

**HOPKINS PLANNING & ZONING COMMISSION**

**AGENDA**

**Tuesday, May 23, 2023**

**6:30 pm**

**THIS AGENDA IS SUBJECT TO CHANGE  
UNTIL THE START OF THE PLANNING & ZONING COMMISSION MEETING**

**I. CALL TO ORDER**

**II. ADOPT AGENDA**

**III. COMMUNITY COMMENT**

**IV. CONSENT AGENDA**

1. Minutes of the April 25, 2023 Planning & Zoning Commission Meeting

**V. PUBLIC HEARINGS**

1. 2023-03 13 Harrison Avenue South Attached Garage Variance

2. 2023-04 Text Amendment for Attached Garage Setbacks in N3-B Zones

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

**VIII. ANNOUNCEMENTS**

**IX. ADJOURN**

**HOPKINS PLANNING & ZONING COMMISSION  
REGULAR MEETING PROCEEDINGS  
APRIL 25, 2023**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Hopkins Planning & Zoning Commission was held on Tuesday, April 25, 2023 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1<sup>st</sup> Street South.

Chairperson White called the meeting to order with Commission Members Wright, Terrill, Goodlund, Nur, Green, Sedoff and Youth Members Stiele and Erickson attending. Also present was City Planner Krzos and representatives from Agape Christi Academy.

**ADOPT AGENDA**

**Motion** by Sedoff. **Second** by Wright.

**Motion** to Adopt Agenda as presented.

**Ayes: All.**

**Nays: None. Absent: Terrill. Motion carried.**

**COMMUNITY COMMENT**

None.

**CONSENT AGENDA**

**Motion** by Green. **Second** by Goodlund.

**Motion** to Approve the Consent Agenda

1. Minutes of the February 28, 2023 Planning & Zoning Commission Meeting

**Ayes: All.**

**Nays: None. Absent: Terrill. Motion carried.**

**PUBLIC HEARING**

**1. 2023-02 Rezoning and Conditional Use Permit Amendment for 1428 Preston Ln (Agape Christi Academy)**

City Planner Krzos summarized the staff report for Planning Application 2023-02.

Commissioner Terrill joined the meeting at 6:40 p.m.

Representatives from Agape Christi Academy addressed the Commission to provide additional information on their proposal for the school and plans for the proposed recreational open at 1428 Preston Lane.

Commissioner Sedoff questioned how the recreational space would be utilized for athletics. Commissioner Green addressed the community comments regarding traffic, pick up and drop off plans for the school and how the south parking lot would be used. Commissioner Goodlund questioned if there are any alternative plans for the rectory if the request for rezoning is denied. Commissioner Wright requested clarification on the

**HOPKINS PLANNING & ZONING COMMISSION  
REGULAR MEETING PROCEEDINGS  
APRIL 25, 2023**

zoning of the rectory property and the accessory garage which is located on the church parcel.

Chairperson White opened the public hearing at 7:04 p.m.

David Murrin, resident at 1409 Boyce Street, did not speak directly for or against the proposal, but spoke in favor of the school operating out of the church and shared concerns about traffic.

Red Peterson, resident at 100 Interlachen Road, did not speak directly for or against the proposal, but spoke in favor of the school operating out of the church and shared concerns about traffic.

Tim Whalen, resident at 142 Oakwood Road, spoke in favor of rezoning the rectory property to allow for recreational green space.

Judy Stitzel, resident at 1501 Preston Lane, spoke against rezoning and demolition of the rectory due to concern with noise and privacy.

Michele Robidoux, resident at 1417 Preston Lane, did not speak directly for or against the proposal but shared concern regarding change to the neighborhood.

**Motion** by Terrill. **Second** by Nur.

**Motion** to close the Public Hearing.

**Ayes: All.**

**Nays: None. Motion carried.**

Further discussion from the Commission included traffic flow, discussion topics from the neighborhood meeting, preservation of single family homes, alternative plans to incorporate additional green space without rezoning and demolition of the rectory, adding conditions to the recommendation from the Planning & Zoning Commission that asks the applicant to present more detailed plans for the proposed green space to the City Council and provide opportunity for further community engagement, questioning if denial of the proposal would ultimately affect the sale of the church campus to Agape Christi Academy.

**Motion** by Sedoff. **Second** by Goodlund.

**Motion** to adopt a resolution recommending the City Council approve requests for Rezoning and a Conditional Use Permit for the property located at 1428 Preston Lane.

**Ayes: Terrill, Sedoff, White, Nur, Goodlund.**

**Nays: Green, Wright. Motion carried.**

**HOPKINS PLANNING & ZONING COMMISSION  
REGULAR MEETING PROCEEDINGS  
APRIL 25, 2023**

**OLD BUSINESS**

**1. 2023 Public Engagement Plan Discussion**

City Planner Krzos updated the Commission on the subcommittee discussion of the Planning & Zoning Commission's public engagement plan. The Commission was in support of tabling at Mainstreet Day on May 20, at one or more farmer's market events, and the Fire Department open house in the fall. At each event, an informational handout on the role of the Commission will be available, along with information on Accessory Dwelling Units.

The Commission engaged in additional discussion regarding the engagement plan and suggested an additional meeting of the subcommittee on May 4 to finalize details ahead of the Mainstreet Day event.

**NEW BUSINESS**

None.

**ANNOUNCEMENTS**

City Planner Krzos updated the Commission on past projects and upcoming zoning applications.

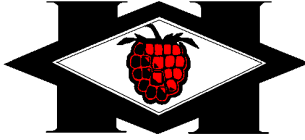
**ADJOURNMENT**

There being no further business to come before the Planning & Zoning Commission and upon a motion by Green, second by Sedoff, the meeting was unanimously adjourned at 8:10 p.m.

Respectfully Submitted,



Courtney Pearsall, Administrative Assistant



CITY OF HOPKINS

Planning & Development

## Planning Application 2023-03

To: Planning and Zoning Commission Chair and Members of the Commission  
From: Kurt Howard, Planner  
Date: May 23, 2023  
Subject: 13 Harrison Avenue South Attached Garage Variance

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### RECOMMENDED ACTION

**MOTION TO Adopt Planning & Zoning Resolution 2023-03**, recommending the Hopkins City Council deny the variance request for the property located at 13 Harrison Avenue South.

### OVERVIEW

Adam Price of Price Custom Homes, on behalf of property owners Brianna and John Frederick, requests variances from the attached garage additional setback standard and the allowed garage door location standard to construct a single unit home. The subject property is located at 13 Harrison Avenue South which is zoned N3-B, Small Lot Traditional Neighborhood. The Hopkins Development Code requires attached garages in this zone to be set back a minimum of 30 feet from the main principal building's front façade and for garage doors to be located on the rear, side, or side street façade in the N3-B zone. The applicant requests variances from these standards to locate the garage 10.5 feet in front of the main principal building's front façade and to locate the garage door on the front façade. Based on the findings detailed below, staff finds the applicant has not demonstrated a practical difficulty with meeting the City zoning requirements as required by Minnesota State Statute 462.357, Subdivision 6. As a result, staff recommends the City deny the applicant's request.

### PRIMARY ISSUES TO CONSIDER

- Background
- Legal Authority
- Variance Review
- Alternatives

### SUPPORTING INFORMATION

- Planning and Zoning Commission Resolution 2023-03
- Applicant's Narrative
- Map of Properties in N3-B Zones With and Without an Adjacent Improved Alley

## **BACKGROUND**

The subject property was purchased by the applicant in March of 2022 and a building permit application for the construction of a single unit home was submitted on March 22, 2023. Staff's review of the plans determined that they deviate from the standards of the code in that the garage is proposed to project in front of the main principal building's front façade by 10.5 feet and is required to be set back 30 feet. The garage door is also proposed to be located on the front façade but is only allowed to be located on the rear, side, or street side façade. The applicant has applied for variances from these two standards. The applicant provides a basis for the variance request in the attached narrative, which cites as justification for the variance the recent adoption of the City's updated zoning code, the similarity of the design of the neighboring home to the proposed home, and argues that the attached garage standards in N3-B zones are intended for home that are served by an improved alley and the subject property is not served by an improved alley.

The City's updated zoning code was adopted by the Hopkins City Council on July 19, 2022 and became effective on July 28, 2022, approximately eight months prior to the submission of the building permit application. A residence was recently constructed on the adjoining lot, addressed as 15 Harrison Ave S. The applicant indicates the design of the proposed home is similar to that of the neighboring home. However, the building permit for the neighboring home was applied for and issued prior to the effective date of the zoning code update.

Variances must be decided on the five variance review criteria detailed below. All five criteria must be met in order for a variance to be granted. One of the five criteria takes into account the impact of the variance request on the essential character of the surrounding area. The attached map of properties in N3-B zones with and without an adjacent improved alley shows that the vast majority of properties in N3-B zones are in fact served by an improved alley. Staff's analysis of the issue concurs with the notion that the absence of an improved alley at the subject property presents design challenges associated with the garage. To address these challenges, a zoning code text amendment is being proposed to offer commensurate relief to properties located in N3-B zones that are not served by an improved alley, while still encouraging development to be human-scaled and pedestrian oriented.

## **PUBLIC COMMENT**

This variance application requires a public hearing. The City published notice of this public hearing in the local paper and mailed notices directly to those properties within 500 feet of the subject property. Signage informing the community of a development proposal was also displayed on the site. As of the writing of this report, the City received no comments on this item. Staff will provide an update on all public comments received to the Planning & Zoning Commission during the public hearing.

## **LEGAL AUTHORITY**

City review of variance applications is a Quasi-Judicial action. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute, the City may

choose to add conditions of approval that are directly related to and bear a rough proportionality to the impact created by the variance.

## **VARIANCE REVIEW**

Staff has reviewed the variance requests against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds they do not demonstrate a practical difficulty. As a result, staff recommends the City deny the applicants request. The standards for reviewing a variance application and staffs findings for each are provided below.

1. Is variance in harmony with purposes and intent of the ordinance?

Finding: The requested variances are not in harmony with the purpose and intent of the zoning ordinance. The purpose and intent of the additional setback for attached garages and the allowed garage door location standard is to deemphasize automotive oriented design of properties in the N3-B zone in favor of emphasizing habitable living space. Granting the variance would be counter to these purposes.

2. Is the variance consistent with the Comprehensive Plan?

Finding: The requested variances are not consistent with the Comprehensive Plan. A stated goal of the Cultivate Hopkins 2040 Comprehensive Plan is to encourage all public and private developments to be well-designed, durable, human-scaled, and pedestrian-oriented. One policy associated with this goal is to reduce parking between buildings and the street as much as possible. Granting the variance to allow vehicle storage between the building and the street would emphasize the automotive uses of the property and undermine the human-scaled, pedestrian-oriented uses of the property.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal does put the property to use in a reasonable manner. Single unit household living is an allowed principal use in the N3-B zone and the scale of the development fits within the density range prescribed by the comprehensive plan.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are not unique circumstances to the property that were not created by the landowner. Under this standard, the applicant must demonstrate the issues that prevent them from developing the subject property were caused by circumstances unique to the property that were not caused by them. The lot is a regular shape with no constraints on development in terms of topography or wetlands. The lot meets the minimum lot area and lot width standards for the N3-B zone which could feasibly accommodate development of a single unit household under the requirements of the zoning code.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the variance would alter the essential character of the surrounding area. The vast majority of the homes in the surrounding area have garages that are set back from the main principal building's front façade in ways that would meet the current

requirements of the code. Only one other recently constructed home has a garage designed in a similar manner to the proposed home, suggesting that granting the variance would continue a trend that alters the existing character of the locality.

### **ALTERNATIVES**

1. Recommend denial of the proposed variance. By recommending denial, the City Council will consider a recommendation of denial. As noted above, staff is preparing a zoning text amendment that would make building an attached garage more practical for N3-B properties not abutting an improved alley.
2. Recommend approval of the proposed variance. By recommending approval, the City Council will consider a recommendation of approval which may include suggested conditions. Should the Planning & Zoning Commission consider this option, it must also identify specific findings that support this alternative.
3. Continue for further information. If the Planning Commission indicates that further information is needed, the item should be continued.



**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION RESOLUTION 2023-03**

**RESOLUTION RECOMMENDING THE CITY COUNCIL DENY THE VARIANCE  
REQUEST FOR THE PROPERTY LOCATED AT 13 HARRISON AVENUE SOUTH**

**WHEREAS**, the City of Hopkins (the “City”) is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Adam Price of Price Custom Homes (the “Applicant”), applied for variances on behalf of Brianna Frederick, the fee owner of 13 Harrison Avenue South (PID 19-117-21-34-0153) legally described below:

Lot 2, Block 1, East Hopkins Addition, Hennepin County, Minnesota (the “Property”);  
and

**WHEREAS**, the Property is zoned N3-B, Small Lot Traditional Neighborhood; and

**WHEREAS**, the City has adopted a zoning ordinance and other official controls for reasons that include, but are not limited to, protecting the character of properties and areas within the community, promoting the proper use of land and structures, fixing reasonable standards to which buildings, structures and land must conform for the benefit of all, and prohibiting the use of buildings, structures and lands in a manner which is incompatible with the intended use or development of lands within the specified zones; and

**WHEREAS**, City Code Part III, Chapter 102, Article II, Section 102-260 (d) (10) requires attached garages to be set back a minimum of 30 feet from the main principal building’s front facade; and

**WHEREAS**, City Code Part III, Chapter 102, Article II, Section 102-260 (d) (11) only allows garage doors to be located on the rear, side, and street side facades requires; and

**WHEREAS**, pursuant to the aforementioned code provisions, the Applicant has made a request to the City for variances from the attached garage setback and garage door location requirements to construct a single unit home; and

**WHEREAS**, pursuant to Minnesota Statutes, section 462.357, subd. 6(2), “[v]ariations shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variations are consistent with the comprehensive plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight

of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.”; and

**WHEREAS**, on May 23, 2023, pursuant to the procedural requirements contained in Article III, Section 102-13130 of the City Code, the Hopkins Planning and Zoning Commission (the “Commission”) held a public hearing on the Applicant’s requested variance and all persons present were given an opportunity to be heard. The Commission also took into consideration the written comments and analysis of City staff; and

**WHEREAS**, based on a review of the Applicant’s request and their submissions, the written staff report, and after careful consideration of all other written and oral comments concerning the requested variance, the Commission makes the following findings of fact with respect to the aforementioned criteria provided in Minnesota Statutes, section 462.357, subd. 6(2):

1. Is variance in harmony with purposes and intent of the ordinance?

Finding: The requested variances are not in harmony with the purpose and intent of the zoning ordinance. The purpose and intent of the additional setback for attached garages and the allowed garage door location standard is to deemphasize automotive use of the traditional house building type in favor of emphasizing habitable living space. Granting the variance would allow the garage to project 10.5 feet beyond the main principal building’s front façade rather than be set back the minimum of 30 feet required by the zoning ordinance.

2. Is the variance consistent with the comprehensive plan?

Finding: The requested variances are not consistent with the comprehensive plan. A stated goal of the Cultivate Hopkins 2040 Comprehensive Plan is to encourage all public and private developments to be well-designed, durable, human-scaled, and pedestrian-oriented. One policy associated with this goal is to reduce parking between buildings and the street as much as possible. Granting the variance would emphasize the automotive uses of the property between the building and the street and undermine the human-scaled, pedestrian-oriented uses of the property.

3. Does proposal put property to use in a reasonable manner?

Finding: The proposal does put the property to use in a reasonable manner. Single unit household living is an allowed principal use in the N3-B zone and the scale of the development fits within the density range prescribed by the comprehensive plan.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are not unique circumstances to the property that were not created by

the landowner. Under this standard, the applicant must demonstrate the issues that prevent him from developing the subject property were caused by circumstances unique to the property that were not caused by them. The lot is a regular shape with no constraints on development in the form of topography or wetlands. The lot meets the minimum lot area and lot width standards for the N3-B zone and could be used to accommodate development of a single unit household under the requirements of the zoning code.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the variance would alter the essential character of the surrounding area. The vast majority of the homes in the surrounding area have garages that are set back from the main principal building's front façade in ways that would meet the requirements of the code.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning and Zoning Commission of the City of Hopkins that the recitals set forth in this Resolution are incorporated into and made part of this Resolution, and more specifically, constitute the express findings of the Commission.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Planning and Zoning Commission of the City of Hopkins that based on the findings of fact contained herein, the Commission hereby recommends that the City Council of the City of Hopkins deny the Applicant's requested variance.

Adopted this 23<sup>rd</sup> day of May, 2023.

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Nathan White, Chair



To Who it May Concern:

Property Address : 13 Harrison Ave S, Hopkins, MN 55343

Lot 2 Block 1 East Hopkins Add.



The Variance is to be able to have a front load garage same as the neighbors, A new ordinance went into effect during the purchase of the property that the buyers or sellers did not know about. The requirement for a side or rear facing garage was intended for homes with a back alley. This lot does not have a back alley. The plan proposed is similar to the neighbors style.

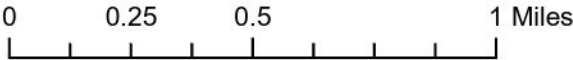
Thank You,

A handwritten signature in black ink, appearing to read 'A. Price', written in a cursive style.

Adam Price  
Owner



-  N3-B Properties Without An Adjacent Alley
-  N3-B Properties With An Adjacent Alley



# City of Hopkins

4/18/2023





CITY OF HOPKINS

Planning & Development

## Planning Application 2023-04

To: Planning and Zoning Commission Chair and Members of the Commission  
From: Kurt Howard, Planner  
Date: May 23, 2023  
Subject: Text Amendment for Attached Garage Setbacks in N3-B Zones

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### RECOMMENDED ACTION

**MOTION TO** Adopt Planning & Zoning Resolution 2023-04, recommending the Hopkins City Council approve an ordinance amending Chapter 102 of the City Code Regarding Attached Garage Setbacks in N3-B Zones

### OVERVIEW

The City's updated Zoning Code established new provisions related to setbacks for attached garages relative to the main principal building's front façade in neighborhood zones and the allowed locations for garage doors in order to encourage development that is human-scaled and pedestrian-oriented. More specifically, the code requires attached garages in N3-B, Small Lot Traditional Neighborhood zones be set back 30 feet from the main principal building's front façade and only allows garage doors to be located on the rear, side, or side street façade. These standards reflect that most, but not all, properties located in N3-B zones are served by improved alleys, which may present design challenges to property owners seeking to construct garages on properties in the N3-B zone that are not served by an improved alley.

The proposed ordinance would grant an exception to the attached garage setback and garage door location standards to properties in the N3-B zone that are not served by an improved alley, allowing garages under such circumstances to be designed according to the standards that apply to N3-A, Mid Lot Traditional Neighborhood zones. More specifically, the code requires attached garages in the N3-A zone to be set back 10 feet from the main principal building's front façade and allows garage doors to be located on any façade as long as the garage door constitutes no more than 30% of the front façade width. This proposed ordinance is intended to offer relief to properties located in N3-B zones that are not served by an improved alley while still encouraging development to be human-scaled and pedestrian oriented.

### SUPPORTING INFORMATION

- Proposed Ordinance 2023-1191 Amending Chapter 102 of the City Code Regarding Attached Garage Setbacks in N3-B Zones
- Planning and Zoning Commission Resolution 2023-04
- Map of Properties in N3-B Zones With and Without an Adjacent Improved Alley

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**ORIDNANCE 2023-1191**

**AN ORDINANCE AMENDING CHAPTER 102 OF THE HOPKINS CITY CODE  
REGARDING ATTACHED GARAGES IN N3-B ZONES**

**THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Hopkins City Code, Part III, Chapter 102, Article 2, Section 102-260 (d), is hereby amended by adding the double-underlined language as follows:

<b>102-260 (d) Parking &amp; Accessory Structure. See Figure 260-B</b>				
9	Driveway Access	Off alley; if no alley, one off side street; if no side street, front street		
10	Attached Garage: Additional Setback	10 ft. min. from main principal building's front facade	30 ft. min. from main principal building's front façade <sup>[1]</sup>	<u><sup>[1]</sup>The standards for the N3-A zone apply to properties in the N3-B zone that are not served by an improved alley.</u>
11	Allowed Garage Door Location	Any facade; 30% max of front facade width	Rear, side, side street façade <sup>[1]</sup>	

**SECTION 2.** In accordance with Section 3.03 of the City Charter and Minn. Stat. § 412.191, subd. 4, due to the significant length of this Ordinance, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On June 20, 2023, the Hopkins City Council adopted Ordinance 2023-1191 an Ordinance Amending Chapter 102 of the Hopkins City Code to allow attached garages constructed on properties in the N3-B zone that are not served by an improved alley to be constructed according to design standards that apply to attached garages in the N3-A zone.

A printed copy of the ordinance is available for inspection during regular business hours at Hopkins City Hall and is available online at the City's web site located at [www.hopkinsmn.com](http://www.hopkinsmn.com).

**SECTION 3.** The effective date of this ordinance shall be June 29, 2023.

First Reading:	June 6, 2023
Second Reading:	June 20, 2023
Date of Publication:	June 29, 2023
Date Ordinance Takes Effect:	June 29, 2023

By: \_\_\_\_\_  
Patrick Hanlon, Mayor

ATTEST:

\_\_\_\_\_  
Amy Domeier, City Clerk



**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION RESOLUTION 2023-04**

**RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE AN ORDINANCE  
AMENDING CHAPTER 102 OF THE CITY CODE REGARDING ATTACHED  
GARAGES IN N3-B ZONES**

**WHEREAS**, the City of Hopkins's updated Zoning Code adopted established provisions related to setbacks and garage door location for attached garages; and

**WHEREAS**, the proposed ordinance is intended to offer relief to properties located in N3-B, Small Lot Traditional Neighborhood zones that are not served by an improved alley while still encouraging development to be human-scaled and pedestrian oriented; and

**WHEREAS**, the Hopkins Zoning and Planning Commission, pursuant to published notice, held a public hearing on and reviewed the proposed ordinance on May 23, 2023: all persons present were given an opportunity to be heard; and

**WHEREAS**, the written comments and analysis of City Staff were considered.



**NOW THEREFORE BE IT RESOLVED**, that the Planning & Zoning Commission of the City of Hopkins hereby recommends the City Council of the City of Hopkins approve an ordinance amending Chapter 102 of the City Code Regarding Attached Garages in N3-B Zones.

Adopted this 23<sup>rd</sup> day of May, 2023.

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Nathan White, Chair



-  N3-B Properties Without An Adjacent Alley
-  N3-B Properties With An Adjacent Alley

