbrier Road
Applicant	Gabriel D. Vallo, on behalf of the property owner and Door Christian Fellowship Church
Property Owner	Advance Carter Inc.
Adjacent Properties	<p>North: Crossroad Delicatessen and North Star Mini Storage</p> <ul style="list-style-type: none">▪ Zoned: B-2 and PUD▪ Guided: Commercial <p>West: Holiday Station Store and Wings Financial Credit Union</p> <ul style="list-style-type: none">▪ Zoned: B-2▪ Guided: Commercial <p>East: North Star Mini Storage</p> <ul style="list-style-type: none">▪ Zoned: PUD▪ Guided: Mixed Use <p>South: Multi-Tenant Industrial Park</p> <ul style="list-style-type: none">▪ Zoned: I-1▪ Guided: Mixed Use
Planning	Zoning: B-2, Limited Business District Guide Plan designation: Commercial
Existing Use	The existing structure is a multi-tenant building. Existing users include: Mask Hair Designs Day Spa, Dominoes, Sweet Jules Gifts, Woof N Whisker. Per their submittal, the applicant proposes to move into a vacant lease space within the building.
Proposed Use	The applicant is proposing to operate a religious use out of a 1,600 square foot, existing lease space. No exterior building changes have been proposed. The proposed space would include: <ul style="list-style-type: none">- A sanctuary space (42 seats);- Two storage/classroom spaces;- A breakroom; and- A bathroom.



The Door Christian Fellowship Church plans on having:

- Services:
 - o Sunday Morning: 10:30 am
 - o Sunday Evening: 6:30 pm
 - o Wednesday: 7 pm
 - o Prayer meetings 1 hours before each service
- Classes
 - o Monday, Tuesday, Thursday, Friday, Saturday: 6 pm
- Open Prayer
 - o Monday-Saturday: 7 am

Staff analysis

Staff finds that the applicant's proposal is reasonable and would meet the conditional use permit standards (general and specific) and variance standards outlined in the zoning ordinance.

General CUP Standards

Staff finds that the proposal meets the general conditional use permit standards, as the use:

- 1) Is consistent with the intent of the ordinance;

Finding: A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed religious institutions as uses similar to a public building under the "other uses similar to" section of this ordinance, as the proposed use would operate similar to public buildings, which also has large groups of people gather at specified times for a specified purpose.

- 2) Is consistent with the goals, policies and objectives of the comprehensive plan;

Finding: The proposed use is consistent with the goals, policies, and objectives of the comprehensive plan. The site is located within an area with various land uses, commercial, mixed use, and residential, all of which conditionally permit public buildings.

- 3) Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

- 4) Is consistent with the city's water resources management plan;

Finding: The proposal is consistent with the city's water resources management plan. No additions are proposed to the property at this time.

- 5) Is in compliance with the performance standards specified in §300.28 of the ordinance; and

Finding: The majority of the performance standards outlined in this section of the ordinance are related to development and construction. The proposal is for the use of an existing lease space within a building and, as such, the proposal meets this requirement.

- 6) Does not have an undue adverse impact on the public health, safety or welfare.

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

Specific CUP Standards

Staff finds that the proposal meets the specific conditional use permit standards for a public building.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive guide plan and water resources management plan;

Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.

2. Consistency with this ordinance;

Finding: The proposal would be consistent with the ordinance. A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed religious institutions as uses similar to a public building under the "other uses similar to" section of this ordinance, as the proposed use would operate similar to public buildings, which also has large groups of people gather at specified times for a specified purpose.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: The applicant has not proposed any exterior alterations to the site. As such, the proposal would preserve the site in its natural state to the greatest extent practicable.

4. Creation of a harmonious relationship of buildings and open space with natural features and with existing and future buildings having a visual relationship to this development;

Finding: The applicant has not proposed any exterior alterations to the site. As such, the site will maintain its existing harmonious state.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a. an internal sense of order for the buildings and uses on site and provision of a desirable environment for occupants, visitors and the general community;
 - b. the amount and location of open space and landscaping;
 - c. materials, textures, colors and details of construction as an expression of the design concept and with compatibility of the same with the adjacent and neighboring structures and uses; and
 - d. vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The applicant has not proposed any exterior alterations to the site and, thus, the site will continue to have a harmonious and functional design.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The proposal meets this requirement as it is for the reuse of an existing building with only minor interior changes.

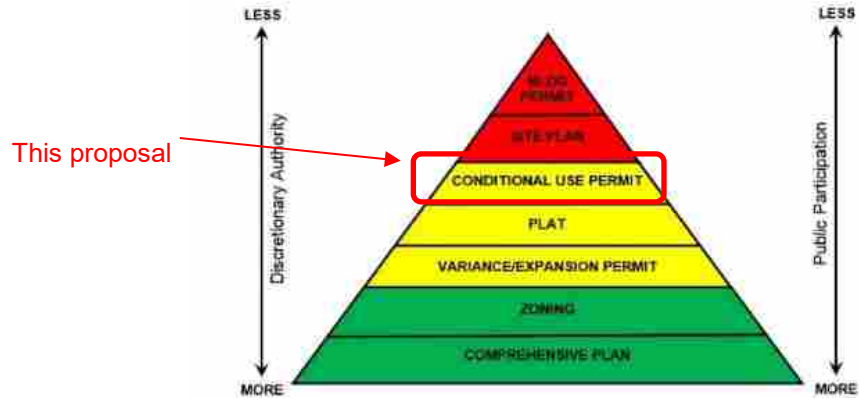
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The proposal does not call for any exterior changes; therefore, it would not have any negative impacts on adjacent or neighboring properties.

Neighborhood Comments

The city sent notices to 253 area property owners and received no 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 approve the proposal based on the findings outlined in the staff-drafted resolution.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. 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 on the applicant's proposal. A recommendation for approval requires an affirmative vote of a simple majority.

The city council's final approval requires affirmative votes of a simple majority of its members.

Deadline for Decision

Feb. 22, 2021

Cedar Lake Rd

Hedberg Dr

Proposed Lease Space



Greenbrier Rd

Proposed Lease Space

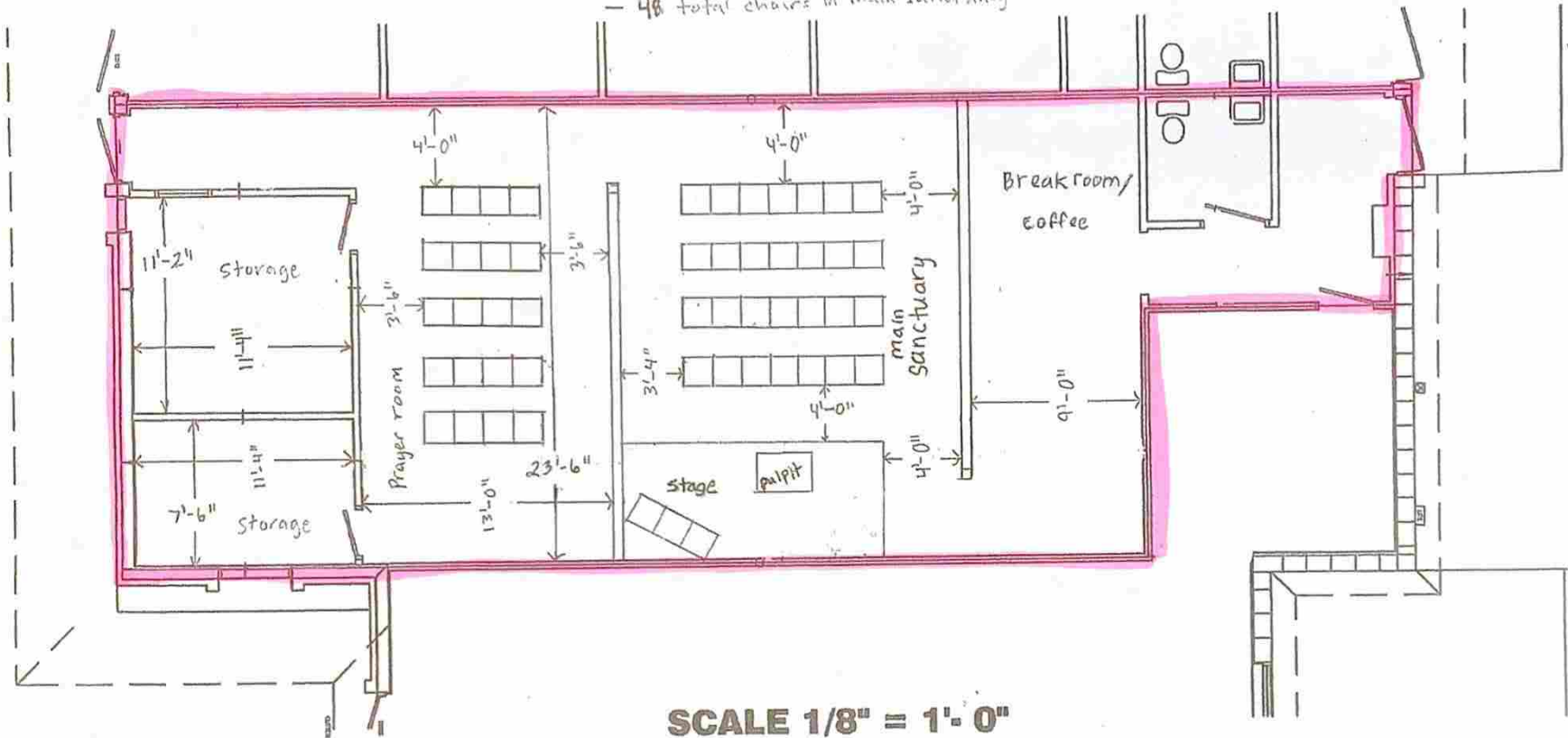


Existing Space

Double wall

* Existing Floor plan

- 7 Hinged chairs in main Sanctuary
- 4 rows of chairs in main Sanctuary
- 48 total chairs in main sanctuary



SCALE 1/8" = 1'-0"

CROSSROADS CENTER

10900 Greenbriar Road
Minnetonka, Minnesota 55305

ADVANCE REALTY, INC.

Minneapolis, Minnesota 55427

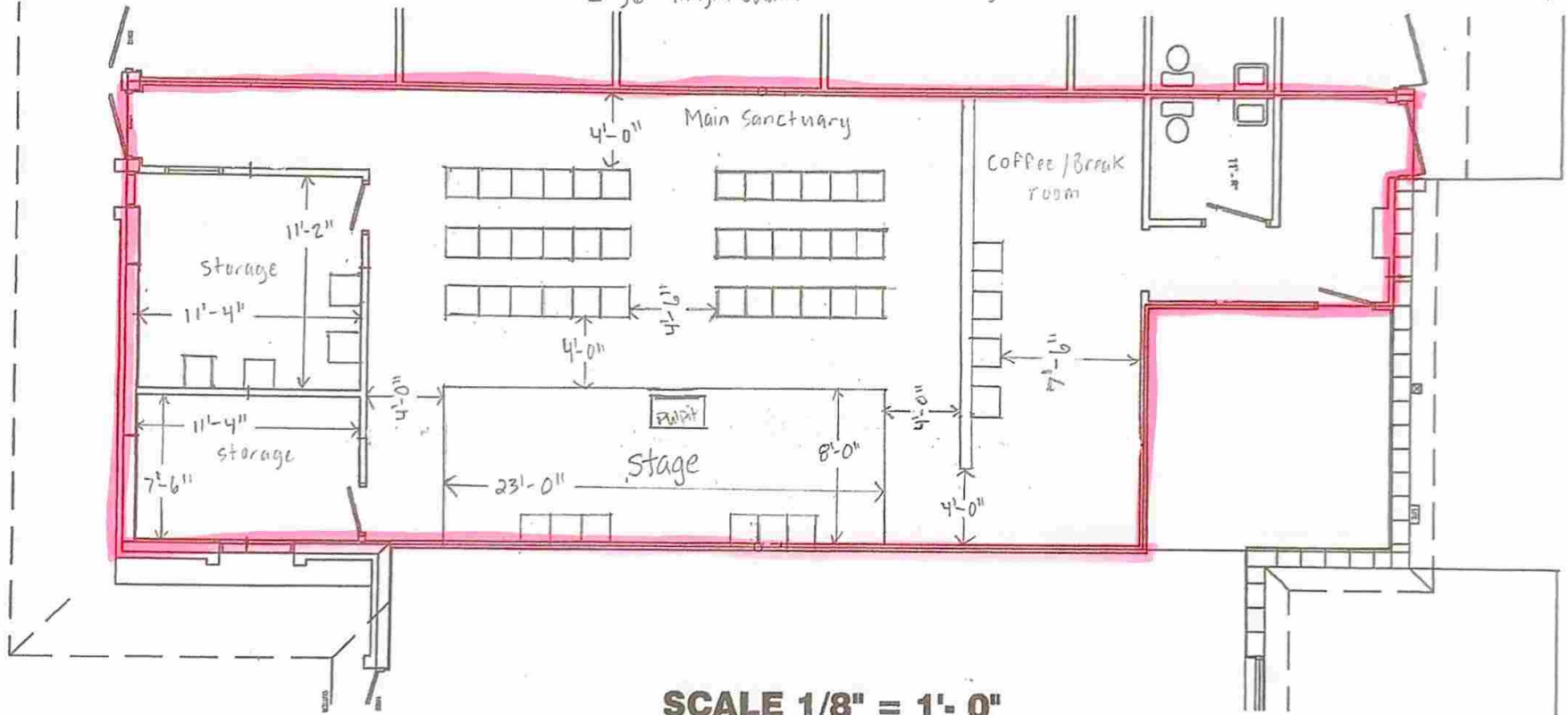
Phone: (763)-544-7600
850 Decatur Avenue N.

Proposed Space

* Future floor plan

Single Wall

- 3 rows of Hinged chairs
- 50 chairs total
- 36 Hinged chairs in main Sanctuary



SCALE 1/8" = 1'-0"

CROSSROADS CENTER

10900 Greenbriar Road
Minnetonka, Minnesota 55305

ADVANCE REALTY, INC.

Minneapolis, Minnesota 55427
Phone: (763)-544-7600
850 Decatur Avenue N.

The Door Christian Fellowship Church

3063 Virginia Ave S
Apt 26, Saint Louis Park, Minnesota
55426
gabrielvallo75@gmail.com
(612) 578-9474

October 29, 2020

City of Minnetonka Planning Division
14600 Minnetonka Blvd.
Minnetonka, MN 55345

To Whom it may concern,

My name is Gabriel Vallo, I am the pastor of the The Door Christian Fellowship Church. This letter is to inform you that I am submitting the required application to obtain a Conditional Use Permit for the following purpose:

I am requesting your help and permission to obtain a Conditional Use Permit to use and occupy the property at the address of 10908 Greenbrier Rd in the city of Minnetonka, Minnesota.

The times of our church services and operations will be as follows:

Sunday Morning Service: 10:30 AM, Sunday Evening Service: 6:30 PM, Wednesday Evening Service 7:00 PM. 1 Hour before each evening service we will have prayer meetings. During the week of Monday - Tuesday, Thursday - Saturday, the church will be meeting for Bible Studies, New Believers Class, fellowships and Evangelism. The times for these events will be at 6:00PM. Also, each morning Monday through Saturday, beginning at 7:00 AM. I will have the building open for one hour. This is for the purpose of Morning Prayer.

In conclusion, I would like thank you for your time and consideration to this request of the Conditional Use Permit. I am confident we have met all the required city

ordinances and zoning guidelines to occupy and use the property at 10908 Greenbrier Rd in the city of Minnetonka.

Included in this letter are the attachments required by the City of Minnetonka's Zoning and Planning Division.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gabriel Vallo', written in a cursive style.

Gabriel Vallo

If you should have any questions or concerns, please feel free to contact me by phone call or email.

Resolution No. 2020-

**Resolution approving a conditional use permit for
Door Christian Fellowship Church at 10800 Greenbrier Road**

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

Section 1. Background.

- 1.01 Gabriel D. Vallo, on behalf of the property owner and Door Christian Fellowship Church, is requesting a conditional use permit (CUP) to operate a religious facility within an existing lease space at 10800 Greenbrier Road.
- 1.02 The property is located at 10800 Greenbrier Road.
It is legally described as:
Lot 3, Block 1, Hedberg Minnetonka 2nd Addition, Hennepin County, Minnesota
- 1.03 City Code §300.18 Subd. 4(n) allows public buildings as conditional uses within the B-2 zoning district.
- 1.04 City Code §300.18 Subd. 4(t) allows other “uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.
- 1.05 The proposed religious institution would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.
- 1.06 On Dec. 3, 2020, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission and a public hearing was opened. 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 conditional use permit.

Section 2. Standards.

- 2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met

for granting a conditional use permit:

1. The use is consistent with the intent of the ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
6. The use does not have an undue adverse impact on the public health, safety and welfare.

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:

1. Site and building plan pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

- b) The amount and location of open space and landscaping;
 - c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
 7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

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

1. A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed religious institutions as uses similar to a public building under the “other uses similar to” section of this ordinance, as the proposed use would operate similar to public buildings, which also has large groups of people gather at specified times for a specified purpose.
2. The proposed use is consistent with the goals, policies, and objectives of the comprehensive plan. The site is located within an area with various land uses, commercial, mixed use, and residential, all of which conditionally permit public buildings.
3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The proposal is consistent with the city’s water resources management plan. No additions are proposed to the property at this time.
5. The majority of the performance standards outlined in this section of the

ordinance are related to development and construction. The proposal is for the use of an existing lease space within an existing building and, as such, the proposal meets this requirement.

6. The use is not anticipated to have an undue adverse impact on the public health, safety or welfare.

3.02

The proposal would meet all of the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and site and building plan standards outlined in City Code §300.27, Subd. 5.

1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
2. The proposal would be consistent with the ordinance. A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed religious institutions as uses similar to a public building under the "other uses similar to" section of this ordinance, as the proposed use would operate similar to public buildings, which also has large groups of people gather at specified times for a specified purpose.
3. The applicant has not proposed any exterior alterations to the site. As such, the proposal would preserve the site in its natural state to the greatest extent practicable.
4. The applicant has not proposed any exterior alterations to the site. As such, the site will maintain its existing harmonious state.
5. The applicant has not proposed any exterior alterations to the site and, thus, the site will continue to have a harmonious and functional design.
6. The proposal is for the reuse of an existing building with only minor interior changes.
7. The proposal does not call for any exterior changes; therefore, it would not have any negative impacts on adjacent or neighboring properties.

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 building must comply with all requirements of the Minnesota state building code, fire code, and health code.

3. Building permits are required for any work completed in the structure.
4. Sign permits are required for any exterior signs.
5. The applicant must inform city staff in writing if any significant changes in programming that would increase parking. This includes, but is not limited to, significant programming changes, user increases, seating changes and/or building modifications, as it may require additional parking.
6. The city council may reasonably add or revise conditions to address any future unforeseen problems.
7. Any change to the approved use that results in a significant increase in traffic, parking, 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 Dec. 21, 2020.

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 Dec. 21, 2020.

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 9

Other Business



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | eminnetonka.com

TO: Planning Commission

FROM: Leslie Yetka, Natural Resources Manager
Sarah Schweiger, Water Resources Engineer

DATE: December 3, 2020

SUBJECT: Presentation on water resource protection and the Municipal Stormwater Permit (MS4)

Background

The City of Minnetonka has a long history of valuing and protecting water resources, including lakes, creeks, wetlands, and groundwater. The city's Water Resources Management Plan (WRMP), first adopted in 1959 and updated approximately every 10 years, includes specific goals for protecting and enhancing water resources while balancing the infrastructure and development needs of the city. There are also a number of regulatory controls to address various water protection standards as required by state and federal law. In addition, the city's capital improvement plans include projects to address water protection. Even with regulatory controls and capital projects, the city recognizes that ongoing education of residents and officials will continue to be an important component of a holistic water resources protection effort.

Presentation on Water Resource Protection

City staff will review how land development alters the movement of water on the land, subsequent impacts to water quality, and the compounding effect of changing precipitation patterns. Staff will also discuss strategies used in water resource protection (including planning, policies, practices, and partnerships) along with regulatory requirements of the state-mandated Municipal Stormwater Permit (MS4 Permit).

Action

Hear the presentation and discuss. No action on this item is needed.