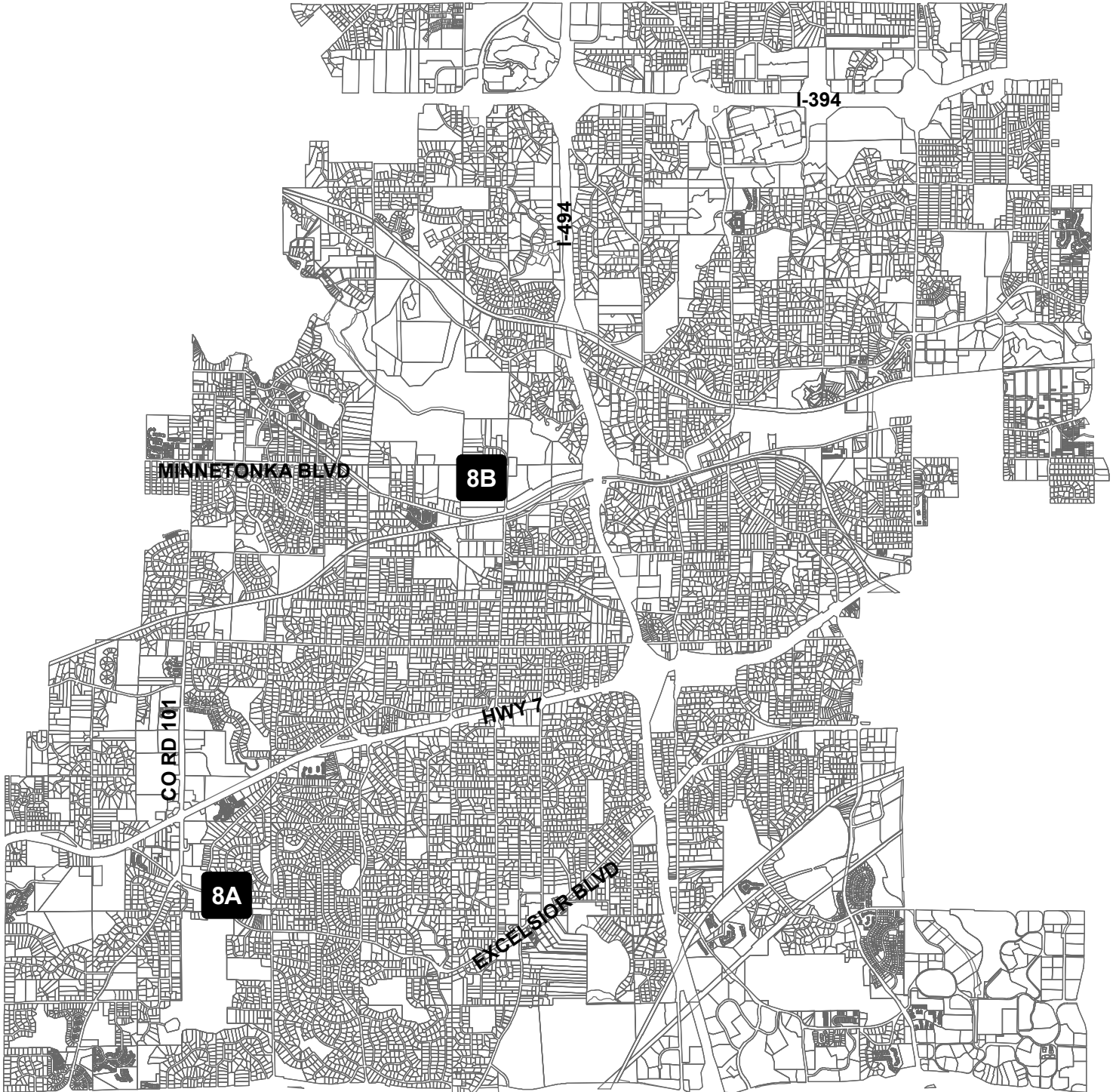




CITY OF  
**MINNETONKA**

# PLANNING COMMISSION JUNE 9, 2022

14600 Minnetonka Blvd. • Minnetonka, MN 55345  
(952) 939-8200 • Fax (952) 939-8244  
[minnetonkamn.gov](http://minnetonkamn.gov)





**Planning Commission Agenda  
June 9, 2022**

**City Council Chambers – Minnetonka Community Center**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** May 26, 2022
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
- 8. Public Hearings: Non-Consent Agenda Items**
  - A. Variance to the tree protection ordinance for redevelopment of the property at 17048 Patricia Lane  
  
Recommendation: Adopt the resolution approving the request (5 votes)
    - Final decision, subject to appeal
    - Project Planner: Bria Raines
  - B. Items concerning Rayito de Sol at 3520 Williston Road  
  
Recommendation: Recommend the city council adopt the ordinance and resolution approving the request (4 votes)
    - Recommendation to City Council (June 27, 2022)
    - Project Planner: Ashley Cauley
- 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 23, 2022 agenda.

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

<b>Project Description</b>	Brito's Burritos, CUP
<b>Project Location</b>	11044 Cedar Lake Rd
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Rebecca Schack, Ward 2

<b>Project Description</b>	Lowe Residence, CUP
<b>Project Location</b>	12015 Glendale La
<b>Assigned Staff</b>	Bria Raines
<b>Ward Councilmember</b>	Bradley Schaeppi, Ward 3

<b>Project Description</b>	Eden Prairie Islamic Community
<b>Project Location</b>	11543 K-Tel Drive
<b>Assigned Staff</b>	Bria Raines
<b>Ward Councilmember</b>	Brian Kirk, Ward 1

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**May 26, 2022**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Planner Bria Raines.

**3. Approval of Agenda**

*Henry moved, second by Powers, to approve the agenda as submitted with modifications provided in the change memo dated May 26, 2022.*

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

**4. Approval of Minutes: May 12, 2022**

*Powers moved, second by Banks, to approve the May 12, 2022 meeting minutes as submitted.*

*Banks, Hanson, Henry, Powers, Waterman, 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 23, 2022:

- Adopted a resolution approving the final plat of Monson Meadows at 5500 Rowland Road and an adjacent, unaddressed parcel.
- Adopted a resolution approving a conditional use permit with variances and a site and building plan review for a fast food restaurant at 15110 Hwy 7.
- Introduced an ordinance regarding items for a licensed daycare at 3520 Williston Road.

The next regular planning commission meeting is scheduled to be held on June 9, 2022.

**6. Report from Planning Commission Members: None**



**7. Public Hearings: Consent Agenda**

No item was removed from the consent agenda for discussion.

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

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

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

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

**8. Public Hearings**

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

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.

Chris Nelson, 3326 Shores Blvd., applicant, stated that:

- Some hardships in the family delayed the project.
- He made some changes to the design to improve the floor layout.
- He and his family will continue to live in the house.

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

Chair Sewall noted that the proposal conforms to ordinances more now than when it was approved by the commission in 2020.

Waterman supports the staff's recommendation. The proposal meets the spirit of the neighborhood. The expansion does not require a variance. He appreciated the proposal being more in conformance than it was previously.

Powers visited the site. The proposal would be very tasteful. He likes it. The house is very nice.

Henry supports the proposal. He appreciates the thoughtful additions and wishes the applicant well with the renovation.

***Powers moved, second by Banks, to adopt the resolution approving an expansion permit for a garage and living space additions at 3326 Shores Blvd.***

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

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

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

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

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

Henry confirmed with Thomas that the proposal does not need a variance. Thomas explained that the stormwater storage chambers proposed in the plan would meet stormwater management requirements, but the staff recommends the applicant consider rain gardens instead to make it easier for future property owners to maintain. The separate chambers are based on the grades and where the driveway runoff would travel to prevent runoff from going directly into the wetland.

Chair Sewall asked if a future property owner could remove a rain garden. Thomas explained that a stormwater management agreement would be recorded with the county and require all property owners to maintain a rain garden. The city would have the right to inspect the site to ensure that the stormwater management features are functioning properly.

Powers asked if the driveway location could be modified to save more trees. Thomas answered that the natural resources staff reviews the plans to ensure it meets tree protection ordinance standards. The curvy driveway is an existing driveway.

Henry supports saving the large oak trees, specifically numbers 154, 155, 271, 272, and 275. Thomas answered that the preliminary plat includes hypothetical-house footprints and grading. Staff could work with the applicant on the footprint of the actual house when a building permit is submitted.

Jeff Martineau, representing the applicant, stated that:

- The proposal worked to stay within the tree protection ordinance regulations. He would take into consideration preserving the large oak trees when placing the houses.
- He has utilized underground tanks and rain gardens for different projects. He agreed with Thomas that rain gardens look nice, but his experience has been that future property owners utilize the land that rain gardens use for other things. The tanks control water flow and require less maintenance than previous types of tanks.
- He discussed including adjacent properties in the proposal with those owners, but it did not work out.

The public hearing was opened.

Lindsay Arthur, 2400 Oakland Road, stated that:

- He thanked Thomas for spending time with him and Linda Cohen to educate them on the application review process and city ordinances.
- The city should construct a public street.
- The city would benefit by eliminating the nonconforming character of the Arthur and Cohen properties. The Arthur property was created in 1937 and became nonconforming when the city adopted a subdivision ordinance in 1967 and turned the confirming property into a nonconforming property by requiring lots to have street frontage. It is in the best interest of the city to correct this problem by constructing a public street.
- A public street would allow the Cohen and Arthur driveway easements to be vacated and provide benefits to the adjacent property owners, including the developer gaining 20 feet of land at no cost and being able to save seven high-priority trees.
- The Shankars at 2350 Oakland Road would benefit if the driveway easement were abandoned.
- All three abutting Bird Song properties would benefit from a public street by eliminating traffic from the proposed driveways traveling behind their houses.
- The Cohens and Arthurs have access to natural gas from a pipe that is located in the backyards of the three Bird Song properties because the Webers refused to allow them to put in a gas line in the driveway easement. That could be eliminated by utilities being located in a public street.
- The Arthurs and Cohens would benefit by the elimination of their long, shared driveway that is so narrow that vehicles are unable to pass each other. One vehicle must back up when vehicles meet. A shared driveway is a potential source of friction over maintenance, snow removal, tree trimming, leaf blowing, and parking.

- This is not the first time he has requested street and utility access to his property. When Bird Song was developed, he asked the city council to "make provision for sewer, water, and a driveway easement to 2400 Oakland Road," just as the city had done for Crownhill next door. A councilmember stated that "the Arthurs will get access when the Weber property is developed." That is what is happening today. He requests that the city honor the commitment it made to him and allow the public street he has been asking for many years.
- A public street in Weber 3 would facilitate the future development of the Arthurs and Cohens properties. There could be three lots on his property that would satisfy all current city ordinances, including the tree ordinance. If the Cohen's property were merged with his, then it would be likely that a fourth lot could be accommodated. There are many developments in Minnetonka with seven lots or smaller that are serviced by a public street. This proposal would be large enough to require a city street.
- A public street through Weber would facilitate the provision of public services. The Cohen or Arthur properties do not have access to city sewer or water. The Cohen property would gain immediate access to sewer and water with a public street. There would be no other source for the Cohen property to access city sewer and water.
- The Arthurs would benefit when the street and utilities would be extended across the Cohen property.
- The Arthurs and Cohen properties would gain better and safer access to gas, cable, and electricity. The electrical wires travel through trees and often lose power.
- The Arthurs and Cohen properties would gain better access to service vehicles. Some delivery drivers will not drive down the current driveway and leave packages on Oakland Road, which is 1,000 feet from his house.
- New garbage and recycling truck drivers refuse to back their trucks down the driveway until the homeowners contact city staff, who then contact the providers and require the drivers to do so. That happens several times a year.
- There would be an improvement in the general sense of community when a new neighborhood is created by seven residences built along a public street.
- He did not believe that it is sound city planning to sacrifice the benefits so that a single developer could make a profit by making a single, new lot while needlessly denying the neighbors the benefits he has pointed out.
- Jeff Martineau gave him and the other property owners the idea one year ago to combine the Weber, Arthur, and Cohen properties into one subdivision proposal. He thought it ironic that Mr. Martineau now wants to prevent that from happening.
- He requested commissioners "make this right."
- He appreciated their time.

- He requested that the application be tabled with instructions for staff to work with the developer to identify the best way to subdivide the Weber property with a public street.
- He was available for questions.

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

Powers recused himself from participating on this item.

Henry noted that a case could be made for the benefits of constructing a public street. It may be beyond the scope of this application. Thomas explained that staff would review an application that would include all three properties but is not able to dictate action to property owners. The application submitted meets all city standards. The staff has not received an application for a subdivision of the three properties to show if ordinance requirements would be met.

Chair Sewall confirmed with Thomas that the application meets all ordinance requirements.

Waterman would prefer to see the three properties submit an application together but noted that commissioners may only take action on the application that has been submitted. The proposal complies with all ordinance requirements. He supports the staff's recommendation. There may be a situation unique to the Arthur and Cohen properties to warrant a variance for a subdivision.

Banks agreed with Waterman. He supported the staff's recommendation but felt that it was unfortunate that three property owners were unable to submit an application to make the best proposal for the area. He saw no reason to deny the current application.

Henry felt for Mr. Arthur but could only take action on the submitted application. He supports the staff's recommendation. These properties are beautiful parcels of secluded, wooded land.

Hanson stated that he would not support the proposal. He did not want to support a short-sighted subdivision. Mr. Arthur has been involved in the process very thoughtfully and is trying to plan further into the future than the developer. He understood the city's position to act on an application that meets all ordinance requirements, but he did not support approval of the application.

Chair Sewall agreed that the current subdivision is not inspiring, but the current application meets all standards.

***Waterman moved, second by Banks, to recommend that the city council adopt the resolution approving a preliminary plat for a two-lot subdivision at 2326 Oakland Road.***

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

Chair Sewall announced that the city council is scheduled to review this item at its meeting on June 13, 2022.

**9. Adjournment**

***Hanson moved, second by Henry, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 8**

Public Hearing: Non-Consent Agenda



**MINNETONKA PLANNING COMMISSION**  
**June 9, 2022**

<b>Brief Description</b>	Resolution approving a tree ordinance variance for the redevelopment of a home at 17048 Patricia Lane
<b>Recommendation</b>	Adopt the resolution approving the request.

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**Background**

The subject property is .5 acres and consists of a single-family home with an attached garage. The contractor applied for a demolition permit to remove the existing home. The demolition permit was granted with natural resource management conditions, such as tree protection fencing, silt fences, and no tree removal. Natural resource staff determined that no tree removal was necessary for the demolition. With the conditions stated, the demolition permit was issued.

During that same time, staff was completing their review of the building permit using the online review system, ProjectDox. Natural resource staff had requested a tree inventory to compare the tree protection ordinance to the trees proposed for removal. The inventory was received on April 28, 2022, and the natural resource staff reviewed the documents on May 5, 2022. Natural resource staff commented on ProjectDox that a variance was required for the proposed tree removal and notified planning staff.

That same day, the planning staff placed a call to the contractor and sent an email explaining that the review of the tree inventory determined a tree ordinance variance was required. It was discovered at that time that two trees had been removed during the demolition process.

Despite the premature tree removals, a variance to the tree ordinance would be required for the removal of the significant and high-priority trees.

As this was a violation of the tree protection ordinance<sup>1</sup>The applicant has received the following penalties:

- One violation per tree removed in the amount of \$2,000
  - A total of 2 trees = \$4,000 total fee
- Tree mitigation for the trees removed
  - 2(8" significant tree + 28" high priority tree)= 72 inches of replanting
    - 8" redbud (significant)
    - 28" gingko (high priority)
- A doubled building permit fee for work started prior to obtaining a building permit.<sup>2</sup>

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<sup>1</sup> By City Code Sec. 314.01 Subd. 10, regarding violations of the tree protection ordinance, each protected tree that is removed is a separate violation, and a tree or shrub that was required by the city to be saved but was removed must be replaced at a rate of 2:1 based on dsh for deciduous species and height for conifers. The city may also impose a financial penalty equal to \$500 for each inch of dsh or foot of height removed, not to exceed \$2,000 for each tree or shrub.

<sup>2</sup> By City Code Sec. 715.030, when work requiring a building or construction permit is started before obtaining the permit, the permit fee will be doubled. The payment of the double fee does not relieve any person from fully complying with the code requirements in executing the work or from any other applicable penalties.

## **Proposal**

The applicant is proposing to construct a new home on the property at 17048 Patricia Lane. The existing home was 1,702 square feet, and the new home would be roughly 3,350 square feet in size.

The proposal requires a tree ordinance variance to allow the removal of the significant tree. Despite the premature removal, the building permit would not follow city ordinance if the permit was approved without a variance for the significant tree; and is, therefore, still required.

## **Staff Analysis**

Staff finds that the applicant's proposal meets the variance standard outlined in the city code:

- The proposal is reasonable as there is but one significant tree on the property and located within 20 feet of the footprint of the proposed dwelling.
- The circumstance is unique to the property, and the tree removal would not adversely affect or alter the character of the neighborhood.
- The new home would be within the range of floor area ratios (FAR) for the existing homes in the neighborhood.

## **Staff Recommendation**

Adopt the resolution approving a tree protection ordinance variance for the redevelopment of a new home at 17048 Patricia Lane.

Originator: Bria Raines, Planner  
Through: Loren Gordon, AICP, City Planner

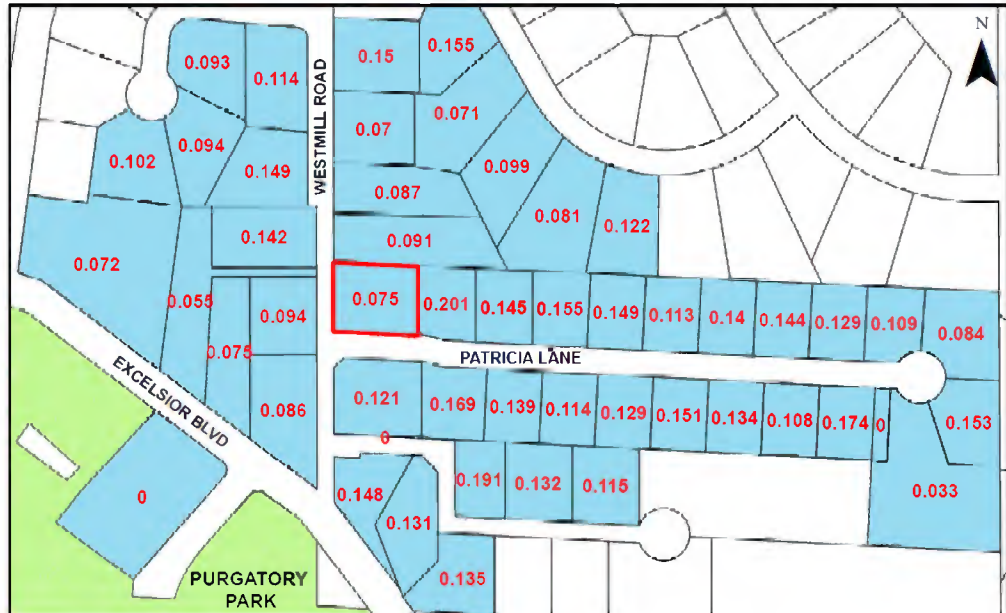
### Supporting Information

<b>Project No.</b>	22013.22a
<b>Property</b>	17048 Patricia Lane
<b>Applicant</b>	Capitol Builders, Kevin, and Alison Brophy
<b>Surrounding Land Uses</b>	All surrounding properties are single-family homes zoned R-1 and guided for low-density residential uses.
<b>Planning</b>	Guide Plan designation: low-density residential Zoning: R-1 Low-density residential district
<b>Tree Protection Ordinance</b>	<p>The tree protection ordinance protects the types of trees that may be removed from the subject property. This proposal is a redevelopment<sup>3</sup> of the residential property. A redeveloped single-family property is restricted to the following maximum tree removals:</p> <ul style="list-style-type: none"><li>• 25% of woodland preservation area (WPA);</li><li>• 35% of high-priority trees; and</li><li>• 50% of significant trees.</li></ul> <p>With the approval of the variance request, this proposal would meet the tree protection ordinance. This proposal requires the removal of 100% of the significant trees on the lot. The property contains one significant tree. To meet this ordinance, the proposal would not be permitted to remove the significant tree on the property. (City Code §314.01)</p> <p>The city council may allow the removal of protected trees over the maximum percentages if a variance is granted.</p>
<b>McMansion Policy</b>	<p>The city's McMansion policy regulates the floor area ratio (FAR)<sup>4</sup> on properties when either the property or the home on the property would require a variance. The policy restricts FAR on such properties/homes to no more than the highest FAR within 400 feet of the subject property and within 1,000 feet along the same roadway.</p> <p>The highest FAR within the neighborhood is 0.201. The proposal would have a FAR of 0.167.</p>

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<sup>3</sup> By City Code Sec. 300.02, "Redevelopment" is - the removal and reconstruction of more than 50% of the square footage of a principal structure in any zoning district or a more-than-50% increase in the square footage of structure or structures on a site.

<sup>4</sup> By City Code Sec. 300.02, "Floor area ratio (FAR)" is – the floor area of a building as defined by the ordinance, divided by the area of the lot on which the building is located. Areas zoned as wetland, floodplain, or below the ordinary high water level of a public water are excluded from the lot area for purposes of the floor area calculation unless it can be demonstrated that there will be minimal hydrologic, aesthetic, and ecological impacts to the relevant area as determined by the city.



**Variance Standard**

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. (City Code §300.07)

**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, tree protection, and a temporary rock driveway.

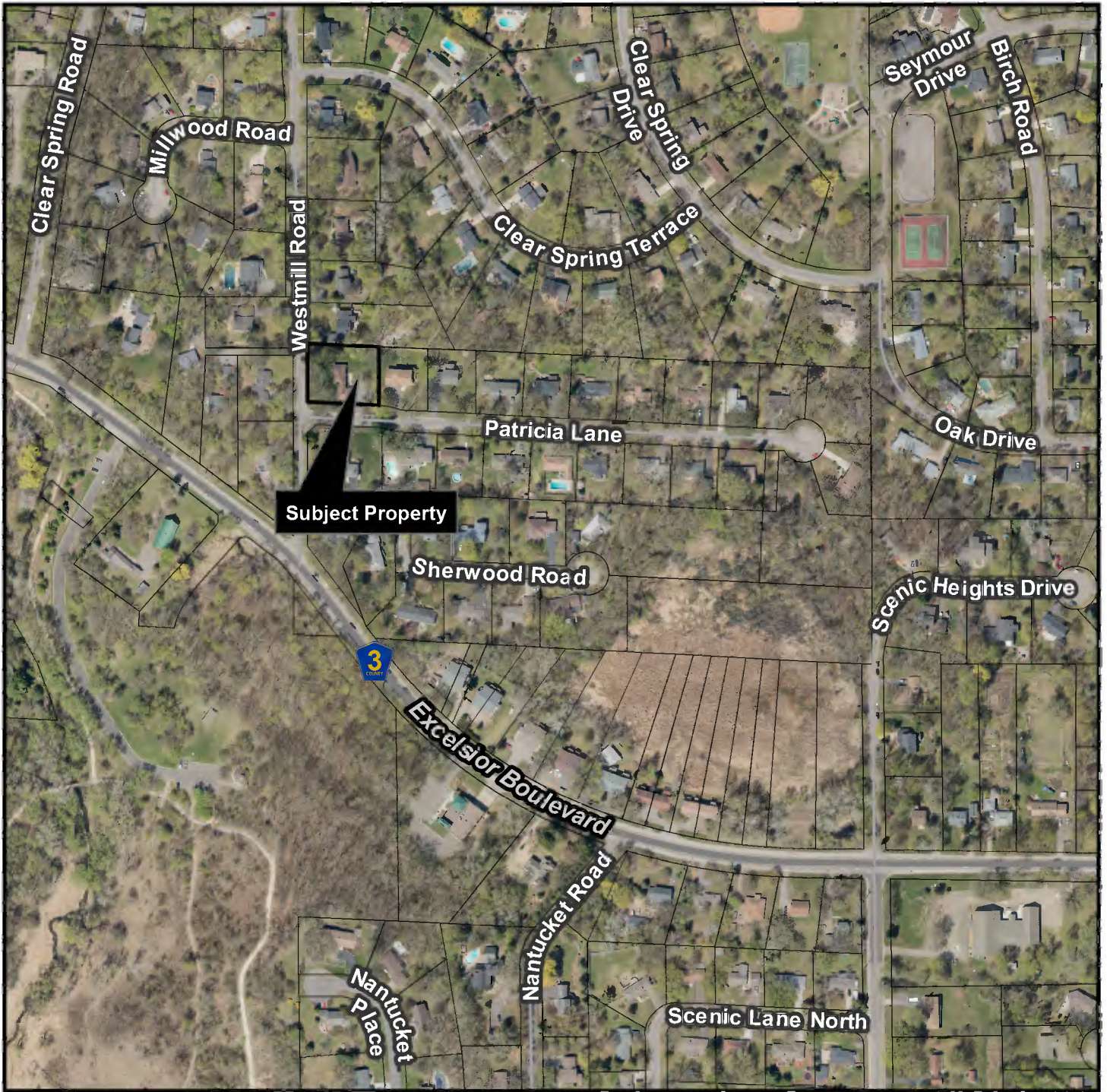
**Motion options**

The planning commission has the following motion options:

1. Concur with staff's recommendation. In this case, a motion should be made adopting the resolution approving the variance.
2. Disagree with the staff's recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

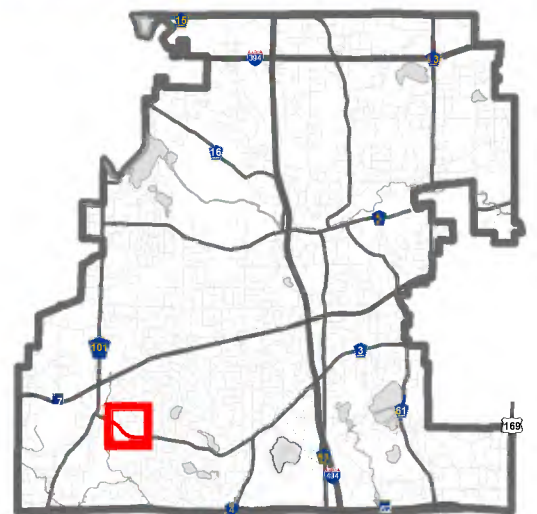
<b>Voting Requirement</b>	The planning commission's action on the applicant's request is final, subject to appeal. Approval requires the affirmative vote of five commissioners.
	Any person aggrieved by the planning commission's decision about the requested variance may appeal such a decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.
<b>Neighborhood Comments</b>	The city sent notices to 37 area property owners and received no comments to date.
<b>Deadline for Decision</b>	Aug. 25, 2022





### Location Map

Project: Brophy Residence  
Address: 17048 Patricia Ln



Location: 17048 Patricia Lane  
Minnetonka, MN 55345  
Lot 1 and Lot 2, Block 1. Sjoberg's Second Addition Hennepin County, Minnesota

Applicant: Capital Builders, LLC

Proposal: Jason Smith (Capital Builders, LLC), on behalf of Kevin and Alison Brophy. Capital Builders, LLC has removed a significant tree from the lot located at 17048 Patricia Lane, Minnetonka, MN 55345. During the demolition of the existing home the significant tree was in the way of the demo equipment and removed. The significant tree removal required a variance approval. Capital Builders, LLC will follow Minnetonka City ordinance in replacing the significant tree.

- Variance. By city code only 50% of significant trees may be removed from a site for redevelopment. The site only had one significant tree, its removal caused 100% removal of significant trees from the site. The applicant has proposed removal of the significant tree with preservation of the majority of the site in its current state to the extent practicable by minimizing tree removal in keeping with the general appearance of the neighborhood. Eleven trees, twelve inches or greater in size will remain on the site.
- Finding. The proposed removal would have reasonable visual and physical relationships to the existing site features.

We respectfully request City support for the enclosed application by Capital Builders LLC for the variance at 17048 Patricia Lane depicted on the enclosed Architectural and Civil Design Plans. We look forward to reviewing this application with the City of Minnetonka in the weeks ahead.

Sincerely,

Jason Smith

Capital Builders, LLC



## PRACTICAL DIFFICULTIES WORKSHEET

By state law, variances may be granted from the standards of the city's zoning ordinance only if:

- 1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
- 2) The proposed variance is consistent with the comprehensive plan; and
- 3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:
  - The proposed use is reasonable;
  - The need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and
  - The proposed use would not alter the essential character of the surrounding area.

<b>PRACTICAL DIFFICULTIES</b>	
<b>Describe why the proposed use is reasonable</b>	<p>We are not doing anything drastic to change the character of the neighborhood. We are ask to remove one significant tree on a lot in which there is only one significant tree. We are leaving eleven - twelve inch or greater trees on the lot which do not fall into the significant tree classification.</p>
<b>Describe:</b> <ul style="list-style-type: none"> <li>• circumstances unique to the property;</li> <li>• why the need for variance was not caused by the property owner; and</li> <li>• and why the need is not solely based on economic considerations.</li> </ul>	<p>The significant tree was planted by the previous homeowner, all native trees will remain on the lot.</p> <p>The tree was cut down because it was in the way of the demo crew at the time they were not aware the tree was significant. It would have been in the way of the over dig as well.</p> <p>The new home build is not our of character with the neighborhood and is staying within the proper set backs. The current house did not meet set backs.</p>
<b>Describe why the variance would not alter the essential character of the neighborhood</b>	<p>The removal of the significant tree which is an eight inch tree will not impact the tree lined neighborhood. All native twelve inch or greater trees will not be removed from the lot keeping the essential character of the neighborhood.</p>

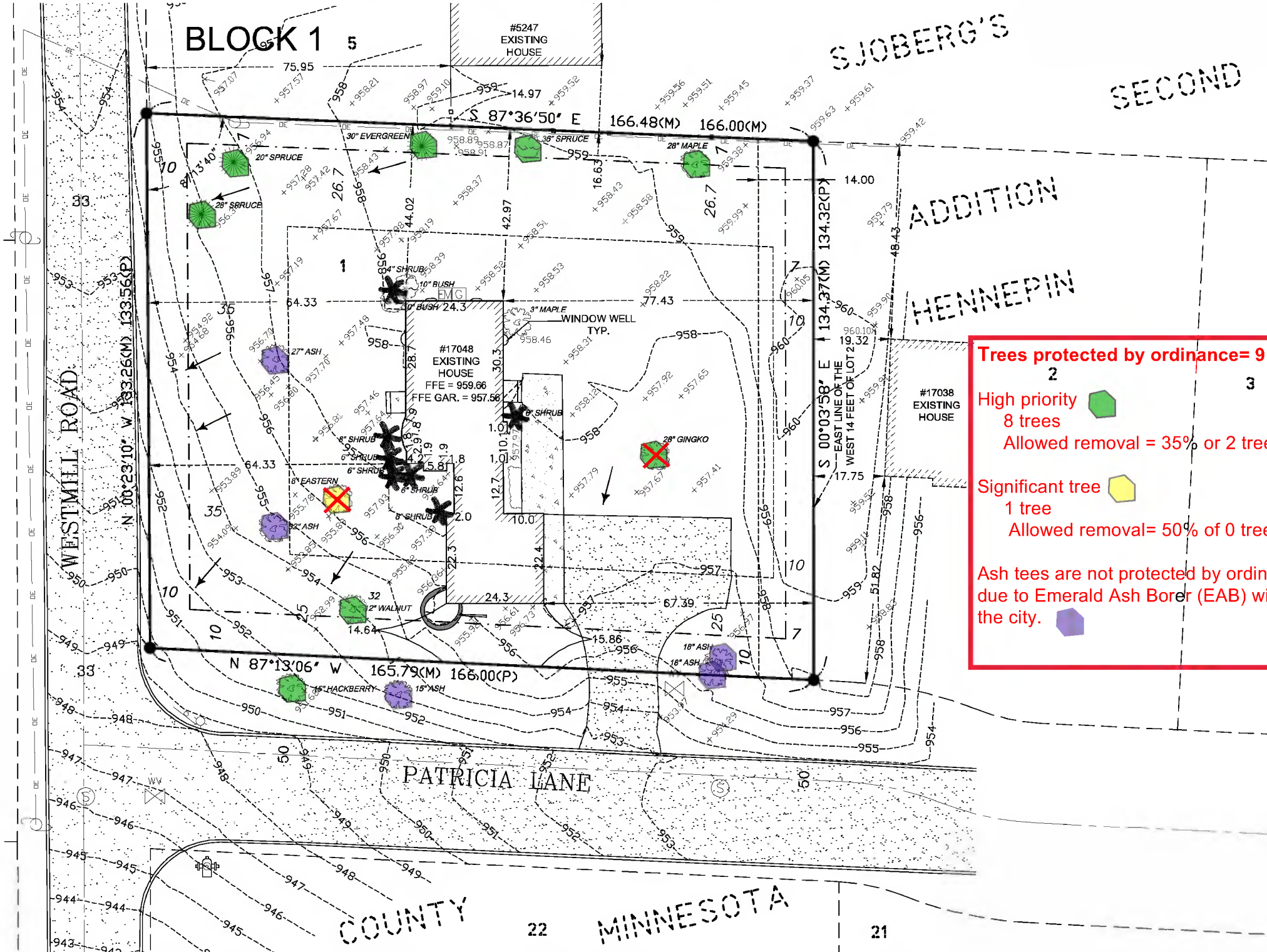
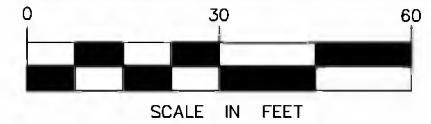
**VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE**

**PROCESS**

# CERTIFICATE OF SURVEY

-for- JASON SMITH

Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166



**Trees protected by ordinance = 9 trees**

2  
 High priority  
 8 trees  
 Allowed removal = 35% or 2 trees

3  
 Significant tree  
 1 tree  
 Allowed removal = 50% of 0 trees

Ash trees are not protected by ordinance due to Emerald Ash Borer (EAB) within the city.

### LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES BOUNDARY LINE
- - - DENOTES LOT LINE
- - - DENOTES SETBACK LINE
- - - DENOTES DRAINAGE & UTILITY EASEMENT
- x999.99 DENOTES EXISTING SPOT ELEVATION
- DENOTES CONCRETE SURFACE
- 999 DENOTES EXISTING CONTOUR LINE
- FFE DENOTES FINISH FLOOR ELEVATION
- DENOTES BITUMINOUS SURFACE
- DENOTES BUSH
- \* DENOTES SHRUB
- DENOTES TREE LINE
- DENOTES DECIDUOUS TREE
- DENOTES CONIFEROUS TREE
- DENOTES WOOD FENCE
- DENOTES ELECTRIC POWER POLE
- DENOTES RETAINING WALL
- (M) DENOTES MEASURED DISTANCE
- (P) DENOTES PLATTED DISTANCE
- ⊙ DENOTES SANITARY MANHOLE
- ⊞ DENOTES ELECTRIC METER
- ⊞ DENOTES GAS METER
- ← DENOTES DRAINAGE FLOW
- ⊙ DENOTES LIGHT POLE
- ⊙ DENOTES SANITARY MANHOLE
- ⊙ DENOTES FIRE HYDRANT
- ⊙ DENOTES SIGN/POST
- ⊙ DENOTES WATER VALVE
- OE— DENOTES OVERHEAD ELECTRIC

### NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

NO.	DATE	DESCRIPTION	BY

### BUILDING SETBACKS

ZONING: R1 = SINGLE-FAMILY DISTRICT  
 HOUSE: FRONT = 35 FT  
 SIDE = SUM NOT LESS THAN 30 FT WITH A MINIMUM SETBACK OF 10 FT  
 REAR = 40 FT OR 20% LOT DEPTH, WHICHEVER IS LESS

### EXISTING HARDCOVER

EXISTING HOUSE 1,702 SQ. FT.  
 EXISTING CONC. SURFACE 547 SQ. FT.  
 EXISTING BITUMINOUS SURFACE 1,303 SQ. FT.  
 TOTAL IMPERVIOUS AREA 3,552 SQ. FT.  
 TOTAL LOT AREA 22,205 SQ. FT.  
 EXISTING HARDCOVER 16.0%

### REFERENCE BENCHMARK

ELEVATION = 1015.13 (NGVD 29) MNDOT DISK "FAHIL".

### LEGAL DESCRIPTION

Lot 1 and the West 14 feet of Lot 2, Block 1, SJOBERG'S SECOND ADDITION HENNEPIN COUNTY, MINNESOTA, Hennepin County, Minnesota, according to the recorded plat thereof.

**EDS** ENGINEERING DESIGN & SURVEYING  
 6480 Wayzata Blvd. Minneapolis, MN 55426  
 OFFICE: (763) 545-2800 FAX: (763) 545-2801  
 EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Vlad Sivriver*  
 VLADIMIR SIVRIVER L.S. NO. 25105 DATED: 04/20/2022

JOB NAME: JASON SMITH

LOCATION: 1704B PATRICIA LANE  
 MINNETONKA, MN 55345

FIELD WORK DATE: 03/17/2022

FIELD BOOK NO.: EDS-15

DRAWN BY: IS

CHECKED BY: VS

PROJECT NO.: 22-025

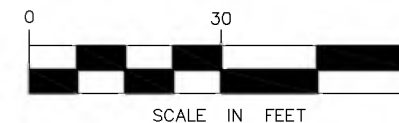
SHEET NO. C1



# SITE PLAN

Call 48 Hours before digging  
**GOPHER STATE ONE CALL**

Twin Cities Area 651-454-0002  
MN. Toll Free 1-800-252-1166



## LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES BOUNDARY LINE
- - - DENOTES LOT LINE
- - - DENOTES SETBACK LINE
- x999.99 DENOTES EXISTING SPOT ELEVATION
- DENOTES CONCRETE SURFACE
- 999 DENOTES EXISTING CONTOUR LINE
- FFE DENOTES FINISH FLOOR ELEVATION
- DENOTES BITUMINOUS SURFACE
- ⊙ DENOTES BUSH
- ⊙ DENOTES SHRUB
- ⊙ DENOTES TREE LINE
- ⊙ DENOTES DECIDUOUS TREE
- ⊙ DENOTES CONIFEROUS TREE
- DENOTES WOOD FENCE
- ⊙ DENOTES ELECTRIC POWER POLE
- DENOTES RETAINING WALL
- (M) DENOTES MEASURED DISTANCE
- (P) DENOTES PLATTED DISTANCE
- (S) DENOTES SANITARY MANHOLE
- ⊙ DENOTES ELECTRIC METER
- ⊙ DENOTES GAS METER
- ← DENOTES DRAINAGE FLOW
- ⊙ DENOTES LIGHT POLE
- ⊙ DENOTES SANITARY MANHOLE
- ⊙ DENOTES FIRE HYDRANT
- ⊙ DENOTES SIGN/POST
- ⊙ DENOTES WATER VALVE
- OE — DENOTES OVERHEAD ELECTRIC

## PROPOSED LEGEND

- DENOTES PROPOSED HOUSE
- DENOTES PROPOSED PORCH
- DENOTES PROPOSED DRIVEWAY
- XXX.X DENOTES PROPOSED GRADE
- ⊙ DENOTES TREE TO BE REMOVED

## NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

## LEGAL DESCRIPTION

Lot 1 and the West 14 feet of Lot 2, Block 1, SJOBERG'S SECOND ADDITION HENNEPIN COUNTY, MINNESOTA, Hennepin County, Minnesota, according to the recorded plat thereof.

## REFERENCE BENCHMARK

ELEVATION = 1015.13 (NGVD 29) MNDOT DISK "FAHIL".

NO.	DATE	DESCRIPTION	BY

## BUILDING SETBACKS

ZONING: R1 = SINGLE-FAMILY DISTRICT  
HOUSE: FRONT = 35 FT  
SIDE = SUM NOT LESS THAN 30 FT WITH A MINIMUM SETBACK OF 10 FT  
REAR = 40 FT OR 20% LOT DEPTH, WHICHEVER IS LESS

## EXISTING HARDCOVER

EXISTING HOUSE 1,702 SQ. FT.  
EXISTING CONC. SURFACE 547 SQ. FT.  
EXISTING BITUMINOUS SURFACE 1,303 SQ. FT.  
TOTAL IMPERVIOUS AREA 3,552 SQ. FT.  
TOTAL LOT AREA 22,205 SQ. FT.  
EXISTING HARDCOVER 16.0%

## PROPOSED HARDCOVER

PROPOSED HOUSE 3,350 SQ. FT.  
PROPOSED PORCH 266 SQ. FT.  
PROPOSED DRIVEWAY 1,102 SQ. FT.  
TOTAL IMPERVIOUS AREA 4,718 SQ. FT.  
TOTAL LOT AREA 22,205 SQ. FT.  
PROPOSED HARDCOVER 21.2%

JOB NAME: JASON SMITH

FIELD WORK DATE: 03/17/2022

DRAWN BY: IS

PROJECT NO.: 22-025

LOCATION: 17048 PATRICIA LANE  
MINNETONKA, MN 55345

FIELD BOOK NO.: EDS-15

CHECKED BY: VS

SHEET NO. C2



**ENGINEERING DESIGN & SURVEYING**  
6480 Wayzata Blvd. Minneapolis, MN 55426  
OFFICE: (763) 545-2800 FAX: (763) 545-2801  
EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Vlad Sivriver*  
VLADIMIR SIVRIVER L.S. NO. 25105

DATED: 04/20/2022





# GRADING, DRAINAGE AND EROSION CONTROL PLAN

Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166

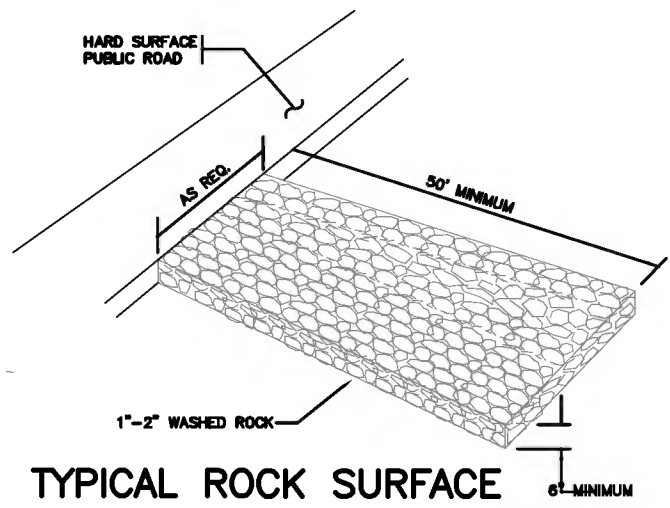


## LEGEND

- DENOTES FOUND PROPERTY IRON
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## PROPOSED LEGEND

- DENOTES PROPOSED HOUSE
- DENOTES PROPOSED PORCH
- DENOTES PROPOSED DRIVEWAY
- XXX.X DENOTES PROPOSED GRADE
- DENOTES TREE TO BE REMOVED
- DENOTES TREE TO BE SAVED
- DENOTES PROPOSED SILT SOCK
- DENOTES PROPOSED ROCK ENT.
- XXX.X DENOTES PROPOSED CONTOURS
- ← DENOTES PROPOSED DRAINAGE FLOW



**TYPICAL EROSION LOGS**  
 NOT TO SCALE

### REFERENCE BENCHMARK

ELEVATION = 1015.13 (NGVD 29) MNDOT DISK "FAHIL".

### NUMBERED NOTES

1. INSTALL SILT FENCE PRIOR TO START OF SOIL DISTURBING ACTIVITIES.
2. INSTALL TEMPORARY GRAVEL CONSTRUCTION ENTRANCE PRIOR TO START OF SOIL DISTURBING ACTIVITIES.
3. INSTALL TEMPORARY CONCRETE WASHOUT PAD (OPTIONAL).

### BUILDING SETBACKS

ZONING: R1 = SINGLE-FAMILY DISTRICT  
 HOUSE: FRONT = 35 FT  
 SIDE = SUM NOT LESS THAN 30 FT WITH A MINIMUM SETBACK OF 10 FT  
 REAR = 40 FT OR 20% LOT DEPTH, WHICHEVER IS LESS

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NO.	DATE	DESCRIPTION	BY



# GRADING AND EROSION CONTROL NOTES

Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166

## GRADING NOTES

1. CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
2. SUITABLE GRADING MATERIAL SHALL CONSIST OF ALL SOIL ENCOUNTERED ON THE SITE WITH EXCEPTION OF TOPSOIL DEBRIS, ORGANIC MATERIAL AND OTHER UNSTABLE MATERIAL. STOCKPILE TOPSOIL AND GRANULAR FILL AT LOCATIONS DIRECTED BY CONTRACTOR.
3. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF THE EXISTING PAVEMENT.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
5. GRADES SHOWN ARE FINISHED GRADES, CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION.
6. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OFF THE CONSTRUCTION SITE.
7. COMPLETION OF SITE GRADING OPERATIONS SHALL RESULT IN ALL AREAS BEING GRADED TO 'PLAN SUBGRADE ELEVATION'. THE PARKING LOT AND DRIVEWAY AREAS SHALL BE DETERMINED BY REFERRING TO THE SITE PLAN AND PAVEMENT SECTION DETAILS FOR LOCATION AND LIMITS OF BITUMINOUS PAVEMENT SECTIONS.
8. THE MINIMUM GRADED SLOPE FROM EDGE OF BUILDING SHALL BE 6 INCHES IN 10 FEET.
9. FINISHED GROUND AND SOD ELEVATION ADJACENT TO BUILDING SHALL BE 6" BELOW FLOOR ELEVATION. SLOPE GROUND AWAY FROM BUILDING A MINIMUM OF 6" IN 10 FEET BEYOND 10 FEET REFER TO PLAN GRADES.
10. CONTRACTOR IS RESPONSIBLE FOR GRADING AND SLOPING THE FINISHED GROUND SURFACE TO PROVIDE SMOOTH & UNIFORM SLOPES, WHICH PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND PREVENT PONDING IN LOWER AREAS. CONTACT ENGINEER IF FIELD ADJUSTMENTS TO GRADING PLANS ARE REQUIRED.
11. CONTRACTOR SHALL REMOVE ONLY THOSE TREES MARKED IN THE FIELD VERIFY WITH ENGINEER PRIOR TO REMOVAL.
12. ALL GRADING SHALL BE ACCORDING TO MnDOT 2105.
13. EXISTING CURB CUTS SHALL BE REMOVED AND REPLACED WITH CURB AND GUTTER PER CITY STANDARD DETAILS (AND SPECIFICATIONS).

## GRADING, TURF ESTABLISHMENT & EROSION CONTROL SPECIFICATIONS

### TURF ESTABLISHMENT

ALL TURF ESTABLISHMENT SHALL BE ACCORDING TO MnDOT 2575 AND SHALL TAKE PLACE WITHIN 10 DAYS OF THE COMPLETED GRADING OPERATION.

### TOPSOIL

CONTRACTOR SHALL STRIP, STOCKPILE AND RE-SPREAD SUFFICIENT TOPSOIL TO PROVIDE A MINIMUM 4 INCH DEPTH (COMPACTED) TO ALL DISTURBED AREAS, TO BE SODDED OR SEEDED.

### SOD

SOD SHALL BE ACCORDING TO MnDOT 3878.

### SEEDING

SEED MIX SHALL BE MnDOT 50B AT 100# PER ACRE. DORMANT SEEDING AFTER NOVEMBER 1, AT TWICE THE NORMAL RATE.

### MULCHING

MULCH SHALL BE MnDOT TYPE 1. STRAW SHOULD BE SPREAD UNIFORMLY AT A RATE OF 2 TONS PER ACRE AND ANCHORED WITH EITHER NETTING OR A STRAIGHT DISC.

### FERTILIZER

TYPE 20-0-10 AT 400# PER ACRE.

### GRADING

ALL GRADING SHALL BE ACCORDING TO MnDOT 2105.

## EROSION CONTROL NOTES

1. CONTRACTOR MUST CALL FOR A PRE-CONSTRUCTION MEETING 48 HRS PRIOR TO ANY LAND DISTURBANCES. FAILURE TO DO SO MAY RESULT IN FINES, THE REVOCATION OF PERMIT AND A STOP WORK ORDER BEING ISSUED.
2. INSTALL PERIMETER EROSION CONTROL AT THE LOCATIONS SHOWN ON THE PLANS PRIOR TO THE COMMENCEMENT OF ANY LAND DISTURBANCE OR CONSTRUCTION ACTIVITIES.
3. BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE. USE 2 INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST 6 INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXTEND THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE USING A GEO-TEXTILE FABRIC BENEATH THE AGGREGATE TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
4. REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS. REMOVAL SHALL BE ON A DAILY BASIS WHEN TRACKING OCCURS AND MAY BE ORDERED BY MINNEAPOLIS INSPECTORS AT ANY TIME IF CONDITIONS WARRANT. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
5. INSTALL INLET PROTECTION AT ALL PUBLIC AND PRIVATE CATCH BASIN INLETS, WHICH RECEIVE RUNOFF FROM THE DISTURBED AREAS. CATCH BASIN INSERTS OR OTHER APPROVED PRODUCT ARE REQUIRED IN UNDISTURBED AREAS THAT MAY RECEIVE RUN OFF FROM THE PROJECT AREA. HAY BALES OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
6. LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. IF REMAINING FOR MORE THAN SEVEN DAYS, STABILIZE THE STOCKPILES BY MULCHING, VEGETATIVE COVER, TARPS, OR OTHER MEANS. CONTROL EROSION FROM ALL STOCKPILES BY PLACING SILT BARRIERS AROUND THE PILES. TEMPORARY STOCKPILES LOCATED ON PAVED SURFACES MUST BE NO LESS THAN TWO FEET FROM THE DRAINAGE/GUTTER LINE AND SHALL BE COVERED IF LEFT MORE THAN 24 HRS.
7. MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPLACE DETERIORATED, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
8. TEMPORARILY OR PERMANENTLY STABILIZE ALL CONSTRUCTION AREAS WHICH HAVE UNDERGONE FINAL GRADING, AND ALL AREAS IN WHICH GRADING OR SITE BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY AGAINST EROSION DUE TO RAIN, WIND AND RUNNING WATER WITHIN 7-14 DAYS. USE SEED AND MULCH, EROSION CONTROL MATTING, AND/OR SODDING AND STAKING IN GREEN SPACE AREAS. AN EARLY APPLICATION OF GRAVEL BASE ON AREAS TO BE PAVED RECOMMENDED MINIMIZING EROSION POTENTIAL.
9. REMOVE ALL TEMPORARY SYNTHETIC, STRUCTURAL, NON-BIODEGRADABLE EROSION AND SEDIMENT CONTROL DEVICES AFTER THE SITE HAS UNDERGONE FINAL STABILIZATION WITH PERMANENT VEGETATION ESTABLISHMENT. FINAL STABILIZATION FOR PURPOSES OF THIS REMOVAL IS 70 % ESTABLISHED COVER OVER DENUDED AREA.
10. READY MIXED CONCRETE AND CONCRETE BATCH PLANTS ARE PROHIBITED WITHIN THE PUBLIC RIGHT OF WAY. ALL CONCRETE RELATED PRODUCTION, CLEANING AND MIXING ACTIVITIES SHALL BE DONE IN THE DESIGNATED CONCRETE MIXING/WASHOUT LOCATIONS AS SHOWN IN THE EROSION CONTROL PLAN. UNDER NO CIRCUMSTANCE MAY WASHOUT WATER DRAIN ONTO THE PUBLIC RIGHT OF WAY OR INTO ANY PUBLIC OR PRIVATE STORM DRAIN CONVEYANCE.
11. CHANGES TO APPROVED EROSION CONTROL PLAN MUST BE APPROVED BY THE EROSION CONTROL INSPECTOR PRIOR TO IMPLEMENTATION. CONTRACTOR TO PROVIDE INSTALLATION AND DETAILS FOR ALL PROPOSED ALTERNATE TYPE DEVICES.
12. PREVENT COMPACTION OF AREAS PROPOSED TO BE LANDSCAPED AS GREEN SPACE.

## RPBC WATERSHED EROSION CONTROL NOTES

- A. NATURAL TOPOGRAPHY AND SOIL CONDITIONS MUST BE PROTECTED, INCLUDING RETENTION ONSITE OF NATIVE TOPSOIL TO THE GREATEST EXTENT POSSIBLE.
- B. ADDITIONAL MEASURES, SUCH AS HYDRAULIC MULCHING AND OTHER PRACTICES AS SPECIFIED BY THE DISTRICT MUST BE USED ON SLOPES OF 3:1 (H:V) OR STEEPER TO PROVIDE ADEQUATE STABILIZATION.
- C. FINAL SITE STABILIZATION MEASURES MUST SPECIFY THAT AT LEAST SIX INCHES OF TOPSOIL OR ORGANIC MATTER BE SPREAD AND INCORPORATED INTO THE UNDERLYING SOIL DURING FINAL SITE TREATMENT WHEREVER TOPSOIL HAS BEEN REMOVED.
- D. CONSTRUCTION SITE WASTE SUCH AS DISCARDED BUILDING MATERIALS, CONCRETE TRUCK WASHOUT, CHEMICALS, LITTER AND SANITARY WASTE MUST BE PROPERLY MANAGED.
- E. ALL TEMPORARY EROSION AND SEDIMENT CONTROL BMPs MUST BE MAINTAINED UNTIL COMPLETION OF CONSTRUCTION AND VEGETATION IS ESTABLISHED SUFFICIENTLY TO ENSURE STABILITY OF THE SITE, AS DETERMINED BY THE DISTRICT.
- F. ALL TEMPORARY EROSION AND SEDIMENT CONTROL BMPs MUST BE REMOVED UPON FINAL STABILIZATION.
- G. SOIL SURFACES COMPACTED DURING CONSTRUCTION AND REMAINING PVIOUS UPON COMPLETION OF CONSTRUCTION MUST BE DECOMPACTED TO ACHIEVE A SOIL COMPACTION TESTING PRESSURE OF LESS THAN 1,400 KILOPASCALS OR 200 POUNDS PER SQUARE INCH IN THE UPPER 12 INCHES OF THE SOIL PROFILE WHILE TAKING CARE TO PROTECT UTILITIES, TREE ROOTS, AND OTHER EXISTING VEGETATION.
- H. ALL DISTURBED AREAS MUST BE STABILIZED WITHIN 7 CALENDAR DAYS AFTER LAND-DISTURBING WORK HAS TEMPORARILY OR PERMANENTLY CEASED ON A PROPERTY THAT DRAINS TO AN IMPAIRED WATER, WITHIN 14 DAYS ELSEWHERE.
- I. HE PERMITTEE MUST, AT A MINIMUM, INSPECT, MAINTAIN AND REPAIR ALL DISTURBED SURFACES AND ALL EROSION AND SEDIMENT CONTROL FACILITIES AND SOIL STABILIZATION MEASURES EVERY DAY WORK IS PERFORMED ON THE SITE AND AT LEAST WEEKLY UNTIL LAND-DISTURBING ACTIVITY HAS CEASED. THEREAFTER, THE PERMITTEE MUST PERFORM THESE RESPONSIBILITIES AT LEAST WEEKLY UNTIL VEGETATIVE COVER IS ESTABLISHED. THE PERMITTEE WILL MAINTAIN A LOG OF ACTIVITIES UNDER THIS SECTION FOR INSPECTION BY THE DISTRICT ON REQUEST.

NO.	DATE	DESCRIPTION	BY



**ENGINEERING DESIGN & SURVEYING**  
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I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Vlad Sivriver*  
 VLADIMIR SIVRIVER P.E. NO. 25105 DATED: 04/20/2022

JOB NAME: JASON SMITH

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DRAWN BY: IS

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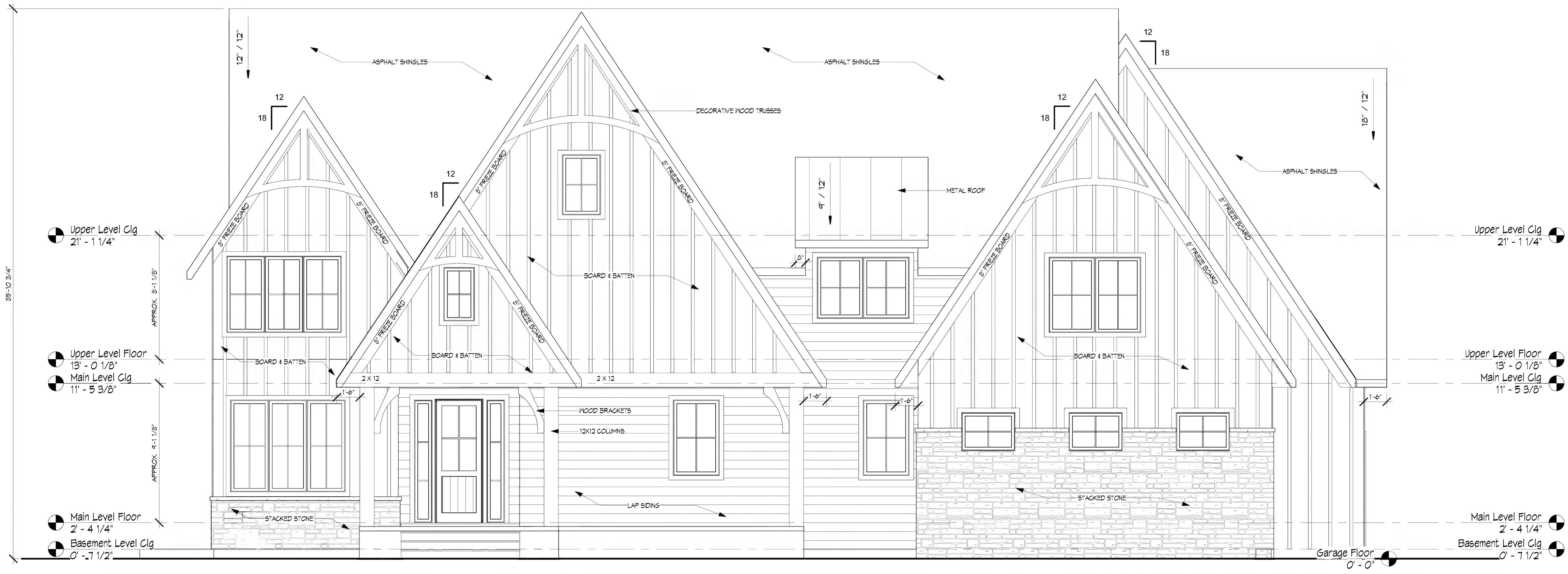
LOCATION: 17048 PATRICIA LANE  
 MINNETONKA, MN 55345

FIELD BOOK NO.: EDS-15

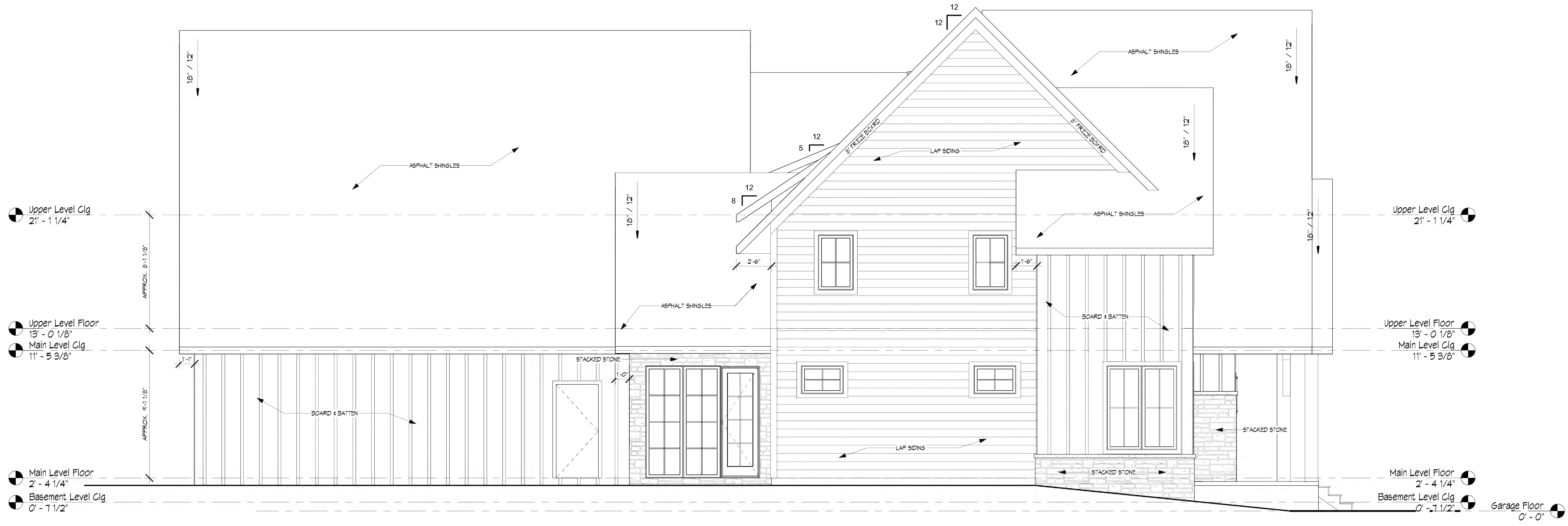
CHECKED BY: VS

SHEET NO. C4





1 FRONT ELEVATION  
 1/4" = 1'-0"



2 LEFT ELEVATION  
 1/4" = 1'-0"

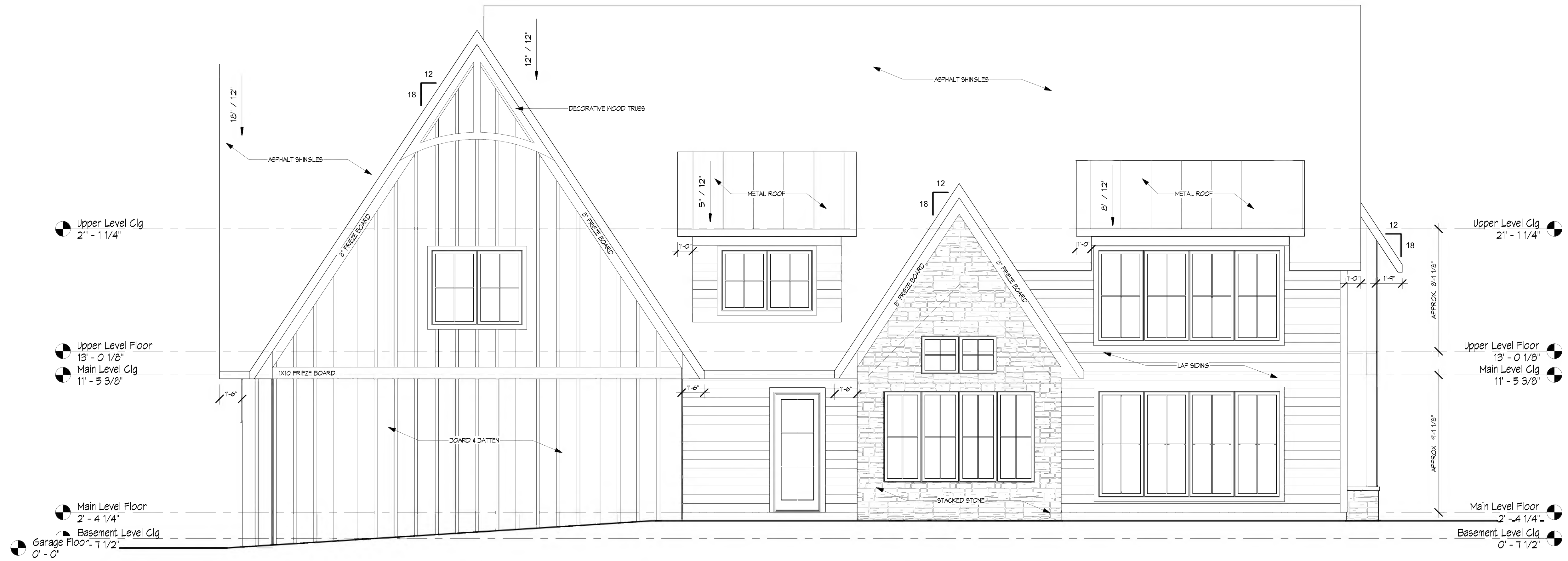
BEHR DESIGN, INC. AND ITS EMPLOYEES ASSUME NO RESPONSIBILITY FOR ANY CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. BEHR DESIGN, INC. AND ITS EMPLOYEES DO NOT WARRANT THE ACCURACY OF THIS DRAWING OR THE QUALITY OF THE CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. BEHR DESIGN, INC. AND ITS EMPLOYEES DO NOT WARRANT THE ACCURACY OF THIS DRAWING OR THE QUALITY OF THE CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

**Brophy Residence**  
 Minnetonka, MN

DATE: 09/22/22  
 DRAWN BY: BDD  
 PROJECT #: 21-056B  
 BEHR DESIGN, INC.  
 THIS DRAWING AND DESIGN LAYOUT IS  
 PROTECTED UNDER STATE AND FEDERAL  
 LAWS. NO PART OF THIS DRAWING OR  
 DESIGN LAYOUT SHALL BE REPRODUCED OR  
 COPIED IN ANY MANNER WITHOUT THE  
 WRITTEN CONSENT OF BEHR DESIGN, INC.

SHEET NO.  
**A1**  
 Ext Elevations





1 REAR ELEVATION  
1/4" = 1'-0"



2 RIGHT ELEVATION  
1/4" = 1'-0"

BEHR DESIGN, INC. AND ITS EMPLOYEES ASSUME NO RESPONSIBILITY FOR ANY CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. BEHR DESIGN, INC. AND ITS EMPLOYEES DO NOT WARRANT THE ACCURACY OF THIS DRAWING OR THE QUALITY OF THE CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. BEHR DESIGN, INC. AND ITS EMPLOYEES DO NOT WARRANT THE ACCURACY OF THIS DRAWING OR THE QUALITY OF THE CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

**Brophy Residence**  
Minnetonka, MN

DATE: 09/22/22  
DRAWN BY: BDD  
PROJECT #: 21-0502B  
THIS DRAWING AND DESIGN LAYOUT IS THE PROPERTY OF BEHR DESIGN, INC. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT PRIOR WRITTEN CONSENT FROM BEHR DESIGN, INC.

SHEET NO.  
**A2**  
Ext Elevations





1 FOUNDATION / BASEMENT PLAN  
 A3 1/4" = 1'-0"

- NOTES:
- 1) ALL BRG. HEADERS ARE TO BE (2)-2X10 UNLESS NOTED OTHERWISE (INO).
  - 2) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES.
  - 3) OWNER/CONTRACTOR TO SPEC. ALL FLOORING MATERIAL.
  - 4) OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS.
  - 5) ALL BRG. WALL WINDOW & DOOR OPNG'S WIDER THAN 60" REQUIRE (2) TRIMMERS MIN. UNDER EA. SIDE OF HEADER.
  - 6) (FL) - FLUSH BEAM, (DR) DROPPED BEAM
  - 7) ALL HEADERS ARE DROPPED UNLESS NOTED (FL)
  - 8) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.



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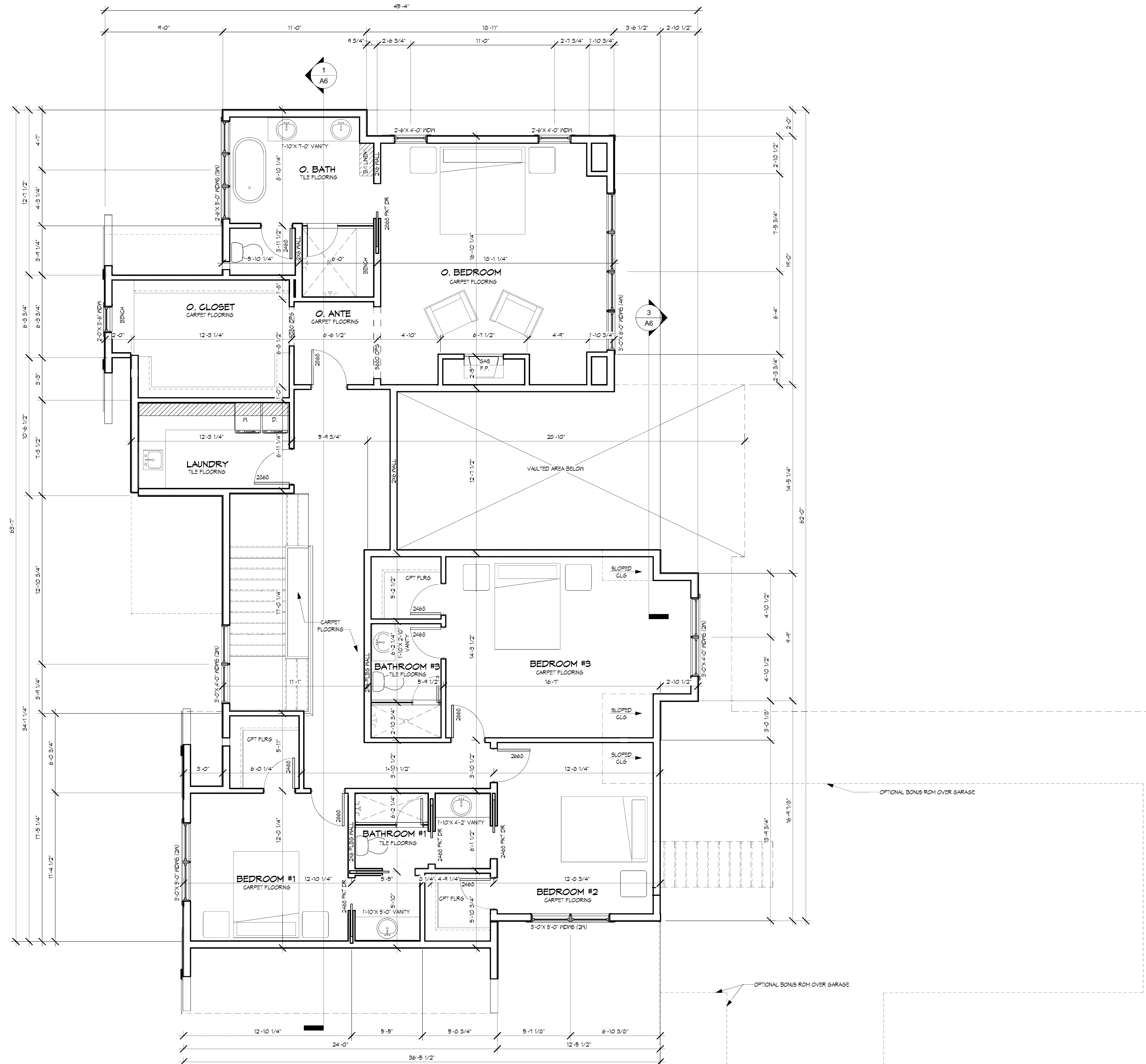
**Brophy Residence**  
 Minnetonka, MN

DATE: 09/22/22  
 DRAWN BY: BDD  
 PROJECT #: 21-056B  
 BEHR DESIGN, INC.  
 THIS DRAWING AND DESIGN LAYOUT IS  
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SHEET NO.  
**A3**  
 Basement Plan







1 UPPER FLOOR PLAN  
 A5 1/4" = 1'-0"

- NOTES:
- 1) ALL BRG. HEADERS ARE TO BE (2)-2X10 UNLESS NOTED OTHERWISE (UNO).
  - 2) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES.
  - 3) OWNER/CONTRACTOR TO SPEC. ALL FLOORING MATERIAL.
  - 4) OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS.
  - 5) ALL BRG. WALL WINDOW & DOOR OPNG'S WIDER THAN 60" REQUIRE (2) TRIMMERS MIN. UNDER EA. SIDE OF HEADER.
  - 6) (FL) - FLUSH BEAM, (DR) DROPPED BEAM
  - 7) ALL HEADERS ARE DROPPED UNLESS NOTED (FL)
  - 8) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.

BEHR DESIGN, INC. AND ITS EMPLOYEES ASSUME NO RESPONSIBILITY FOR ANY CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURAL ELEMENTS. BEHR DESIGN, INC. AND ITS EMPLOYEES SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURAL ELEMENTS. BEHR DESIGN, INC. AND ITS EMPLOYEES SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURAL ELEMENTS.

**Brophy Residence**  
 Minnetonka, MN

DATE: 09/22/22  
 DRAWN BY: BDD  
 PROJECT #: 21-056B  
 BEHR DESIGN, INC.  
 THIS DRAWING AND DESIGN LAYOUT IS  
 PROTECTED UNDER STATE AND FEDERAL  
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SHEET NO.  
**A5**  
 Upper Floor Plan









## Planning Commission Resolution No. 2022-

### Resolution approving a variance to the tree protection ordinance for the redevelopment of the property at 17048 Patricia Lane

---

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

Section 1. Background.

1.01 Capitol Builders has requested a variance on behalf of property owners Kevin and Alison Brophy from the city code to allow for the construction of a new home.

1.02 The property is located at 17048 Patricia Lane. It is legally described as:

Lot 1 and West 14 feet of Lot 2, Sjoberg's Second Addition, Hennepin County, Minnesota.

Torrens Certificate No. 1527904

1.03 City Code §300.14 Subd. 7 prohibits the removal of more than 50% of significant trees on a lot when there is a redevelopment of a single-family property. The applicant, Capitol Builders, has removed the one significant tree on the property, which is a 100% removal of significant trees on the property. The removal of the significant tree requires a variance.

1.04 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the planning commission to grant variances.

Section 2. Standards.

2.01 By City Code §314.01 Subd. 7, protected trees may be removed for a redeveloped single-family property at the following maximums:

- 25% of woodland preservation area (WPA);
- 35% of high-priority trees; and
- 50% of significant trees.

2.02 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are

practical difficulties in complying with the ordinance. Practical difficulties mean: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal would meet the tree protection ordinance if a variance is granted under Section 300.07 of the zoning ordinance. This proposal is reasonable as the site contains a single significant tree within 20 feet of the proposed principal structure.

3.02 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The intent of the tree protection ordinance is to encourage tree preservation by reasonably limiting the removal of trees during construction, site work, and land development activities while maintaining the rights of existing homeowners to use their private property. The applicant's proposal requests the removal of two trees, a reasonable request. The nexus between the tree removals without city approval and the penalties for those actions are consistent with the City Code Sections 314.01 subdivision 10 and City Code Section 715.030. The penalties for the violation of the tree protection ordinance are as follows:

- a) One violation per tree removed in the amount of \$2,000
  - o A total of 2 trees = \$4,000 total fee
- b) Tree mitigation for the trees removed
  - o 2 x(8" significant tree + 28" high priority tree)= 72 inches of replanting
- c) A doubled building permit fee for work started prior to obtaining a building permit

The penalties for those violations would meet the intent of the zoning ordinance.

2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would not negatively impact the existing residential character of the neighborhood.

3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:

- a) **REASONABLENESS:** The requested tree removal is reasonable. The lot has one significant tree, and any removal would be a



higher percentage than if there were several significant trees on the property.

- b) **UNIQUE CIRCUMSTANCE:** The intention of limiting the significant tree removal to 50% is meant for projects with numerous trees on single-family properties. When the subject property has few trees, it is more difficult for the ordinance to be met.
- c) **CHARACTER OF LOCALITY:** The proposed home would be reasonably sized compared to other homes in the neighborhood. The proposed home would meet the McMansion Policy as well.

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:
  - Survey certified April 20, 2022
  - Floor plans and elevations dated March 22, 2022
2. Permits may be required from other outside agencies, including Riley Purgatory Bluff Creek Watershed District. It is the applicant's or property owner's responsibility to obtain any necessary permits.
3. Prior to issuance of a building permit:
  - a) A copy of this resolution must be recorded with Hennepin County.
  - b) The violation fees for premature tree removal must be paid, and tree mitigation must be shown and approved as acceptable in the landscape plans.
  - c) Outstanding utility bills must be paid.
  - d) 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.
- e) Submit final landscaping and tree mitigation plans. These plans must:
- Include an adequate-sized rain garden that is a volume of 1.1 inches over the total site impervious area.
  - Meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans, the mitigation requirements would be 72 inches of replanting.
  - Note, only small shrubs, perennials, and grasses may be located in public easements.
  - Include information relating to species, sizes, quantities, locations, and landscape values.
  - Include pollinator-friendly species.
- f) Remove concrete curb and gutter from old driveway location and replace with full height curb and gutter.
- g) Revise survey to contain all easements of record.
- h) 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.
4. Additional mitigation requirements will be determined once construction is completed.
5. 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.

\_\_\_\_\_  
Joshua 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 June 9, 2022.

\_\_\_\_\_  
Fiona Golden, Deputy City Clerk

**MINNETONKA PLANNING COMMISSION**  
**June 9, 2022**

**Brief Description**

Items concerning Rayito de Sol at 3520 Williston Road:

1. Amendment to the existing master development plan;
2. Conditional use permit for a licensed daycare; and
3. Site and building plan review

**Recommendation**

Recommend the city council approve the request

**Background**

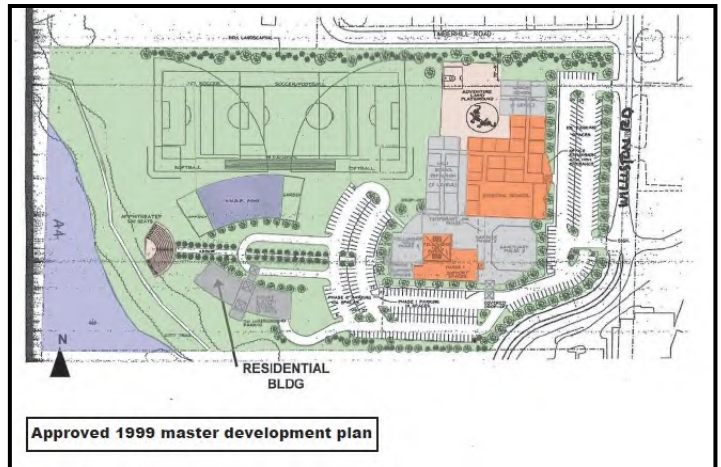
The property at 3520 Williston Road is roughly 20 acres in size and is improved with three buildings and several outdoor recreational amenities (playground and athletic fields, and parking lots).

In 1999, the city council approved a master development plan and a conditional use permit for the property at 3500 Williston Road. The plan contemplates expansions to the existing church and school buildings and the construction of a 60-unit senior housing building, athletic fields, and an outdoor amphitheater. The conditional use permit was for Minnetonka Christian Academy, which was previously a non-conforming use operating since 1968.

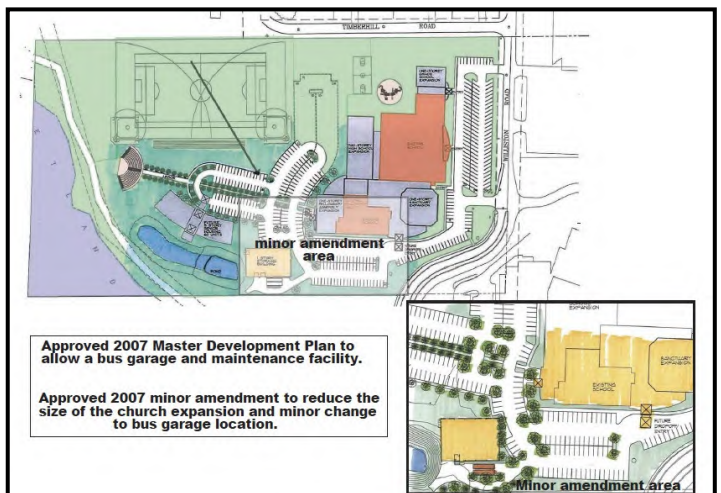
In 2007, the master development plan was amended to (1) increase the number of structures on the property to allow the construction of a storage and maintenance facility; (2) relocate a stormwater pond; and (3) reconfigure future parking lots. The storage facility was to be used to store and maintain the school's bus fleet and various other church and school equipment and supplies. Shortly after, a minor amendment was approved to relocate the storage building slightly as soil testing indicated that the soils in the originally approved location for the storage building were not suitable.



Current aerial



Approved 1999 master development plan



Approved 2007 Master Development Plan to allow a bus garage and maintenance facility.

Approved 2007 minor amendment to reduce the size of the church expansion and minor change to bus garage location.

Minor amendment area

In 2014, the city approved an amendment to the existing master development plan and site and building plans to allow Minnetonka Christian Academy to occupy roughly 75 percent of the 9,000 square foot storage building. Minnetonka Christian Academy has continued to operate within the former storage building but is now relocating back into the larger school building.

## **Proposal**

Rayito de Sol (RDS), a Spanish immersion daycare, currently operates in Minneapolis and Richfield, as well as two additional centers in Chicago. RDS is proposing to occupy the space formerly occupied by Minnetonka Christian Academy. RDS would also convert an existing gymnasium and the remaining storage area within the building into additional classroom space. Very minor changes are proposed to the exterior of the building to close an existing garage door on the west elevation, enlarge the main entry, and add windows.

RDS would be licensed for up to 120 students and have up to 15 staff. Typical hours of operation would be from 7:00 a.m. to 6:00 p.m., Monday through Friday.

The proposal requires:

- Amendment to the master development plan to convert the remaining storage space into classroom space.
- Conditional use permit for a licensed daycare facility.
- Site and building plan review to expand or change the use of a building by more than 10 percent.

## **Staff Analysis**

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

- **Is the requested amendment to the existing master development plan appropriate?**

Yes. The amendment to the existing master development plan is reasonable. The existing master development plan contemplates thoughtful expansions to the site's existing school and religious uses. The plan also contemplates a future senior housing complex. While these uses are projected for the future, staff finds the conversion of the remaining portion of the storage unit to classroom space for a daycare complementary to and consistent with the intent, use, and design considered in the existing master development plan.

- **Is the requested conditional use permit appropriate?**

Yes. The use would meet the conditional use permit standards for daycare uses as:

1. Loading and drop-off points are reasonably located in front of the daycare facility and would not interfere with traffic or pedestrian circulation.
2. The site has several outdoor play areas, including one in the northwest corner of the daycare building.

3. The daycare requires 29 parking stalls and can be accommodated on site. More information on parking is below.
4. Included as a condition of approval, the daycare must obtain all state, county, and city licenses.

- **Can the trip and parking demands be accommodated on-site?**

Yes. The trip and parking demands can be accommodated onsite.

Parking. By city code, 210 parking stalls are required. The site is currently improved with 147 stalls, with an additional 253 available as proof-of-parking. The parking demands of the site would exceed the amount of parking available onsite *if all three uses operated at the same time* as shown below:

	City Code		ITE Standards
	Calculation	Required	Required
<i>Religious institution</i>	1 per 2.5 seats	120 stalls	66 stalls
<i>Educational facility</i>	1 per 3 students + 1 per instructor	70 stalls	59 stalls
<i>Daycare</i>	1 per 6 children	20 stalls	29 stalls
<b>Total required</b>		<b>210 stalls</b>	<b>154 stalls</b>
<i>Available onsite</i>		<b>147 stalls</b>	
<i>Additional stalls as proof-of-parking</i>		<b>253 stalls</b>	

Staff finds the uses complementary, as the daycare and educational facilities operate during the week and the religious facility operates on the weekend. This finding is supported by parking observations taken by SRF Consulting Group onsite and at RDS's Richfield location.

Trip and traffic. Staff initially expressed concern regarding the current pick-up and drop-off queueing extending across Williston Road and onto city property. Staff secured SRF Consulting Group to observe site circulation and queueing patterns. The study found that the queueing issues are related to the Academy of Whole Learning, which is currently operating in the larger school building. Academy of Whole Learning is the only private school in Minnesota that is specifically designed for students with autism spectrum disorder and individual learning needs.<sup>1</sup> The study observed patterns associated with the Academy of Whole Learning are unique; the school experiences longer pick-up and drop-off times than a more typical school. The full study will be available prior to the planning commission meeting, however, the following was provided as a summary:

- Academy of Whole Learning is relocating offsite for Minnetonka Christian Academy to move in. This is anticipated to mitigate the current pick-off and drop-off issues.
- The study does not anticipate circulation concerns associated with the daycare use based on observations gathered from RDS's Richfield location.

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<sup>1</sup> <https://www.academyofwholelearning.org/>

- Minnetonka Christian Academy and RDS will utilize different access points and are expected to have complimentary drop-off and pick-up times.
- No previously identified site improvements are necessary to accommodate all three uses onsite based on the study findings.

### **Staff Recommendation**

Recommend that the city council adopt the following for the property at 3520 Williston Road:

- Ordinance approving an amendment to the existing master development plan and site and building plans for the conversion of the remaining existing storage facility to classroom space for a licensed daycare facility.
- Resolution approving a conditional use permit for a licensed daycare center.

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

## Supporting Information

### Surrounding Land Uses

Northerly: Single-family residential homes; zoned R-1 and guided low-density residential  
Easterly: Minnetonka city hall campus and ice arenas, zoned PUD, and guided institutional  
Southerly: Open space, zoned R-1 and guided Institutional  
Westerly: Wetland complex

### Planning

Guide Plan designation: Institutional  
Zoning: PUD, Planned Unit Development

### Site Uses

The site has two additional buildings. The following is intended to summarize how the other buildings are utilized:

Minnetonka Seventh-day Adventist Church: The religious facility is roughly 12,000 square feet in size. The active membership of the religious institution is roughly 350 members. The sanctuary has a max designed capacity for 300 people.

Typically, services are held on Saturday:

- 9:30 a.m. with an average of 60 attending members
- 11:30 a.m. with an average of 140 attending members

The religious facility is rented out on Sundays to other religious organizations. Generally, the rental period is from 9 a.m. to 1 p.m. and has up to 150 attendees.

Minnetonka Christian Academy (MCA): The educational facility is roughly 40,000 square feet in size, with 170 students in Pre-K through 10<sup>th</sup> grade. Typically, the facility is staffed by up to 10 people and three volunteers at any given time.

General hours of operation:

- Monday – Thursday: 8 a.m. – 3:00 p.m.
- Friday: 8 a.m. – 2 p.m.
- After school program: after school – 5:30 p.m.

**Ordinance Introduction** On [May 23, 2022](#), the city council introduced the ordinance to amend the master development plan. The council discussed parking and the tax implications of a for-profit rental of tax-exempt property. The city council referred the ordinance to the planning commission.

### CUP Standards

The proposal would comply with conditional use permit standards as outlined in City Code §300.21 Subd. 5(j):

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;



2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;
3. One parking space for every six children based on the licensed capacity of the center; and
4. Shall obtain all applicable state, county, and city licenses.

**SBP Standards**

The proposal would comply with all site and building standards as outlined in City Code §300.27 Subd.5

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) an internal sense of order for the buildings and uses on the site, and provision of a desirable environment for occupants, visitors and the general community;
  - b) the amount and location of open space and landscaping;
  - c) materials, textures, colors, and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of

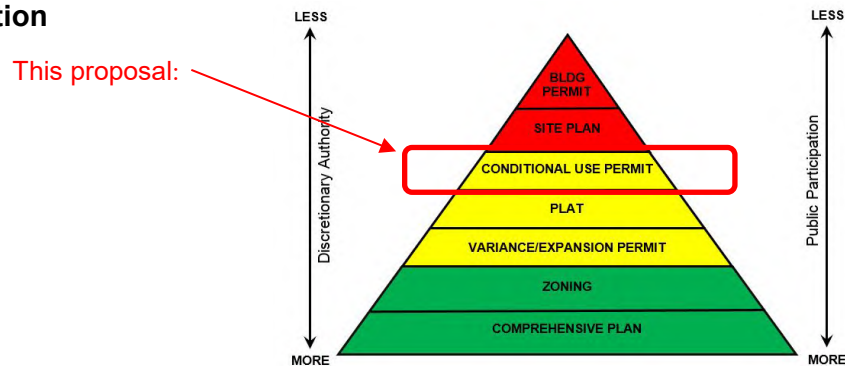
glass in structures, and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

### 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 a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval, the applicant must submit a construction management plan detailing these management practices.

### 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 32 area property owners and received no comments.

**Deadline for  
Decision**

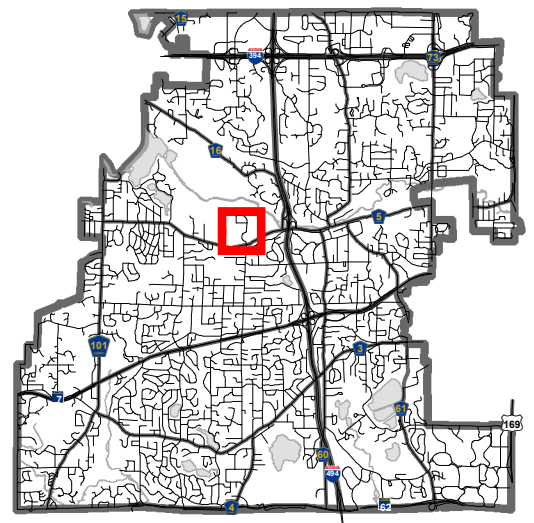
Aug. 25, 2022



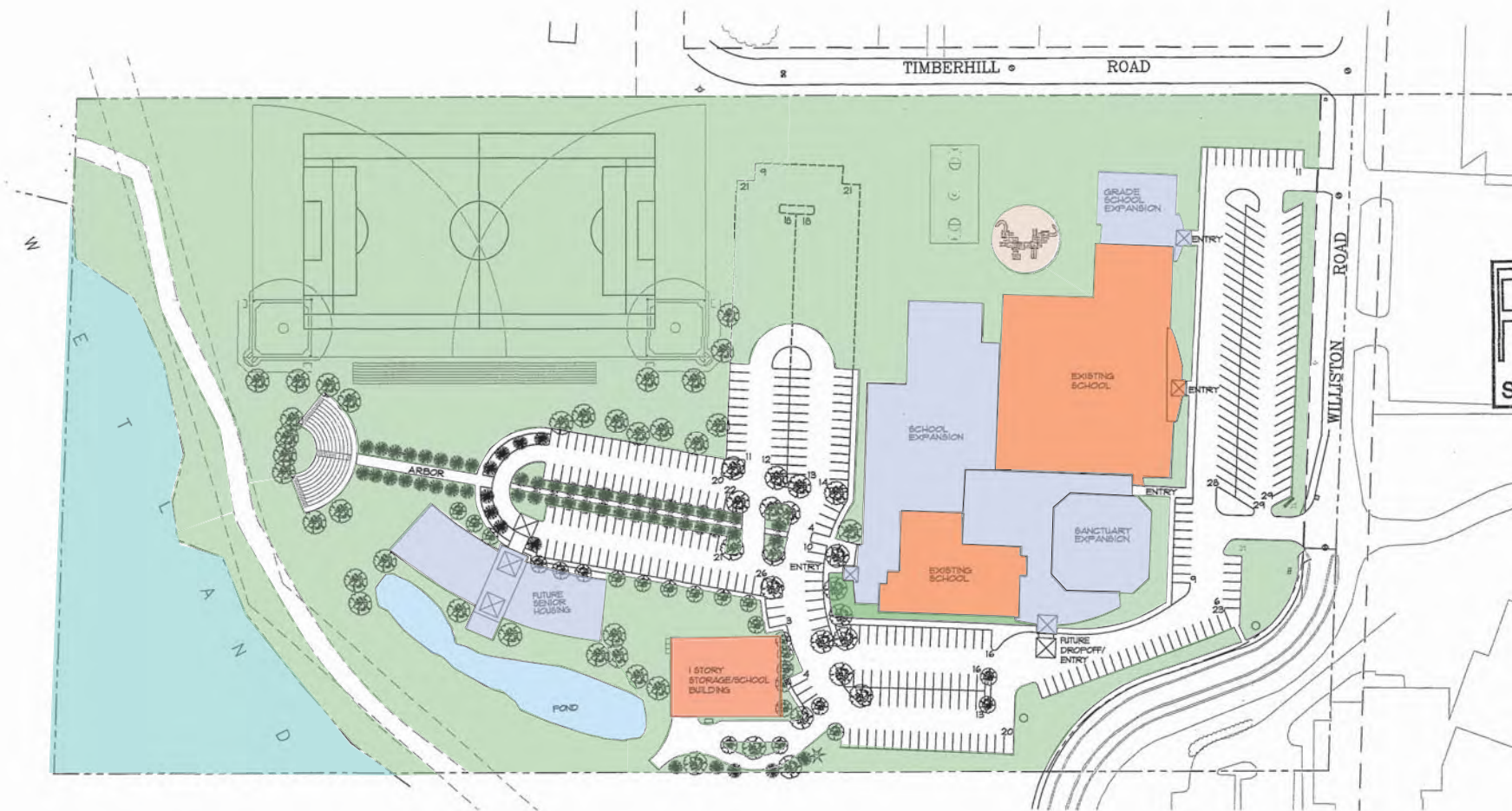


### Location Map

Project: Rayito de Sol  
Address: 3520 Williston Rd







**TROSSEN  
WRIGHT  
PLUTOWSKI**  
ARCHITECTS, PA

4125 Lakeland Ave N.  
Suite 200  
Minneapolis, Minnesota 55412  
Phone: (763) 533-7171  
Fax: (763) 533-7979

Consultants

**RECEIVED**  
MAR - 3 2014  
Submitted by Applicant

Certification

Project Information

**Minnetonka  
Seventh-Day  
Adventist Church  
Master Plan**

Minnetonka, Minnesota

Revisions

03/07/14 MASTER PLAN REV.

Date: 06/29/07  
Drawn By: JG  
Checked By: AP  
Job Number: M1013



Sheet Information

MASTER SITE PLAN - REVISED

**Approved Master Development Plan**

MASTER PLAN  
1" = 32'-0"

A2

To: City of Minnetonka  
Attn: Ashley Cauley  
RE: Consolidated Conditional Use Permit and Development Plan Application  
April 27<sup>th</sup>, 2022

Minnetonka Christian Academy (MCA) is leasing its 3520 Williston Road building to Rayito de Sol (RDS), a Spanish immersion daycare, which is a for-profit LLC. A demarcation line around the building, including the existing playground, is being marked for property tax purposes as shown in **Exhibit A**. This is the first occurrence of a for-profit entity leasing a building on the 20-acre campus. Prior to this occurrence all leases and rentals have been to non-profit organizations.

The 20-acre campus has the full legal description as shown in **Exhibit B**. The campus presently has three buildings: 3500 Williston Road (school); 3510 Williston Road (church worship center); and 3520 Williston Road (school).

For reference, though it may not be required, a survey of the 20-acre land parcel is attached in **Exhibit C** and was conducted around 2000 by Schoell Madsen.

The site plan incorporating all three buildings is shown in **Exhibit D** (1 of 2, page T1-1) dated 05/07/2014 as submitted for the 3520 building remodel by Trossen, Wright, Plutowski Architects. The second page (2 of 2, L1-R1) documents the 3 building site locations, pick-up/drop off points and traffic circulation as currently practiced since 2014 to present and proposed going forward.

Additional narrative is attached in **Exhibit E** detailing hours of operations, enrollment numbers / maximum capacity, teachers, classroom numbers, drop-off and pick-up times for both MCA and RDS. Also included are membership numbers, attendance and typical schedule for the church worship center.

**Exhibit F** shows the current 3520 building elevation (page A5-1) and floor plan (page A3-1A). A proposed conversion by RDS of the remaining storage and gym space into classrooms is also included in **Exhibit G**.

There are no plans for changes to the 3500 or 3510 buildings.

The intended use of the 3520 Building is to lease it to Rayito de Sol (RDS), a Spanish immersion daycare that will operate as the sole tenant/occupant of the entire 3520 building and within the land demarcation perimeter. Prior to leasing, this building has been used as a PK-8<sup>th</sup> grade church school (MCA) since 2014 until present. Traffic flow, circulation and parking density is expected to be less than or on par with current campus experience. Appropriate permits and licensing, including the Department of Human Services, will be secured by RDS.

Respectfully submitted,

David Land  
MCA Lessor

# Exhibit E

## Minnetonka Campus Data

### 3500, 3510, 3520 Williston Road

#### What is changing on campus summer 2022?

- Minnetonka Christian Academy (MCA) is moving from 3520 back to the 3500 Building
- Rayito de Sol (RDS) is leasing the 3520 building with plans to convert some remaining storage and gym space into classrooms

MCA needs more space to grow its current student base of 72 students to 108 students for the 2022-2023 school year. The school was originally operating in the 3500 building since the 1960's but right sized in 2012-13 and operated from the smaller 3520 building beginning the 2014-15 school year to present. MCA is at capacity with pressure in lower grades for classrooms/students in the 3520 building and so will now move back into the larger 3500 building.

MCA began a search for a tenant to lease the 3520 building in November 2021 and secured an agreement with RDS, a Spanish immersion daycare March 24<sup>th</sup>, 2022. The daycare plans to be operational September 1<sup>st</sup>, 2022. As RDS builds its student base, it plans to subsequently convert some remaining storage and gym space into classrooms to fully utilize the building for its mission. *A proposed floor plan for these classrooms is provided in Exhibit G.* Since RDS is a for-profit company a demarcation line around the building, including the existing playground, is being marked for property tax purposes (Exhibit A).

There are currently no plans for changes to the 3500 or 3510 buildings.

Here is a summary of the three campus properties, including hours of operation, enrollment numbers/maximum capacity; teachers; number of classrooms for MCA and RDS. Church membership numbers, attendance and typical worship schedule are also provided:

- 1. Minnetonka Christian Academy (MCA) 3500 Williston Road Building:** (approx. 40,000 gross sq. ft (gsf); Pre-K – 10 School
  - a. Projected enrollment for July 2022 – June 2023 School Year: 108 students covering Pre-Kindergarten through 10<sup>th</sup> grade
  - b. Teaching Staff (including Principal, art, music) 10; Volunteers: up to 3
  - c. Maximum student capacity (all classrooms): 170 students
  - d. 10 Classrooms (including Art and Music)
  - e. School Operating Hours: Monday – Thursday 8:00am–3:00pm; Friday: 8am-2pm
  - f. Staggered drop-off occurs between 7:30-8:15am and pick-up between 3-3:15pm (Friday: 2-2:15pm)
  - g. Between 10-20 students are in the after-care program for parents to pick-up at staggered times from 3:15-5:30pm

- 2. Minnetonka Seventh-day Adventist Church 3510 Williston Road Building:** (approx. 12,100 gsf); Worship Center
  - a. Active membership: 350
  - b. Saturday Attendance, 200 average: 60 @1<sup>st</sup> Service; 140 @ 2<sup>nd</sup> service (Total of two services 9:30am and 11:30am)
  - c. Sunday Attendance (when rented): Up to 150 (9-1pm)
  - d. Worship Center capacity: Approx. 300 people
  
- 3. Rayito de Sol (RDS) Lessee 3520 Williston Road Building:** (approx. 9,000 gsf); Spanish Immersion Daycare/School- Ages 3 months – 5 ½ years old
  - a. Projected enrollment September 2022 - August 2023: Up to 95 students, 90% of capacity
  - b. Teaching Staff: 15
  - c. Maximum student capacity (with additional classrooms) approx. 114 (Department of Human Services determines based on classroom square footage)
  - d. 5 classrooms, growing to 7
  - e. Our goal is to get to the following classroom classifications: 2 Infant, 2 Toddler, 3 Preschool
  - f. School Operating Hours: Monday – Friday 7:00am–6:00pm
  - g. Drop-off is very staggered from 7-9am
    - i. Early care drop-off for parents is typically 7-8am, with a majority of children arriving between 8:30-9am
  - h. Pick-up of students is also very staggered from 4-6pm.
    - i. 6:00pm pick-up is for those parents who need post care late pickup.

Traffic circulation with routes drawn out and pick-up/drop off spots are shown on the site plan (Exhibit D, 2 of 2, page L1-R1). This same circulation pattern and pick-up/drop off spots have been successfully in place since 2014.

Church attendance is on the weekend, whereas both schools operate Monday to Friday, so there is no overlap. MCA and RDS have different drop-off and pick-up times so there is minimal overlap. Each school has a separate circulation route through the campus which avoids interference with any temporary traffic lines.

Please note that the entire 20-acre campus (land and buildings) is part of the assets of the Minnesota Conference Association of Seventh-day Adventists, a Minnesota nonprofit corporation.

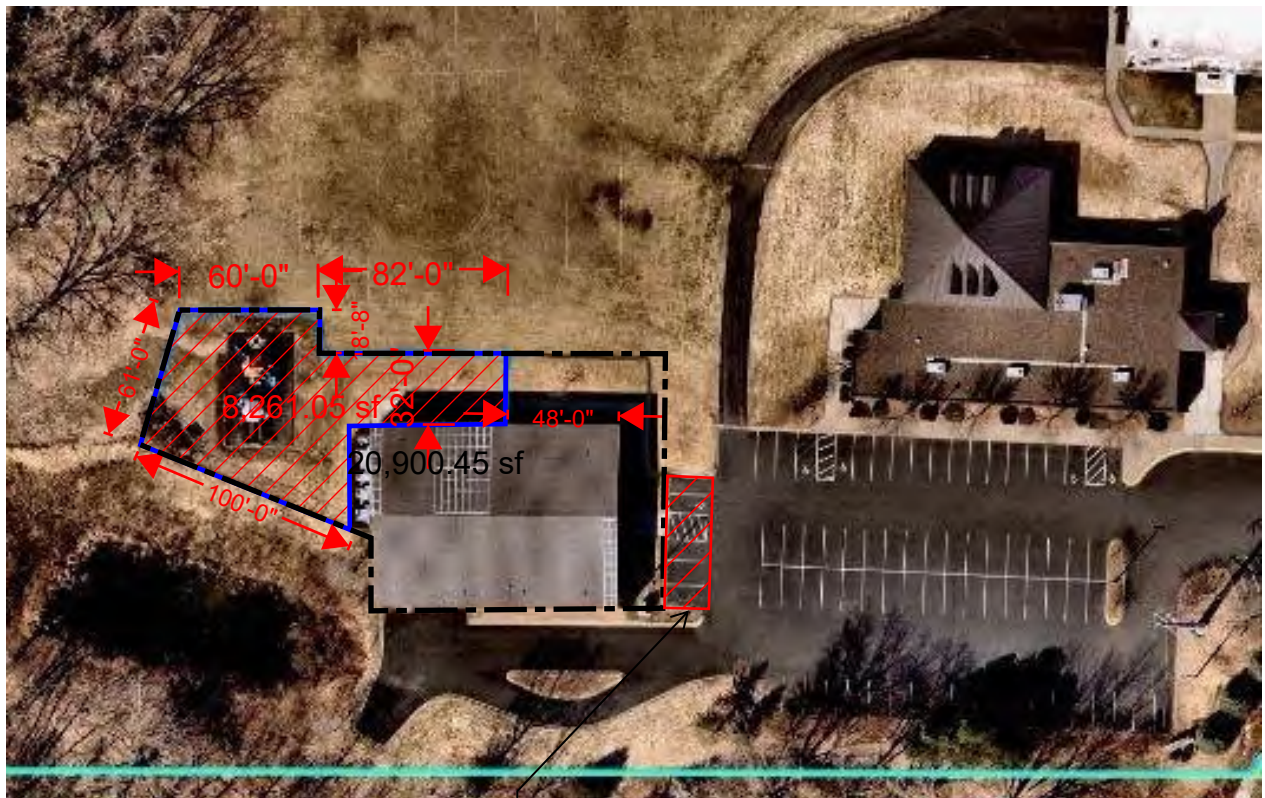


Exhibit A  
Legal Description of the Real Estate  
**Demarcation of RDS Lease**

As of 4-5-2022 pending formal survey and official boundary description:

The drawn blue line represents a black chain-link fence extension for the perimeter of the property around the children's playground back to the side hallway exit door on the north side.

The drawn black line is the approximate property boundary up to the front of the building to meet the vertical line from the curb edge of the exclusive parking spaces in front of the 3520 building.



RDS EXCLUSIVE  
PARKING

4/26/2022 ANNOTATION

EXHIBIT - A -





## Exhibit B

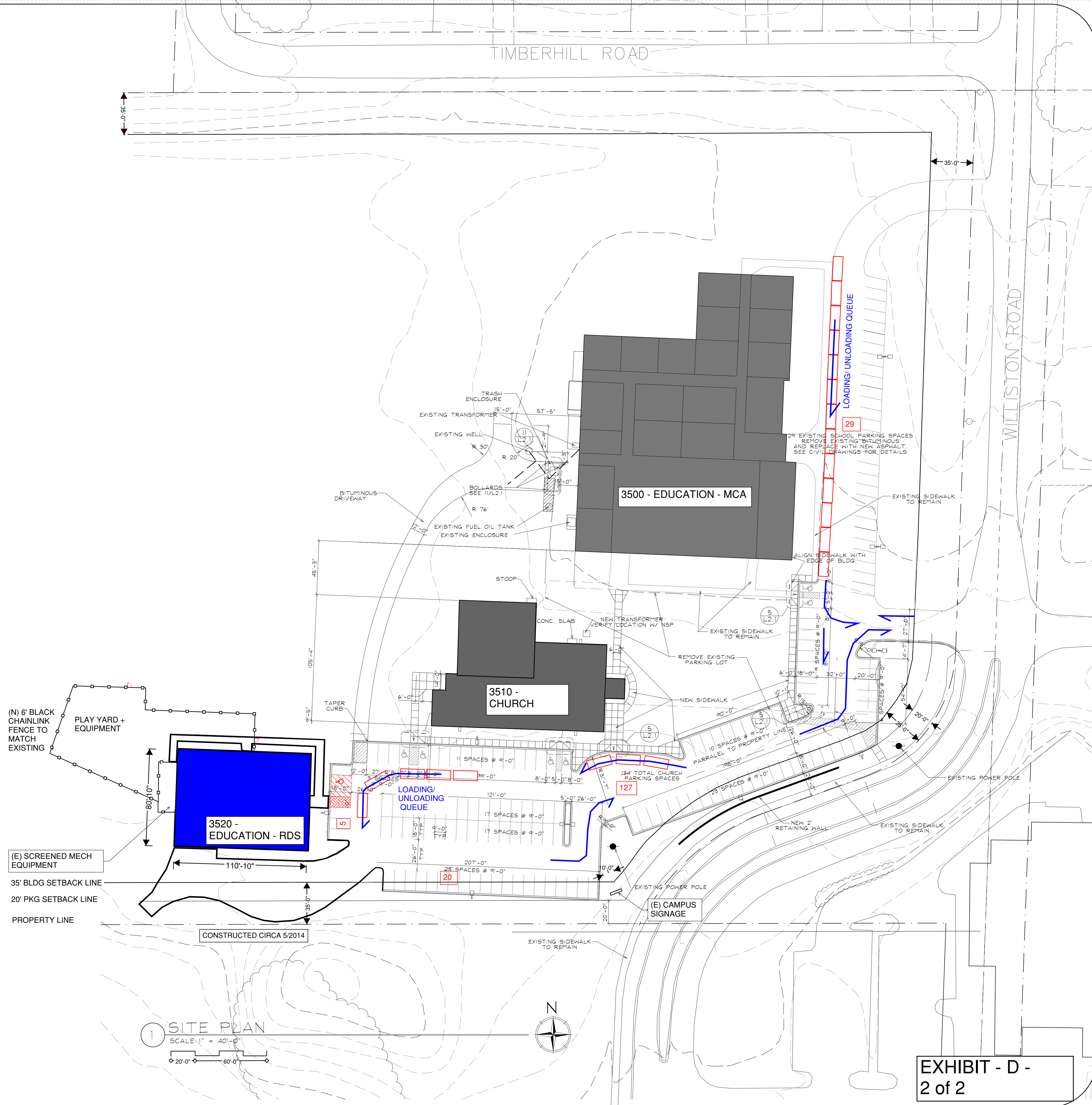
# Legal Description of the Property Lot

Certificate of Title for the property lot has the following legal description:

The NW 1/4 of the SE 1/4 of Sect. 16, Township 117, Range 22 except the South 640 ft. thereof and except that part thereof described as follows:

Beginning at the NE corner of the South 640 ft. of said NW 1/4 of the SE 1/4, thence N 2 deg. 05 min. 38 sec. East along the East line thereof a distance of 228.0 ft. thence North 87 deg. 54 min. 22 sec. West 33.0 ft.; thence Southwesterly 138.86 ft. along a non-tangible curve concave to the Northwest, having a radius of 117.0 ft. and a central angle of 68 deg. and a chord bearing South 36 deg. 05 min. 38 sec. West; thence South 70 deg. 05 min. 38 sec. West, tangent to said last described curve 88.44 ft.; thence Southwesterly along a tangential curve, concave to the Southeast having a central angle of 68 deg. and a radius of 187.0 ft. to the North line of said South 640 ft.; thence North 89 deg. 56 min. 33 sec. East along said North line thereof to the point of beginning and there terminating.





1 SITE PLAN  
SCALE 1" = 40'-0"  
0'-0" 20'-0" 60'-0"

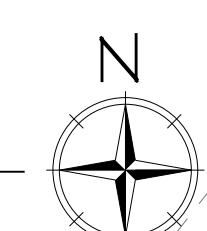


EXHIBIT - D -  
2 of 2

MINNETONKA SEVENTH-DAY ADVENTIST  
CHURCH + MINNETONKA CHRISTIAN ACADEMY  
PARTIAL SITE CIRCULATION PLAN  
MINNETONKA MINNESOTA

SITE CIRCULATION PLAN

Drawn By  
Project Architect  
Checked By  
Date FEBRUARY 4, 2000  
Revisions

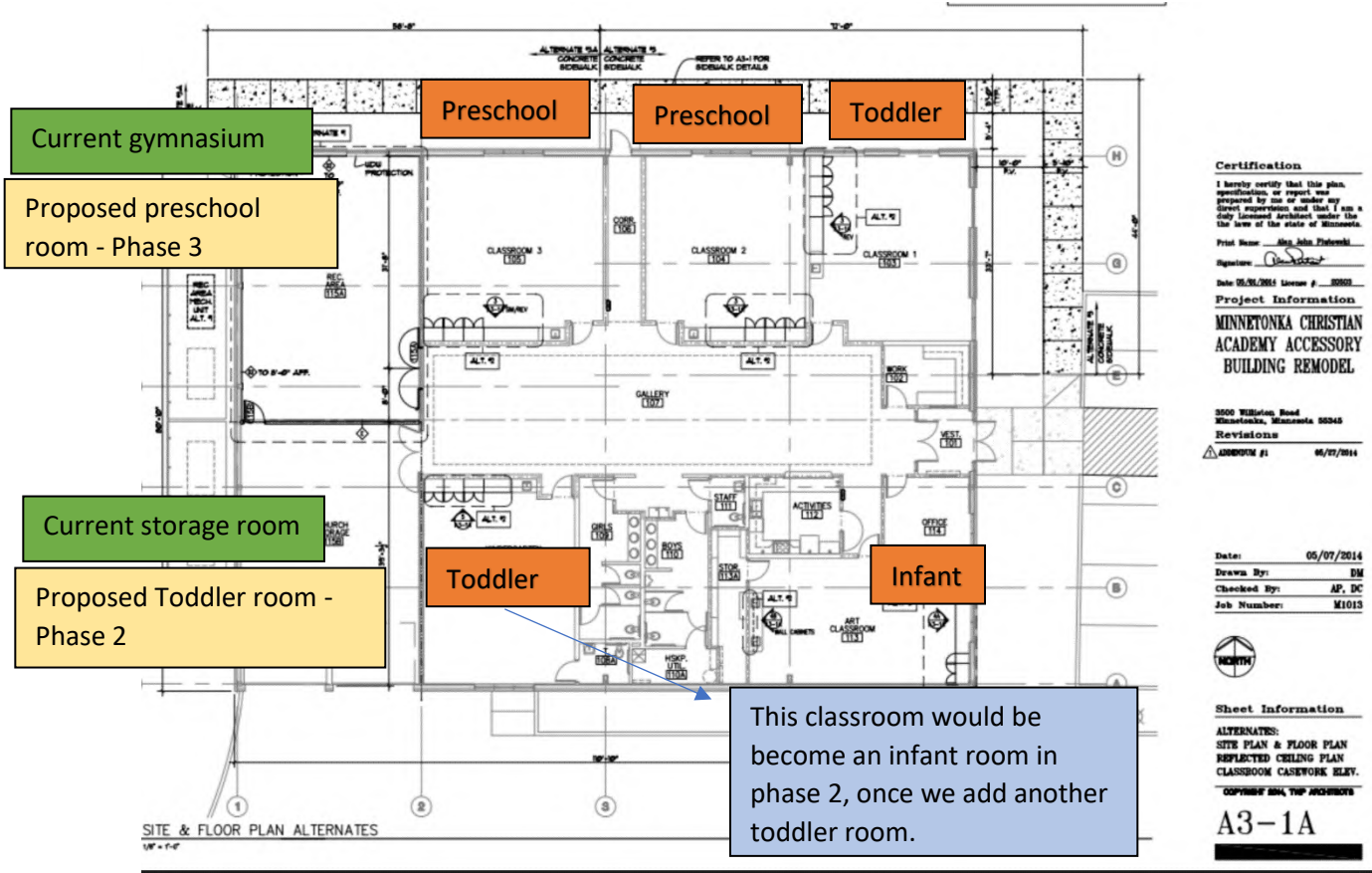
4/26/2022 3520  
BLDG + PARKING  
RECOUNT

Project No. L1-1R

# Exhibit G

## Rayito De Sol Floor Plan

Current floor plan as the school currently operates. We will schedule the changes in 2 phases once the land use is approved. We want to open using the current floor plan and once we have been approved by DHS. We need to ramp our enrollment before we make any building changes.



**Certification**  
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the state of Minnesota.  
Print Name: Angela Peterson  
Signature: [Signature]  
Date: 05/07/2014 License # 00000

**Project Information**  
MINNETONKA CHRISTIAN ACADEMY ACCESSORY BUILDING REMODEL

3500 Wilshire Road  
Minnetonka, Minnesota 55345

**Revisions**  
REVISION #1 06/02/2014

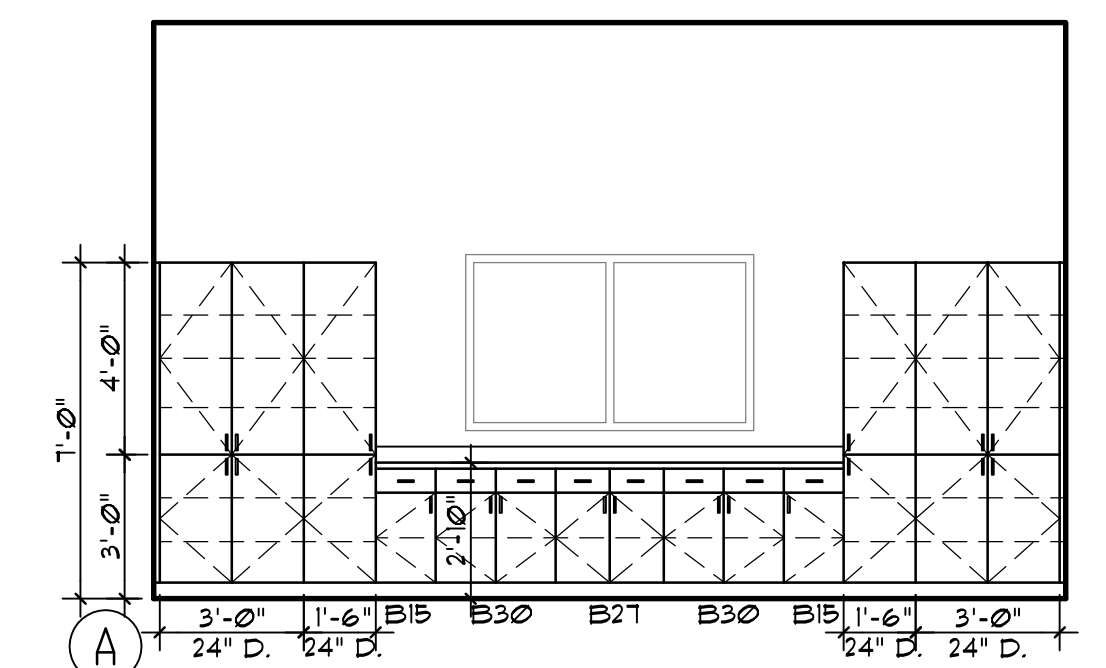
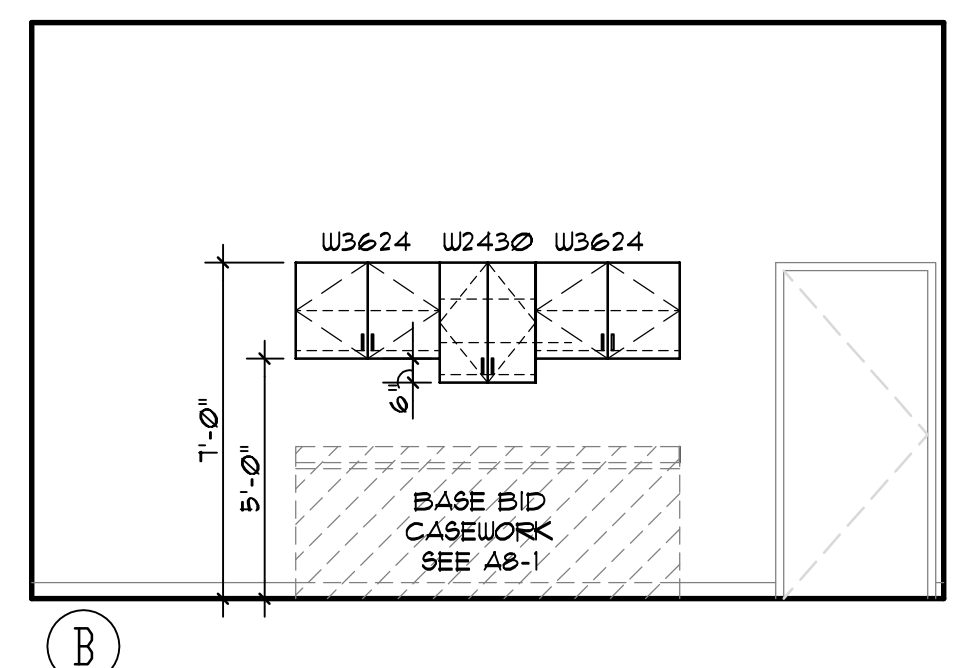
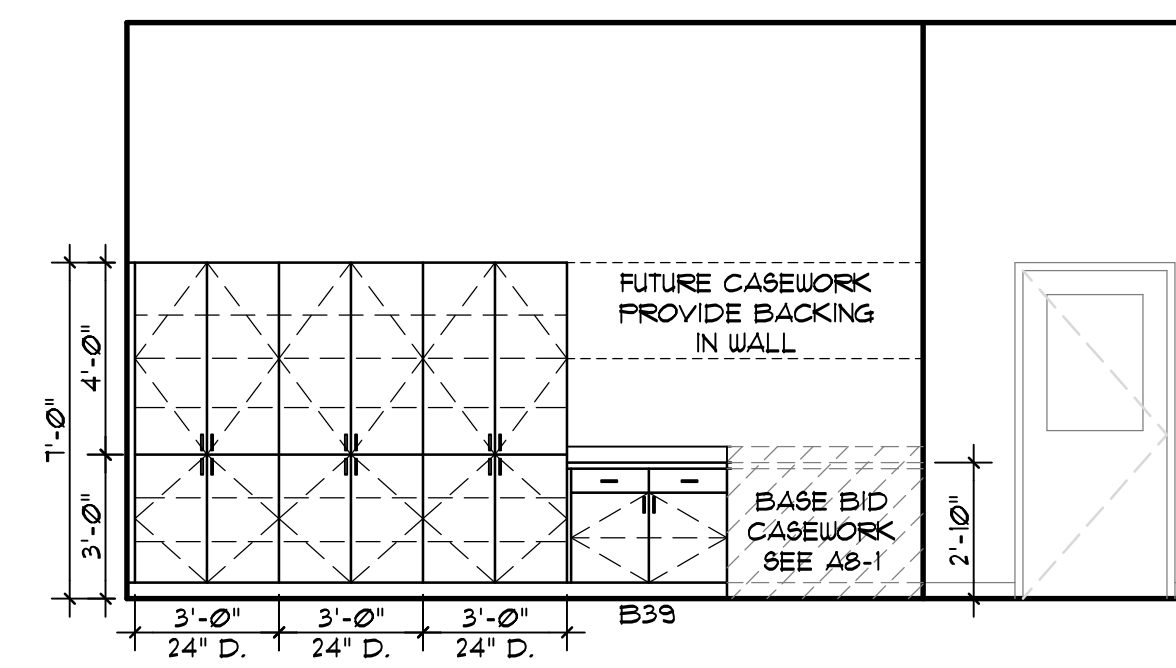
Date: 05/07/2014  
Drawn By: DM  
Checked By: AP, DC  
Job Number: M1013

**Sheet Information**  
ALTERNATES:  
SITE PLAN & FLOOR PLAN  
REFLECTED CEILING PLAN  
CLASSROOM CASEWORK ELEV.  
COPYRIGHT 2014, THE ARCHITECTS  
**A3-1A**



- GENERAL PLAN NOTES**
- ◇ SEE SHEET A10-1 FOR WALL TYPES
  - (10) SEE SHEET A10-1 FOR DOOR SCHEDULE
  - △ SEE SHEET A10-1 FOR WINDOW TYPES
  - SEE SHEET A10-1 FOR ROOM FINISH SCHEDULE
  - SEE SHEET A10-1 FOR WINDOW, DOOR, WALL & FRAME TYPES
  - INDICATES DROPPED SOFFIT ABOVE
  - - - - 2-HOUR FIRE SEPARATION WALL
  - FE-R - REFERS TO SEMI RECESSED FIRE EXTINGUISHER REFER TO DETAIL A9-1 FOR CABINET RECESS IN WALL.
  - REFER TO SHEET A9-1 FOR FLOOR MATERIAL TRANSITIONS.
  - FIRE STOP ALL OPENINGS IN FIRE WALLS & BARRIERS AS NEEDED TO MEET CODE. FIELD VERIFY EXTENT. PROVIDE DAMPER & DUCT PENETRATIONS.
  - DIMENSIONS**
  - INTERIOR - ALL DIMENSIONS FOR NEW CONSTRUCTION ARE TO CENTERLINE OF STUDS (UNLESS OTHERWISE NOTED).
  - EXTERIOR - ALL DIMENSIONS ARE TO FACE OF SHEATHING OR FACE OF MASONRY (UNLESS OTHERWISE NOTED).

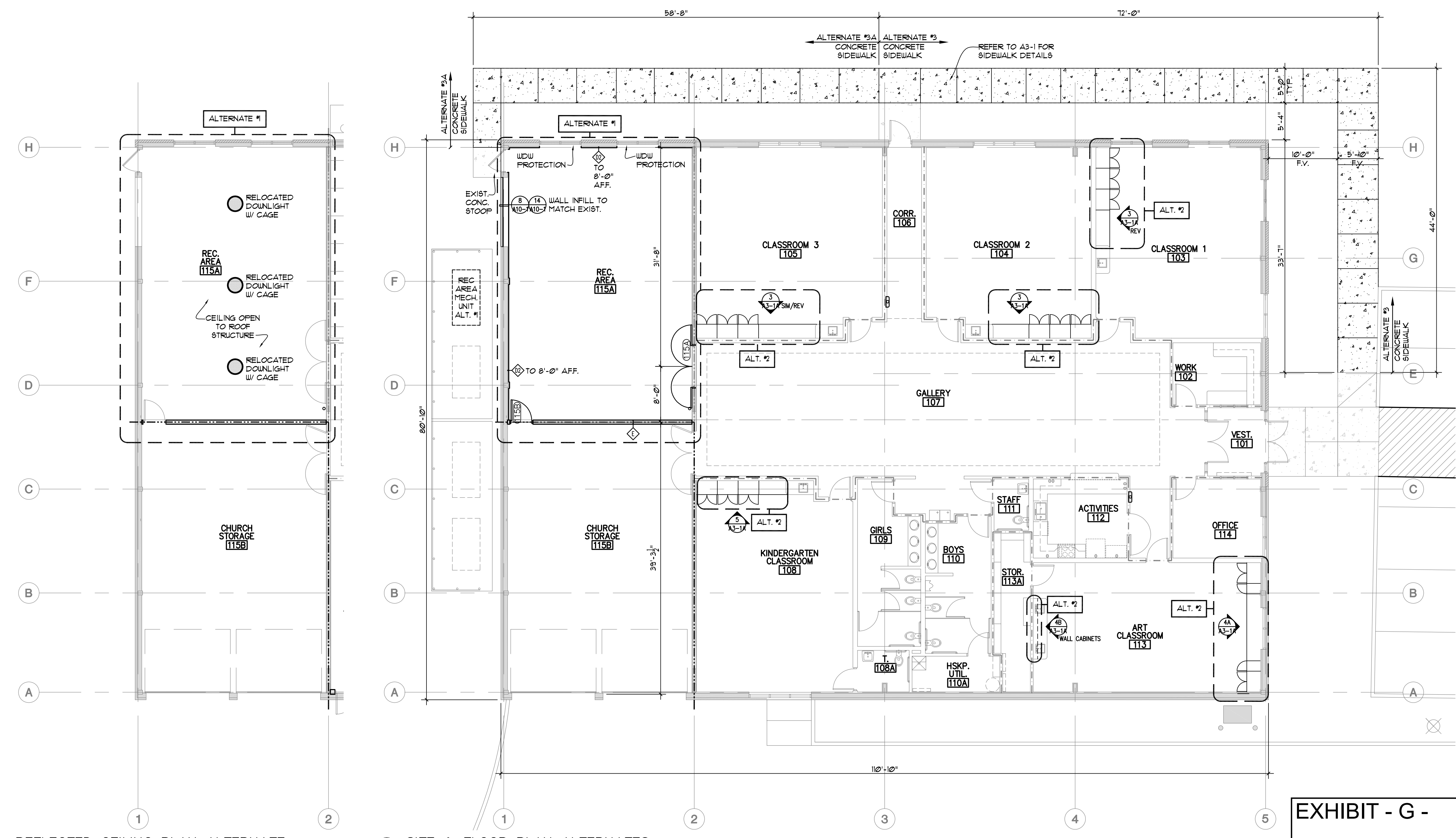
NOTE:  
FLAM CABINETS W/ FLAM COUNTER, BACK & SIDE SPLASH, TYP.  
ALL CABINETS TO HAVE KEYED LOCKS



5 KINDERGARTEN CLASSROOM - ALT. #2  
A3-1A 1/4" = 1'-0"

4 ART CLASSROOM - ALT. #2  
A3-1A 1/4" = 1'-0"

3 TYP. CLASSROOM - ALT. #2  
A3-1A 1/4" = 1'-0"



2 REFLECTED CEILING PLAN ALTERNATE  
A3-1A 1/8" = 1'-0"

1 SITE & FLOOR PLAN ALTERNATES  
A3-1A 1/8" = 1'-0"

**EXHIBIT - G -**

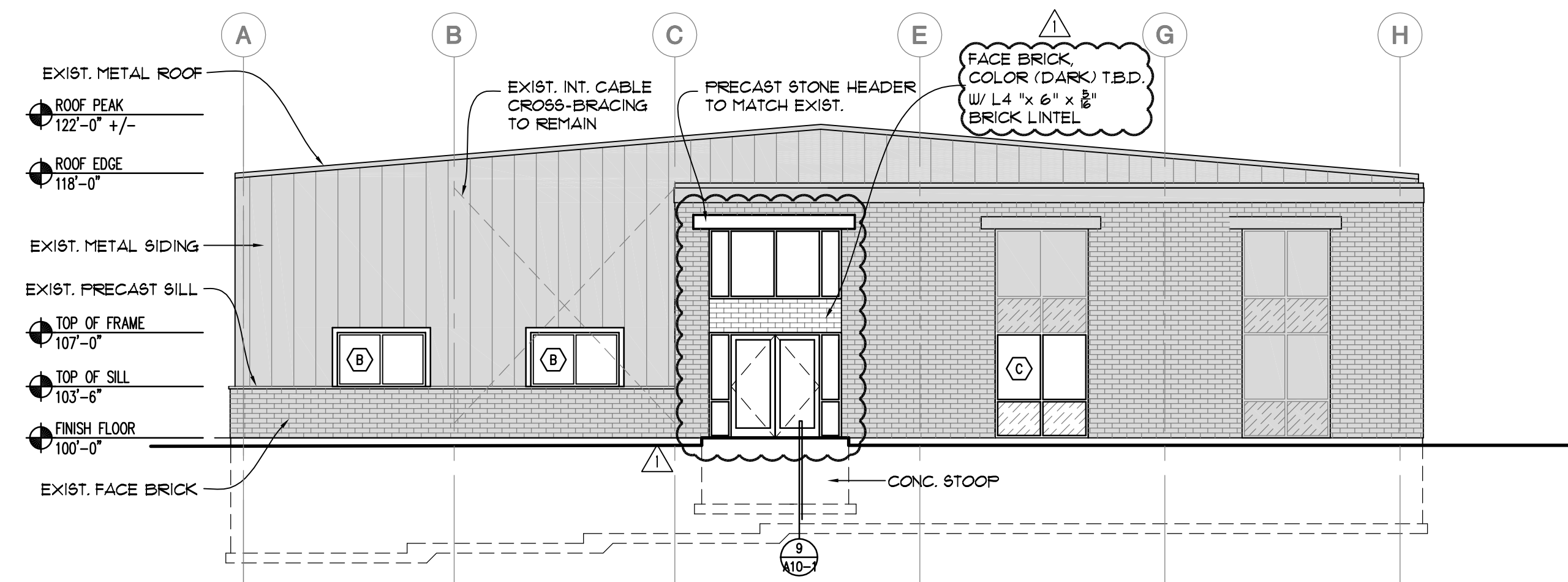
**Certification**  
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.  
Print Name: Alan John Plutowski  
Signature: *[Signature]*  
Date: 05/01/2014 License #: 20503  
**Project Information**  
MINNETONKA CHRISTIAN ACADEMY ACCESSORY BUILDING REMODEL

3500 Williston Road  
Minnetonka, Minnesota 55345  
**Revisions**  
△ ADDENDUM #1 05/27/2014

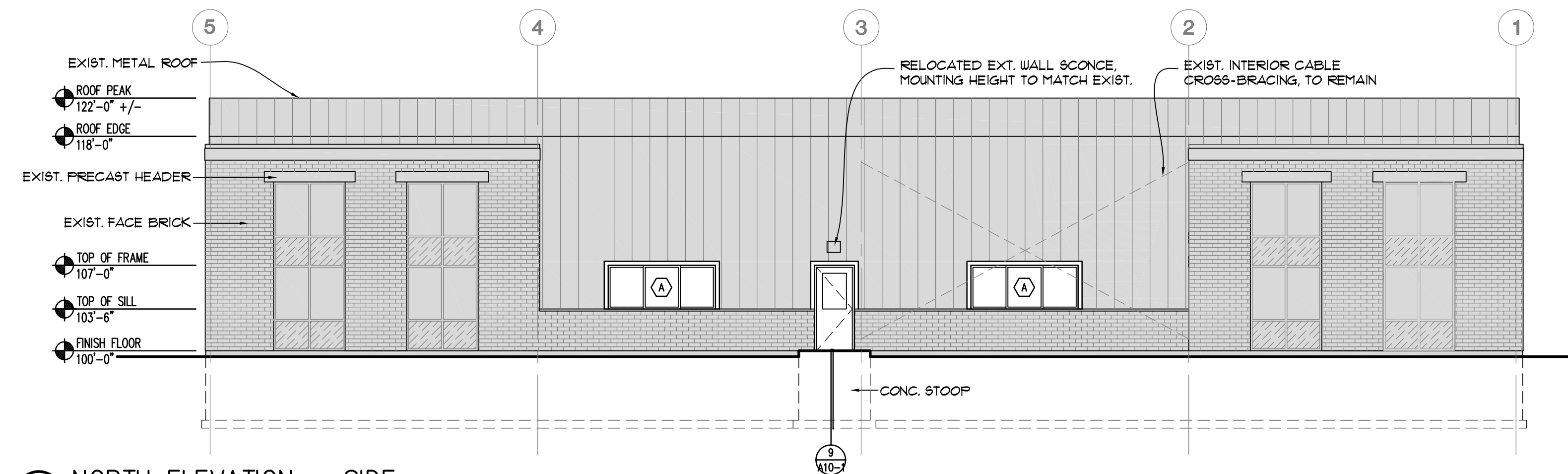
Date: 05/07/2014  
Drawn By: DM  
Checked By: AP, DC  
Job Number: M1013



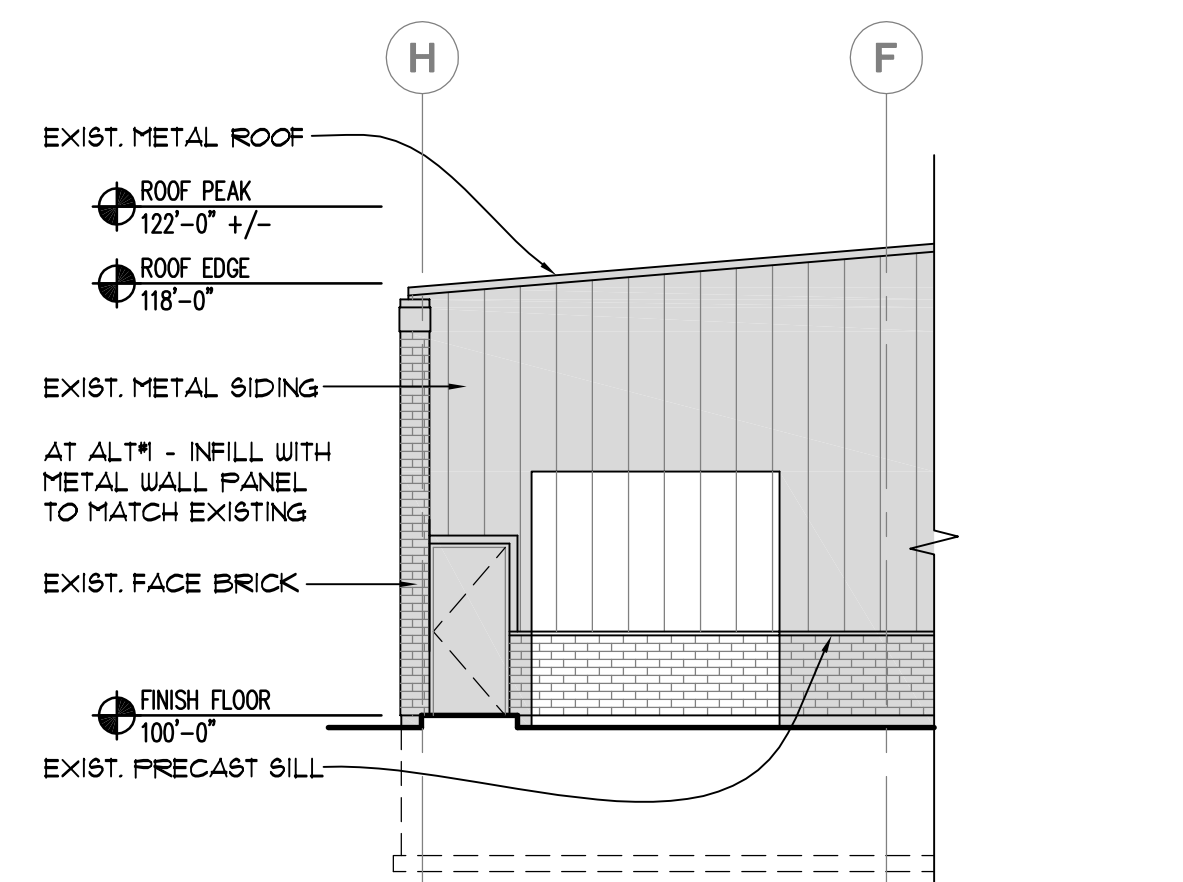
**Sheet Information**  
ALTERNATES:  
SITE PLAN & FLOOR PLAN  
REFLECTED CEILING PLAN  
CLASSROOM CASEWORK ELEV.



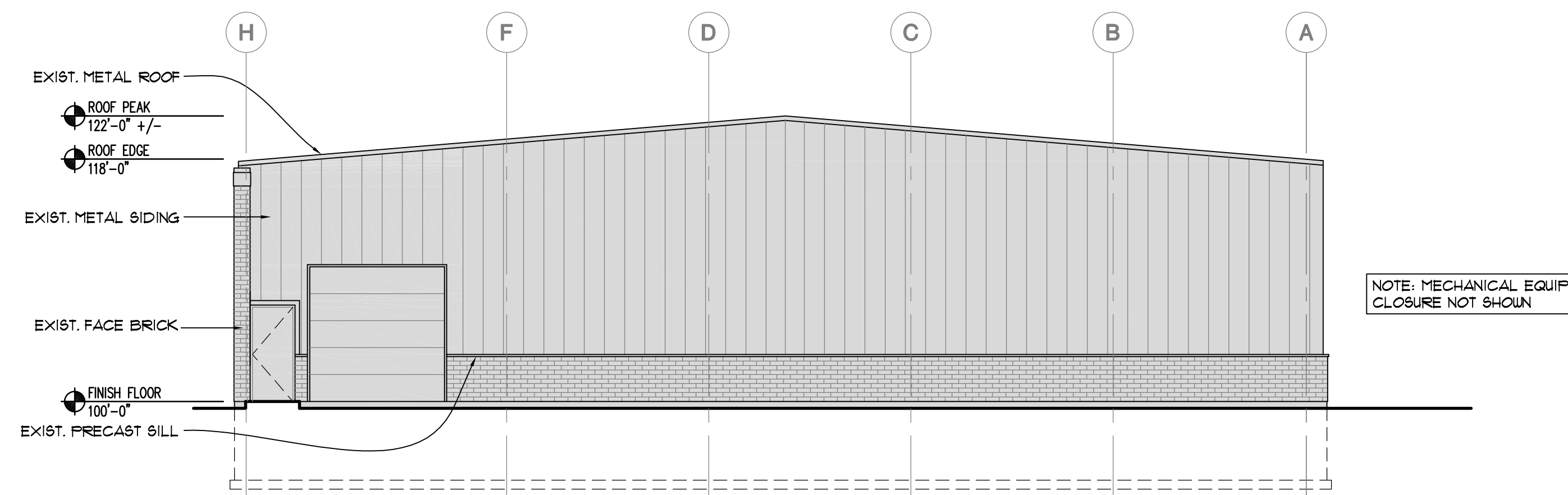
4 EAST ELEVATION - FRONT  
A5-1 1/8" = 1'-0"



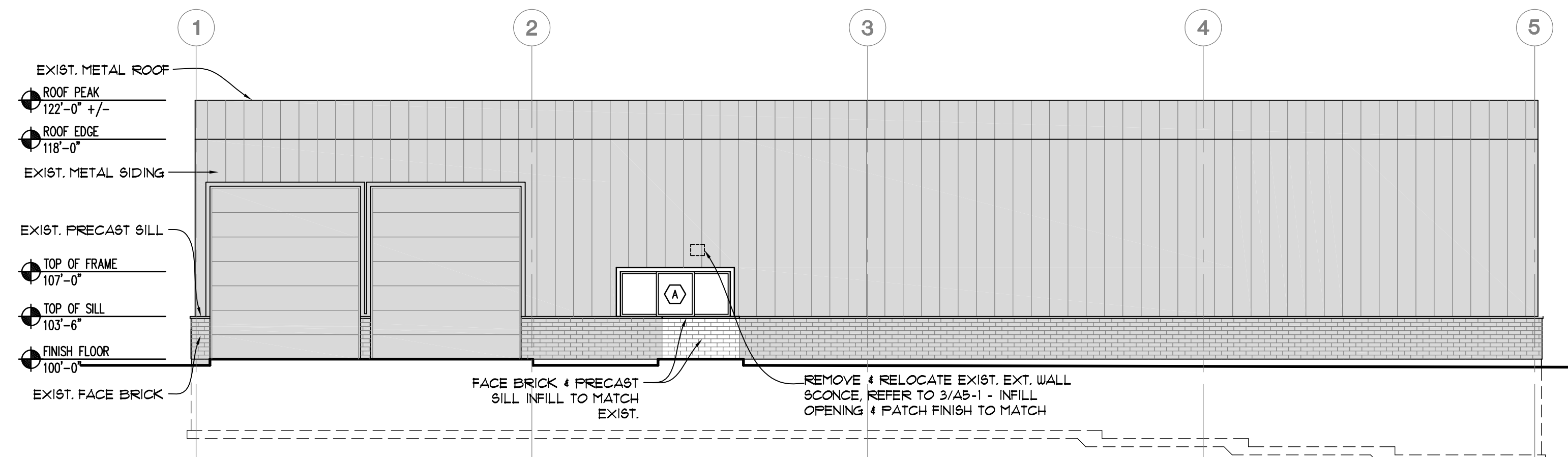
3 NORTH ELEVATION - SIDE  
A5-1 1/8" = 1'-0"



2A WEST ELEVATION - BACK - ALTERNATE #1  
A5-1 1/8" = 1'-0"



2 WEST ELEVATION - BACK  
A5-1 1/8" = 1'-0"



1 SOUTH ELEVATION - SIDE  
A5-1 1/8" = 1'-0"

Certification

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

Print Name: Alan John Plutowski

Signature: *[Signature]*

Date: 05/01/2014 License #: 20503

Project Information

MINNETONKA CHRISTIAN  
ACADEMY ACCESSORY  
BUILDING REMODEL

3500 Williston Road  
Minnetonka, Minnesota 55345

Revisions

ADDENDUM #1 05/27/2014

Date: 05/07/2014

Drawn By: DM

Checked By: AP, DC

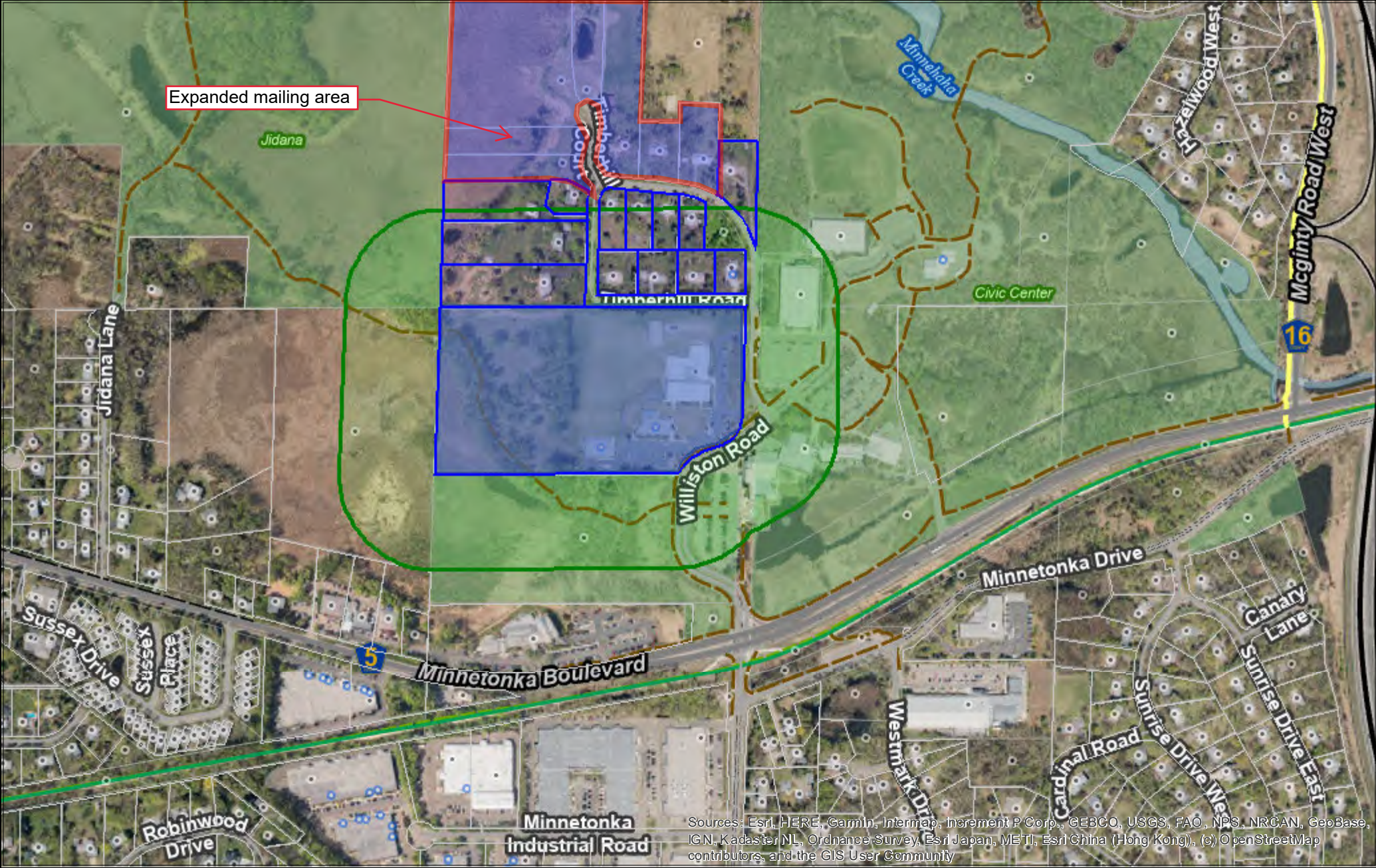
Job Number: M1013

Sheet Information

EXTERIOR ELEVATIONS

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Expanded mailing area

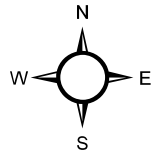
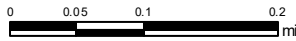
Jidana

Civic Center

Minnetonka Boulevard

Minnetonka Industrial Road

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



2022-05-16 10:28:56 AM



## RDS Mailing Area

**DISCLAIMER:**  
 This drawing is not a legally recorded plat or an accurate survey.  
 It is intended to be only an approximate representation of information from various government offices and other sources.  
 It should not be used for a purpose that requires exact measurement or precision.  
 People who use this drawing do so at their own risk.  
 The City of Minnetonka is not responsible for any inaccuracies contained in the drawing.  
 The City of Minnetonka provides no warranty, express or implied, about the correctness of the information.



**Ordinance No. 2022-**

**An ordinance amending an existing master development plan and approving final site and building plans for Rayito de Sol at 3520 Williston Road**

---

The City Of Minnetonka Ordains:

Section 1.

1.01 This ordinance hereby amends an existing master development plan for the conversion of an existing storage and maintenance facility into an educational facility at 3520 Williston Road.

1.02 The property is located at 3520 Williston Road. It is legally described as follows:

The Northwest Quarter of the Southeast Quarter of Section 16, Township 117, Range 22 except the south 640 feet thereof and except that part thereof described as follows:

Beginning at the Northeast Corner of the South 640 feet of said Northwest quarter of the Southeast Quarter, thence north 2 degrees and 05 minutes 38 seconds East along the East line thereof a distance of 228.00 feet thence North 87 degrees 54 minutes 22 seconds West 33.00 feet; thence Southwesterly 138.86 feet along a non-tangential curve concave to the Northwest, having a radius of 117.00 feet and a central angle of 68 degrees and a chord bearing South 36 degrees 05 minutes 38 seconds West; thence South 70 degrees 05 minutes 38 seconds West; tangent to said last described curve 88.44 feet; thence Southwesterly along a tangential curve, concave to the Southeast having a central angle of 68 degrees and a radius of 187.00 feet to the North line of South 640 feet; thence North 89 degrees, 66 minutes 33 seconds East along North line thereof to the point of beginning and there terminating.

Torrens Certificate No. 687852

Section 2.

2.01 This ordinance is based on the following findings:

1. The proposed conversion of space is not contrary to the intent of the existing master development plan.

2. The proposal would meet the required standards and ordinances for a site and building plan approval.

Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions below:
  - Exhibit G, Floor Plans, attached to Planning Commission staff report dated June 9, 2022
  - Exhibit F, Exterior Elevations, attached to Planning Commission staff report dated June 9, 2022

The above plans are hereby adopted as the master development plan and as the final site and building plans.

2. The building must be equipped with automatic fire sprinklers, subject to the review of the fire marshal.
3. The building must be constructed and maintained only in compliance with the approved plans. Any change in use requires additional staff review.
4. Construction must begin by Dec. 31, 2023, unless the planning commission grants a time extension.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on June 27, 2022.

---

Brad Wiersum, Mayor

Attest:

---

Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: May 23, 2022

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on June 27, 2022.

---

Becky Koosman, City Clerk

**Resolution No. 2022-**

**Resolution approving a conditional use permit for Rayito de Sol, a licensed daycare at  
3520 Williston 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 3520 Williston Road. It is legally described as:

The Northwest Quarter of the Southeast Quarter of Section 16, Township 117, Range 22 except the south 640 feet thereof and except that part thereof described as follows:

Beginning at the Northeast Corner of the South 640 feet of said Northwest quarter of the Southeast Quarter, thence north 2 degrees and 05 minutes 38 seconds East along the East line thereof a distance of 228.00 feet thence North 87 degrees 54 minutes 22 seconds West 33.00 feet; thence Southwesterly 138.86 feet along a non-tangential curve concave to the Northwest, having a radius of 117.00 feet and a central angle of 68 degrees and a chord bearing South 36 degrees 05 minutes 38 seconds West; thence South 70 degrees 05 minutes 38 seconds West; tangent to said last described curve 88.44 feet; thence Southwesterly along a tangential curve, concave to the Southeast having a central angle of 68 degrees and a radius of 187.00 feet to the North line of South 640 feet; thence North 89 degrees, 66 minutes 33 seconds East along North line thereof to the point of beginning and there terminating.

Torrens certificate number is 687852.

1.02 Rayito de Sol has requested a conditional use permit for licensed daycare within the former storage and maintenance facility most recently occupied by Minnetonka Christian Academy.

1.03 On June 9, 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 §300.21 Subd. 5(j) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;
  2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;
  3. One parking space for every six children based on the licensed capacity of the center; and
  4. Shall obtain all applicable state, county, and city licenses.

Section 3. Findings.

- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.21 Subd.2.
- 3.02 The proposal meets all of the specific conditional use permit standards outlined in City Code 300.21 Subd.5(j).
1. Drop-off and pick-up points are reasonably located in front of the daycare facility and would not interfere with traffic or pedestrian circulation.
  2. The site has several outdoor play areas, including one in the northwest corner of the daycare building.
  3. The day care requires 29 parking stalls and can be accommodated on site. An educational and religious institution also operates on-site. The three uses have complimentary peak parking demand times.
  4. Included as a condition of approval, the daycare must obtain all state, county, and city licenses.

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. All queueing must be contained on-site and not extend on city streets or adjacent properties. Further review of site circulation and mitigation measures may be required if queueing extends beyond property lines.
4. The applicant must contact the state fire marshal division for their fire inspection.
5. Cash escrow in the amount of \$1000. 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.
6. The city council may reasonably add or revise conditions to address any future unforeseen problems.
7. 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 27, 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 27, 2022.

---

Becky Koosman, City Clerk