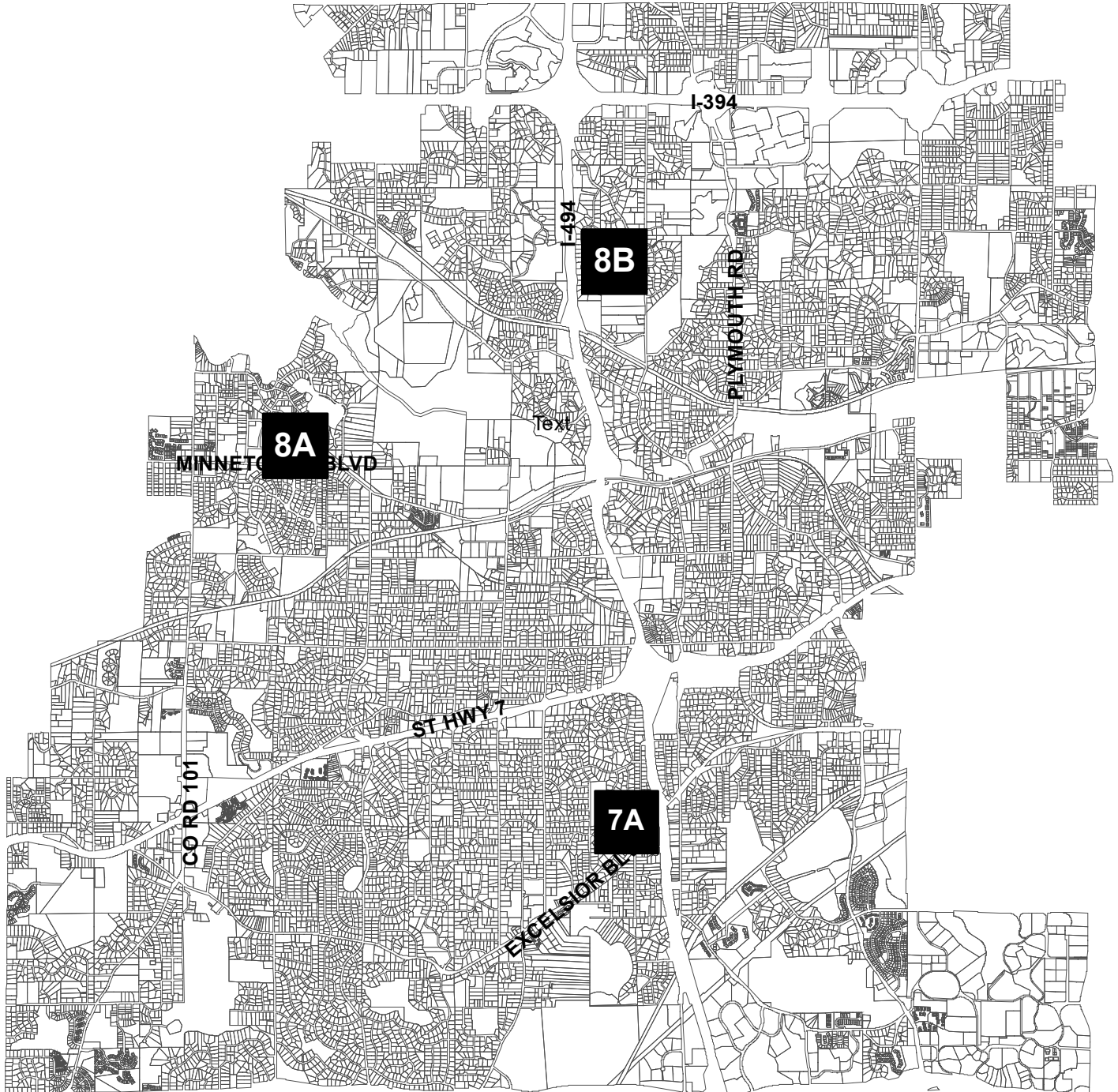




CITY OF
MINNETONKA

CITY OF MINNETONKA
PLANNING COMMISSION
MAY 26, 2022

14600 Minnetonka Blvd. • Minnetonka, MN 55345
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**Planning Commission Agenda
May 26, 2022**

City Council Chambers – Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: May 12, 2022

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda.

A. Conditional use permit for an accessory dwelling unit at 14326 Excelsior Blvd.

Recommendation: Recommend that the city council adopt the resolution approving a conditional use permit (4 votes)

- Recommendation to City Council (June 13, 2022)
- Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

A. Expansion permit for garage and living space additions at 3326 Shores Blvd.

Recommendation: Adopt the resolution approving the expansion permit (5 votes)

- Final decision, subject to appeal
- Project Planner: Bria Raines

B. Preliminary plat for a two-lot subdivision at 2326 Oakland Road.

Recommendation: Recommend the city council adopt the resolution approving the preliminary plat (4 votes)

- Recommendation to City Council (June 13, 2022)
- Project Planner: Susan Thomas

9. Adjournment

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the June 9, 2022 agenda.

Project Description	Noonan Residence, VAR
Project Location	2507 Bantas Pointe La
Assigned Staff	Susan Thomas
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	Rayito de Sol, CUP
Project Location	3520 Williston Rd
Assigned Staff	Ashley Cauley
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	Brophy Residence, VAR
Project Location	17048 Patricia Lane
Assigned Staff	Bria Raines
Ward Councilmember	Kissy Coakley, Ward 4

**Unapproved
Minnetonka Planning Commission
Minutes**

May 12, 2022

1. Call to Order

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

2. Roll Call

Commissioners Waterman, Banks, Hanson, Henry, Powers, and Sewall were present. Maxwell was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Senior Planner Ashley Cauley, and Natural Resources Specialist Sarah Middleton.

3. Approval of Agenda

Waterman moved, second by Henry, to approve the agenda as submitted with an additional comment and one correction provided in the change memo dated May 12, 2022.

Waterman, Banks, Hanson, Henry, Powers and Sewall voted yes. Maxwell was absent. Motion carried.

4. Approval of Minutes: April 28, 2022

Hanson moved, second by Powers, to approve the April 28, 2022 meeting minutes as submitted.

Waterman, Banks, Hanson, Henry, Powers and Sewall voted yes. Maxwell was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on May 9, 2022:

- Upheld the planning commission's denial of an application for floor area ratio and building height variances for the construction of a new house at 4299 Annika Court.

The next planning commission meeting is scheduled for May 26, 2022.

6. Report from Planning Commission Members

Hanson encouraged anyone who has not visited Opus lately to go there and see all of the changes.

Henry reported that Minnetonka Sustainability Commissioner Brian Golob, Gordon, Ingvalson, and Henry attended a Partners in Energy Commission Meeting with representatives from Xcel Energy to work on creating new goals to decrease emissions.

7. Public Hearings: Consent Agenda

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

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

A. Resolution approving an amendment to the existing Crest Ridge Corporate Center sign plan for a monument sign at 10955 and 11055 Wayzata Blvd.

Adopt the resolution approving an amendment to the existing Crest Ridge Corporate Center sign plan for a monument sign at 10955 and 11055 Wayzata Blvd.

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

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

8. Public Hearings

A. Items concerning a fast-food restaurant at 15110 Hwy. 7.

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.

Banks confirmed with Raines that the setback requirement is 20 feet. The proposal would be an improvement to the site's current existing setback.

In response to Henry's question, Middleton explained that the Siberian elms on the site are an invasive species and not protected by the tree protection ordinance. All of the ash trees on the site are infested with emerald ash bore and need to be removed.

In response to Henry's question, Raines explained that leaving the setback as it is would not create additional parking stalls. The proposed 19 stalls would be sufficient parking for the site.

Brian Davies, representing Taco Bell, was available for questions.

In response to Powers' question, Mr. Davies explained that the additional building space would provide room for cold storage and preparation of food. The building would be increased in size to be as close to a standard Taco Bell restaurant as possible.

Chair Sewall asked what percent of customers utilize the drive-through. Mr. Davies answered that before Covid, 30 percent of customers entered the building, and 70 percent utilized the drive-through window. Now, 9.5 percent of customers enter the building, and 90.5 percent utilize the drive-through window.

In response to Chair Sewall's question, Mr. Davies explained the traffic pattern. The drive space was created wide enough to allow an exit lane.

Henry asked for the height of the building. Greg Dahling, of Finn Daniels Architects, stated that the ceiling and mechanicals above the roof would be the same, but there would be a four-foot-high parapet extending above the finished roof to screen the rooftop units and mechanical equipment. All outdoor lighting would be directed downward.

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

Hanson looks forward to supporting the proposal. The modernization of the building would be appropriate to help the business grow and give the employees a better working environment.

Waterman supports the staff's recommendation. The proposal is reasonable. He did not see a downside. The site and building plan look reasonable. He is glad the applicant is willing to reinvest in the area. It would improve the existing vehicle-stacking problem and beautify the site with the landscape. The variances are minor considering the ultimate product.

In response to Henry's question, Mr. Davis explained that the site's energy efficiency would be improved by new mechanical equipment that would be high efficiency; lights would be switched to LED bulbs; adaptive refrigeration controls would be added, and timers and controls for lights and equipment would be utilized. He would be happy to have the landscape designer follow the city's pollinator-friendly ordinance.

Henry is excited about the refurbishment. He likes outdoor seating. Mr. Davis stated that he would be open to considering outdoor seating if there would be enough room on the site. Henry supports the proposal.

Chair Sewall supports improving the existing use.

Henry moved, second by Banks, to recommend that the city council adopt the resolution approving a conditional use permit with variances and a final site and building plan for Taco Bell at 15110 Hwy. 7.

Waterman, Banks, Hanson, Henry, Powers and Sewall voted yes. Maxwell was absent. Motion carried.

Banks exited the meeting.

B. Items concerning Woodhaven at Minnetonka at 2424 and 2440 Plymouth Road.

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

Cauley reported. She recommended denial of the application based on the findings listed in the staff report.

In response to Henry's question, Cauley explained that an applicant provides a tree inventory which is then field verified by staff. Middleton explained the natural resources application review process. She did not get to the second step in the review process of completing a site visit for this application since there were so many errors and discrepancies found in the applicant's plan during the desk-top review.

Roger Anderson, civil engineer, and developer representing the property owners, stated that:

- The proposal would subdivide the property "like the rest of Minnetonka."
- He looked for a general idea of whether the application may move forward with this type of development.
- A flag lot was removed from the proposal after the city council reviewed the concept plan.
- A tree inventory takes a surveyor a long time. The changes to the tree protection ordinance in October 2021 impacted the proposal.
- The site would be appropriate for R-1a zoning.
- When a public street and stormwater improvement requirements were added to the proposal, the proposal did not meet either the tree protection ordinance requirements that existed before October 2021 or the current tree protection ordinance requirements.
- He provided a presentation on alternative subdivisions for the site.
- He thought the proposal would remove an "ordinary amount of dirt" from a steep slope.
- People are living in houses that were built before the adoption of the current steep-slope ordinance.
- He was not sure if a water main could be located where a staff member suggested it should be.

- The proposal would provide stormwater treatment and rate control.
- Other developments did not have to have wetlands and buffers delineated.
- He acknowledged that the proposal does not meet tree ordinance requirements. He would like some guidance on that.
- He was happy to answer questions.

Amy Logue, representing the property owners, stated that:

- The new tree and steep slope ordinances significantly reduce the value of the land due in large part to shifting the responsibility of preserving trees onto her, her father, and a few property owners who have undeveloped parcels in Minnetonka.
- The new tree ordinance represents a tree tax imposed on her family after the owners paid property taxes for nearly 100 years and four generations.
- She requested the development be allowed to proceed as presented last fall.
- She appreciated everyone's time and was happy to answer questions.

Powers questioned why the application did not provide definitive, verifiable information. He respected the owner requesting a decision and for being in a very difficult position. He could not make a decision without definitive information on the required technical plans that are required with an application. There has always been a steep-slope ordinance. The proposal would not have met the tree protection ordinance requirements prior to changes being made in October 2021.

Mr. Anderson stated that the trees had been located, and it is known how many would be affected by the proposal. The impact of a public road on a 20-percent slope is "subjective as far as I am concerned." He stated that he did not know how to communicate the information. He would like to hear comments on how this proposal could move forward or other ideas.

Powers thought Mr. Anderson sounded like he was discussing a concept plan review. Mr. Anderson thought the city council reviews concept plans. He requested commissioners make a decision on this serious proposal. He was happy to answer questions.

Hanson agreed with Powers. He has never seen such a disconnect between the plans submitted to go with an application provided in the agenda packet. He could not provide feedback on information that was not accurate.

Mr. Anderson asked commissioners to provide comments. He said that one comment could be that the proposal would remove too many trees. He understood that the commission could recommend denial or approval to the city council or continue the public hearing.

Chair Sewall asked if the applicant would prefer to table action on the item. Mr. Anderson said that would be fine with him. Wischnack requested that Mr. Anderson go on record agreeing to provide more information to staff before the next review of the application if action is tabled to a future meeting. Mr. Anderson said that was fine. He will work with staff separately.

Chair Sewall asked what would change or be different if action on the item would be tabled. Mr. Anderson said that he would have to approach it from a different avenue. He said that he could start by looking at what could be done that would be in compliance with ordinance regulations.

Chair Sewall asked Mr. Anderson if he would be open to tabling action on the item with the expectation that Mr. Anderson would provide complete and accurate information. Mr. Anderson answered, "correct."

Gordon noted that it is difficult to table action on an item at this point unless the concept changes significantly.

Henry preferred to conduct the public hearing and vote tonight.

Hanson preferred to table action on the item and give the developer one more chance to provide the five items requested on Page 77 of the agenda packet. The application could request a variance to the tree protection ordinance, but that information is not provided.

Waterman thought commissioners should provide some comments. He leaned more toward tabling action on the item.

Powers stated that the proposal would not meet the requirements of the previous or new tree protection ordinances. The changes to the ordinance were done for a reason, and he supports them.

The public hearing was opened.

Susan Bieniek, 12830 Woodridge Trail, stated that:

- She lives in Minnetonka because of the tree protection ordinance and lot size requirements.
- She knew that the property would be developed someday. She feels for the property owner and wants her to be able to develop the property.
- The proposal would clear the adjacent property of trees and install a water basin. The site has never had standing water.
- There are trees identified on the plan for removal that is on her property, located on her side of the fence, including one huge tree.
- She agrees with Powers that today's ordinances need to be enforced.

- She opposes the current design of the plan because it would be too drastic for the topography and cause water drainage issues.

Eddie Nack, 12910 Forest Meadow Drive, stated that:

- She gets a lot of water runoff from Plymouth Road and the houses on the street. She has a river flowing through her street every time it rains. She was concerned that would continue.
- She is concerned with turning left onto Plymouth Road since the traffic cannot be seen from the right, and the traffic on the left goes from two lanes to one lane and goes up a hill. She supports a traffic light being added.

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

Cauley explained that an application would be required to include a detailed stormwater management plan that would be required to protect water quality, rate, and volume. Staff acknowledged in the staff report that the proposal includes the removal of trees not located on the proposal's property but on Ms. Bieniek's property. The staff agrees with Ms. Bieniek.

Cauley stated that Hennepin County had not expressed intent to add a stoplight on Plymouth Road at Forest Meadow Circle.

Henry stated that the proposal does not meet several criteria. It is in violation of the tree-protection ordinance and steep-slope ordinance. He does not support the proposal.

Waterman felt that the proposal was too far outside the margins of the tree protection and steep-slope ordinances. He does not support the application as currently platted. The proposed design would not work. He supports either denying or tabling the item.

Powers acknowledged that the site might need a variance to construct more than two houses, but it is currently too far off. He supports denying the current proposal.

Chair Sewall agreed with Powers. The site may require a variance to have more than two houses. He did not support the current proposal. It is too far from ordinance requirements.

Mr. Anderson agreed to sign a 120-day waiver to no longer require the city to take action on the application within 120 days.

Hanson moved, second by Waterman, to table action on Item 8B, items concerning Woodhaven at Minnetonka at 2424 and 2440 Plymouth Road.

Waterman, Hanson, Powers, and Sewall voted yes. Henry voted no. Banks and Maxwell were absent. Motion carried.

9. **Adjournment**

Powers moved, second by Hanson, to adjourn the meeting at 8:35 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
May 26, 2022

Brief Description Conditional use permit for an accessory dwelling unit at 14326 Excelsior Blvd.

Recommendation Recommend the city council approve the request.

Proposal

The property owner, Suzanne Kpowulu, is proposing to convert 1,200 square feet of the lowest level of the house at 13426 Excelsior Blvd into an accessory dwelling unit (ADU)¹. The apartment would include living space, bedrooms, a kitchen, and a bathroom. The apartment requires a conditional use permit.

Staff Analysis

The staff finds that the applicant's proposal is reasonable.

- The apartment would meet the intent of the city's accessory dwelling unit ordinance. It would provide a housing type that affords privacy and independence while maintaining the character of the existing single-family neighborhood.
- The apartment is well-designed and would be integrated into the existing home. Access to the ADU would be through the existing home and via a newly added door in the rear of the existing home.
- The 1,200 square foot ADU would be larger than the 1,000 square feet noted by the city code. However, the code authorizes the city council to approve larger ADUS when the additional size would not result in undue adverse impacts to the neighboring properties. Staff finds the proposed size reasonable, as the ADU: (1) contains a maximum of two bedrooms; (2) would not increase the size of the existing home; (3) is reasonably sized compared to the 3,750 square foot existing home; and (4) would not change or alter the character of the single-family home.
- The ADU would meet the conditional use permit standards outlined in the city code. Those standards, as well as staff's findings, can be found in the "Supporting Information" section of this report.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory dwelling unit at 14326 Excelsior Blvd.

¹ By City Code Sec. 300.02, an "accessory dwelling unit" is a secondary dwelling unit located on the same property as a principal dwelling unit, which includes provisions for living independent of the principal dwelling, such as areas for sleeping, cooking, and sanitation, as determined by the city planner. This definition includes secondary dwelling units attached to or detached from the principal dwelling unit.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

	Subject Property	North	South	East	West
Use	Single-family residential home	Single-family residential home	Excelsior Blvd and Immaculate Heart of Mary	Single-family residential home	Single-family residential home
Zoning	R-1	R-1	R-1	R-1	R-1
Guide plan designation	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential

CUP Standards

By City Code 300.16, Subd. 3, accessory dwelling units (ADUs):

CITY CODE STANDARD	STAFF FINDING
	The proposal would meet the general conditional use permit standards as outlined in City Code §300.16, Subd. 2:
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; and
4.	The use does not have an undue adverse impact on public health, safety, and welfare.
	The proposal would meet the specific conditional use permit standards as outlined in City Code §300.16, Subd. 3(d) for accessory apartments:
GENERAL STANDARDS	
a.	ADUs are allowed only on properties zoned R-1, R-1A, and R-2. The property is zoned R-1.
b.	No more than one ADU is allowed per property. Only one ADU is proposed.
c.	The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year. This has been added as a condition of approval.
d.	ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit. The ADU is integrated into the single-family home, but this has been added as a condition of approval.

e.	<p>Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.</p>	<p>Off-street parking would be provided in the existing three-car garage and paved parking area.</p>
f.	<p>The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.</p>	<p>The ADU would comply with setback requirements for general structures. The site contains no natural features requiring a setback, such as wetland or floodplain.</p>
CONSTRUCTION AND DESIGN STANDARDS		
a.	<p>On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.</p>	<p>The ADU would be attached and integrated into the existing house.</p>
b.1.	<p>Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts to</p>	<p>The existing home is 3,750 square feet. Thirty-five percent of the existing home would be 1,312 square feet. As such, by code, the maximum ADU size is 1,000 square feet.</p>

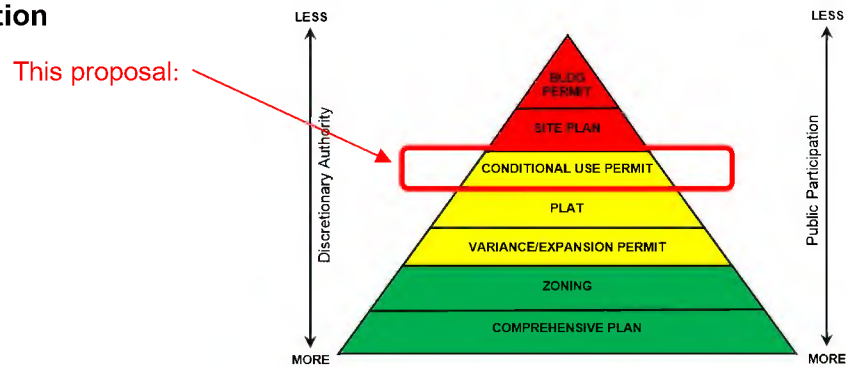
	<p>the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique. In no case may a detached ADU be 200 square feet or less in total size.</p>	<p>The proposed ADU would be 1,200 square feet. Staff finds the size reasonable as:</p> <ol style="list-style-type: none"> 1. The ADU would be integrated into the existing home and would not increase the size of the existing home on site. 2. The ADU would be accessed through the principal structure or a newly added door in the rear. It would not be visible from the adjacent right of way, and the existing fence would screen the entrance and ADU from adjacent properties.
<p>b.2.</p>	<p>Must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.</p>	<p>The ADU would be integrated into the existing home. Nonetheless, this has been added as a condition of approval.</p>
<p>b.3.</p>	<p>Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.</p>	<p>This has been added as a condition of approval.</p>
<p>b.4.</p>	<p>May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.</p>	<p>No additional curb cuts are proposed.</p>
<p>b.5</p>	<p>Must be registered with the Minnetonka police and fire</p>	<p>This has been added as a condition of approval.</p>

	departments prior to occupancy.	
ATTACHED ADUs		
1.	Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.	The ADU would be created by converting the basement. An existing window well would be converted into an entrance, but it would be in the rear of the home and would not change the single-family character of the home. It would not increase the size or height of the existing home.
2.	May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.	
3.	Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.	
DETACHED ADUs		
1.	Must be designed to maintain the residential character of the lot on which it will be located.	The ADU is attached.
2.	May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for the construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits a detailed plan that demonstrates adequate vehicular parking exists on the site.	

3.	<p>The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not adversely impact neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.</p>	
LOCATION REQUIREMENTS		
a)	<p>Behind the rear building line of the principal dwelling unit. In the case of a <u>corner</u> or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.</p>	<p>The ADU is integrated into the existing house.</p>
b)	<p>To preserve existing, natural site features to the extent practicable.</p>	
5.	<p>Must be set back from side and rear property lines at a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance.</p>	

OTHER REQUIREMENTS		
6.	May contain a maximum of two bedrooms.	Two bedrooms would be located in the basement.
7.	Must be constructed on a permanent foundation with no wheels.	The ADU would be integrated into the existing home.

Pyramid of Discretion



Voting Requirement

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

Motion Options

The planning commission has three options:

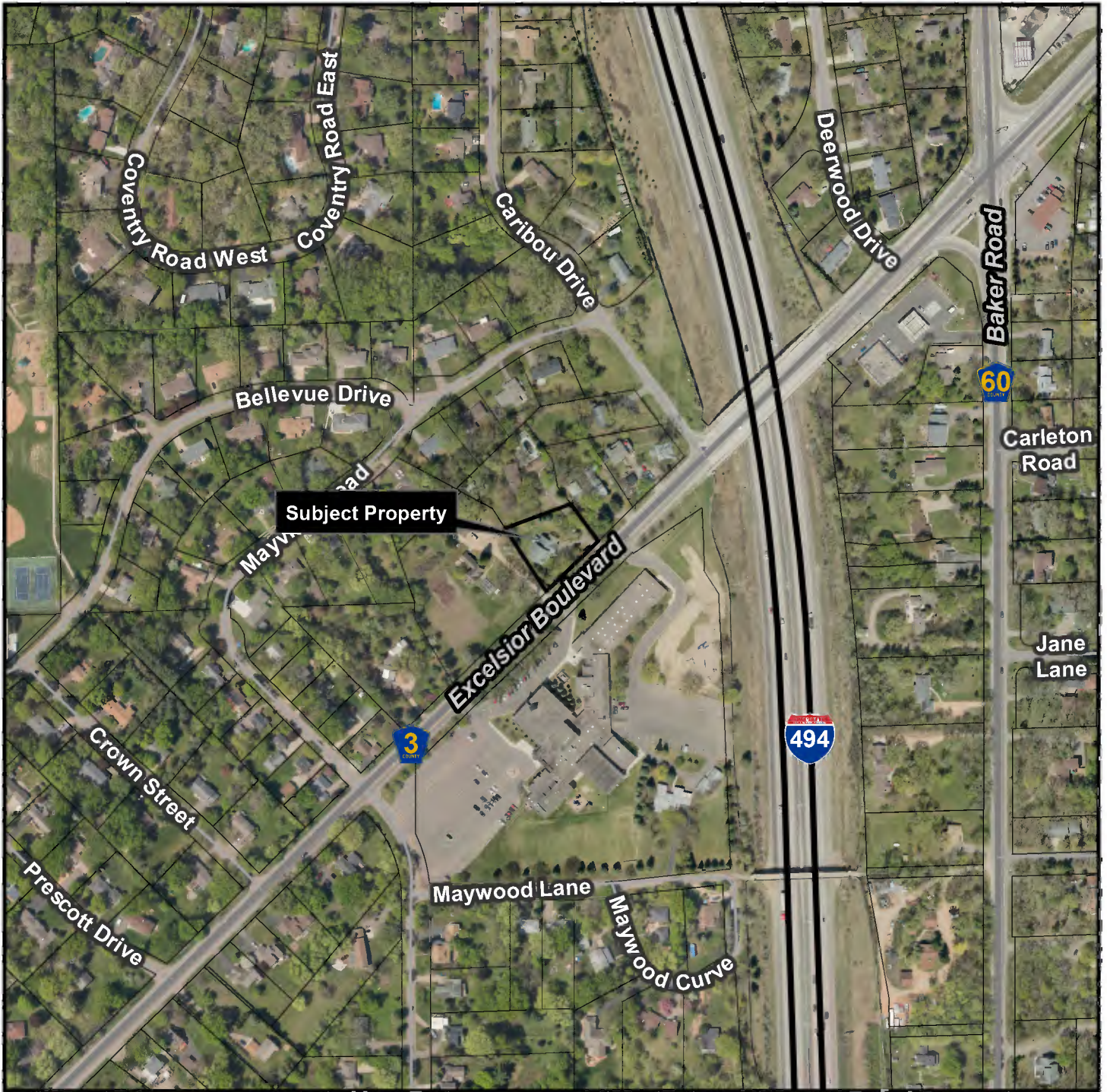
1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with the staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. 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.

Neighborhood Comments

The city sent notices to 22 area property owners and received no comments.

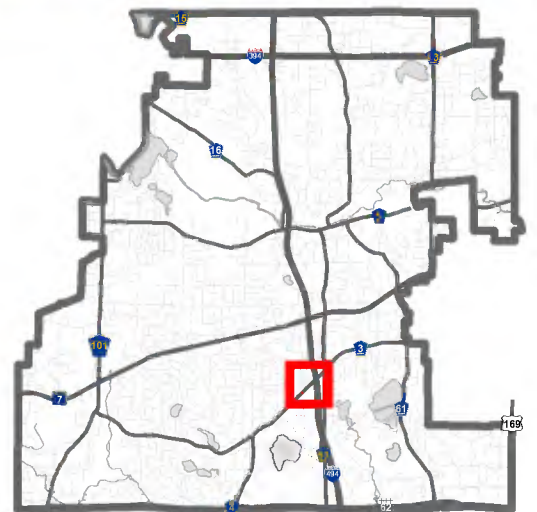
Deadline for Decision

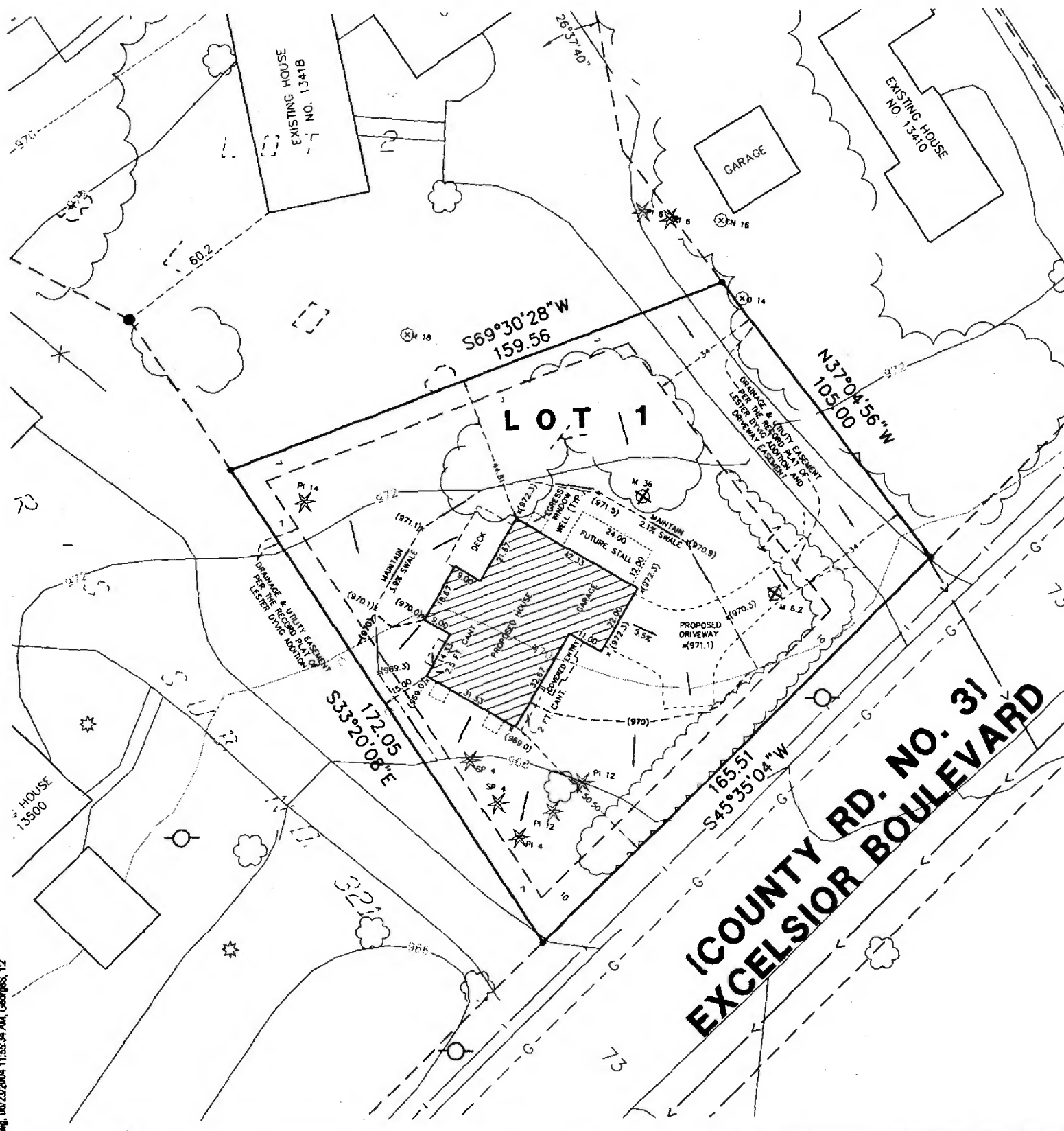
Aug. 20, 2022



Location Map

Project: Kpowulu Residence
Address: 13426 Excelsior Blvd.





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SCHOELL & MADSON, INC.

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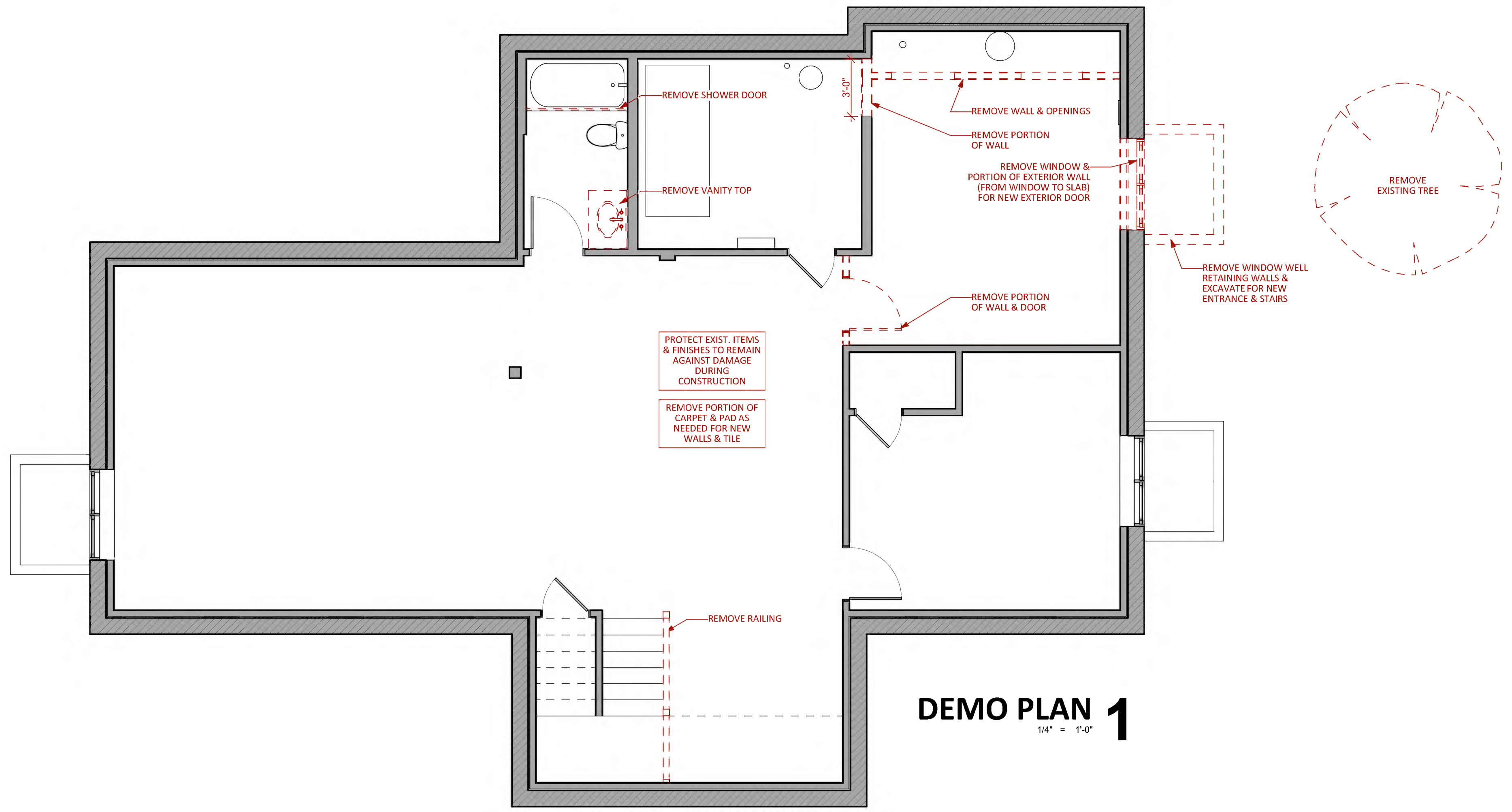
This drawing has been checked and reviewed this 24th day of June, 2004 by DGM

JOB BOOK NUMBER: (134-55)
FIELD BOOK: PAGE:

**ICOUNTY RD. NO. 31
EXCELSIOR BOULEVARD**



Residential Design
612.444.1357
info@tmbrz.com
www.tmbrz.com



DEMO PLAN 1
1/4" = 1'-0"

GENERAL NOTES:
-DIMENSIONS AT INTERIOR WALLS ARE CENTER TO CENTER INCLUDING 1/2" GYP. BD. EA. SIDE OF STUD
-DIMENSIONS AT EXISTING WALLS ARE TO FACE OF GYP. BD.
-ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DRAWINGS.
-ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY GENERAL CONTRACTOR.
-ALL WOOD ABUTTING CONCRETE TO BE TREATED.
-INTERIOR CEILING HEIGHTS INDICATED ON PLAN ARE APPROXIMATE
-CONSTRUCTION SHOULD BE PERFORMED TO CURRENT STATE OF MINNESOTA BUILDING & ENERGY CODES AND TO LOCAL INDUSTRY STANDARDS & STANDARD INDUSTRY PRACTICES.
-ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER MANUFACTURER'S INSTALLATION REQUIREMENTS
-ALL WEATHER RESISTIVE BARRIERS SHALL BE INSTALLED PER IRC SEC. R703.2 AS AMENDED BY THE STATE OF MINNESOTA RULES SECTION 1309.0707.

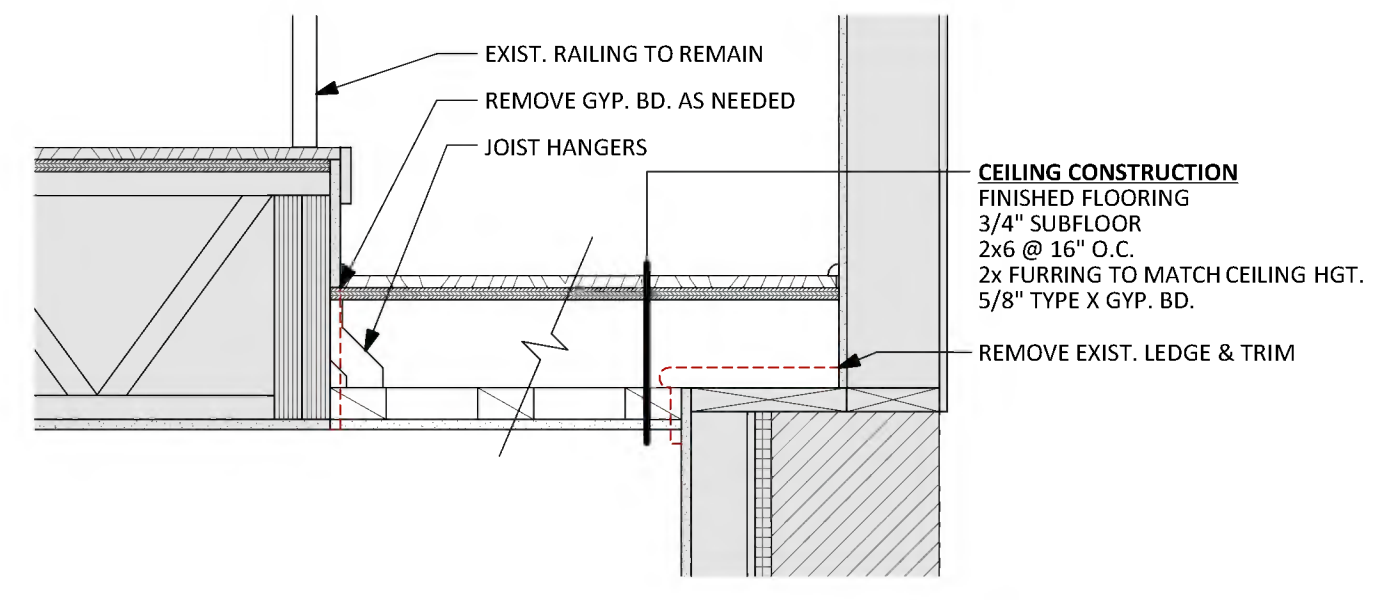
CONTRACTOR NOTE:
ALL TRADES ARE FULLY RESPONSIBLE FOR THE SPECIFIC DIMENSIONS, ENGINEERING AND STORAGE OF THEIR MATERIAL. TRADES MUST COORDINATE WITH GENERAL CONTRACTOR TO VERIFY THAT THEIR MATERIALS WILL COMPLY WITH THIS LAYOUT. GENERAL CONTRACTOR AND OWNER'S REPRESENTATIVE MUST APPROVE OF ALL VARIATIONS FROM THIS LAYOUT PRIOR TO CONSTRUCTION. IF DURING CONSTRUCTION IT IS DISCOVERED THAT ANY PRIOR TRADES HAVE DONE WORK THAT DOESN'T CONFORM TO THIS LAYOUT, WORK MUST NOT CONTINUE UNTIL GENERAL CONTRACTOR OR OWNER'S REPRESENTATIVE HAS APPROVED THE DISCREPANCY.

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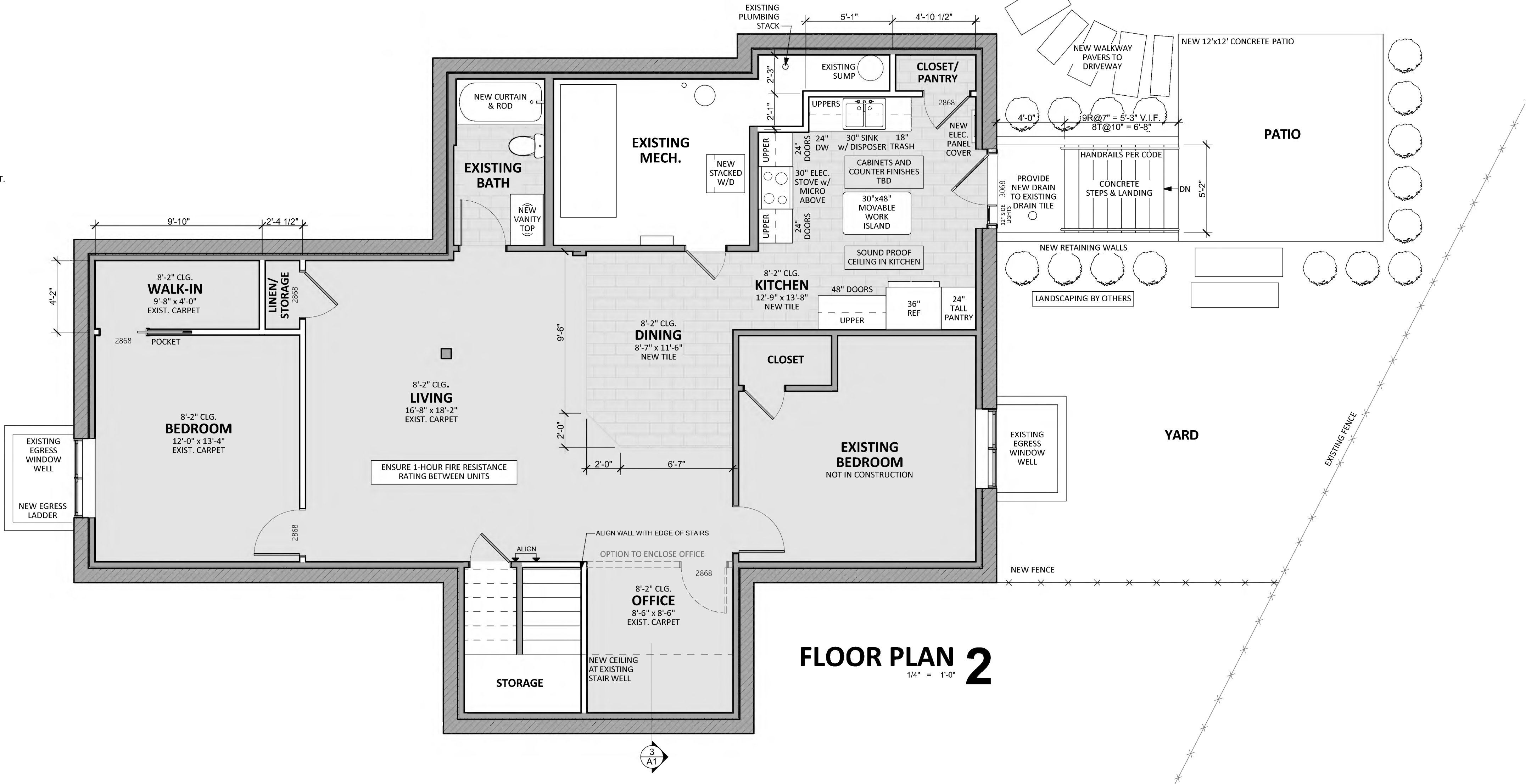
TILE NOTE:
PATTERNS ON PLANS ARE REPRESENTATION ONLY, EXACT LAYOUT AND PATTERN TO BE DETERMINED

SHEET INDEX:
A1 FLOOR PLANS
A2 ELECTRICAL PLAN

SQUARE FOOTAGE	
LIVING	369
BEDROOM	205
EXISTING BEDROOM	194
KITCHEN	190
DINING	96
OFFICE	76
EXISTING BATH	53
1,183 ft²	



CEILING DETAIL 3
1" = 1'-0"



FLOOR PLAN 2
1/4" = 1'-0"

EXCELSIOR BLVD REMODEL

CONSTRUCTION DOCUMENTS 2022-03-02
13426 EXCELSIOR BLVD, MINNETONKA, MN 55345

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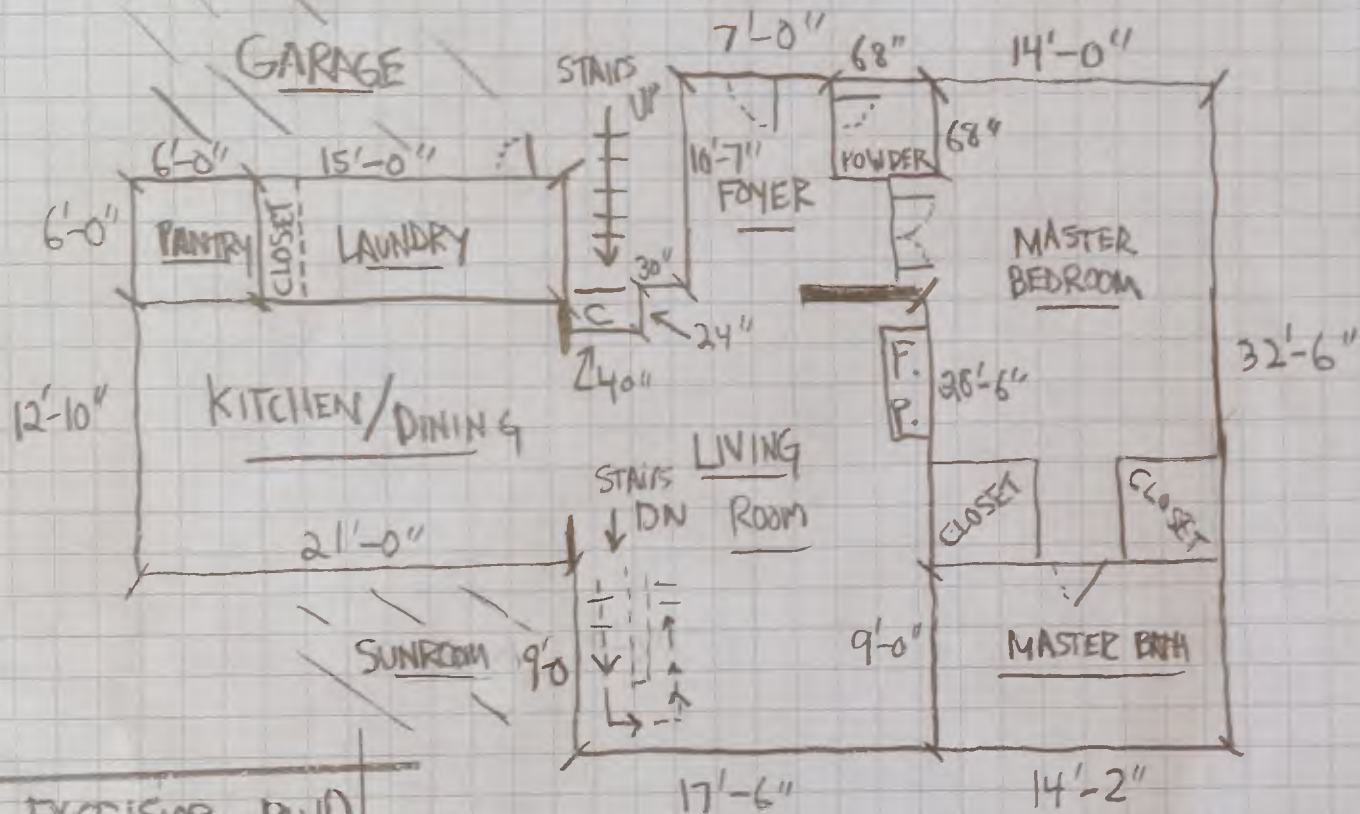
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A1

FLOOR PLANS

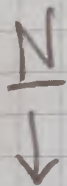


13426 EXCELSIOR BVD

1st Floor dimensions

SCALE: 1" = 10'

1 SQUARE = 2'



APPROX. SQ. FT

Room	Dimensions	Area (sq. ft)
POWDER RM	5.7 x 5.7	= 32
PANTRY	6 x 6	= 36
LAUNDRY	15 x 6	= 90
KITCHEN	21 x 12.83	= 270
FOYER	7 x 10.7	= 75
L. ROOM	17.5 x 28.5	= 500
MBR	14 x 24	= 336
MBA	9 x 14.2	= 128

APPROX. SQ. FT

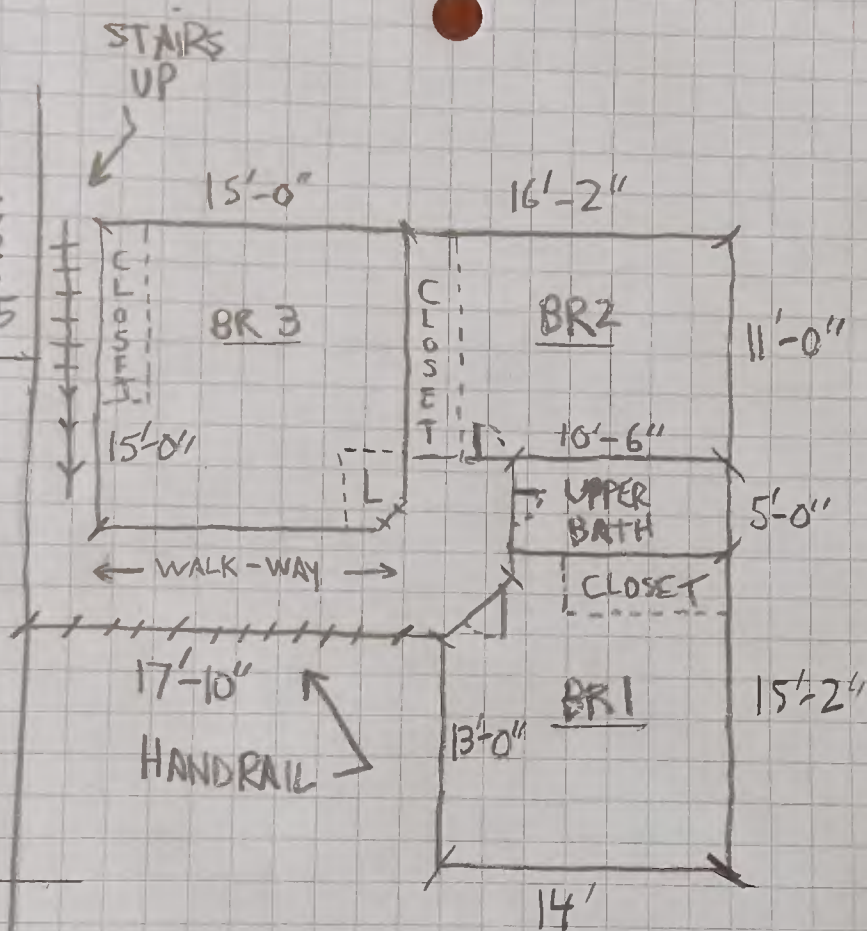
BR1 = 14' x 15.6 = 212

BR2 = 11' x 16.16 = 178

BR3 = 15' x 15' = 225

BATH = 5' x 10.5' = 52.5

2nd Floor

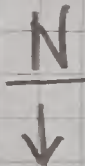


13426 EXCELSIOR BLDG

2nd Floor dimensions
(1/2 Story)

SCALE: 1" = 10'

1 SQUARE = 2'





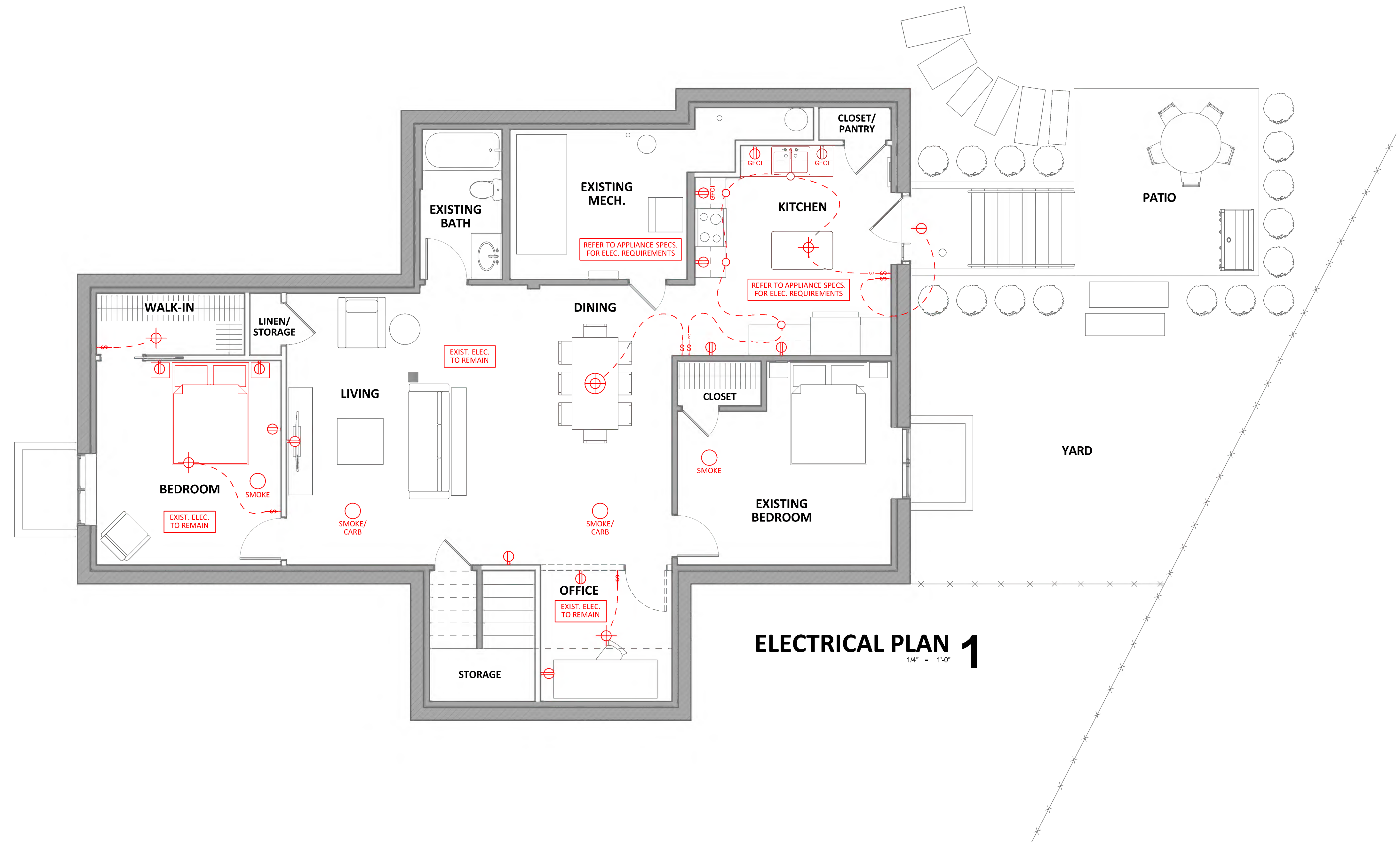
Residential Design
612.444.1357
info@tmbrz.com
www.tmbrz.com

SYMBOL LEGEND

- DUPLEX WALL OUTLET
- GFCI DUPLEX WALL OUTLET
- SWITCH
- 3-WAY SWITCH
- SURFACE MOUNTED CEILING FIXTURE
- SURFACE MOUNTED EXTERIOR WALL FIXTURE
- PENDENT FIXTURE
- 4" RECESSED DOWNLIGHT

LIGHTING NOTES

1. REVIEW ALL LIGHTING, SWITCH, & OUTLET LOCATIONS WITH OWNER PRIOR TO INSTALLATION
2. ALL SWITCHES TO BE MOUNTED AT 42" AFF UNLESS NOTED OTHERWISE
3. PROVIDE ADDITIONAL OUTLETS PER CODE



ELECTRICAL PLAN 1
1/4" = 1'-0"

EXCELSIOR BLVD REMODEL
CONSTRUCTION DOCUMENTS 2022-03-02
13426 EXCELSIOR BLVD, MINNETONKA, MN 55345

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A2

Resolution No. 2022-

Resolution approving a conditional use permit for an attached accessory dwelling unit at 13426 Excelsior Blvd

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 13426 Excelsior Blvd. It is legally described as:
Lot 1, Block 1, Lester Dyvig Addition, Hennepin County, Minnesota.

Torrens Certificate number: 1509355

1.02 Susan Kpowulu, the property owner, has requested a conditional use permit for an attached accessory dwelling unit on the subject property.

1.03 On May 26, 2022 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 approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1) General Standards:

- a. ADUs are allowed only on properties zoned R-1, R-1A, and R-2.
- b. No more than one ADU is allowed per property.

- c. The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
- d. ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
- e. Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.
- f. The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.

2) Construction and Design Standards:

- a. On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.
- b. Any ADU, whether attached or detached:
 - 1. Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts to the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique. In no case may a detached ADU be 200 square feet or less in total size.

2. Must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
 3. Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 4. May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.
 5. Must be registered with the Minnetonka police and fire departments prior to occupancy.
- c. Attached ADUs:
1. Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.
 2. May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.
 3. Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.
- d. Detached ADUs:
1. Must be designed to maintain the residential character of the lot on which it will be located.
 2. May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for the construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits a detailed plan that demonstrates adequate vehicular parking exists on the site.

3. The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not result in undue adverse impacts to neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.
4. Must be located:
 - a) Behind the rear building line of the principal dwelling unit. In the case of a corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.
 - b) To preserve existing, natural site features to the extent practicable.
5. Must be set back from side and rear property lines at a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance.
6. May contain a maximum of two bedrooms.
7. Must be constructed on a permanent foundation with no wheels.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).

1. General Standards:
 - a. The property is zoned R-1.
 - b. Only one ADU is proposed.

- c. As a condition of this resolution, the owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
- d. Subdivision is not proposed. Nonetheless, this has been added as a condition of approval.
- e. Off-street parking would be provided in the existing three-car garage and paved parking area.
- f. The ADU would be integrated into the existing house and would continue to comply with setback requirements for general structures. No property contains no natural features requiring a setback, such as wetland or floodplain areas.

3) Construction and Design Standards:

- a. The ADU would be attached and integrated into the existing house.
- b. Any ADU, whether attached or detached:
 - 1. The ADU would be 1,200 square feet in size. The size is reasonable as: (1) the ADU would be integrated into the existing house and would not increase the size of the structure; and (2) the ADU would be accessed via the principal structure and a newly added door in the rear of the home.
 - 2. The ADU would be integrated into the existing home. Nonetheless, this has been added as a condition of approval.
 - 3. As a condition of this resolution, the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 - 4. No additional curb cuts are proposed.
 - 5. As a condition of this resolution, the ADU must be registered with the Minnetonka police and fire departments prior to occupancy.
- c. The ADU would be created by converting the basement. An existing window well would be converted into an entrance, but it would be in the rear of the home and would not change the single-family character of the home. It would not increase the size or height of the existing home.

Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. This resolution must be recorded with Hennepin County.
 2. A building permit is required.
 3. The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
 4. The ADU may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
 5. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum does not include vehicles of occasional guests who do not reside on the property.
 6. The ADU must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
 7. The principal structure and the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 8. The ADU must be registered with the Minnetonka police and fire departments prior to occupancy.
 9. The ADU cannot contain more than two bedrooms.
 10. The city council may reasonably add or revise conditions to address any future unforeseen problems.
 11. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 13, 2022.

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 June 13, 2022

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
May 26, 2022

Brief Description Expansion permit for garage and living space additions at 3326 Shores Blvd.

Recommendation Adopt the resolution approving the expansion permit.

Background The subject property was platted in 1916, and a home was constructed on the site in 1951. Both the property and the home existed well before the adoption of the city’s first subdivision and zoning ordinances. Both are non-conforming.

		REQUIRED	EXISTING*
LOT	Area	22,000 sq.ft.	10,800 sq.ft.
	Buildable Area	3,500 sq.ft.	5,000 sq.ft.
	Width at Right of Way	80 ft.	67 ft.
	Width at Setback	110 ft.	67 ft.
	Average Depth	125 ft.	161 ft.
HOUSE**	Front Yard	35 ft.	35 ft.
	Side Yard	7 ft.	1 ft.
	Rear Yard	32 ft.	70 ft.

*Rounded down to closest 1 foot.

**The property is a small lot as defined by the city code. As such, the home qualifies for reduced setbacks.

In 2020, the property was granted an expansion permit. This has since expired, as no building permit was submitted before December 31, 2021. The current proposal has revisions from the 2020 expansion permit proposals. Most notably, greater compliance with the existing city ordinance.

The following have changed from the previous proposal granted in 2020:

- No proposed cantilever and the proposed addition has been reduced to be flush with the front of the existing dwelling.
 - Increasing the front yard setback to 35 feet.
- An increase of the proposed addition towards the rear yard.
 - The proposed addition to the rear of the existing homes does not require additional permits.

- **Neighborhood Character.** The proposed additions would not negatively impact the character of the neighborhood. In fact, the proposed setback would be similar to others already existing in the area. Several homes on Shores Boulevard have reduced front and side yard setbacks based on approved variances, approved expansion permits, or simply due to existing non-conformities.

Staff Recommendation

Adopt the resolution approving an expansion permit for garage and living space additions at 3326 Shores Boulevard.

Originator: Bria Raines, Planner
Through: Susan Thomas, AICP, Assistant City Planner

Supporting Information

Surrounding Land Uses

North: Single-family home, zoned R-1
South: Single-family home, zoned R-1
East: Single-family home, zoned R-1
West: GroTonka Park, zoned R-1

Planning

Guide Plan designation: Low-density residential
Zoning: R-1

Small Lots

“Small lots” qualify for reduced structural setbacks. By city code, a “small lot” is one that:

- Is less than 15,000 square feet;
- Was a lot of record as of Feb. 12, 1966; and
- Is located in an area in which the average size of all residential lots within 400 feet is less than 15,000 square feet.

The subject property is 10,800 sq. ft. in size and was platted in 1916. The median average lot size in the area is 10,660 square feet. As such, the property is considered a “small lot” by city code definition.

Variance v. Expansion Permit

A variance is required for any alteration that will intrude into one or more setback areas beyond the distance of the existing, non-conforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity.

Burden of Proof

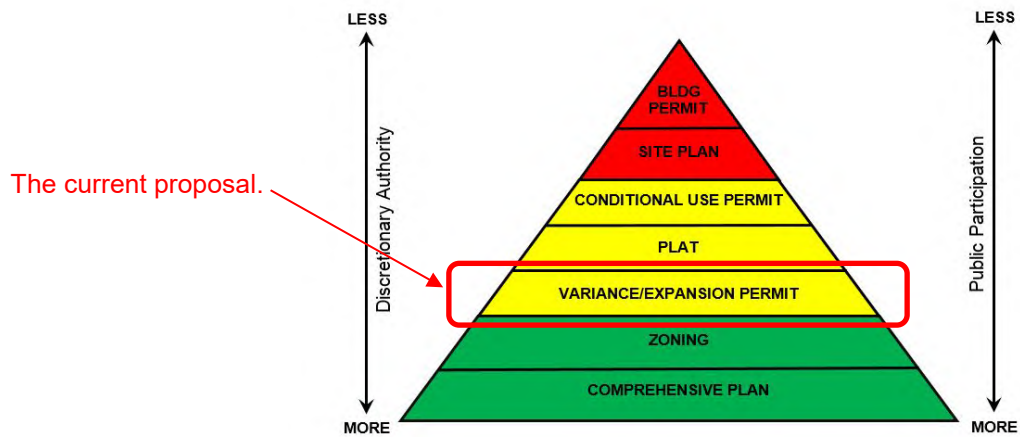
By city code, an expansion permit for a non-conforming use may be granted but is not mandated when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as:
 - Functional and aesthetic justifications for the expansions;
 - Adequacy of off-street parking for the expansion;
 - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
 - Improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Natural Resources Best management practices must be followed during the course of site preparation and construction activities. This would include the installation and maintenance of erosion control fencing.

Neighborhood Comments The city sent notices to 32 area property owners and received no comments to date.

Pyramid of Discretion



- Motion Options** The planning commission has three options:
1. Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the request.
 2. Disagree with the staff's recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.
 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.

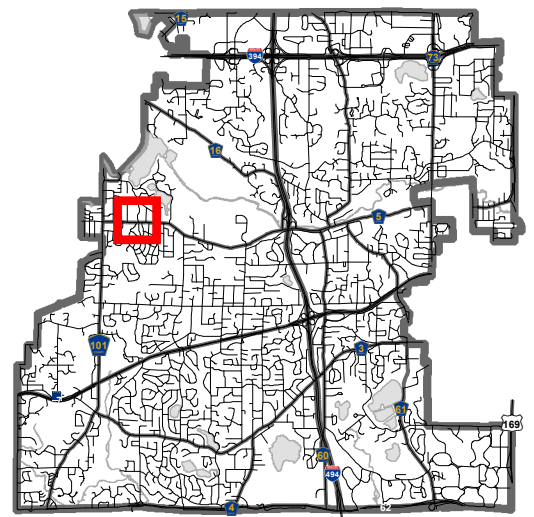
Appeals Any person aggrieved by the planning commission's decision about the request may appeal such a decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Deadline for Action **Aug. 23, 2022**



Location Map

Project: Nelson Residence
Address: 3326 Shores Blvd



LEGAL DESCRIPTION:

The North 66.66 feet of the South 133.32 feet of Lots 24, 25 and 26, Block 14, Thorpe Bros. Groveland Shores, Hennepin County, Minnesota.

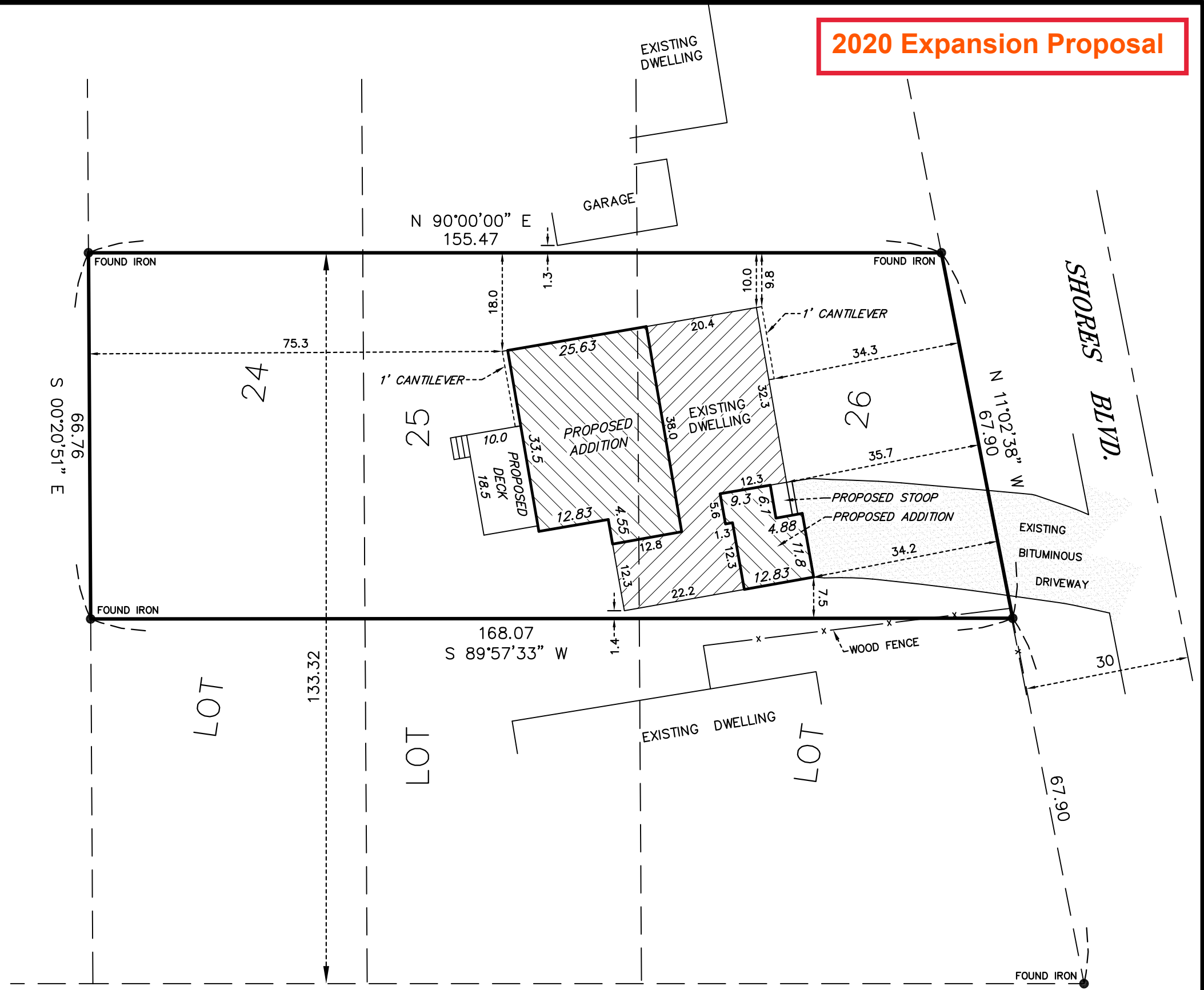
SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Existing building dimensions and setbacks measured to outside of siding or stucco.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

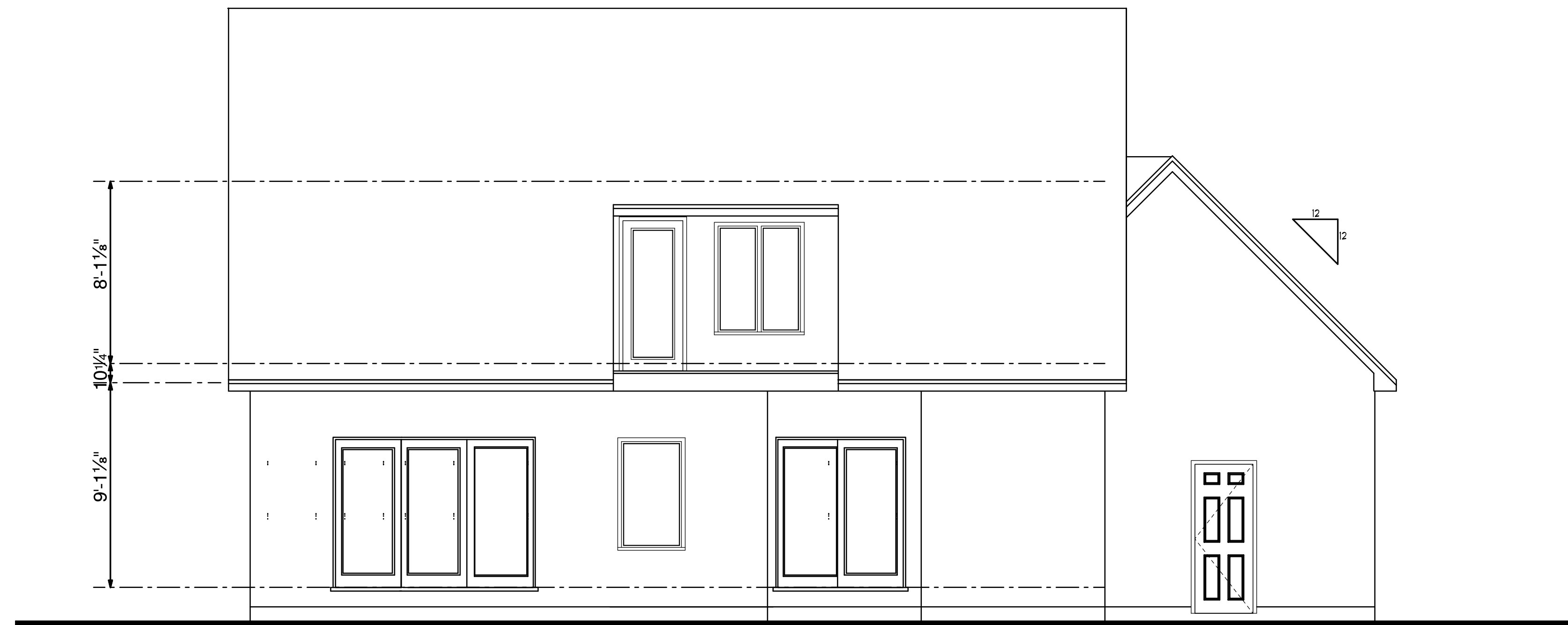
2020 Expansion Proposal



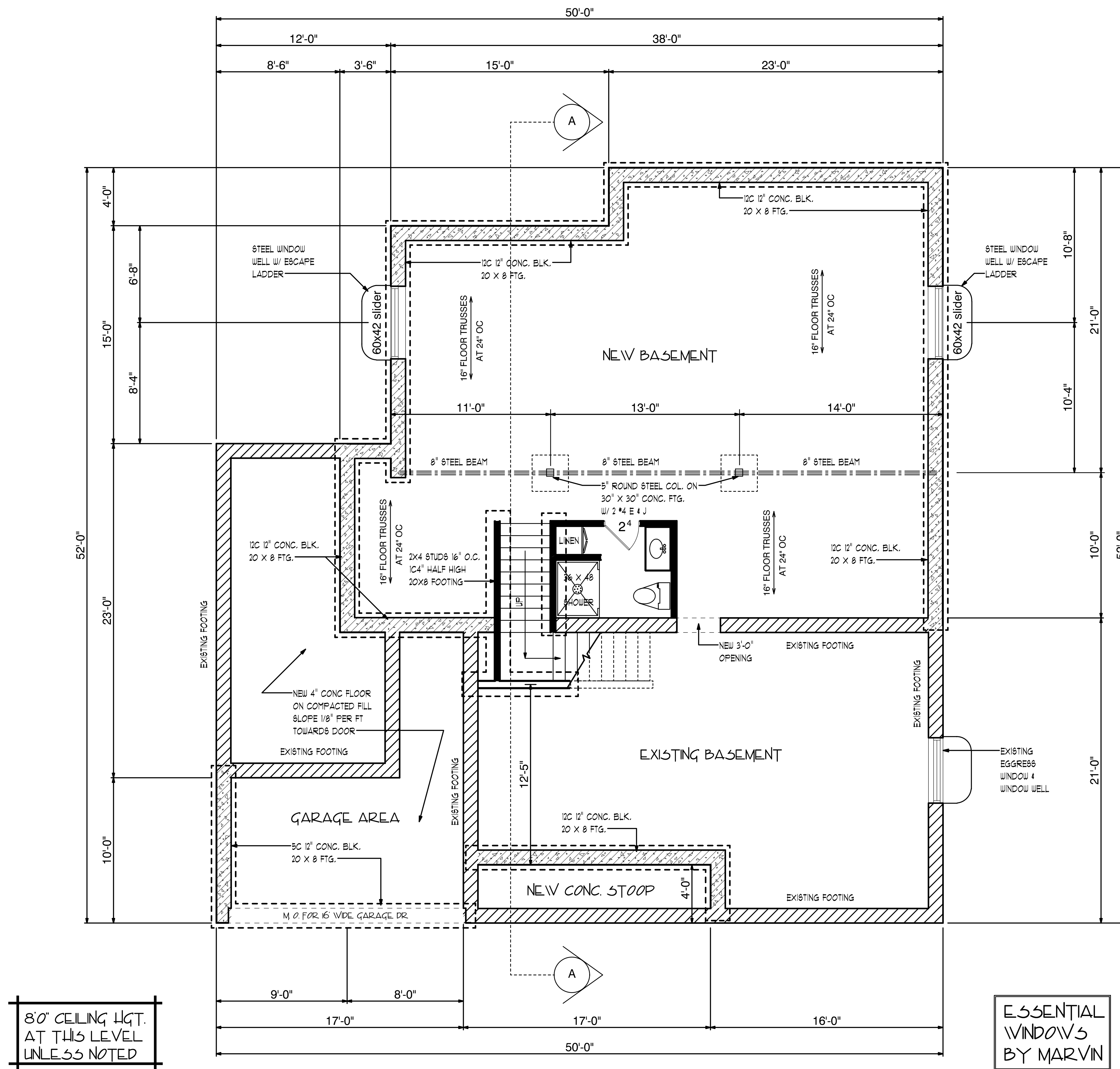
DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT/JOB ADDRESS	ADVANCE SURVEYING & ENGINEERING, CO.	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE SURVEYED:	SHEET TITLE	SHEET NO.
			CHRIS NELSON 3326 SHORES BLVD. MINNETONKA, MN	Advance Surveying & Engineering, Co. 17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com	Wayne W. Preups #43503 LICENSE NO.	APRIL 27, 2020	PROPOSED SURVEY	S1 SHEET 1 OF 1
						MAY 26, 2020	DRAWING NUMBER 200790 JR	



FRONT ELEVATION 1/4"
STREICH CUSTOM HOME DESIGN

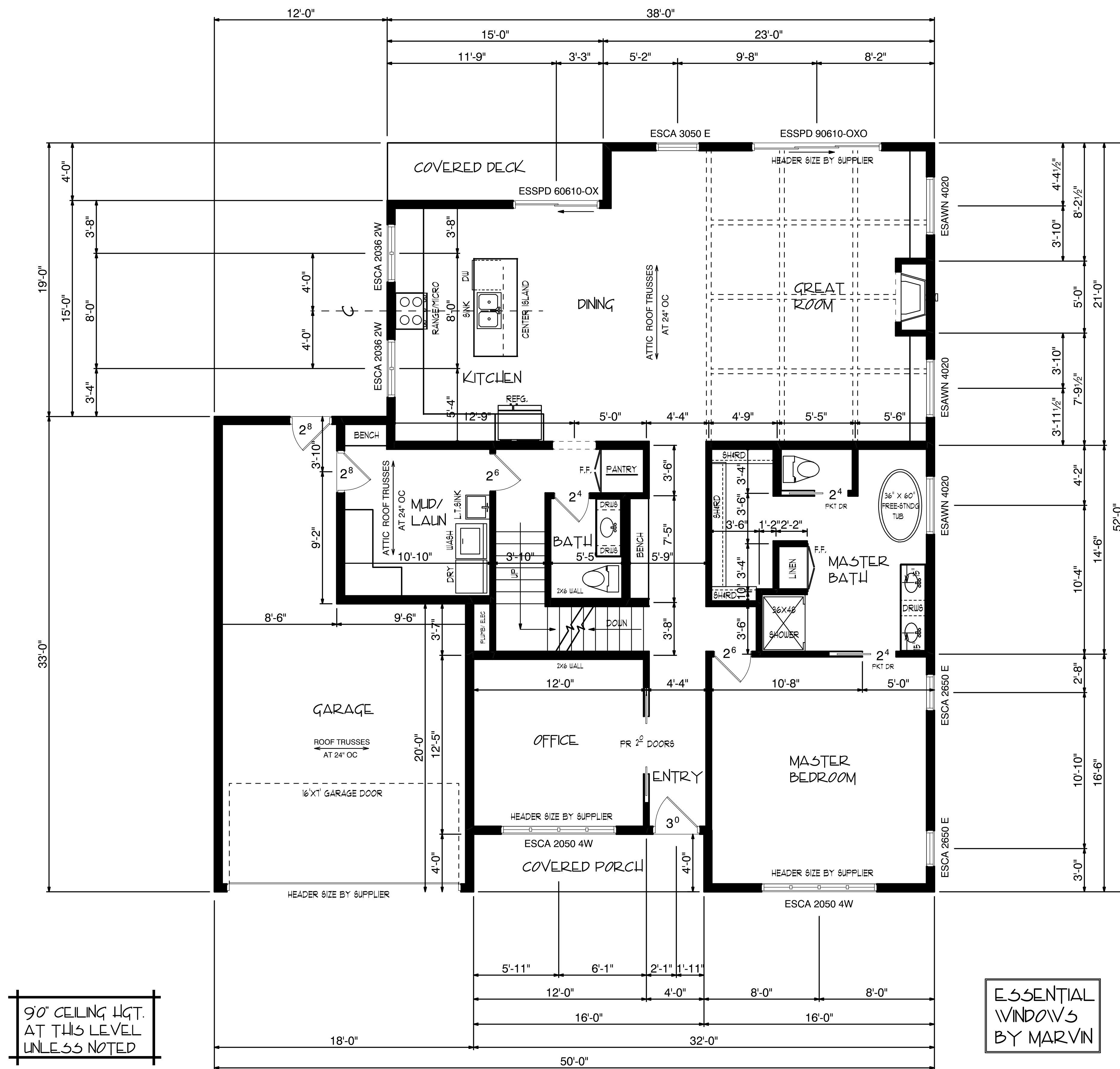


REAR ELEVATION 1/4"
STREICH CUSTOM HOME DESIGN



LOWER FLOOR PLAN 1/4"
STREICH CUSTOM HOME DESIGN

<p>RESIDENCE FOR: NELSON RESIDENCE</p>	<p>ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS. ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS SHOULD BE FIELD VERIFIED.</p>	<p>PRELIM DATE 8-18-21</p>	<p>PLOT DATE</p>
	<p>NOTE: THESE PLANS ARE PREPARED AS A DRAFTING SERVICE ONLY. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL BUILDING CODES, ORDINANCES, GRADING, ELEVATIONS, NOTES, AND CONFORMITY TO ALL APPLICABLE REGULATIONS AND CORRECTING PRIOR TO CONSTRUCTION.</p> <p>NOTE: ALL BEAMS AND STRUCTURAL MEMBER SIZES AND SPACINGS ARE APPROXIMATE AND TO BE DETERMINED ON JOBSITE.</p>	<p>PRELIM REVISIONS 12-20-21</p>	<p>DESIGNED BY: JON STREICH</p>
	<p>STREICH CUSTOM HOME DESIGN Andover, MN 55304</p>	<p>SHEET 3 of 6</p>	

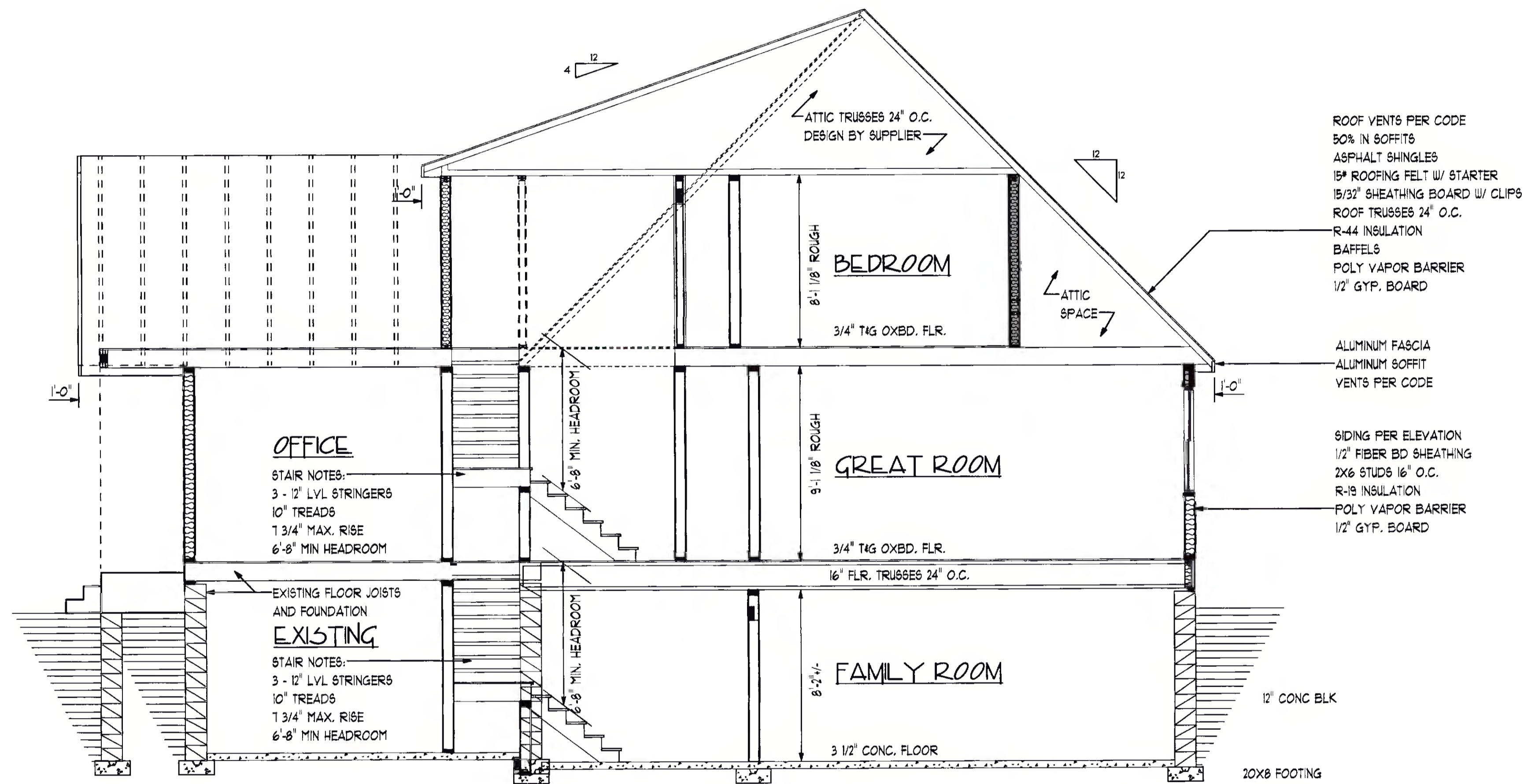


9'0" CEILING HGT.
AT THIS LEVEL
UNLESS NOTED

ESSENTIAL
WINDOWS
BY MARVIN

MAIN FLOOR PLAN 1/4"
STREICH CUSTOM HOME DESIGN
1786 SQ. FT.

<p>STREICH CUSTOM HOME DESIGN Andover, MN 55304</p>	<p>RESIDENCE FOR: NELSON RESIDENCE</p>	<p>PRELIM DATE 5-18-21</p> <p>PRELIM REVISIONS 12-17-21</p>	<p>PLOT DATE</p>
	<p>NOTE: PLANS ARE PREPARED AS A GENERAL CONTRACTOR DRAFTING SERVICE ONLY. GENERAL CONTRACTOR SHALL VERIFY ALL BUILDING CODES, GRADES, ELEVATIONS, NOTES, AND CONFORMITY TO ALL APPLICABLE REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY POSSIBLE CHANGES OR CORRECTING PRIOR TO CONSTRUCTION.</p> <p>NOTE: ALL BEAMS AND STRUCTURAL MEMBER SIZES TO BE DETERMINED BY STRUCTURAL ENGINEER. APPROXIMATE BEAM SIZES ARE APPROXIMATE AND TO BE DETERMINED ON JOBSITE.</p>	<p>ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS. ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS SHOULD BE FIELD VERIFIED.</p>	<p>DESIGNED BY: JON STREICH</p>



CROSS SECTION A 1/4"
STREICH CUSTOM HOME DESIGN

PLOT DATE

PRELIM DATE
9-1-21

PRELIM REVISIONS

DESIGNED
BY: JON
STREICH

ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS. ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS SHOULD BE FIELD VERIFIED.

NOTE: THESE PLANS ARE PREPARED AS A DRAFTING SERVICE ONLY. GENERAL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING PERMITS, GRADING, ELEVATIONS, NOTES, AND CONFORMANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE CLIENT SHALL BE RESPONSIBLE FOR ANY POSSIBLE CHANGES OR CORRECTIONS PRIOR TO CONSTRUCTION.

NOTE: ALL BEAMS AND STRUCTURAL MEMBER SIZES AND SPACINGS ARE APPROXIMATE AND TO BE APPROVED BY THE ENGINEER AND CONTRACTOR. ROOM DIMENSIONS TO BE APPROXIMATE AND TO BE DETERMINED ON JOBSITE.

RESIDENCE FOR:

NELSON
RESIDENCE

STREICH
CUSTOM HOME DESIGN
ANDOVER, MN 55304

SHEET
6 of 6





Map #	Spp	DBH	Condition	Comments	x	y
1	White spruce	11	Poor	Limited canopy; declining health	-93.49365	44.942237
2	White spruce	14	Poor	Limited canopy; declining health	-93.49363	44.942294
3	Crabapple	12	Good		-93.49370	44.942311
4	River birch	9	Good	Multiple stems	-93.49393	44.942330
5	White pine	6	Good		-93.49403	44.942331
6	Boxelder	9	Fair	Limited canopy	-93.49423	44.942351
7	Bur oak	16	Fair	Declining health	-93.49423	44.942318
8	Bur oak	13	Fair	Limited canopy	-93.49423	44.942304
9	Ponderosa pine	15	Fair	Limited canopy	-93.49423	44.942243
10	Silver maple	54	Fair	Becoming over-mature	-93.49407	44.942173
11	Colorado blue spruc	5	Good		-93.49396	44.942197

Planning Commission Resolution No. 2022-

**Resolution approving an expansion permit for garage and living space additions
at 3326 Shores Blvd.**

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

Section 1. Background.

1.01 The subject property is located at 3326 Shores Blvd. It is legally described as:

The North 66.66 feet of the South 133.32 feet of Lots 24, 25, and 26, Block 14, Thorpe. Bros. Groveland Shores, Hennepin County, Minnesota

1.02 The property was platted in 1916, and the original home was constructed on the site in 1951. Both the property and the home predate the city's first subdivision and zoning ordinances. Both are non-conforming.

		REQUIRED	EXISTING*
LOT	Area	22,000 sq.ft.	10,800 sq.ft.
	Width at Right of Way	80 ft.	67 ft
	Width at Setback	110 ft.	67 ft.
HOUSE	Front Yard	35 ft.	35 ft.
	Side Yard	7 ft.	1.4 ft.
	Rear Yard	32 ft.	70.2 ft.

1.03 The property is defined as a small lot by City Code §300.10 Subd.7. By this same code, the property's required front yard setback is 35 feet, and the side yard setback is 7 feet.

1.04 The property owner, Chris Nelson, is proposing to add roughly 200 square feet of space to the front of the home. This space would be comprised of a garage area and an enclosed entry. These additions would maintain the existing non-conforming front and side yard setbacks. An expansion permit is required.

- 1.05 Minnesota Statute §462.357 Subd.1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
- 1.06 City Code §300.29 Subd.3(g) allows expansion of a non-conformity only by variance or expansion permit.
- 1.07 City Code §300.29 Subd.7(c) authorizes the planning commission to grant expansion permits.
- 1.08 An expansion permit was previously granted in 2020 for garage and living space additions. While there is little significant change between the 2020 and current proposal, it is different than what was previously approved, and the expansion permit resolution has expired, which requires a new expansion permit for both instances.

Section 2. Standards.

- 2.01 City Code §300.29 Subd.7(c) states that an expansion permit may be granted but is not mandated when an applicant meets the burden of proving that:
 - 1. The proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
 - 2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and
 - 3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

- 3.01 The proposal meets the expansion permit standards outlined in City Code:
 - 1. Reasonableness: The proposed intrusions into the required setbacks are reasonable. They would total approximately 10 square feet, which is less than one percent of the total footprint of the home. These intrusions would not be discernable to the naked eye.
 - 2. Unique Circumstance: The subject property is just 10,800 sq. ft. in size and 67 feet in width, and the home is set back just 1.4 feet from the south side property line. These existing non-conformities, together with the 17-foot wide boulevard area between the front property line and the paved surface of Shores Boulevard, create a unique circumstance.

3. Neighborhood Character: The proposed additions would not negatively impact the existing character of the neighborhood. In fact, the proposed setbacks would be similar to others already existing in the area. Several properties on Shores Boulevard have reduced side yard setbacks based on approved variances, approved expansion permits, or simply due to existing non-conformities.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance based on the findings outlined in Section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - The survey, latest revision, dated April 15, 2022
 - The building plans and elevations attached to Planning Commission Staff Report, dated January 3, 2022
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) The applicant must confirm the total land disturbance area (excavation) and total impervious surface on the site. If disturbance exceeds 50 cubic yards or 5,000 square feet, stormwater treatment is required. If required, a stormwater best management practice (BMP) must be installed to capture 1-inch of runoff over the new site's impervious area and must draw down in 48 hours. This requirement can be achieved using a rain garden. If a rain garden is used, a simple hand sketch of the location of the rain garden and the survey with dimensions is sufficient.
 - c) The applicant must confirm the low floor elevation of the additions. Minimum low floor elevation is 938.2.
 - d) The applicant must confirm the proposed tree removals by submitting the following:
 - A tree mitigation plan. The plan must meet mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans, the allowed tree removal would be three (3) high-priority trees. The single significant tree (multi-stem river birch) would not meet the city ordinance for removal. The

mitigation requirements are unclear based upon the submitted plans.

- e) Submit a cash escrow in an amount to be determined by city staff. At the time of this approval, the amount is \$1,000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
 - f) Install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measured as identified as the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - g) Outstanding 2022 property taxes must be paid.
3. This variance will end on Dec. 31, 2023, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 26, 2022.

Josh Sewall, Chairperson

Attest:

Fiona Golden, Deputy 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 Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 26, 2022.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
May 26, 2022

Brief Description	Preliminary plat for a two-lot subdivision at 2326 Oakland Road
Recommendation	Recommend the city council adopt the approving the preliminary plat.

Background

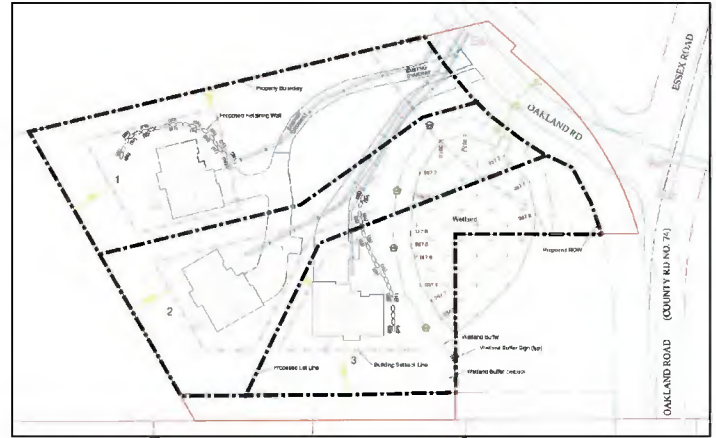
In [April 2022](#), the planning commission considered a proposal from Weber 3, LLC to subdivide the property at 2326 Oakland Road. As proposed, the existing home would be removed, and three lots would be created. The lots would be accessed via private driveways off of Oakland Road. The proposal requires approval of a preliminary plat with three, lot width at setback variances. At that meeting, the planning commission recommended the city council deny the proposal.

Staff recommended denial of the request finding that there were no circumstances unique to the property that would justify the variances. Rather, the necessary variances were caused by the landowner's desire to achieve three lots.

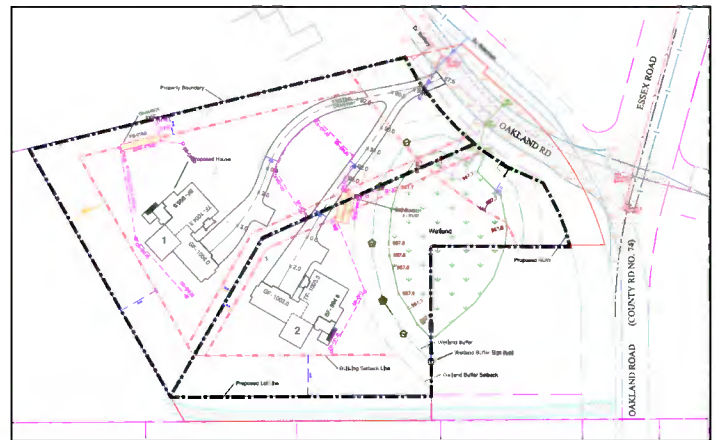
Weber 3, LLC has now submitted a proposal to divide the property into two lots.

Proposal Summary

The following is intended to summarize the applicant's proposal. Additional information associated with the proposal can be found in the "Supporting Information" section of this report.



Original Proposal



Current Proposal

- **Existing Site Conditions.** The 2.5-acre subject property is located on the west side of Oakland Road, at its intersection with Essex Road. The site includes a single-family home constructed in 1938 and an accessory building. These structures are situated at the highest point of the site; the site slopes downward in all directions from this knoll. A manage 1 wetland is located in the eastern portion of the site. Upland areas include many mature trees, including oak, ash, and basswood.

- **Proposed Site Conditions.** Earthwork would be necessary to construct the proposed homes, driveways, sewer and water services, and stormwater management facilities. Generally, the existing knoll would be decreased in height. In some areas, up to two feet of excavation would occur, and in other areas, up to two feet of fill. Staff anticipates that this earthwork would result in the removal of 33 percent of the site’s high-priority trees and 13 percent of the significant trees.

Primary Questions and Analysis

A land-use proposal is comprised of many details. These details are reviewed by members of the city’s economic development, engineering, fire, legal, natural resources, planning, and public works departments and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborative efforts of this larger staff review team.

- **Is the proposal consistent with the city code?**

Yes. The proposed lots would meet the standards of the subdivision ordinance.

	Area		Width		Depth
	Total	Buildable	At ROW	At Setback	
Required	22,000 sq.ft.	3,500 sq.ft.	80 ft.	110 ft.	125 ft.
Lot 1	60,745 sq.ft.	34,180 sq.ft.	105 ft.	115 ft.	370 ft.
Lot 2	49,210 sq.ft.	15,015 sq.ft.	135 ft.	115 ft.	380 ft.

All numbers rounded down to nears 5 sq. ft. or 5 ft.

Further, the subdivision would result in tree removal/impact below the allowable thresholds established by the tree protection ordinance.

	Existing Trees*	Removal allowed by Code*	Removal based on Plans*
High Priority	118	35% (41 trees)	33% (39 trees)
Significant	168	55% (84 trees)	13% (22 trees)

*excluding ash

- **Should the subdivision involve more property?**

Only if agreeable to the owners of all properties affected. The subject property is situated immediately east of two residential properties, which are accessed via a private driveway easement: 2400 and 2402 Oakland Road. These properties are considered non-conforming under the subdivision ordinance, as they do not have frontage on an improved public right-of-way.¹

¹ Staff cannot find any city records that indicate how the properties were created. However, historical photos suggest that the homes at 2400 and 2402 Oakland Road were constructed prior to 1960. The city’s first subdivision ordinance was adopted in 1967. With that adoption, and to present day, the city has required that newly created lots have a certain amount of frontage on a public street.

The owner of 2400 Oakland Road has long advocated for an extension of a public right-of-way in order to facilitate the development of that lot. To date, such development has been theoretical only, as detailed plans have not been completed to suggest that 2400 Oakland Road could be divided and meet the lot area and dimension standards of the city's subdivision ordinance, as well as provisions of the tree ordinance.²



When a property develops, it has been the practice of the city to consider future adjacent development and to plan for such development. As part of some development proposals, the city has required the extension of public right-of-way through the development site to either: (1) facilitate future development of large tracts of land adjoining the site; or (2) connect existing roadways in order to benefit vehicle and pedestrian movement, the provision of public services, and a general sense of community. In this case, an extension of right-of-way through the Weber 3 parcel would not promote either.

On several occasions, staff has indicated that the city would certainly consider a larger development proposal presented in cooperation with the owners of all properties – 2400, 2402, and 2326 Oakland Road. To date, the city has not received anything to suggest that all owners are in agreement.

Staff Recommendation

Recommend the city council adopt the resolution approving a preliminary plat for a three-lot subdivision at 2326 Oakland Road.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

² While area and dimension calculations can generally be made with basic lot diagrams, impacts to trees can only be evaluated after detailed tree inventories and plans, particularly grading plans, are submitted for staff review.

Supporting Information

Surrounding Land Uses

The property is surrounded by single-family homes, zoned R-1.

Planning

Guide Plan designation: low-density residential
Existing Zoning: R-1

Natural Resources

The subject property contains a variety of natural resources.

- **Topography.** An existing home sits at the highest point of the property, which slopes downward in all directions from this knoll. Earthwork would be necessary for the construction of the proposed homes, driveways, sewer and water services, and stormwater management facilities. Generally, the existing knoll would be decreased in height. In some areas, up to two feet of exaction would occur, and in other areas, up to two feet of fill.
- **Trees.** The subject property is not a woodland preservation area. However, it contains many mature trees, including oak, ash, and basswood. The submitted plans would result in the removal of 33 percent of the high priority trees on-site and 13 percent of significant trees, both numbers meeting tree protection ordinance standards.
- **Wetland.** A manage 1 wetland is located south of the property's existing driveway, adjacent to Oakland Road. No wetland alteration is proposed. The proposed plans would meet all provisions of the city's wetland protection ordinance.
- **Floodplain.** There is a 100-year floodplain area surrounding the wetland. No floodplain alteration is proposed.

Stormwater

As a two-lot subdivision, the proposal is required to meet city stormwater rules pertain in volume control. This rule can generally be met through the use of rain gardens. The submitted plans suggest that runoff from the new home sites would be directed to underground stormwater chambers, generally located around the home pads and driveways. While chambers would certainly work, staff would suggest the applicant consider rain gardens, which are much easier for single-family homeowners to maintain.

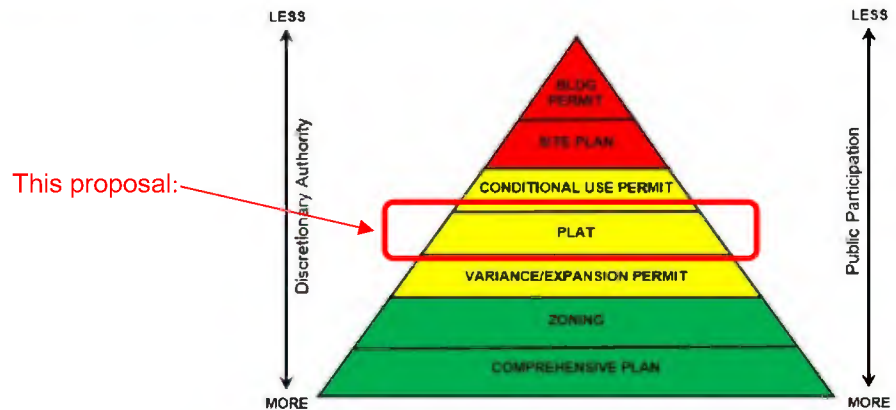
Utilities

Public sewer and water are available in Oakland Road. The subject property and the two properties immediately to the west – 2402 and 2400 Oakland Road – are not connected to city sewer or water. In the event that a subdivision of the subject property is approved, staff would want to discuss with the applicant and the owner of 2402 Oakland Road opportunities for providing these public utilities. Based on existing topography, utilities to 2400 Oakland Road would not be

viable from the east but could be provided via existing easements to the south and west.



Pyramid of Discretion



Neighborhood Comments

The city sent notices to 30 area property owners in conjunction with the updated/two-lot plan. No written comments have been received to date.

Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation requires the affirmative vote of a simple majority. The planning commission has three options:

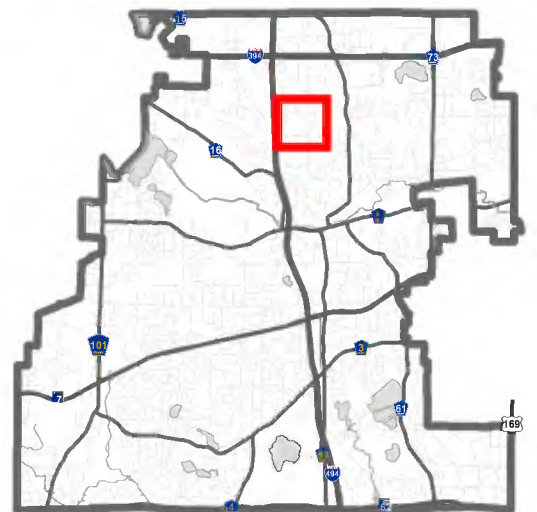
- 1) Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the preliminary plat.
- 2) Disagree with the staff recommendation. In this case, a motion should be recommending the city council deny the subdivision proposal. 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.

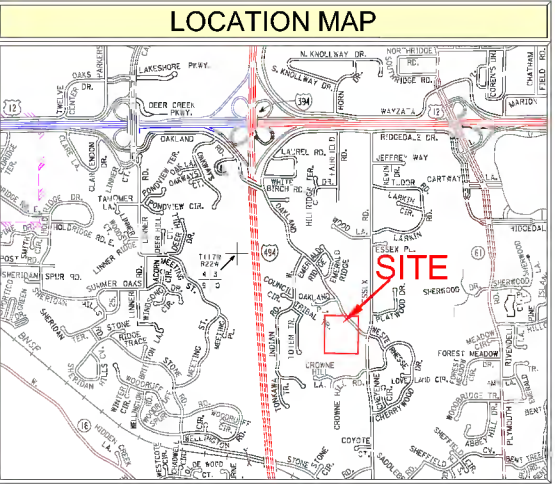
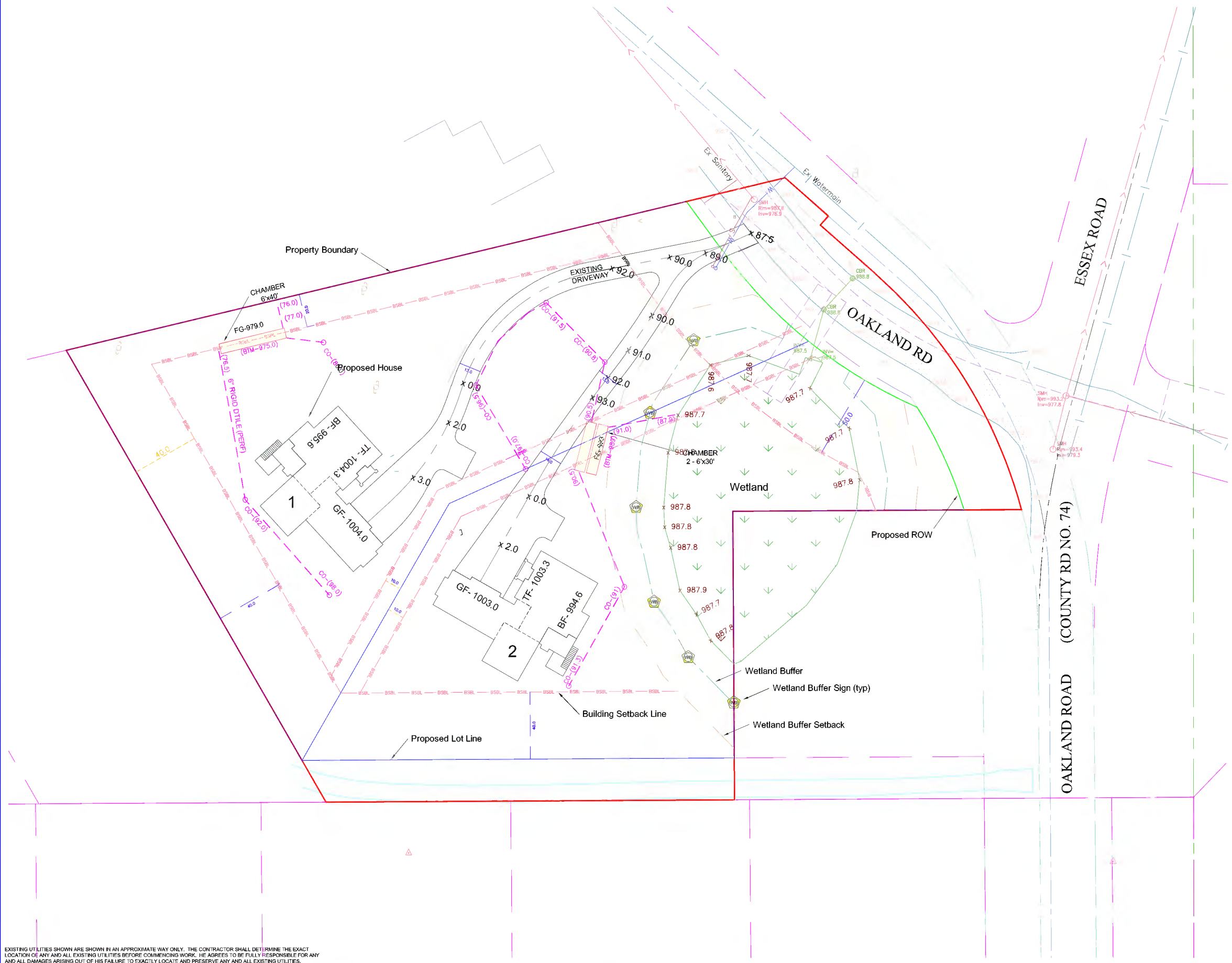
Deadline for Action **Aug. 22, 2022**



Location Map

Project: Weber 3, LLC
Address: 2326 Oakland Road





SHEET INDEX TABLE	
SHEET	Description
SP	Site Plan
ALTA	ALTA Survey
PP	Preliminary Plat
UP	Preliminary Utility Plan
GP	Preliminary Grading & Erosion Control Plan
TS	Tree Survey

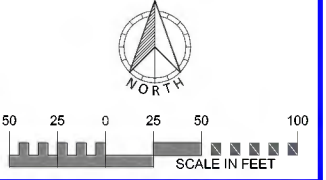
Design Data:

Proposed 3 Single Family Lots

Zoning: R-1 (low density residential)
Minimum Lot Area: 22,000 sq. ft.

Fysb: 35 feet (minimum)
Sysb: 10 feet (minimum) 30 feet (total)
Rysb: 40 feet (minimum)

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATIRE.COM	DEVELOPER WEBER 3, LLC 1805 WEST LAKE STREET UNIT 101 MINNEAPOLIS, MN 55408 CONTACT: JAMES MACKINNON PHONE: (612) 599-5111 EMAIL: JAMESMACKINNON@GMAIL.COM



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DRAWING NAME	NO.	BY	DATE	REVISION
XXX	1	RSM	1/26/2022	PRELIMINARY PLAT APP #2
DRAWN	2	RSM	4/28/2022	PRELIMINARY PLAT APP #3 (2 LOT)
XXX				
CHECKED				
XXX				
DATE				
XXXXXX				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 01/19/22 Lic. No. 26428

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

 MINNETONKA, MINNESOTA

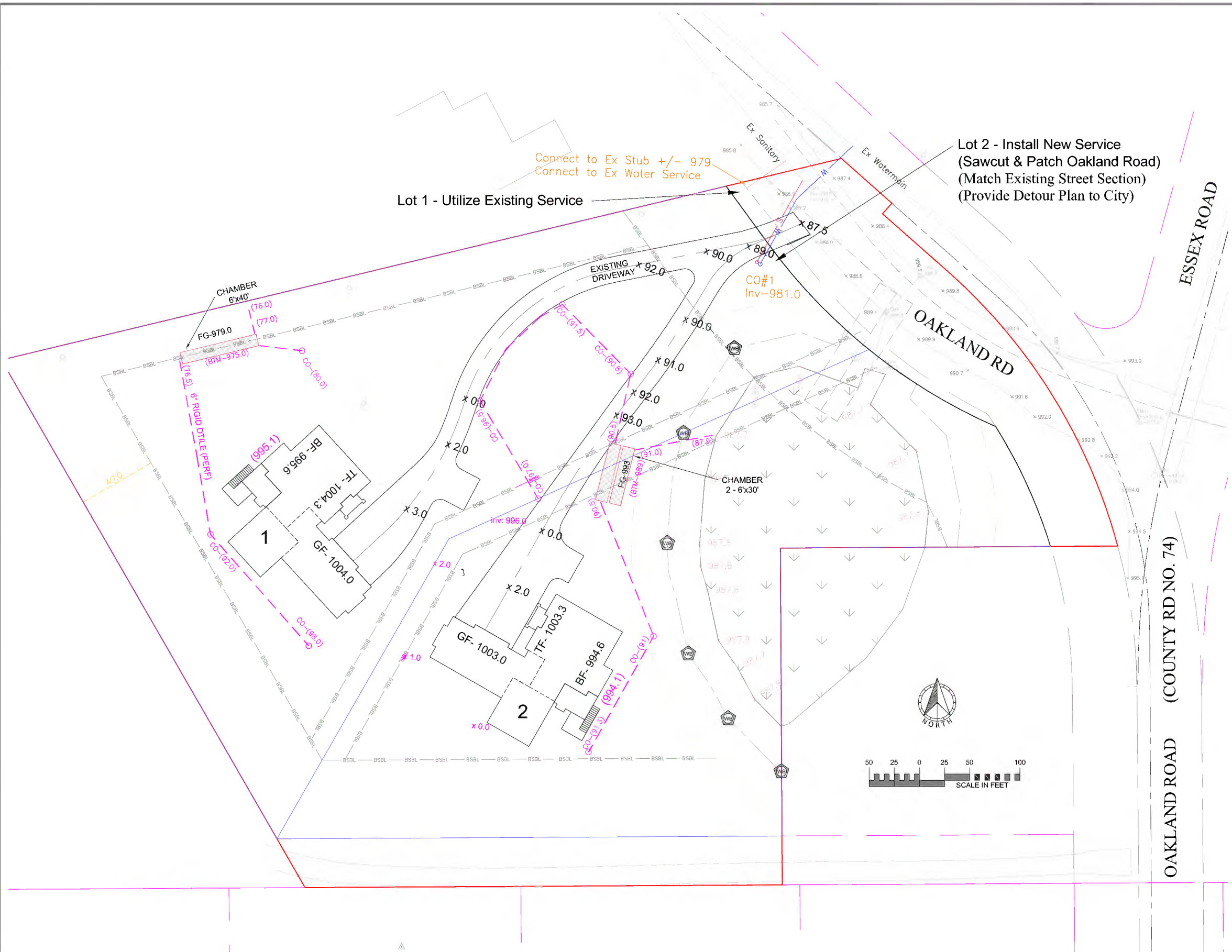
PRELIMINARY SITE PLAN

WEBER 3
WEBER 3, LLC.

FILE NO.
 54578-001
 SP
 X

Notes:

1. Sanitary Sewer Services - 6" PVC SDR 26, (Plate 440)
2. 6" Cleanout w/CAP (Plate 400)
3. 1.5" Copper Water Service (Plate 510)
(Will the City allow HDPE?)



Lot 1 - Utilize Existing Service
 Connect to Ex Stub +/- 979
 Connect to Ex Water Service

Lot 2 - Install New Service
 (Sawcut & Patch Oakland Road)
 (Match Existing Street Section)
 (Provide Detour Plan to City)

ESSEX ROAD
 OAKLAND ROAD (COUNTY RD NO. 74)

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATIRE.COM	DEVELOPER WEBER 3, LLC 1805 WEST LAKE STREET UNIT 101 MINNEAPOLIS, MN 55408 CONTACT: JAMES MACKINNON PHONE: (612) 599-5111 EMAIL: JAMESMACKINNON@GMAIL.COM

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DRAWING NAME	NO.	BY	DATE	REVISION
XXX	1	RSM	1/26/2022	PRELIMINARY PLAT APP #2
DRAWN	2	RSM	4/28/2022	PRELIMINARY PLAT APP #3 (2 LOT)
XXX				
CHECKED				
XXX				
DATE				
XXXXXX				

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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 01/19/22 Lic. No. 26428


SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

 MINNETONKA,
 MINNESOTA

PRELIMINARY UTILITY PLAN
WEBER 3
WEBER 3, LLC.

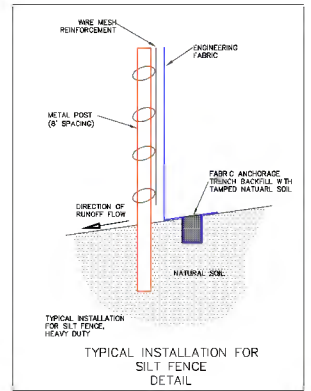
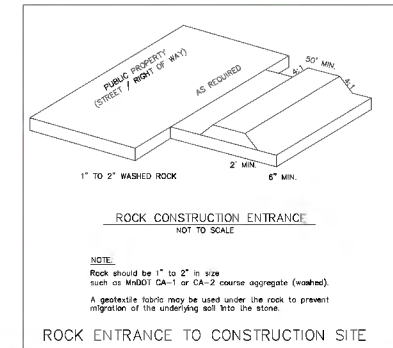
FILE NO.
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SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-RAP		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
DRAIN FLOW RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SILT FENCE (PRE CONSTRUCTION)		
SILT FENCE (POST CONSTRUCTION)		
SPOT ELEVATION		
TBC SPOT ELEVATION		

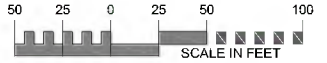


- GENERAL NOTES:
- THE GRADING CONTRACTOR IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE MPCA STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE EMAILED TO THE ENGINEER AND DEVELOPER ON A WEEKLY BASIS.
 - THE CONTRACTOR SHALL PLACE INLET PROTECTION DEVICES IN ACCORDANCE WITH THE CITY OF MINNETONKA DETAIL FOR ALL STORM SEWER INLETS AND MAINTAIN THEM AS AN EFFECTIVE SILT CONTROL DEVICE. INLET PROTECTION SHALL BE REMOVED WHEN RESTORATION HAS BEEN ESTABLISHED.
 - ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
 - A 1'-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL)
 - THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 - THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 - EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 - BUILDING PADS ARE 6" DEEP, UNLESS OTHERWISE NOTED. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS.

- CONSTRUCTION NOTES
- INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF MINNETONKA OR DIRECTED BY THE ENGINEER.
 - INSPECT SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 - WO PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
- RESTORATION - 0.90 ACRES TOTAL (NEED TO SUBTRACT DRIVEWAY AREA)
- RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC MT RL.
 - SEED ALL OTHER DISTURBED AREAS WITH RESIDENTIAL TURF 270 AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
 - ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
 - MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 3:1 (FT) OR GREATER.
 - MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
 - RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
 - ALL WETLAND BUFFERS AND FULL CONSERVATION EASEMENT SHALL BE FULLY ESTABLISHED IN NATIVE VEGETATION BY A QUALIFIED RESTORATION COMPANY. NO TURF OR LAWN MAINTENANCE ACTIVITIES ARE ALLOWED WITHIN THE BUFFER AREAS. ANY EROSION BLANKET INSIDE THE CONSERVATION EASEMENT MUST BE FULLY BIODEGRADABLE SUCH AS S31BD OR S32BD.
- GRADE BACK 1:1 - 3' FROM FACE OF ALL RETAINING WALLS
 - SILT FENCE - BEFORE GRADING - 1,705 LF AFTER GRADING - XXX LF



Note:
For Weber 3, each homesite will be designed with a custom house to fit the lot. Therefore each bui'der will need to design the stormwater treatment system to meet the requirements of the City and Watershed. The landscaping plan will also need to address the tree replacement requirements, so each bui'der will need to submit a certificate of survey, stormwater management plan, retaining wall design and structural analysis, and a detailed landscaping plan.



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DRAWING NAME	NO.	BY	DATE	REVISION
XXX	1	RSM	1/26/2022	PRELIMINARY PLAT APP #2
DRAWN	2	RSM	4/28/2022	PRELIMINARY PLAT APP #3 (2 LOT)
XXX				
CHECKED				
XXX				
DATE				
XXXXXX				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 01/19/22 Lic. No. 26428

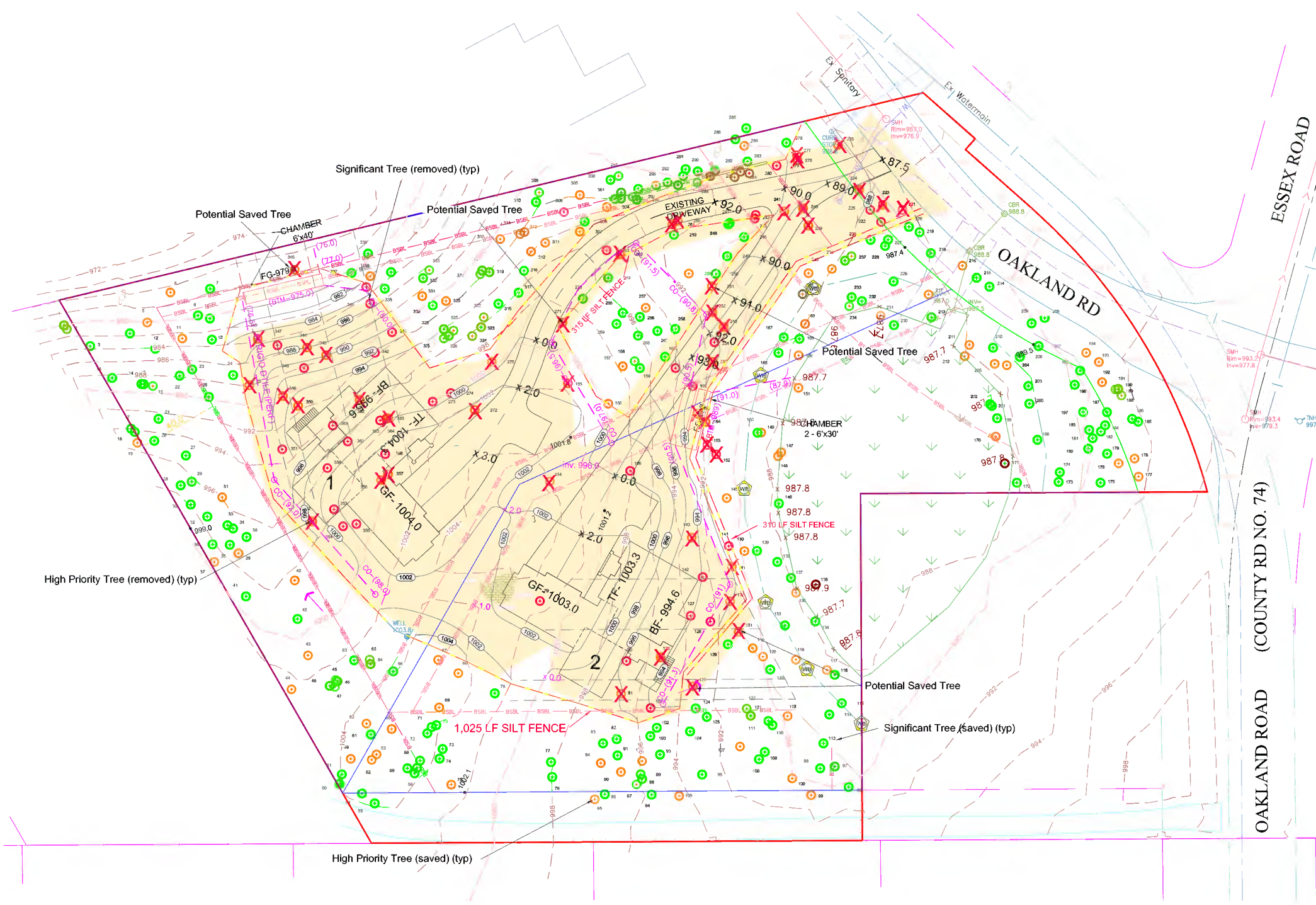


SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
MINNETONKA, MINNESOTA

PRELIMINARY GRADING & EROSION CONTROL PLAN
WEBER 3
WEBER 3, LLC.

FILE NO.
54578-001
GP
X



- ✖ DENOTES REMOVED HIGH PRIORITY TREES
- DENOTES SAVED HIGH PRIORITY TREES
- ⊖ DENOTES REMOVED SIGNIFICANT TREES
- ⊕ DENOTES SAVED SIGNIFICANT TREES

*POTENTIAL SAVED TREES ARE BEING COUNTED AS REMOVED IN CALCULATIONS BUT MAY BE ABLE TO BE SAVED IN THE FIELD

Denotes "Basic Tree Removal Area" (per City Code- 314. Tree Protection)

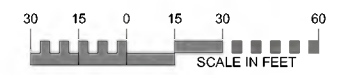
City Code Section 314. - Tree Protection
 "Basic Tree Removal Area" -consists of the following:

1. Within the areas improved for reasonably-sized driveways, parking areas, and structures without frost footings and within ten feet around those improvements;
2. Within the footprints of, and 20 feet around, buildings with frost footings;
3. Within the footprints of, and 10 feet around, structures with post footings such as decks or porches, if the structure is located at or outside of the area allowed by paragraph (a)(2) of this subdivision 5; and
4. In areas where trees are being removed for ecological restoration in accordance with a city-approved restoration plan

Allowable Tree Removal %
 High Priority Trees = 35%
 Significant Trees = 50%

Mitigation Required for: (Per City Code 314. Tree Protection)

- High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.
- High priority and significant trees removed for surface stormwater practices.



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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 01/19/22 Lic. No. 26428



SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

 MINNETONKA,
 MINNESOTA

PRELIMINARY TREE SURVEY
WEBER 3
WEBER 3, LLC.

FILE NO.
 54578-001
TS
 X

Tree #	Species	Significant	High Priority	DBH	Conifer Height	Saved	Removed	Exempt
2	Ironwood	Yes	Yes	10.5			10.5	Off Site
5	Ironwood	Yes	Yes	11.5	11.5			
6	Oak, red	Yes	Yes	19.5	19.5			
11	Oak, pin	Yes	Yes	24.5	24.5			
15	Oak, white	Yes	Yes	13.5	13.5			
19	Oak, bur	Yes	Yes	22.0	22.0			
25	Oak, bur	Yes	Yes	24.0			24.0	Basic Tree Removal Area
31	Ash, green	Yes	Yes	14.0	14.0			
37	Oak, red	Yes	Yes	11.5	11.5			
39	Oak, red	Yes	Yes	35.0	35.0			
40	Elm, American	Yes	Yes	10.5	10.5			
43	Boxelder	Yes	Yes	14.0	14.0			
44	Cherry, black	Yes	Yes	26.5	26.5			
45	Oak, red	Yes	Yes	13.0	13.0			
47	Oak, red	Yes	Yes	18.0	18.0			
49	Basswood	Yes	Yes	56.5	56.5			
52	Basswood	Yes	Yes	10.0	10.0			
53	Basswood	Yes	Yes	21.0	21.0			
60	Cherry, black	Yes	Yes	16.0	16.0			
62	Basswood	Yes	Yes	11.5	11.5			
65	Elm, American	Yes	Yes	22.0	22.0			
67	Oak, white	Yes	Yes	38.5	38.5			
68	Cherry, black	Yes	Yes	14.5	14.5			
69	Basswood	Yes	Yes	10.0	10.0			
75	Oak, white	Yes	Yes	25.0	25.0			
81	Ash, green	Yes	Yes	16.0			16.0	Basic Tree Removal Area
84	Oak, red	Yes	Yes	17.0	17.0			
85	Oak, red	Yes	Yes	11.5	11.5			
87	Ash, green	Yes	Yes	11.0	11.0			
90	Oak, red	Yes	Yes	15.0	15.0			
92	Ash, green	Yes	Yes	12.0	12.0			
99	Ash, green	Yes	Yes	21.0	21.0			
100	Ash, green	Yes	Yes	14.5	14.5			
105	Basswood	Yes	Yes	12.0	12.0			
107	Cherry, black	Yes	Yes	11.5	11.5			
112	Ash, green	Yes	Yes	15.0	15.0			
117	Ash, green	Yes	Yes	14.5	14.5			
118	Ash, green	Yes	Yes	14.0	14.0			
120	Oak, bur	Yes	Yes	15.5	15.5			
122	Basswood	Yes	Yes	24.0	24.0			
125	Ash, green	Yes	Yes	14.5			14.5	Potential Save*
126	Basswood	Yes	Yes	54.0			54.0	Basic Tree Removal Area
130	Ash, green	Yes	Yes	13.0	13.0			
131	Oak, bur	Yes	Yes	28.5			28.5	Potential Save*
132	Oak, red	Yes	Yes	14.0			14.0	Basic Tree Removal Area
136	Elm, American	Yes	Yes	14.0	14.0			
140	Oak, red	Yes	Yes	19.5	19.5			
141	Ash, green	Yes	Yes	13.0			13.0	Basic Tree Removal Area
143	Maple, silver	Yes	Yes	36.0			36.0	Basic Tree Removal Area
145	Ash, green	Yes	Yes	17.0	17.0			
147	Maple, silver	Yes	Yes	21.0	21.0			
148	Maple, silver	Yes	Yes	13.5	13.5			
149	Basswood	Yes	Yes	17.0	17.0			
151	Ash, green	Yes	Yes	12.0	12.0			
152	Basswood	Yes	Yes	16.0			16.0	Basic Tree Removal Area
153	Crabapple	Yes	Yes	12.0			12.0	Basic Tree Removal Area
154	Oak, white	Yes	Yes	28.5			28.5	Basic Tree Removal Area
155	Oak, bur	Yes	Yes	26.0			26.0	Basic Tree Removal Area
156	Ash, green	Yes	Yes	12.5	12.5			
157	Basswood	Yes	Yes	16.5	16.5			
158	Oak, white	Yes	Yes	29.5	29.5			
163	Basswood	Yes	Yes	24.5			24.5	Basic Tree Removal Area
164	Oak, red	Yes	Yes	10.0			10.0	
166	Aspen	Yes	Yes	11.5	11.5			
169	Ash, green	Yes	Yes	12.5	12.5			
170	Ash, green	Yes	Yes	12.0	12.0			
176	Ash, green	Yes	Yes	14.0	14.0			
177	Oak, bur	Yes	Yes	11.0	11.0			
178	Basswood	Yes	Yes	18.0	18.0			
188	Oak, red	Yes	Yes	14.5	14.5			

Tree #	Species	Significant	High Priority	DBH	Conifer Height	Saved	Removed	Exempt
191	Oak, red	Yes	Yes	18.0	18.0			
192	Oak, red	Yes	Yes	15.5	15.5			
193	Oak, red	Yes	Yes	15.0	15.0			
194	Oak, red	Yes	Yes	11.0	11.0			
204	Ash, green	Yes	Yes	13.0	13.0			
205	Ash, green	Yes	Yes	23.0	23.0			
211	Ash, green	Yes	Yes	13.0	13.0			
212	Ash, green	Yes	Yes	22.5	22.5			
216	Oak, red	Yes	Yes	11.0	11.0			
217	Ash, green	Yes	Yes	18.5	18.5			
221	Ash, green	Yes	Yes	13.0			13.0	Basic Tree Removal Area
223	Ash, green	Yes	Yes	11.0			11.0	Basic Tree Removal Area
224	Ironwood	Yes	Yes	15.5			15.5	Basic Tree Removal Area
225	Oak, white	Yes	Yes	17.5			17.5	Basic Tree Removal Area
231	Ash, green	Yes	Yes	14.5	14.5			
233	Ash, green	Yes	Yes	10.0	10.0			
234	Ash, green	Yes	Yes	26.0	26.0			
235	Ash, green	Yes	Yes	13.5	13.5			
237	Aspen	Yes	Yes	13.5	13.5			
239	Aspen	Yes	Yes	11.5			11.5	Basic Tree Removal Area
240	Aspen	Yes	Yes	14.0			14.0	Basic Tree Removal Area
241	Ironwood	Yes	Yes	11.5			11.5	Basic Tree Removal Area
244	Oak, red	Yes	Yes	13.5	13.5			
245	Oak, red	Yes	Yes	12.5	12.5			
251	Oak, bur	Yes	Yes	22.5			22.5	Potential Save*
252	Oak, bur	Yes	Yes	22.5			22.5	Basic Tree Removal Area
253	Elm, American	Yes	Yes	14.5			14.5	Basic Tree Removal Area
255	Aspen	Yes	Yes	25.0			25.0	Basic Tree Removal Area
257	Oak, red	Yes	Yes	13.0	13.0			
258	Oak, bur	Yes	Yes	21.0	21.0			
260	Aspen	Yes	Yes	14.0			14.0	Basic Tree Removal Area
261	Basswood	Yes	Yes	15.0			15.0	Basic Tree Removal Area
262	Aspen	Yes	Yes	14.5			14.5	Basic Tree Removal Area
271	Oak, red	Yes	Yes	26.0			26.0	Potential Save*
272	Oak, bur	Yes	Yes	23.5			23.5	Basic Tree Removal Area
275	Oak, bur	Yes	Yes	28.0			28.0	Basic Tree Removal Area
276	Ironwood	Yes	Yes	12.0			12.0	Basic Tree Removal Area
277	Ironwood	Yes	Yes	10.5			10.5	Basic Tree Removal Area
284	Oak, red	Yes	Yes	13.5	13.5			
289	Elm, American	Yes	Yes	10.0	10.0			
295	Ash, green	Yes	Yes	16.0	16.0			
297	Ash, green	Yes	Yes	17.0	17.0			
299	Oak, red	Yes	Yes	15.0	15.0			
304	Elm, American	Yes	Yes	15.0	15.0			
305	Oak, red	Yes	Yes	21.0	21.0			
307	Elm, American	Yes	Yes	13.5	13.5			
308	Ironwood	Yes	Yes	12.0	12.0			
309	Oak, red	Yes	Yes	11.5	11.5			
311	Ironwood	Yes	Yes	12.5	12.5			
312	Cherry, black	Yes	Yes	14.5	14.5			
313	Aspen	Yes	Yes	11.5	11.5			
314	Ironwood	Yes	Yes	18.5	18.5			
315	Aspen	Yes	Yes	14.0	14.0			
321	Ironwood	Yes	Yes	11.5	11.5			
322	Oak, red	Yes	Yes	11.5	11.5			
324	Oak, red	Yes	Yes	12.0	12.0			
325	Oak, red	Yes	Yes	13.0	13.0			
327	Oak, red	Yes	Yes	21.0	21.0			
329	Oak, red	Yes	Yes	13.5	13.5			
331	Oak, red	Yes	Yes	24.5	24.5			
333	Ironwood	Yes	Yes	12.0	12.0			
338	Aspen	No	Yes	13.5	13.5			
343	Birch, paper	Yes	Yes	15.5			15.5	Basic Tree Removal Area
344	Ironwood	Yes	Yes	10.5			10.5	Basic Tree Removal Area
345	Ash, green	Yes	Yes	10.5			10.5	Potential Save*
346	Boxelder	Yes	Yes	22.0			22.0	Basic Tree Removal Area
349	Ash, green	Yes	Yes	12.0	12.0			
350	Ash, green	Yes	Yes	14.0	14.0			
352	Oak, bur	Yes	Yes	27.0			27.0	Basic Tree Removal Area
356	Elm, red	Yes	Yes	13.5			13.5	Basic Tree Removal Area
357	Elm, American	Yes	Yes	12.5			12.5	Basic Tree Removal Area
362	Ash, green	Yes	Yes	13.5			13.5	Basic Tree Removal Area
365	Spruce, white	Yes	Yes	4.0	25 ft		4.0	Basic Tree Removal Area
Total Trees				2396.5	1592.0	20.5	769.5	
				143.0	98.0	2.0	42.0	

High Priority Trees :	143	2396.5 Cal Inches Total
Allowable Removal (35%) :	50	790.0 Cal Inches Removed (Removed + Exempt)
High Priority Removal :	44	769.5 Cal Inches Exempt
		21 Cal Inches Net (Removed-Exempt)
		(21/2/2) =(2" Trees) = 11

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SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO. ---
MINNETONKA, MINNESOTA

**PRELIMINARY TREE SURVEY-
 HIGH PRIORITY TREES
 WEBER 3
 WEBER 3, LLC.**

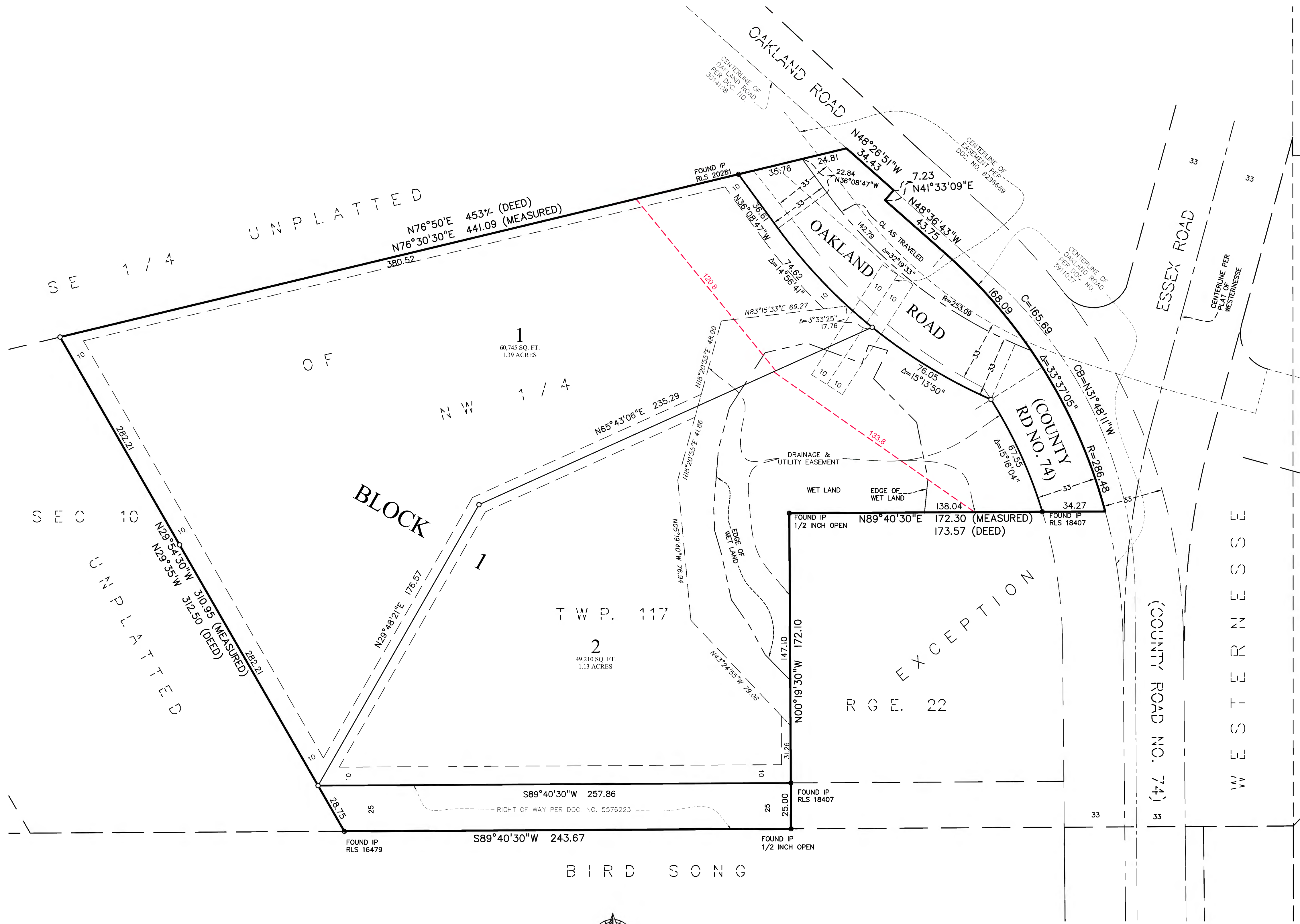
FILE NO.
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Tree #	Species	Significant	High Priority	DBH	Conifer Height	Saved	Removed	Exempt
1	Ironwood	Yes	No	7.5			7.5	Offsite
3	Ironwood	No	No	4.5	4.5			
4	Ironwood	Yes	No	4.5	4.5			
7	Ironwood	Yes	No	6.5	6.5			
8	Ironwood	Yes	No	5.5	5.5			
9	Ironwood	Yes	No	4.5	4.5			
10	Ironwood	Yes	No	5.5	5.5			
12	Ironwood	Yes	No	8.0	8.0			
13	Ironwood	Yes	No	7.0	7.0			
14	Ironwood	No	No	5.5	5.5			
16	Ironwood	No	No	6.0	6.0			
17	Ironwood	Yes	No	5.0			5.0	Offsite
18	Ironwood	Yes	No	5.0			5.0	Offsite
20	Basswood	Yes	No	5.5	5.5			
21	Ironwood	Yes	No	5.0	5.0			
22	Ironwood	Yes	No	6.5	6.5			
23	Ironwood	Yes	No	6.5	6.5			
24	Elm, American	No	No	18.0	18.0			
26	Ash, green	Yes	No	7.5	7.5			
27	Ironwood	Yes	No	9.5	9.5			
28	Ironwood	No	No	8.5	8.5			
29	Cherry, black	Yes	No	6.0	6.0			
30	Cherry, black	Yes	No	5.5	5.5			
32	Ironwood	Yes	No	7.5	7.5			
33	Ironwood	Yes	No	5.0	5.0			
34	Ironwood	Yes	No	5.5	5.5			
35	Oak, bur	Yes	No	4.0	4.0			
36	Ironwood	Yes	No	4.0	4.0			
38	Ironwood	Yes	No	7.0	7.0			
41	Oak, bur	Yes	No	5.0	5.0			
42	Elm, American	Yes	No	9.0	9.0			
46	Elm, American	Yes	No	9.0	9.0			
48	Oak, red	Yes	No	4.0	4.0			
50	Ironwood	Yes	No	8.0	8.0			
51	Ironwood	Yes	No	7.5	7.5			
54	Ironwood	Yes	No	5.0	5.0			
55	Ironwood	Yes	No	5.0	5.0			
56	Elm, red	Yes	No	8.0	8.0			
57	Ironwood	Yes	No	4.0	4.0			
58	Ironwood	Yes	No	5.0	5.0			
59	Ironwood	Yes	No	4.5	4.5			
61	Cherry, black	No	No	6.0	6.0			
63	Ironwood	Yes	No	5.5	5.5			
64	Ironwood	Yes	No	5.0	5.0			
66	Elm, American	Yes	No	5.0	5.0			
70	Ironwood	Yes	No	5.0	5.0			
71	Ironwood	Yes	No	4.5	4.5			
72	Ironwood	Yes	No	5.5	5.5			
73	Ironwood	Yes	No	7.0	7.0			
74	Ironwood	Yes	No	5.5	5.5			
76	Ironwood	Yes	No	8.0	8.0			
77	Ironwood	Yes	No	4.5	4.5			
78	Ash, green	Yes	No	8.0	8.0			
79	Oak, white	No	No	34.5			34.5	Basic Tree Removal Area
80	Ironwood	Yes	No	7.5			7.5	Basic Tree Removal Area
82	Ironwood	Yes	No	6.0	6.0			
83	Ironwood	Yes	No	7.0	7.0			
86	Oak, red	Yes	No	8.5	8.5			
88	Ironwood	Yes	No	6.0	6.0			
89	Ironwood	Yes	No	4.0	4.0			
91	Elm, American	Yes	No	4.0	4.0			
93	Ironwood	Yes	No	5.0	5.0			
94	Ironwood	Yes	No	6.0	6.0			
95	Ironwood	Yes	No	5.0	5.0			
96	Ash, green	Yes	No	9.5	9.5			
97	Ash, green	Yes	No	6.0	6.0			
98	Ash, green	Yes	No	6.5	6.5			
101	Ironwood	Yes	No	5.5			5.5	Basic Tree Removal Area
102	Ironwood	Yes	No	5.0	5.0			
103	Ironwood	Yes	No	5.0	5.0			
104	Ironwood	Yes	No	5.0	5.0			
106	Crabapple	Yes	No	12.0			12.0	Basic Tree Removal Area
108	Ironwood	Yes	No	5.0	5.0			
109	Ironwood	Yes	No	6.5	6.5			
110	Ironwood	Yes	No	5.0	5.0			
111	Ash, green	Yes	No	4.0	4.0			
113	Elm, red	Yes	No	4.5	4.5			

Tree #	Species	Significant	High Priority	DBH	Conifer Height	Saved	Removed	Exempt
114	Elm, red	No	No	6.5	6.5			
115	Elm, red	Yes	No	7.5	7.5			
116	Ash, green	Yes	No	5.0	5.0			
119	Ironwood	Yes	No	5.0	5.0			
121	Ironwood	No	No	5.0	5.0			
123	Ironwood	Yes	No	6.0	6.0			
124	Ironwood	Yes	No	6.0	6.0			
127	Ironwood	Yes	No	8.0			8.0	Basic Tree Removal Area
128	Ironwood	Yes	No	4.0			4.0	Basic Tree Removal Area
129	Boxelder	No	No	5.0	5.0			
133	Ash, green	Yes	No	5.5	5.5			
134	Ash, green	No	No	29.0	29.0			
135	Ash, green	Yes	No	6.0	6.0			
137	Ash, green	Yes	No	6.0	6.0			
138	Ash, green	Yes	No	8.0	8.0			
139	Elm, American	Yes	No	7.5	7.5			
142	Maple, silver	Yes	No	6.0			6.0	Basic Tree Removal Area
144	Ash, green	No	No	21.0			21.0	
146	Ash, green	Yes	No	6.0	6.0			
150	Ash, green	No	No	27.5	27.5			
159	Ironwood	Yes	No	5.0	5.0			
160	Ironwood	Yes	No	6.0	6.0			
161	Ironwood	Yes	No	4.5			4.5	Basic Tree Removal Area
162	Ironwood	No	No	6.5			6.5	Basic Tree Removal Area
165	Ironwood	Yes	No	5.0	5.0			
167	Ironwood	Yes	No	4.5	4.5			
168	Ash, green	Yes	No	4.5	4.5			
171	Ash, green	Yes	No	6.0	6.0			
172	Ash, green	Yes	No	4.0	4.0			
173	Aspen	No	No	10.0	10.0			
174	Aspen	No	No	9.0	9.0			
175	Ironwood	Yes	No	7.5	7.5			
179	Aspen	Yes	No	9.0	9.0			
180	Aspen	No	No	6.5	6.5			
181	Aspen	No	No	7.0	7.0			
182	Aspen	No	No	9.5	9.5			
183	Aspen	Yes	No	8.5	8.5			
184	Aspen	No	No	7.0	7.0			
185	Aspen	Yes	No	7.0	7.0			
186	Basswood	Yes	No	4.5	4.5			
187	Ash, green	Yes	No	7.5	7.5			
189	Oak, red	Yes	No	8.0	8.0			
190	Oak, red	Yes	No	8.5	8.5			
195	Elm, red	Yes	No	9.0	9.0			
196	Aspen	No	No	8.5	8.5			
197	Aspen	No	No	8.0	8.0			
198	Ash, green	Yes	No	7.0	7.0			
199	Ash, green	Yes	No	4.5	4.5			
200	Aspen	Yes	No	9.0	9.0			
201	Ash, green	Yes	No	5.0	5.0			
202	Ash, green	Yes	No	9.5	9.5			
203	Ash, green	Yes	No	9.0	9.0			
206	Elm, American	Yes	No	4.5	4.5			
207	Aspen	No	No	9.0	9.0			
208	Ash, green	Yes	No	7.5	7.5			
209	Ash, green	Yes	No	9.5	9.5			
210	Ironwood	Yes	No	4.5	4.5			
213	Elm, American	Yes	No	9.0	9.0			
214	Oak, swamp white	Yes	No	9.0	9.0			
215	Oak, swamp white	Yes	No	9.5	9.5			
218	Ash, green	Yes	No	5.0	5.0			
219	Ash, green	Yes	No	6.5	6.5			
220	Ash, green	Yes	No	4.0	4.0			
222	Oak, bur	Yes	No	6.0			6.0	Basic Tree Removal Area
226	Aspen	No	No	12.0			12.0	Basic Tree Removal Area
227	Oak, bur	Yes	No	7.5	7.5			
228	Aspen	No	No	11.0	11.0			
229	Basswood	Yes	No	5.0	5.0			
230	Ash, green	Yes	No	6.5	6.5			
232	Ash, green	Yes	No	7.0	7.0			
236	Oak, red	Yes	No	6.5	6.5			
238	Aspen	No	No	13.5	13.5			
242	Ironwood	No	No	9.0			9.0	Basic Tree Removal Area
243	Ash, green	Yes	No	8.0			8.0	Basic Tree Removal Area
246	Ironwood	Yes	No	6.0	6.0			
247	Ironwood	Yes	No	5.0	5.0			
248	Ironwood	Yes	No	7.5	7.5			

Tree #	Species	Significant	High Priority	DBH	Conifer Height	Saved	Removed	Exempt
249	Ironwood	Yes	No	6.5	6.5			
250	Ash, green	Yes	No	5.5	5.5			
254	Ironwood	Yes	No	5.0			5.0	Basic Tree Removal Area
256	Ironwood	Yes	No	5.0	5.0			
259	Ash, green	Yes	No	5.0	5.0			
263	Ironwood	Yes	No	6.0			6.0	Basic Tree Removal Area
264	Maple, silver	Yes	No	6.0	6.0			
265	Oak, red	Yes	No	5.5	5.5			
266	Ironwood	Yes	No	5.0	5.0			
267	Ironwood	Yes	No	5.5	5.5			
268	Ironwood	Yes	No	4.5	4.5			
269	Oak, red	Yes	No	6.0	6.0			
270	Ironwood	Yes	No	5.0	5.0			
273	Ironwood	Yes	No	4.5			4.5	Basic Tree Removal Area
274	Ash, green	Yes	No	8.5			8.5	Basic Tree Removal Area
278	Ironwood	Yes	No	4.0	4.0			
279	Ironwood	Yes	No	4.0			4.0	Basic Tree Removal Area
280	Elm, American	Yes	No	9.0			9.0	Basic Tree Removal Area
281	Ironwood	Yes	No	9.5			9.5	Basic Tree Removal Area
282	Ironwood	Yes	No	4.0			4.0	Basic Tree Removal Area
283	Aspen	No	No	13.0	13.0			
285	Ironwood	Yes	No	6.0			6.0	Off Site
286	Cherry, black	No	No	5.5	5.5			
287	Ironwood	Yes	No	5.0	5.0			
288	Ironwood	Yes	No	5.5	5.5			
290	Ironwood	Yes	No	6.0	6.0			
291	Ironwood	Yes	No	6.5	6.5			
292	Elm, American	No	No	4.5	4.5			
293	Ironwood	Yes	No	5.0	5.0			
294	Ash, green	Yes	No	7.5	7.5			
296	Elm, American	Yes	No	4.5	4.5			
298	Oak, red	Yes	No	6.5	6.5			
300	Oak, red	Yes	No	4.0	4.0			
301	Ironwood	Yes	No	5.0	5.0			
302	Elm, American	Yes	No	6.0	6.0			
303	Ironwood	Yes	No	5.0	5.0			
306	Elm, American	Yes	No	5.5	5.5			
310	Ironwood	Yes	No	8.5	8.5			
316	Ironwood	Yes	No	4.0	4.0			
317	Ironwood	Yes	No	4.5	4.5			
318	Ironwood	Yes	No	5.5	5.5			
319	Ironwood	Yes	No	6.0	6.0			
320	Ironwood	Yes	No	6.5	6.5			
323	Ironwood	Yes	No	8.5	8.5			
326	Ironwood	Yes	No	5.0	5.0			
328	Oak, red	Yes	No	6.0	6.0			
330	Oak, red	Yes	No	7.0	7.0			

WEBER 3 PRELIMINARY PLAT



Design Data:

Proposed 2 Single Family Lots

Zoning: R-1 (low density residential)

Fysb: 35 feet (minimum)

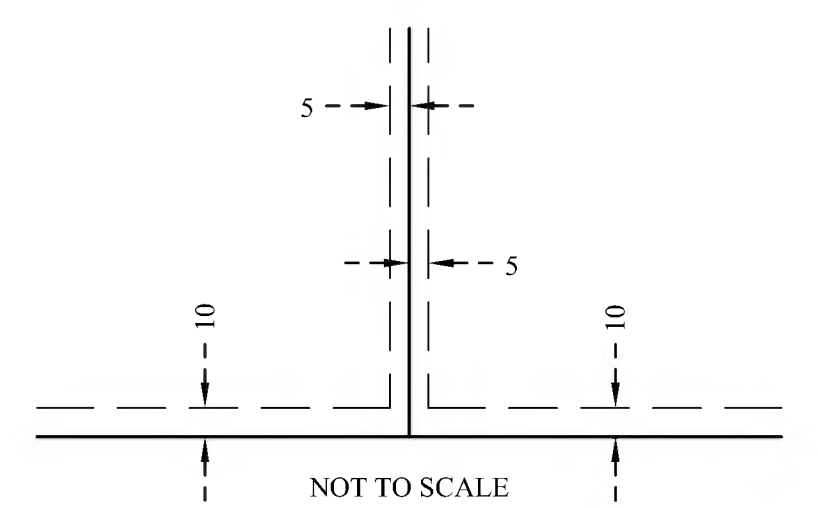
Sysb: 10 feet (minimum) 30 feet (total)

Rysb: 40 feet (minimum)

Minimum Lot Area: 22,000 sq. ft.

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER WEBER 3, LLC 1805 WEST LAKE STREET UNIT 101 MINNEAPOLIS, MN 55408 CONTACT: JAMES MACKINNON PHONE: (612) 599-5111 EMAIL: JAMESMACKINNON@GMAIL.COM

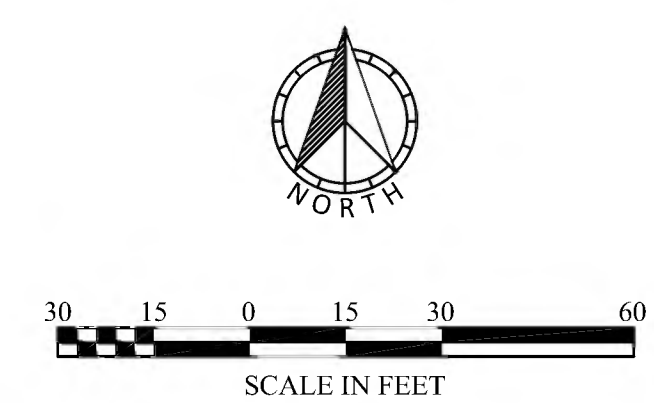
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and being 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on this plat.



SATHRE-BERGQUIST, INC.



The basis for the bearing system is the west line of the Southeast Quarter of the Northwest Quarter of Section 10, Township 117, Range 22 and is assumed to bear North 00 degrees 19 minutes 30 seconds West (SEE SHEET 1 OF 2 SHEETS)

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 26147.
- Denotes a 1/2 inch pipe found and marked as shown.

Resolution No. 2022-

Resolution approving a preliminary plat for a two-lot subdivision at 2326 Oakland 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 2326 Oakland Road. It is legally described on Exhibit A of this resolution.
- 1.02 Weber 3, LLC has requested approval of a preliminary plat to divide the subject property into two lots.
- 1.03 On May 26, 2022, the planning commission held a hearing on the proposed subdivision of the property. 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.

Section 2. Standards

- 2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.
- 2.02 City Code §314.01 outlines general requirements related to tree protection. These standards are incorporated by reference into this resolution.

Section 3. Findings.

- 3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.
- 3.02 The proposed preliminary plat meets the tree protection standards as outlined in City Code §314.01.

Section 4. City Council Action.

- 4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required.
 - a) A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:
 - 1) A final plat drawing that clearly illustrates the following:
 - a. All existing easements.
 - b. Minimum 10-foot wide drainage and utility easements are adjacent to the public right-of-way(s), and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - c. Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - d. Drainage and utility easements over stormwater management facilities, as determined by the city engineer.
 - b) Prior to the release of the final plat for recording, submit the following:
 - 1) Two sets of mylars for city signatures.
 - 2) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
 - a. Title evidence that is current within thirty days.
 - b. A conservation easement over the managed wetland and required wetland buffer. A MnRAM must be conducted and submitted to the city to conform to the required wetland width.
 - c. A private driveway easement and maintenance agreement. The document must clearly outline responsibilities for future maintenance and replacement costs.
 - d. A private utility easement and maintenance agreement. The document must clearly outline responsibilities for future maintenance and replacement costs.

- e. A Contract for Residential Development (developer's agreement).
 - 3) An electronic CAD file of the plat in microstation or DXF.
 - 4) Park dedication fee of \$5,000.
2. Subject to staff approval, the lots must be developed and maintained in substantial conformance with the following plans, except as modified by other conditions below:
- Preliminary Utility Plan, dated April 28, 2022
 - Preliminary Grading and Erosion Control Plan, dated April 28, 2022
 - Preliminary Tree Survey, dated April 28, 2022
3. A site development permit is required. This permit will cover grading, tree removal, and installation of sewer, water, and stormwater facilities.
- a) Prior to submission of the site development permit application, meet with city staff and the owner of 2402 Oakland Road to discuss potential sewer and water service extensions or main construction.
 - b) Unless authorized by appropriate staff, no site work – including tree removal – may begin until a complete site development permit application has been submitted, reviewed by staff, and approved.
 - c) The following must be submitted for the site development permit application to be considered complete.
 - 1) Electronic plans and specifications submitted through the city's electronic permit and plan review system.
 - 2) Final stormwater management, SWPPP, and tree mitigation plans for staff approval.
 - a. Final stormwater management plan. The plan must:
 - Consider the use of rain gardens rather than underground stormwater chambers. If chambers are used, further consider relocating the chamber for Lot 2 such that it does not cross the common property line.
 - Demonstrate on-site retention of 1.1-inch of runoff from the entire site's impervious surface.

Note, this can typically be achieved thru the construction of a rain garden.

- b. Tree mitigation plan. The plan must meet mitigation requirements, as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
- d) Prior to issuance of the site development permit:
- 1) The final plat must be recorded at Hennepin County.
 - 2) The easements and contract outlined in Section 4.01 1(b)(2) of this resolution must be recorded.
 - 3) Any outstanding taxes and assessments must be paid.
 - 4) Submit the following documents:
 - a. Stormwater maintenance agreements in a city-approved format for review and approval of city staff. If any stormwater facility crosses property lines, a private stormwater easement is also necessary.
 - b. An MPCA NPDES permit.
 - c. A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
 - 5) Submit the following items:
 - a. Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
 - b. Individual letter of credit or cash escrow in the amount of 125% of an engineer's bid cost or 150% of an estimated cost to comply with the site development permit and to restore the site. The city will not fully release the letters of credit or cash escrow until (1) an electronic CAD file or certified as-built drawings of any public infrastructure in microstation or DXF format have been submitted; and (2) vegetated ground cover has been established.

- c. Cash escrow in the amount determined by natural resources staff. This escrow must be accompanied by a document prepared by the city and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
 - 6) Install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measured as identified as the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - 7) Permits may be required from other outside agencies. It is the applicant's or property owner's responsibility to obtain any necessary permits.
4. Prior to issuance of a building permit for the first new house within the development:
- a) Submit the following:
 - 1) Proof of subdivision registration and transfer of the NPDES permit.
 - 2) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - 3) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
 - 4) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the escrow submitted at the time of grading permit may fulfill this requirement.

5. Minimum floor elevation is 988.5.
6. All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
7. During construction, Oakland Road must be kept free of debris and sediment.
8. This approval will be void on June 13, 2023, if: (1) a final plat is not approved, and (2) the city council has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 13, 2022

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 duly authorized meeting held on June 13, 2022

Becky Koosman, City Clerk

SEAL

EXHIBIT A

All that part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows:

Beginning at a point on a line drawn at right angles east from a point in the West line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ distant 850.5 feet north of the Southwest corner of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$, said point being 796.5 feet East of the West line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$; thence North 29 degrees 35 minutes West 312.5 feet to a point on a line bearing North 76 degrees 50 minutes East from a point in the West line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$, distant 970.5 feet North of the Southwest corner of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$; thence North 76 degrees 50 minutes East 453 feet, more or less to the centerline of County Road No. 74; thence Southeasterly and Southerly along the centerline of said road 428 feet to the intersection of said centerline with a line drawn at right angles East from the West line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ from a point in said West line distant 850.5 feet North from the Southwest corner of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$; thence West on said right angle line 432.5 feet more or less to point of beginning. For purposes of the above description the West line of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 10 is assumed to be a due North and South line.

Except that part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, Township 117 North, Range 22 West, described as follows:

Beginning at a point on a line drawn at right angles East from a point in the West line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ distant 850.5 feet north of the Southwest corner of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$, said point being 1040.17 feet East of the West line of said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$; thence on a bearing of North a distance of 172.10 feet; thence on a bearing of East a distance of 173.57 feet to the centerline of Oakland Road as per Document No. 3911037; thence Southerly along said centerline a distance of 172.87 feet to its intersection with a line bearing East from the point of beginning; thence on a bearing of West along said line a distance of 183.0 feet to the point of beginning. For purpose of the above description the West line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 10 is assumed to be a due North and South line, all in Hennepin County, Minnesota.

Abstract Property