

# Plan Implementation Program

The 1999 *Minnetonka Comprehensive Plan* will be an integral part of the decision-making process by the City Council, advisory commissions, City staff, landowners, developers and other citizens. Because Minnetonka has a long history of community planning, most of the procedures, ordinances and working relationships necessary for plan implementation already exist. The City has a refined zoning ordinance, a subdivision ordinance, a five-year capital improvement program and, of course, an annual budget. Minnetonka has been working cooperatively with many other governmental units that provide local facilities and services. These include the Hennepin County Transportation Department, Hennepin Parks, the Hennepin County Library system, the Hennepin County Railroad Authority (bike paths and potential rail transit), the Minnesota Department of Transportation, and the Minnehaha Creek Watershed District.

However, the needs and policies identified in this plan point to the following actions that the City intends to take to move the plan forward.

## Land Use and Urban Design

### Zoning

#### Rezoning

The City should hold public hearings and rezone those parcels that the plan recommends for a change in use. This should be accomplished early in 1999. State law states that each city's zoning map should be consistent with its guide plan.

#### Planned I-394 District

The allowable land uses and intensities in the Planned I-394 District are automatically updated with the adoption of the new land use plan in this *Comprehensive Plan*. (Refer to Section 300.31 (4)(a)(1) of the zoning ordinance.) Thus, other than overlay zones, no rezonings are needed to implement the changes in this land use plan.

## Legal Non-Conforming Land Uses

The land use plan recommends that a few parcels presently being used for single-family housing be reguided and rezoned for another form of housing or a non-residential land use. Those houses would not conform with the zoning ordinance and map after the rezoning occurs. They would be termed “legal nonconforming uses.”

The wording in Section 300.29, Subdivision 3, should be revised to state that any residential land use that is made non-conforming by rezoning the land to a higher density residential classification shall not be prohibited from expansion nor shall it be prohibited from being rebuilt if destroyed.

This amendment would help allay some of the fears of the few homeowners who might be affected by changes to the land use plan and zoning map. It would not change the controls the City has over commercial or industrial non-conforming uses.

## Zoning for the Special Area Plans

The Special Area Plans could be implemented in three ways:

1. **Overlay Districts:** Write and adopt overlay zoning districts for some or all of the Special Areas.
2. **Planned Development Districts:** Rezone to Planned Development District all property potentially subject to redevelopment in the Special Areas and refer to the guidelines of the applicable Special Area Plan.
3. **Standard Zoning:** Review site plans and subdivisions under the normal zoning districts, referring to the guidelines of the applicable Special Area Plan.

An overlay zoning district supplements the land use regulations imposed by the normal or “underlying” zoning districts (e.g., R-1). The I-394 Redevelopment Overlay Districts are an example of this technique.

The advantage of creating zoning overlay districts is that they would give legal “teeth” to the policies and plans adopted for several of the Special Area Plans. Incorporating those guidelines into the zoning ordinance gives the community greater assurance that the guidelines will be followed. (The *Comprehensive Plan* is only a guide. It is the basis for the zoning ordinance and map but has no legal power to regulate land use; the zoning ordinance and map do that.) The disadvantage to this approach is that guidelines in a zoning overlay district are more difficult to amend when it is deemed advisable to do so because of changed

circumstances. Another disadvantage is that the overlay districts tend to complicate the zoning ordinance.

The only locations where the plan text specifically calls for zoning overlay districts are **Area 3** (Glen Lake Station), and **Area 4** (Highway 7, Woodhill Road to Wilson Street). If this approach is followed, overlay zones may be considered for each of the other Special Areas where redevelopment is recommended by the plan. Those would include:

- Area 1: Minnetonka Boulevard and Highway 101
- Area 2: Highways 101 and 7
- Area 6: Shady Oak Road and Excelsior Boulevard
- Area 8: Minnetonka Boulevard and Highway 169
- Area 11: Northridge/Southridge Neighborhood
- Area 12: Coren ' s Drive - Sunset Road Area (already designated as I-394 Redevelopment Overlay District #4)
- Area 14: CR 73 to Wilshire Drive (North) (already designated as I-394 Redevelopment Overlay District #2)
- Area 15: C. R. 73 and I-394, Southeast Quadrant (already designated as I-394 Redevelopment Overlay District #5)

Alternatively, the policies and text of the Special Area Plans could be used with the normal zoning districts or the Planned Development District, which is the standard practice.

In addition to the Special Area Plans, an overlay district is recommended for the following properties:

**5780, 5750 and 4740 Shady Oak Road**

An overlay zone over these three properties should include the following restrictions:

- There shall be no change in use of these three properties or new construction of 5780 Shady Oak Road until such time as the City approves a rezoning to PUD and a master development plan for all three properties.
- No construction shall exceed two stories in height.
- There shall be no more than two curb cuts on Shady Oak Road
- The first parcel to develop shall provide access to the other parcels.
- The density shall not exceed eight units per acre.

### **Service Commercial Zoning District**

The City should create a new zoning district with which to implement the Service Commercial category of the land use plan map. This district would be similar to the B-1 Office District, except that it would allow businesses that provide low-intensity personal or professional services such as travel agencies or health clubs, in addition to offices. This land use category is already found within the Planned I-394 District. The Service Commercial district would be applied in a few locations outside the I-394 corridor where this mix of uses currently exists, such as the Hutchins Drive area at Highways 101 and 7. It would generally function as a transition zone between residential and retail commercial districts.

### **Underwater Properties**

The zoning ordinance should be amended to state that measurements of lot depth, rear yard setback, lot area, percent of lot coverage, and floor-area ratio shall not include land below the ordinary high water level of a lake or stream governed by the City's Shoreland zoning district.

### **Front Yard Setbacks along Neighborhood Collector Streets**

The zoning ordinance should be amended to state that the minimum front yard setback of buildings along *Neighborhood* Collector Streets (as defined in the Transportation Plan) shall be 35 feet rather than the 50 feet required along Collector Streets.

### **Redevelopment Process**

A few sites are indicated in the land use plan as locations for change from one type of land use to another, often from single-family housing to some form of attached housing, offices, or retail and service businesses. It is the expectation and hope of the City that such evolution will occur through the efforts of the private market, and that the City's role will be to allow and guide the change through the land use planning and zoning, application reviews, controls to ensure high quality design and neighborhood protection, and normal public infrastructure improvements.

The City also hopes that redevelopment occurs on a coordinated, large area basis as opposed to one parcel at a time. Therefore, if a private developer has acquired nearly every property needed for a master-planned change but is faced with, say, one hold-out property, the City Council may use its power of eminent domain to acquire that final parcel to complete what it may deem to be a publicly-beneficial project.

Prior to redevelopment, residential properties will be allowed to continue as such, make enlargements and improvements, and even rebuild if destroyed in whole or in part. (Refer to the section above on non-conforming uses.)

## **Joint Study of the Shady Oak Road Corridor**

Minnetonka and Hopkins should consider jointly sponsoring a study and plan for the Shady Oak Road corridor, as recommended in the Special Area Plan for Area 6. The purpose of this study would be to establish guidelines regarding land use, building setbacks and heights, parking lot locations, facade treatments, landscaping, lighting, pedestrian and bicyclist improvements and, possibly, municipal boundary changes.

## **Plan Amendments**

### **Periodic Plan Reviews and Amendments**

The Comprehensive Plan will be amended periodically as circumstances warrant. Those features of the plan that are most fundamental, such as its Goals, should be the least subject to change, while the more detailed plan aspects, such as the guide plan map, should be considered the most malleable.

The City Planning Commission, in conjunction with other advisory commissions and City staff, will conduct periodic reviews of the entire Comprehensive Plan to determine if any sections need to be revised.

### **Criteria to Consider When Reviewing Land Use Plan Changes**

These criteria should be considered when reviewing changes to the land use plan:

1. The change would be consistent with the goals and objectives or other elements of the Comprehensive Plan and the city's Strategic Framework.
2. The change would not create an adverse impact on public facilities and services that could not be mitigated with proposed improvements. Public facilities and services include roads, sewers, water supply, drainage, schools and parks.
3. Development resulting from the change would not create an undue impact to surrounding properties. Such development would be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability. Physical character includes land use type, building height and size, relationship to the street, roof lines, and

landscaping. Viability includes stabilization or enhancement of property values or removing blighting influences.

4. The change would allow a more viable transition to the planned uses on adjacent properties than the current land use.
5. The change would not have an adverse impact on the natural environment, including trees, slopes and wetlands, or the impact could be mitigated by improvements on the site or in the same vicinity.
6. There has been a change in City policies or neighborhood characteristics since the city adopted the original plan that would justify a change.
7. The change would correct an error made in the original plan.
8. There is a community or regional need identified in the comprehensive plan for the proposed use or service.
9. The change would help the City meet its life-cycle and affordable housing goals.
10. The change would not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

The City will consider neighborhood opinion in evaluating how a proposed change would meet the above criteria. The City will solicit public opinion through direct mail survey forms, neighborhood meetings (where applicable) and the Planning Commission public hearing.

## **Capital Improvements Program**

The City of Minnetonka regularly updates and adopts a multi-year plan for revenues and spending on capital improvements. This program is crafted with the involvement of all department heads, city boards and citizens and with consideration of the *Comprehensive Plan* and the capital improvement programs of other units of government such as Hennepin County.

The following pages present the present the fiscal policy of the City and summarize the capital improvements program for calendar years 1998-2002 (adopted May 5, 1997).

## General Policy

Minnetonka's Capital Improvements Program reflects an assessment of the community's needs and its ability to pay for major improvements. It is founded on the policy that reinvestment required for replacement, maintenance or the increased efficiency of existing systems shall have priority over investments for expansion of existing systems or the provision of new services.

## Funding Priorities

Capital spending proposals will generally be funded on the following priority basis:

1. Those projects necessary for contributing to the public health and welfare.
2. Those projects that will help to maintain an existing system.
3. Those projects that will make an existing system more efficient.
4. Those projects representing the expansion of an existing system for a new service or completely new public facility or service.

## Funding Principles

As a result, the following principles shall govern the implementation of the recommended Capital Improvements Program:

1. The City will make all capital improvements in accordance with the adopted Capital Improvements Program.
2. The City will develop a multi-year plan for capital improvements and update it annually.
3. The *Comprehensive Plan* will be considered when preparing the Capital Improvements Program.
4. The City will coordinate development of the Capital Improvements Program with development of the annual operating budget. Future operating costs associated with new capital improvements will be projected and included in operating budget forecasts.

**Table 11-1**  
**CAPITAL IMPROVEMENTS PROGRAM**  
**1999-2003**  
**EXPENDITURES AND FUNDING SOURCES BY PROJECT CATEGORIES**

	1999	2000	2001	2002	2003	TOTAL
<b>MUNICIPAL BUILDINGS</b>						
Expenditures:	\$2,115,000	\$540,000	\$220,000	\$3,275,000	\$375,000	\$6,525,000
Revenues:						
Capital Replacement Fund	115,000	315,000	220,000	475,000	225,000	1,350,000
Community Investment Fund	2,000,000			2,650,000		4,650,000
Ice Arena Fund		225,000				225,000
Williston Center Fund				150,000	150,000	300,000
<b>PARK AND TRAIL IMPROVEMENTS</b>						
Expenditures:	\$683,000	\$496,000	\$595,000	\$217,000	\$425,000	\$2,416,000
Revenues:						
General Fund			50,000			50,000
Hennepin County		50,000				50,000
LCMR/DNR/ Grants	25,000	25,000				50,000
MTCO Funding	50,000					50,000
Park Dedication Fund	608,000	421,000	545,000	217,000	425,000	2,216,000
<b>MAJOR EQUIPMENT</b>						
Expenditures:	\$1,572,000	\$1,792,000	\$1,518,000	\$909,000	\$1,111,000	\$6,902,000
Revenues:						
Cable Television Fund	20,000	20,000	20,000	20,000	20,000	100,000
Capital Replacement Fund	1,294,000	1,482,000	1,295,000	733,000	1,052,000	5,856,000
Utility Fund	258,000	290,000	203,000	156,000	39,000	946,000

	1999	2000	2001	2002	2003	TOTAL
<b>LOCAL STREET IMPROVEMENTS</b>						
Expenditures:	\$3,201,000	\$3,119,000	\$2,622,000	\$2,723,000	\$2,624,000	\$14,289,000
Revenues:						
City of Deephaven	65,000					65,000
Developer Contribution	25,000					25,000
State of Minnesota	340,000					340,000
Storm Water Fund	300,000	300,000	300,000	300,000	300,000	1,500,000
Street Improvement Fund	2,471,000	2,819,000	2,322,000	2,423,000	2,324,000	12,359,000
	\$2,194,000	\$2,950,000	\$3,921,000			\$9,065,000
<b>MSA STREET IMPROVEMENTS</b>						
Expenditures:						
Revenues:						
City of Hopkins	286,000					286,000
City of Plymouth		200,000	413,000			613,000
Hennepin County	451,000	2,550,000	3,095,000			6,096,000
Metro Transit	50,000					50,000
Municipal State Aid Fund	986,000	200,000	413,000			1,599,000
Special Assessments	285,000					285,000
State of Minnesota	136,000					136,000
	\$477,000	\$616,000	\$555,000	\$305,000	\$491,000	\$2,444,000
<b>STORM DRAINAGE IMPROVEMENTS</b>						
Expenditures:						
Revenues:						
Storm Water Fund	477,000	616,000	555,000	305,000	491,000	2,444,000

	1999	2000	2001	2002	2003	TOTAL
<b>WATER &amp; SEWER SYSTEM IMPROVEMENT</b>						
Expenditures:	\$1,810,000	\$270,000	\$480,000	\$1,019,000	\$770,000	\$4,349,000
Revenues:						
Trunk Water Fund	610,000		210,000	209,000		1,029,000
Utility Fund	1,200,000	270,000	270,000	810,000	770,000	3,320,000
<b>TOTAL EXPENDITURES</b>	<b>\$12,052,000</b>	<b>\$9,783,000</b>	<b>\$9,911,000</b>	<b>\$8,448,000</b>	<b>\$5,796,000</b>	<b>\$45,990,000</b>
<b>TOTAL FUNDING SOURCES</b>	<b>\$12,052,000</b>	<b>\$9,783,000</b>	<b>\$9,911,000</b>	<b>\$8,448,000</b>	<b>\$5,796,000</b>	<b>\$45,990,000</b>

Table 11-3  
 CAPITAL IMPROVEMENTS PROGRAM  
 1999 - 2003  
 SUMMARY OF FUNDING SOURCES

	1999	2000	2001	2002	2003	TOTAL	PERCENT
<b>CITY FUNDING</b>							
Cable Television Fund	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$100,000	0.22%
Capital Replacement Fund	1,409,000	1,797,000	1,515,000	1,208,000	1,277,000	7,206,000	15.67%
Community Investment Fund	2,000,000			2,650,000		4,650,000	10.11%
General Fund			50,000			50,000	0.11%
Ice Arena Fund		225,000				225,000	0.49%
Park Dedication Fund	608,000	421,000	545,000	217,000	425,000	2,216,000	4.82%
Street Improvement Fund	2,471,000	2,819,000	2,322,000	2,423,000	2,324,000	12,359,000	26.87%
Storm Water Fund	777,000	916,000	855,000	605,000	791,000	3,944,000	8.58%
Trunk Water Fund	610,000		210,000	209,000		1,029,000	2.24%
Utility Fund	1,458,000	560,000	473,000	966,000	809,000	4,266,000	9.28%
Williston Center Fund				150,000	150,000	300,000	0.65%
<b>TOTAL CITY FUNDING</b>	<b>\$9,353,000</b>	<b>\$6,758,000</b>	<b>\$5,990,000</b>	<b>\$8,448,000</b>	<b>\$5,796,000</b>	<b>\$36,345,000</b>	<b>79.03%</b>
<b>OTHER FUNDING</b>							
City Of Deephaven	\$65,000					\$65,000	0.14%
City of Hopkins	286,000					286,000	0.62%
City of Plymouth		200,000	413,000			613,000	1.33%
Developer Contribution	25,000					25,000	0.05%
Hennepin County	451,000	2,600,000	3,095,000			6,146,000	13.36%
LCMR/DNR Grants	25,000	25,000				50,000	0.11%
Metro Transit	50,000					50,000	0.11%
MTCO Funding	50,000					50,000	0.11%
Municipal State Aid Fund	986,000	200,000	413,000			1,599,000	3.48%
Special Assessments	285,000					285,000	0.62%
State of Minnesota	476,000					476,000	1.04%
<b>TOTAL OTHER FUNDING</b>	<b>\$2,699,000</b>	<b>\$3,025,000</b>	<b>\$3,921,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,645,000</b>	<b>20.97%</b>
<b>TOTAL FUNDING</b>	<b>\$12,052,000</b>	<b>\$9,783,000</b>	<b>\$9,911,000</b>	<b>\$8,448,000</b>	<b>\$5,796,000</b>	<b>\$45,990,000</b>	<b>100.00%</b>



