

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, JUNE 4, 2024, 7:00 P.M.
COUNCIL CHAMBERS, MOUND CENTENNIAL BUILDING
5341 MAYWOOD ROAD, MOUND, MN**

Page

1. Call to Order

2. Roll Call

3. Approval of Agenda, with any Amendments

4. Approval of Meeting Minutes

- A. May 7, 2024 regular meeting minutes 1

5. Board of Adjustment and Appeals

- A. Review and discussion of 2024 Planning Commission Work Plan Projects:

- A. Review and discussion of 2024 Planning Commission Work Plan Projects: 8-14

- i. Accessory dwelling unit (ADU) regulations
- ii. Solar regulations
- iii. Electric vehicle chargers
- iv. Introduction and kick off of proposed amendments related to Cannabis
- v. Introduction and kick off of proposed amendments related to City Code Chapter 119 (Signs)

6. Old / New Business

- A. Council liaison and staff report/update

- B. Upcoming meeting dates:

- i. Tues., July 2, 2024 regular meeting
- ii. Tues., August 20, 2024 special/rescheduled meeting due to Night to Unite

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
REGULAR PLANNING COMMISSION
MAY 7, 2024

Chair Goode called the meeting to order at 7:02 p.m.

ROLL CALL

Members present: David Goode, Jason Baker, Derek Archambault, Nick Rosener, Drew Heal, Samantha Wacker, Kristin Young

Members absent: Jake Savstrom, Kathy McEnaney

Staff present: Sarah Smith, Rita Trapp, Natalie Strait

Members of the public: Michael and Michelle Greer - 3538 Highland Rd, Minnetrista; Michael Werth - 5116 Waterbury Rd, Mound; Ladislav and Jennifer Cisar - 5139 Waterbury Rd, Mound; Jim and Deborah Barnes - 4870 Edgewater Dr, Mound.

APPROVAL OF MEETING AGENDA

MOTION by Baker to approve agenda as written; seconded by Rosener. **MOTION** carried unanimously.

REVIEW OF APRIL 2, 2024 MEETING MINUTES

MOTION by Baker to approve minutes as distributed; seconded by Rosener. **MOTION** carried unanimously.

Board of Appeals

Planning Case No. 24-0 4- Review/recommendation - two-lot minor subdivision at 5123 Waterbury Road

Applicants: Michael and Michelle Greer

Trapp outlined the two-lot minor subdivision. She stated that there are wetlands and bluff conditions on the lot. Trapp noted that since the distribution of the Planning Commission packet, Staff has determined through conversation with the DNR that the water body that abuts the property to the east should be classified as a public water wetland instead of a public water. This means that standards for Parcel B relative to being a lakeshore lot will not apply. Staff has reviewed the conditions and determined that there are not changes required as a result of this change in designation.

Trapp stated that the applicants want to divide one parcel into two with each lot proposed for a single-family home. Trapp noted that documents provided do not show final plans, rather what could potentially be built. Both parcels will be able to meet non-lot of record standards. The application was distributed for staff and agency review. Comments received from the City Engineer were regarding protection measures for the downstream slope. Conditions included are fairly standard and customary. The change from lakeshore to wetland makes the most difference in the way that height will be calculated on lot B and does not change any of the conditions included in the packet.

Archambault asked if they were meant to be solely discussing the division of the property and clarified that the building design is downstream of this discussion. Trapp confirmed.

Goode asked if the applicants were in the room. Applicant Greer stated that he would prefer to wait until the neighbors make their comments so he could respond to any of their concerns.

Werth - 5116 Waterbury Rd, Mound. Werth stated that he lives right across the street from the proposed subdivision. Werth stated that allowing an additional residence would add an additional 2-4 cars daily not to mention holidays. The street is already a dead-end with no turn around for service trucks, etc. It is so dangerous that trucks have to back down the street or turn around on existing driveways. Living directly across the street he would not be able to back out of his driveway if a vehicle was parked across the street. Werth showed pictures he brought of the street showing how tight it is. He noted that emergency vehicles have trouble going down the street today. Werth also expressed concern that the new construction would decrease property values. He stated that one larger home was better than two smaller homes. He said that the majority of residents in the neighborhood oppose. Werth asked that during the construction of the houses the contractors not impede more on the roadway as the street is so narrow that additional vehicles would cause a problem. He then stated that the slope on the lot is towards the lake and to add a second residence would require fill, add to the hardcover, and add to the drainage to the lake. He said that the proposed layout of the houses would require major fill and retaining walls. He stated that if you were to just build to the contour of the lot you would have to take out a number of trees, which would affect the erosion to the street and could cause the street to cave in.

Heal asked if the new houses would block Werth's view of the lake in anyway. Werth said no, it would not take away his view as he designed his home knowing there could be a new home constructed.

Heal asked Werth to help him understand how this project would lower the value of the neighborhood. Werth stated it would lower the value per square foot if you're building a lower priced house. If you built a higher value house, it would raise the value per square foot.

Baker stated he drove down the street earlier and asked if they had ever talked about having no parking on one side of the street. Would it help if their driveway is directly across so that he could back into their driveway and another car could not park there? Werth stated that could work.

Baker mentioned that the Planning Commission was just reviewing the minor subdivision so the house has not been designed and adjusting the driveways is still an option.

Werth claimed there would still be issues with emergency vehicles, reiterating the existing issue of too many cars parked on the street.

Baker noted that the existing house would have the same issue. Werth agreed, yes, it goes both ways. A new house would cause the same issue.

Baker asked if a driveway directly across could alleviate the issue for both. Werth stated these were just some things to consider. He understands Greer has a right to build but he's going to build it and move on and neighbors are going to have to deal with it.

Ladislav Cisar - 5139 Waterbury Rd, Mound. Cisar stated he want to come back when the applicant had a chance to respond to Mr. Werth's comments.

Michael and Michelle Greer - 3538 Highland Rd, Minnetrista. Greer stated he has had a long career in building. He stated that he saw the property and fell in love with it. He noted that it has a current home that is past its useful life. He stated that he loves trees and has experience with carefully building on wooded lots. He is committed to tree protection, silt fencing, and getting all approvals required. He has taken Werth's concerns into consideration with the planning. He doesn't just come in build and then leave. He's not a big builder and he only does a few properties a year. He stated that he understands parking can be an issue and he has built on dead-end streets before. He is clear with his subs about where to park and he makes plans so as not to overload the project with man power so that they don't overload the area with parking. He noted that Werth parks on the street pretty much all year and leaves trash cans out all the time.

Werth agreed and stated yes, everyone does.

Greer continued that he would have a sign up with work hours, temporary parking, and no turn around signs for driveways. He makes sure that when there's mud on the road to clean it up. He has his cell phone number on the signs so people know how to get ahold of him. Greer stated that he designed houses so the driveway is on the right for both homes plus they have a driveway that would hold at least two more vehicles. Both homes have the garage on the left and three car garages. Driveways on the right helps for turning into the street. The intent is to leave as many trees as possible in the front of the lot. Each lot will have 3 car garage, and fit 2 cars in driveway so only on rare holiday would they need to have people parking in the street.

With 5 vehicles that can be accommodated on the lot for both lots, he doesn't think the concerns are valid.

Any fill and erosion would be taken care of in a thoughtful professional manner. Retaining walls shown are minimal. The homes are designed with the walkout basements in the back so the grade will gradually fall from the front to the rear. It should not require a ton of fill. The B lot is a walk out to the rear and to the east. As staff identified he will make sure the deck is out of the bluff setback. The homes shown may not be what is built as he will be waiting to get a buyer. The buyer can buy the home as they are marketed or they can do a custom home. If they do a custom home they would provide a new survey and new set of building plans.

Greer noted that he and his wife consider themselves Mound residents. They do not want to come into the community and do something that's not in keeping with the community. He noted that both homes will be above a million dollars so does he not expect it to cause neighbor values to drop. He stated that when he starts a house, he completes it in a timely fashion. He spent four months on the design making sure all elements were touched addressed. He wants to see this project approved and feels like he can do a really good job. Greer finished by showing colored drawing of homes proposed noted that the homes will complement each other.

Heal asked what the sq ft of the house is.

Greer stated they were 3,500 sq ft for the 1 story walkout and the 2 story walkout is just under 5,000 sq ft.

Werth noted those are much bigger homes than what he realized would be built there.

Greer noted that the market will dictate what actually gets built. If its too high, the market will show that but it's not going to be a starter home based on this location.

Ladislav Cisar - 5139 Waterbury Rd, Mound. Cisar stated that he lives two houses down from proposed subdivision. He did not want to repeat what Werth said but does support them. Cisar stated that he does not think that six cars will accommodate a 8,500 sq ft of living between the two homes. He stated that anyone else who comes to visit will have to park in the street. He noted that garbage trucks have to back down. Any ambulance that comes at the same time would have to line up. He stated that the reason it works now is that people don't park in front of each other's driveways. If someone parks in front of his driveway (on the opposite side) he will not be able to get out to go to work. He also commented that he can see wetlands through Greers lots and if the property is built then we will not be able to see wetlands and it will depreciate his property. He would not have bought the home if not for the trees and the view. The overall depreciation will not just be in the two years during construction, but construction will happen in multiple seasons as the two homes are sold. He noted a very decreased quality of life for those two years for every resident who lived there. He stated that one neighbor who

also opposed was not able to come. The subdivision would not help anyone but Greer. The neighbors will be stuck with two new homes, high traffic, and in all aspects, will be worse off.

Wacker asked a question relative to safety. She noted that when you look at Windsor there is a lot of density there. Have there been any instances where emergency vehicles were not able to get through? She noted that in her experience emergency vehicles find their way through. She questioned whether the concerns about an emergency vehicle being able to get through is an assumption or based on experience.

Cisar said he sees garbage trucks, which are shorter than a firetruck, having to back up so therefore a firetruck would not be able to get through. They would have to park down the road by his house in order to get to the house at the end of the road.

Werth answered that the current 5123 Waterbury resident had to have an ambulance once and they asked neighbors to move their vehicles. He also stated that he had that issue with his son.

Archambault asked why there are so many cars on the street when it looks like the three houses across the street have significant off-street parking.

Cisar stated that the house across from him has a really long drive and they don't park on the street, but anyone parked by the retention wall makes it difficult for those across the street to leave their driveways. People park on the street because there is a house with two teenagers who park on the street and they have many cars.

Archambault stated they can't park on the street in the winter anyway.

Cisar noted that neighbors without a garage have a very difficult time. It is very cramped.

Greer clarified that Cisar is looking past two nonconforming homes. When a new home gets built it would have to be 20ft back so no matter what gets built it would end up blocking that view. As far as the parking, he knows it's a concern and has planned for it. He noted that no matter whether it is him or someone else, a home is going to be built there.

Goode stated that seeing no others wanting to comment, the recommendation from staff is that the planning case be approved with 20 conditions and 6 findings of fact. Chair entertains motion.

Archambault commented that someone is going to build here so some concerns are a product of the fact that the parcel is underdeveloped at the moment. To the extent that there will be some change to the character of the neighborhood, they have the right to do that because it is going to be developed either way by someone.

Young stated that when she was out there today she noted that it was tight but that is kind of a function of Mound. She felt that the 3 car garage and driveway space attempts to address the issue as best as it can be.

Heal noted that in his experience new houses always increase property value.

Rosener commented that additional families living in those houses would also add to the tax base and there would be other values added.

MOTION by Archambault to recommend City Council approval with the conditions of approval and findings of fact stated in the packet; seconded by Young. **MOTION** carries unanimously.

Trapp noted that they will be planning for that case to go to city council May 28th.

Smith noted the new City Council start time of 6:00pm.

Planning Case 24-05 - Review/ recommendation – expansion permit for 4870 Edgewater Drive

Trapp stated that both the existing house and detached garage are nonconforming. The proposed addition would connect the house and garage. This connection changes the setbacks so that the garage becomes nonconforming on the north side as well. Trapp noted that there are several additional internal improvements being made as well. One part of the proposed project that does need to be changed is the bay window as the City Code does not allow a bay window of that size to encroach into the setback area. Trapp also noted that the applicant will need to check with the Building Official about what types of openings and fire proofing is required along the north side given how close it is to the property line. Trapp stated that the applicant has been told that the impervious surface must be revised to be below 40%. Staff did distribute the application for agency and staff review. No comments have been received. Staff recommends approval as this seem like a reasonable project. There are no significant concerns, more technical requirements.

Rosener corrected that condition #2 should say 8 square feet and not just 8 feet? Trapp confirmed.

Archambault clarified that the expansion is needed because it is changing from conforming to nonconforming? Trapp clarified that the project would increase the nonconformity of the garage. Given this Trapp stated that staff felt the whole package needs to be reviewed.

Smith added that you can also stand on the fact that the home and garage separately are nonconforming and the connection between the two is conforming. The heart of the matter is that the connection isn't making the nonconformity worse since it just that the standards change. Smith noted that staff may have been able to do it administratively but due to the scope, including the addition being two-stories in height, staff wanted the applicant seen by Planning Commission and Council.

Jim and Deborah Barnes - 4870 Edgewater Dr, Mound. Barnes stated that he was here with his wife and architect. Barnes stated they are trying to make the space a little more functional. He noted that currently the laundry is in the first floor bathroom. They want to add additional space, including a new bedroom and storage. They also want to connect the house and garage.

Navigating down the stairs is a safety issue and if we could enter through the garage, it would make it a lot safer. As part of the project they also will make an existing staircase conforming. The intent is to extend the life of the property for whoever lives there down the road.

Heal clarified that that the applicant mentioned entering to the second story. Barnes confirmed that because of the slope the entrance would be on the second story.

Baker stated they seem to have done everything they can to minimize the expansion.

Heal noted that this was a good design to allow someone of any age to live in the house.

Goode noted that Staff recommends approval with 13 conditions and 5 findings of fact.

MOTION by Rosener to recommend City Council approval of the expansion permit with the findings of fact and conditions, including fixing the typo in #2 relative to square feet, noted in the planning report; seconded by Archambault. **MOTION** carried unanimously.

Smith stated that the Council will consider the request at the May 28th meeting. She noted the 6:00pm start time for City Council. The item will be on the consent agenda.

STAFF UPDATE

Smith stated that there are lot of projects in process, including projects the Planning Commission has reviewed and new building, fence, and swimming pool permits. Staff is also responding to a lot of special event permits. She noted that the farmers market will start soon. Spring came early and everyone wants to be in the ground. Lots of real-estate and wedding inquires as well.

Goode asked if there was an update on the restaurant at Commerce Place. Smith noted that she had reached out recently but didn't hear back. She added that she had heard that the applicants for the townhomes for Fern are still working on their applications.

ADJOURNMENT

MOTION by Rosener to adjourn at 8:23pm; seconded by Archambault. **MOTION** carried unanimously.

Submitted by Natalie Strait



PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp, Consulting Planner
Sarah Smith, Community Development Director
DATE: May 30, 2024
SUBJECT: 2024 Code Updates
MEETING DATE: June 4, 2024

The Planning Commission will continue its discussions on the prioritized zoning code updates for 2024. Staff has drafted the attached regulations for accessory dwelling units, solar energy, and electric vehicle charging based on the input received at the April meeting.

Staff will also provide an introduction to code updates anticipated to be considered by the Planning Commission yet this summer:

- Cannabis – In 2023 Minnesota legalized cannabis businesses with retail sales expected to begin the first quarter of 2025. The City was intended to draft regulations once a model ordinance was available from the Office of Cannabis Management. However, during the 2024 legislative session, a change was made which would allow social equity applicants to conduct early cultivation later this summer. This change means the City Attorney will be preparing zoning code changes for Planning Commission consideration in July.
- Signage - The city's code provisions related to signage are in Chapter 119. Updates are needed as the regulations do not reference the current zoning districts and federal case law requires that cities base regulations on districts and sign type rather than content.

Draft Code for Accessory Dwelling Units (ADU)

Sec. 129-2. Definitions.

Accessory Dwelling Unit (ADU) means a self-contained dwelling unit with a kitchen, sleeping area, and full bathroom facilities, which is located within, attached to, or on the same lot as an existing residential dwelling.

Sec. 129-99. Allowable Uses.

Use	R-1	R-1A	R-2	R-3
Accessory Uses				
Accessory Dwelling Unit (ADU)	P	P	P	

Sec. 129-135. Allowable Uses.

Use	MU-D	MU-C	C-1	I-1
Accessory Uses				
Accessory Dwelling Unit (ADU)	P	P		

Sec. 129-194. Accessory Buildings

- (i) Accessory Dwelling Units (ADU)
 - (1) *Number.* A lot with a single-family dwelling unit is allowed a maximum of one ADU.
 - (2) *Location.* The ADU may be constructed within or as an addition to the single-family dwelling unit, or as a detached accessory building.
 - (3) *ADU Size.* The ADU shall be no more than the greater of 800 square feet or the area of the primary dwelling footprint.
 - (4) *Setbacks.* The ADU must meet the principal structure setbacks, even if it is located within an accessory building.
 - (5) *Height.*
 - a. An ADU which is constructed within or attached to the principal building shall be not exceed 2 ½ stories or 35 feet in height.
 - b. An ADU which is constructed within an accessory building shall not exceed the height of the principal building.
 - (6) *Design.*
 - a. A detached ADU shall be designed and maintained so as to be consistent with the appearance and character of the principal dwelling unit.
 - b. A paved surface shall connect the ADU to the driveway or street.

- (7) *Occupancy.* The maximum number of occupants shall be no more than allowed by the building code.
- (8) *Parking.* An ADU shall require one off-street parking space.
- (9) *Owner Occupancy requirement.* The owner(s) of the property must continue to occupy at least one (1) of the dwelling units on the property as their primary residence, except for a bona fide temporary absence.
- (10) *Utility connection.* The ADU shall have separate utility connections.
- (11) *Sale.* An ADU shall not be sold independently from the principal dwelling and shall not be split into a separate tax parcel from the property with a single-family dwelling.

Proposed Code Changes for Solar Energy Systems

Sec. 129-2. Definitions.

Building-integrated solar energy systems means a solar energy system that is an integral part of a principal or accessory building. Rather than a separate mechanical device, the building-integrated solar energy system replaces or substitutes for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic systems that are contained within roofing materials, windows, skylights, and awnings.

Ground-mounted solar energy system means a solar energy system mounted on a rack or pole that rests or is attached to the ground.

Roof-mounted solar energy system means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

Solar access means an unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Sec. 129-99. Allowable Uses.

Use	R-1	R-1A	R-2	R-3
Accessory Uses				
Solar energy system, building-integrated or roof-mounted	P	P	P	P

Sec. 129-135. Allowable Uses.

Use	MU-D	MU-C	C-1	I-1
Accessory Uses				
Solar energy system, building-integrated or roof-mounted	P	P	P	P

Sec. 129-906. Solar Energy Systems

- (a) Building-integrated and roof-mounted solar energy systems are allowed on principal or accessory buildings. No ground mounted solar energy systems or solar parking lot shade structures are allowed.
- (b) Building-integrated solar energy systems shall be regulated similar to other building elements, such as, but not limited to, roofing materials, windows, skylights, and awnings.
- (c) *Roof-mounted solar energy systems.*
 - (1) Shall not exceed the maximum allowed height in any zoning district.

- (2) Shall be flush mounted on pitched roofs unless the roof pitch is determined to be inadequate, in which case the pitch of the solar collector may exceed the pitch of the roof by up to 5% and the collector and racking shall be set back from all roof edges by at least two feet. In no case shall the roof-mounted solar energy system be higher than ten inches above the roof.
 - (3) May be bracket-mounted on flat roofs. Bracket-mounted collectors shall be certified by a registered architect or engineer and shall be permitted only when a determination is made by the building official that the underlying roof structure will support the solar energy system, wind, and snow loads.
 - (4) Shall not extend beyond the exterior perimeter of the building on which the system is mounted, unless the system has been explicitly engineered to safely extend beyond the edge.
- (d) *Removal.*
- (1) The removal of a solar energy system must include the entire structure, including the transmission equipment.
 - (2) Solar energy systems must be removed and properly disposed of if they are out of production for more than one year, unless the City Council grants an extension of time for their removal.
 - (3) If a solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute as a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained.

Draft Code for Electric Vehicles Chargers

Sec. 129-2. Definitions.

Charging levels means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 (DC) are the most common charging levels, and include the following specifications:

- Level 1 is considered slow charging with 120v outlets.
- Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
- Level 3 (DC) is considered fast or rapid charging. Voltage is greater than 240 volts.

Electric vehicle means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on-board for motive purposes. "Electric vehicle" includes a battery electric vehicle and a plug-in hybrid electric vehicle.

Electric vehicle charging station (EVCS). A public or private parking space that is served by equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric vehicle infrastructure. This includes conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

Electric Vehicle Service Equipment (EVSE). The comprehensive suite of equipment essential for facilitating the charging process of electric vehicles.

Sec. 129-99. Allowable Uses.

Use	R-1	R-1A	R-2	R-3
Accessory Uses				
Electric vehicle charging	P	P	P	P

Sec. 129-135. Allowable Uses.

Use	MU-D	MU-C	C-1	I-1
Accessory Uses				
Electric vehicle charging	P	P	P	P

Sec. 129-207. Electric Vehicle Charging.

- (a) Electric vehicle supply equipment (EVSE) serving a single-family detached residence, two family residence, or twinhome in any zoning district shall be in a garage, on the exterior wall of the home or garage, or on a freestanding pole with footing adjacent to a parking space.
- (b) Electric vehicle supply equipment (EVSE) serving residential structures with three or more units or non-residential uses shall meet the following requirements:
 - (1) *Design Standards.*
 - a. EVSE must be installed per manufacturer specification and must comply with all applicable building codes and relevant Americans with Disabilities Act (ADA) requirements.
 - b. EVSE shall be designed and located so as to not impede pedestrian travel or create trip hazards on sidewalks. Cords must be retractable or hung sufficiently above any pedestrian surface when not in use and shall not extend across sidewalks or trails during charging.
 - c. EVSE may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - d. EVSE shall be designed to minimize potential damage by accidents through the use of wheel stops or bollards, vandalism, and to be safe for use in inclement weather.
 - (2) *Signage.* Each electric vehicle charging station (EVCS) shall be posted with signage indicating the space is only for electric vehicle charging purposes.
 - (3) *Lighting.* Site lighting shall be provided where an EVCS is installed, unless charging is for daytime purposes only.
 - (4) *Maintenance.* EVSE shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.