

**4MISSION 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, SEPTEMBER 3, 2024, 7:00 P.M.  
COUNCIL CHAMBERS, MOUND CENTENNIAL BUILDING  
5341 MAYWOOD ROAD, MOUND, MN**

	<b>Page</b>
<b>1. Call to Order</b>	
<b>2. Roll Call</b>	
<b>3. Approval of Agenda, with any Amendments</b>	
<b>4. Approval of Meeting Minutes</b>	
A. August 20, 2024 special/rescheduled meeting minutes	1
<b>5. Board of Adjustment and Appeals</b>	
A. Planning Case No. 24-13 Public Hearing – Review/discussion of Major Subdivision-Preliminary Plat of “Lake Minnetonka Flats” proposed for property at 2400-2420 Commerce Boulevard; also review/discussion of Conditional Use Permit for a Planned Unit Development in the shoreland area to allow the construction of 12 for-sale units in three, 2-story condominium buildings to include Planning Commission recommendations Applicant: Carl Runck and Jim Gooley on behalf of Lake Minnetonka Flats, LLC	10
<b>6. Old / New Business</b>	
A. 2024 Planning Commission term expirations	
B. Council liaison and staff report/update	
C. Upcoming meeting date: Tues., October 1, 2024 at 7:00 p.m.	
<b>7. Adjourn</b>	

*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 Mound City Hall at 952-472-0603**

**MEETING MINUTES (DRAFT)**  
**RESCHEDULED / SPECIAL PLANNING COMMISSION**  
**AUGUST 20, 2024**

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

**ROLL CALL**

Members present: David Goode, Jason Baker, Kristin Young (7:03 PM), Derek Archambault, Samantha Wacker, Kathy McEnaney and Drew Heal.

Members Absent: Jake Savstrom and Nick Rosener.

Staff present: Sarah Smith, Rita Trapp, and Maggie Reisdorf.

Members of the public: Larissa and John Sundell – 1717 Jones Lane, Mound, MN. Max Windmiller – 245 Ridgeview Drive, Wayzata, MN. Sam Strom – 511 4<sup>th</sup> Ave NW, Buffalo, MN. Nick Niedfeldt – 5366 Centennial St. SE, Prior Lake, MN. Jacob and Sheri Kohler, 1703 Jones Lane, Mound, MN. John Schletty – 6511 Bayridge Road. Pat Pelstring – 5032 Edgewater, Mound, MN. Jennie and Brad Sewell – 6511 Bayridge Road, Mound, MN. Derek Jordan – 1575 Bluebird Lane.

**APPROVAL OF MEETING AGENDA**

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

**REVIEW OF JULY 2, 2024 REGULAR MEETING MINUTES**

**MOTION** by Baker to approve the July 2, 2024 regular meeting minutes as written; seconded by Archambault. **MOTION** carried unanimously.

**BOARD OF ADJUSTMENTS AND APPEALS**

**Planning Case No. 24-10**

**Review/Recommendation – Variance for Accessory Structure at 1703 Jones Lane**

**Applicant: Jacob Kohler**

Trapp introduced this item to the Planning Commission. She informed that the request was for a variance for an accessory structure at 1703 Jones Lane. She explained that the property is a corner lot of record located at the intersection of Jones Lake and Three Points Blvd and that there is currently a single family home with a two car attached garage (built in 1984) on site. Trapp explained that the property owners came to the City in 2020 for a fence height variance and the allowance of placing the fence in the public ROW along Three Points Blvd.

Trapp explained that the applicant is proposing the construction of a 440 sq ft accessory garage/shed on a floating slab in the rear yard. She said they are requesting a variance to allow

for a 5.7 foot setback from the property line that abuts Three Points Boulevard. She informed that the request for the variance is because of the property's unique topography.

Trapp explained that the Comprehensive Plan lists the property as Low Density Residential which allows for single-family detached and attached housing types. She said that the use would continue to be single-family. She said the zoning of the property is R-1 Single Family Residential and is considered a lot of record. Trapp reviewed the City Code regarding accessory structure setbacks within the R-1 zoning, which included a front yard with a 30 foot setback (based on lot depth), a street side yard setback of 30 feet, an interior side yard of 6 feet and a rear yard of 4 feet.

Trapp reviewed the proposed accessory structure information. She said that the lot is 10,557 square feet in size. She informed that accessory structures in residential districts is limited to the lesser of 3,000 square feet or 15% of the lot area. She explained that for this lot specifically, that maximum would be 1,583 square feet. Trapp informed that the proposed structure is 440 square feet (20 feet by 22 feet.)

Trapp said that because the property is a corner lot, the front setback requirements are required on both Three Points Boulevard and Jones Lane. She stated that the proposed location for the structure would be 5.7 feet from the northern lot line. Trapp explained that the rear setback would be along the west property line and would be 5 feet off the property line which meets the 4 foot setback requirement.

Trapp provided a survey of the property that showed the topography of the property. She informed that the topography across relevant portions of the lot range from 952.4 in the southeast corner and 942.8 at the southwest corner of the house. She explained that because of the unique topography of the property, that locating the shed within the required setbacks would require the removal of three mature trees, excavating of the existing berm, the installation of a retaining wall, and drainage improvements.

Trapp reviewed the building height requirements for accessory structures. She said that residential accessory structures must be shorter than the principal building on the lot. She explained that the applicant has indicated that the structure will be 11 feet, 10 5/8 inches and that the current house is 18 feet, 11 inches. Trapp said that the final height will be verified at the time of the building permit application.

Trapp said that the request for a variance information was distributed to adjacent property owners, staff, consultants, agencies and private utilities and that no comments were received.

Trapp stated that the Planning Commission is being asked to discuss the request and take action. She informed that staff is recommending approval of the variance request with six conditions and three findings of fact.

Young asked how tall the current fence is.

Trapp said that current fence is 6 feet tall, but noted that it is located up the slope nearer to Three Points Boulevard.

Baker asked about the lot's two front yards and asked if the structure would be in compliance if it wasn't recognized as a lot that had two front yards. Baker said he struggled with some lots that have two front yards, specifically those along differing street types. He said that because of the fence and the topography of the fence, the structure shouldn't be seen from the road.

Goode asked the Planning Commission for further comment and invited the applicant up for additional comment.

Jacob and Sheri Kohler, 1703 Jones Lane, Mound, MN: Kohler (Jake) informed the Planning Commission that he brought photos of the property that show the unique topography of the property. He explained that there is a current shed on site that would be removed and replaced with a larger shed. Kohler said that the existing topography of the lot makes it difficult to meet the setback requirements of the City Code and would require the removal of several mature trees, the removal of an existing berm, the installation of a retaining wall, and stormwater management features. He said that with the fence location and the topography, that the structure would be fairly hidden from view from the road.

John Sundell, 1717 Jones Lane, informed that he received a letter regarding the request for a variance for his neighbor's property. He explained that in 2023, he and his wife requested a variance for a remodel of their home and that they received significant backlash for their proposal. Sundell explained that the Kohlers' had already received a fence variance in the past and that they have gone on the record stating that when they bought their home in 2009, they knew what they were buying as far as setbacks, etc. Sundell talked about how the Planning Commission and City Council denied the variance request for their property remodel design and that the request was to come back with a different design. He explained that his property had unique elements as well, but that he was asked to spend more money on a different design that included removal of trees, etc. He stated that his neighbor has other options available as to where to locate their accessory structure. He recommended that they add on to their existing garage, change the shape of the current building or move the structure to where no variance is needed. He mentioned again that with his previous variance request, he was asked to consider other options. He expressed concern about how the Planning Commission approves/denies variances. He said they need to be careful about setting a precedent. He said that the neighbor can remove trees and remove the existing berm to meet existing City Code. Sundell said that the Planning Commission needs to be consistent in how they treat the neighborhood and the community. He said that he encourages home improvements. Sundell said that he hopes the variance is not approved and that the neighbors can adjust their plans enough to meet City Code as is.

Kohler (Jake) responded that he understands Sundell's comments and concerns. He stated that Sundell's previous variance request was different than his current variance request. He mentioned that the Sundells excavated through the entire hill before approaching the City of Mound with their plans. Kohler said that their project is not impacting other neighbors.

Baker asked why the structure couldn't be moved to 6 feet to meet City Code.

Kohler stated that because it is a property that has two front yards, City Code requires a setback of front yards at 30 feet.

Sundell stated that the Kohlers' informed that they knew the property when they bought it and should have known that this structure wouldn't meet code. He said they have plenty of options to stay within City Code and not need a variance.

Trapp confirmed that to meet City Code, the structure would have to meet the front yard setback requirement for the second front yard off of Three Points Boulevard.

Heal stated that the following options for the Planning Commission were to either request the removal the trees/berm and add a retaining wall, approve the variance, and or deny the variance.

McEnaney stated that she felt that this variance request is different from the other neighbor's request (1717 Jones Lane) in that it was less impactful to the neighboring properties.

Heal asked why he doesn't just expand on the current shed.

Kohler said the existing shed is legal nonconforming and was there when the house was bought. He said that when a structure gets knocked down and/or replaced, it triggers City Code review and compliance with the new structure.

Baker asked that the Planning Commission and staff review current City Code with regards to properties that have two front yards (corner lots). He asked that a review be done to distinguish possible different treatment of City Code requirements based on different adjacent street types.

Trapp informed that they could include that in a future review.

Goode reviewed the options that the Planning Commission are to consider.

**MOTION** by Baker to recommend approval of the variance for the accessory shed at 1703 Jones Lane including conditions and findings of fact; seconded by Wacker. **MOTION** carried unanimously.

**Planning Case No. 24-11**

**Review/Recommendation – Variance for New/Replacement Deck at 6511 Bayridge Road**

**Applicant: John Schletty of Minnesota Decks, LLC**

Trapp introduced this item to the Planning Commission. She said that it is for a variance request for a new/replacement deck at 6511 Bayridge Road. Trapp informed that the property is located south of Bartlett Boulevard near the intersection of Bluffs Lane. She said that is a lakeshore and bluff lot where currently a single family home with an attached garage sits.

Trapp reviewed the City's comprehensive plan that guides the property as low density residential which allows for a single-family detached and attached housing type. She informed that the property would continue to be used as a single family home. Trapp reviewed the zoning of the property. She said it is R-1 Single Family Residential and is considered a lot of record. She informed that as a shoreland lot, it is subject to lakeshore setbacks of 50 feet on the south side. Trapp said that almost the entire house sits on a bluff.

Trapp reviewed details about the proposed deck. She mentioned again that the lakeshore setback requirement is 50 feet and that the current deck is 47.9 feet from the lakeshore. She informed that the new deck would be 43.2 feet from the lakeshore. Trapp explained that the new design would allow for the use of standard joists for construction and that the width of the deck is related to the location of the windows on the home.

Trapp explained ordinary high water details. She said that the standard ordinary high water level is 929.4 feet for Lake Minnetonka and that the submitted survey instead uses 929.83 feet for the standard. She explained that the survey is using a higher water line and therefore makes the setbacks as proposed slightly greater. Trapp stated that a condition was added to ensure that the setback would be measured to the 929.83 water line during construction.

Trapp reviewed hard cover requirement per City Code. She informed that Code allows for a coverage of 40% and that the proposed coverage will go down to 37.8% from the existing 41%.

Trapp said that the request information was sent to the adjacent property owners, staff, consultants, agencies, and private utilities. She said the only response was received from the Minnehaha Watershed District who had no objections.

Trapp stated that the Planning Commission is being asked to discuss the request and take action. She informed that staff is recommending approval of the variance request with seven conditions and three findings of fact. Trapp reviewed the proposed findings for the project.

Applicant, John Schletty, provided additional information on the deck design stating that the reason that the setback difference is 4.7 feet even though the deck is getting only 1 foot deeper is related to the deck being measured to a different point along the lakeshore edge because the deck is getting wider in front of the house. The deck is currently two levels and it is proposed to become one level with a small platform and steps at the house entrance.

Goode reviewed the options that the Planning Commission are to consider.

Archambault stated that he was OK with the plans as long as it didn't impact the neighbors.

**MOTION** by Baker to recommend approval of the variance for a new deck/replacement at 6511 Bayridge Road with the seven conditions and three findings recommended by Staff; seconded by Baker. **MOTION** carried unanimously.

#### **Planning Case No. 24-12**

#### **Review/Recommendation – Expansion Permit for Remodel/House Additions at 5032**

#### **Edgewater Drive**

#### **Applicant: Max Windmiller of Windmiller Design Studio**

Trapp introduced this item to the Planning Commission. She said that it is for an expansion permit request at 5032 Edgewater Drive in order to construct a new rear yard deck and family room expansion along the current, nonconforming east side setback line. She informed that the proposed nonconforming additions are located 9.5 feet from the property line. She explained that the larger project includes additional improvements, all of which are conforming.

Trapp reviewed the City's comprehensive plan that guides the property as low density residential which allows for low density residential, meaning single-family detached and attached housing types. She informed that the property would continue to be used as a single family home. Trapp reviewed the zoning of the property, which is listed as R-1A Single Family Residential and is considered a non-lot of record as the lot was created as part of a 1994 minor subdivision. She reviewed zoning requirements including that the building height can only be 2 ½ stories or 35 feet tall. She reviewed setbacks with the front yard at 20 feet (currently met), side yard at 10 feet (currently nonconforming) and the lakeshore setback at 50 feet (currently met).

Trapp reviewed information about the lot being determined that it is not a bluff.

Trapp reviewed that the maximum impervious surface requirements for a non-lot or record in the R-1A District is 30%. She informed that the current hardcover is 48.4% and that the proposed improvements would bring it down to 29.8%. She reviewed the ways in which the project would reduce hardcover.

Trapp informed that the applicant is proposing a general redesign of the house that involves a number of improvements. She said that other than for the rear yard deck and family room, all other improvements will be conforming. She said that the basement is proposed to be expanded to match the main level expansion of the family room addition. Trapp said with the low floor elevation of 952.3, the basement expansion is above the Regulatory Flood Protection Elevation of 933.0 for Lake Minnetonka.

Trapp said that the request information was sent to the adjacent property owners, staff, consultants, agencies, and private utilities and that no comments were received.

Trapp stated that the Planning Commission is being asked to discuss the request and take action. She informed that staff is recommending approval of the request with nine conditions and five findings of fact.

Applicant Max Windmiller informed that he is the architect for the project and that they have been working hard to design a project that fits in well. He said that the request has a minimal impact and should integrate in well with what is currently existing.

Pat Pelstring – 5032 Edgewater, Mound, MN informed that he talked with both neighbors about the project and that they are aware of the project and have no objections.

**MOTION** by Baker to recommend approval of the expansion permit request at 5032 Edgewater Drive with the nine conditions and five findings in the packet; seconded by Young. **MOTION** carried unanimously.

### **OLD/NEW BUSINESS**

#### **A. 2024 Planning Commission Term Expirations**

Smith stated that the terms of Commissioners David Goode, Drew Heal, and Nick Rosener are up on December 31, 2024. She said that if any of them are interested in reappointment to contact her as soon as possible.

#### **B. Council Liaison and Staff Reports/Updates**

Councilmember McEnaney provided an update on County Road 15/Shoreline Drive and the current closure from the Metropolitan Council sewer maintenance project. She informed that the street should be back open before Labor Day Weekend. She explained that the new crosswalk should be partially in place as well. McEnaney said that the striping of the crosswalk should be complete by the holiday, but that the crosswalk flashing signal installation has been delayed about a month.



Wacker mentioned the new road improvements on County Road 15/Shoreline Drive that included the installation of traffic calming islands. She said that they have been causing some confusion as she sees people are hitting them. Wacker was wondering if they would be painted to make them more visible.

Baker asked whether staff could provide an explanation on crosswalks in the next City newsletter to educate people on how to use them. He said that the new crosswalk downtown for the Dakota Trail is causing a lot of confusion for users, thus making it dangerous. McEnaney agreed.

Smith informed that it has been a busy summer for the City. She stated that the Spirit of the Lakes Festival went well. She said that there have been many events throughout the summer months and that there is a fishing contest coming up this weekend at Surfside Park. She mentioned the upcoming Our Lady of the Lake Festival. She said that there will not be a Dog Days Event this year. Smith said that summer events are wrapping up and that the fall/winter events will start to be planned, including the tree lighting. She said that the Farmers Market goes until October. Smith said that the City has been receiving many permits including those for housing improvements. Smith informed that the Planning Commission would be reviewing at their September 3<sup>rd</sup> meeting, a development called the Lake Minnetonka Flats and holding a public hearing on the project. Smith stated that the City Council approved the library Conditional Use Permit at their August 13, 2024 meeting. She informed that the building height was lowered two feet, that additional parking was considered along Bellaire, that the library is still sorting out interim library logistics and possible share parking with the nearby church. She also reviewed the process the library took to address neighbor concerns. Smith informed that the library explained that they will not be able to accommodate the request for an offsite book drop, but that there would be one inside the building.

Goode asked about the progress on the proposed restaurant located at Commerce.

Smith informed that the property owner is still working under current permits and that staff continues to check in on progress. She stated that it is taking time to complete.

McEnaney informed that in lieu of the Dog Days event at Surfside Park in 2024, the Westonka Animal Hospital will be hosting an event called "Westonka Pet Palooza" on Sunday, September 8<sup>th</sup> at the vet clinic in the back of the property. She stated that there will be food, fun, games and prizes.

**ADJOURNMENT**

**MOTION** by Archambault to adjourn at 8:32p.m.; seconded by Baker, **MOTION** carried unanimously.

Submitted by Maggie Reisdorf



## PLANNING REPORT

**TO:** Planning Commission  
**FROM:** Rita Trapp and Mia Colloredo-Mansfeld, Consulting Planners  
Sarah Smith, Community Development Director  
**DATE:** August 29, 2024  
**SUBJECT:** Lake Minnetonka Flats (Case No. 24-13)  
**Public Hearing** – Major Subdivision-Preliminary Plat; and  
review/discussion/consideration of Conditional Use Permit (CUP)  
for a Shoreland Planned Unit Development in the Mixed Use –  
Corridor District for 12 condominium units  
**APPLICANT:** Lake Minnetonka Flats, LLC (represented by Jim Gooley and Carl  
Runck)  
**OWNER:** Betty Falness  
**LOCATION:** 2400 and 2420 Commerce Boulevard  
(PID No. 24-117-24-22-0001 and 24-117-24-22-0013)  
**MEETING DATE:** September 3, 2024  
**COMPREHENSIVE PLAN:** Mixed Use  
**ZONING:** Mixed Use Corridor, Shoreland Overlay District

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The applicant, Lake Minnetonka Flats, LLC, has applied for a Major Subdivision – Preliminary Plat and Conditional Use Permit (CUP) for a shoreland planned unit development (PUD) in the Mixed Use – Corridor (MU-C) district for a proposed condominium project in the form of townhouses. The total lot area for the proposed project is 343,557 square feet (7.9 acres) and is located adjacent to Lost Lake.

The proposed development will consist of three buildings for a total of 12 for-sale units. Each building will be a two-story, four-unit building with below grade resident parking garages. In addition to the units, the applicant is proposing a shared Homeowners' Association (HOA) dock arrangement with the adjacent property owner (2362 Commerce Blvd) to provide a combined total of up to boat 22 slips that connect to the Lost Lake Channel. Access to the dock will be via an 8-foot wide boardwalk from the proposed building site to the boat slip.

### Project Plans

Due to file size the Planning Commission packet contains the site plan and the applicant narrative. The application and full plan set is available at this [link](#). Hardcopies of plans will be provided to Planning Commission members upon individual request.

## **REVIEW PROCEDURE**

The applications under review include the following land use and subdivision requests:

- Major Subdivision-Preliminary Plat
- Conditional Use Permit (CUP) for a Planned Unit Development

### ***60-Day Land Use Application Review Process for CUP Application***

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, “Day 1” is determined to be August 1, 2024 as provided by Minnesota Statutes Section 645.15. The 60-day timeline expires on or around September 30, 2024 unless an extension is executed by the City. An extension of the review period can occur if agreed to by the applicant.

### ***120-day Subdivision Review Process for Preliminary Plat Application***

Pursuant to Minnesota State Statutes Section 462.358, local government agencies are required to approve or deny subdivision requests within 120 days. For the purpose of Minnesota Statutes Section 462.358, “Day 1” is determined to be August 1, 2024 in accordance with MS. 645.15. The 120-day timeline expires on or around November 29, 2024. An extension of the review period can occur if agreed to by the applicant.

### ***Public Hearings***

#### **Planning Commission**

City Code Section 121-61 requires that a public hearing for review of the major subdivision-preliminary plat be held by the Planning Commission. The public hearing notice was published in the Laker on August 24, 2024 and posted on the City Hall bulletin board on August 20, 2024. The public hearing notice was mailed to all affected property owners in the project area or located within 350 feet of the proposed major subdivision-preliminary plat per Hennepin County property information on August 21, 2024.

Information about the project was also posted on the front page on the City’s website under City News on August 27, 2024.

#### **City Council**

According to City Code, the City Council is required to hold the public hearings for review of the conditional use permit and major subdivision-preliminary plat (Sections 129-38 and 121-61).

### **Public Comments Received**

Comments or emails received by 11:00 a.m. on Thursday, August 29, 2024 were included in the Planning Commission agenda packet for the September 3<sup>rd</sup> Planning Commission meeting. Comments received after that time will be presented to the Planning Commission at the meeting. Information submitted will be made part of the public record. As of the packet preparation, no comments have been received.

### **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:

#### **Wes Saunders-Pearce, MN Department of Natural Resources**

In its initial comment letter the DNR requested the developer demonstrate how the proposed project is consistent with the city's shoreland PUD criteria, including density tiering and required open space preservation, then assess any needed variances based on this analysis. The DNR also noted that they would provide additional comments about the proposed docks and boardwalk at a later time.

On August 30<sup>th</sup> the City received a second comment letter clarifying the DNR's position about the dock and boardwalk. In the letter, the DNR summarized previous approvals to the City of Mound relative to Lost Lake Channel and the docks. The DNR believes additional private docks as proposed in the application is not provided for in previous approvals. The DNR also states that the use of the boardwalk to access to the docks is not allowed as it obstructs navigation and privatizes that part of Lost Lake. The DNR acknowledges that outside of the docks and boardwalk the application is primarily a land use and subdivision request. Thus, the DNR requests that City review focus on those elements and that any approvals for the docks and boardwalk not be addressed at this time.

#### **Matt Bauman, City Engineer, PE**

1. The existing entrance should be completely removed and disposed off site. Curb, gutter, and sidewalk should then be restored to match the adjacent street section.
2. A maximum of 3:1 slopes should be utilized in green spaces. Additional retaining wall may be necessary along the northeast property line and the shoreline to maintain maximum slopes.
3. The storm sewer outlet should be directed perpendicular to the slope. An additional manhole may be necessary to achieve this layout.
4. Manholes must be provided for the underground storage to allow for inspection and maintenance of the entire system. Manholes should be provided on both ends of the system accordingly.

5. A sump manhole should be provided prior to the underground system to provide pretreatment. Sump manhole should be located to provide ease of maintenance and cleaning.
6. Review south grading and tie in slopes with neighbor so not directing water inappropriately to new locations.
7. Coordinate water services with public works staff for appropriate metering of each residence. Plans currently show one water service tie-in to the Commerce Boulevard.

**Gregory Pederson, Mound Fire Department**

The proposed project meets all Minnesota State Fire Code requirements and there are no major basic life safety issues. The fire suppression system planned for the buildings is a big plus. Parking along Commerce Boulevard will limit use of the ladder truck in the event of a structure fire but the proposed use of parking does not violate any Minnesota State Fire Code section or statute and does not need to be changed.

**Chad Ellos, Transportation Planning Division, Hennepin County**

Hennepin County does not have any current plans to vacate public right-of-way. There are concerns about the proposed plans as the applicant has private improvements, including a staircase and retaining walls, in the right-of-way. It was also noted that due to the slope on the site, the driveway should include a landing of 20-25 feet at the sidewalk profile to ensure adequate sight distance.

No storm sewer infrastructure for site drainage and rate control will be allowed in the right-of-way. Drainage patterns cannot be altered unless approved by the County and MWCD. Applicant is advised that drainage calculations are required if altering drainage patterns. Post-construction flow rates entering Hennepin County's drainage system shall not exceed pre-construction rates for two, 10, and 100-year events.

Clarification was sought about trash pickup and deliveries as safety on the county roadway should not be jeopardized by these services.

*The applicant has submitted updated site plans (Sheets C2.0 and C2.1) in response to these comments. The changes included moving all internal circulation within the property and out of the right-of-way. Hennepin County has been notified of these changes and their review is underway. An updated response from Hennepin County is anticipated after the Planning Commission review but prior to City Council consideration following their review of the updated site plans received on August 27, 2024.*

**Veronica Sannes, Minnehaha Creek Watershed District (MCWD)**

MCWD has shared with the City that it will be considering a change to the management classification of the wetland based on analysis of MNRAM as part of its permitting process. The classification of the wetland is used for the determination of the buffer needed based on its Wetland Protection Rule.

According to the applicant, they have received preliminary support for the project from MCWD and that their formal review will occur in September.

**Jim Brimeyer, Lake Minnetonka Conservation District (LMCD)**

The LMCD is aware of the proposed project but will not review any application until requirements of the MCWD and DNR are satisfied. When additional information is available, discussion will be needed relative to the docks as depending on the size of the water surface area used, an Environmental Assessment Worksheet (EAW) may be needed. The LMCD indicated a meeting with the DNR/MCWD/LMCD is being coordinated soon.

**Chris Remus, Metropolitan Council Interceptor Engineering Services**

MCES has no facilities near the property in question and will have no comments regarding the project.

**DEVELOPMENT SUBMITTAL REVIEW**

***Comprehensive Plan***

The project area is designated as Mixed Use in the City's 2040 Comprehensive Plan. As described in the future land use table, mixed use is *"meant to support a variety of uses including commercial, public, and residential uses including townhomes, row houses, and existing multifamily apartments."* The designation is intended to provide flexibility so that property owners have options when considering redevelopment.

Residential density of new townhouse and rowhouse development in mixed use districts is anticipated to be between 8 and 15 units per acre. Total site area for the proposed development is 7.9 acres, with 1.3 acres of the site located above the ordinary high water line. Based on the 12 units proposed for the 1.3 acres of the site above the Ordinary High Water Mark (OHWM), the density of the residential units is 9.2 units per acre. This is within the 2040 Comprehensive Plan density range of 8 to 15 units per acre.

The proposed design of this site is in keeping with the 2040 Comprehensive Plan. The Comprehensive Plan states that development in mixed use districts should encourage and support pedestrian and bicycle travel, incorporate streetscape elements, orient and space buildings to allow views to the lakes, move parking away from the front of buildings, and include other design components that align with the goals of the mixed use district. Examples

of how the proposed development addresses the Comprehensive Plan including incorporating landscaping elements along the public facing street, orienting buildings with views over Lost Lake and spacing buildings for visual separation, and using below grade parking for residents to minimize building height and move parking away from the front of the buildings.

***Preliminary Plat (Sec. 121-61 through Sec. 121-64)***

The Minnetonka Flats project encompasses a site that is 7.9 acres in size. The plat combines the existing lots at 2400 Commerce Boulevard and 2420 Commerce Boulevard into a single lot. It is anticipated that the applicant will pursue a common interest community (CIC) plat for the proposed for-sale condominiums. The CIC plat is what will allow for the individual units within the building to be sold to individual owners. As required by the City Code Chapter 121 (Subdivisions), the applicant shall place drainage and utility easements along the perimeter of the property.

***Conditional Use Permit (CUP)***

The mixed use – corridor district (MU-C) requires a planned unit development (PUD) for any new development. The conditional use permit (CUP) is the method by which the City approves PUDs. The conditional use permit allows the City to establish conditions that the development should meet to ensure that it fits its location.

**Use (Sec. 129-135)**

Section 129-35 lists permitted, conditional and accessory uses for mixed use districts. The proposed townhouse-style condo units are a permitted use in the MU-C district. The applicant is proposing a 12 by 12 (144 SF) accessory building on the north end of the site.

In addition to the proposed dwelling units, the applicant is proposing to construct an 8-foot wide boardwalk from the building site to a proposed boat slip. A shared HOA dock arrangement with the adjacent property owner (2362 Commerce Boulevard) would provide a combined total of up to boat 22 slips that connect to the Lost Lake Channel. This proposed use will need to obtain approvals from DNR, MWCD, and LMCD as the boardwalk and docks are located in their jurisdictions rather than the City of Mound.



**Lot Size and Site Plan (Sec. 129-103)**

This site size meets one-acre minimum required size for a PUD. The following table summarizes the proposed setbacks:

	Required	South Building	Middle Building	North Building
Front yard setback (building face to ROW line)	15 and 25 feet	31.1 ft	6.9 ft	39.9 ft
Side yard setback	Established by PUD	10 ft	N/A	10 ft
Shoreland setback	50 ft	25.3 ft	25.5 ft	28.1 ft

The MU-C district requires that buildings be between 15 and 25 feet of the front property line. As shown on the table, the buildings vary from 6.9 feet to 39.9 feet due to the project being along the curve of Commerce Boulevard and the variation of the wetland edge on the rear of the property.

The applicant is proposing a reduced shoreland setback. Given the limited lot depth, it would be challenging to develop a project that meets the required 50 feet. The applicant has designed the project so that the majority of the project is outside of the shore impact zone of 25 feet. The project will also need to address wetland buffer requirements of MCWD.

The proposed buildings address the architectural requirements of the MU-C district. The applicant has included elements such as vertical design elements, primary front entrance, and the breaking up of the building with different materials and textures. The architectural standards of the MU-C district do note the need for some sort of protection for pedestrians entering the building so the applicant should provide clarification about how the plans address or could address this requirement. Staff has requested the applicant bring a color/material board or samples to the meeting if available.

**Site Suitability (Section 129-387)**

As part of its shoreland regulations, City Code requires projects to be evaluated for density. This evaluation is a difficult provision to comply with in downtown for any type of residential housing project as the density evaluation is based on the single family lot size of 10,000 square feet.

According to the applicant, the entire site is located within the first tier (200 feet) of a general development lake. The applicant's evaluation determined a maximum allowable density of 5 units. The proposed 12 units is greater than this determination, but is appropriate for the site given the zoning and guided land use for the site, which has a density range of 8 to 15 units per acre. The planned unit development would establish that the proposed 12 units is appropriate.

**Open Space (Section 129-387)**

The planned unit development requires 50% of the site to be open space. Additionally, 70% of the shore impact zone area (25' from the OHWM) must be preserved. According to the site plan, the applicant is proposing that 66.8% of the site will be open space and 78.7% of the shore impact zone area will be preserved, thus meeting both requirements. Staff is seeking clarification from the applicant on these calculations and will be providing updated information at the Planning Commission meeting.

**Unit Size (Sec. 129-199)**

The City has established minimum unit sizes for its residential developments. All units will be larger than the required 760 and 880 square feet.

**Building Height (Sec. 129-137)**

The maximum height of a building in the MU-C district for townhouses is 35 ft. Below are the proposed building heights for each building. All proposed building heights meet the requirement for the MU-C district. Building heights will be confirmed at time of building permit.

	South Building	Middle Building	North Building
Building Height	34' - 11 5/8"	33' - 11"	34' - 7 1/4"

**Minimum Required Construction Elevation**

The zoning ordinance requires the minimum low floor elevation for structures to be constructed at the Regulatory Flood Protection Elevation of 933.0 unless a more restrictive elevation is required. The proposed ground floor elevation shown on the survey for each building is 937.5.

### **Parking, Access, and Circulation (Section 129-323)**

#### *Access*

The development site is accessed from one driveway on Commerce Boulevard.

#### *Parking*

The applicant is proposing private, below grade garages for residents, each of which will include 2 parking spaces per unit, meeting the parking requirements for townhouses. The spaces for the northern building will be access via a driveway that extends through the middle building parking area.

The plans do not show any additional visitor spaces on site. There is a temporary loading spaces delineated through striping on the site plan. The applicant notes that there is additional visitor parking available in front of the project along Commerce Boulevard weekdays from 9AM to 4PM, and 6PM to 7AM, and anytime day or night on the weekends.

The site plan states that snow shall be stored outside of the driveway and then when full be removed from the site. Given the concrete steps along the south driveway edge and the boardwalk at the lakeside of the driveway, additional information about where snow would be stored is needed.

#### *Sidewalks*

The existing sidewalk along Commerce Boulevard will remain. The applicant has provided staircases, sidewalks, and ADA routes from the units to Commerce Boulevard. As requested by Hennepin County, revisions were made from the original site plans submitted to ensure all sidewalks and required retaining walls are located on the project site and not within the right-of-way.

#### *Trash/Recycling*

The applicant has indicated on the site plans that trash bins will be collected inside and then rolled out for pick up on collection day.

### **Landscaping (Sec. 129-317)**

The proposed landscape plan has been reviewed by the City's consulting Landscape Architect. The proposed plan meets the required number of trees, but does not meet tree composition requirements, as they propose 12 deciduous trees, but are supposed to have a minimum of 3 coniferous trees as part of the composition of trees. The proposed trees meet the planting sizes, assuming that any shrubs included in foundation plantings will be 2' in height/width.

The following are concerns raised in the landscaping plan review:

- Clarify which type of planting will occur in areas where foundation plantings and native

seed mix are both shown as overlapping on the landscape plan.

- Confirm that the erosion control blanket is provided for all areas sloped 4:1 or steeper, including the area between the middle and north building if necessary (see sheet SW1.1).
- Sod in between the retaining walls in the front will be difficult to mow. The applicant may want to consider shrubs, perennials, or no mow turf.
- Given slopes and access, there are concerns about maintenance for the accessory building shown on the northeastern corner and the foundation plantings and turn areas between the buildings.

### **Utilities**

1. Public water and sanitary sewer utilities are available in Commerce Boulevard.
2. The MCES SAC charge for the project shall be determined as part of final plat which shall be the responsibility of the applicant. A MCES Sewer Availability Charge determination letter shall be provided by the applicant.
3. Sewer and watermain area trunk charges for the project shall be determined as part of the final plat. The current trunk charge for sewer and water, per unit, are \$2000.00 each.
4. Sewer connection and water connection fees shall be determined as part of the final plat. The current sewer connection and water connection fees are \$240.00 each.

### **Wetland Delineation**

The City is currently processing a notice of decision (NOD) for the wetland delineation. The wetland delineation determined that there is a 6.85 acre wetland described as a deep/shallow marsh with an open water portion and a wet meadow fringe. Generally the wetland boundary is related to topography and the transition from a wetland plant community to an upland plant community. The wetland is catalogued by the DNR as a public water wetland (27-180W Lost Lake) and extends beyond the project site. Copies of the wetland delineation will be made available upon request.

### **Stormwater**

MCWD is the permitting authority for stormwater management. The applicant has submitted a Stormwater Management Plan, which will be reviewed by MCWD subsequent to City of Mound consideration. According to the MCWD rules, the project will not be able to have runoff rates exceed existing conditions for specific storm events, water quality will be needed, and stormwater runoff volume must be reduced for all new and reconstructed impervious surfaces.

The proposed project will involve disturbing approximately 0.9 acres of land and involve the construction of 0.61 acres of impervious surface. Stormwater is proposed to be managed by an on-site rate control chamber system and a cartridge stormwater filtration device. The stormwater report indicates that the system has been oversized to also accommodate some runoff from the adjacent public street area that is currently untreated.

The applicant is proposing 45.3% impervious surface coverage for the site, which is under the 75% limit.

#### **Park Dedication**

As provided by City Code Sec. 121-121, a park dedication fee, in lieu of land dedication is recommended by Staff. The required park dedication amount shall be determined as part of the final plat. The code requires the submittal of 10% fee for park fee dedication. For the purpose of calculating park dedication, the City will use the current market value of the land as determined by Hennepin County.

#### **Signage**

The applicant has not included any signs in the proposal. If any signs are added to the site design, they will need to meet sign requirements of City Code Chapter 119 (signage).

### **RECOMMENDATIONS**

Staff's recommendation for both applications of the Minnetonka Lake Flats, LLC submittal package is provided below. Please note that the conditions proposed are preliminary and subject to change as review and discussion of the development project continues.

#### ***Conditional Use Permit (CUP)***

Staff recommends that the Planning Commission recommend City Council approval of a Conditional Use Permit for a planned unit development for condos with the following conditions:

1. All required public agency permits for approvals needed for the Lake Minnetonka Flats project are obtained.
2. The applicant shall address the need for some sort of protection from rain and sun for pedestrians entering the building from the front.
3. The applicant shall clarify the location of snow storage on the site.
4. The applicant shall revise the landscaping plan to be acceptable to the City Planner based on the following comments:

- a. Update the planting schedule to ensure tree types and quantities meet code requirements per section 129-317(d)(3).
  - b. Clarify which type of planting will occur in areas where foundation plantings and native seed mix are both shown as overlapping on the landscape plan.
  - c. Confirm that erosion control blanket is shown for all areas sloped 4:1 or steeper, including the area between the middle and north building if necessary.
  - d. Provide information about the plan for maintenance and access to the accessory building shown on the northeastern corner, the sod between the retaining walls in the front, and the foundational plantings and turn areas between the buildings.
5. The building materials and color scheme shall be subject to review and acceptance by the City.
6. Concurrent approval of the major subdivision-preliminary plat application.
7. This conditional use permit is approved for the following legally described property as stated in the Hennepin County Property Information System: *(legal descriptions to be provided in electronic form by the developer)*.
8. A Development Agreement, to be prepared by the City Attorney, shall be required for the project and prepared as part of the final plat.
9. Applicant shall be responsible for payment of all costs associated with the conditional use permit application.
10. The applicant shall be responsible for securing all required local, state, and federal permits and approvals.
11. The applicant shall be responsible for recording the resolution(s) with Hennepin County. The applicant is advised that the resolution(s) will not be released for recording until all conditions have been met.
12. Additional conditions from Staff, the Planning Commission, and City Council.

This recommendation is based on the following findings of fact:

1. The proposed use of the site is consistent with applicable development plans and policies of the City of Mound.
2. The physical characteristics of the site are suitable for the type of development and use being proposed.
3. The proposed development is providing adequate utilities and drainage.
4. The proposed development has sufficiently considered access and traffic.

5. The proposed development will not negatively impact the public health, safety or welfare of the community.
6. The proposed flexibility requested through the planned unit development allow for the site to be developed in alignment with the goals of the mixed-use corridor district through a design that supports a pedestrian-oriented environment and diversifies the types of housing available in the community.

***Major Subdivision-Preliminary Plat***

Staff recommends that the Planning Commission recommend City Council approval of the preliminary plat, as submitted, with the following conditions:

1. Concurrent approval of the conditional use permit application.
2. Applicant shall be responsible for payment of all costs associated with the preliminary plat application.
3. The applicant shall be responsible for recording the resolutions(s) with Hennepin County. Applicant is advised that the resolution(s) will not be released for recording until all conditions have been met.
4. Applicant shall be responsible for procurement of any and/or all local or public agency permits including, but not limited to, the submittal of all required information for building permit issuance.
5. The MCES SAC charge for the project shall be determined as part of the final plat which shall be the responsibility of the applicant. The applicant is required to prepare and submit a SAC evaluation form to the MCWD for the proposed project.
6. Sewer and watermain area trunk charges for the project shall be determined as part of the final plat. The current trunk charge for sewer and water, per unit, is \$2000.00 each.
7. Sewer connection and water connection fees shall be determined as part of the final plat. The 2024 sewer connection and water connection fees are \$240.00 each.
8. The park dedication fee amount shall be determined as part of the final plat as provided by City Code Sec. 121.121.
9. A development agreement shall be prepared as part of the final plat process.
10. Additional conditions from Staff, the Planning Commission and City Council.

This recommendation is based on the following findings of fact:

1. The proposed major subdivision-preliminary plat is consistent with applicable development plans and policies of the City of Mound.
2. The physical characteristics of the site are suitable for the type of development and use being proposed.
3. The proposed development will not negatively impact the public health, safety, or welfare of the community.

#### **CITY COUNCIL REVIEW**

In the event a recommendation is received from the Planning Commission, public hearings for the major subdivision-preliminary plat and conditional use permit will be set for an upcoming City Council meeting following completion of required notification procedures.



**LAKE MINNETONKA FLATS, LLC**  
305 Minnetonka Avenue South  
Wayzata, MN 55391

July 31<sup>st</sup>, 2024

Sarah Smith  
Community Development Director  
City of Mound  
2415 Wilshire Boulevard  
Mound, MN 55364

Dear Sarah,

Lake Minnetonka Flats, to be located at 2400-2420 Commerce Blvd., is the culmination of over a year of collaboration with the City of Mound, the Minnehaha Creek Watershed District, and the Lake Minnetonka Conversation District (LMCD), to create a 12-unit for-sale condominium project that exemplifies the City's 2040 Plan for this District.

By taking great care in the design of the project, the development team incorporated elements into the project to create an aesthetically pleasing elevation along Commerce Boulevard that evokes the charm and history of Mound and the Lake Minnetonka area. There will be three buildings total allowing a visual separation between each one. Each of the condominium units in the project is a single-level (Loft) style with 3 bedrooms, or two bedrooms and den, with the focal point leveraging the panoramic views facing to the east over Lost Lake and the channel to Cooks Bay. To eliminate garages along Commerce Boulevard, the project will include an underground parking area with two private enclosed garage stalls for each unit. Visitor and short-term loading parking spaces are incorporated into the project as well as additional visitor parking available in front of the project along Commerce Boulevard weekdays from 9AM to 4PM, and 6PM to 7AM, and anytime day or night on the weekends.

In addition, the developer has worked with the adjoining property owner to combine several existing boat slips with the 18 slips that our shoreline footage allows to create an enhanced docking area to the north of Lake Minnetonka Flats. An 8-foot-wide dock will connect our project to that harbor area over the cattails.

The target market for Lake Minnetonka Flats will likely be those looking to downsize from existing homes in the area or looking to locate on Lake Minnetonka. The location for the project was very intentional. In addition to the views and access to the lake, the walkability to downtown Mound was essential. Mound is only one of three communities on the Lake that provides this walkability and small-town character.

The land is currently under a purchase agreement with the Falness Family of Mound. Russell and Betty Falness have been Mound residents since 1959 and formerly lived on the site as their homestead. We

understand that Russell's dream had been to see this land developed for townhome style housing. We are proud to honor the Falness's direction for this development.

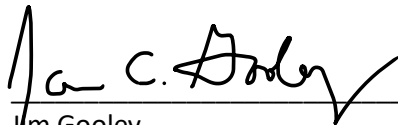
With approvals commencing with the City of Mound, we will also be seeking approval from the Minnehaha Creek Watershed District, where after many meetings and input, we have received preliminary support for the project at the June 28<sup>th</sup> Board of Managers meeting. In addition, we will also be seeking approval from the Lake Minnetonka Conservation District, with whom we have been meeting and discussing the docks and slips.

Our goal would be to start construction in October and have the first 4-unit building completed by next June.

The remaining units will be built as sale velocity dictates, but the expectation is for all units to be completed by Spring 2026.


Respectfully,

LAKE MINNETONKA FLATS, LLC

  
\_\_\_\_\_  
Jim Gooley  
Member

  
\_\_\_\_\_  
Carl Runck  
Member

I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION OR REPORT WAS  
PREPARED BY ME OR UNDER MY DIRECT  
SUPERVISION AND THAT I AM A DULY  
LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF  
MINNESOTA.



Matthew R. Pavyk

DATE 08/27/24 LICENSE NO. 44263

SITE PLAN - OVERALL