

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, JANUARY 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. Swearing in of Planning Commissioners by City Manager Eric Hoversten	
3. Roll Call	
4. Discussion/action - Election of Chair and Vice Chair	
5. Review and Approval of Agenda, including any Amendments	
6. Review and Action on Planning Commission Minutes	
A. November 21, 2023 special / rescheduled meeting	1
B. December 5, 2023 regular meeting	14
7. Board of Adjustment and Appeals	
A. Review / recommendation of Planning Case No. 23-16 Application to vacate public road right of way and drainage/utility easement(s) on and adjacent to property at 2970 Oaklawn Lane Applicant: Dan O'Mara Owner: Javier Toquero Moracho	17
8. Old / New Business	
A. Annual review of Planning Commission Work Rules and Staff recommendation to table annual review to February 6, 2024 meeting	28
B. Discussion / recommendation about available dates to schedule 2024 annual concurrent meeting with City Council for 2024 work plan and 2023 review	
C. Discussion / recommendations for 2024 Planning Commission meeting schedule:	
i. Cancellation of Tues., March 5, 2024 regular meeting and scheduling of Tues., March 19, 2024 rescheduled / special meeting at 7:00 p.m. due to presidential nomination primary	
ii. Cancellation of Tues., August 6, 2024 regular meeting and scheduling of Tues., August 20, 2024 rescheduled / special meeting at 7:00 p.m. due to Night to Unite	
iii. Cancellation of Tues., November 5, 2024 regular meeting and scheduling of Tues., November 19, 2024 at 7:00 p.m. special / rescheduled meeting due to general election	
D. Council liaison and staff report/update	
9. 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
NOVEMBER 21, 2023

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

ROLL CALL

Members present: David Goode, Nick Rosener, Derek Archambault, Jason Baker, Kathy McEnaney, Drew Heal, Jake Savstrom

Members absent: Jon Ciatti, Samantha Wacker

Staff present: Sarah Smith, Rita Trapp and Secretary Jen Holmquist.

Members of the public: John Evans-2025 Arbor Lane, Michelle Herrick-2630 Westedge, Matt Bouts-6107 Sugar Mill Lane, Grant Johnson-6250 Murray Hill Road, Excelsior, Stephen Anderson-2003 Arbor Lane, Cathy VanderSchans-2009 and 2015 Arbor Lane

APPROVAL OF MEETING AGENDA

MOTION by Baker to approve the agenda, as amended to include updated survey; seconded by Savstrom. **MOTION** carried unanimously.

REVIEW OF OCTOBER 3, 2023, REGULAR MEETING AND OCTOBER 17, 2023 SPECIAL RESCHEDULED MEETING MINUTES

MOTION by Savstrom to approve the October 3, 2023 regular meeting minutes, as written; seconded by Rosener. **MOTION** carried unanimously.

MOTION by Savstrom to approve the October 17, 2023 special rescheduled meeting minutes, as written; seconded by Rosener. **MOTION** carried unanimously.

PLANNING COMMISSION CANDIDATE INTERVIEWS

Smith outlined the interview process. There are 3 candidates and interviews are 10 minutes. The application information for the candidates was not included in the regular agenda packet and was provided under separate cover due to protected information. The top choice will be numbered 1 on the ballot with the lowest choice being numbered 3. The candidate with the lowest number total will be the recommended candidate. The same question should be asked of each candidate.

Kathy McEnaney's question is what makes you passionate to serve on the Planning Commission?
Drew Heal's question is what is one thing you would change about Mound, and why?

David Goode's question is sometimes we get variance requests that make a lot of sense but are not within city code. How would you deal with that situation?

Jason Baker's question is how would you handle a situation where a lot of neighbors came out in opposition to a planning case and the code could go either way?

Savstrom's question is how would your past experience benefit your work on the planning commission?

Rosener's question is can you describe a situation where you were faced with a decision that had multiple options, how did you decide and why?

Archambault's question is what else would you like us to know about you that would make you a strong candidate for this role?

Matt Bouts – Bouts said he is passionate about the planning commission because he wants to serve his community. He said he was alerted to the commission opening by members of the community, encouraging him to apply. This is his third time interviewing. If he is selected, he hopes to serve his community well, but if not selected, it will be a great lesson in humility. The thing he would change is to find a way to have more thriving businesses and more restaurants in town. It's a complex thing and the city has been managing. He would hope to help execute the 2040 plan. It leads the community to more congeniality and homogeneity. Mound lacks that, in some ways, but that is because of the history of how the community came together. In response to how he would decide on planning cases, Bouts said there are rules for a reason. Common sense needs to rule the day. He thinks it's very important that any affected parties understand what the codes are and are okay with it. Bouts thinks the people who come out against a planning request may be loud voices but may not necessarily represent the entire community. Anyone who shows up should have their voice heard but if it's a gray area, you should lean on the code and make sure the community understands why. The job of this body is to determine if the loud voices are speaking for the entire community. Bouts said the decisions he has to make professionally will benefit his work on the Planning Commission. He thinks discernment and being able to evaluate a situation and the possibilities of it. Being able to deliver hard news to someone can be difficult but some of his experience with clientele, employees

and his work with security for his church would serve him well. Bouts said his decision-making process is finding a clear answer by gathering all the information. Sometime the clear answer isn't the easiest path. Twelve years ago, Bouts moved away from Ameriprise Financial and started a new franchise. It was an economic cut for his family but calculating the risks, he knew it was the best option after evaluating the opportunity. Bouts wanted the commissioners to know he tends to be emotionally in touch and vulnerable. He thinks that's the best way to communicate. It helps situations to be forthright and up front with everyone. He is that way in his personal and work life and he would bring that to the Planning Commission, as well.

Michelle Herrick – Herrick said her passion for serving on the Planning Commission comes from being very involved in the community. She volunteers at the Westonka Food Shelf. She has been active in the community about various issues. She is passionate about getting an understanding of what the community wants and needs. She has a good idea of how to implement those ideas. When asked what she would change, Herrick said in the past she had some concerns on how things were being delivered to the city council and it didn't seem like they had a good overall approach. She believes that's changed. Being able to make a presentation with all the facts would be what she would have changed. A lot of changes have happened since Mayor Holt was elected. She's passionate about communication. The newsletter and the website have been revamped. She thinks those were positive things. Herrick said in dealing with requests that are not within city code it will be important to do the analysis and understand what the resident is trying to accomplish. Taking that into consideration and looking at all aspects of the proposal is essential. She believes there may be some instances where you have to take something to legal counsel. Evaluating it based on current code is all we can do. No one person has all the right answers. We are a diverse group of people with a nice community and everyone wants everything to be better. By listening to the residents, we can accomplish it. Herrick said if a lot of people show up in opposition to a request, she would look at if the variance is specific to a conflict then there would be some consideration the planning commission would have to make in delivering that to the city council. Herrick said she is not an ordinance specialist. She is a project manager. She does planning, analysis and implementation. She works with a lot of different people. She is not an expert. She would seek guidance from legal counsel or someone else who has more expertise than her. Something probably needs to be changed if the ordinance is not strong enough or inclusive enough. Herrick has experience that she would bring to the commission. She has served on a board for her condominium association. Her daily job as a consultant in the financial industry has afforded her quite a bit of experience working with a diverse group of people, from entry level to senior leadership. This gives her a skill set where she is able to listen, come up with the information she needs and present the information in a way everyone can understand and discuss to come to a decision. She does project management day in and day out. She is passionate about project management and that is also a skill that would be valuable to the planning commission. Herrick said that moving to Mound is an example of a decision she made where she had to weigh all the options before acting. She was living in Apple Valley. The housing market was on fire and she had to build something just to have a place to live. She knew Apple Valley would not be her permanent home. She looked at Mound and found the charm and small-town feel like that of the small town in West Virginia where she is from. She felt like she could be a part of the community. It was a tough decision but it was right. It helped her determine what was important to her. Herrick thinks she would be a good commissioner because she has been active

in the community since 2005. She works from home and will continue to do so until she retires. She enjoys planning. It is a big part of what she does every day. She works with the food shelf, Supplies for Cash, Dog Days, Spirit of the Lakes. Remaining active in the community is very rewarding for her.

Kristin Young – Young says she was raised in Wayzata, she sees how much that has changed. And changes don't happen without planning. She was living in St. Paul. She thought she would retire there. Within three years she realized she needed to get out of St. Paul after watching her neighbors who had been there 30 years move out and she was burglarized. She wasn't safe, she couldn't walk her dog at night. She understands the importance of planning and anticipating problems before they happen. She was an employee of the State of Minnesota and she enjoyed working in government. She lobbied for healthcare and she enjoyed the process of government and realizes how important it is. She has no political ambition, she just enjoys working in government. If Young could change something it would be the internet service available in Mound. She thinks it's extremely important for students to have good internet service. It will become more and more of a problem as more people connect their appliances and security systems to the internet. If a case is presented that goes against code, Young thinks you have to look at the specific laws, rules and codes and you ask why it was established and determine if the rule still applies. You have to consider how granting a variance may affect other variances. She thinks you have to take them case by case. She would be somewhat flexible and not just rubber stamp anything. If a case comes before the commission and a lot of neighbors come out against it, Young would try to understand the residents' concerns. She believes it's case by case. The concerns are usually for a good reason and you have to listen to them. Young's experience working for Health Partners will help her on the planning commission. She graduated college with a pharmacy degree, she initially had a team of about 12, but there were hundreds of staff by the time she left. She planned the construction of all 20 pharmacies, she was responsible for the security systems for all the Health Partners sites. She did long range planning for a mail service organization. Significant errors were found and she turned that organization around within months. Planning affected people's lives. Errors can't exist in health care. She invented the prescription numbers. There was a ROI and patient and physician satisfaction went up. They were no longer losing charts and hard copy prescriptions. She has years of experience planning. Working for the government she was hired for significant federal program coming down where the state of Minnesota was being sued by the pharmacy association. She helped plan the implementation of this program and represented the state in lawsuits. Young said an example of a decision she had to make what when she was operating 20 pharmacies and managed 300 people. There was going to be a down turn in business and she didn't want to let people go because she didn't want the company to get a reputation as a workplace you can't count on. Young worked with other departments to reallocate the tech staff and also arranged the schedules with the pharmacists so they could use their vacation and share staff among the 20 clinics. Young thinks her experience working with the state and federal government, her interest in contributing to her community and her experience as a board member at Summit Academy would make her a great commissioner. She initiated an IT program to help homeless transition to lucrative careers with full benefits.

After the conclusion of the interviews, Chair Goode directed Staff to hand out the ballots and asked Commissioners to rank the candidates. The ballots were then collected by Staff and counted. Planning Commission Secretary Holmquist tallied the ballots and Smith announced

the results. Kristin Young is the recommended Planning Commissioner candidate. She received 12 votes and the other two candidates each had 15 votes.

MOTION by Savstrom to recommend to City Council that Kristin Young be recommended for the Planning Commission opening; seconded by Heal. **MOTION** carried unanimously.

MOTION by Archambault to recommend to the City Council that Commissioners Baker and Wacker (Erickson) be reappointed to the Planning Commission; seconded by Rosener. **MOTION** carried unanimously.

BOARD OF APPEALS

Planning Case No. 23-15 - Review/recommendation – Variance Application for new/replacement house with attached garage at 2001 Arbor Lane

Applicants: Julie and Grant Johnson-Suncrest Builders for Kristin and Thomas Rash (owners)

Trapp outlined that the case is a variance request for a replacement home at 2001 Arbor Lane. The property is located at the end of a peninsula that extends into Lake Minnetonka. There is currently a single-family home and detached garage on the property that were constructed in 1920. The current structure does not meet current floodplain requirements. There are some existing non-conforming structures that will be demolished. The applicants will construct a new single-family home with an attached garage. Driveway access is through two adjoining properties which have an easement for the driveway. There are three variance requests. First is to allow the lakeshore setback to be reduced from 50 to 25 feet. Second would be to allow the construction of the attached garage portion of the home to be under the required minimum construction elevation of 933.0 feet. Third is to eliminate the need for 15 feet of fill to be placed where the lot is being graded from 931 feet to the required minimum construction elevation. This is a technical floodplain discussion. Trapp mentions there was a meeting with the applicant, the City, the DNR and Minnehaha Creek Watershed District (MCWD). Staff has reached out to the DNR for clarification and some questions are still pending a response/answer.

Trapp showed a graphic of the proposed home. The comp plan guides this property as low density residential. It is zoned single family R1-A and it is a lot of record. As a lot of record there is a little bit of relief regarding setbacks and hardcover. Most of the lot is subject to the lake shore setback of 50 feet. The request seeks a variance of 25 feet. Maintaining a 50-foot setback would leave very little buildable area because the property is surrounded by water on three sides.

The highest elevation on the property is 931.5. Zoning regulations for the City of Mound require all structures on Lake Minnetonka to be constructed two feet above the minimum elevation. The low floor on all structures is required to be built at a minimum construction elevation of 933.0. Trapp pointed out in the graphic that the garage is shown to be a little lower than the house. The floodplain regulations that the City of Mound has are required to be adopted

through FEMA. Those regulations allow for certain structures to be built under that minimum elevation as long as the structures are floodproofed in a certain manner. The applicants are seeking a variance to build the garage at a lower elevation with the understanding they will have to floodproof. There are different construction techniques that can be used.

Trapp noted that MCWD has a different rule relative to elevation. Staff received a comment from MCWD as the packet was being prepared that the applicant will need to get a variance from MCWD as well. Staff has included this as a potential condition of the variance. The requirements of Mound and MCWD are slightly different but both variances will need to be granted.

Trapp outlined the 931 elevation on a graphic. She noted the spots that are not at least 931 will need to use fill to raise the property. FEMA floodplain regulations say if you use fill you need to extend out 15 feet on all sides at an elevation not less than 932. Filling will require compensation so there is no net loss in floodplain storage. A variance is being requested to eliminate the requirement of the 15-feet of fill as it would require a lot of grading and likely would require floodplain compensation. Initial discussions with the DNR indicate that this is something that can be done with city approval.

The property is on a peninsula and in order to continue using the property for a single-family home these variances will need to be granted. Trapp outlined the actions the commissioners can take and she stood for question.

Rosener asked how the elevations make the lot unbuildable. Smith clarified if he was asking about the 933.5 vs. 931.5, She explained the lower spots will need to be flood proofed. This property received a similar variance for the existing detached garage. Livable space was to be raised to meet the city's regulatory flood protection. This project will be higher and above what the city requires because of the watershed rules. If the city's requirement for four sides of 15-feet of fill is waived, it seems reasonable to have the higher-level protection for the house portion.

In regards to the fill, the old ordinance only required that on one side. The new 2016 floodplain regulations include the 15 feet extending out on all four sides, not less than one foot above regulatory flood, which would be an elevation of 932. If the site is outside of the 100-year flood, you don't have to do the fill. The position of the corner of the house and the porch trigger that.

As for the setbacks, the closest point of the replacement structure is a minimum of 25 feet that is the shore impact zone. The DNR wants new structures to be at or beyond that 25 feet. The closest point of the current detached structure to the closest point of the 929 is slightly under 20 feet and the back is about 24 feet so those conditions will be improved.

Rosener asks if the fill requirements are necessary? Smith believes the reason they want to keep the garage portion lower is because the existing road/driveway that accesses the property will need to be maintained. Raising the entire driveway would create difficulty and would

require more fill. Trapp reiterates because the floodproofing is an option under the code this can be contemplated, but for only non-livable structures. Archambault wondered if Trapp was saying this is an option in city code. Trapp confirms. Smith said the water proofing is in the state shoreland regulations. The state floodplain manager said the city has the option to grant the elevation variance for the attached garage portion of the new house as long as it is floodproofed. The existing detached garage will be replaced by the new structure, with the new floodproofed attached garage portion being situated generally where the detached garage sits now.

Savstrom asked what are the implications of not having the fill. He wondered the reasoning it is in the code. Trapp said it provides extra protection because it lifts the elevation outside of the structure, rather than having it at just at the point where the construction takes place. Staff is comfortable with this request because the property is being filled higher than what is required by 6 inches.

Savstrom asked how the driveway will be reconciled with the setback requirements? He pointed out a regular driveway can be setback one foot off the property line and he wonders if it's different for this one because it runs 2-3 feet along the shore line. Smith said there is a driveway there now. In 2015 there was no recognition of a variance for the new driveway. Baker had the same question because you can't put a concrete patio next to the lake so didn't know if this driveway is allowed. Trapp said they need to have a driveway. Without it there would be no access to this property.

McEnaney asked if there was a visual showing the existing vs. proposed driveway. Trapp brought up a graphic and pointed out how it will be different. Smith stated that during the meeting with the DNR and MCWD the driveway was not mentioned. This condition exists. It's a driveway, not a structure.

Baker asked for clarification on the fill. He asked if you put 6 inches of fill in, making the elevation 6 inches higher, do you have to add 6 inches 15 feet in all directions? Smith replied on all sides you will have fill not less than one foot below the RFPE of 932 in Mound code. In addition, Smith noted that all of the fill in the 931.5, which is the MCWD rule, has to be compensated to include raising the building pad and accommodating any fill. That volume of fill would be removed in the same amount in a different spot on the property. The city always tries to do compensation where it makes the most sense. If this property is being raised to accommodate a new structure and fill, it would make sense that you want to do the compensation on the property because otherwise it gets raised up and you lose that floodplain compensation. This is a watershed rule. For every teaspoon you fill, you take out a teaspoon.

Baker asked to see the graphic that showed blue circles over the portions of the property that need fill. He asked if 15 feet of fill is required around the blue circles on the graphic. Smith confirmed because those portions of the proposed house will be in the 931. If the structure was redesigned and it comes out of the 931.0 elevation, that floodplain fill requirement, around the 15-foot fill, rule is not triggered. Goode asked for clarification. Smith stated if the house is

outside the 931.0 elevation, in its entirety, the 15-feet of fill requirement is not triggered. The portions in blue circles are in the 100-year floodplain. Rosener asked staff what recommendation is being sought. Trapp said they have to meet the elevation requirement, except for the garage as long as it is flood proofed. Then the fill would not have to happen because there is extra height gained giving the house more protection.

Baker said they will still have to add fill in the blue circles on the graphic. Trapp confirmed. Baker asked, if you raise the building pad up 6 inches, do you have to raise everything within 15 feet the same 6 inches. Smith said it has to be raised up. They can fill without compensation, for the city, if it's outside the 100 year floodplain. For FEMA it's 931.0. Smith pointed out the lowest floor, basement or crawl space, must be at 933.0 RFPE elevation for zoning. The whole lot is in the 100 year floodplain of the watershed district. The city code does not require compensation, that is the watershed rule. The city's floodplain ordinance requires that any portion of the house is in the floodplain triggers the 15 feet of fill requirement. The highest elevation on the subject property is 931.5. They have to fill and have to follow the fill requirement set forth by the watershed.

Archambault wonders why the requirement for fill is being removed. He presumes the requirement to fill a 15-foot radius has to do with stability of the structure being built. The request is not to reduce the radius, but this request is eliminating the requirement altogether. It seems to him there should still be some requirement. Smith said this is not a common request. During the meeting with DNR and MCWD they talked about if it's a zoning variance and/or is it a floodplain variance and if it's a floodplain variance you would need a variance for the fill. A detailed plan review identified that the portions in the blue circle were under the 931 so that rule was triggered. Staff reached back to the floodplain manager to make her aware of that. Smith is aware the city has done it on a case or two. When you have a shallow lot, you have to build it higher and add more fill to the floodplain. It's trying to find balance between the different agency rules.

Rosener said he is not seeing the down side to building it high and adding fill to the floodplain.

Smith said adding 15 feet around the structure, as well as lifting the building pad, adds a larger volume of fill that would have to be compensated then if they just raise the building pad. Baker asked if the compensation can take place elsewhere in the city or in the watershed if it can't be done on the subject property? Smith said when you do floodplain fill, there can be no net decrease in floodplain compensation for the MCWD.

Trapp added further clarification. If you think about flooding, the water needs to go somewhere. If you put more fill on your property, the water is going to go to your neighbor's property. She stated if you fill on your property, you should dig out your property more so the neighbor lot doesn't take on the water. You are maintaining the amount of water capacity on your property. The rule is trying to make sure that you're not changing the net result of how much flooding this property can accommodate. Savstrom said there is a threshold elevation where you no longer have to preserve floodplain volume. Trapp confirmed.

Baker asked whether the applicant will still need to go to MCWD if the variance is approved that eliminates the 15-foot requirement and they still have to raise what is in the blue circle. Trapp said this applicant will have to get a variance from MCWD no matter what. Rosener asked for conformation that it's not required for structural stability. Trapp said the reason the rule is there is to provide structural support. The discussion is around if it's needed or if it can be addressed in a different way by making the whole structure a little higher. If there's flooding, it must be protected. Trapp said the discussion for environmental requirements is a good one to have because the other agency requirements need to be met.

McEnaney asked when the DNR and MCWD will comment. Trapp said they've seen the application. Staff will follow up with the DNR. The DNR typically provides feedback and comments, it does not approve or deny a project. Smith thought the watershed indicated they would accept an application once planning commission makes a favorable recommendation. The applicant can begin that process if there is a recommendation.

Baker asked if the other houses are about 25 feet from the lake. Smith said that appears to be so. Baker points out that if this is approved, the house won't appear to be closer to the lake than the neighboring homes.

Heal asked if any other variances are needed if they wanted to build something like a fireplace by the lake. Trapp said nothing is allowed closer than the 25 feet. There is space between the house and the 25-foot setback that could be buildable. Heal asked if there are any issues with hardcover. Trapp stated this is a lot of record, which can have up to 40% hardcover.

Baker asked about the Indigenous Mound language in staff recommendations. Trapp said that is standard language that is typically in the project memo for all permits. This is not a specific concern for this property.

Grant Johnson 6250 Murray Hill Road in Excelsior – The project is a technical shoe horn. The discussion began with trying to use the existing structures. It became clear that would not work. When the structures are removed, the soils will be engineered. They made the trade offs that they could. The proposed house is smaller than what the owners wanted. They had to work within the areas that will be buildable. This will be a raised slab. The foundation will go into the frost protection. There may be helical piers involved for structural reasons. They will know more when the soil work is done. If the garage were raised, that would affect the driveway. He described that floodproofing will be achieved by pouring the foundation at the same elevation as the house. The walls would start at 933.5.

Relative to the fill, he had the surveyors do a calculation that showed what amount of the lot is at 931 or above. Johnson passed the document to the commissioners. This shows how many square feet are currently above the floodplain. Then he asked the surveyor to make the same calculations with the proposed new house.

The new calculation will decrease the amount of the floodplain impact by about 400 square feet. This will improve floodplain capacity. Johnson noted a question in the planning report that discussed parking during the build. They will put in large rock, making a temporary drive for vehicles so they won't be on the easement driveway or on public streets. The vehicles will be parked in the yard of the subject property as it will be frozen.

Baker asked about the graphic Johnson shared. Johnson pointed out the 931 line follows the building. The new building will be higher. Archambault clarified they are reducing grade around the home, which gives them the lesser square feet. Johnson confirmed.

Goode asked if there were any questions for the applicant. Hearing none he asked if anyone in the audience had questions.

Cathy VanderShans, 2009 and 2015 Arbor Lane- She pointed out the driveway crosses three properties. She points out there has been a lot of construction on Arbor Lane. VanderShans said the height of the building has not been discussed. She assumes it is 35 feet, plus the 2 feet. Smith explained building height calculation, per the zoning ordinance, for the lake lot which has 3 sides, would be measured from the lakesides of the foundation to the midpoint to the highest gable roof. Smith asked if Johnson had an approximate calculation. He did not have that calculation but thought possibly 19 feet at the 2nd floor ceiling.

Her concern is the house will be really tall and it won't match the neighborhood. Smith said the preliminary evaluation is that this proposed house will meet the code for building height. VanderShans said she is concerned that visually, the finished product won't match. She also wants to know if the new house will flood out the neighborhood more so than it already does. Smith described how the structure will come up. The current garage is very close to the property line. The new structure will be pulled away to 9 feet so this is an improvement.

Savstrom notes that the elevations of surrounding properties seem to drain northwest/southeast. He isn't the authority but he doesn't think it will direct water towards other lots.

Savstrom said he can only see two lots that the driveway easement crosses. She pointed out on a graphic which three lots she is talking about.

Rosener asked what her request is. VanderShans would like the commission to think about if the houses that are being proposed fit into the neighborhood. Goode offers she is asking the commissioners to consider architectural compatibility. VanderShans confirmed, as well as appropriateness for the lot size.

VanderShans stated the drive is private and she wants to know how it will be replaced. Smith replied that is private matter between the properties in the easement.

VanderShans asked when the project will be complete. Trapp didn't have that information but the applicant can come back and answer her question along with any others that may be brought up.

Steven Anderson, 2003 Arbor – It was discussed that it might start in the winter. He doesn't understand how that will work. The shared driveway is his concern.

Jack Evans, 2025 Arbor Lane – Whatever is done to this property is going to be a huge improvement. He has met the new neighbors and they are grand. He thinks they will be good neighbors. He is in favor of the project.

Developer Grant Johnson returned to describe the timing of the project, the shared driveway and construction staging. There will be a temporary driveway into the lot further in the property where the front of the house will be. The winter build, with the frozen ground and the temporary drive will make it a better time to build and stage vehicles. As much parking as possible will be in front of the house, on the subject property.

Steven Anderson stated there are water pipes that run under the brick driveway. He worries a concrete truck will damage the water lines. Johnson said there are gate valves near the cul-de-sac. Johnson said they'll reuse the existing water line and sleeve the existing sewer line. If they don't re-use the line, they would have to dig up 8 feet at the manhole. The buried lines should not be close enough to the surface that driving over them would affect them. The driveway should be frozen by the time construction starts. He doesn't know if they'll even start until January since they need Planning Commission and City Council consideration and he is not sure how long the MCWD variance process will take.

Goode asked the developer to meet with the neighborhood resident. Johnson confirmed he would.

Johnson said the timing from ground breaking to move in is about 6 months. Anderson thought it would be nice to have a more precise timeline. Johnson said once they receive approvals and a permit they will notify the neighbors of the anticipated timeline.

Goode asked for commission comments.

Rosener said he hopes they can balance cost and resilience to water levels. He wonders if a finding of fact should be added to describe the exceptions. Archambault wasn't sure exceptions were being made, we are requiring them to adhere to the rules in place regarding fill and compensation.

Baker asked about MCWD variance. He noted #6 states they need approval from MCWD prior to this variance. Smith suggested removing the last sentence of #6. If the watershed gives them a reduction in compensation, that is the variance. Trapp stated the MCWD variance will need to be received before the project can proceed.

MOTION by Archambault to recommend City Council approval of the proposed variance requests, including conditions and findings of fact, to include the changes discussed; seconded by Baker. **MOTION** carried unanimously.

Heal is in support of this. He believes it will improve the look and feel of the city.

OLD/NEW BUSINESS

McEnaney- Winter parking restrictions are in place from 2am – 6am through April 15. She thinks if there is no snow, police should not ticket. Artesa owners would like to rename Auditor's Road to Harbor Place. The council will consider renaming that street after a name for the green space park is chosen. City Manager interviews will take place next week. The two candidates will be interviewed. If no decision is made, they will wait 6 months and try again. Tree lighting was a success. Shop local car decals are available.

Smith said Kristin Young is the recommended Planning Commissioner candidate. She received 12 votes and the other two candidates each had 15 votes.

MOTION by Savstrom to recommend to City Council that Kristin Young be recommended for the Planning Commission opening; seconded by Heal. **MOTION** carried unanimously.

Smith updated that a determination of completeness was received from the Metropolitan Council for the comp plan amendment. When an action is taken by the Met Council, a recommendation to a forthcoming City Council meeting will take place. There are just two council meetings left in this year.

The Fern Lane project will be updated so that will go to City Council at a later date. The applicant has granted an extension to February.

Savstrom shared that he received a suspicious email, appearing to come from Chair Goode, requesting gift cards. He has received a couple that are more sophisticated. He wanted to have everyone be aware. Baker asked if the commissioners should have a city email. Smith will refer that to the Deputy City Manager. Rosener thought the rule about not emailing each other will help limit these instances. Rosener asked if the sound in chambers can be amplified as some people in the audience can't hear the discussion. Smith will ask City Manager and Deputy City Manager.

ADJOURNMENT

MOTION by Baker to adjourn at 9:13pm; seconded by McEnaney, **MOTION** carried unanimously.

Submitted by Jen Holmquist

**MEETING MINUTES
REGULAR PLANNING COMMISSION
DECEMBER 5, 2023**

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

ROLL CALL

Member present: David Goode, Derek Archambault, Jason Baker, Jake Savstrom, Samantha Wacker, Kathy McEnaney, Drew Heal, Nick Rosener and Jon Ciatti.

Staff present: Sarah Smith and Consultant Planner Rita Trapp

Staff absent: Jen Holmquist

Members of the public: Colin Charlson, 5581 Shoreline Drive

APPROVAL OF MEETING AGENDA

MOTION by Baker to approve the agenda; seconded by Savstrom; **MOTION** carried unanimously.

REVIEW OF NOVEMBER 21, 2023 SPECIAL RESCHEDULED MEETING MINUTES

MOTION by Baker to table review of the November 21, 2023 special/rescheduled meeting minutes to next meeting, seconded by Ciatti; **MOTION** carried unanimously.

BOARD OF ADJUSTMENT AND APPEALS

A. Review/recommendation of request to determine consistency with Mound Comprehensive Plan of potential sale of City-owned property known as Outlot B, Mound Harbor

Consultant Planner Trapp provided a summary of the request which involves review of a proposed sale of a City lot known as Outlot B, Mound Harbor to determine its consistency with the City's comprehensive plan as required by statute. This task was forwarded to the Planning Commission in advance of the City Council's consideration of a purchase agreement offer from the property owner of 5581 Commerce Boulevard. The purchase agreement was discussed at the November 28th City Council meeting and a Council Introduction of a possible project from the property owner was presented. The potential project includes construction of an ADA sidewalk/ramp and monument sign related to a building remodel/rehabilitation project for professional office use. Colin Charlson, the property owner of 5581 Shoreline Drive was present at the meeting. It was discussed that if the property would be sold, it would need to be combined and replatted as Outlot B was created with the Mound Harbor plat as an outlot and construction of structures is not allowed. The question before the commission is if the sale of this property is consistent with the comprehensive plan. Determination on proposed project construction will be a later discussion.

Ms. Trapp explained that the comprehensive plan guides Outlot B as mixed use, which is intended to include a mixture of commercial, residential, and public uses. She also noted the following policies from the Land Use Chapter as it relates to their review of the comprehensive plan consistency.

3. *Encourage improvement, lifecycle/condition renewal, and infill development of existing commercial areas to enhance available services, provide employment opportunities, and expand the tax base. Support investment through close coordination with the business community and property owners, as well as provide when feasible, City assistance through HRA activities, tax increment financing, and public improvements.*
4. *Maintain the area around and along Shoreline Drive and Commerce Boulevard as the focus of Mound's commercial activity with a mixture of retail, offices, services, and entertainment.*

Ms. Trapp commented that historically the Planning Commission evaluation for determination of consistency with the comprehensive plan is included as part of a project application review and not in advance of the Council's consideration of a purchase agreement. However, the City Council requested Planning Commission evaluation for comprehensive plan consistency in advance of its consideration of the purchase agreement offer from Mr. Charlson.

Mr. Baker inquired about vacation and lot disposal process. Ms. Trapp commented that the evaluation is not a vacation and the current task is for evaluation of the proposal for purchase from the property owner of 5581 Commerce Boulevard to determine if a potential sale is consistent with the comprehensive plan. She also indicated that interest from another owner was expressed but they have not submitted an offer. The City is responding to the offer on the table.

Ms. McEnaney stated she was not in attendance at the November 28th City Council meeting and asked if the property owner could be granted easements to construct the sign monument and the ADA ramp, while the city maintains ownership of the outlot. Ms. Trapp explained that because the City lot is platted as an outlot, no structures can be built unless or until the property is replatted. Allowing the improvements by easement is not allowed on an outlot. Ms. McEnaney also commented she has questions about the proposed project including parking. Ms. Trapp commented that the Planning Commission's request is to discuss whether the potential sale of the outlot to an adjacent property owner is consistent with the comprehensive plan. Questions about the development of the site would be part of any future application.

Ciatti clarified they are determining if the sale is consistent with the comprehensive plan and any future development should not be considered at this time, as it will come back if the sale goes through and the property is replatted. Trapp confirmed.

Ms. Wacker commented that the matter was well outlined and presented very well.

Mr. Archambault inquired about making a determination for consistency without knowing the proposed details of the project. Ms. Trapp commented the question is, is the potential sale of this property for potential development purposes consistent with the comprehensive plan? The future use would need to be conforming to the City code.

MOTION by Savstrom to recommend to the City Council that the proposed sale of Outlot B for the purpose of combining it with an adjacent parcel for improvement or development purposes is consistent with the Comprehensive Plan as it encourages improvement and infill development in existing commercial areas and guides this area as mixed use; seconded by Baker; **MOTION** carried unanimously.

OLD/NEW BUSINESS

City Council Liaison Update-McEnaney stated the personnel committee will be presenting the offer for the new City Manager. The candidate chosen is Jesse Dixon. The last city council meeting for the year will be Tuesday, December 12. Ciatti asked for an update on the cross walk/pedestrian crossing on Shoreline Drive. McEnaney stated that won't happen until the end of 2024 as it will be coordinated with the Artesa project. The project includes Mound, Hennepin County and the MET Council. So the coordination efforts between agencies will push the implementation out until at least summer, but possibly the end of the year.

Staff Update-Smith updated that staff is busy with end of year permit activities. She said January 27 will be the Polar Plunge. The applicants for the Fern project are working on the items they heard at the Planning Commission meeting, in preparation for their City Council hearings.

ADJOURNMENT

MOTION by Baker to adjourn at 7:24; seconded by Ciatti. **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: December 28, 2023
SUBJECT: Review/discussion/consideration of vacation of city road right of way and drainage and utility easements (Case No. 23-16)
APPLICANT: Dan and Andrea O'Mara
PROPERTY OWNER: Javier Toquero Moracho
LOCATION: 2970 Oaklawn Lane (PID No. 23-117-24-31-0103)
MEETING DATE: January 2, 2024
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1A Single Family Residential

SUMMARY

The applicants Dan and Andrea O'Mara have applied for the vacation of city road right of way (ROW) and drainage and utility easements for the property at 2970 Oaklawn Lane. The applicants are proposing to purchase the property from Javier Moracho, who also owns the property to the south at 2974 Oaklawn Lane. The ROW and drainage and utility easements were dedicated as part of a three-lot subdivision approved in 2006. The applicants are requesting the vacations to accommodate the construction of a house with an attached garage.

REVIEW PROCEDURE

Minnesota Statutes 412.851 states that a statutory city may abandon ownership or control over all or any part of the land they have set aside, dedicated or used as streets or alleys. This action may be initiated by the City Council by resolution or by the submission of a petition by the owners of at least 50 percent of the surrounding land area. As the applicant is only requesting the vacation of ROW that would have been dedicated from the 2970 Oaklawn Lane property, the application has met the 50% threshold test.

Timeline for action

There are no required timelines in Minnesota Statutes or City Code that require action on a vacation application within a specific time period.

Public Hearing

Planning Commission

The Planning Commission is not required to hold a public hearing for the vacation request. As a courtesy, Staff did send out an informational letter to property owners along the streets adjacent to the property regarding the Planning Commission's consideration of the request on December 27th. *A copy has been included as an attachment.*

City Council

State statute requires that the City Council must hold a public hearing on the requested vacation following two weeks of published notice and posted notice. The City must also provide written notice to each affected owner at least ten days before the public hearing. City policy is that affected owner includes any property owner within the plat, which, for this property, is *"The Highlands"* plat.

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. A summary of the comments received is provided below:

Chuck Mayers, CenterPoint Energy

CenterPoint Energy has a gas main on Oaklawn Lane 14 feet from centerline and then on Idlewood Road 11 feet south of Idlewood Road. Both are outside of the property lines in the road right of way. At this time CenterPoint Energy has no objections to the vacation request.

Thomas Heimel, Mediacom Communications

Unless there is an issue with the power lines needing to be relocated, Mediacom Communications are aerial through that area so there shouldn't be any issues.

Bonnie Anderson, Xcel Energy

Xcel Energy is in contact with the landowner regarding relocation of facilities. As the ROW is being vacated, the relocation of facilities will be to Xcel Energy's standards with all involved costs to be paid by the applicant.

Considerations

- In evaluating the requested vacations, the City needs to determine that there is no longer a need for the ROW and drainage and utility easements. As the road has already been constructed in this area and future expansions are not anticipated, Staff is comfortable that the requested ROW can be vacated. Staff is also comfortable with the vacation of the drainage and utility easements with the intent of them being reestablished along the new property lines.

- The applicant is seeking the ROW vacation to allow for the construction of a single family home. The 8,684 square foot property does not contain any structures currently. As the property was part of a three-lot subdivision in 2006, the lot is considered a non-lot of record.
- The applicant is proposing to construct a 2,407 square foot home that meets all setbacks, which are 20 feet for the front/street yard, 10 feet for the side yard, and 15 feet for the rear yard.
- The plans show a driveway on the west side of property approximately 26 feet from the intersection of Idlewood Road and Oaklawn Lane. The location of the driveway has been reviewed and approved by engineering/public works.
- New drainage/utility easements to be dedicated require consent by any lien or mortgage holder in addition to the property owners. Easement documents will be prepared by the City Attorney.
- The requirement for non-lots of record in the R1-A district is no more than 30% hardcover. The construction of the proposed house and driveway will result in a total hardcover percentage of 28.4% (2,466.23 square feet). This is under the threshold of 30%, but is close and it will be important to ensure that it stays at or under 2,605.33 square feet of hardcover (30% of the total lot area) as plans progress.
- Public water and sanitary sewer utilities will need to be established for the site as no home has previously been constructed on the property.
- Applicant is advised that statute allows utility easements to be maintained or taken if the ROW or existing drainage/utility easements, or portions thereof, are vacated.
- Stormwater management is subject to the review and approval of the Minnehaha Creek Watershed District (MCWD). As of the writing of the Planning Report, no comments has been received. Historically, it has been MCWD practice to evaluate an application after Planning Commission review of a project application. Applicant is advised that all needed permits from the MCWD will be required.

PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission recommend approval of the proposed vacation of ROW and drainage and utility easements with the following conditions:

1. Applicant shall establish new drainage and utility easements as directed by City Staff and prepared by the City Attorney with involved costs to be paid by the applicant.
2. Applicant shall be responsible for payment of all costs associated with the vacation application.

3. The applicant shall be responsible for securing all required local, state, and federal permits and approvals required to undertake the project on the property.
4. The applicant shall be responsible for recording the resolution with Hennepin County. The resolution will not be released for recording until all conditions have been met.
5. No future approval of any development plans and/or building permits is included as part of this action in the event the vacation(s) are approved.
6. Applicant shall be responsible for submittal of a future building permit application, to include all required information, to include the payment of all involved or required fees for the new house to be constructed (*i.e. MCES Sewer Area Charge, Water and Sewer Connection Fees, Trunk Water and Sewer Area Charge, etc.*) in the event the required fees were not paid with the 2006 minor subdivision.
7. 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.
8. Additional conditions from Staff, the Planning Commission and the City Council.

In recommending approval of the vacation, Staff offers the following findings:

1. This is an existing neighborhood with roads that are already established and not anticipated to be widened. The vacated right of way is not needed to meet future transportation needs.
2. Abutting properties are not affected by the requested vacation/modification of the drainage and utility easement. In addition, the drainage and utility easements will be reestablished as part of the conditions.
3. There are no public utilities in the areas proposed to be vacated. As applicable, the applicant will be responsible for any costs associated to the movement of any private utilities, such as Xcel Energy power poles.

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning Commission, a possible date for City Council consideration of the vacation application is Tuesday, February 13, 2024 meeting following completion of the required notification and publication procedures to hold the public hearing for the vacation request as described above.



2415 Wilshire Boulevard, Mound, MN 55364
 Phone 952-472-0603
 Fax 952-472-0620

VACATION APPLICATION

Application Fee and Escrow Deposit required at time of application.

Planning Commission Date _____

Case No. 23-16

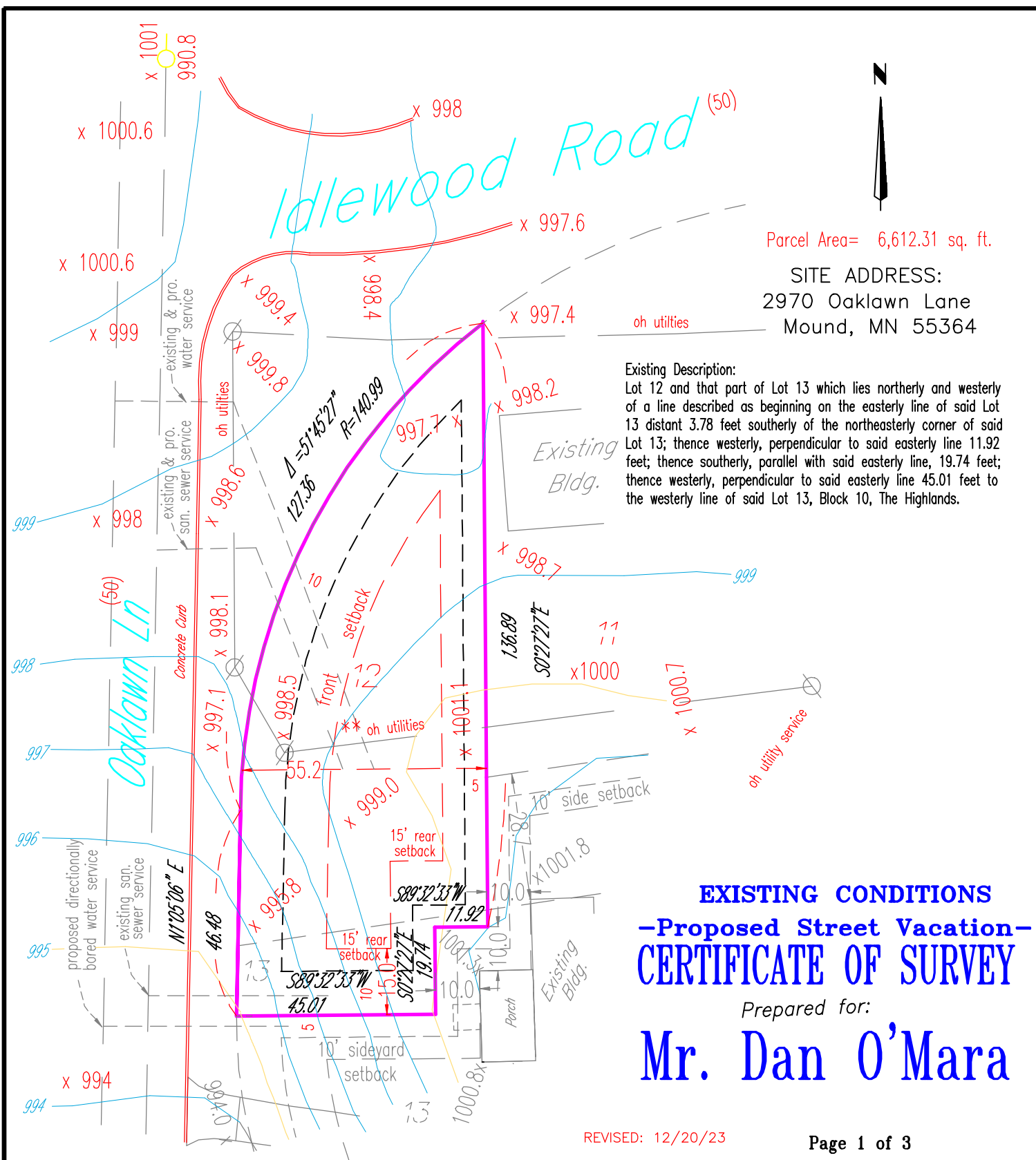
City Council Date _____

Please type or print clearly

APPLICANT	Name <u>Dan O'Mara</u> Email <u>danomara@comcast.net</u> Address <u>4945 Grandview Avenue, Minnetrisa, MN 55364</u> Phone (Home) _____ (Work) _____ (Cell) <u>612-481-3377</u> E-Mail Address <u>danomara@comcast.net</u> Fax _____
ADJACENT PROPERTY (APPLICANT'S PROPERTY)	Adjacent Address <u>5979 Idlewood Rd Mound, MN 55364 (Adjacent)</u> <u>2974 Oaklawn Lane Mound, MN 55364 (Subject)</u> Name of Business <u>Chameera Ekanayake, Etal (Adjacent)</u> <u>Javier S T Moracho (Subject)</u> Part of Lots 10 & 11 (Adjacent) Lot <u>Part of Lots 11 13 14 & 15 (Subject)</u> Block <u>10</u> Subdivision <u>The Highlands</u> PID# <u>2311724310013 (Adjacent)</u> <u>2311724310107 (Subject)</u>
ZONING DISTRICT	Circle: R-1 <u>R-1A</u> R-2 R-3 B-1 B-2 B-3
AREA TO BE VACATED	<u>The northwest corner of the property. Please see survey.</u>
REASON FOR REQUEST	<u>The property currently has a large radius curve at the corner which makes the property unbuildable. I would like to build a house.</u>
IS THERE A PUBLIC NEED FOR THIS LAND?	<u>No, the corner of the streets are squared off. Also there are no special easements in that location.</u>

I certify that all of the statements above and 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 information provided and that **I am responsible for all costs incurred by the City related to the processing of this application.**

Dan O'Mara		November 10, 2023
Print Applicant's Name	Applicant's Signature	Date
Javier Toquero Moracho		11/15/23
Print Applicant's Name	Applicant's Signature	Date
	Current Property Owner	



Parcel Area= 6,612.31 sq. ft.

SITE ADDRESS:
2970 Oaklawn Lane
Mound, MN 55364

Existing Description:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands.

**EXISTING CONDITIONS
-Proposed Street Vacation-
CERTIFICATE OF SURVEY**

Prepared for:

Mr. Dan O'Mara

REVISED: 12/20/23

Page 1 of 3

**DEMARS-GABRIEL
LAND SURVEYORS, INC.**

2317 W. 93rd St.
Bloomington, MN 55431
Phone: (763) 559-0908
cell: (612) 751-6785
dec@qwestoffice.net

I hereby certify that this survey, plan 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.

As surveyed by me this 15th day of November, 2023.

DEG
David E. Crook
Minn. Reg. No. 22414

File No.
15161

Book-Page
433-11

Scale
1"=30'

Existing Property Description:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands.

Proposed Property Description:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands, and that part of Idlewood Road as shown and dedicated on The Highlands, and now vacated, which lies westerly of the northerly extension of the easterly line of said Lot 12 and easterly of the easterly line of Oaklawn Lane, as shown and dedicated on The Highlands, and which lies southerly of a line drawn from a point the easterly line of said Oaklawn Lane distant 227.00 feet southerly of the northwest corner of Lot 30, Block 1, The Highlands; thence easterly and parallel to the north line of said Lot 30, a distance of 30.00 feet; thence easterly and northeasterly, 22.60 feet along a tangential curve being concave to the northwest, having a radius of 88.00 feet and a central angle of 14 degrees 42 minutes 51 seconds, to its intersection with the northerly extension of the easterly line of said Lot 12

Proposed Idlewood Road Vacation:

That part of Idlewood Road as shown and dedicated on The Highlands which lies easterly of the easterly line of Oaklawn Lane, as shown and dedicated on The Highlands, and which lies southerly of a line drawn from a point the easterly line of said Oaklawn Lane distant 227.00 feet southerly of the northwest corner of Lot 30, Block 1, The Highlands; thence easterly and parallel to the north line of said Lot 30, a distance of 30.00 feet; thence easterly and northeasterly, 29.29 feet along a tangential curve being concave to the northwest, having a radius of 88.00 feet and a central angle of 19 degrees 04 minutes 09 seconds; thence northeasterly, tangent to last described curve, 33.85 feet to its intersection with the southeasterly line of said Idlewood Road.

Existing Drainage & Utility Easements (to be vacated):

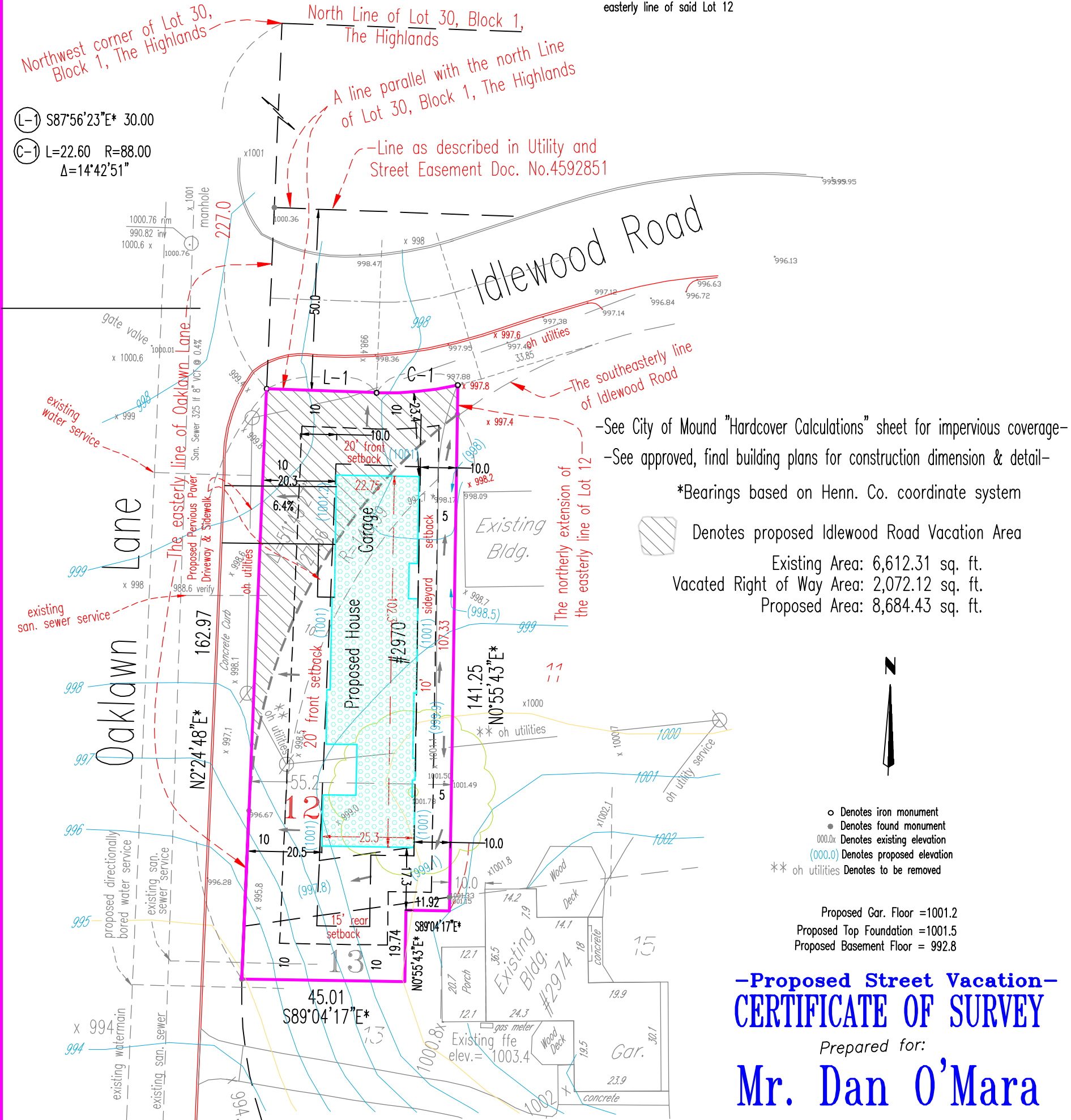
An easement for drainage and utility purposes over and across the westerly and northwesterly 10.00 feet of the property described as follows:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands.

Proposed Drainage & Utility Easements:

An easement for drainage and utility purposes over and across the southerly, westerly and northerly 10.00 feet of the property described as follows:

Lot 12, Block 10, The Highlands, and that part of Idlewood Road as shown and dedicated on The Highlands, and now vacated, which lies westerly of the northerly extension of the easterly line of said Lot 12 and easterly of the easterly line of Oaklawn Lane, as shown and dedicated on The Highlands, and which lies southerly of a line drawn from a point the easterly line of said Oaklawn Lane distant 227.00 feet southerly of the northwest corner of Lot 30, Block 1, The Highlands; thence easterly and parallel to the north line of said Lot 30, a distance of 30.00 feet; thence easterly and northeasterly, 22.60 feet along a tangential curve being concave to the northwest, having a radius of 88.00 feet and a central angle of 14 degrees 42 minutes 51 seconds, to its intersection with the northerly extension of the easterly line of said Lot 12



-See City of Mound "Hardcover Calculations" sheet for impervious coverage-
-See approved, final building plans for construction dimension & detail-

*Bearings based on Henn. Co. coordinate system



Denotes proposed Idlewood Road Vacation Area

Existing Area: 6,612.31 sq. ft.

Vacated Right of Way Area: 2,072.12 sq. ft.

Proposed Area: 8,684.43 sq. ft.



Proposed Gar. Floor =1001.2
Proposed Top Foundation =1001.5
Proposed Basement Floor = 992.8

-Proposed Street Vacation-
CERTIFICATE OF SURVEY

Prepared for:

Mr. Dan O'Mara

DEMARS-GABRIEL
LAND SURVEYORS, INC.

2317 W. 93rd St.
Bloomington, MN 55431
Phone:(763) 559-0908
cell: (612) 751-6785
dec@qwestoffice.net

I hereby certify that this survey, plan 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.

REVISED: 12/20/23

As surveyed by me this 15th day of November, 2023.

DOE

David E. Crook Minn. Reg. No. 22414

File No.
15161PRO

Book-Page

Scale
1"=30'

SITE ADDRESS:
2970 Oaklawn Lane
Mound, MN 55364

Page 2 of 3



HARDCOVER CALCULATIONS

(IMPERVIOUS SURFACE COVERAGE)

PROPERTY ADDRESS:	2970 Oaklawn Lane
OWNER'S NAME:	Dan O'Mara

LOT AREA	<u>8,684.43</u>	SQ. FT. X 30% = (for all lots)	2,605.33
LOT AREA		SQ. FT. X 40% = (for Lots of Record)	

* Existing Lots of Record may have 40 percent coverage provided that techniques are utilized, as outlined in Zoning Ordinance Section 129-385 (see back). A plan must be submitted and approved by the Building Official.

	LENGTH	X	WIDTH	=	SQ FT
HOUSE	<u>102.33</u>		<u>23.52</u>		<u>2,407.16</u>
		X		=	
TOTAL HOUSE					<u>2,407.16</u>

DETACHED BUILDINGS (GARAGE/SHED)		X		=	
		X		=	
TOTAL DETACHED BUILDINGS.....					

DRIVEWAY, PARKING AREAS, SIDEWALKS, ETC.	<u>20.33</u>	X	<u>16</u>	=	<u>325.28</u>
	<u>14.67</u>	X	<u>4.67</u>	=	<u>68.51</u>

(*pervious paver allowance) $325.28 + 68.51 = 393.78(0.15)^* = 59.07$

TOTAL DRIVEWAY, ETC	<u>59.07</u>
---------------------------	--------------

DECKS Open decks (1/4" min. Opening between boards) with a pervious surface under are not counted as hardcover.		X		=	
		X		=	
		X		=	

TOTAL DECK	
------------------	--

	X		=	
	X		=	

TOTAL OTHER	
-------------------	--

TOTAL HARDCOVER / IMPERVIOUS SURFACE.....	2,466.23
---	----------

UNDER OVER (indicate difference)	139.1
---	-------

PREPARED BY <u>David E. Crook</u>	David E. Crook, L.S. No. 22414	DATE <u>11/27/2023</u>
-----------------------------------	--------------------------------	------------------------

Demars Gabriel Land Surveyors, Inc

REVISED: 12/20/23



Hennepin County Natural Resources Map

Date: 12/8/2023

Legend



PID: 2311724310103
Address: 2970 Oaklawn La,
Mound 55364
Owner: Javier Toquero Moracho
Acres: 0.16

Comments:

1:600



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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Aerial imagery flown 2021



2415 Wilshire Boulevard, Mound, MN 55349

December 27, 2023

Dear Property Owners and Interested Parties:

As part of its **Tuesday, January 2, 2024 regular** meeting, to be held at 7:00 p.m. in the Council Chambers in the Centennial Building, 5341 Maywood Road, Mound, MN, the Planning Commission will review and consider an application from Dan O'Mara to vacate road right of way and drainage and utility easements at 2970 Oaklawn Lane. This property is a vacant residential lot created in 2006 by a 3-lot subdivision. The applicants are proposing to purchase the lot from Javier Toquero Moracho, the current property owner, for the purpose of constructing a new single family home.

If the requested vacations are approved, new and/or replacement utility easements, in favor of the City of Mound and determined by the City Engineer or designee, will be dedicated. ***A graphic of the public road and easements vacations proposed for the subject property is provided on the reverse side of this letter.***

You are being provided courtesy informational notice of the Planning Commission's review of the vacation request as your property is located in "The Highlands" plat and in the immediate vicinity of the proposed vacation request for the property at 2970 Oaklawn Lane.

If you have any questions regarding this letter or the submitted application, please contact Mound City Hall at 952-472-0603. Additionally, a copy of the agenda packet for the January 2, 2024 Planning Commission meeting, which includes the vacation application and supporting information will be available on the City of Mound website (www.cityofmound.com) by 4:30 p.m. Thursday, December 28, 2023.

Sincerely,

Sarah Smith

Community Development Director

Existing Property Description:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands.

Proposed Property Description:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands, and that part of Idlewood Road as shown and dedicated on The Highlands, and now vacated, which lies westerly of the northerly extension of the easterly line of said Lot 12 and easterly of the easterly line of Oaklawn Lane, as shown and dedicated on The Highlands, and which lies southerly of a line drawn from a point the easterly line of said Oaklawn Lane distant 227.00 feet southerly of the northwest corner of Lot 30, Block 1, The Highlands; thence easterly and parallel to the north line of said Lot 30, a distance of 30.00 feet; thence easterly and northeasterly, 22.60 feet along a tangential curve being concave to the northwest, having a radius of 88.00 feet and a central angle of 14 degrees 42 minutes 51 seconds, to its intersection with the northerly extension of the easterly line of said Lot 12.

Proposed Idlewood Road Vacation:

That part of Idlewood Road as shown and dedicated on The Highlands which lies easterly of the easterly line of Oaklawn Lane, as shown and dedicated on The Highlands, and which lies southerly of a line drawn from a point the easterly line of said Oaklawn Lane distant 227.00 feet southerly of the northwest corner of Lot 30, Block 1, The Highlands; thence easterly and parallel to the north line of said Lot 30, a distance of 30.00 feet; thence easterly and northeasterly, 29.29 feet along a tangential curve being concave to the northwest, having a radius of 88.00 feet and a central angle of 19 degrees 04 minutes 09 seconds; thence northeasterly, tangent to last described curve, 33.85 feet to its intersection with the southeasterly line of said Idlewood Road.

Existing Drainage & Utility Easements (to be vacated):

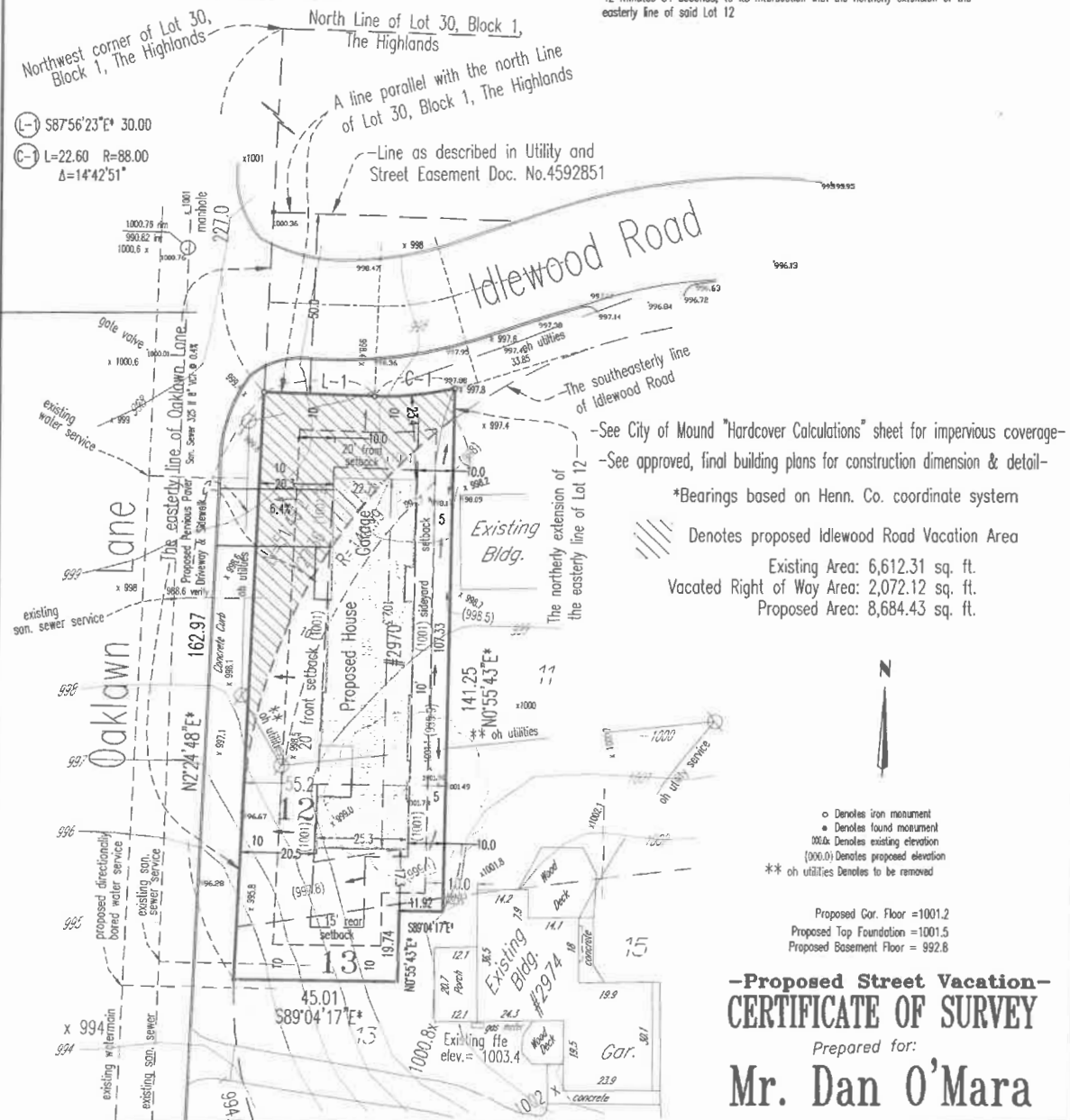
An easement for drainage and utility purposes over and across the westerly and northwesterly 10.00 feet of the property described as follows:

Lot 12 and that part of Lot 13 which lies northerly and westerly of a line described as beginning on the easterly line of said Lot 13 distant 3.78 feet southerly of the northeasterly corner of said Lot 13; thence westerly, perpendicular to said easterly line 11.92 feet; thence southerly, parallel with said easterly line, 19.74 feet; thence westerly, perpendicular to said easterly line 45.01 feet to the westerly line of said Lot 13, Block 10, The Highlands.

Proposed Drainage & Utility Easements:

An easement for drainage and utility purposes over and across the southerly, westerly and northerly 10.00 feet of the property described as follows:

Lot 12, Block 10, The Highlands, and that part of Idlewood Road as shown and dedicated on The Highlands, and now vacated, which lies westerly of the northerly extension of the easterly line of said Lot 12 and easterly of the easterly line of Oaklawn Lane, as shown and dedicated on The Highlands, and which lies southerly of a line drawn from a point the easterly line of said Oaklawn Lane distant 227.00 feet southerly of the northwest corner of Lot 30, Block 1, The Highlands; thence easterly and parallel to the north line of said Lot 30, a distance of 30.00 feet; thence easterly and northeasterly, 22.60 feet along a tangential curve being concave to the northwest, having a radius of 88.00 feet and a central angle of 14 degrees 42 minutes 51 seconds, to its intersection with the northerly extension of the easterly line of said Lot 12.



**DEMARS-GABRIEL
LAND SURVEYORS, INC.**

2317 W. 93rd St.
Bloomington, MN 55431
Phone: (763) 559-0908
cell: (612) 751-6785
dec@questoffice.net

I hereby certify that this survey, plan 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.

As surveyed by me this 15th day of November, 2023.

David E. Crook

David E. Crook Minn. Reg. No. 22414

REVISED: 12/20/23

File No.
15161PRO

Book-Page

Scale
1"=30'

SITE ADDRESS:
2970 Oaklawn Lane
Mound, MN 55364

Page 2 of 3

Memorandum

To: Planning Commission
From: Sarah Smith, Comm. Dev. Director
Date: December 28, 2023
Re: Annual Review of Planning Commission Work Rules – Staff Recommendation to Table to February 6, 2024 Meeting

Overview/Background. Annual review of the Planning Commission Work Rules is an annual task of the Planning Commission. A copy of the 2023 Planning Commission Work Rules has been included the January 2nd agenda packet as information.

Recommendation. Staff recommends the Planning Commission's review and discussion of the Work Rules be tabled to its February 6, 2024 meeting.

CITY OF MOUND PLANNING COMMISSION WORK RULES

A. Organization

1. The Planning Commission Officers shall be:
 - a. Chair
 - b. Vice-Chair
2. Special assignment areas shall be:
 - a. Subdivisions
 - b. Zoning and Variances
 - c. Conditional Use Permits
 - d. Other areas of assignment
3. Duties of the Officers:
 - a. Chair:
 - 1) The Chair shall preside at all meetings of the Commission.
 - 2) The Chair shall preserve order and decorum and shall decide questions of order
 - 3) The Chair shall appoint all assignment areas unless otherwise requested by a majority.
 - 4) The Chair may call special meetings stating the purpose of such meetings and be posted in accordance with State Statute.
 - 5) The Chair shall be responsible to have the staff report on the status of previous recommendations made to the Council, stating the Planning Commission's recommendation and Council action.
 - 6) The Chair will be responsible for identifying and resolving performance issues (including attendance) with Planning Commissioners. In the event the Chair determines a Planning Commissioner may need to be removed from his (her) position, the Chair will be responsible to recommend removal actions to the City Council.
 - b. Vice-Chair:

The Vice-Chair shall preside at all meetings in the absence of the Chair.
4. The Mound Planning Commission acts only as an advisory group to the Council to make recommendations in the best interest of the citizens and the City.

B. Work Rules

1. The first Tuesday shall be considered the regularly scheduled official meeting night.
 - a. In the event that there are more board of appeals cases than can reasonably be concluded by 11:00 p.m., the Chair and the Planning Staff shall be empowered to schedule a second meeting for another day during the same month to take care of the overload.
 - b. The Chair shall have prerogative to cancel or postpone any regularly scheduled meetings. So as to confirm that a quorum of the Planning Commission is available to hold a meeting, members are required to contact the Chair and the Community Development Director, both by email and telephone, not later than 9:00 a.m. the day before the scheduled meeting, if they are not able to attend.
2. All meetings and public hearings shall be held at the Centennial Building unless an alternate format (*i.e., electronic or remote meeting, etc.*) or location is determined to be necessary. All meetings shall be called at 7:00 p.m. and shall conclude at 11:00 p.m. unless waived by the majority. All Planning Commission meetings are videotaped. Any business unfinished at the scheduled closing time shall be taken up at a subsequent meeting designated by the Chair.
3. The Commission, at the first regular meeting of the new year, shall elect from its group, a Chair and a Vice-Chair. After nominations, voting on the Chair and Vice Chair positions shall be done by written ballot. The votes for the Chair and Vice Chair positions shall be tallied and read aloud by the Planning Commission Secretary. Ballots will be kept in the journal of the Planning Commission containing meeting minutes.
4. A majority of members shall constitute a quorum. In the absence of a quorum, the minority shall adjourn any item of business requiring official Commission action, to a specified time.
5. A member may be excused from an individual meeting for reason of illness, work, or out-of-town trips.
6. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair. The nomination process and procedures identified above Section B (3) above shall be used.
7. The Chair shall call the meeting to order and the Secretary to the Commission shall call the roll and announce a quorum.

8. The order of business shall be as follows unless amended by the Chair:

- a. Call to order
- b. Roll call
- c. Approval of the agenda with any amendments
- d. Approval of meeting minutes
- e. Board of appeals and public hearings
- f. Old and new business
- g. Information items
- h. Adjournment

9. The following statement shall be printed on all agendas:

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."

"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 and act on the application.

10. All recommendations shall be sent to the Council by means of written minutes, and shall include the record of the division of votes on each recommendation.

11. Minutes of the meetings shall be recorded and kept by the Planning Staff.

12. All meetings shall be public.

13. Any resolution or motion, except motion to adjourn, postpone, reconsider, table, or call the previous questions, shall be reduced to writing if requested by the Chair.

14. Any resolution or motion may be withdrawn at any time before action is taken on it.

15. When a question is under debate, no other motion shall be entertained except to table, or to call for the question, action on the question, postpone, refer to committee, or

amend. Motions shall take precedence in that order and the first two shall be without debate.

16. All motions shall be carried by a majority vote of the members present, except call for the question. Any member of the Commission may call for a roll call vote on any issue.
17. Motions can only be made by members recognized by the Chair.
18. Speaking without recognition of the Chair shall be cause for another member to call "point of order" and the member speaking out of turn must relinquish the floor.
19. "Call for the question" or "previous question" is a motion and must be seconded. It is not debatable and must be voted upon immediately. A two-thirds majority is necessary to call the previous question. If the two-thirds majority is given, the motion or question on the floor must be immediately put to a vote without debate except for a motion to table.
20. "Question" is not a motion but only an indication to the Chair that the person making statement is ready to have the motion or question put to a vote.
21. The Chair may direct that a motion be divided if requested by a member.
22. Members must limit their remarks to the subject matter being discussed and shall not be repetitious. The speaking order shall be at the discretion of the Chair; however, all members shall be allowed to speak in their turn.
23. All members are expected to attend meetings and perform any pre-work required for these meetings. Members who have four or more absences in a calendar year will meet with the Chair, the City Council Liaison to the Planning Commission and Staff to discuss the matter to include the member's schedule and ability to continue as a member of the Commission. On-going absences of a member may be subject to discharge from the Commission by the City Council.
24. Any member having a direct financial and/or direct personal interest in an individual action under consideration by the Commission shall excuse himself/herself from the Commission and not vote on that particular matter. Said member will have the same rights as any citizen who has an interest in any action being considered by the Planning Commission.
25. These rules shall not be repealed or amended except by a majority vote of the Commission.
26. Robert's Rules of Order or standard parliamentary procedure shall govern any rule of order not covered by the work rules.

C. Candidate Selection/Interview Procedures (see Exhibit A: Res. #89-139 and Exhibit B: Res. #92-136).

1. It is the intent of the Commission to interview applicants and vote at the same meeting. The Mayor and City Council are to be included in the interviewing process. The vote will be conducted by the Commission and will not include visiting Council member. (Rev. 1/8/96)
2. In the event there are (6) applicants or more, a preliminary review of applications may be scheduled, at the Chair's discretion, to reduce the number of interviews for formal consideration. The prescreening process will be undertaken in cooperation with the City Manager and/or his/her designee. The prescreening criteria will be based on, but not limited to, previous work experience in either the public or private sector, relevant training and education, past volunteer activities, and the candidate's submitted application materials. At its option, the prescreening team of the Chair and City Manager or designee may opt to hold a prescreening interview(s). The Chair, in cooperation with the City Manager or designee, will recommend the slate of candidates to the Planning Commission for the formal interview process to be undertaken in accordance with the City's established procedures. Nothing shall prevent the Planning Commission from interviewing all or a selection of candidates if deemed appropriate by the Chair and City Manager or designee following completion of the prescreening process.
3. The applicant is to be advised of the interview at least ten (10) days prior to the date of the interview.
4. If the applicant is unable to attend the scheduled interview, the Planning Commission may make the recommendation based on the information provided.
5. Following the interviews and at the same meeting, a written ballot method of voting will be used (see Exhibit C). The secretary will have the candidate's names typed on the form and the form will be sent to Planning Commissioners in their packet. Ballots will be kept in the journal of the Planning Commission containing meeting minutes.
6. The Planning Commission shall forward to the City Council, at their next regular meeting, a list of the candidates and the number of votes they received.
7. Every seated member shall be eligible to vote.

D. Planning Commission Policy Regarding Use of Surveys for Land Use Applications

1. City policy requires the submittal of an updated survey including all necessary information and proposed improvements as part of its land use application requirements. The Planning Commission will allow administrative approval for use of an existing survey for a future land use application by Staff related to the follows:

- a. Use of an existing survey which depicts the current location of a structure related to the affected property lines for applications which are within the building footprint or do not affect the setback. This includes but is not limited to, a request to allow “use” of an existing structure (i.e. CUP) which does not involve building and/or site alteration activities.
 - b. For applications related to placement of structures on the property line(s), an existing survey can be used as long as survey irons are evident in the field and depicted on the survey.
 - c. If the survey shows existing structures and its relationship to affected property lines and an addition is proposed to be constructed and/or added, the existing survey can be used as long as irons are evident and/or are found in the field so as to evaluate proposed/final placement.
2. Staff reserves the right to forward any request to the Planning Commission for review and determination of survey acceptance due to extraordinary or unique circumstances.
 3. In the event an existing survey is used as part of a land use application, the Planning Commission reserves the right to require the submittal of additional information as necessary including but not limited to the submittal of an updated survey.

Adopted December 10, 1984
 Revised December 14, 1987
 Revised January 23, 1989
 Revised June 10, 1991
 Revised March 25, 1992
 Revised January 11, 1993
 Revised January 8, 1996
 Revised January 26, 1998
 Adopted March 4, 2002
 Revised February 24, 2003
 Adopted March 1, 2004
 Adopted January 24, 2005
 Adopted May 14, 2007
 Adopted May 5, 2009
 Adopted April 6, 2010
 Adopted May 3, 2011
 Adopted May 14, 2012
 Adopted June 2, 2015
 Adopted March 15, 2016
 Adopted March 7, 2017
 Adopted April 16, 2018
 Adopted June 4, 2019
 Adopted April 7, 2020
 Adopted February 2, 2021
 Adopted May 3, 2022
Adopted March 7, 2023

Exhibit A

October 24, 1989

RESOLUTION #89-139

RESOLUTION APPROVING A POLICY ON APPOINTMENTS
AND REAPPOINTMENTS TO ADVISORY COMMISSIONS

BE IT RESOLVED, that the City Council of the City of Mound, Minnesota, hereby establishes the following policy:

Definitions of "Vacancy": A vacancy occurs when a term expires and the commissioner holding that term does not desire reappointment. A vacancy also occurs when a commissioner resigns his/her position prior to the term expiring.

1. When a vacancy occurs, the City Manager is directed to advertise in the City's official newspaper that there are positions to be filled on a commission(s). Such advertising shall be done in the form of a "news release".
2. Such news release shall include, but not be limited to, the number of vacancies, the length of the term, or request for letter of interest and/or resume, application deadline date, etc. The news release shall also state that prospective applicants will be required to interview with the city Council and respective commission jointly. Such interviews will be conducted as soon as possible following the application deadline. Each commission will formally recommend appointments following the joint interviews. The City Council will review those recommendations and will be responsible for making the appointments.
3. Current commission members who wish to be reappointed must indicate such and the reasons for being reappointed in writing a minimum of sixty (60) days prior to their term expiring.
4. If a member resigns during his/her term, such resignation must be in writing and submitted to the City Manager.
5. In the case of member resigning with less than ninety (90) days remaining, on his/her term, the City Council, at its discretion, may delay filling the vacancy until the term officially expires."

The foregoing resolution was moved by Councilmember Jessen and seconded by Councilmember Johnson.

The following Councilmembers voted in the affirmative: Jensen, Jessen, and Johnson.

The following Councilmembers voted in the negative: Ahrens And Smith.

Steve Smith

Mayor

Francene C. Clark

Attest: City Clerk

Exhibit B

October 13, 1992

RESOLUTION NO. 92-136

RESOLUTION ESTABLISHING THE
PROCESS OF INTERVIEWING CANDIDATES
FOR ADVISORY COMMISSION APPOINTMENTS

BE IT RESOLVED, that the City Council of the City of Mound, Minnesota, hereby establishes the following policy as it pertains to the interviewing of candidates for advisory commission appointments:

Candidates for appointment to advisory commissions will be interviewed jointly by the applicable commission and the city council at a regularly scheduled commission meeting. Following the interviews and at the same meeting, the commission will establish a ranking of the candidates, listing the candidates and the number of votes they have received. The results will then be submitted to the Council at the next regular Council Meeting. The Council will then make official appointments at that Council Meeting.

BE IT FURTHER RESOLVED, that if candidates who wish to be considered for appointment cannot be present for the interviews that the commission and the city Council will base their decisions on the resumes submitted.

The foregoing resolution was moved by Councilmember Smith seconded by Councilmember Jensen.

The following councilmembers voted in the affirmative: Ahrens, Jensen, Jessen, Johnson and Smith.

The following councilmembers voted in the negative: None.

Skip Johnson
Mayor

Francene C. Clark
Attest: City Clerk

Exhibit C

**PLANNING COMMISSION
BALLOT**

NAME OF CANDIDATE

CHOICE #

CHOICE #: 1 – First Choice; 2 – Second Choice; etc.

The secretary will collect the ballots and total the choice points. The Candidate with the least amount of points is your choice.

Only ballots containing the initials of the voting member will be counted.

Initials