

MISSION STATEMENT: “The City of Mound, through teamwork and cooperation, provides, at a reasonable cost, quality services that respond to the needs of all citizens, fostering a safe, attractive and flourishing community.”

**MOUND PLANNING COMMISSION REGULAR MEETING AGENDA
TUESDAY, APRIL 2, 2024, 7:00 P.M.
COUNCIL CHAMBERS, MOUND CENTENNIAL BUILDING
5341 MAYWOOD ROAD, MOUND, MN**

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1. Call to Order	
2. Roll Call	
3. Approval of Agenda, with any Amendments	
4. Approval of Meeting Minutes	
A. March 19, 2024 special/rescheduled meeting minutes	1
5. Board of Adjustment and Appeals	
A. Planning Case No. 24-02	12
Review/recommendation – variance for house remodel/additions project at 4360 Wilshire Boulevard Applicant: Paul and Kristi Wolfe	
B. Planning Case No. 24-03	29
Review/recommendation – proposed amendments to mixed use regulations in City Code Sec. 129-139 and City Code Sec. 129 (definitions) for consistency with 2023 amendments to the 2040 Mound Comprehensive Plan	
6. Old / New Business	
A. Council liaison and staff report/update	
7. Adjourn	

The Planning Commission is an advisory body to the City Council. One of the Commission’s functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. Mound City Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application. For each agenda item the Commission will receive reports prepared by the City staff, open the hearing to the public, and discuss the action on the application.”

QUESTIONS: Call Jen at 952-472-0603 or Sarah at 952-472-0604

MEETING MINUTES
SPECIAL/RESCHEDULED PLANNING COMMISSION
MARCH 19, 2024

Chair Goode called the meeting to order at 7:00 pm.

ROLL CALL

Members present: David Goode, Kristin Young, Kathy McEnaney, Derek Archambault, Nick Rosener, Samantha Wacker, Jake Savstrom, Drew Heal

Members absent: Jason Baker

Others present: Sarah Smith, Rita Trapp and Jen Holmquist

APPROVAL OF MEETING AGENDA

Goode outlined two amendments to the agenda.

MOTION by Savstrom to approve the agenda, as amended; seconded by Rosener. **MOTION** carried unanimously.

REVIEW OF JANUARY 2, 2024 REGULAR MEETING MINUTES and FEBRUARY 20, 2024 SPECIAL MEETING WORKSHOP MINUTES

MOTION by Savstrom to approve the January 2, 2024 regular meeting minutes as written; seconded by McEnaney. MOTION carried unanimously.

MOTION by Savstrom to approve the February 20, 2024 special meeting workshop minutes as written; seconded by Heal. MOTION carried unanimously.

BOARD OF APPEALS

**Review / recommendation of Planning Case No. 24-03
Proposed amendments to mixed use regulations in City Code Sec. 129-139 consistency with
2023 amendments to the 2040 Comprehensive Plan**

Goode outlined that the discussion will revolve around acceptance of mixed use development and appropriate building height. Trapp outlined the amendments to the code that require clarification. The Comprehensive Plan amendment left it necessary to adjust the mixed use districts. Staff identified where those standards should be changed as there wasn't clear direction on the items Chair Goode mentioned. We need to clarify how the city will handle mixed-use development, what would be acceptable and what is not. And clarification on

acceptable building height. The Comp Plan amendment made it clear Mound does not want multi-family or apartment buildings. The city needs to clarify if someone were proposing an option with commercial on the bottom and apartments on the top. Trapp said the code should be as clear as possible.

Trapp discussed acceptable building heights. The standard is 35 feet. The code states 35 feet and 50 feet. Trapp wondered if sticking with 35 feet (or about 2-1/2 stories) is desirable or should there be more flexibility?

Trapp opened the discussion on acceptable mixed use development. Is mixed-use development acceptable? Is there a limit to what that can look like?

Goode asked if staff has any guidance on this. Heal asked what other cities do. Trapp said other cities allow multi-family apartments so it is clearer. Trapp stated it seems like, at a minimum, allowing smaller scale mixed-use, like some of the existing buildings along Commerce makes sense. However, the guidance on bigger scale projects seems unclear.

Savstrom clarified this would include residential, commercial or a combination of the two. Trapp said the question is regarding residential and commercial, combined. Trapp outlined inquiries to reconvert structures that previously had apartments on the second floor, or having commercial in the middle with townhouses next to it. She said staff is trying to clarify what is okay.

McEnaney said in downtown right now, she would be comfortable with commercial on the bottom with an apartment on top. McEnaney thinks limiting the height to no more than 3 stories is acceptable. She said residents have said that the Artessa four story building is too big. Trapp asked for clarification. For example, if there is parking on the bottom, or first story, then there would be a limit of two more stories. McEnaney confirmed. Savstrom agreed.

Rosener said he is in favor of allowing as much flexibility as we can, giving a lot of options for developers. He thinks commercial/residential mix would make for a pleasant walkable downtown where mixed use is concentrated. Residents have made it clear they don't want large apartment buildings, but outside of that, he would be in favor of allowing the mixture of commercial and residential.

Young wondered if there were examples from other lake communities like Excelsior and Wayzata. Young thought there were examples in Wayzata of commercial on the bottom and two residential stories above that. McEnaney said we are Mound. She would prefer to keep Mound charm.

Trapp said she is hearing that mixed use makes sense, mixed use on the same site with a commercial structure in the middle and town houses next to it but not necessarily apartments next to it. She wondered, if a proposal came in at three stories but the footprint was the size as Artessa, would that be acceptable?

Rosener wondered if the comp plan already includes guidance for density. Trapp confirms there is a maximum.

Savstrom asked if Trapp's question is asking if there needs to be a mixture of residential and commercial on one site, but not necessarily stacked? Trapp said her example was if there is a building the size of Artessa, but it's commercial on the first story and residential on the two stories above, would that be allowed? Or is that bigger than the city wants? If that is not what is wanted, then the code should be clear in relation to size, wall length, etc.

Heal said he doesn't think McMansions are desired downtown. He likes 2 stories, as long as it looks decent. He thinks that would help keep the Mound small feeling. Trapp will keep it at 35 feet. She said she is hearing that the commissioners would prefer not to have anything that is the scale of Artessa. She is hearing commercial and residential, but on a smaller scale than that project.

Savstrom wondered what the limit for footprint will be. Will it be limited to a certain square footage? Trapp said she will write the codes based on what she is hearing and the commissioners will see the language again.

Archambault asked if there are already limitations on density and there are limitations on height, why does it need to be more specific? Rosener asked how would the city get more explicit than what's already there?

Savstrom stated, breaking up a structure that would be the size of a cruise ship would be a way to place an additional constraint on it to change the architectural feel of the site. He gave the example of Commerce Place. If that was wiped out and a developer wanted to place one building on that site, it would be very large. Savstrom thought if there were restraints on the building footprint then you end up with separations required by the other code that would limit the use of the site in that manner.

Trapp stated that a lot of times potential developers will go straight to zoning code without reading the comp plan. So it will be important to make it clear what Mound will allow. Savstrom thought there might be an architectural aspect that he hadn't considered.

Trapp wanted to make sure she was hearing the direction the commissioners were wanting to go for the mixed use districts and it is good to clarify that apartments in the mixed use is okay as long as the scale is right. Trapp pointed out the information on page 10 of the agenda packet. The code provisions that she recommended changing consists of strike outs where language is proposed to be deleted and underlines where the language is proposed to be

added. Trapp noted there should be provisions so that if an existing multi-family structure wanted to redevelop there should be language to guide them how they can do that. That is why multi-family was not completely removed entirely. Things can be restructured if they are not clear. Existing structures would have to follow site design standards. Everything was left the same assuming the mixed use buildings will be allowed.

Archambault wondered how many three story or larger buildings there are in Mound. Trapp stated there are not many.

Rosener asked if the mixed use district were being simplified to one type. Trapp will look at the language and make it easier, if she can, as the corridor district may not be relevant anymore due to the height limits discussed.

Goode asked if staff wanted feedback or if an action was required by the commission. Trapp said she will bring this back with changes for the commissioners to see.

OLD/NEW BUSINESS

A. Review/recommendation - annual review of Planning Commission Work Rules (tabled at January 2, 2024 meeting)

Goode introduced the discussion for the Planning Commission Work Rules.

Smith stated that the City Council will be changing the meeting start time from 7 pm to 6 pm, starting in May. The planning commission work rules outline all meeting items, to include what a quorum is, cancellations, meeting protocols and start time. Smith wanted to start a discussion if the commissioners would like to consider a time change for the Planning Commission, as well. Smith asked if the commissioners had any questions or suggestions for the work rules. Smith outlined some examples of work rules discussions from the past.

Goode asked for discussion on start time. Wacker thought it's better to be consistent across all bodies. She believes it will be easier on residents to remember, if all bodies start at the same time. Heal asked if the block of 4 hours would shift from 6-10. Smith confirmed. Savstrom would prefer to keep the start time at 7. His long commute would affect his ability to commit to the commission. Rosener said that he thought this would be a hard time to switch since people have committed to this time. He would be open to exploring an earlier start time with the beginning of the next year. Archambault thought 6 would be an easier start time for families. Heal would be okay with 6 start time. Wacker thought maybe it would be a good idea to see how the move changes attendance for the council. Goode asked if the time should stay the same and then see if the commission wants to make a change towards the end of the year.

Archambault asked why the council was making the change. McEnaney said it was surrounded around family time for the council. She also said staff's time was a consideration because they

sit in their office until 7:00. McEnaney said the topic has been on the agenda for several meetings and there has been no negative feedback from the public.

Heal asked how staff felt. Smith said it doesn't matter to staff, though it would be nice to be done earlier.

MOTION by Rosener to table the topic until October to allow time to see how the time change effects the council attendance; seconded by Wacker. **MOTION** carried 4-3 with McEnaney abstaining from the vote.

Yes: Rosener, Wacker, Savstrom, Goode

No: Young, Heal, Archambault

McEnaney abstained

Archambault thought it would be better to stay consistent with what the City Council does, as the considerations they applied in making their decision also apply equally to the Planning Commission.

Archambault asked if McEnaney is recognized as a fully voting member. Smith confirmed. He wondered if that should be clarified in the work rules.

MOTION by Savstrom to amend the work rules to clarify that the council liaison is a full voting member and approve the other work rules for 2024, as written; seconded by Rosener. **MOTION** carried unanimously.

B. Review/recommendation – 2024 Planning Commission Work Plan and Staff Project List

Smith presented the Planning Commission Work Plan and the 2024 Staff Project List from the joint workshop with the city council. Smith said the project list includes three items; property maintenance, study of environmental initiatives and becoming an age friendly community.

Wacker asked if the City Council will expect the items on the project list have deadlines, or are they just topics the commission should explore? Smith said there was no directive for schedule from the council.

MOTION by Archambault to recommend the City Council approve the 2024 Planning Commission Work Plan and the 2024 Staff Project List; seconded by Savstrom. **MOTION** carried unanimously.

C. Review/recommendation – 2024 Work Plan Items (ADUs, Solar, Electric Vehicles)

Trapp started the discussion on ADUs, Solar and Electric Vehicles. She stated regulations were not drafted because more discussion is needed. Trapp stated she is going to walk through each topic separately. In many cases the choices she will provide aren't mutually exclusive.

ACCESSORY DWELLING UNITS (ADUs)

Trapp stated that an Accessory Dwelling Unit (ADU) is a self-contained residential unit with its own living room, kitchen and bathroom. There is no specific statement that says an ADU has to have a bedroom so a studio would be allowed, but they can have a bedroom. ADUs are a permanent installation and is a legal part of a larger single family property.

Trapp outlined the 12 policy topics that will be discussed in regards to ADUs. She will walk through the topics and get commissioners' input and she can come back with additional information if the commission have specific topics they want clarity on.

Trapp said it would make sense if ADUs were only allowed in Zoning Districts with single-family properties. Archambault asked if the code already says anything about this. Trapp said right now it's required to be tied together with a door that connects the ADU to the principal structure. This would make them completely different structures with fire wall separation and could be a completely separate unit. ADUs may be constructed as a conversion in an attached structure or it can be a detached structure. No limits.

Trapp showed some examples. The assumption is one ADU would be allowed per single family lot. Rosener clarified it would be one ADU, not one accessory structure. Trapp confirmed. Commissioners agreed one ADU per lot.

Trapp asked if lot size matter? Should there be a limit? They could be allowed on any lot, regardless of size. If that were the decision, language regarding lot size wouldn't even be included. It would just say they are allowed. ADU could be limited to minimum lot size based on zoning district, 10,000 sq.ft. for R1 and 6,000 sq.ft. for R1a and R2. Trapp noted there are a lot of small, non-conforming lots in Mound so that could impact who could have one. The other option is you can say ADUs are only allowed on a minimum lot size and could pick a specific number. Rosener asked what other constraints are in code other than lot size. Trapp said hardcover, accessory structure coverage, and setbacks for example. Savstrom does not like the first option because it should be stated that it's allowed but you have to meet all the other requirements. Trapp said there will be a section that lists all the standards for ADUs. In the use table it will be indicated that it is permitted but you have to follow the standards in that section.

Heal asked the difference between the first and second option. Trapp said for the first one it's permitted but you must follow the other rules. If it's linked to lot size based on zoning district, any already non-conforming lot could not have one. Another consideration is if it were an internal ADU, then would lot size even matter? Savstrom said if it's already a non-conforming lot, he would rather not intensify the non-conformity. Smith offered that residents are allowed to build a garage, even if they don't meet minimum lot size. Lot size is considered an existing condition. It was determined that lot size was not needed.

If reference to size of the ADU, Trapp stated this is the most complicated. There are so many different sizes of houses and many different things to consider. She said it may become necessary to differentiate between a detached structure vs. what's inside a house. Language can be added that detached ADUs shall meet the structure area requirement for an accessory structure. Trapp shared a graphic that showed if the structure was allowed to be 15% of the lot, how big it could be. Code states the accessory structure limits and those will remain in place. One option is to state that ADUs should follow the detached accessory structure code. Another option is to state the size can be the ADU cannot exceed a certain percentage of the lot size. Other communities state that an ADU can be a certain percentage of the principal structure. The issue with that option is that if someone wanted to put it into a basement, there would have to be a way that only a portion of a basement could be used for the ADU, it couldn't be the entire basement. Wacker wondered if these would count as extra square footage for property value. Trapp wasn't sure of the answer. Some communities pick an allowed size range and say they must conform to all other building codes.

Young asked what differentiates this from being a duplex. Trapp said the owner on the structure usually needs to be the owner of the ADU and must live on the site. Rosener asks if there is a building code that states how small a unit can be. Trapp said, generally it's around 250 sq.ft. but there isn't a specific number. Savstrom said he would prefer to have a minimum as he does not want the units to be small closets.

Rosener thought the ADU would be small if a percentage was mandated. He would be in favor of a minimum.

Trapp presented the different ways occupancy can be determined. You can limit it to a certain number of occupants per bedroom, it can be square footage for one person vs. two people. Goode asked if staff had a suggestion. Trapp thought having it based on per bedroom vs. square footage is hard. Archambault wondered if this is regulated on a principal structure. Trapp said no. Young asked about occupancy limits for apartments. Trapp said no, not in the zoning code.

Occupancy is not covered in zoning, that is determined by building code. Archambault said some of the options would be hard to enforce. Savstrom would be okay with not addressing occupancy in the zoning code as long as it's covered in building code. Trapp will gather that information from the building official and come back. Wacker wondered if there are standards for heating. Trapp confirmed they will have to meet building code requirements for a permanent dwelling. Trapp also said a size range could be established.

Trapp discussed setbacks. She thinks it makes sense to say an attached ADU will meet principal structure setbacks. Detached ADUs require more conversation. Trapp provided a graphic and outlined current accessory structure setback requirements. How far should a structure be required to be in the back yard or side yard? Building code/fire code says they need to be 5 feet away from the setback.

Archambault thought it makes sense to be stricter about ADUs vs. accessory structures. Smith outlined the current primary structure setbacks in each residential district. Rosener thought the principal structure setback makes sense. Wacker wondered if the commons rules will affect any lakeshore setbacks. Lakeshore setback is 50 feet from the ordinary high water mark. That is the number and it can't be closer. Savstrom thinks it's cleaner if we stick to principal structure standards. Trapp stated that will make it difficult for some properties as most homes are built to those primary structure setbacks. Savstrom stated that didn't change his opinion. Rosener thought a different option somewhere in between the primary and accessory structure setbacks might be better. Trapp stated a resident could apply for a variance if there are special circumstances. Savstrom thought that would be a better option than to attach ambiguity to the code.

Trapp discussed parking and offered some options. Should there be one stall per person, one per bedroom? If requirements are established that means they would have to demonstrate that there is room for additional parking. Rosener pointed out that ADUs can be for college students or aging parents who may not have vehicles so he would be in favor of not specifying. Heal thought it's okay to leave it out. Savstrom thought it would be better to require an additional stall. Wacker thinks there should be language that specifies that at least one dedicated spot is required.

Trapp discussed owner occupancy. Does the owner need to continue to occupy at least one of the dwelling units? Rosener thought that would discourage renting the primary structure. Trapp pointed out the owner can occupy the bigger or the smaller structure. Commissioners agreed the owner should occupy one of the units.

Trapp discussed design considerations. She stated this topic has a lot of options and it can be more than one. Should an ADU be required to follow the design of the principal structures. Separate entrance required? Can you limit the windows overlooking a neighboring property? A walkway is usually required. McEnaney said the design should complement the principal structure. Archambault would be comfortable with stricter regulations on a detached structure and he thought a walkway should be required. Rosener wondered if there are any accessibility requirements. Trapp said that would be per building code.

Trapp discussed administrative options. Can a property be split as long as it meets zoning code requirements? Savstrom wondered if the detached ADU would have separate utilities. Trapp said the utility billing conversation will be a technical discussion and she would bring that

language back after those conversations take place. Savstrom thinks the language should be that principal lots cannot be split. Rosener and Archambault agree.

Trapp discussed procedure. If they meet the standards, it's a building permit. It can be required that owners go through a registration process. You could require owners to go through a CUP process knowing that is a longer process and would involve more fees for the resident. Archambault thought as long as the rules specified, there should be no reason it can't be just a building permit. Rosener clarified that there are no long term rental licensing requirements currently. Smith confirmed.

Rosener asked if someone wanted to use an ADU as an office would there be any different language. Trapp said this is specific to the dwelling part but noted what constitutes a kitchen should be defined. Wacker can see there be some abuse and she thinks a kitchen/bathroom definition is important. It will be a requirement that these units are hooked up to municipal sewer and water.

Young thought a lakeshore owner might want a "bunk house" where no one would stay full time. If they met all the requirements they could have a bunk house. No one has to live in it. This is just saying that if you want a structure that can be lived in, it needs to meet all these minimum requirements.

Would a guest house be an option? Trapp said that if someone wanted to build a structure so people can stay over a weekend, they can do that, as long as it meets these standards.

Rosener pointed out Mound has a ban on short term rentals. Trapp confirmed. Owners would not be allowed to rent these on a short term basis.

Savstrom said there is only one curb opening allowed per lot. Would we need to add anything? Trapp will consider that and write something in there if she thinks it's necessary.

Trapp asked if anyone had any other thoughts on ADUs. There were no comments.

SOLAR

Trapp began the discussion about solar. Solar is not specifically stated in the code but they have been allowed. This would be an allowed accessory use. This isn't in the code, so adding that language will make it clear. Only roof mounted will be allowed. They can't be part of parking lot canopy shading. The language won't limit the type of building or the zoning district.

Savstrom thought a commercial building might have trouble due to the pitch of the roof or the 10-inch height limit. Flush mounted is the preference and Trapp will address the pitch needed on a flat roof. The intent to make them less noticeable.

Trapp asked if solar should be constrained by aesthetics? Maybe we don't need to have any language. Archambault thought only allowing roof mounted systems maybe we don't need to mention it.

Rosener asked if glare is a problem. Trapp didn't think there is much of an issue with roof mounted.

Trapp pointed out some cities regulate that you have to have the collection system placed underground. But since ground mounted systems aren't allowed, this language may not be necessary. Heal stated he has a system that is mounted to the side of a building so he would have issues with requiring the be underground. His system ties into the electrical box on the side of the house. He thinks that should be allowed, as long as it doesn't look ugly.

Trapp discussed abandonment of a nonfunctional system. Commissioners agreed with the proposed language.

The procedure for installing a system would be to obtain a building permit.

ELECTRIC VEHICLE CHARGERS (EVC)

From earlier discussions Trapp understood the city intends to allow them but will not take any proactive steps, at this time. They will be a permitted use in all zoning districts. Heal wondered if the city will install EVCs in public parking spaces. Staff will look into it to see if the financials can allow. Young asked if there have been requests. None that staff can remember. The conversation is, will new commercial be required to install them? Rosener thought he remembered a discussion regarding levels 1 2 and 3 pertained to "allowing it", "ready but you don't have the system" and "ready to use".

Trapp outlined the levels from the previous discussion. For this slide Level 1 2 and 3 is about charging capacity and how fast it charges.

Trapp said some cities require them for any new commercial. Goode pointed out that EVs are coming and the discussion will continue to change. Rosener thought it would be good to include requirements for commercial new structures over a certain size should have the infrastructure in place, if not actually require chargers be installed. Heal agreed. Trapp said we can gather more information and revisit this later. Archambault would also like to see more requirements but didn't think the city council was favorable. Young wondered if there is an advantage to promoting these systems based on environmental impact.

Trapp said this is the next evolution of cars. The commission is being asked if this is the right time and should be planning for it. Heal would rather be proactive than reactive. Rosener said the planning commission and city council can raise the bar for developers in the city. Young thought a position statement that outlines why it's important for the community. Wacker would like feedback from the community to see if it would be of value to residents. Savstrom is

against putting in infrastructure that won't be used. He doesn't think the city should foot the bill for people to charge their vehicles without cost. Archambault said we aren't restricting it in residential and he wonders if we should require them in commercial properties. Archambault thought the principal users of EV charges at commercial properties won't be Mound residents. It will be someone visiting Mound from further away.

Trapp wondered if staff should investigate some more and bring it back or wait until the next workshop. McEnaney said she thinks the council was in favor of gathering more information but not mandating anything. McEnaney would be most interested in how much it costs. Trapp outlined some provisions that other cities have in place as minimum requirements. ADA, lighting, signage indicating only EV Parking, equipment shall be protected by wheel stops or bollards. The commissioners agreed with that language.

Trapp will draft the regulations based on the discussion and will bring it back when it makes sense to do so. And after that it would go to a public hearing.

D. Council liaison and staff report/update

McEnaney does not have any updates.

Smith said special events are ramping up. Building permits are busy.

Goode asked if Artessa will have an open house when construction is complete. Smith anticipates that will be the case but she hasn't heard anything yet.

ADJOURNMENT

MOTION by Savstrom to adjourn at 9:10 p.m.; seconded by Archambault, **MOTION** carried unanimously.

Submitted by Jen Holmquist



PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp and Natalie Strait, Consulting Planners
Sarah Smith, Community Development Director
DATE: March 28, 2024
SUBJECT: Consideration of variance request (Case No. 24-02)
APPLICANT: Paul Wolfe & Kristi Wolfe
LOCATION: 4360 Wilshire Blvd (PID No. 19-117-23-13-0014)
MEETING DATE: April 2, 2024
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1A Single Family Residential

SUMMARY

The applicant is requesting variance approval to allow for a reduced lakeshore setback as part of a home remodel/additions project at 4360 Wilshire Boulevard. The lot of record property is located on the north side of Wilshire Boulevard, west of the bridge to Spring Park. The house is a walk-out that was built in 1960. The project includes a number of improvements, most notably the construction of a new attached garage, as well as a new porch and deck to replace the existing deck. The City approved a variance on July 25, 1995 granting a 13 foot lakeshore setback variance to allow construction of an 8' x 24' deck on the lakeside of the home (Resolution No. 95-69).

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" is determined to be March 5, 2024 as provided by Minnesota Statutes Section 645.15. The 60-day timeline expires on or around May 4, 2024. The review period can be extended by the City for an additional 60-days if needed. Applicants and owners are advised that the City of Mound will be executing an extension for 60 additional days as described above.

Variance

City Code Section 129-39 (a) states that a variance may be granted to provide relief to a landowner where the application of the City Code imposes practical difficulty for the property owner. In evaluating the variance, the City Council must consider whether:

- (1) The variance proposed meets the criteria for Practical Difficulties as defined in City Code Sub. 129-2.
- (2) Granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district nor be materially detrimental to property within the same zone.
- (3) The variance requested is the minimum variance which would alleviate the practical difficulty.
- (4) A variance shall only be permitted when it is in harmony with the general purposes and intent of the zoning ordinance and when the terms of the variance are consistent with the comprehensive plan.

According to City Code Sec. 129-2, "*Practical Difficulties*" is defined as follows:

Practical Difficulties, as used in conjunction with a variance, means that:

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (ii) The plight of the landowner is due to circumstance unique to the property including unusual lot size or shape, topography or other circumstances not created by the landowner; and
- (iii) The variance, if granted, will not alter the essential character of the locality.
Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

NOTIFICATION

Neighboring property owners of the subject site, per Hennepin County tax records, were mailed an informational letter on March 27, 2024 to inform them of the Planning Commission's review of the variance application at its April 2, 2024 meeting.

STAFF / CONSULTANT / AGENCY / UTILITIES REVIEW

Copies of the request and supporting materials were forwarded to involved departments, consultants, agencies, and private utilities for review and comment. To date, Staff has received no comments on the requested variance.

DISCUSSION

- (1) The lot of record parcel is zoned R-1A Single Family Residential. At 7,410 square feet, the lot is larger than the R-1A minimum lot size of 6,000 square feet.
- (2) There is currently a single-family home with an attached two car garage on the property. The applicant is proposing to increase the garage size, adjust the home's access and entrance, remove an entrance on the east side of the home, add basement bedrooms with window wells, add a cantilever to the east side of the house, and to replace the existing deck with a deck and four-season porch.
- (3) The modifications to the existing home meet the front and side setback requirements. While the height will be confirmed at building permit, it is not anticipated to be an issue given that the home is a one-story walkout. The applications are proposing the addition of window wells to provide egress to the new basement bedrooms. The window wells meet setback requirements. Window wells/fire egress are allowed encroachments in side/rear setbacks but cannot extend more than 3 feet from the building wall.
- (4) Per code, all new structures on Lake Minnetonka are required to meet the minimum required construction elevation. The Regulatory Flood Protection Elevation for Lake Minnetonka is 933.0.
- (5) The applicant is requesting a variance from the 50 foot lakeshore setback. The applicant is proposing to replace the existing deck, which extends 11.9 feet into the setback, with a deck and four-season porch that would extend 17.7 feet into the 50-foot set back. As noted previously, the City did grant a variance in 1995 to allow the construction of deck 13 feet into the lakeshore setback. This current variance request would extend the variance by another 6 feet so that the porch would be only 32.3 feet from the OHW instead of the current deck setback of 38.1 feet.
- (6) There were some errors identified in the proposed survey. The first error is that the hardcover calculations from the revised existing survey were not updated. That revised survey shows the existing hardcover on the property to be 39.4%, which is under the 40% allowance for a lot of record. Then, in the existing survey, the replacement deck was not included in the proposed hardcover calculations. The estimated area of the proposed deck is 140 square feet. If the proposed deck were to be included in the proposed hardcover calculation, the total lot coverage would equal 40.5%. The maximum allowed hard cover for R-1A lots is 40%. Also, there was a notation on the proposed survey that the cantilevers were not included and they count towards hardcover. Staff will work with the applicant to clarify what adjustments can be made to maintain the lot under the 40% maximum allowance. Members are advised that existing hardcover on the property has not been field verified.

PLANNING COMMISSION ACTION

If Planning Commission recommends approval of the variance, Staff proposes the following conditions be included:

- (1) Hardcover shall not be increased beyond 40%.
- (2) The proposed survey must be updated so that the hardcover calculation of existing matches the existing survey.
- (3) Applicant shall be responsible for payment of all costs associated with variance request.
- (4) The applicant shall be responsible for recording the resolution with Hennepin County or may request the City record the resolution with the involved fee to be paid by the escrow. The applicant is advised that the resolution will not be released for recording until all conditions have been met and all fees for the variance have been paid and the escrow account is in good standing. The submittal of additional escrow may be required.
- (5) Applicant shall be responsible for procurement of any and/or all public agency permits including the submittal of all required information prior to building permit issuance.
- (6) The MCWD is the regulatory and permitting authority for Rule B (Erosion Control), Rule C (Floodplain Control), Rule D (Wetland Protection) and Rule N (Stormwater Management); also Shoreline Alteration (i.e. rip rap, etc.).
- (7) Additional comments and/or conditions from the City Council, Staff, consultants, and public agencies.

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning Commission, it is anticipated that the request will be considered by the City Council at either its April 9th or April 23rd meeting.



2415 Wilshire Boulevard, Mound, MN 55364
Phone 952-472-0600 FAX 952-472-0620

VARIANCE APPLICATION

Application Fee and Escrow Deposit required at time of application.

Planning Commission Date _____

Case No. 24-02

City Council Date _____

Received 3/15/24

Please type or print legibly

SUBJECT PROPERTY LEGAL DESC.	Address <u>4360 Wilshire Blvd.</u>	
	Lot <u>81 Phelps Island Park</u>	Block _____
	Subdivision <u>FIRST DIVISION</u>	
	PID # _____ Zoning: R1 R1A R2 R3 B1 B2 B3 (Circle one)	
PROPERTY OWNER	Name <u>Paul + Kristi Wolfe</u>	Email <u>PRWolfeinc@AOL.COM</u>
	Address <u>4360 Wilshire Blvd. Mound 55364</u>	
	Phone Home <u>612-919-3793</u>	Work _____ Fax _____
APPLICANT (IF OTHER THAN OWNER)	Name <u>Paul + Kristi Wolfe</u>	Email <u>PRWolfeinc@AOL.COM</u>
	Address <u>4360 Wilshire Blvd. Mound 55364</u>	
	Phone Home <u>612-919-3793</u>	Work _____ Fax _____

- Has an application ever been made for zoning, variance, conditional use permit, or other zoning procedure for this property? Yes () No (X). If yes, list date(s) of application, action taken, resolution number(s) and provide copies of resolutions.

Not Sure.

- Detailed description of proposed construction or alteration (size, number of stories, type of use, etc.):

Adding a 14'x14' four season porch and also add a 10'x24' garage addition

3. Do the existing structures comply with all area, height, bulk, and setback regulations for the zoning district in which it is located? Yes No (). **If no**, specify each non-conforming use (describe reason for variance request, i.e. setback, lot area, etc.):

<u>SETBACKS:</u>	REQUIRED	REQUESTED (or existing)	VARIANCE
Front Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Rear Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Lakeside: (N S E W)	_____ ft.	_____ ft.	_____ ft.
_____ : (N S E W)	_____ ft.	_____ ft.	_____ ft.
Street Frontage:	_____ ft.	_____ ft.	_____ ft.
Lot Size:	_____ sq ft	_____ sq ft	_____ sq ft
Hardcover:	_____ sq ft	_____ sq ft	_____ sq ft

4. Does the present **use** of the property conform to all regulations for the zoning district in which it is located? Yes No (). **If no**, specify each non-conforming use:

Please refer to the survey.

5. Which unique physical characteristics of the subject property prevent its reasonable use for any of the uses permitted in that zoning district?

- too narrow
- too small
- too shallow
- topography
- drainage
- shape
- soil
- existing situation
- other: specify

Please describe: Lot is small and narrow which makes it difficult to add sq. footage to dwelling and adds to hardcover compliances.

6. Was the practical difficulty described above created by the action of anyone having property interests in the land after the zoning ordinance was adopted (1982)? Yes (), No (X). If yes, explain:

7. Was the practical difficulty created by any other human-made change, such as the relocation of a road? Yes (), No (X). If yes, explain:

8. Are the conditions of practical difficulty for which you request a variance peculiar only to the property described in this petition? Yes (), No (X). If no, list some other properties which are similarly affected?

BLOCK LOT 82 and 88 also have similar affects of hardcover because of size of lots square footage.

9. Comments: The property of Lot 81 Phelps Island Park has deteriorated over the last several years. Was my Grandparents place that I have many great memories. I'm extremely excited to make improvements to property and enjoy lasting memories with family and friends! Please consider the Variance we have proposed! Thank you!

I certify that all of the above statements and the statements contained in any required papers or plans to be submitted herewith are true and accurate. I acknowledge that I have read all of the variance information provided. I consent to the entry in or upon the premises described in this application by any authorized official of the City of Mound for the purpose of inspecting, or of posting, maintaining and removing such notices as may be required by law.

Owner's Signature Paul R. Wolfe Jr. Date 3/5/24

Applicant's Signature Paul R. Wolfe Jr. Date 3/5/24

Practical Difficulties – 4360 Wilshire Blvd:

The lot size of this property is the limiting factor and the practical difficulty. This property, and the surrounding properties, were created and platted prior to current zoning, lot size and lakeshore setback ordinances. In addition, the home was also built on the lot prior to the current zoning ordinances. It is not practical to move the home further back on the lot, so the only option to add a deck/porch onto the property is to go closer to the lake. This property was granted an 8' variance previously, but an 8' deck does not provide a high level of usability. We are just asking for another 6' past that to build a deck and porch that are usable. This is a reasonable use of the property and will not inhibit any adjacent property owner's enjoyment of their property. To that fact, the adjacent property to the east is closer to the lake than what this variance request would allow for the subject property. The overall proposed end use of the property will conform with the character of the neighborhood and is a reasonable use for the property.

LEGAL DESCRIPTION:
 Lot 81, in "Phipps' Island Park First Division", also a strip of land lying between said Lot 81 and the shore of Black Lake, according to the plat thereof.

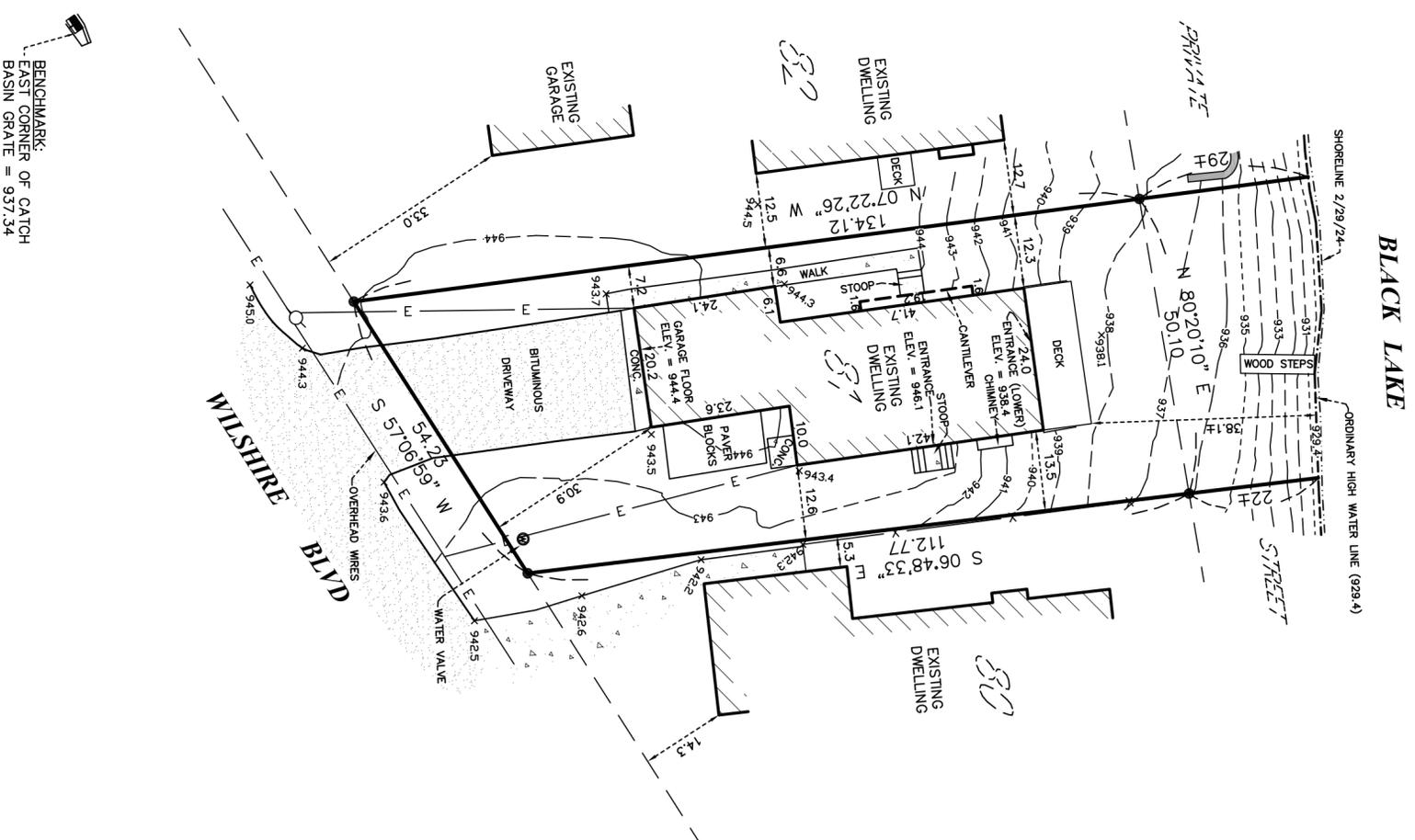
SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Existing building dimensions and setbacks measured to outside of siding or stucco.
5. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
7. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, found, unless otherwise noted.

EXISTING HARDCOVER	
House	1,536 Sq. Ft.
Deck	196 Sq. Ft.
Concrete/Walk/Stoops	278 Sq. Ft.
Paver Blocks	149 Sq. Ft.
Driveway	722 Sq. Ft.
Wood Steps	40 Sq. Ft.
TOTAL EXISTING HARDCOVER	2,921 Sq. Ft.
AREA OF LOT TO OHW	7,410 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	39.4%



DATE	REVISION DESCRIPTION	DWG ORIENTATION	SCALE	CLIENT/JOB ADDRESS	<p>PAUL WOLFE 4360 WILSHIRE BLVD MOUND, MN</p>	<p>Advance Surveying & Engineering, Co.</p> <p>17917 Highway No. 7 Minnesota, Minnesota 55345 Phone (952) 474-7964 Web: www.advanceur.com</p>	<p>I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p>Wayne W. Frey LICENSE NO. #413503 MARCH 5, 2024</p>	DATE SURVEYED:	DATE DRAFTED:	SHEET TITLE	SHEET NO.
3-26-24	ADDED MISSING SCALE BAR, REMOVE INCORRECT PATIO							FEBRUARY 29, 2024	MARCH 5, 2024	EXISTING SURVEY	S1

LEGAL DESCRIPTION:
 Lot 81, in "Pheips' Island Park First Division", also a strip of land lying between said Lot 81 and the shore of Black Lake, according to the plat thereof.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 2. Showing the location of observed existing improvements we deem necessary for the survey.
 3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
 4. Existing building dimensions and setbacks measured to outside of siding or stucco.
 5. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
 6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
 7. This survey has been completed without the benefit of a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
7. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

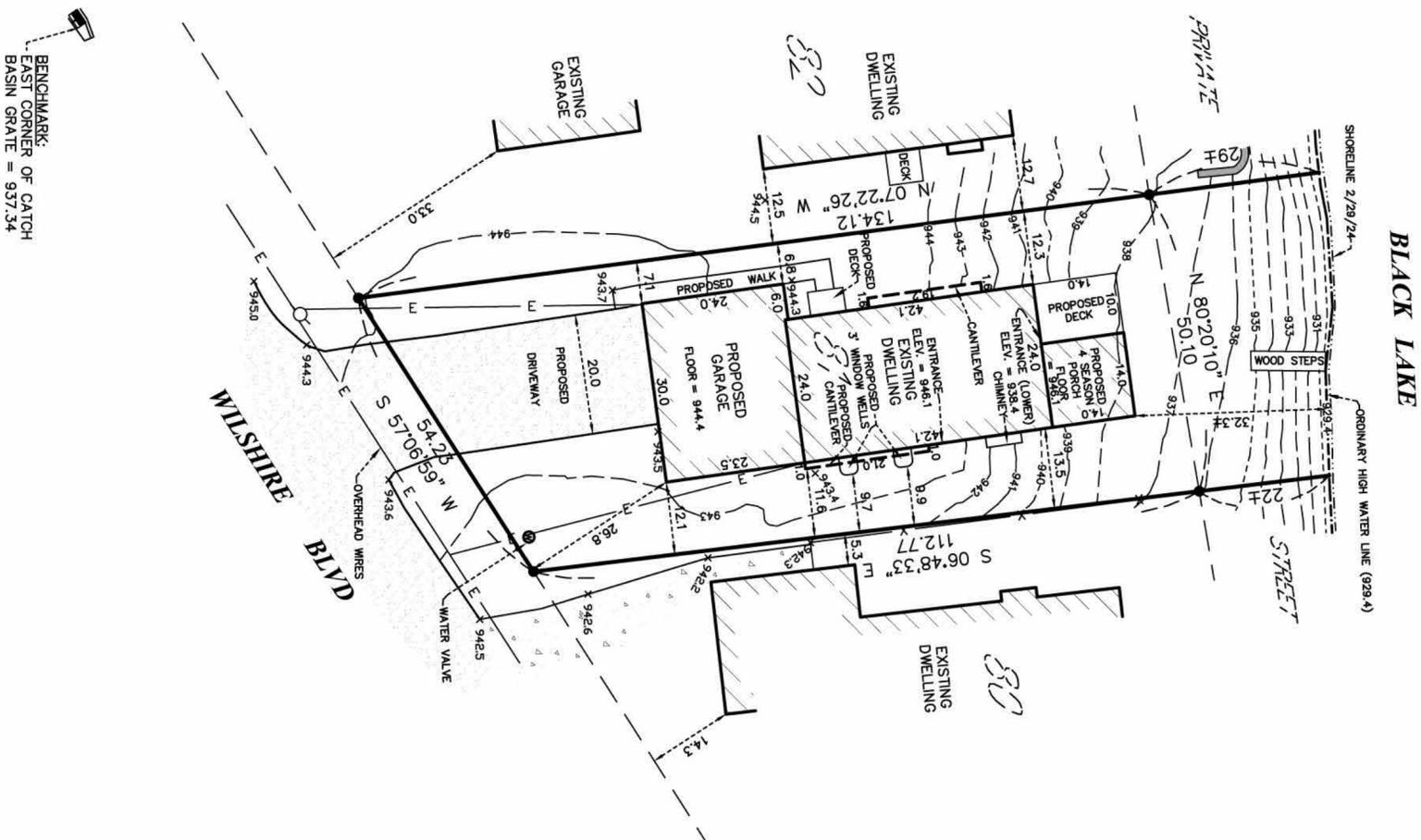
STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, found, unless otherwise noted.

EXISTING HARDCOVER	
House	1,536 Sq. Ft.
Deck	196 Sq. Ft.
Patio	92 Sq. Ft.
Concrete/Walk/Stoops	278 Sq. Ft.
Paver Blocks	149 Sq. Ft.
Driveway	722 Sq. Ft.
Wood Steps	40 Sq. Ft.
TOTAL EXISTING HARDCOVER	3,013 Sq. Ft.
AREA OF LOT TO OHW	7,410 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	40.7%

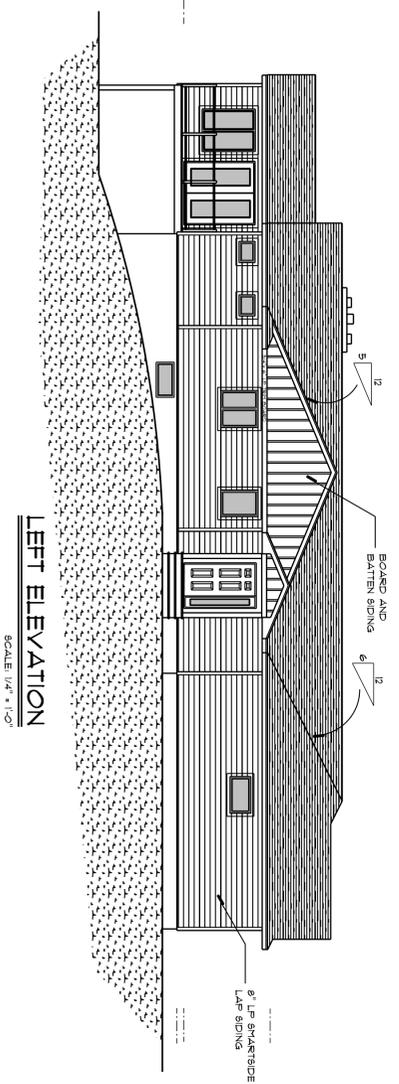
PROPOSED HARDCOVER	
House	1,022 Sq. Ft.
4 Season Porch	196 Sq. Ft.
Garage	708 Sq. Ft.
Proposed Walk	119 Sq. Ft.
Driveway	775 Sq. Ft.
Wood Steps	40 Sq. Ft.
TOTAL PROPOSED HARDCOVER	2,860 Sq. Ft.
AREA OF LOT TO OHW	7,410 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	38.6%

Note: Cantilevers and decks not included in hardcover.

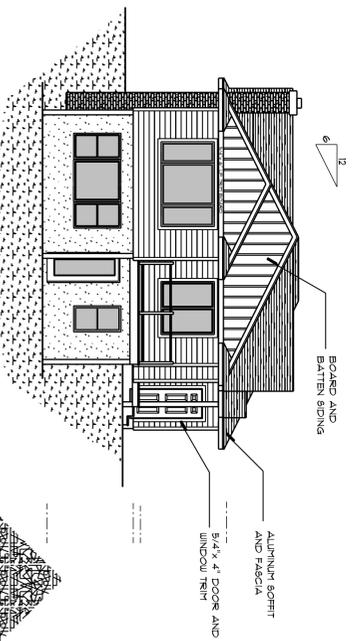


DATE	REVISION DESCRIPTION	DWG ORIENTATION	SCALE	CLIENT/JOB ADDRESS	Advance Surveying & Engineering, Co. 17917 Highway No. 7 Minneapolis, Minnesota 55345 Phone (952) 474-7984 Web: www.advanceur.com	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. Wayne W. Probst LICENSE NO. #43503 MARCH 5, 2024	DATE SURVEYED: FEBRUARY 29, 2024	SHEET TITLE PROPOSED SURVEY	SHEET NO. S1
3-26-24	ADDED MISSING SCALE BAR, REVISED HARDCOVER			PAUL WOLFE 4360 WILSHIRE BLVD MOUND, MN		DATE DRAFTED: MARCH 5, 2024	SHEET SIZE: 17 X 22 DRAWING NUMBER 240183 BH PROPOSED	SHEET 1 OF 1	

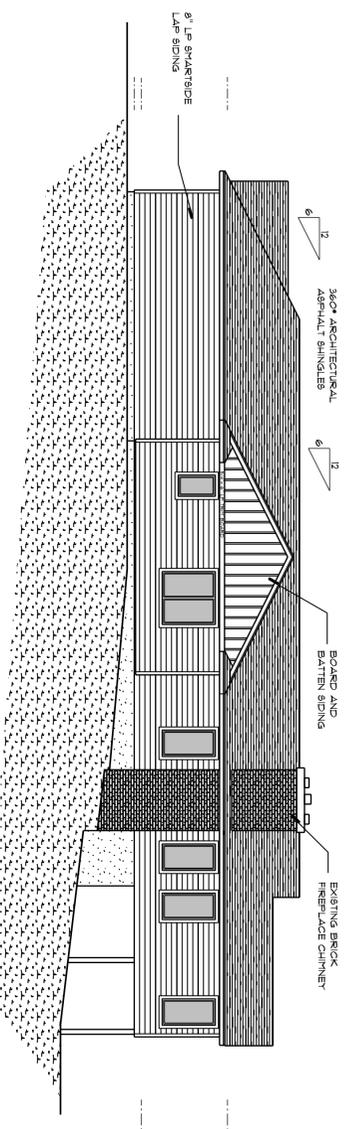
NOTE: ALL DIMENSIONS OF EXISTING STRUCTURE ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO ORDERING MATERIAL AND TRUSSES. CONTRACTOR IS RESPONSIBLE FOR ANY ADJUSTMENTS.



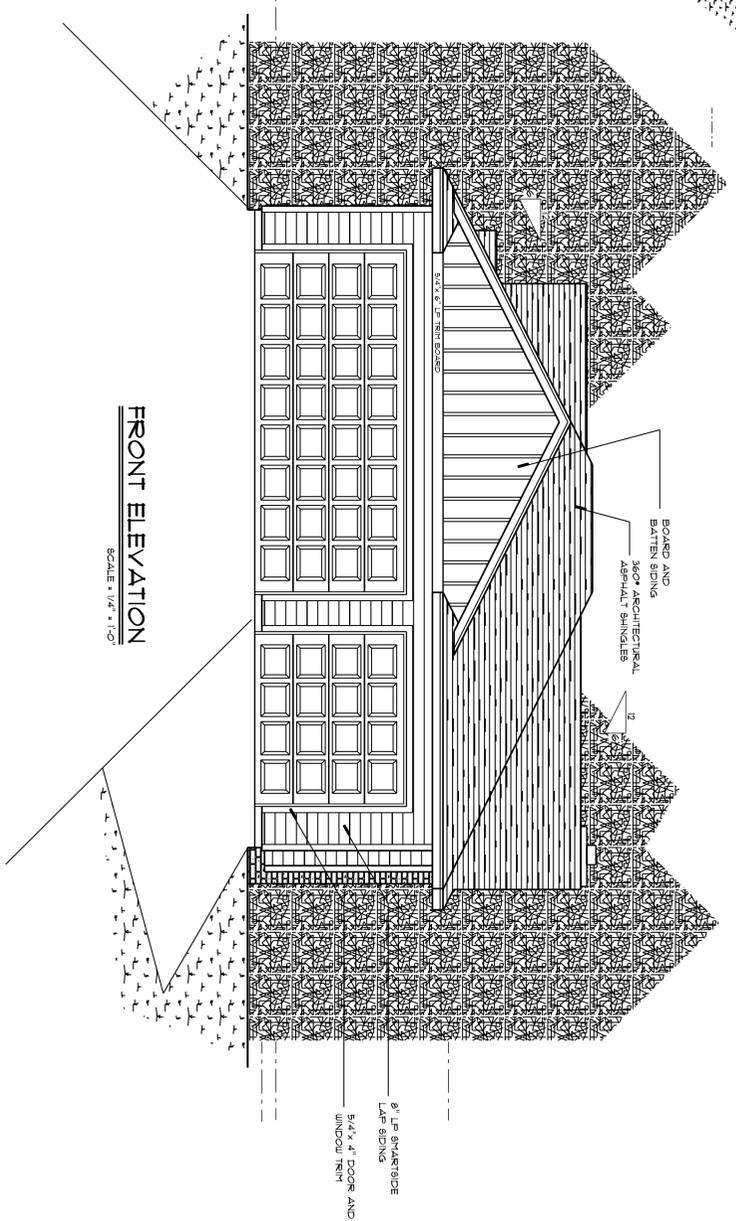
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

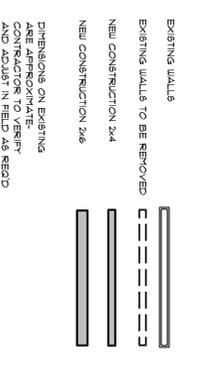
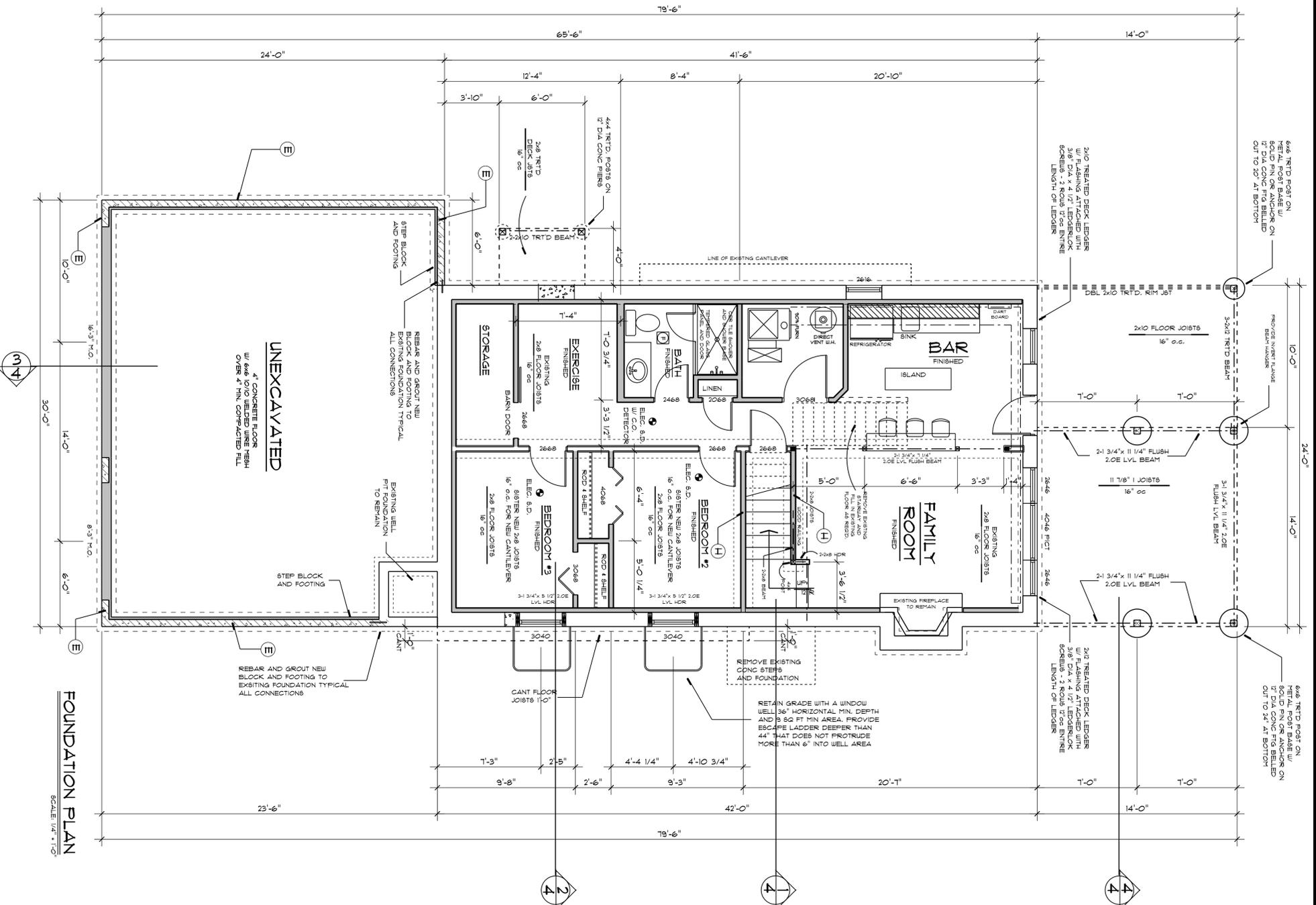


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

REVISED 2-20-2024

PLAN NUMBER 24-006	<p>SHARPLINE HOME DESIGN LLC 1130 Kentucky Ave. N. CHAMPLIN, MN 55316 OFFICE (763) 421-0846 E-MAIL stave@sharplined.com</p> <p>ALTHOUGH EVERY EFFORT HAS BEEN MADE IN DESIGNING AND PREPARING THESE PLANS INCLUDING CHECKING FOR ACCURACY, THE CONTRACTOR, OWNER, OR SUB-CONTRACTOR MUST CHECK AND VERIFY ALL DETAILS, DIMENSIONS AND BE RESPONSIBLE FOR ANY CHANGES OR ADJUSTMENTS REQUIRED DURING CONSTRUCTION.</p>	PLAN FOR: PAUL & KRISTI WOLFE	SQ. FT. 1056 SQ FT 196 SQ FT PORCH
SHEETS ONE OF 4		DATE:	

NOTE: ALL DIMENSIONS OF EXISTING STRUCTURE ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO ORDERING MATERIAL AND TRUSSES. CONTRACTOR IS RESPONSIBLE FOR ANY ADJUSTMENTS.



DIMENSIONS ON EXISTING ARE APPROXIMATE. CONTRACTOR TO VERIFY AND ADJUST IN FIELD AS REQ'D

GENERAL NOTES - FOUNDATION

- DIMENSIONS ARE FROM EXTERIOR FACE OF FOUNDATION WALLS UNLESS OTHERWISE NOTED
- VERIFY FOUNDATION WALLS, VERIFY ALL ROUGH-IN, PLUMBING LOCATIONS AND ANY OTHER PENETRATION THEN CONCRETE FLOOR PRIOR TO CONSTRUCTION.
- CONTRACTOR TO VERIFY FOOTING SIZE, FOUNDED CONCRETE WALL THICKNESS AND REINFORCEMENT REQUIREMENTS AND LOADS PRIOR TO CONSTRUCTION.

WINDOWS

- WINDOW GLASS SIZE SHOWN
- WINDOWS FINISHED WITH 1" WERT EGRESS COVERS
- WINDOW HEADER HEIGHTS SET TO 8'-0" OVER WINDOW AND DOOR
- FINISH OVER WINDOW AND DOOR ROUGH OPENINGS AND HEADER HEIGHTS

FRAMING

- 1'-0" LOWER LEVEL, ROUGH CEILING HEIGHT
- DOUBLE STUDS AT WINDOWS AND PROVIDE SOLID BLOCKING AT ALL POINT LOADS

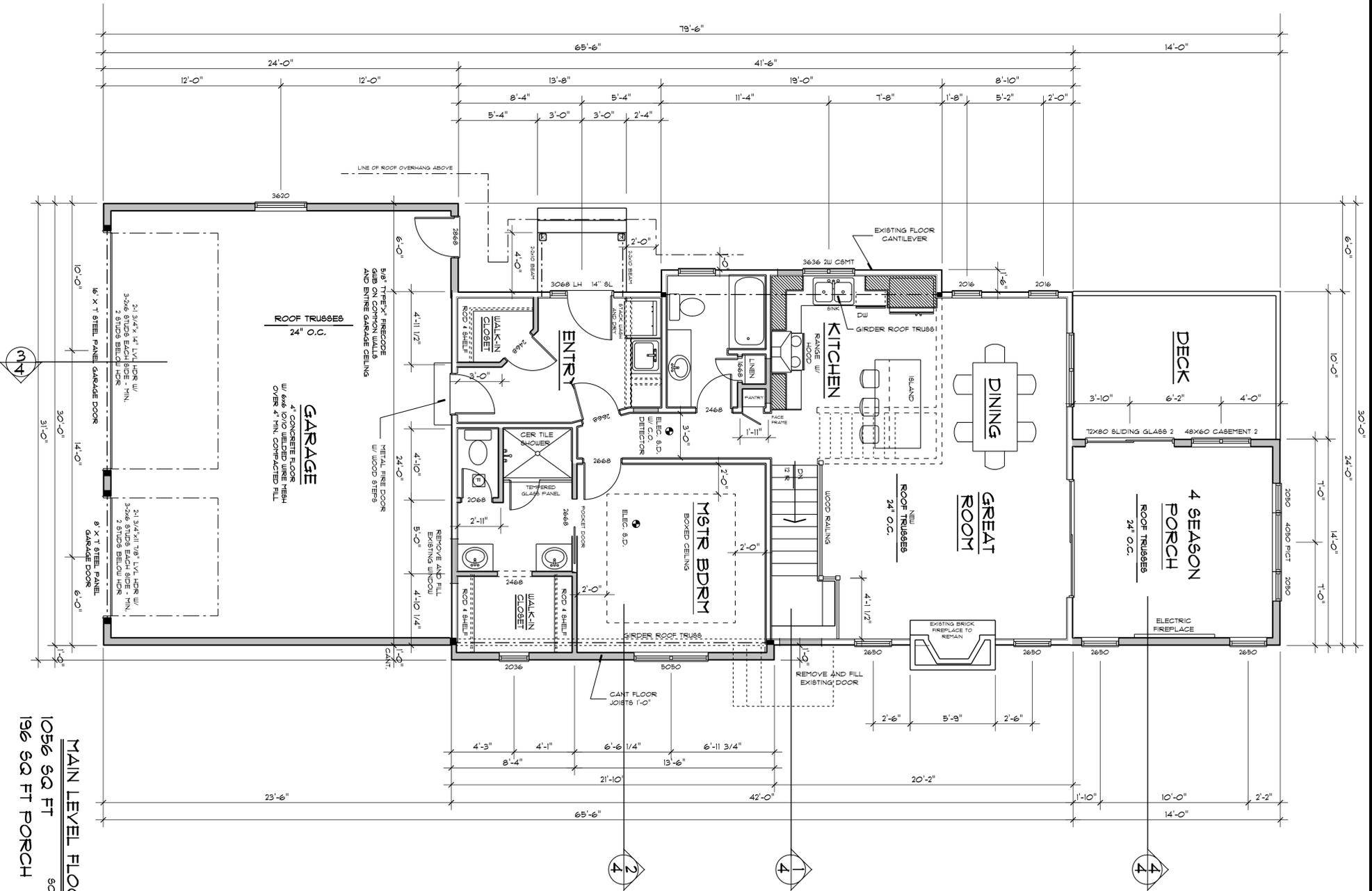
FOUNDATION NOTES:

- 1. 4x6" CONCRETE BLOCK
- 2. 4x6" CONCRETE BLOCK
- 3. 16"x8" CONCRETE FOOTING
- 4. W/ 2"x4" REBAR CONT.
- 5. 2x4 STUDS, 16" O.C.
- 6. 1 1/2" x 4" HALF-HIGH
- 7. 20"x8" CONCRETE FOOTING
- 8. W/ 2"x4" REBAR CONT.
- 9. 2x4 STUDS, 16" O.C.
- 10. R-11 FIBERGLASS INSUL.
- 11. POLY VAPOR BARRIER
- 12. 6x6 POST
- 13. 30"x30"x24" CONCRETE FTG.
- 14. W/ 3"x6" REBAR EACH WAY

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

REVISED 2-20-2024

NOTE: ALL DIMENSIONS OF EXISTING STRUCTURE ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO ORDERING MATERIAL AND TRUSSES. CONTRACTOR IS RESPONSIBLE FOR ANY ADJUSTMENTS.



GENERAL NOTES - MAIN FLOOR

WINDOWS

- WINDOW GLASS SIZE SHOWN
- STYLE AND SET AS NOTED
- WINDOW HEADER HEIGHTS SET TO BUILDERS' STANDARD UNLESS NOTED OTHERWISE
- PROVIDE WINDOW AND DOOR ROUGH OPENINGS AND HEADER HEIGHTS
- PROVIDE WINDOW CONTROL, OPENING DEVICE TO APPLICABLE WINDOWS AS NOTED

FRAMING

- PLATE HEIGHTS, ROUGH FRAMES, 8" 1/8" MAIN LEVEL HATCH EXISTING
- DOUBLE STUDS AT WINDOWS AND ROOF HEADS
- PROVIDE ROOF BLOCKING AT ALL POINT LOADS
- DENOTES SOLID BEARING FOUNDATION BELOW

CONSTRUCTION NOTES

- ALL HEADERS 12x10 UNLESS NOTED OTHERWISE
- ALL HVAC SYSTEMS TO BE REVIEWED AND ADJUSTED ON SITE BY MECHANICAL CONTRACTOR
- ALL GIVE POINTS SETTING UNLESS NOTED OTHERWISE
- METAL POST BASES WITH 3/8" DIA. x 10" ANCHOR BOLTS

EXISTING WALLS

EXISTING WALLS TO BE REMOVED

NEW CONSTRUCTION 2x4

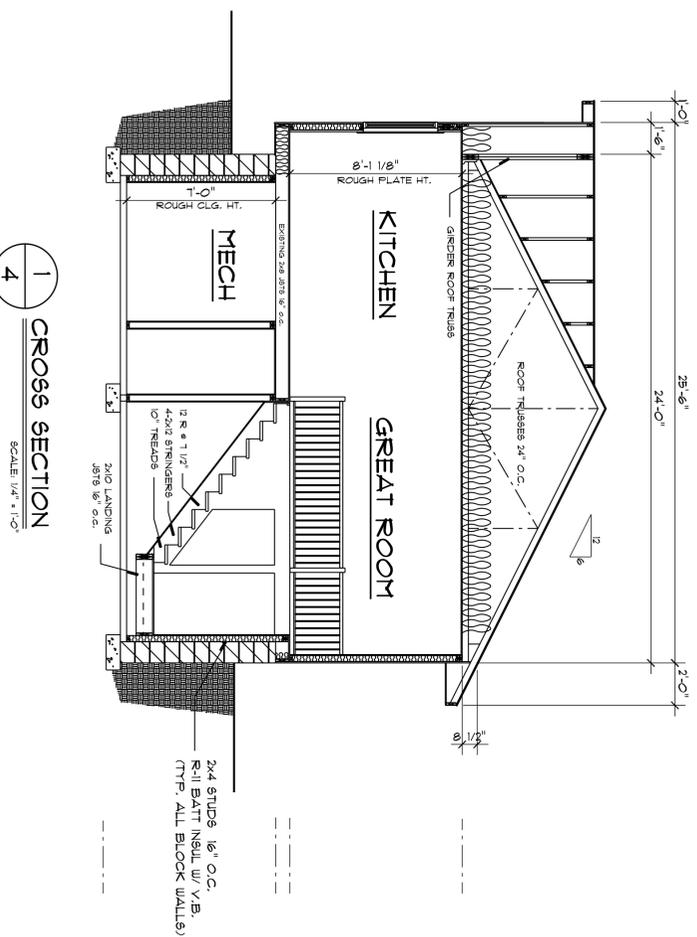
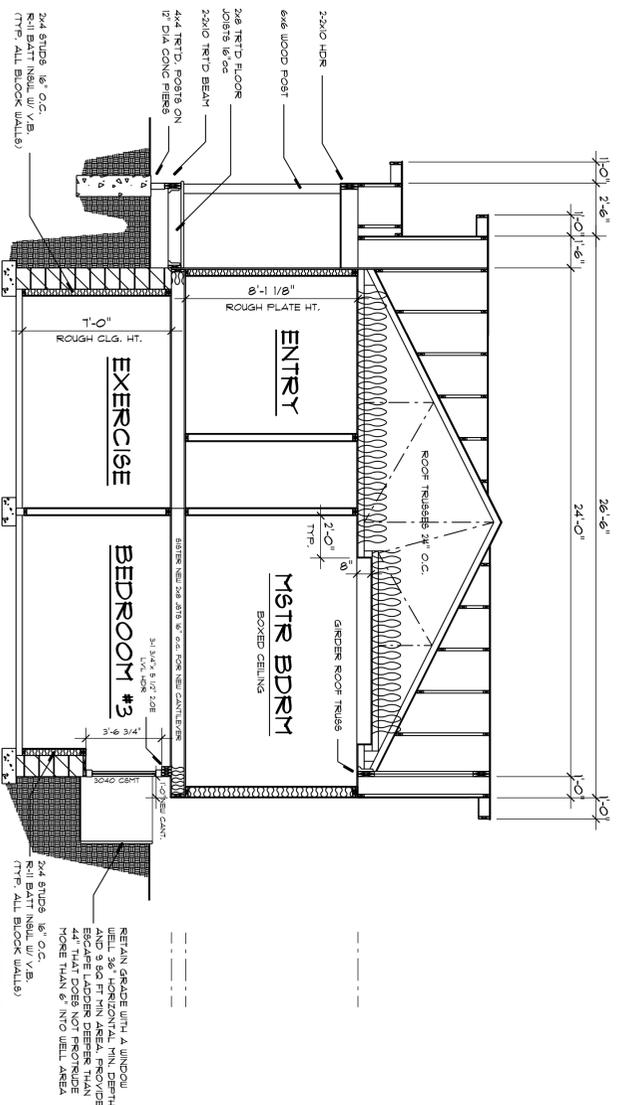
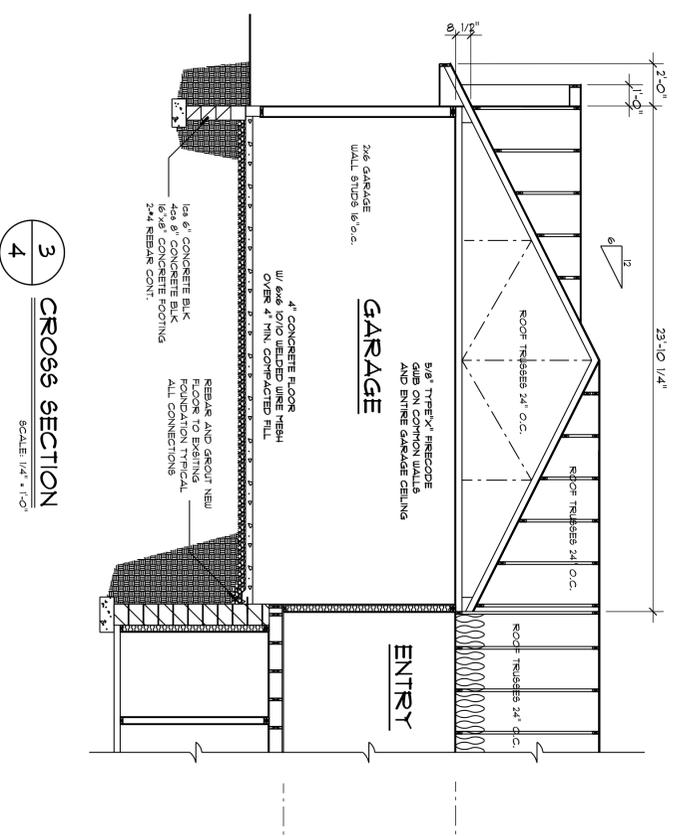
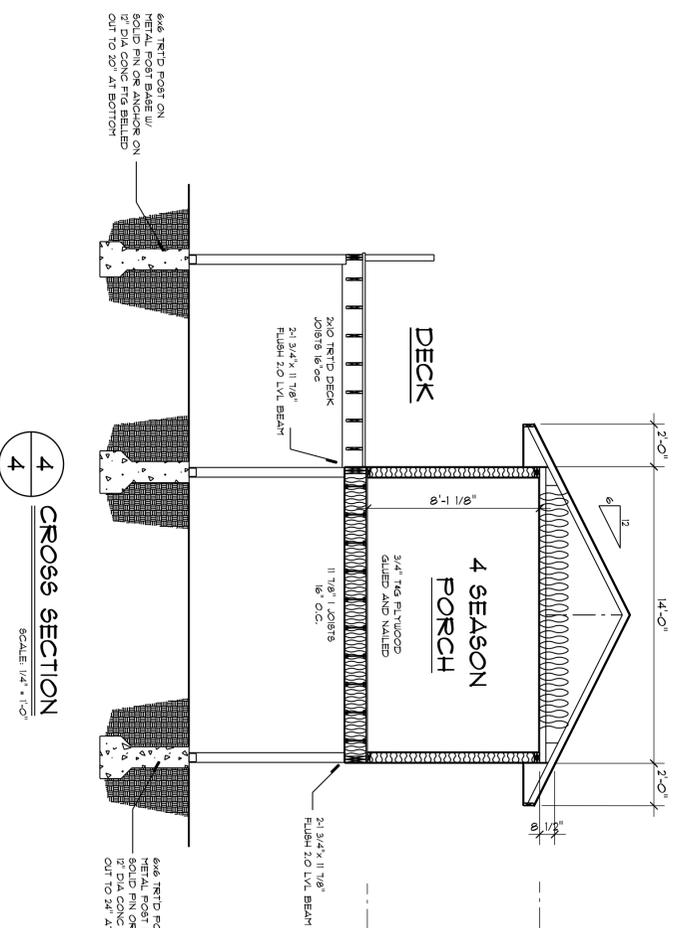
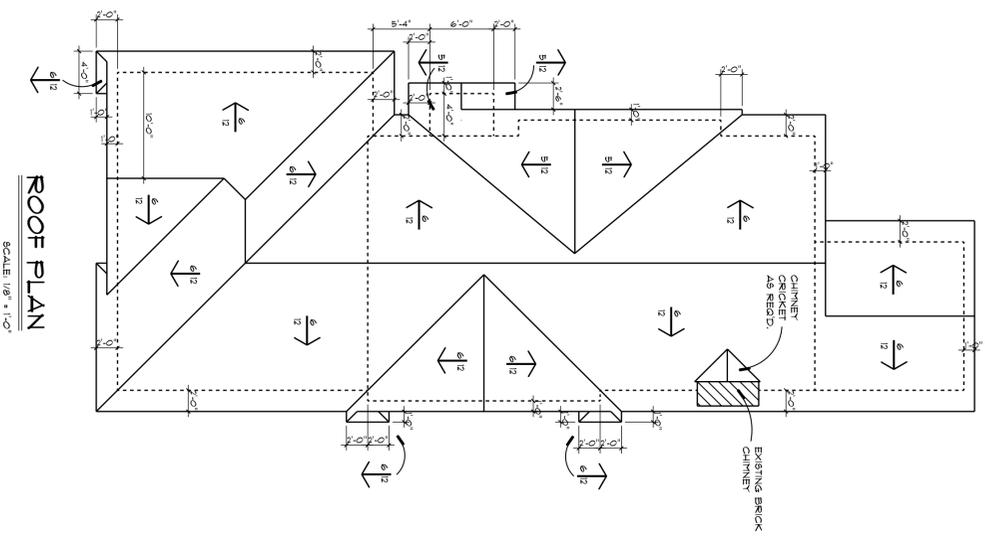
NEW CONSTRUCTION 2x6

DIMENSIONS ON EXISTING ARE APPROXIMATE. CONTRACTOR TO VERIFY AND ADJUST IN FIELD AS NECESSARY.

MAIN LEVEL FLOOR PLAN
1056 SQ FT
196 SQ FT PORCH
SCALE: 1/4" = 1'-0"

REVISED 2-20-2024

NOTE: ALL DIMENSIONS OF EXISTING STRUCTURE ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO ORDERING MATERIAL AND TRUSSES. CONTRACTOR IS RESPONSIBLE FOR ANY ADJUSTMENTS.



Exhibits for 98-20
Fenster

July 25, 1995

RESOLUTION #95-69

**RESOLUTION TO APPROVE A LAKESIDE SETBACK VARIANCE
TO ALLOW CONSTRUCTION OF A DECK AT
4360 WILSHIRE BLVD., LOT 81,
PHELPS ISLAND PARK FIRST DIVISION
PID #19-117-23 13 0014
P&Z CASE #95-25**

Filed 8-28-95
Doc 04168292

WHEREAS, the owner, Robert Mitchell, has applied for a 13 foot lakeside setback variance to replace and slightly enlarge a lakeside deck, and;

WHEREAS, the subject property is located within the R-1A Single Family Residential Zoning District which according to City Code requires a lot area of 6,000 square feet, a 20 foot front yard setback, 6 foot side yard setbacks, and a 50 foot setback to the ordinary high water, and;

WHEREAS, all other setbacks and impervious surface coverage are conforming.

WHEREAS, the adjacent property, 4350 Wilshire Blvd., received a 32.7 foot lakeside variance in 1992 to allow a 2-1/2 story addition, and;

WHEREAS, this site is narrow and somewhat limited due to its shape, and;

WHEREAS, the proposed 8' x 24' deck is minimally sized and is a reasonable use of the property, and;

WHEREAS, the Planning Commission has reviewed the request and unanimously recommended approval.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mound, Minnesota, as follows:

1. The City does hereby grant a 13 foot lakeside setback variance to allow construction of a deck.
2. The City Council authorizes the alterations set forth below, pursuant to Section 350:420, Subdivision 8 of the Zoning Ordinance with the clear and express understanding that the use remains as a lawful, nonconforming use, subject to all of the provisions and restrictions of Section 350:420.
3. It is determined that the livability of the residential property will be improved by the authorization of the following alteration to a nonconforming use of the property to afford the owners reasonable use of their land:

Construction of a 8' x 24' deck on the lakeside of the dwelling.

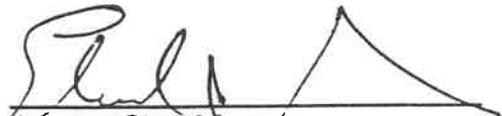


- 4. This variance is granted for the following legally described property:
Lot 81, Phelps Island Park First Division, PID #19-117-23 13 0014.
- 5. This variance shall be recorded with the County Recorder or the Registrar of Titles in Hennepin County pursuant to Minnesota State Statute, Section 462.36, Subdivision (1). This shall be considered a restriction on how this property may be used.
- 6. The property owner shall have the responsibility of filing this resolution with Hennepin County and paying all costs for such recording. A building permit for the subject construction shall not be issued until proof of recording has been filed with the City Clerk.

The foregoing resolution was moved by Councilmember Jensen and seconded by Councilmember Ahrens.

The following Councilmembers voted in the affirmative:
Ahrens, Hanus, Jensen and Polston. Jessen was absent and excused.

The following Councilmembers voted in the negative: None


Attest: City Manager


Mayor





PARCEL ID: 1911723130014

OWNER NAME: Paul Wolfe & Kristi Wolfe

PARCEL ADDRESS: 4360 Wilshire Blvd, Mound MN 55364

PARCEL AREA: 0.18 acres, 8,046 sq ft

A-T-B: Abstract

SALE PRICE:

SALE DATE:

SALE CODE:

ASSESSED 2023, PAYABLE 2024
 PROPERTY TYPE: Residential
 HOMESTEAD: Homestead
 MARKET VALUE: \$722,300
 TAX TOTAL: \$8,048.52

ASSESSED 2024, PAYABLE 2025
 PROPERTY TYPE: Residential
 HOMESTEAD: Homestead
 MARKET VALUE: \$625,600

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp, Consulting Planner
 Sarah Smith, Community Development Director
DATE: March 29, 2024
SUBJECT: Mixed Use District Updates
MEETING DATE: April 2, 2024

Attached are revised Mixed Use District regulations based on the input received from the Planning Commission at its March meeting. The two major areas of change are clearly establishing that 35 feet is the maximum height and adding a provision that limits a mixed use building with residential units from having a façade which faces a lot line which is longer than 200 feet. The term façade was used as it would encompass all walls that might be facing a lot line. As part of the code updates it is proposed that the following be added to the Section 129-2 Definitions:

Façade means an exterior side of a building which faces, and is most nearly parallel to, a lot line. The façade shall include the entire building walls, including all wall faces, parapets, fascia, windows, doors, and visible roof structure of one complete elevation.

Staff did review the districts to determine whether or not to retain the Mixed Use Corridor (MU-C) District. While the regulations are similar, there are differences between the two districts relative to the uses. In particular, the two districts are different relative to the following uses:

Use	MU-D	MU-C
Dwelling, two-family and Dwelling, twin home	C	P
Automobile Repair, Minor	-	P
Boat and Marine Sales	-	C
Open Sales Lots	-	C

Sec. 129-139. Mixed use districts.

(a) Purpose

- (1) The **Mixed Use Downtown District (MU-D)** is established to create a vibrant environment with a mixture of retail, services, office, residential, civic, institutional and recreation land uses that complement one another. The district is intended to have high-quality site and building design that creates a walkable and bicycle friendly environment.
- (2) The **Mixed Use Corridor District (MU-C)** is established to allow for the continued mix of retail, services, office, residential, civic, institutional and recreational land uses. This district's physical character is intended to be similar to the Mixed Use Downtown District with pedestrian friendly site and building design but with less intensity due its corridor nature and adjacency to residential neighborhoods.

(b) Applicability

- (1) *New structures or uses.* The provisions of this section shall be fully applicable to all new structures and uses.
- (2) *Existing structures.*
 - a. *Commercial.* A property owner may expand an existing building up to 50% of the existing footprint or parking lot without establishing a new PUD as long as it meets the requirements of the C-1 district.
 - b. *Residential.*
 1. An existing single-family detached dwelling, two-family dwelling or twin home dwelling, may be replaced, expanded, or remodeled as long as it meets the bulk regulations of the R-2 district.
 2. An existing multi-family structure may be remodeled or expanded as long as it meets the bulk regulations of the R-3 district. Any multi-family structure that is replaced must follow the standards in sections (c) through (e) below.
 - c. The remodel, replacement or expansion of an existing structure that does not meet the requirements of districts identified above shall be processed and subject to Section 129-35 Nonconformities.
- (3) *Existing planned unit developments or planned residential areas.* Any planned unit developments or planned residential developments that were granted prior to [insert adoption date] shall remain in effect. Amendments shall be processed via the procedures identified for planned unit developments.

(c) Bulk requirements

- (1) Ordinary High Water Mark (OHWM) setback for all uses is 50 feet.
- (2) Front yard setbacks are established as follows:
 - a. Non-residential, mixed use, and multi-family residential being replaced shall be located no closer than 10 feet and no greater than 20 feet from the front property line.

- b. Single family and townhomes shall be located no closer than 15 feet and no greater than 25 feet from the front property line.
- (3) The minimum percentage of the street frontage for each lot that must be occupied by a building façade, as measured at the front setback, shall be 60% for the Mixed Use Downtown District and 50% for the Mixed Use Corridor District. This standard applies to the front property line frontage and, for a corner lot, one exterior side property line frontage. Recesses in a building façade do not qualify as meeting the minimum building street frontage standard.
- (4) Rear and side yard setbacks are as established in the planned unit development.
- (5) Building height shall be limited to 35 feet, the following:

	Mixed Use — Downtown	Mixed Use — Corridor
Dwelling, two-family, twin home, townhome, and rowhouse	35 feet	35 feet
All other uses	50 feet	50 feet

- (6) All floors above the second story must be stepped back a minimum of 8 feet from the ground floor façade in non-residential, mixed use, or replacement multi-family buildings if the structure abuts or is across the street from residential uses located outside of a mixed use district or if all or part of the structure is located adjacent to a County Road. If the entire building is placed at the upper floor setback, an additional setback is not required for the upper floors.
- (7) Maximum impervious surface coverage is 75%.

(d) *Site design*

- (1) Developments may include uses mixed horizontally across multiple buildings or vertically where uses are mixed within one building.
- (2) Designated pedestrian routes, including sidewalks and driveway crossings, shall be provided to connect each parking space to the front sidewalk, front entrance, and/or rear entrance. Driveways shall not be utilized as a designated pedestrian route.
- (3) ~~(5)~~ All rooftop or ground mounted mechanical equipment and exterior trash and recycling storage areas shall be enclosed with materials compatible with the principal structure. Low profile, self-contained mechanical units, including solar energy panels and rooftop rainwater collection systems, which blend in with the building architecture are exempt from the screening requirement.
- (4) ~~(6)~~ Outdoor storage of recreational vehicles, trailers, or equipment shall not be allowed unless expressly noted in the planned unit development.
- (5) New mixed-use buildings with residential units or replacement multi-family shall provide the following:
 - a. ~~(3)~~ Interior or exterior bicycle racks or storage shall be provided. No bicycles shall be allowed on individual unit decks or patios.
 - b. ~~(4)~~ Private useable open space. Each multi-family residential development shall provide a minimum of 200 square feet per residential unit as private

usable open space. Private usable open spaces will not count toward park dedication requirements. Usable open space means designed outdoor space intended for passive or active recreation that is accessible and suited to the needs of the development's residents, and shall generally have the following characteristics:

1. Functional and aesthetic design that relates to the principal building or buildings, with clear edges, including seating, landscaping, recreational facilities, sidewalk connections, and other amenities;
2. May be designed as courtyards, plazas, picnic areas, swimming pools, playground, rooftop patios/gardens, or trails within natural areas;
3. Compatible with or expands upon existing pedestrian connections and public parks or open space;
4. May include both private common areas for use by all residents of that development, as well as a private unit's open space for exclusive use by that unit's residents;
5. Does not include driveways, parking areas, steep slopes, or stormwater ponds.

(e) *Architectural design*

(1) *Architectural details*

- a. All new building fronts shall include a minimum of two of the following elements:
 1. Architectural detailing, such as cornice, awning, parapet, or columns
 2. A visually pleasing primary front entrance that, in addition to doors, shall be accented with design features as awnings, canopies, pillars, special building materials or architectural details Entrances shall be clearly articulated and obvious from the street
 3. A combination of horizontal and vertical design features
 4. Irregular building shapes
- b. No individual mixed-use building with residential units shall have a facade facing a lot line that is longer than 200 feet.
- c. Any exterior building wall adjacent to or visible from a public street, public open space, or private street may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:
 1. A façade shall be divided architecturally by means of significantly different materials or textures
 2. Horizontal offsets of at least four feet in depth
 3. Vertical offsets in the roofline of at least four feet
 4. Fenestration at the first floor level that is recessed horizontally at least one foot into the facade
- d. Multi-story buildings shall have the ground floor distinguished from the upper floors by having one or more of the following:
 1. Awning
 2. Trellis
 3. Arcade

- 4. Window lintels
 - 5. Intermediate cornice line
 - 6. Brick detailing such as quoins or corbels
 - e. All building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes or awnings that protect pedestrians from the rain and sun.
 - f. Darkly tinted, frosted windows or any windows that block two-way visibility are prohibited as ground floor windows along street facades.
- (2) *Exterior finish materials*
- a. Wood lap siding, including fiber cement products with the same look, should be the predominant exterior material for street facing elevations. Other materials that provide a similar high quality exterior may be approved through the planned unit development process.
 - b. Bulkheads may use wood, brick, stone, or precast products.
 - c. Window and siding trim may be combination of wood materials.
- (3) All accessory structures, excluding private exterior trash enclosures, shall be constructed of the same materials and colors of the principal building.
- (f) *Parking and loading*
- (1) Parking for residential units shall be provided on site and shall be specifically reserved for the use of residents. Visitor parking for residential units can be shared with other uses on site. ~~Designed~~ Designated residential unit spaces shall not be counted as part of any shared parking or joint parking agreement.
 - (2) When two or more parking lots have adjacent rear or side property lines, the parking lots may be connected by a driveway crossing the side and rear yards as long as access easements are established.
 - (3) Any parking lot that will contain six (6) or more parking spaces abutting or across the street from a residential use outside of the mixed use district shall have a screening plan approved as part of the planned unit development. This screening plan should include a combination of landscaping, fencing, or walls.
 - (4) Loading docks shall not be located in the front yard and shall be 100% screened from ground level view of public streets and public open spaces. Screening can be landscaping or a wall of the same materials and colors as the principal building.
- (g) *Allowable uses*

Within the mixed use districts, no building or land shall be used except for one or more of the following uses

- P = Permitted Use
- C = Conditional Use
- (-) = Not Allowed

Use	MU-D	MU-C
Residential		
Household Living		
Dwelling, single-family detached	C	C
Dwelling, manufactured home	-	-
Dwelling, two-family and Dwelling, twin home	C	P
Dwelling, townhouse or rowhouse	P	P

Use	MU-D	MU-C
Dwelling, <u>replacement</u> apartment multiple-family	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
Dwelling, mixed use apartment (1 or more units)	P	P
Dwelling, existing and replacement	P	P
Manufactured Home Park	-	-
Group Living		
Community Residential Facilities (6 or less)	-	-
Community Residential Facilities (16 or less)	C	C
Senior Living Facility	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
Lodging		
Lodging, such as hotels and motels	P	P
Short-term Dwelling Unit Rental	-	-
Bed and Breakfast	P	P
Non-Residential Uses		
Adult Establishments	P	P
Automobile Repair, Minor	-	P
Automobile Repair, Major	-	-
Banks, Finance, Insurance, and Real Estate Services	P	P
Bar / Tavern	P	P
Boat and Marine Sales	-	C
Brewery & Microdistillery, including Taproom & Cocktail Room	P	P
Brewpub	P	P
Car Wash	-	-
Cemeteries	-	-
Commercial Recreation	C	C
Electrical Substations	-	-
Essential Service Buildings	C	C
Essential Services	P	P
Funeral Home	P	P
Health Club, Fitness Center and Dance Studio	P	P
Industrial, Light	-	-
Licensed Daycare and Preschool (12 or less)	P	P
Licensed Daycare and Preschool (13+)	P	P
Local Government Buildings & Institutional Buildings	P	P
Medical and Dental Clinics	P	P
Motor Fuel Station	-	-
Motor Fuel Station, Convenience Store	-	-
Offices	P	P
Open Sales Lots	-	C
Parking Lot, Surface (Principal Use)	C	C

Use	MU-D	MU-C
Parking Lot, Structured (Principal Use)	C	C
Personal Services	P	P
Pet and Veterinary Services	P	P
Place of Worship	P	P
Planned Unit Development	C	C
Private Lodges and Clubs	P	P
Public and Private schools	C	C
Public Park and Recreation	P	P
Repair Service Shops	P	P
Restaurant	P	P
Retail, General	P	P
Shopping Center	P	P
Theaters	P	P
Accessory Uses		
Accessory Buildings	P	P
Drive-through for a permitted or conditional business	C	C
Food Trucks	P	P
Gardening and Horticulture uses	P	P
Home Occupations	P	P
Lodging Room	P	P
Outdoor Dining Area for Commercial Use	C	C
Outdoor Sales Display	C	C
Parking Lot, Surface (Accessory)	P	P
Parking Lot, Structured (Accessory)	P	P
Swimming Pools and Hot Tubs	P	P