

**Agenda
City of Minnetonka
Planning Commission Meeting
Thursday, January 23, 2025
6:00 PM
Council Chambers
14600 Minnetonka Blvd.**



Map of Agenda Items

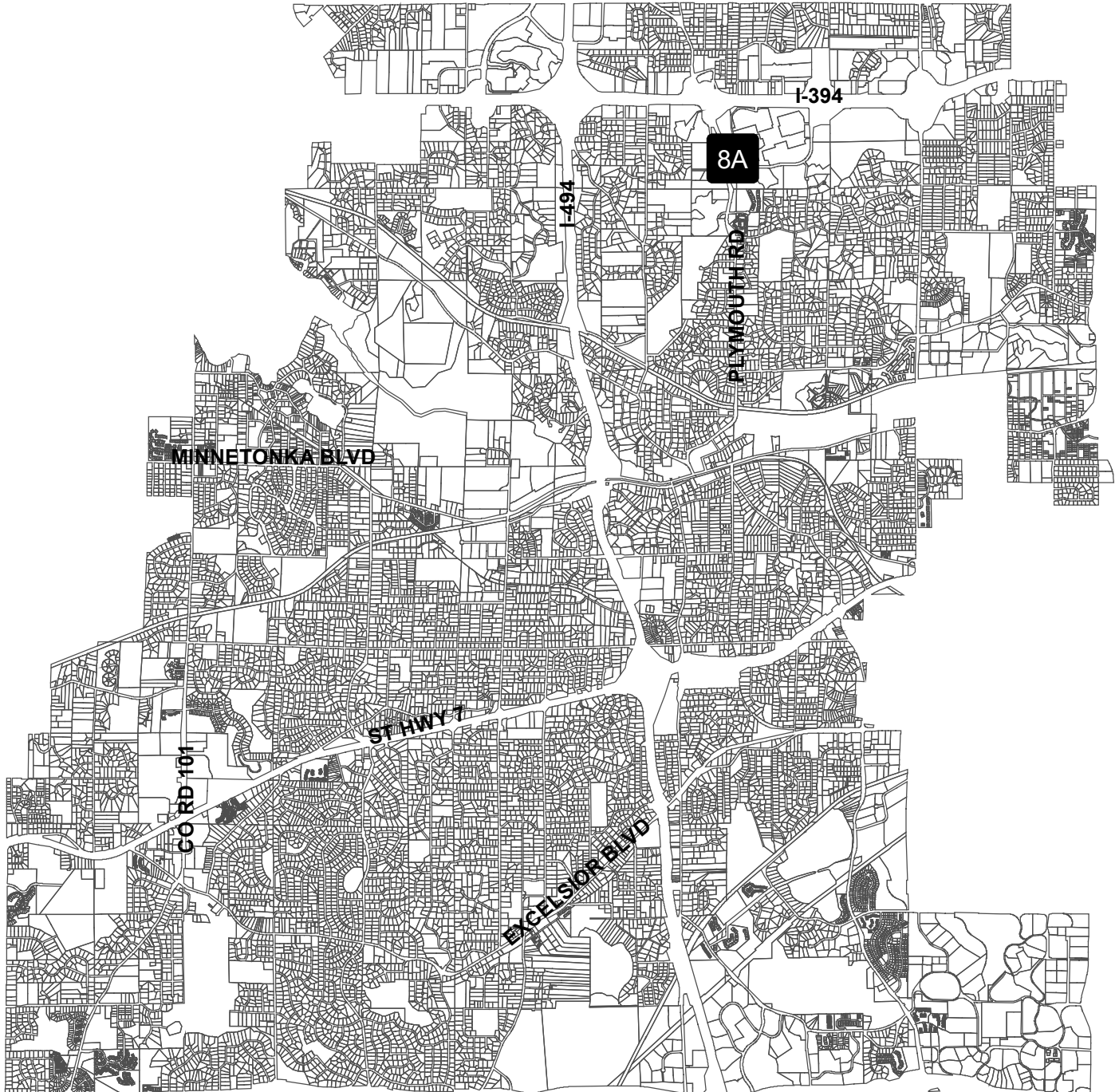
1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. [Jan. 9, 2025 minutes](#)
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda Items
8. Public Hearings: Non-Consent Agenda Items
 - A. [Conditional use permit for a veterinary clinic at 1809 Plymouth Road.](#)
9. Other Business
 - A. [Amendments to planning commission bylaws.](#)
 - B. [Repeal and replacement of planning commission policies](#)
 - C. [Election of planning commission officers and sustainability commission liaison.](#)
10. Adjournment

If you have questions about any of the agenda items, please contact:
Susan Thomas, AICP, City Planner, (952) 939-8292
Julie Wischnack, FAICP, Community Development Director, (952) 939-8282



**CITY OF MINNETONKA
PLANNING COMMISSION
JAN. 23, 2025**

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov



**Planning Commission
Agenda Item 4.A
Meeting of January 23, 2025**



Title: Jan. 9, 2025 minutes
Report from: Lois Mason, Secretary
Submitted Through: Susan Thomas, AICP, City Planner

Form of Action: Minutes
Votes needed: 4 votes

Recommended Action

Approve the minutes

Background

See attached draft minutes

ATTACHMENTS:

[Jan. 9, 2025 Minutes](#)

**Unapproved
Minnetonka Planning Commission
Minutes**

Jan. 9, 2025

1. Call to Order

Chair Sewall called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Alex Hanson, Amanda Maxwell, Derrick Banks and Josh Sewall were present. Matt Henry, Dana Minion and David Waterman were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Susan Thomas and Planner Bria Raines.

3. Approval of Agenda

Banks moved, second by Hanson, to approve the agenda as submitted with additional information provided for Item 8A.

Hanson, Maxwell, Banks and Sewall voted yes. Henry, Minion and Waterman were absent. Motion carried.

4. Approval of Minutes: Dec. 5, 2024

Hanson moved, second by Maxwell, to approve the Dec. 5, 2024 meeting minutes as submitted.

Hanson, Maxwell, Banks and Sewall voted yes. Henry, Minion and Waterman were absent. Motion carried.

5. Report from Staff

Thomas announced that the next planning commission meeting is scheduled to be held on Jan. 23, 2025. Chair Sewall will have completed two terms on the planning commission at that time, and that will be his last meeting as a planning commissioner.

6. Report from Planning Commissioners

Hanson thanked the Minnetonka police officers who provided protection and a feeling of safety at his workplace the past few weeks.

Chair Sewall congratulated Thomas for her well-deserved promotion to city planner and expressed his appreciation for everything continuing to run smoothly during the transition.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

Henry joined the meeting.

Hanson moved, second by Banks, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Conditional use permit for an attached accessory dwelling unit at 2415 Bantas Point Road.

Recommend that the city council adopt the resolution approving the conversion of an existing home into an accessory dwelling unit (ADU) at 2415 Bantas Point Road.

Hanson, Henry, Maxwell, Banks and Sewall voted yes. Minion and Waterman were absent. Motion carried and the item on the consent agenda was approved as submitted.

Chair Sewall stated that this item is scheduled to be reviewed by the city council at its meeting on Jan. 27, 2025.

8. Public Hearings

A. Expansion permit for an addition to the existing house and a conditional use permit for an attached accessory dwelling unit at 4546 Highland Road.

Chair Sewall introduced the proposal and called for the staff report.

Raines reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

The public hearing was opened. No testimony was submitted, and the hearing was closed.

Larry Louisiana, 4546 Highland Road, applicant, explained that the parking pad may be used as a basketball court. They currently access their house from the shared driveway.

Maxwell supports the proposal. The property is adjacent to Hwy 7, and no neighbors have expressed opposition to the proposal.

Henry felt that the proposal made sense and the homeowners were within their rights to improve the property.

Chair Sewall supports the staff's recommendation.

Hanson moved, second by Henry, to recommend that the city council adopt the resolution approving an expansion permit for an addition to the existing house and a conditional use permit for an attached accessory dwelling unit at 4546 Highland Road.

Hanson, Henry, Maxwell, Banks and Sewall voted yes. Minion and Waterman were absent. Motion carried.

B. Resolution approving a tree removal variance and an order for stipulation for the redevelopment of 16808 Prospect Place.

Chair Sewall introduced the proposal and called for the staff report.

Raines reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Todd Kalman, 16808 Prospect Place, applicant, stated that:

- He confirmed that the trees were cut down in preparation for building a new house and apologized for not knowing the tree protection ordinance.
- The house was in poor shape.
- The applicant plans on planting 33 trees and shrubs on the property.
- The proposed house would fit in well with the neighborhood.
- He would appreciate the fine being lowered to \$500 per tree.
- He spoke to some neighbors to get their input on the proposal.
- He provided a list of the types of trees that would be planted and photos of the trees that had been removed.

Maxwell asked if it would have been possible to build a modest house without removing the trees.

Mr. Kalman answered that the tree roots were very shallow and the house was going to be demolished. The proposed house would be built where a tree was located.

In response to Hanson's question, Elissa Kalman, 16808 Prospect Place, applicant, stated that the trees were taken down on Sept. 17, 2024, and the building permit was applied for Oct. 24, 2024.

In response to Henry's question, Ms. Kalman stated that the surveyor did not include the trees on the initial survey of the property. Once the applicant was informed that trees are required to be included on a survey when applying for a building permit, then the applicant requested the surveyor create a new survey showing the trees.

The public hearing was opened.

Pete Anderson, 3113 Shores Blvd., stated that:

- He noticed that a white pine on the property was diseased and needed to be taken down.
- He watched the demolition happen and felt it would have been impossible to get the demolition equipment in there without removing at least two of the trees that had been removed.
- No construction happened. The house had been vandalized. The windows and a glass door had been smashed. The owners boarded up the windows and have maintained the lawn.
- He thought 33 trees would be too many to fit on the property.
- The previous owner had cut down trees and left a few feet of the trunks that he put his boat on. The trunks were dead and rotten.

Kathleen Cullen, 16805 Cottage Grove Ave., stated that:

- She saw no reason for charging the applicants so much money. She agreed with the property owners being fined \$500 a tree.

Else Goll, 16726 Prospect Place, stated that:

- She was delighted to meet the property owners and learn their plan to build a one-story house that would fit in the neighborhood.
- The existing house had been in disrepair for the 23 years she has lived next to it.
- She hopes the city helps the applicant complete their plans as soon as possible.
- She spoke to two other neighbors who asked her to express their support for the applicant's proposal.
- The process has been stressful. She was unable to submit a comment previously since she received the notice of the public hearing postcard on Dec. 24, 2024, and had until Jan. 3, 2025, to respond.

No additional testimony was submitted, and the hearing was closed.

Raines explained that:

- The applicant would be required to plant deciduous trees totaling 32 inches in circumference or conifer trees totaling 32 feet in height or a combination of the two approved by natural resources staff to meet the requirements.
- Comments submitted by the date on the postcard, Jan. 3, 2025, would be included in the meeting's agenda posted on the website. After that date, comments would continue to be accepted and provided to planning commissioners at the meeting. Comments received after the planning commission meeting would be included in the city council's agenda, posted on the city's website, and provided to councilmembers at the

meeting if the comment would be received after the agenda had already been posted online. That will be clarified on future postcards.

Thomas agreed that neighbors receiving the public-hearing-notice postcard on Dec. 24th was not an optimal date, but the city is required to give a certain amount of notice in order to have the item on the Jan. 9, 2025 planning commission meeting agenda.

In response to Chair Sewall's request, Wischnack explained that the order of stipulation is fair and consistent with other cases where this has happened. The city council has the final decision.

Henry stated that:

- He appreciated the staff's presentation and the comments from the applicants and neighbors.
- He was glad to see that the applicant's plan would go above and beyond what the tree mitigation would require.
- The neighbors being present and supporting the proposal shows that the applicant has communicated with them and that carries a lot of weight.
- A variance is needed to build a house. It would be unreasonable to not be allowed to build a house on the property.
- He supports approving the variance.
- He did not want to set a dangerous precedent by reducing the fine set in the order for stipulation, but he felt for the property owner. He agrees with keeping the amount consistent.

Hanson stated that:

- He applauded the property owner for the proposal, including more trees than required, and believed there was positive intent behind everything.
- He supports the variance. The plan is reasonable and is supported by the neighbors.
- He suggested the tree ordinance be refined to have different consequences for the owner of one lot versus the owner of a large property with multiple lots.
- He thought \$1,000 a tree would be reasonable.
- He welcomed the property owners to Minnetonka.

Maxwell stated that:

- She supports the variance of the tree ordinance.
- When the tree protection ordinance was created, she pictured it applying to large, undeveloped properties. She did not picture it applying to a small, single-family property. Some consideration needs to be made for the demolition of a house on a small property because the limit could

come down to one tree located close to the house. She felt it made sense to look at how the ordinance has worked over the last year.

Banks stated that:

- He appreciates the staff's presentation and the information provided by the applicants.
- He believes the property owners made an honest mistake.
- The proposal would go beyond what the mitigation would require.
- He suggested the city notify new property owners of the tree protection ordinance. It appears the applicant's surveyor was not aware of the ordinance.
- He welcomed the property owners to Minnetonka.
- The proposed house would be beautiful.
- He applauded the applicants for working with the neighbors.
- He suggested a fine of \$4,000 or \$5,000.
- He supports the variance.

Chair Sewall stated that:

- He supports the variance.
- The residents of Minnetonka support tree preservation.
- He believes the applicants' mistake was honest.
- He was excited for the applicants to complete their house.

Henry moved, second by Banks, to recommend that the city council adopt the resolution approving a tree removal variance and an order for stipulation for the redevelopment at 16808 Prospect Place.

Hanson, Henry, Maxwell, Banks and Sewall voted yes. Minion and Waterman were absent. Motion carried.

Wischnack shared that the tree protection ordinance would not be reviewed as an individual ordinance but would be included in the review for the zoning ordinance rewrite.

9. Adjournment

Hanson moved, second by Henry, to adjourn the meeting at 8 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

**Planning Commission
Agenda Item 8.A
Meeting of January 23, 2025**



Title: Conditional use permit for a veterinary clinic at 1809 Plymouth Road.
Report from: Drew Ingvalson, Senior Planner
Submitted Through: Susan Thomas, AICP, City Planner

Form of Action: Report
Votes needed: 4 votes

Recommended Action

Recommend the city council adopt the resolution approving the request (4 votes).

Background

See attached staff report.

ATTACHMENTS:

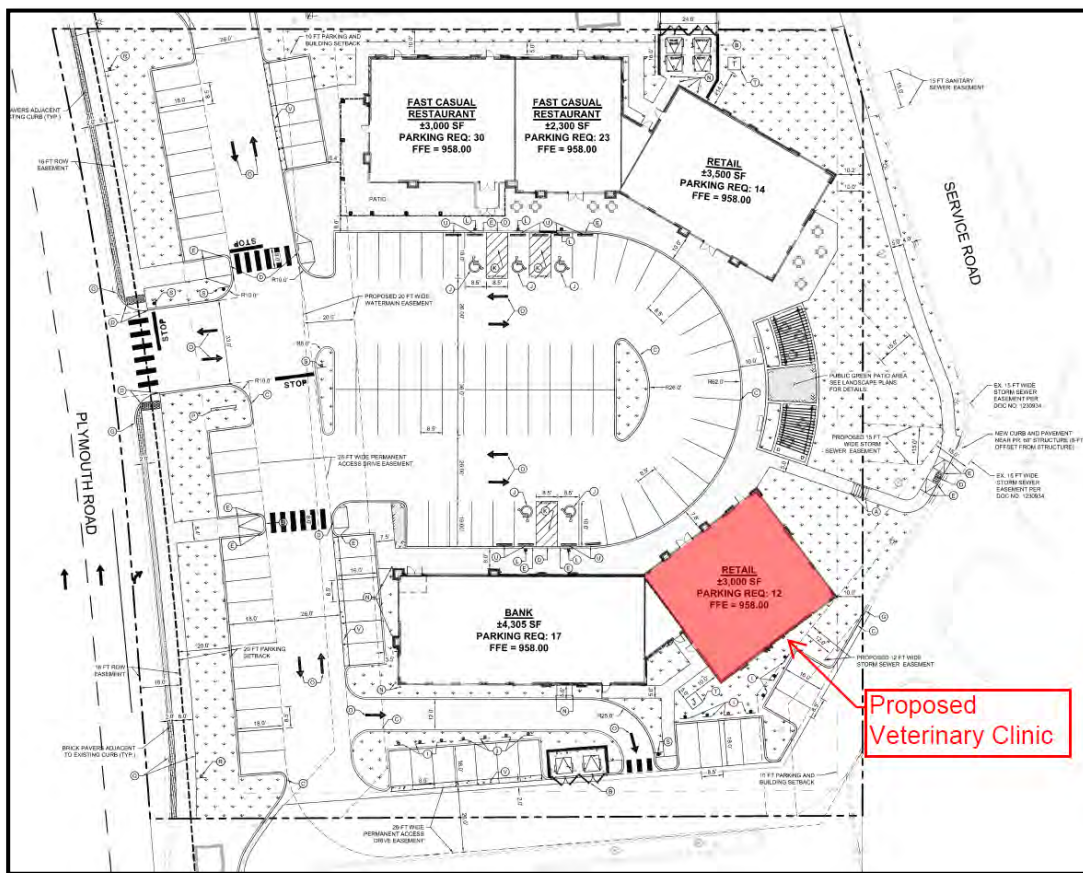
[Staff Report](#)

MINNETONKA PLANNING COMMISSION
Jan. 23, 2025

Brief Description	Conditional use permit for a veterinary clinic at 1809 Plymouth Road
Recommendation	Recommend the city council adopt the resolution approving the request.

Introduction

John Diemer, on behalf of the property owner (1809 Ply LLC), is requesting a conditional use permit for a veterinary clinic (Livewell Animal Urgent Care) at 1809 Plymouth Road. The subject space is currently being constructed and is part of the recent Wells Fargo commercial redevelopment. When built, the proposed space will be 3,000 square feet.



Proposal requirements:

This proposal requires:

- Conditional Use Permit: The property is zoned Planned I-394 District (PID). Medical clinics are a conditionally permitted use in this zoning district.

Staff Analysis

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the applicant's request and the staff's findings:

1. Is the use generally reasonable?

Yes. The applicant has proposed using the site for a veterinary urgent care clinic. This type of use is defined as a medical clinic, which is conditionally permitted by city code within the PID. This proposed use of the building space is reasonable and would meet the general and specific conditional use permit (CUP) standards outlined in the city code. The specific CUP standards include:

- Not being located adjacent to low-density residential areas;
- Having direct access to a collector or arterial road;
- Not having emergency vehicle access adjacent to or across the street from any residential uses; and
- Subject to submitting a detailed parking analysis for uses exceeding 10,000 square feet (Not applicable as the space is only 3,000 square feet).

The proposal would meet all of these standards. (See Supporting Information for more detail.) Furthermore, staff believes that the proposed use, a pet-based business, would be harmonious with the existing uses on the property and the overall commercial /high-density residential area.

2. Is there adequate parking?

Yes. The proposal would meet city code parking requirements. The subject site includes five tenant spaces with a combined parking demand of 86 spaces. As approved, the site has 108 parking stalls, a 22-space surplus.

Summary Comments

Staff finds that the proposed veterinary clinic would meet the conditional use permit standards and, if approved, would be an appropriate site use.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for a veterinary clinic at 1809 Plymouth Road.

Originator: Drew Ingvalson, Senior Planner
Through: Susan Thomas, AICP, City Planner

Supporting Information

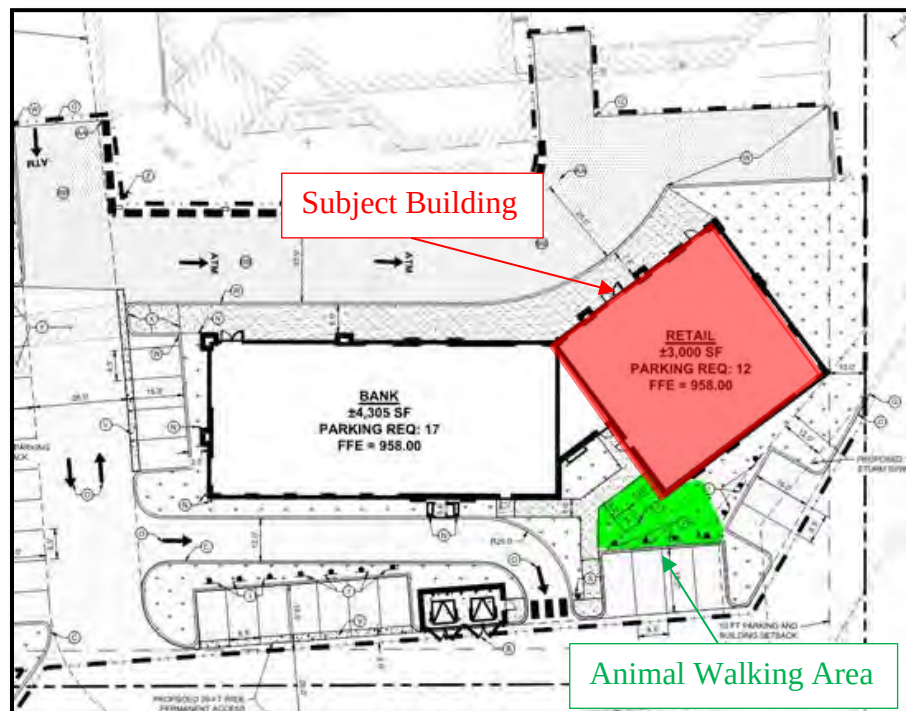
Future Site Uses:	The subject site is currently under construction, and the tenants for some spaces have not been determined. However, per their earlier submittal (2024), the site will have the following tenants: • Fast Casual (3,000 square feet) • Chipotle (2,300 square feet) • Retail (3,500 square feet) • Wells Fargo Bank (4,300 square feet) • <i>Proposed Veterinary Clinic (3,000 square feet)</i>
Subject Site	Zoning: Planned I-394 District (PID) Guide Plan designation: Mixed Use
Surrounding Land Uses	All surrounding properties are zoned PID and guided for Mixed Use. These properties include: Northerly: Ridgedale Corner Shoppes (Huntington Bank, Wedding Day Diamonds, T-Mobile) Easterly: Firestone and Avidor Apartments Southerly: US Bank Westerly: Plymouth Road (across the road: 1700 Building - Residences at 1700 Apartments, Highland Bank, Taco Teresa's, WellHaven Veterinary, Honey Aesthetic)
Site features	The subject property is just over two acres in size and under construction for two new buildings with five commercial tenant spaces. The site is relatively flat and includes no natural features (wetland, floodplain, steep slopes, etc.).
Proposed Use	The applicant proposes operating a veterinary clinic (Livewell Animal Urgent Care) at the subject site. Livewell Animal Urgent Care is new to the Twin Cities Area; however, they have two other Twin Cities locations that are currently under construction (Shoreview and Minneapolis). In addition, they have 12 locations across the country (locations include Denver, CO; Washington DC; Seattle, WA; Nashville, TN; and Houston, TX). Livewell Animal Urgent Care will have one doctor on staff to start and plans on being open from noon – 10 pm (Thursday – Monday). They anticipate adding a second doctor and extending their hours to 10 am – 10 pm. The clinic expects to employ 10-15 staff members and will typically have 6-7 staff during open hours. Per the applicant, animals will not be housed overnight. The proposed lease space would be approximately 3,000 square feet. The interior space will consist of: • a reception area;

- four exam rooms;
- a surgery room;
- an x-ray room;
- laboratory/pharmacy area;
- treatment area;
- breakroom;
- bathrooms;
- a dog ward;
- laundry/freezer room; and
- various other small rooms.

(See attached for details).

Animal Walking

Livewell will use the southern grass area near the building for animal walking (see location below in green). This area is accessed by a rear door of the building (near the dog ward). Per the applicant, all animals will be on a leash and accompanied by staff at all times.



Clinic Designation

The applicant is requesting to use a space for an animal urgent care facility (veterinary clinic). Historically, the city has reviewed such uses as medical clinics, as the ordinance does not specify different reviews for medical clinics for humans vs. animals.

Furthermore, the city code does not consider medical users a medical clinic if the occupied space is less than 2,000 square feet in area. The subject request was considered a medical clinic, as the proposed lease space would be 3,000 square feet in area.

Staff analysis

Staff finds that the applicant's proposal is reasonable and would meet the conditional use permit standards (general and specific) and variance standards outlined in the zoning ordinance.

General CUP Standards

Staff finds that the proposal meets the general conditional use permit standards, as the use:

- 1) Is consistent with the intent of the ordinance;

Finding: Medical clinics are a conditionally permitted use within the Planned I-394 District (PID).

- 2) Is consistent with the goals, policies and objectives of the comprehensive plan;

Finding: The use is consistent with the comprehensive plan's goals, policies and objectives. The subject site is guided for mixed-use. Clinic uses are consistent with the uses within this land use category.

- 3) Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. Staff does not anticipate an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

- 4) Is consistent with the city's water resources management plan;

Finding: The use is consistent with the city's water resources management plan. No exterior additions are being proposed to the property at this time.

- 5) Is in compliance with the performance standards specified in §300.28 of the ordinance; and

Finding: Most of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of a previously approved building. The proposal would meet the standards outlined within the city code.

- 6) Does not have an undue adverse impact on public health, safety or welfare.

Finding: The use is not anticipated to have an undue adverse impact on public health, safety or welfare.

Specific CUP Standards

Staff finds that the proposal meets the specific conditional use permit standards, as the use:

- 1) Shall not be adjacent to low-density residential areas;

Finding: All surrounding land uses are commercial or high-density residential uses, zoned PID, and guided for mixed-use or commercial in the comprehensive plan. The site is not adjacent to any low-density residential properties.

- 2) Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

Finding: The site has direct access from Plymouth Road, which is defined as a minor arterial road in the comprehensive plan.

- 3) Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: The proposed medical use is a veterinary clinic. As proposed, the use would not require emergency vehicle access. Regardless, this restriction has been added as a condition of approval.

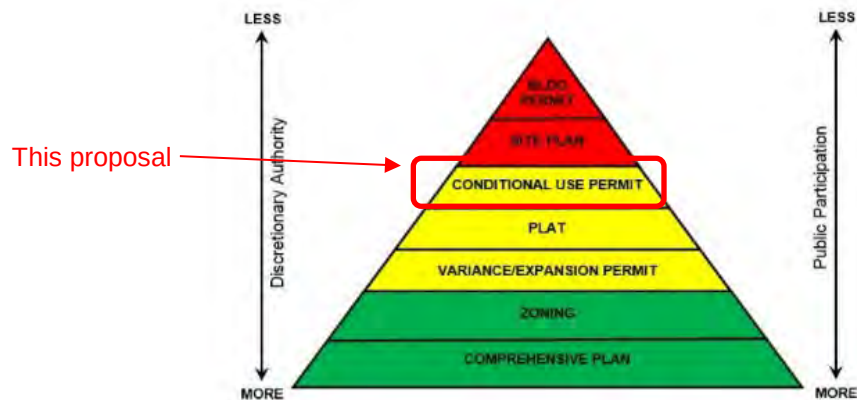
- 4) May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Finding: The proposed clinic would be 3,000 square feet, so a detailed parking study was not required.

Neighborhood Comments

The city sent notices to 77 area property owners and received no comments.

Pyramid of Discretion



Motion options

The planning commission has the following motion options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

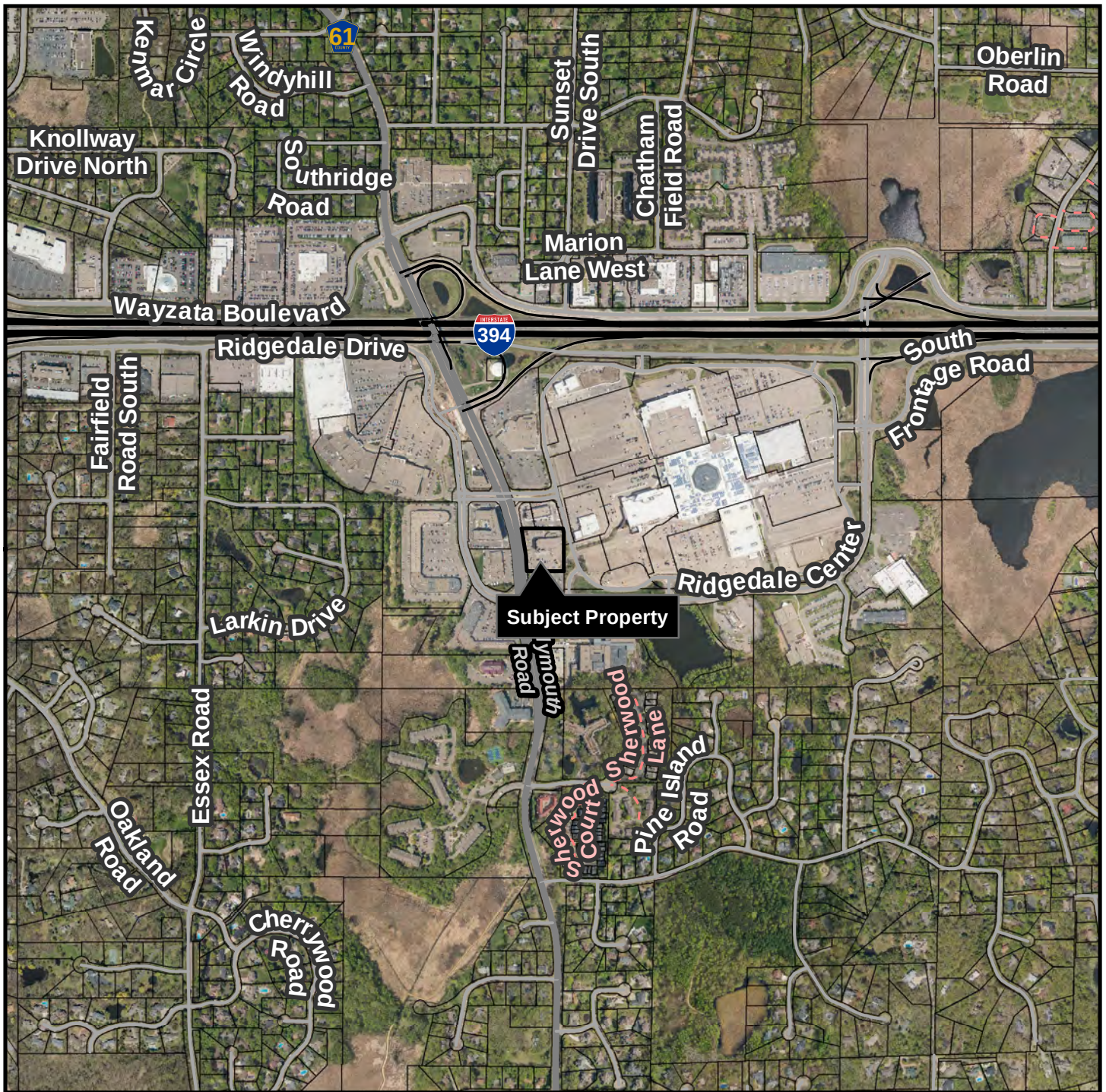
Voting Requirement

The planning commission will make a recommendation to the city council on the applicant's proposal. A recommendation for approval requires an affirmative vote of a simple majority.

The city council's final approval requires affirmative votes of five members, given that the proposal includes a variance.

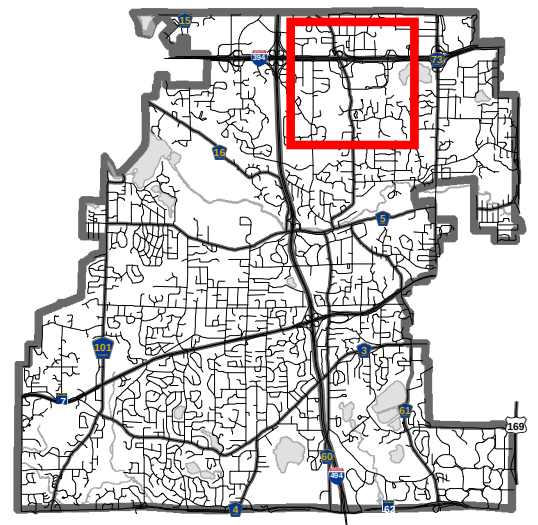
**Deadline for
Decision**

March 17, 2025



Location Map

Project: Wells Fargo
Address: 1809 Plymouth Road



Mark	Revision / Issue	Date
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LAND USE APPROVALS RESUBMITTAL 04-17-24

PRELIMINARY
NOT FOR CONSTRUCTION

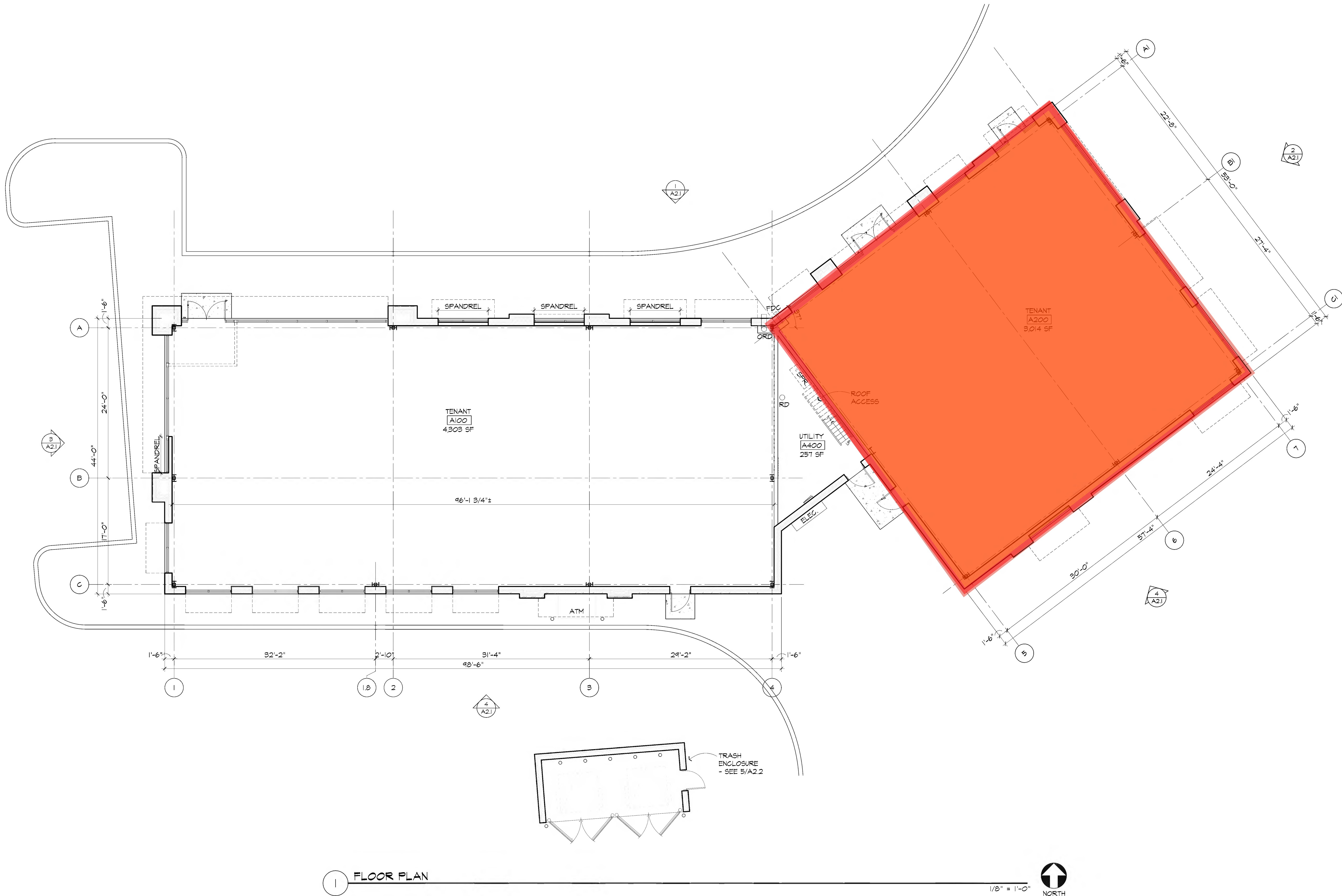
MINNETONKA REDEVELOPMENT

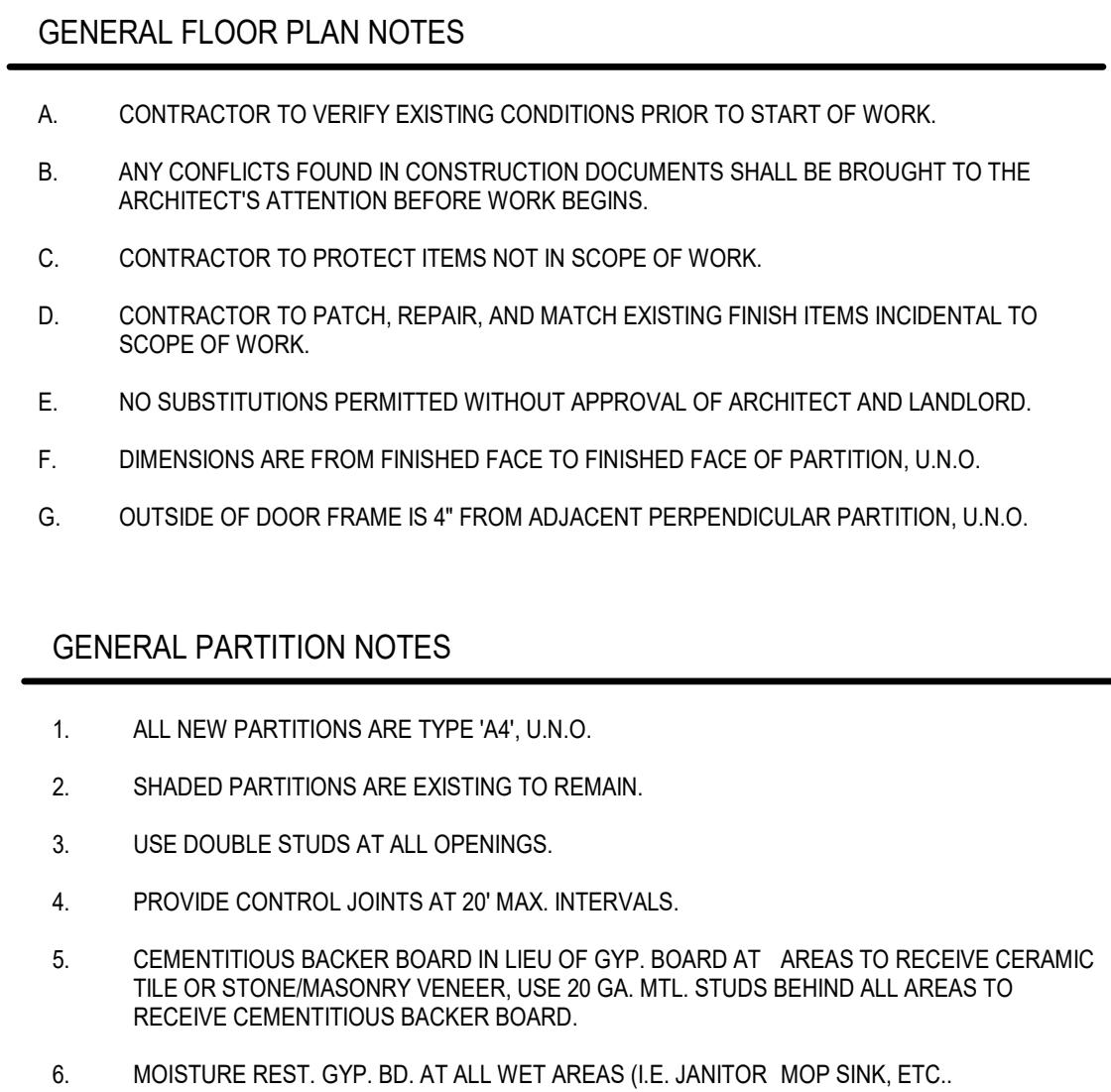
Prepared For:
1809 PLY LLC

FLOOR PLAN - BUILDING 'A'

PROJECT NUMBER:	22-1045-01
ISSUED DATE:	04-17-24
DRAWN BY:	BL
CHECKED BY:	KA

A1.1





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8729 SHOAL CREEK BLVD, SUITE 200
AUSTIN, TX 78757 512.821.3555 v

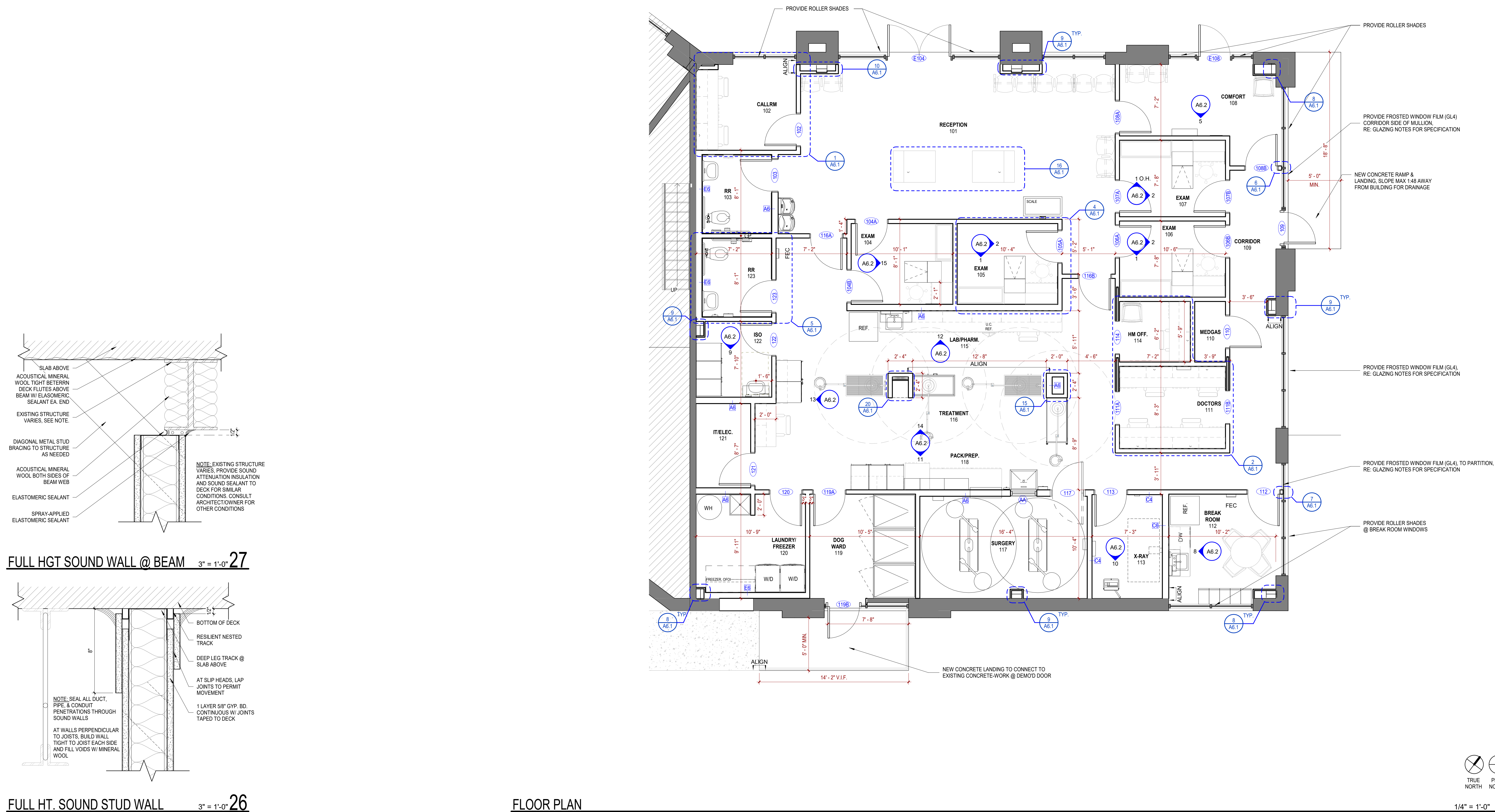
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

Signature:

Dr. K. K. K.

Typed or Printed Name: ANTHONY K. KELLE

Date: 12/19/2024 **License Number:** 45384



LIVMIN

1809 PLYMOUTH ROAD,
BUILDING A, SUITE A200,
MINNETONKA, MN 55305

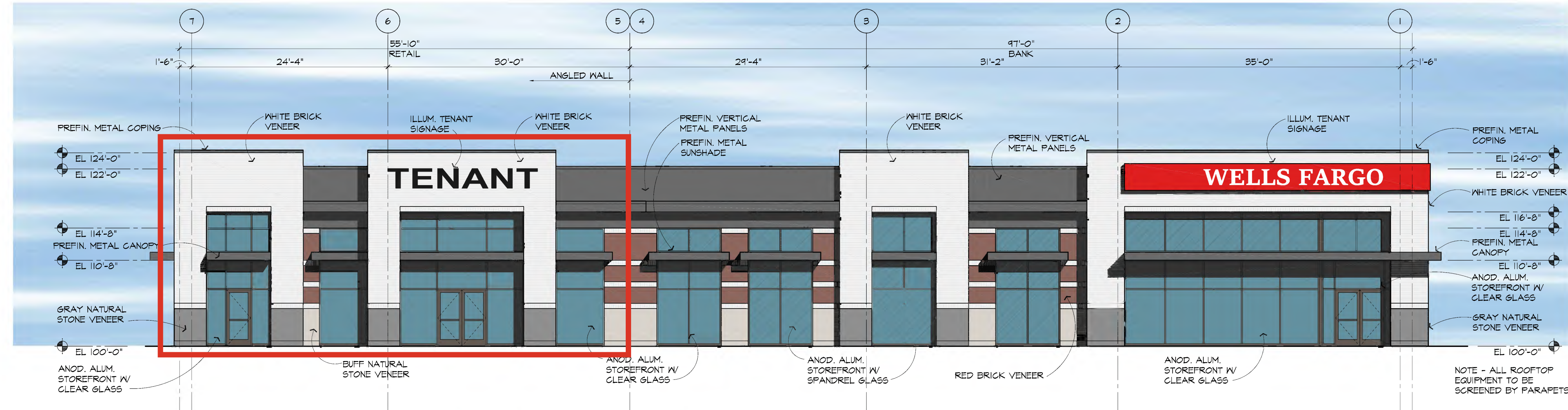
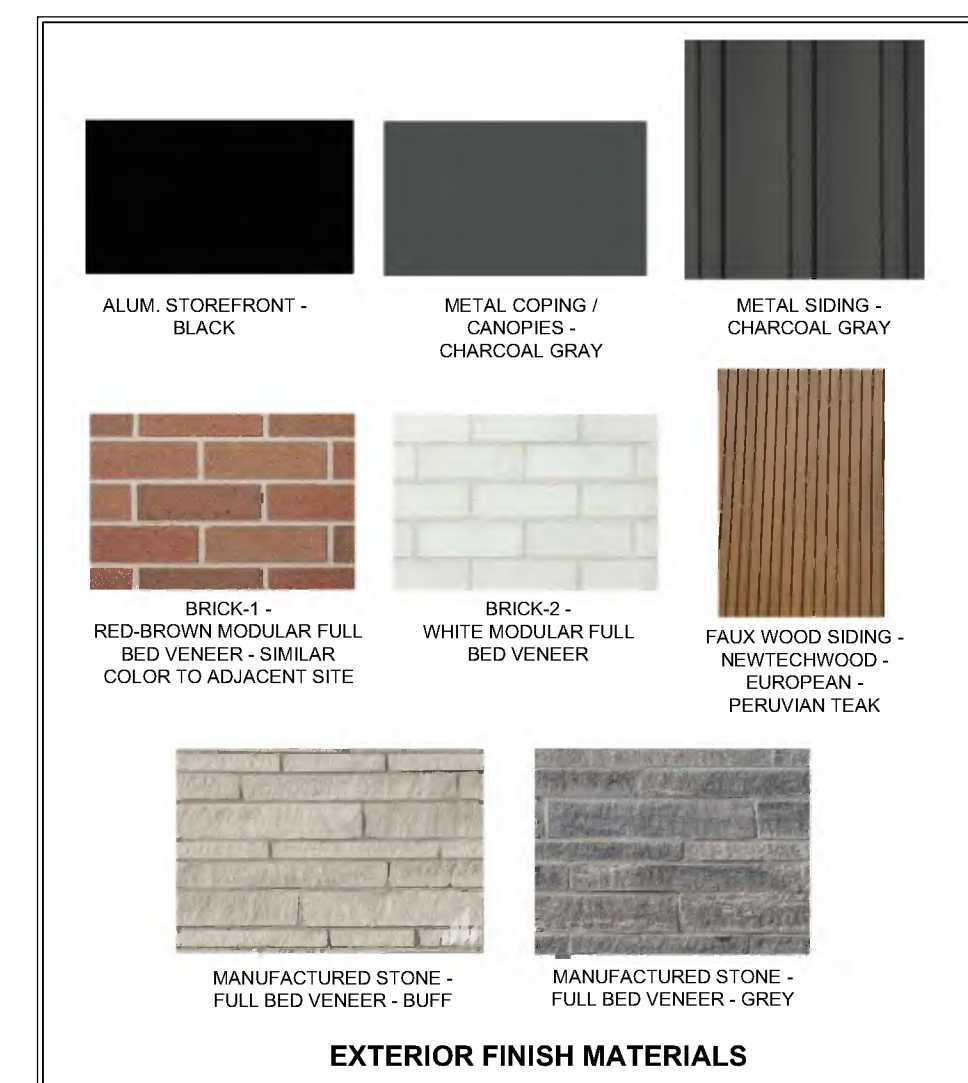
Project: 24.031

Issue / Revisions

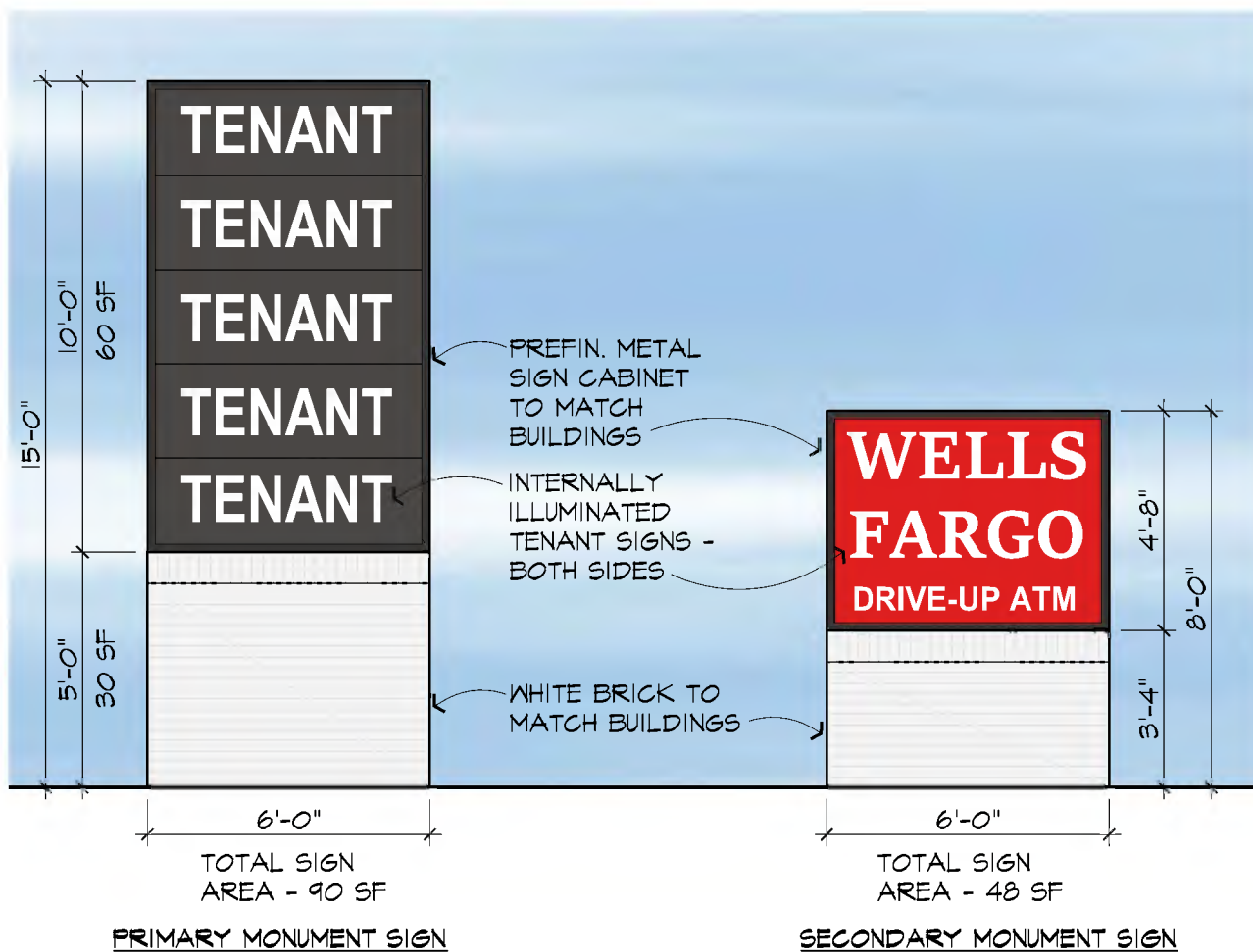
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FLOOR PLAN & DETAILS

A2.1



1 NORTH ELEVATION



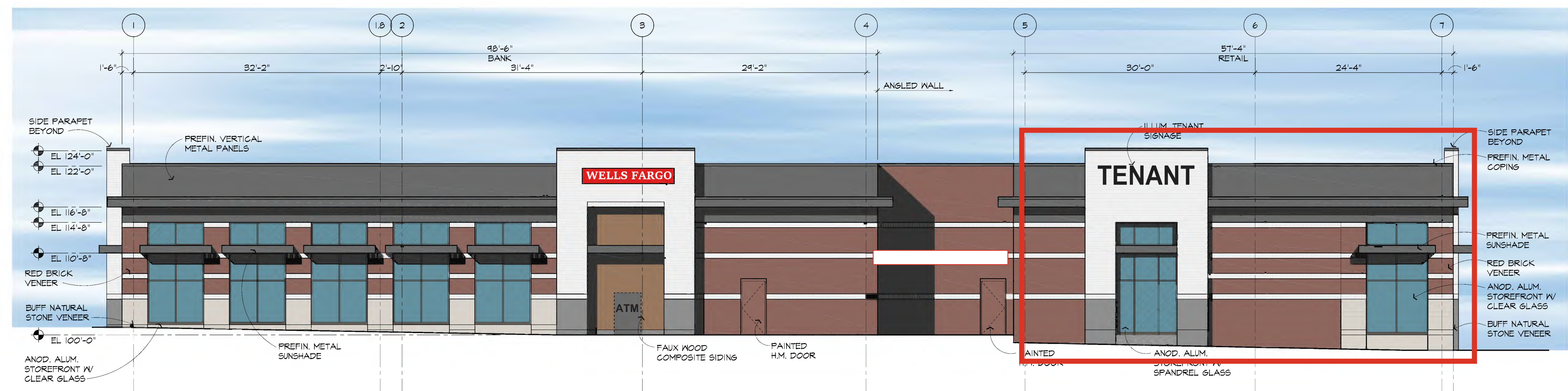
5 MONUMENT SIGNS



2 EAST ELEVATION



3 WEST ELEVATION



4 SOUTH ELEVATION

Mark	Revision / Issue	Date
	LAND USE APPROVALS RESUBMITTAL	04-17-24

PRELIMINARY
NOT FOR CONSTRUCTION

MINNETONKA
REDEVELOPMENT

Prepared For:
1809 PLY LLC

EXTERIOR
ELEVATIONS -
BUILDING 'A'

PROJECT NUMBER:	22-1045-01
ISSUED DATE:	04-17-24
DRAWN BY:	BL
CHECKED BY:	KA

A2.1

Resolution No. 2025-

**Resolution approving a conditional use permit for a veterinary clinic
(Livewell Animal Urgent Care) at 1700 Plymouth Road**

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 The subject property is located at 1809 Plymouth Rd. It is legally described as:
Lot 4, Block 1, Ridgedale Center Fourth Addition, Hennepin County, Minnesota
Torrens Certificate Number: 1582123
- 1.02 John Diemer, on behalf of the property owner (1809 Ply LLC), is requesting a conditional use permit for a veterinary clinic (Livewell Animal Urgent Care) at 1809 Plymouth Road.
- 1.03 City Code §300.31 Subd. 4(b)(2)(d) conditionally allows hospitals and medical clinics within the Planned I-394 District (PID).
- 1.04 On Jan. 23, 2025, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council [to be noted after commission action].

Section 2. Standards.

- 2.01 City Code §300.21 Subd.2 lists the following general standards that must be met for granting a conditional use permit:
1. The use is consistent with the intent of the ordinance;
 2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
 3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements;
 4. The use is consistent with the city's water resources management plan;

5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
6. The use does not have an undue adverse impact on public health, safety and welfare.

2.02 City Code §300.31 Subd. 4(b)(2)(d) outlines the following specific standards that must be met for granting a conditional use permit for hospitals and medical clinics. Hospitals and clinics:

1. Shall not be adjacent to low-density residential areas;
2. Site shall have direct access to collector or arterial streets as defined in the comprehensive plans; and
3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.
4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd.2.

1. Medical clinics are conditionally permitted uses within the Planned I-394 District (PID).
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan. The subject site is guided for mixed-use. Clinic uses are consistent with the uses within this land use category.
3. The city's building, engineering, planning, natural resource, and fire staff have reviewed the proposal. Staff does not anticipate any undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements.
4. The use is consistent with the city's water resources management plan. No exterior additions are being proposed to the property at this time.
5. Most of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of a previously approved building. The proposal would meet the standards outlined within the city code.
6. The use is not anticipated to have an undue adverse impact on public health, safety, or welfare.

- 3.02 The proposal would meet all of the specific conditional use permit standards outlined in §300.31 Subd.4(b)(2)(d).
1. All surrounding land uses are commercial or high-density residential uses, zoned Planned I-394 District, and guided for mixed-use or commercial in the comprehensive plan. The site is not adjacent to any low-density residential properties.
 2. The site has direct access from Plymouth Road, which is defined as a minor arterial road in the comprehensive plan.
 3. The proposed medical use is a veterinary clinic. As proposed, the use would not require emergency vehicle access.
 4. The proposed clinic would be 3,000 square feet, so a detailed parking study was not required.

Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following documents:
 - Site Plan, dated April 17, 2024
 - Floor Plan – Building A, dated April 17, 2024
 - Floor Plan and Details (A2.1), dated Dec. 19, 2024
 - Exterior Elevations – Building A, dated April 17, 2024
 2. This resolution must be recorded with Hennepin County.
 3. The tenant space must comply with all requirements of the Minnesota state building code, fire code, and health code.
 4. Sign permits are required for any exterior signs.
 5. A pet waste management plan be provided for staff review and approval.
 6. Animals are not allowed to be lodged overnight.
 7. Any change to the approved use that results in a significant increase in traffic, parking, or a substantial change in character would require a revised conditional use permit. This would include emergency vehicles specific to the veterinary clinic.
 8. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 6, 2025.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 6, 2025.

Becky Koosman, City Clerk

**Planning Commission
Agenda Item 9.A
Meeting of January 23, 2025**



Title: Amendments to planning commission bylaws.
Report from: Susan Thomas, AICP, City Planner
Submitted Through: Julie Wischnack, FAICP, Community Development Director

Form of Action: Report
Votes needed: 4 votes

Recommended Action

Review and adopt the suggested amendments. (4 votes).

Background

See attached staff report.

ATTACHMENTS:

[Staff report](#)

MINNETONKA PLANNING COMMISSION
Jan. 23, 2025

Brief Description Amendments to planning commission bylaws

Recommendation Adopt the suggested amendments

Introduction

The planning commission reviews its bylaws annually. Staff is suggesting several amendments:

- 1. Elections.** Under the current bylaws, the election of officers (chair and vice chair) must occur at the first regular meeting in March. No provision is made for special elections in the event of a commission vacancy. Staff suggests amendment noting:
 - Officers will be elected annually. This language would allow for the election to occur at any meeting at which the commission has a quorum.
 - Special elections may be called by a majority vote of commissioners at any regular meeting.
- 2. Amendments.** Under the current bylaws, the election of officers (chair and vice chair) must occur at the first regular meeting in March. Staff suggests an amendment noting that the bylaws will be reviewed at least once per calendar year.
- 3. Removal of “shall.”** The term “shall” appears throughout the bylaws. According to plainlanguage.gov, “shall” is ambiguous, and rarely occurs in everyday conversation. When the opportunity presents itself, planning staff will always recommend the replacement of “shall” with “will” or “must.”
- 4. Replacement of the term Planning Department with the Planning Division.** The city does not have a planning department. Rather, it has been a division in the community development department for nearly 20 years.

Staff Recommendation

Review and adopt the suggested amendments.

Originator: Susan Thomas, AICP, City Planner

CITY OF MINNETONKA PLANNING COMMISSION BYLAWS

ARTICLE I – GENERAL

The Minnetonka Planning Commission is established under City Code section 300.04 and Minnesota State Statutes Annotated section 462.354, subdivision 1(2).

ARTICLE II – PURPOSE

The commission is appointed by the City Council to assist and advise the City Council in the administration of the City Zoning Ordinance, Guide Plan and Subdivision Ordinance: to conduct public hearings upon matters as required by the provisions of City Code, section 300, and on any other matters referred by the City Council.

ARTICLE III - MEETINGS

Section I. Regular Meetings

The regular meetings of the commission will be held at the offices of the City of Minnetonka, located at 14600 Minnetonka Boulevard. The meeting schedule and starting time will be as designated on the official city calendar. All meetings will be open to the public, except as otherwise provided by law.

The planning commission meeting will conclude no later than 11:00 P.M. unless a majority of the members present vote to continue the meeting beyond 11:00 P.M. for a single item. Items not covered by 11:00 P.M. will be automatically continued to the next planning commission meeting and given priority placement on the agenda.

Before opening a public hearing, the chair will ask for a presentation from the applicant. The chair will then open the public hearing. At larger public hearings, the chair will request a presentation from any neighborhood representatives. Following that, the chair will ask for comments from any other members of the public. The chair will encourage the applicant and neighborhood representatives to limit their presentations to about fifteen minutes each. The chair will encourage other public speakers to limit their time to about eight minutes, so everyone has time to speak at least once. However, time limits will be at the discretion of the chair. Once everyone has spoken, the chair may allow speakers to return for additional comments. The public hearing will remain open until the chair determines that all information and statements have been heard. The chair may then close the public hearing and limit discussion to members of the commission.

The voting order shall be alphabetical according to the last name of each commissioner. The voting order shall rotate alphabetically at each planning commission meeting. The presiding officer shall always vote last.

Section II. Special Meetings

A special meeting may be held when deemed necessary by four members of the commission or by the request of the city council.

Section III. Quorums

At any duly called meeting of the commission, a majority of the active members shall constitute a quorum.

Section IV. Agendas

An agenda for each meeting shall be prepared by the Planning Department Division for the City in cooperation with the chair. The agenda shall be delivered to all members of the commission along with supporting data on the Friday before the next regular meeting.

The commission may continue consideration of any scheduled item when supportive material for that item has not been delivered to the members five (5) full business days before the meeting at which it is considered.

The city planner shall add items to the consent agenda that he or she considers to be routine. The planning commission shall hold one public hearing and then approve all such items with one motion. Before voting on the consent agenda, the chair will open the hearing, announce each item and ask if anyone wishes to have a separate discussion or vote on that item. If so, the commission will then remove that item from the consent agenda and hold a separate hearing on it after voting on the consent agenda items. There will be no staff presentation or discussion by the public or commission on the items remaining on the consent agenda. However, the chair may allow informational questions without removing an item from the consent agenda. Items approved under the consent agenda are approved subject to the staff recommendations.

Section V. Voting

Any vote that requires a two-thirds majority shall will be based on the current planning commission membership, excluding any vacant positions. Members present must vote on all agenda items, unless disqualified because of a conflict of interest under the City's Code of Ethics or State law.

ARTICLE IV – OFFICERS

Officers of the commission shall will consist of the chair and a vice chair. ~~The officers shall be elected for a one-year period at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum. Officers will be elected annually. Special elections may be called by a majority vote of the members of the commission at any regular or special meeting.~~

- A. Chair: The chair shall will preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present shall will designate one of themselves to serve as chair.
- B. Vice Chair: The vice chair shall will perform all the duties of the chair in the absence of the chair.
- C. Secretary: The Secretary is a non-elected member of the Planning Department Division staff. The secretary shall will keep an accurate account of meetings and proceedings of meetings, send written notices and agendas of all meetings to members, keep a policy file of all commission records and documents, and notify the city council in writing of all commission conclusions and recommendations.

- D. Sustainability Commission liaison: The sustainability commission charter requires a planning commission member to serve as a liaison to the sustainability commission.

ARTICLE V - CODE OF ETHICS

The planning commission members ~~shall~~will abide by the Code of Ethics established in Section 115 of the Minnetonka Code as amended from time to time. Additionally, no planning commissioner ~~shall~~may act as a representative for someone else for any planning or zoning item that comes before the Minnetonka Commission or Council. A planning commissioner may represent a planning or zoning item for their own property or property in which they have a real interest.

ARTICLE VI - PARLIAMENTARY PROCEDURE

The proceedings of the commission shall be governed by and conducted according to the latest rules of Roberts Rules of Order, as revised.

ARTICLE VII – AMENDMENTS

The commission ~~shall~~will review its bylaws and policies ~~at the first meeting in March of each year~~at least once per calendar year. These bylaws may be amended or altered by a majority vote of the members of the commission at any regular or special meeting, having a quorum, provided the amendment was mailed or delivered to the commission members at least five days before the meeting.

~~Revised February 2008;
Readopted with changes March 3, 2011; March 2, 2023
Amended Sept. 19, 2024~~

**Planning Commission
Agenda Item 9.B
Meeting of January 23, 2025**



Title: Repeal and replacement of planning commission policies
Report from: Susan Thomas, AICP, City Planner
Submitted Through: Julie Wischnack, FAICP, Community Development Director

Form of Action: Report
Votes needed: 4 votes

Recommended Action

Repeal and replace the existing planning commission policies. (4 votes)

Background

See attached staff report.

ATTACHMENTS:

[Staff Report](#)

MINNETONKA PLANNING COMMISSION
Jan. 23, 2025

Brief Description	Repeal and replacement of planning commission policies
Recommendation	Adopt the suggested replacement policies.

Introduction

The planning commission has several written policies. They are intended as a guide for the planning commission when it is considering reasonable use as part of variance and expansion permit requests. The policies are not binding but provide for some consistency in reviews. Under its bylaws, the commission must review its policies annually. This year, planning staff is suggesting several administrative changes and three substantive changes to commission policies.

1. **Administrative.** Staff suggests a full reformatting to reflect the format of city council policies and an updating of language to reflect the city's internal writing guides.
2. **Substantive.** Three changes are proposed to reflect previous planning commission discussions on variances and expansion permits, as well as discussions during recent policy reviews.
 - **General policies.** Four general policies are suggested:
 - ✓ Reasonable use does not necessarily mean maximum use.
 - ✓ Intrusions into required setbacks should be limited to the greatest extent practicable.
 - ✓ Preservation of mature trees and vegetation will be considered in the review of variance and expansion permit requests.
 - ✓ Neighborhood character, including any existing intrusions into required setbacks or lack thereof, will be considered in the review of setback variance and expansion permit requests.
 - **Garage size.** Under the existing policies: (1) a two-stall garage is considered reasonable; and (2) the maximum dimension of a two-stall garage is noted as 24-feet by 24-feet. Based on previous commission discussions, staff suggests:
 - ✓ On properties containing single-household attached or detached dwellings, a minimum 24-foot by 24-foot garage is considered reasonable use.
 - ✓ The size and location of a proposed garage, or addition to a garage, and its intrusion into required setbacks will be considered relative to existing garages in the surrounding area.

- **Front porches or covered entry features.** Based on previous commission discussions, staff suggests:
 - ✓ Unenclosed front porches or covered front entry features generally enhance residential aesthetics and have minimal physical impact on surrounding areas. The location of front porches or covered entry features relative to the paved portion of the adjacent roadway will be considered in the review of variance and expansion permit requests.

All of the proposed changes are outlined in the attached Policy Comparison Chart.

Staff Recommendation

Repeal and replace the existing planning commission policies.

Originator: Susan Thomas, AICP, City Planner

POLICY COMPARISON CHART

EXISTING	PROPOSED
	General Policies
	1. Reasonable use does not necessarily mean maximum use. 2. Intrusions into required setbacks should be limited to the greatest extent practicable. 3. Preservation of mature trees and vegetation will be considered in the review of variance and expansion permit requests. 4. Neighborhood character, including any existing intrusions into required setbacks or lack thereof, will be considered in the review of setback variance and expansion permit requests.
Garages	Garages
1. A two-car garage on single-family residential property and a one-car garage on a double dwelling property is generally considered to be a reasonable use. Larger garages may be approved if consistent with neighborhood characteristics and the findings for a variance. 2. Maximum standard two-car garage dimensions are 24' x 24'. Maximum standard one-car garage dimensions are 13' x 24'.	1. On properties containing single-household attached or detached dwellings, a minimum 24-foot by 24-foot garage is considered reasonable use.
3. Garages that require variances should minimize setback intrusion to the greatest extent possible.	Noted in General Policies
4. Conversion of garage area to living space does not justify a variance for new garage space.	2. The conversion of garage space to living space is not justification for a variance or expansion permit for new garage space.

POLICY COMPARISON CHART

5. Neighborhood characteristics may dictate the size and setbacks of a garage considered to be a reasonable use.	3. The size and location of a proposed garage, or addition to a garage, and intrusion into required setbacks will be considered relative to existing garages in the surrounding area.
6. Variances are considered in light of mature tree location and preservation opportunities.	Noted in General Policies
House Additions	Houses and Additions
1. Reasonable use of property is considered in light of general City-wide development standards.	Noted in General Policies
2. Variances and expansion permits to allow setback intrusion are considered in light of reasonable use as long as the variance or expansion permit is limited to the greatest extent practicable.	Noted in General Policies
3. Variances and expansion permits are considered in light of providing room additions of functional size with adequate internal circulation.	1. Functional size and reasonable internal circulation will be considered in the review of variance and expansion permit requests for additions to existing houses.
4. Variances and expansion permits that do not increase the floor area or building height are considered reasonable use.	2. Additions that do not increase the footprint, code-defined floor area, or building height are generally considered reasonable.
5. The configuration and position of the existing house is considered when reviewing variance and expansion permit requests.	3. The location and position of the existing house will be considered in the review of variance and expansion permit requests for additions to existing houses.
6. The proposed addition should be designed to conform to development constraints of the property.	4. The development constraints of a property should inform the size, design, and location of new houses and additions.
	Noted in General Policies

POLICY COMPARISON CHART

7. Variances and expansion permits are considered in light of mature tree location and preservation opportunities.	
Accessory Attached Structures	Attached Accessory Structures
1. Decks, screen porches, and bay windows are by definition accessory uses or uses incidental to the principal use.	1. Decks, screen porches, covered entries, and other similar architectural features are considered attached accessory uses. While perhaps desirable, these uses are not required for a dwelling.
2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent in the property.	
3. Variances and expansion permits are considered in light of the size and configuration of the structure so that the variance or expansion permit is limited to the greatest extent.	Noted in General Policies
4. Variances and expansion permits are considered in light of impacts to adjoining properties.	Noted in General Policies
5. Neighborhood characteristics may be considered for review of accessory attached structures.	Noted in General Policies
6. Deck variances and expansion permits will be reviewed in light of ordinance provisions that permit encroachment into required setbacks.	Unnecessary. As noted, the zoning ordinance allows for some encroachments into required setbacks without variance or expansion permit.
	2. Unenclosed front porches or covered front entry features generally enhance residential aesthetics and have minimal physical impact on surrounding areas. The location of front porches or covered entry features relative to the paved portion of the adjacent roadway will be considered in the review of variance and expansion permit requests.

POLICY COMPARISON CHART

Accessory Detached Structures other than Garages	Detached Accessory Structures
1. Sheds, barns, utility buildings, and recreational facilities are by definition accessory uses or uses incidental to a principal use.	1. Sheds, pools, sports courts, and other similar structures are, by definition, accessory uses. While perhaps desirable, these uses are not required for a dwelling.
2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent to the property.	
3. In light of the above policy to allow two-car garages, accessory structures are, in most cases, above and beyond the reasonable use of the property.	Removed
4. Mitigating circumstances may exist whereby accessory structure variances may be considered. These circumstances primarily relate to unique conditions resulting from extraordinarily burdensome regulations applied to a property.	2. Unique site features may result in extraordinarily burdensome setbacks requirements. This will be considered in the review of variance and expansion permit requests.
5. Where mitigating circumstance exists, neighborhood characteristics can be considered.	Noted in General Policies
Undersized Lots	Undersized Lots
1. Undersized lots of record not meeting the minimum dimensional requirements, may be considered for variances to apply a buildable status.	Removed. Policy is not necessary, as this is covered by City Code 300.07 Subd. 1(b).
2. Buildable status will be applied only if a reasonable development opportunity will result.	Removed. Policy is not necessary, as this is covered by City Code 300.07 Subd. 1(b).
3. The size and dimensional standards of the lot should be consistent with the average neighborhood lot area.	1. Neighborhood character, including the existing intrusions into required setbacks or lack thereof, will be considered in the review of dimensional variances.

POLICY COMPARISON CHART

4. Efforts to obtain additional property should be exhausted.	2. Efforts to obtain additional property must be exhausted before a buildability variance will be considered.
5. The house should be designed to fit the dimensional constraints of the lot and conform to all setback requirements.	3. The development constraints of a property should inform the size, design, and location of new houses.
6. If the property is and has been assessed and taxed as a buildable lot, strong consideration will be given to dimensional and setback variances.	4. If the property is and has been assessed and taxed as a buildable lot, strong consideration will be given to dimensional and setback variances.
7. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, then no hardship exists.	5. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, the plight of the landowner is self-created not due to circumstances unique to the property.
8. If an undersized lot was purchased after adoption of the zoning ordinance, then the hardship is self-created.	6. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, the plight of the landowner is self-created not due to circumstances unique to the property.

Minnetonka Planning Commission Reasonable Use Policies

Purpose of Policies: These policies are intended to guide the planning commission in evaluating reasonable use.

Introduction

The planning commission reviews development proposals and land use requests, both private and public, with regard to the city's comprehensive guide plan, zoning ordinance, and strategic plan. The commission supports proposals and requests that are consistent with these community documents but recognizes that variances, expansion permits, or other considerations may be necessary to provide for reasonable use of a property.

The following policies are intended as a guide for the planning commission considering reasonable use. They are meant to ensure fair and equitable treatment is given to unique applications for variances, expansion permits, and other similar requests. The policies are based on past city practices and decisions, are not binding, and may be modified when, in the sole discretion of the commission, such modification is deemed necessary or appropriate in the interest of the city.

General Policies

1. Reasonable use does not necessarily mean maximum use.
2. Intrusions into required setbacks should be limited to the greatest extent practicable.
3. Preservation of mature trees and vegetation will be considered in the review of variance and expansion permit requests.
4. Neighborhood character, including any existing intrusions into required setbacks or lack thereof, will be considered in the review of setback variance and expansion permit requests.

Houses and Additions

1. The development constraints of a property should inform the size, design, and location of new houses and additions.
2. Functional size and reasonable internal circulation will be considered in the review of variance and expansion permit requests for additions to existing houses.
3. Additions that do not increase the footprint, code-defined floor area, or building height are generally considered reasonable.
4. The location and position of an existing house will be considered in the review of variance and expansion permit requests for additions to existing houses.

Garages

1. On properties containing single-household attached or detached dwellings, a minimum 24-foot by 24-foot garage is considered reasonable use.
2. The size and location of a proposed garage, or addition to a garage, and intrusion into required setbacks will be considered relative to existing garages in the surrounding area.
3. The conversion of garage space to living space is not justification for a variance or expansion permit for new garage space.

Attached Accessory Structures

1. Decks, screen porches, covered entries and other similar architectural features are considered attached accessory uses. While perhaps desirable, these uses are not required for a dwelling.
2. Unenclosed front porches or covered front entry features generally enhance residential aesthetics and have minimal physical impact on surrounding areas. The location of front porches or covered entry features relative to the paved portion of the adjacent roadway will be considered in the review of variance and expansion permit requests.

Detached Accessory Structures (for garages, see Garages)

1. Sheds, pools, sports courts, and other similar structures are, by definition, accessory uses. While perhaps desirable, these uses are not required for a dwelling.
2. Unique site features may result in extraordinarily burdensome setback requirements. This will be considered in the review of variance and expansion permit requests.

Undersized lots

1. Neighborhood character, including the existing intrusions into required setbacks or lack thereof, will be considered in the review of setback variance and expansion permit requests.
2. Efforts to obtain additional property must be exhausted before a buildability variance will be considered.
3. The development constraints of a property should inform the size, design, and location of new houses.
4. If the property is, and has been, assessed and taxed as a buildable lot, strong consideration will be given to dimensional and setback variances.
5. If an undersized lot was in common ownership with an adjacent lot after the adoption of the zoning ordinance, the plight of the landowner is self-created, not due to circumstances unique to the property.

6. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, the plight of the landowner is self-created not due to circumstances unique to the property.

Adopted by Motion

Planning Commission Meeting of Jan. 23, 2025

**Planning Commission
Agenda Item 9.C
Meeting of January 23, 2025**



Title: Election of planning commission officers and sustainability commission liaison.

Report from: Susan Thomas, AICP, City Planner

Form of Action: Other

Recommended Action

Hold an election for the positions of chair, vice chair, and sustainability commission liaison.

Background

Under the planning commission bylaws, commission officers will be elected annually and will consist of a chair and a vice chair.

- **Chair.** The chair will preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present will designate one of themselves to serve as chair.
- **Vice Chair.** The vice chair will perform all the duties of the chair in the absence of the chair.
- **Sustainability Commission liaison.** The sustainability commission charter requires a planning commission member to serve as a liaison to the sustainability commission.

In 2024:

- Josh Sewall served as planning commission chair.
- Amanda Maxwell served as vice chair.
- Matt Henry served as the planning commission liaison to the sustainability commission.