

MAPLE GROVE  
PLANNING COMMISSION  
January 10, 2022

CALL TO ORDER

A meeting of the Maple Grove Planning Commission was held at 7:00 p.m. on January 10, 2022 at the Maple Grove City Hall, Hennepin County, Minnesota. Chair Lamothe called the meeting to order at 7:00 p.m.

PLEDGE OF  
ALLEGIANCE

ROLL CALL

Planning Commission members present were Chair Craig Lamothe, Chris Ayika, Lorie Klein, Susan Lindeman, Chuck Lenthe, Michael Ostaffe, and Joe Piket. Present also were Karen Jaeger, City Council Liaison; Peter Vickerman, Planning Manager; Brett Angell, Economic Development Manager; and Scott Landsman, City Attorney.

OATH OF OFFICE

Councilmember Jaeger administered the Oath of Office to Craig Lamothe and Lorie Klein.

ELECTION OF  
CHAIR AND VICE-  
CHAIR

Mr. Vickerman requested the Commission elect a Chair and Vice-Chair for 2022.

**Motion by Commissioner Ayika, seconded by Commissioner Klein, to elect Craig Lamothe Chair of the Planning Commission for 2022. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

**Motion by Chair Lamothe, seconded by Commissioner Lindeman, to elect Chris Ayika Vice-Chair of the Planning Commission for 2022. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

ITEMS TO BE  
REMOVED FROM  
THE AGENDA

None.

CONSENT ITEMS

The following Consent Items were presented for the Commission's approval:

## MINUTES

A. Regular Meeting – December 13, 2021

**Motion by Commissioner Lenthe, seconded by Commissioner Ayika, to approve the Consent Items as presented. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

### CONSIDERATION OF ITEMS PULLED FROM CONSENT AGENDA

None.

### REVIEW OF THE CITY COUNCIL MINUTES FROM THEIR REGULAR MEETING OF JANUARY 3, 2022

Mr. Vickerman reviewed with the Commission what items the City Council approved that was given direction at the Planning Commission level.

### OLD BUSINESS

No items to present.

### NEW BUSINESS

### PUBLIC HEARING

14719 91<sup>ST</sup>  
AVENUE NORTH  
MICHAEL AND  
KRISANDRA  
SHIMPA

VARIANCE FOR  
THE PURPOSE OF  
A 2.4-FOOT  
VARIANCE TO  
THE SHORELAND  
SETBACK TO  
CONSTRUCT AN

Mr. Vickerman stated the applicant is requesting a variance to the shoreland setback for the purpose of constructing an addition off the lakeside of the existing home at 14719 91<sup>st</sup> Avenue North. The proposed expansion would include a sport court, bathroom, golf simulator, and overlook from the home's upper story. The lot abuts Rice Lake and is located within the Shoreland Overlay District, which requires that structures be setback 75 feet from the ordinary high-water level. The existing home is setback about 80 feet from the OHWL. The proposed expansion would place the structure about 69 feet from the OHWL, an encroachment of about 6 feet. Sewered lots abutting recreational development lakes must have a minimum lot area of 20,000 square feet. The lot in question is substandard with an area of 15,238 square feet. This size is similar to other nearby lots. In addition, the home on the abutting lot to the west (14749 91<sup>st</sup> Avenue North) is located approximately 72 feet from the OHWL. The proposed expansion would replace an existing cement patio. Staff discussed the plans in further detail and made the following recommendation.

## EXPANSION

### **STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft a Resolution **approving** the 14719 91<sup>st</sup> Avenue North Variance subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
  - a. The Community & Economic Development Department dated January 4, 2022
  - b. The Water Resources Engineer dated December 6, 2021

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

#### *Discussion*

*Commissioner Klein asked why the shoreland setback was 75 feet. Mr. Vickerman reported this was the standard setback set within a model ordinance from the DNR when the Lake Shore Ordinance went into effect. He noted some cities have 75 foot setbacks and other cities have 50 foot setback. He reported all of the lakes in Maple Grove have a 75 foot setback, except Cook Lake which has a 150 foot setback.*

*Chair Lamothe stated his concern was that this lot was not unique given the fact there was a stretch of lots surrounding the applicant's property that were creeping into the 75 foot setback. He discussed how approving this variance could lead to other requests from the neighbors. He questioned what the right size was for a shoreland setback and inquired how close structures could get to the lake. Mr. Vickerman explained the closest home to a lake in the City of Maple Grove at this time was 64 feet. For this reason, he recommended that homes be no closer than 64 feet.*

*Commissioner Klein indicated she would like to see more consideration or environmental reasons as to why a home has to be 75 feet from a lake. Mr. Vickerman commented the 75 feet does*

*serve as a bank that has special protections in place. He noted this neighborhood was also in a tree zone. He reported with this request the addition would be going over existing hardcover and no trees would be lost, which was another matter to take into consideration.*

*Commissioner Ayika asked if the new addition would be on the upper floor or ground level. Mr. Vickerman stated it was his understanding the addition would be going up from the current patio area. He indicated some excavation would be required, but that addition would be at the patio level with a deck on top of it. He recommended the applicant speak to this further.*

*Commissioner Ostaffe commented the cement patio was already non-conforming, which meant 14 of the homes on this street were not in compliance with the 75 foot setback. Mr. Vickerman indicated this was correct.*

*Commissioner Lenthe questioned if a special district could be created for this neighborhood in order to set an acceptable setback from the lake. Mr. Vickerman stated this would be something the City could consider, such as an overlay district, in order to eliminate the number of non-conforming properties.*

*Commissioner Klein inquired if any of the homes that were currently non-conforming received a variance from the City. Mr. Vickerman stated he was only aware of one home requesting a variance, which was done last year, in order to complete an addition on the house.*

*Chair Lamothe asked if the trees would be impacted by construction. Mr. Vickerman stated this was discussed with the applicant and noted areas would have to be designated for the excavated material in order to not impact the adjacent trees. He noted this would be addressed further with the applicant if the variance were approved and a building permit was requested.*

*Commissioner Lenthe questioned how long it would take to amend the ordinance versus approving the variance that was being requested. Mr. Vickerman estimated this would take three months but anticipated the applicant would like to receive approval now or have some assurances before they move forward with plans. He discussed how an ordinance could delay construction for the applicant.*

*City Attorney Landsman advised this neighborhood was a shoreland overlay district and any modifications or amendments have to receive DNR approval. He commented he was uncertain if the DNR would accept modifications to changes in the shoreland setback.*

*Commissioner Ayika inquired if the Commission could change the shoreland setback for just this neighborhood versus the entire City. City Attorney Landsman reported modifications to the overall Ordinance could be made, but this would require DNR review and approval. He explained with variances, the DNR has the ability to make comment but did not have approval or denial rights.*

The applicant was at the meeting to answer questions.

Krisandra Shimpa, 14719 91<sup>st</sup> Avenue North, thanked staff for all of their assistance with her variance request. She reported she was proposing to build a two story structure, similar to the height of the home that was in place today. She noted she would be getting rid of the garage door on the back of the garage, which would bring this concern up to code. She indicated this was her forever home and she hoped the addition would be approved to help her young family stay in Maple Grove.

Chair Lamothe opened the public hearing at 7:28 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

No one wished to address the Commission.

**Motion by Chair Lamothe, seconded by Commissioner Ayika, to close the public hearing at 7:29 p.m. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

**Motion by Commissioner Picket, seconded by Commissioner Ayika, to recommend that the City Council direct the City Attorney to draft a Resolution approving the 14719 91<sup>st</sup> Avenue North Variance subject to:**

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:**

- a. **The Community & Economic Development Department dated January 4, 2022**
- b. **The Water Resources Engineer dated December 6, 2021**

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Commissioner Lindeman expressed concerns about having multiple variances for the homes in this neighborhood along the lake. She understood construction timelines were tough and anticipated going through DNR approval would take time. She supported staff beginning to have discussions with the DNR to see if the City could overlay this district due to the number of non-conforming homes.

Commissioner Klein stated she had a problem with finding 19 different lots that were unique. However, she understood the Commission found a lot to be unique last year and believed this request was similar. For this reason, she would be supporting the variance request.

Commissioner Ayika indicated he did not believe this neighborhood could have a special overlay in place. Rather, the shoreland setback may have to be changed for all properties in Maple Grove that were located on recreational lakes. He stated he would much rather see an overlay in place than having all lakeshore properties changed. Mr. Vickerman commented staff would have to work with the DNR on this and agreed it would be important to do only this area.

Chair Lamothe supported the comments that have been made and encouraged staff to speak with the DNR to see if an overlay district could be put in place for this area of Maple Grove.

**Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

**PUBLIC HEARING**  
**PETSUITES**

Mr. Angell stated TM Crowley & Associates, developer for PetSuites, has applied for PUD non-residential concept stage plan,

TM CROWLEY  
AND ASSOCIATES  
COUNTY ROAD 30  
AND UPLAND  
LANE NORTH  
PUD CONCEPT  
STAGE PLAN,  
DEVELOPMENT  
STAGE PLAN,  
PRELIMINARY  
AND FINAL PLAT  
TO CONSTRUCT  
AN 11,000 SQUARE  
FOOT BUILDING  
FOR A PET  
RESORT WITH  
OUTDOOR PLAY  
AREA AND  
KENNELS

development stage plan, preliminary and final plat for a proposed 11,000 square foot animal (primarily dogs and cats) boarding, daycare, and grooming facility with additional fenced in exterior areas on Upland Lane. The proposed facility has a capacity for approximately 150 dogs, but on average they would expect no more than 100 dog guests per day. PetSuites is a nationally operated brand which recently began to enter and develop in the Minnesota market. There are currently two locations within the Twin Cities market in operation – in Blaine and Eagan. Staff discussed the plans in further detail and made the following recommendation.

**STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving the PetSuites PUD concept stage plan, development stage plan, preliminary and final plat subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
  - a. The Community & Economic Development Department, dated December 17, 2021
  - b. The Engineering Department, dated December 17, 2021
  - c. The Fire Department, dated December 17, 2021
  - d. The Building Department, dated December 17, 2021
  - d. The Arbor Committee, dated December 23, 2021
  - e. The Parks & Recreation Department, dated December 17, 2021

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*Discussion*

*Commissioner Picket asked if dogs would be kept outside for long periods of time. Mr. Angell explained the dogs would be outside temporarily during doggie daycare for exercise. It was noted the dogs would be separated by their size and would be attended by a*

*staff member.*

*Commissioner Picket questioned how close the nearest home was to this proposed use. Mr. Angell stated there was not a residential home adjacent to this property. He reported the nearest home would be on the other side of the adjacent religious institution.*

*Commissioner Picket inquired if staff received any feedback from this homeowner regarding the proposed kennel. Mr. Angell reported staff did not receive any comments from any of the adjacent property owners regarding this request. He indicated the general manager of the Bell Tower building has been involved in the planning process. He noted originally there were staff concerns with the Speedway sign location, but this has been addressed. He reported staff received no comments or concerns from residents.*

*Chair Lamothe estimated the closest residential property was 1,000 feet from this property. He asked if the shared driveway with the Bell Tower building would be a concern. Mr. Angell stated staff did not have any concerns with the access point.*

The applicant was at the meeting to answer questions.

Keith Demchinski, TM Crowley & Associates, thanked staff for the thorough presentation and thanked the Commission for considering his request. He explained the play yards were located to the north in order to buffer noise from adjacent properties to the south.

Commissioner Picket asked if there was some individual kennels to the east. Mr. Demchinski indicated these outdoor kennels would be used to isolate pets that were having trouble in a group setting.

Commissioner Lenthe commented this site was constrained due to its size and asked if PetSuites would like to build a larger building. Mr. Demchinski explained this was the prototype building and stated he believed the building fit the site fairly well.

Commissioner Picket questioned if this would be a corporately owned facility or would it be a franchise. Mr. Demchinski reported this location would be corporately owned. He explained PetSuites has 50 to 60 active locations at this time and would be adding 25 new locations per year for the next four years. He



commented further on how NVA would be overseeing this site.

Chair Lamothe opened the public hearing at 7:50 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

No one wished to address the Commission.

**Motion by Chair Lamothe, seconded by Commissioner Lenthe, to close the public hearing at 7:51 p.m. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

**Motion by Commissioner Ostaffe, seconded by Commissioner Lenthe, to recommend that the City Council direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving the PetSuites PUD concept stage plan, development stage plan, preliminary and final plat subject to:**

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:**
  - a. The Community & Economic Development Department, dated December 17, 2021**
  - b. The Engineering Department, dated December 17, 2021**
  - c. The Fire Department, dated December 17, 2021**
  - d. The Building Department, dated December 17, 2021**
  - d. The Arbor Committee, dated December 23, 2021**
  - e. The Parks & Recreation Department, dated December 17, 2021**

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Commissioner Piket recommended the City reach out to the adjacent homes prior to the City Council meeting in order to make them aware a kennel was being proposed for this property.

Chair Lamothe encouraged staff to use their best judgement and to get these notices sent yet this week.

**Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

DISCUSSION  
ITEMS

There were no discussion items.

ADJOURNMENT

**Motion by Chair Lamothe, seconded by Commissioner Lindeman, to adjourn the Planning Commission meeting. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

Chair Lamothe adjourned the meeting at 7:54 p.m. to the next regularly scheduled meeting of the Planning Commission scheduled for January 31, 2022.