

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
SPECIAL MEETING AGENDA
TUESDAY, JULY 21, 2020, 7:00 P.M.**

NEW LOCATION:

DUE TO THE COVID 19 PANDEMIC AND TO ALLOW FOR SOCIAL DISTANCING, BEGINNING JULY 14TH THROUGH NOVEMBER 10TH, MOUND CITY COUNCIL AND MOUND PLANNING COMMISSION MEETINGS ARE BEING HELD IN-PERSON AT THE WESTONKA SCHOOLS PERFORMING ARTS CENTER (PAC) LOCATED AT 5905 SUNNYFIELD ROAD IN MINNETRISTA, MN

	Page
1. Call to Order	
2. Roll Call	
3. Approval of Agenda, with any Amendments	
4. Board of Adjustment and Appeals	
A. <u>Planning Case No. 20-07</u> Review/discussion/recommendation on major subdivision-preliminary plat and site development plans of “Commerce Place 2nd Addition” and conditional use permit for a proposed redevelopment of the Commerce Place Shopping Center for a 102-unit residential apartment project - tabled from July 7, 2020 regular meeting Address: 2200-2236 Commerce Boulevard Applicant: Schafer Richardson	1 - 14
B. <u>Planning Case No. 20-10 / 20-11</u> 2-lot minor subdivision and variance Address: 5190 Lynwood Boulevard Applicant: Joshua Peterson Owners: Kathy Kroening and Gregory Grey	15 - 30
5. Old/New Business	
A. Review/discussion/action of 2020 Planning Commission Work Plan and Projects List Items - tabled from July 7, 2020 regular meeting	31
6. 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



PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp, Consulting Planner
Sarah Smith, Community Development Director
DATE: July 17, 2020
SUBJECT: Commerce Place 2nd Addition (Case No. 20-07)
Consideration of tabled Items from July 7, 2020 Planning Commission meeting which include the Major Subdivision-Preliminary Plat and the Conditional Use Permit (CUP) for Planned Unit Development (*Plan Set dated 6/11/2020*)
APPLICANT: Trevor Martinez, Schafer-Richardson
LOCATION: 2220-2236 Commerce Boulevard
MEETING DATE: July 21, 2020
COMPREHENSIVE PLAN: Mixed Use
ZONING: B-1 Central Business District and R-3 Multiple Family Residential

Note: *Planning Commission members are requested to bring their July 7th Planning Commission packets to the meeting. Alternately, members may individually contact Staff and request an electronic copy of the report and support materials related to this request be forwarded by email.*

OVERVIEW

At its July 7, 2020 meeting, the Planning Commission held a public hearing and considered a number of land use and subdivision applications for the redevelopment of Commerce Place Shopping Center into a 102-unit, market rate apartment building. At that meeting, the Planning Commission recommended approval, with conditions and findings, of the requested rezoning, the zoning text amendment, and the vacation of Fern Lane and existing drainage and utility easements. The Planning Commission tabled consideration of the Major Subdivision-Preliminary Plat and Conditional Use Permit (CUP) for a Planned Unit Development (PUD) to the July 21, 2020 special meeting to allow additional time for Planning Commission consideration of these items. Planning Commission members should note that the public hearing for the major subdivision-preliminary plat was closed at the July 7, 2020 meeting. Therefore, additional in-person testimony and comment will be at the discretion of the Planning Commission

REVIEW OF ITEMS UNDER CONSIDERATION

The Planning Commission tabled the following two items to allow for additional discussion amongst its members.

Preliminary Plat

Platting is the process through which lots are created. The preliminary plat shows how the existing lots, as well as the vacated Fern Lane will be combined and then subdivided. As noted previously the Commerce Place 2nd Addition encompasses 3.35 acres. The first lot created will be 2.11 acres in size and will encompass the apartment building and the parking areas to the east of the building. The second lot, which will be 1.20 acres, will encompass the surface parking area to the west that circles around Wells Fargo. The plat also shows 0.04 acres being dedicated as right-of-way. These are shown as small areas along Commerce Boulevard near the intersections of Shoreline Drive and Church Road. They can also be seen on page C-101 Site Plan by looking at the existing property boundary and the proposed property boundary.

In evaluating the Preliminary Plat, the Planning Commission should be focused on the practicality of the plat taking into consideration the requirements of the City. Staff has not identified any issues with the plat itself. The plat is fairly straight forward in that it dedicates right of way as requested by Hennepin County. In addition, dividing the site into two lots seems appropriate given that the one lot has private access and shared parking agreements that encumber it.

Conditional Use Permit (CUP)

The Conditional Use Permit is the tool through which the City establishes the standards that a development in the Destination Planned Unit Development District will need to meet. Where possible, Staff has requested technical experts and/or third party review of project components, including traffic, parking, and stormwater, to provide the City with an evaluation of the project based on current industry standards, trends, and practices. While the City Code can be used as a reference-point for considering proposed project elements, differences between standard residential district requirements and what is proposed in a project do not clearly conclude that the project is inconsistent with the intent and purpose of the City Code. The Planning Commission is encouraged to consider these technical evaluation resources principally. Ultimately, the Planning Commission needs to evaluate how the project as proposed fits with the Comprehensive Plan and the City Code. As an advisory and technical body, the Planning Commission should be focused on making a recommendation and identify how the project needs to be modified to meet City requirements.

PUBLIC COMMENT RECIEVED

The following are additional comments received since the July 7, 2020 Planning Commission meeting:

Email Comment Submitted to Staff

- Anna Peters – *“I was hoping this question and feedback could be addressed at the upcoming meeting; Has anyone looked into the occupancy of the Mist or the complex next to it? Navarre/Spring Park is more accessible to major highways so if those are difficult to rent or sell it might not be the best option for a town like Mound which is further West with less amenities.”*

Written or email comments received by Staff after 1:00 p.m. on Thursday, July 16th will be presented at the Tues., July 21 special Planning Commission meeting to be included in the public record.

Comments from July 14, 2020 City Council Meeting – During Public Comment (Item No.

- Chris Carlson, 5950 West Branch Road, said he lives in Minnetrista but owns rental property. Carlson read a statement that stated he has previously written to Council on the concerns about so much high density. Carlson said the Comprehensive Plan includes a traffic study by Hennepin County that indicated the town is close to capacity and he knows many residents are concerned about traffic. Carlson quoted page 49 from the Comprehensive Plan and noted his biggest concern is the change in the small-town feel.
- Karen Buffington, 4456 Radner Road, said they moved out here for the small town atmosphere and they want the Commerce Place property to remain zoned for business. Buffington urged the Council to table the issue due to the pandemic because no businesses are looking at expansion but in a year or two they will come back. Buffington asked the Council to consider other options for what Mound should be.
- Venus Steffensen, 1838 Commerce Boulevard, read a statement that the majority of residents are not in favor and that she has a petition were 97% have a disapproval rating of development. Steffensen said Shafer Richardson is a member of the Met Council Urban Land Institute so they know where the transit hubs will be developed, they buy property and let it deteriorate so cities have to consider multifamily. Steffensen encouraged the Council to reach out to Anytime Fitness and other owners. Steffensen said Shafer Richardson’s strategy is to create relationships with City Staff and create fatigue on the part of Council. Steffensen asked the Council to question Shafer Richardson’s motive and strategy and acknowledge that we are not on a sinking ship and make Shafer Richardson come back with another plan.

- Jason Zattler, 2345 Commerce Boulevard and business owner of Wiser Insurance, suggests the City put together an advisory commission of local business owners to come up with alternative solutions and not just go with Shafer Richardson’s plan.
- Matt Jenks, 6120 Beachwood Road, said he has been here a long time and that the City needs people to go the extra mile to find out what is going on. Jenks pointed to the \$30M investment in the PAC the community was willing to invest and questioned the Council working with Shafer Richardson and not coming up with alternatives.
- Brant Nelson, 5527 Bartlett Boulevard, said he has lived here many years and recognizes Mound has been slow to develop compared to our neighbors in Excelsior and Wayzata. Nelson said he is not aware of all the discussions leading up to this proposed development, but he experiences high traffic near his home on Bartlett Boulevard. Nelson recognized his comment is coming from an emotional place but asked the Council to listen to your constituents as they want what is best for this community.
- Merrick Morlan, 4842 Shoreline Boulevard and owner of 3soteric, said he talked to Shafer Richardson about moving near to Anytime and it was cost prohibitive so he understands the building as it is has to go, but he is wondering why the conversation on mixed use ended.
- Chris Carlson, 5950 West Branch Road, asked about any discussions with Hennepin County about how much traffic has to increase for changes to roads to be made and what those changes might be.
- Mayor Salazar thanked the audience and said the development will be discussed at the July 21 Planning Commission meeting, noting the public hearing was closed so any additional comments will be at the Planning Commission’s discretion. Mayor Salazar added the comments are being listened to.

APPLICANT SUPPLEMENTAL INFORMATION

In an effort to provide the Planning Commission information to support its consideration of the land use and subdivision requests, the applicant has prepared the attached narrative which addresses the following issues identified at the July 7, 2020 meeting:

- History of the site and actions related to leasing and redevelopment
- Target Market/Renter Profile
- Parking
- Amenities
- Asset Management Plan

The applicant has also provided the attached example of their standard in-unit finishes and features.

STAFF SUPPLEMENTAL INFORMATION

Comprehensive Plan Designation

Concerns have been raised about whether the proposed project meets the designation of the site in the Comprehensive Plan. Going back to at least the 2010 Comprehensive Plan, this site has been identified as part of a mixed use district that includes commercial, office, and residential uses. As has been noted in each of the Comprehensive Plan, mixed use is not intended to be evaluated on a site basis, but rather across the entire district. The proposed project will not preclude redevelopment of the western portion of the full extent of the frontage of Commerce Boulevard become available.

As Planning Commissioners may recall, during the comprehensive planning process a general market study was conducted. The market study involved a review of demographic and market trends and projections, as well as discussions with commercial property owners in the community. A few of the overall findings of the study were that the City will continue to have potential for household growth and that the City has more retail space than the market can fill. Given that more than 85% of private land in Mound is designated for single family residential, it is important to recognize that there are limited opportunities for the City to create housing opportunities that provide housing options for a resident's entire life-cycle. The mixed use areas were chosen for potential redevelopment as they are located along major corridors that are capable of handling the additional traffic and contribute positively to the health of the business community by providing residential households in close proximity.

Predatory Offender Residency Restrictions

Mound City Code Chapter 46 was modified in 2017 to include the City's regulations. Staff has not identified these regulations as a concern for this project.

RECOMMENDATIONS

Staff's recommendation for the major subdivision-preliminary plat and conditional use permit for Commerce Place 2nd Addition is provided below. Please note that the conditions proposed are preliminary and subject to change as review and discussion of the development project continues. It is expected that the Planning Commission will take action regarding these items at the July 21 special to allow sufficient time for the City Council to consider these requests within its statutory timelines for land use and subdivisions

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 rezoning, zoning text amendment, vacation of right of way and drainage and utility easements, and conditional use permit applications.
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 final plat which shall be the responsibility of the applicant.
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 2020 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.

Conditional Use Permit

Staff recommends that the Planning Commission recommend City Council approval of the Conditional Use Permit for a planned unit development (PUD) as submitted with the following conditions:

1. Concurrent approval of the rezoning, zoning text amendment, vacation of right of way and drainage and utility easements, and major subdivision-preliminary plat applications.

2. This conditional use permit is approved for the following legally described property as stated in the Hennepin County Property Information System: (to be inserted).
3. The building materials and color scheme shall be subject to review and acceptance by the City.
4. Outdoor storage of boats, trailers, and recreational vehicles will not be allowed on the site.
5. Apartment unit decks and patios shall not be allowed for personal storage purposes.
6. The Parking Summary on page C-101 Site Plan shall be updated to accurately reflect the size and number of parking spaces.
7. Final design of any ADA spaces shall be approved by the Building Official.
8. A Development Agreement, to be prepared by the City Attorney, shall be required for the project and prepared as part of final plat.
9. Standards, expectations and procedures regarding the proof of parking area shall be established as part of the Development Agreement. As part of that agreement, the City of Mound shall have the right to request the proof of parking to be built, as well as to have a landscaping and screening plan prepared and implemented.
10. Additional information about snow storage shall be provided and subject to review and acceptance by the City Manager- Director of Public Works.
11. Plan to be revised to provide fencing adjacent to neighbors as mentioned in Planning Report.
12. The lighting plan shall be revised to meet City Code standards relative to light trespass on public streets and adjacent residential properties.
13. Applicant shall provide additional information regarding signage.
14. Applicant shall be responsible for payment of all costs associated with the conditional use permit application.
15. 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.
16. 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 type of development and use being proposed.

3. The proposed development is providing adequate utilities and drainage.
4. The proposed development has sufficiently considered traffic impacts and access.
5. The proposed development will not negatively impact the public health, safety or welfare of the community.
6. The proposed project will diversify the types of housing available in the community by providing 102 new apartment units for the City of Mound.

CITY COUNCIL REVIEW

Consideration of these land use and subdivision requests is planned for the August 12, 2020 City Council meeting (note special/rescheduled Wednesday meeting night due to election activities) following completion of required publication and notification requirements. City Council public hearings are required for the rezoning, the zoning text amendment, the conditional use permit, the major subdivision/preliminary plat, and the vacations for the Commerce Place redevelopment project.

July 15, 2020

**To: Sarah Smith
Community Development Director – City of Mound**

Re: Development Stage Application Supplement Commerce Place Redevelopment

Ms. Smith,

After the July 7th Planning Commission meeting and the July 14th public hearing held at City Council, it became apparent that there were questions from the public that were not clearly answered in the development stage application or previous sketch plan applications in 2019 or earlier in 2020 that should be addressed on record as part of the development review process.

First, Schafer Richardson is a reputable and award-winning full-service real estate company with over 2,000 units of housing developed and our commercial portfolio currently contains over 3.5MM square feet of office, industrial and retail space across 44 properties.

This building was purchased with the intent of owning a medically anchored shopping center, however, during the recession as a number of tenants terminated, vacated or abandoned their leases it became clear the real estate climate was not conducive to attracting new tenants, particularly with other newer product having high vacancy as well. Over the past 10+ years, despite best efforts to lease the building with physical signage, listings on industry standard digital databases and active conversations by our internal brokers, it has become clear that the business model envisioned for the building 40 years ago is not sustainable today.

During the attempts to lease and market the space, Schafer Richardson worked in parallel on a large number of alternatives including townhomes, affordable housing, other market rate multifamily iterations, redevelopment of the commercial space, further subdividing the existing space, vertical mixed use options, combining parcels with Wells Fargo, partial multifamily redevelopment and retail preservation, etc. The currently proposal is internally the 17th design iteration since the first joint sketch plan review submitted to the city in 2011.

Additionally, Market Rate Multifamily is the highest and best use for the site. Vacancy in the submarket is extremely low, well below a 5-7% equilibrium point most market research firms would identify. Additionally, Mound is nearly if not fully built out with only redevelopment opportunities available. With this site identified in the comprehensive plan as part of a mixed district that currently contains little to no housing, housing makes the most sense here. The following sections are intended to provide additional light on why particular decisions were made about the application before you.

Target Market / Renter Profile

There are two main renter profiles for a new construction suburban market rate development: a young professional, generally aged between 25 and 35 who chooses to rent because of convenience and hesitancy to buy a home due to job mobility and those who are 50 and older who choose to rent to avoid home maintenance, enjoy the sense of community a multifamily building in their existing community brings and who want to leverage community amenities.

Housing affordability is generally defined by the guideline of 30% or less of monthly gross income going towards housing. With that in mind, the income needed for average unit in this development would be approximately \$65,000 per year, with the income baseline for the smallest units closer to \$47,000 and the largest units approximately \$85,000. These are well within local and metro area median household incomes which can be verified in the previously submitted market study.

Parking

As noted, our experience as a developer and the ongoing monitoring of our parking at properties within our portfolio, along with guidance from Steven Scott who manages over 10,000 units across the metro, has shown that the optimal parking ratio is approximately 1.1 to 1.15 parking stalls per bedroom. At this development we are over 1.7 stalls per bedroom which is well beyond typical parking utilization. Additionally, the 3rd party submitted traffic and parking study agreed that the amount of parking, even without the proof of parking, would be more than ample to serve the development.

As it relates to covered parking, there were questions risen related to the number garage stalls. We are confident the number of garage stalls will be sufficient to serve the development as a number of tenants will opt for free surface parking instead of paying for a heated underground garage stall. This is particularly true for price conscious studio and alcove (enlarged studio) renters. In other suburban communities, they acknowledged this in their equivalent of the PUD process by making the requirement a minimum of 1 covered parking stall per 1-bedroom or larger unit.

Further, each underground stall, including circulation space, is approximately 400-450 square feet. With the smallest studios 488 square feet, it feels inefficient to require nearly as much space in a building for cars as for people, particularly when there is such an abundance of other parking options serving the development.

Amenities

While complete programming of the building is not yet complete it is expected that units will have stainless steel appliances, stone countertops, luxury vinyl plank wood look flooring and in-unit washer and dryers. select units will have balconies. Community amenities would include a fitness and yoga room, game room, community/club room, grilling patio, pet park, pet wash, and bike maintenance station.

Asset Management Plan

As noted previously, Schafer Richardson has been in business for over 25 years with over 2,000 units of housing developed. Our current portfolio contains about half of those 2,000 units, it should be noted however that a number of the 2,000 housing units developed were developed as condominiums and would not have been able to be retained in our portfolio. Additionally, of the multifamily sales that have occurred, most have been outside of our core Twin Cities market or were sold to existing partners in those transactions.

For the foreseeable future, this development would function as a market rate multifamily development. In order to obtain and maintain good standing with financial partners, the building will have to perform to the market rate rental income standards used by financial partners to evaluate and fund this transaction. Payment standards for public housing are currently far below the rents that this building would need to achieve to avoid lender default and in order to qualify to rent from the building, an individual's income level would likely be too high to qualify for public housing assistance. That being said, it must clearly be stated that the project cannot and will not discriminate against individuals that meet the legitimate and industry standard screening criteria utilized by our properties.

Thank you for providing this opportunity to provide further information on Schafer Richardson as an application and the proposed development before you.

Best,

Trevor Martinez

Development Manager

Standard In-Unit Finishes & Features



Standard In-Unit Finishes & Features



Standard Amenities





PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp, Consulting Planners
Sarah Smith, Community Development Director
DATE: July 15, 2020
SUBJECT: Minor Subdivision and Variance
APPLICANT: Joshua Peterson
LOCATION: 5190 Lynwood Boulevard
MEETING DATE: July 21, 2020
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-2 Two-family residential

The applicant, Joshua Peterson, has applied for a minor subdivision and variance to allow subdivision of the existing shoreland lot into two lots. The property, which is owned by Kathy Kroening and Gregory Grey, is located at the northeast corner of Lynwood Blvd and Apple Lane on the south side of Harrison Bay. The property is 27,128 square feet and has an existing home that was built in 1900, as well as a detached garage, shed, and gazebo with hot tub. The survey submitted notes that the existing shed, gazebo, and hot tub will be removed. The applicant is proposing to split the lot into two, one which would have 10,221 square feet and one which would have 17,160 square feet. In addition to the minor subdivision, a variance is being requested for the front yard setback of the existing home on Parcel 1 as the existing condition does not meet code requirements. This is an existing condition and is not being created by the proposed minor subdivision.

REVIEW PROCEDURE

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

- Minor Subdivision
- Variance

Subdivision

Whenever a subdivision of land is proposed, the subdividing owner, or authorized agent, shall apply and secure approval from the City of Mound in accordance with the procedures set forth in City Code Chapter 121. The proposed lot arrangement qualifies as a minor subdivision as described in Sec. 121-35 (1) of the City Code as it contains three or fewer residential lots and does not involve the construction of public facilities or public improvements. Sec. 121-4 allows the property to be subdivided without a plat as the parcel was a separate parcel of record at the time of the effective date of the ordinance.

Variance

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

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

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

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

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (ii) The plight of the landowner is due to circumstance unique to the property including unusual lot size or shape, topography or other circumstances not created by the landowner; and
- (iii) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Review Timeframes

120-day Subdivision Review Process

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 June 2, 2020 in accordance with MS. 645.15. The 120-day timeline expires on or around September 30, 2020. An extension of the review period can occur if agreed to by the applicant.

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests, such as variances, 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 June 9, 2020 as provided by Minnesota Statutes Section 645.15. The 60-day timeline will expire on or around August 8, 2020,

Notification

Abutting property owners per Hennepin County tax records, were sent written notice on July 15, 2020 to inform them of the minor subdivision and variance requests and that the applications were being included on the July 21, 2020 special Planning Commission meeting agenda for review.

DEVELOPMENT SUBMITTAL REVIEW

Comprehensive Plan

The City’s 2040 Comprehensive Plan guides this area for Low Density Residential, which allows for single-family detached and attached housing types within the density range of 1 to 6 units per acre. Density is computed area wide as opposed to an individual site. The proposed subdivision would be in keeping with the Low Density Residential designation of the site.

Zoning

The following table includes the lot area, width, and setback requirements for the R-2 District as well as what is being proposed through the subdivision. It should be noted that the minor subdivision will result in both parcels having non-lot of record status. In addition, there are conditions existing on Parcel 1 that does not meet code requirements. The requested variance is to recognize the existing setback for the house. This is not a condition that is created by the minor subdivision. In the event it is not needed, the variance application for the existing house setback can be withdrawn.,

Principal Structure

Standards	Parcel 1 (south) – Non-Lakeshore		Parcel 2 (north) – Lakeshore	
	Requirements	Proposed	Requirements	Proposed
Lot Area	6,000 sq. ft.	10,221 sq. ft.	10,000 sq. ft.	17,160 sq. ft.
Lot Width	40 feet	85.2 feet	50 feet	336.5 feet
Lot Frontage	40 feet	85.2 feet	40 feet	40 feet*
Lot Depth	80 feet	99.4 feet	80 feet	85 feet
Front Yard Setback	South - Lynwood 20 feet	17.4 feet (existing)	West - Apple 20 feet	20 feet
Side Yard Setback	West (corner) 20 feet	20 feet	South 10 feet	10 feet
Side Yard Setback	East 10 feet	19+/- feet	10 feet	See Lakeshore Setback
Rear Yard Setback	15 feet	60+ feet	15 feet	15 feet
Lakeshore Setback	50 feet	NA	50 feet	50 feet
Imperviousness	30%	29.9%	30%	21.6%

*40 feet improved frontage for Parcel 2 confirmed by applicant

Existing Detached Garage

Parcel 1 also has an existing detached garage that will remain on the site and is a conforming side yard location. The proposed lot line is shown to be more than 15 feet from the rear of the garage and meets the minimum required rear setback of 4 feet.

INFRASTRUCTURE

Municipal Water and Sewer

The applicant will be required to tie into municipal services for proposed Parcel 2. See below comments from the Public Works Department.

Storm Water

Stormwater permitting is under the jurisdiction of the Minnehaha Creek Watershed District (MCWD) following regulatory authority turn back to the District by the Mound City Council which took place in 2011.

Metropolitan Council Environmental Services (MCES) Sewer Area Charge (SAC)

The 2020 MCES fee for a SAC unit is \$2,485.00. The MCES charge would be collected at the time of building permit issuance.

City Water/ Sewer Trunk Area Charge

The 2020 trunk water fee is \$2,000.00 per lot and the 2020 trunk sewer charge is \$2,000.00 per lot. Payment of trunk water and trunk sewer charges for one additional lot will be collected prior to release of the resolution.

City Water/Sewer Connection Charges.

The 2020 sewer connection fee is \$240.00 per lot and the 2020 water connection fee is \$240.00 for one additional lot. These fees will be collected at the time of building permit issuance and shall be the amounts in effect at that time.

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. Members are advised that some comments received as part of the routing and review process have been addressed and are therefore not included in this report. See comments provided below:

Public Works Department - Ray Hanson

Potential tie into the water main will need to be shown on proposed survey to be provided as part of future building permit process for new home construction. Any service line location will need to stay either in the street or in the easement area between the curb and the property line.

Minnehaha Creek Watershed District – Erin Manlick

Thank you for sending these plans to MCWD for review. Any future construction on the proposed second lot will likely require a MCWD erosion control permit. Any shoreline work or work below the 100-year elevation will also require a permit. Please let me know if you have any questions or concerns.

Centerpoint Energy – Charles Mayer

CenterPoint Energy has no issues or concerns at this time with minor subdivision and variance – 2 lot minor subdivision of property at 5190 Lynwood Boulevard.

DISCUSSION / INFORMATION

1. Per code, all new structures must meet or exceed the Regulatory Flood Protection Elevation, which is 933.00 for Lake Minnetonka or be three feet above the ordinary high water mark, as applicable.
2. The variance requested is related to the existing home being located too close to the front of the lot. The proposed subdivision does not reduce any setbacks for the original lot 1 under what is required by City Code.
3. Drainage and utility easements will be required for both properties.
4. As provided by City Code Sec. 121-121 (f), park dedication or a cash contribution is required. For the minor subdivision, payment of \$1100.00 park dedication fee for the additional lot being created is a recommended condition for the minor subdivision and shall be paid prior to the release of the resolution.
5. Applicant is advised that there are historic original inhabitant earthwork sites in and around the City of Mound. While many of the mounds have been severely impacted by development over the years, the mounds do, however, receive protection under state law; and penalties are imposed for unauthorized disturbance of mounds. The City maintains some general information about possible sites in an inventory of the “Earthwork/Mound/Burial Areas” and in surveys of the burial sites from Hill and Lewis in 1911 but the completeness or accuracy of this information is unknown. Additional information may be obtained through the Minnesota State Archaeologist.

STAFF RECOMMENDATION.

Staff recommends Council approval of the minor subdivision subject to the following conditions:

1. Concurrent approval of the variance application.
2. Drainage shall not be directed to neighboring properties.

3. The applicant shall submit utility plans for Parcel 2 that meet the requirements of the City Manager/Public Works Director.
4. Any curb, gutter and streets which are disturbed because of construction, including, but not limited to, installation of the water service, sewer service and small utilities, shall be the responsibility of the permit holder.
5. As part of the City's approval of the minor subdivision, the dedication of public drainage and utility easements, to be determined by the Public Works Director, or designee, will be required and shall be submitted in a form to allow for recording at Hennepin County, and shall be subject to review and acceptance by the City, prior to recording. The standard drainage and utility easement is five feet wide on side and rear lot lines and ten feet in width along the front lot line but shall be as determined by the City Engineer or Public Works Director. Easement(s) shall be provided in an appropriate form so as to allow for recording at Hennepin County and shall be subject to review and approval by the City prior to recording and require signatures from property owners and lienholders of record.
6. 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.
7. Applicant shall be responsible for payment of all costs associated with the land use and subdivision request.
8. No future approval of any development plans and/or building permits is included as part of this action in the event the waiver application is approved.
9. The applicant shall be responsible for recording the resolution with Hennepin County. The applicant is advised that the resolution will not be released for recording until all conditions have been met and all fees for the applications have been paid and the escrow account is in good standing.
10. No building permits will be issued until evidence of recording of the resolution at Hennepin County is provided.
11. All new construction shall take place at or above the Regulatory Flood Protection Elevation or 3 feet above a wetland. The RFPE for Lake Minnetonka is 933.0.
12. Sewer and water area trunk charges in the amount of \$2,000.00 each for one lot shall be paid prior to the release of the resolution unless an alternate schedule is approved. Total: \$4,000.00.

13. Sewer connection and water connection fees for one lot shall be paid with the future building permit. The amount due shall be the current rate in place at the time of building permit issuance. The 2020 sewer connection and water connection fees are \$240.00 each.
14. Applicant shall provide the existing and proposed legal descriptions
15. The MCES Sewer Availability Charge shall be paid with the future building permit. The amount due shall be the current rate in place at the time of building permit issuance. The 2020 MCES Sewer Availability Charge is \$2,485.00.
16. The applicant shall provide the existing and proposed legal descriptions in electronic form (MS Word preferred) for inclusion in the official documents.
17. Evidence from the MCWD in the form of a permit or waiver for current rules must be provided before release of any future building permit.
16. Applicant to provide existing and proposed legal descriptions for the property in electronic form to the City of Mound; also for the proposed drainage and easements to be prepared.
17. Additional comments and/or conditions from the City Council, Staff, consultants, and public agencies.

Staff recommends approval of the minor subdivision based on the following findings of fact:

1. The subject lots have frontage on improved public streets and municipal utilities are available.
2. The proposed lot arrangement can accommodate the construction of new single-family homes with conforming setbacks and hardcover.
3. The minor subdivision will not alter the essential character of the neighborhood or have an adverse impact on adjoining property.

Staff recommends Council approval of variance to allow for a minor subdivision that involves a parcel with an existing home that has does not meet minimum front yard setback requirements subject to the following conditions:

1. Concurrent approval of the minor subdivision.
2. Applicant shall be responsible for payment of all costs associated with the land use request.

Staff recommends approval of the variance to allow for a minor subdivision that involves a parcel with an existing home that has does not meet minimum front yard setback requirements based on the following findings of fact:

1. The criteria of City Code Section 129-39 (a) are being met.
2. The existing home was constructed in 1900 before current zoning standards were required.
3. The lot created through the minor subdivision otherwise meets area and impervious surface coverage requirements.



MINOR SUBDIVISION APPLICATION

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

Application Fee and Escrow Deposit required at time of application.

PLANNING COMM. DATE <u>TBD</u>	CASE NO. <u>20-10/20-11</u>
CITY COUNCIL DATE:	

Please type or print clearly

EXISTING PROPERTY LEGAL DESCRIPTION	Subject Address <u>5190 Lynwood Blvd</u>
	Lot _____ Block <u>10</u> East <u>85</u> of Block <u>10</u> Subdivision <u>Abraham Lincoln to Lakeside Park</u>
	PID# <u>13 117 24 430 143</u> Zoning: R1 R1A <input checked="" type="radio"/> R3 B1 B2 B3 (Circle one)
APPLICANT	The applicant is: owner _____ other <input checked="" type="checkbox"/> Email <u>Peterson.Josh82@gmail.com</u>
	Name <u>Joshua Peterson</u>
	Address <u>901 W Main St Ste 102 Anoka MN 55303</u>
	Phone Home <u>612-290-6264</u> Work _____ Fax _____
OWNER (if other than applicant)	Name <u>Kathy Kroening and Gregory Grey</u> Email <u>kkroening2@gmail.com</u> <u>gregory_grey2001@msn.com</u>
	Address <u>5190 Lynwood Boulevard, Mound MN 55364</u>
	Phone Home <u>612-735-3713</u> Work _____ Fax _____ <u>612-730-6303</u>
SURVEYOR/ENGINEER	Name <u>Bogert Peterson Jasse</u> Email <u>cdahn@bogert-peterson.com</u>
	Address <u>13074 First Street Becker MN 55308</u>
	Phone Office <u>763 262 8822</u> Cell <u>701 630 0508</u> Fax _____

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

Application must be signed by all owners of the subject property, or explanation given why this is not the case.

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. I consent to the entry in or upon the premises described in this application by any authorized official of the City of Mound for the purpose of inspecting, or of posting, maintaining and removing such notices as may be required by law.

Applicant's Signature

Kathy Kroening

Owner's Signature

Authentisign

Gregory Grey

6/1/2020 5:47:21 PM CDT

Date

6/1/2020
06/01/2020

Date

JUN 08 2020



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

VARIANCE APPLICATION

Application Fee and Escrow Deposit required at time of application.

Planning Commission Date July 2nd

Case No. 20-101

City Council Date Jul 23rd tbl

2011

Please type or print legibly

SUBJECT PROPERTY LEGAL DESC.	Address <u>5190 Lynwood Blvd</u>
	Lot _____ Block _____
	Subdivision <u>Abraham Lincoln to Lakeside Park</u>
	PID # <u>13 117 244 301 43</u> Zoning: R1 R1A <u>(R2)</u> R3 B1 B2 B3 (Circle one)
PROPERTY OWNER	Name <u>Kathy Kroening + Gregory Grey</u> Email <u>gregory-grey2001@msn.com</u>
	Address <u>5190 Lynwood Blvd Mound mn</u>
	Phone Home <u>612 730 6303</u> Work _____ Fax _____
APPLICANT (IF OTHER THAN OWNER)	Name <u>Bogert Pedersen + assoc.</u> Email <u>cdahn@bogert-pedersen.com</u>
	Address <u>13076 first street Becker mn 55308</u>
	Phone Home <u>763 262 8822</u> Work <u>701 630 0508</u> Fax _____

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

not sure

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

creation of an additional lot

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

The front setback is an existing condition

<u>SETBACKS:</u>	REQUIRED	REQUESTED (or existing)	VARIANCE
Front Yard: (N S E W)	<u>20</u> ft.	<u>23</u> ft.	<u>23</u> ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Rear Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Lakeside: (N S E W)	_____ ft.	_____ ft.	_____ ft.
_____ : (N S E W)	_____ ft.	_____ ft.	_____ ft.
Street Frontage:	_____ ft.	_____ ft.	_____ ft.
Lot Size:	_____ sq ft	_____ sq ft	_____ sq ft
Hardcover:	_____ sq ft	_____ sq ft	_____ sq ft

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

front setback

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

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

Please describe: _____

House is less than Required setback of 20' from the Road

Case No. _____

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

no

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

existing condition

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

9. Comments: _____

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

Owner's Signature _____

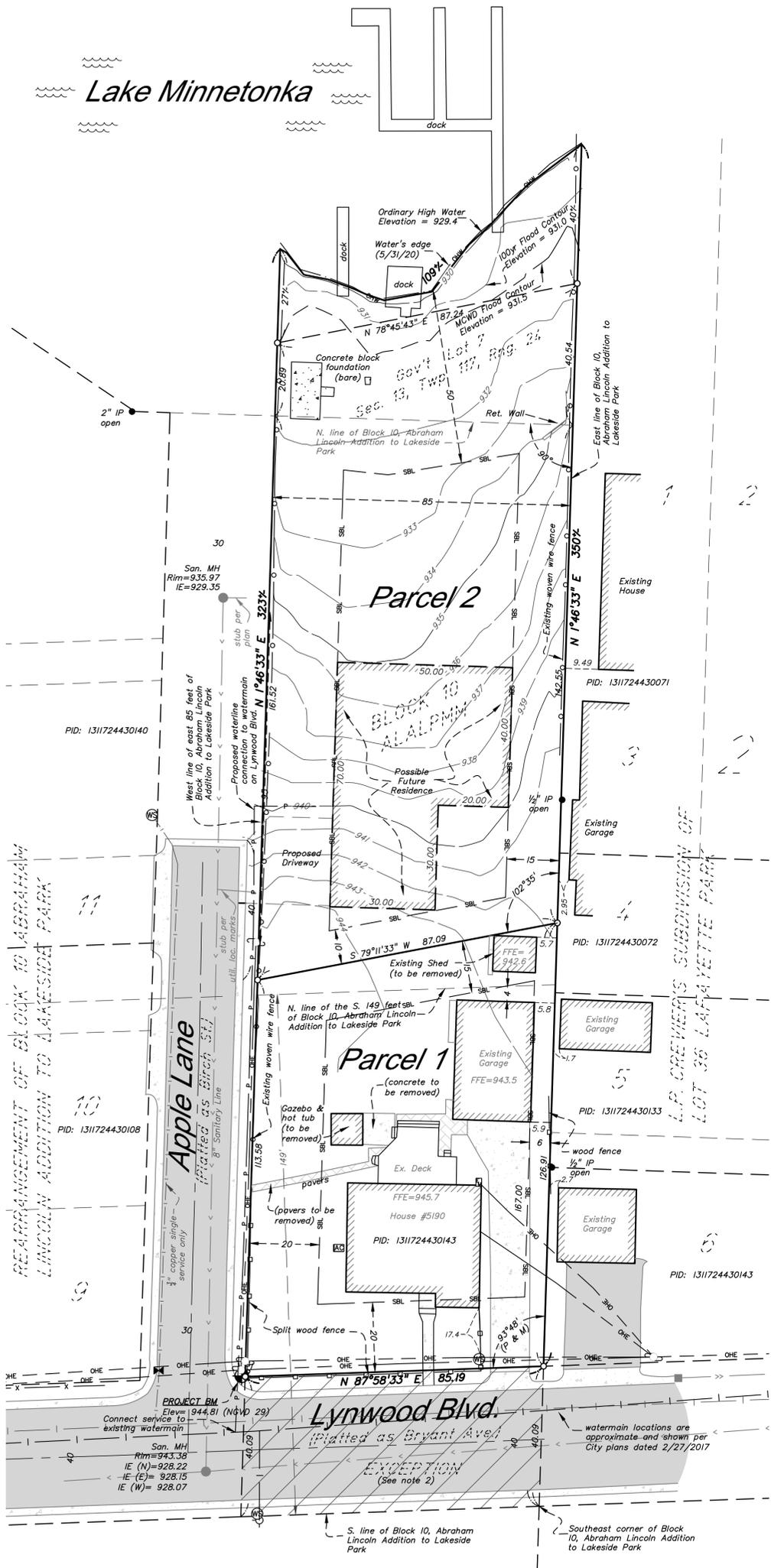
Date _____

Applicant's Signature _____

Date 6/5/2020

Certificate of Survey

for
Gregory Grey & Kathy Kroening
Part of Section 13, Township 117, Range 24
Mound, Hennepin County, Minnesota



Existing Property Description (Warranty Deed - Doc. No. 5558131):
PID: 1311724430143
That part of the East 85 feet of Block 10 lying North of the South 149 feet thereof, Abraham Lincoln Addition to Lakeside Park, Mound, Minnetonka, and that part of Government Lot 7, Section 13, Township 117 North, Range 24 West of the 5th Principal Meridian, lying between the Northerly extensions of the East and West lines of the above described property.
The South 149 feet of the East 85 feet of Block 10, Abraham Lincoln Addition to Lakeside Park, Mound, Minnetonka, Hennepin County, Minnesota, except the South 40 feet thereof which is subject to a permanent easement for road and utility purposes to the City of Mound.

Proposed Description for Parcel 1:
That part of the East 85 feet of Block 10, Abraham Lincoln Addition to Lakeside Park, Mound, Minnetonka, according to the recorded plat thereof, Hennepin County, Minnesota described as lying southerly of the following described line: Commencing at the southeast corner of said Block 10; thence northerly 167.00 feet along the east line of said Block 10 to the point of beginning; thence deflecting westerly 102 degrees 35 minutes 00 seconds a distance of 87.09 feet to the west line of said East 85 feet of Block 10 and said line there terminating.
Except the South 40 feet thereof which is subject to a permanent easement for road and utility purposes to the City of Mound.
*See Note 2

Proposed Description for Parcel 2:
That part of the East 85 feet of Block 10, Abraham Lincoln Addition to Lakeside Park, Mound, Minnetonka, according to the recorded plat thereof, Hennepin County, Minnesota described as lying northerly of the following described line: Commencing at the southeast corner of said Block 10; thence northerly 167.00 feet along the east line of said Block 10 to the point of beginning; thence deflecting westerly 102 degrees 35 minutes 00 seconds a distance of 87.09 feet to the west line of said East 85 feet of Block 10 and said line there terminating.
AND that part of Government Lot 7, Section 13, Township 117 North, Range 24 West of the 5th Principal Meridian, lying between the Northerly extensions of the East and West lines of the above described property.

Reference Benchmark:
Hennepin County Control Point "MOUND",
Elevation = 937.61 feet (NGVD 29)

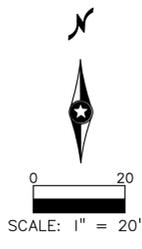
Project Benchmark:
Top of a Railroad Spike set in the South face of the power pole in the NW quadrant of Lynwood Blvd. and Apple Ln.
Elevation = 944.81 feet (NGVD 29)

Building Setbacks:
Front Yard: 20 feet
Side Yard: 10 feet
Rear Yard: 15 feet
Lakeshore/OHW: 50 feet

Zoning:
R-2
Single Family Residential,
Two Family Residential,
and Twin Homes

Surveyor's Notes:
1. This survey was done without the benefit of a title report. No search for recorded or unrecorded easements or restrictions was made by the surveyor.
2. An easement was granted per Doc. No. 4858957 to the City of Mound for the South 40 feet of the East 85 feet of Block 10, Abraham Lincoln Addition to Lakeside Park, Mound, Minnesota. Said 40 feet is listed as an exception in Doc. No. 5558131 for the subject property. Seek legal advice to determine who retains title to said 40 feet.
3. Setbacks are shown for graphical purposes only. Consult with the City of Mound for actual setbacks.

Bearings are based on the Hennepin County Coordinate System (NAD83 86 Adj.).



- LEGEND:**
- Denotes found iron monument
 - Denotes set iron monument
 - Denotes catch basin
 - ⊙ Denotes water service
 - ⊕ Denotes sanitary manhole
 - ⊗ Denotes water valve
 - ⊞ Denotes power pole
 - ⊠ Denotes electric meter
 - ⊚ Denotes hydrant
 - ⊛ Denotes air conditioning
 - ▨ Denotes bituminous surface
 - ▩ Denotes concrete surface
 - ▧ Denotes concrete pavers
 - ▦ Denotes gravel surface
 - ▯ Denotes wood fence
 - ▮ Denotes chainlink fence
 - OHE — Denotes overhead electric
 - MA — Denotes major contour
 - MI — Denotes minor contour
 - WM — Denotes watermain
 - PW — Denotes proposed waterline
 - 3/4" — Denotes 3/4" single service waterline
 - SS — Denotes sanitary sewer
 - ST — Denotes storm sewer
 - AD — Denotes existing adjoiners
 - SBL — Denotes building setback line
 - OHW — Denotes ordinary high water (OHW) line
- A. L. Pederson, P. L. M., M. S. S.*
"Abraham Lincoln Addition to Lakeside Park, Mound, Minnetonka"

SHEET NO.
1

Certificate of Survey
Gregory Grey & Kathy Kroening
City of Mound
Hennepin County, MN

BOGART, PEDERSON & ASSOCIATES, INC.

LAND SURVEYING
CIVIL ENGINEERING
MAPPING

13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

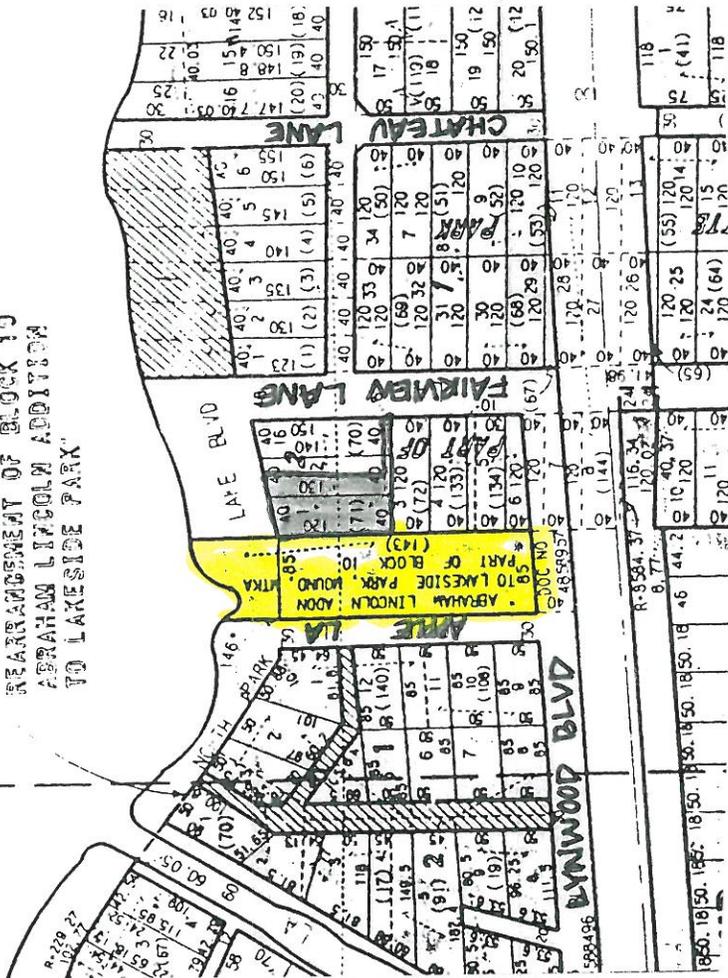
Signed: *Craig A. Wensmann*
Craig A. Wensmann
Date: 6/1/2020 Lic. No. 47466

DATE: 5/30/2020
DESIGN BY:
DRAWN BY: JLM
CHECKED BY: CAW
DWG FILE: COS
FILE NO.: 20-0182.00

REV NO.	DATE	DESCRIPTION
1	6-5-2020	adjust proposed subdivision line
2	6-29-2020	per 6/22/20 city comments



REARRANGEMENT OF BLOCK 10
ABRAHAM LINCOLN ADDITION
TO LAKESIDE PARK.

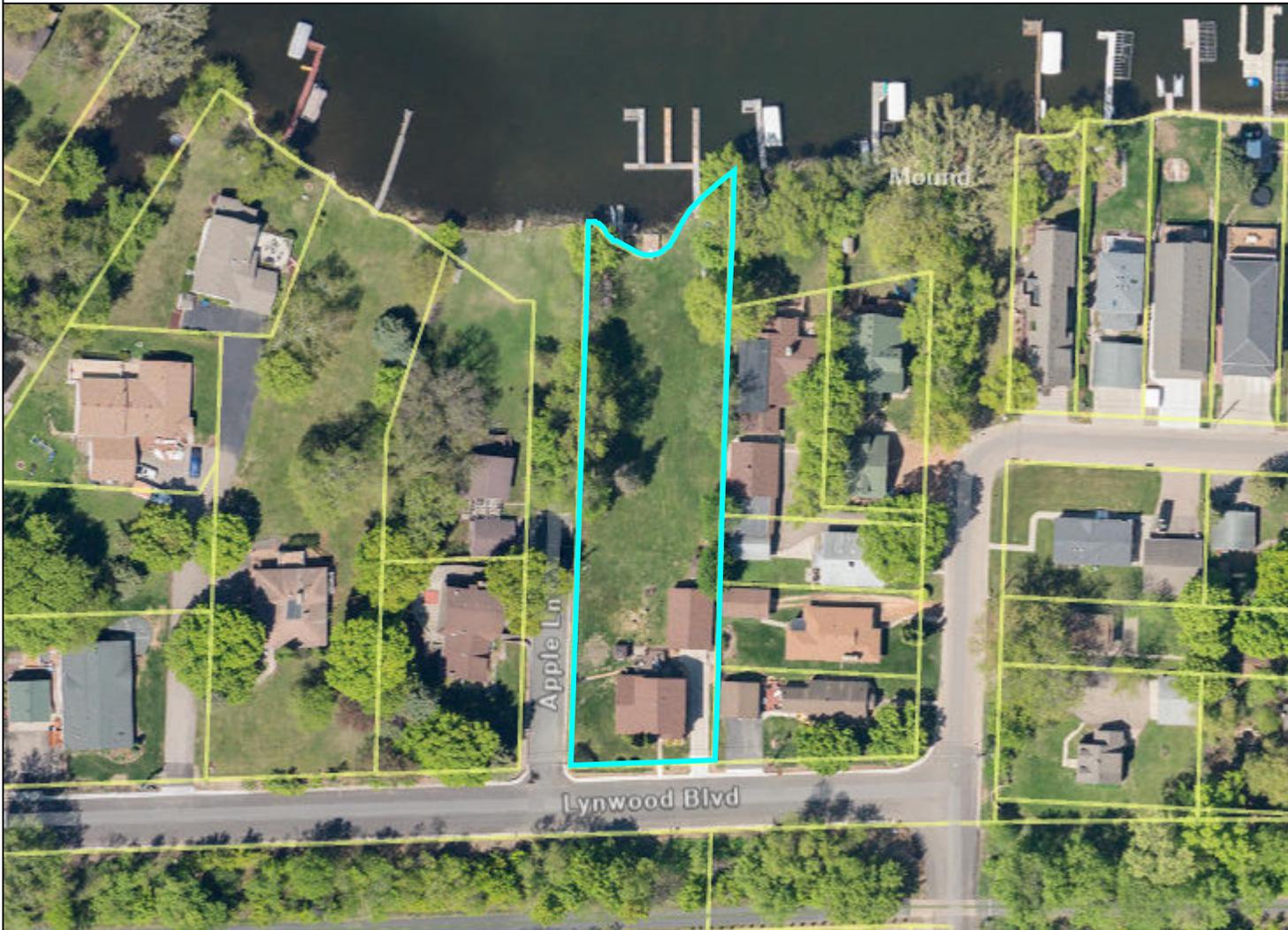




Hennepin County Natural Resources Map

Date: 7/16/2020

Legend



PID: 1311724430143
Address: 5190 LYNWOOD BLVD,
MOUND
Owner Name: K KROENING &
GREGORY D GREY
Acres: 0.62

Comments:
5190 Lynwood Blvd

1 inch = 100 feet



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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Memorandum

To: Planning Commission
From: Sarah Smith, Comm. Dev. Director
Date: July 16, 2020
Re: Prioritization of 2020 Planning Commission Work Plan and Staff Project List

Summary

The Planning Commission 2020 work plan and project list was previously included on the April 7th meeting agenda for discussion following the February 18th concurrent special meeting of the Planning Commission and City Council. As part of its review of the list at its April 7th meeting, the Planning Commission expressed interest in the Mound Harbor open public place evaluation and tabled its recommendation to an upcoming meeting so the item could be added to its work plan. The project was recently included on the July 7th regular meeting agenda and tabled to the July 21st special meeting.

2020 Planning Commission Work Plan

1. Implementation activities related to adoption of 2040 Comprehensive Plan (*i.e., rezoning, amendments to City Code including, but not limited to, zoning, subdivision, etc.*)
2. Long-term home rental study
3. Mound Harbor open/public space discussion

2020 Staff Project List

1. Continuation of electronic building permitting conversion with MnSpect
2. Final plat for Mound Harbor to replat parcels in downtown
3. Review of City Code Chapter 113 related to building code to update of property maintenance regulations with MnSpect
4. Pawn shop/massage license studies
5. Other projects from Planning Commission members