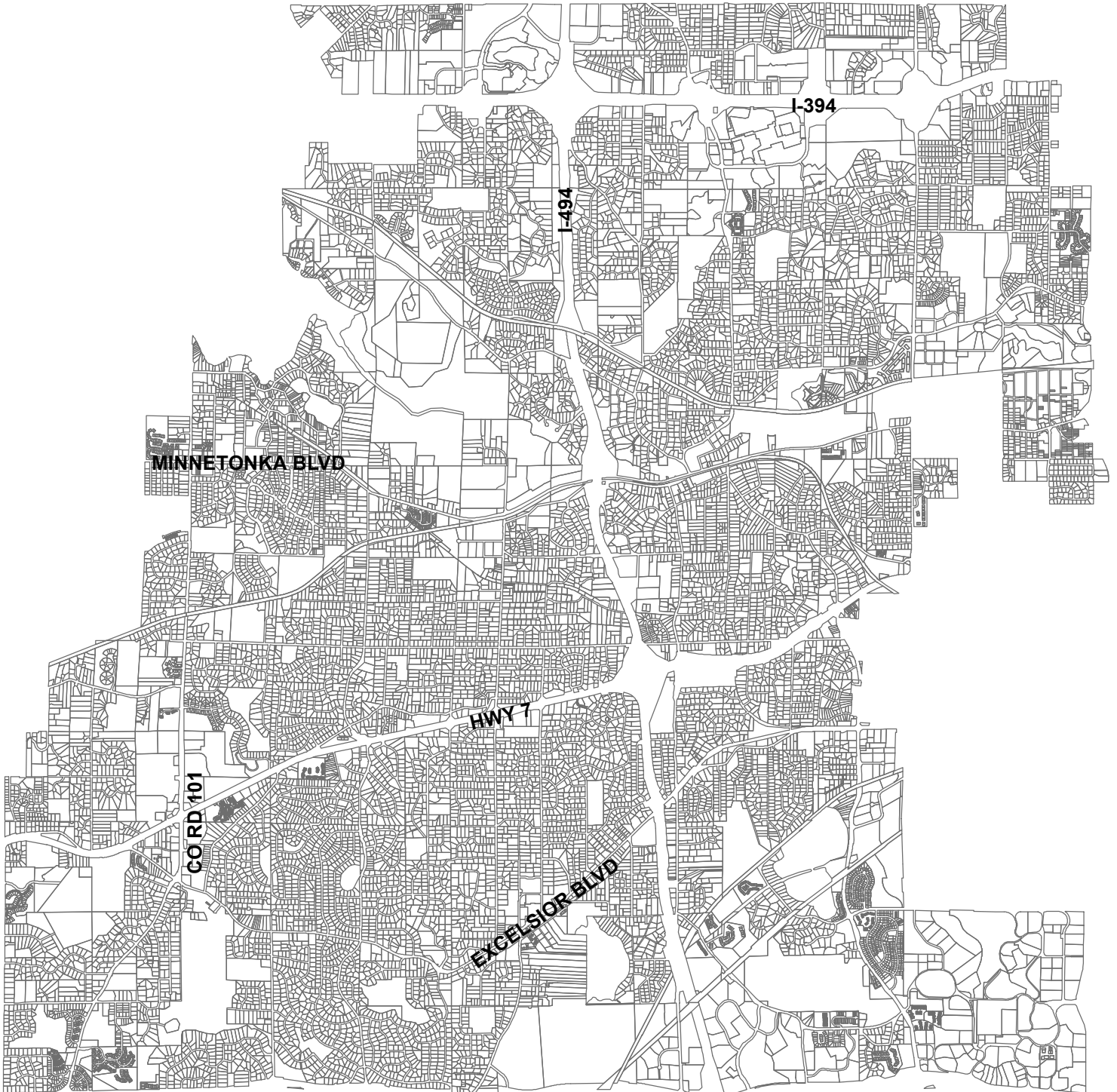




CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
DEC.17, 2020**

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





Planning Commission Agenda

Dec. 17, 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: Dec. 3, 2020

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

None

8. Public Hearings: Non-Consent Agenda Items

A. Ordinance relating to accessory dwelling units in residential zoning districts.

Recommendation: Discuss the ordinance, hold the public hearing, and table consideration to a future date. (4 votes)

- Table discussion to a future date
- Project Planner: Susan Thomas

9. Adjournment

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Jan. 7, 2021 agenda.

Project Description	Herron Residence, variance
Project Location	18330 Brynwood Lane
Assigned Staff	Drew Ingvalson
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	Steidl Residence, variance
Project Location	19008 Clear View Drive
Assigned Staff	Drew Ingvalson
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	Minnetonka Station, multiple applications
Project Location	10400, 10500 and 10550 Bren Road E
Assigned Staff	Susan Thomas
Ward Councilmember	Brian Kirk, Ward 1

Project Description	Dicks Sporting Goods, site and building plan approval
Project Location	12437 Wayzata Blvd
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Small Cell Wireless Ordinance
Project Location	City-Wide
Assigned Staff	Susan Thomas
Ward Councilmember	City-Wide

**Unapproved
Minnetonka Planning Commission
Virtual Meeting
Minutes**

Dec. 3, 2020

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Natural Resources Manager Leslie Yetka, Water Resources Engineer Sarah Schweiger, and IT Technicians Gary Wicks and Joona Sundstrom.

3. Approval of Agenda

Powers moved, second by Waterman, to approve the agenda as submitted with modifications provided in the change memo dated Dec. 3, 2020.

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

4. Approval of Minutes: Nov. 19, 2020

Maxwell moved, second by Powers, to approve the Nov. 19, 2020 meeting minutes as submitted.

Henry, Maxwell, Powers, Waterman, 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. 23, 2020:

- Denied a request for rezoning 4144 Shady Oak Road from R-1 to R-2.
- Adopted a resolution denying a conditional use permit for a licensed, residential care facility at 12701 Lake St. Extension.

Gordon invited residents to apply to serve on the newly created Minnetonka Sustainability Commission. One planning commissioner will serve on the commission.

The next planning commission meeting is scheduled to be held Dec. 17, 2020.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

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

Powers moved, second by Waterman, to approve the item listed on the consent agenda as recommended in the staff report as follows:

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

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

Henry, Maxwell, Powers, Waterman, 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. Conditional use permit allowing accessory structures with an aggregate total of 1,100 square feet at 3109 Fairchild Ave.

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.

Nathan Stangler, Denali Custom Homes, representing the applicant, stated that:

- The new, proposed pool house would be constructed in 2021.
- The accessory structures would exceed the maximum square footage allowed for aggregate accessory structures by 96 square feet.
- The pool house would be constructed to match the existing aesthetic and style to blend into the environment.
- Protections would be put in place prior to the demolition of the existing pool including air spading to protect the existing soil and large trees and maintain as little damage to the existing foliage as possible.
- There would be no shower or bathroom, but it would have water for a wet bar.

- The height is only for aesthetics.
- Changing the layout of the pool would be done solely for aesthetics.

The public hearing was opened.

Pete Liupakka, 3109 Fairchild Ave., applicant, added that the pool was 40 years old and at the end of its usefulness.

No additional testimony was submitted and the hearing was closed.

Waterman agreed with staff's recommendation. The proposal is straight forward. It meets conditional use permit standards. The proposal would fit with the house and with the area. The change would not be perceptible from the street.

Powers thought adding a pool house is a great idea. It would add to the property's value. He supports the reorienting of the pool.

Maxwell agreed that the request is reasonable and would meet conditional use permit standards. She appreciates that the view would be blocked by the wood fence and large, oak tree on the south. The view would be blocked from neighbors and the street. She supports staff's recommendation.

Henry supports the proposal. It would be a good use of the space and the property.

Chair Sewall felt that it would be reasonable to keep the existing shed and add the proposed pool building to the property. He supports staff's recommendation.

Waterman moved, second by Henry, to recommend that the city council adopt the resolution allowing accessory structures with an aggregate total of 1,100 square feet at 3109 Fairchild Ave.

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

This item is scheduled to be reviewed by the city council on Dec. 21, 2020.

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

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.

Powers asked if one bathroom would be sufficient. Ingvalson answered that the number of required bathrooms would be regulated by the state building code. He noted that the

sanctuary area would seat 36 and the proposed bathroom would be sufficient for 36 people.

Pastor Gabriel Vallo, representing the applicant, stated that he appreciated everyone hearing the presentation and he was available for questions. He has been in contact with the property owner. The property owner did not receive any concerns regarding the proposal from the tenants of the building. The congregation totals 23 people. As the congregation grows, the congregation would move to a larger space.

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

Henry likes the synergy of the proposed use having peak operating times different than the existing uses. He likes the variety of uses. He supports staff's recommendation.

Powers supports the proposal.

Waterman agreed. It would be a great use of the space. There would be no parking or traffic concerns.

Maxwell concurred. There would be no parking or traffic issues. The proposal makes sense. She supports staff's recommendation.

Chair Sewall concurred. He lives nearby. It would add vitality to the area. It may help area businesses. The use would operate at different times than the surrounding businesses.

Maxwell moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit for Door Christian Fellowship Church at 10800 Greenbrier Road.

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

This item is scheduled to be reviewed by the city council on Dec. 21, 2020.

9. Other Business

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

Chair Sewall introduced the presentation. Yetka and Schweiger presented.

Chair Sewall would like to see rain gardens included in plans from developers. He encouraged that raingardens be required when appropriate. Gordon noted that the city hall parking lot is a good example of how rain gardens can be incorporated in parking areas.

Powers thanked Yetka and Schweiger for the presentation. Powers asked if the 1-inch standard should be modified since the climate change trend for Minnesota is to become warmer and have an increase in the amount of precipitation. Schweiger explained that the 1-inch infiltration requirement was a relatively new implementation 10 years ago. The recent trend is considering increasing the industry standard to 1.1 inch. Yetka explained that capturing the first inch of rain allows the capture of the majority of pollutants.

Waterman appreciated the great presentation. He asked if there are species of trees that would be more helpful than others to soak up rainfall. Yetka stated that a tree with a large canopy and large leaves would do the best job of intercepting rain.

Henry appreciated the presentation. In response to his question, Yetka explained that storm water management has evolved over the last few decades to now recognize the importance of keeping water where it falls by using rain gardens, vegetation, and infiltration basins. The MS4 permit documents the status and goals set for water quality for water bodies every year. The lakes are monitored on a three-year rotation. Things are either staying the same or improving. The watershed districts do additional monitoring of creeks, lakes, and outflows of the water districts. There is a water utility plan available for further information on groundwater. A rebate program will begin next year to help homeowner's reduce their water use for irrigation which is one of the biggest water uses. The city does monitor the level of the wells. The Metropolitan Council has a metro-wide-water-supply plan available on its website.

Henry supports Minnetonka's efforts to reduce salt usage. Yetka reviewed the best practices used by public works staff to reduce salt usage on roads.

Powers asked what two things Yetka and Schweiger would like to happen. Yetka would like property owners to remove unused impervious and turf surfaces. Schweiger chose property owners embracing low spots that hold water and utilizing them for a purpose such as a rain garden and residents participating in the adopt a drain program. Powers agreed that small actions can add up to great benefits over time.

Henry asked what Minnetonka homeowners could do to reduce using water softener salt. Yetka said that the MN Pollution Control Agency recommends old water softeners be replaced with new, on-demand water softeners to reduce salt usage.

Chair Sewall thanked Yetka and Schweiger for the presentation and for answering their questions.

10. Adjournment

Henry moved, second by Waterman, to adjourn the meeting at 8:45 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

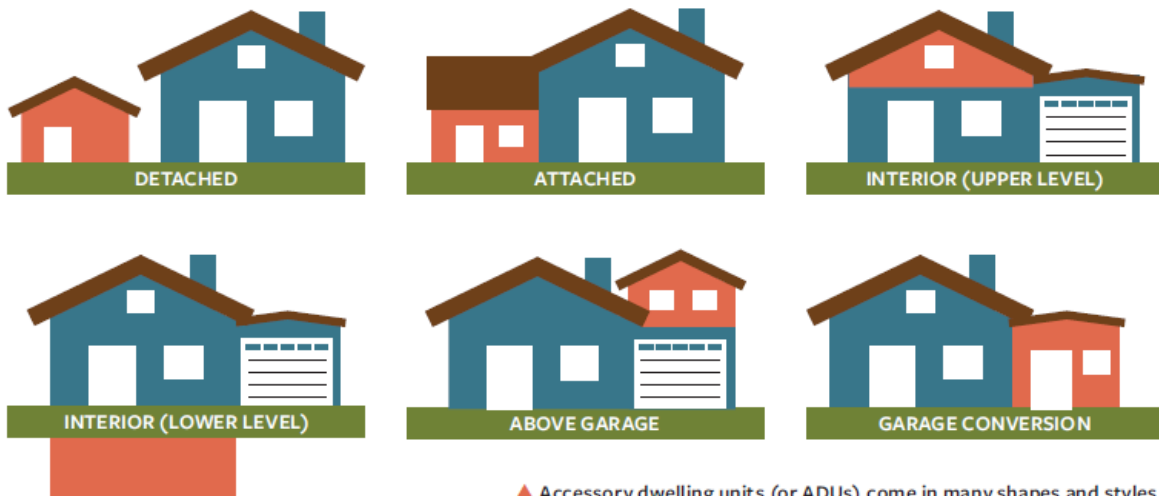
MINNETONKA PLANNING COMMISSION
Dec. 17, 2020

Brief Description	Ordinance relating to accessory dwelling units in residential zoning districts.
Recommendation	Discuss the draft ordinance, hold the public hearing, and table action to a future date.

Background

The City of Minnetonka has long recognized the value of providing a variety of housing options to existing and potential residents. This is generally reflected in the housing goals and policies outlined in the city’s comprehensive guide plan and the housing work plan, and is specifically reflected in the five different residential zoning districts established and regulated by the zoning ordinance.

One such housing option is the accessory apartment, or accessory dwelling unit (ADU). (The current zoning ordinance uses the term “accessory apartment,” but this report will use ADU, in keeping with the proposed change in ordinance terminology.) On property that contains a single-family home, an ADU is a smaller, secondary dwelling that includes areas for sleeping, cooking, and sanitation independent of the larger home.



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.
AARP. (2019). *The ABCs of ADUs*.

In Minnetonka, ADUs located *within/attached to* a single-family home have been allowed by conditional use permit since 1986.¹ The zoning ordinance notes that ADUs provide for:

- More efficient utilization of the existing single-family housing stock in the city;

¹ Prior to 1986, the zoning ordinance did not specifically restrict development to one single-family home per R-1 zoned property. As such, there are several properties in the city that contain multiple dwellings. In 1986, the ordinance was updated to (1) restrict development on R-1 properties to one home per lot; and (1) allow ADUs as conditional uses.

- Enjoyment of the benefits of rental income, decreased housekeeping responsibilities, or the companionship of tenants by persons residing in houses which are too large for their present needs;
- Provision of housing which allows privacy and independence for older family members;
- Preservation of property values and maintenance of the character of existing single-family neighborhoods; and
- Provision of housing for live-in employees.

Since 1986, the city has approved 61 conditional use permits for ADUs. Some of the permits formally acknowledged pre-existing units, while other permits were for units created through the conversion of existing living space or through an addition to an existing home or garage. More recently, conditional use permits have been issued in conjunction with building permits for new homes that are designed with an ADU. Interestingly, the 2004 approval of the Portico Green residential development “preemptively” approved ADUs on each of the neighborhood’s 19 lots. Minnetonka’s existing ADU units are located throughout the community, with – aside from Portico Green – no obvious geographic concentration.

While residents have raised concerns during the conditional use permit public hearing process for some ADUs, Community Development staff has received just one complaint related to an ADU after its construction/occupancy. The complaint was from a renter and was related to the upkeep of the unit. City staff contacted other Twin Cities suburban communities, who also reported few complaints related to ADUs in their cities. A full review of other community regulations can be found [here](#).

Proposed Amendment

Given the underlying housing goals of the city’s comprehensive plan and housing work plan, increased resident inquiries about ADUs detached from single-family homes, and the lack of complaints about existing ADUs, staff is proposing an amendment to existing zoning regulations.

The primary substantive changes to the ordinance would be:

- Allowing detached ADUs by conditional use permit; and
- Establishing general design criteria for detached and attached ADUs.

Some of the ADU standards included in the draft amendment are as follows:

	Attached ADU	Detached ADU
Number	No more than 1 ADU per property.	
Residency	Property owner must reside in one of the units.	

Subdivision	The ADU may not be subdivided from the principal dwelling.	
Max. Size	Max. Floor Area = 950 sq.ft. or 35% of the floor area of the principal dwelling.*	Max. Footprint = 35% of the footprint of the principal dwelling.*
Max. Height	Principal structure height requirements apply.	May not extend above the highest point of the principal dwelling.*
Setbacks	Principal structure setback requirements apply.	Must be located behind the rear building line of the home. Side and rear setbacks = height of structure, but not less than 15 ft.
Design	Must complement the design of the principal structure.	
Primary Access	May not be on the same façade as the principal dwelling.*	May not be visible from the same street as access to the principal dwelling.
Utilities	Must be served by utilities – including sewer and water – shared with the principal dwelling.	
Misc.		<ul style="list-style-type: none"> • Max. two bedroom. • Must be constructed on permanent foundation.
*The council may approve larger, taller, or other access locations if they do not alter the single-family character of the residence or negatively impact the surrounding area.		

Considerations

The city council introduced the draft ordinance on Dec. 7, 2020. While generally supporting the concept of detached ADUs, the council asked for more discussion on design and use standards within the ordinance. Specifically, in addition to discussing the ordinance as currently drafted, the council asked the planning commission to consider the following:

- **Design Components**

- ✓ Architectural Consistency. As drafted, a detached ADU must “complement the principal dwelling unit in architectural design and materials. This means the ADU must have a roof pitch similar to the principal dwelling, incorporate complementary façade materials, and color palate.” Should the ordinance allow ADUs that do not reflect the design of the principal dwelling when the design would not negatively affect the surrounding area?
- ✓ Door Access. As drafted, the primary entrance to the ADU cannot be visible from the same as the primary entrance to the principal dwelling. This condition may result in an ADU entrance facing a neighboring property. Should the ordinance consider or restrict this? Staff would pose a follow-up question. Given that the zoning ordinance does not regulate the location of access doors relative to property lines for other accessory structures – such as sheds or detached garages – if such standard is included in the ADU ordinance, should the accessory structure ordinance also be updated?

- ✓ Drive Access. As drafted, a separate driveway curb cut would be allowed to serve an ADU if it complies with the existing driveway ordinance. (Multiple curb cuts are allowed only on corner lots and lots of certain widths.) Should the ordinance consider location of ADU driveways?
- **Home Occupations.** Unlike a home office – which is simply a room or space where a resident “works from home” – a home occupation is a business being conducted solely from the home that involves the sale of goods or services. While anticipating many ADUs would contain a home office, should home occupations be allowed to operate from an ADU?

Next Steps

Next steps following the December 17th planning commission discussion are:

- **Information Gathering.** Staff will gather any additional information/data required based on planning commission discussion and questions.
- **Ordinance Work.** Staff will update the draft ordinance based on based on planning commission discussion and questions.
- **Public Outreach.** A project page will be created on minnetonkamn.gov outlining the draft ordinance and providing an opportunity for public feedback.

An updated ordinance will be brought back to the commission for formal consideration after the completion of these steps.

Staff Recommendation

Discuss the draft ordinance, hold the public hearing, and table action to a future date.

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

Supporting Information

General information on ADUs can be found at here:

- ABCs of ADUs - [AARP](#)
- All About Accessory Dwelling Units - [AARP](#)
- Garage Apartments - [American Planning Association](#)

Ordinance No. 2020-

An ordinance amending city code sections 300.02, 300.10, 300.11, 300.37, and section 300.16 regarding accessory dwelling units

The City Of Minnetonka Ordains:

Section 1. Section 300.02, subdivision 4 of the Minnetonka City Code, regarding definitions, is amended to read as follows:

~~4. "Accessory apartment" – a smaller secondary dwelling unit, located within a principal dwelling unit, that includes provisions for sleeping, cooking, and sanitation independent of the principal dwelling unit. This definition includes secondary dwelling units that have exterior entrances separate from the principal dwelling unit and secondary dwelling units that are accessed only through the principal dwelling unit.~~

4. "Accessory dwelling unit" – a secondary dwelling unit located on the same property as a principal dwelling unit, which includes provisions for living independent of the principal dwelling such as areas for sleeping, cooking, and sanitation. This definition includes secondary dwelling units attached to or detached from the principal dwelling unit.

Section 2. Section 300.10, subdivision 4(d) of the Minnetonka City Code, regarding conditional uses in the R-1 zoning district, is amended as follows:

d) accessory dwelling units;

Section 3. Section 300.11, subdivision 4(a) of the Minnetonka City Code, regarding conditional uses in the R-2 zoning district, is amended as follows:

a) accessory dwelling units;

Section 4. Section 300.37, subdivision 4(a) of the Minnetonka City Code, regarding conditional uses in the R-1A zoning district, is amended as follows:

a) accessory dwelling units;

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Section 4. Section 300.16, Subdivision 3(d) of the Minnetonka City Code, regarding the specific standards applicable to conditional use permits for accessory apartments, is repealed and replaced with the following

- d) Accessory dwelling units (ADUs):
- 1) ADUs are allowed only on properties zoned R-1, R-1A or R-2.
 - 2) No more than one ADU is allowed per property.
 - 3) The property must be homesteaded and the owner must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
 - 4) The ADU may not be subdivided or otherwise segregated in ownership from the principal residence.
 - 5) On properties zoned R-1 or R-1A, an ADU may be attached to or detached from the principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.
 - 6) On properties containing an ADU, neither the ADU nor principal dwelling may be used as a licensed residential care facility while the ADU conditional use permit remains in effect.
 - 7) The following design standards apply:
 - a. Attached ADUs:
 1. May be created through the conversion of living space or attached garage space. However, garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating that adequate vehicular parking exists on the site.
 2. Maximum floor area of 950 square feet or 35 percent of the floor area of the principal dwelling, whichever is less. For purposes of calculating the principal dwelling floor area, the floor area includes the proposed ADU. The city council may approve a larger ADU floor area where the additional size would not adversely impact the surrounding neighborhood.
 3. The primary exterior entrance to the ADU may not be located on the same façade as the primary entrance to the principal dwelling, unless the

location of the entrance does not substantially alter the single-family character of the residence.

4. The ADU is subject to all setback requirements as apply to the principal dwelling.

b. Detached ADUs:

1. May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for construction of an attached or detached 24-foot by 24-foot garage without variance and the applicant submits a detailed plan that demonstrating that adequate vehicular parking exists on the site.

2. Maximum footprint must be no more than 35 percent of the footprint of the principal dwelling, including attached garage. The city council may approve a larger footprint where the additional size would not substantially impact the surrounding area. In no case may the ADU be less than 200 sq.ft. in area.

3. Highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance.

4. The principal exterior door access to the ADU may not be visible from the same street as principal exterior door access to the principal dwelling, unless the location of the principal door does not substantially alter the single-family character of the residence.

5. May contain a maximum of two bedrooms.

6. Must be constructed on a permanent foundation with no wheels.

7. Must be located behind the rear building line of the principal dwelling unit. In the case of corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.

8. Must be set back from side and rear property lines a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all natural features as required by ordinance.

9. No additional curb cuts are permitted, unless approved by the city engineer in compliance with the driveway ordinance.

10. The ADU does count toward the maximum accessory structure square footage allowed per residential lot as provided by ordinance.

c. Any ADU, whether Attached or Detached:

1. Must complement the principal dwelling unit in architectural design and materials. This means the ADU must have a roof pitch similar to the principal dwelling, incorporate complementary façade materials, and color palate.

2. Must be served by municipal water, sanitary sewer, gas and electric utility service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal dwelling.

8) Adequate off street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose, but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

9) The ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical and related city codes.

10) The ADU and property on which is it located is subject to all other provisions of this ordinance related to single-family dwellings, including all provisions of the shoreland, wetland, floodplain and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provision shall apply.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2020.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Dec. 7. 2020

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2020.

Becky Koosman, City Clerk