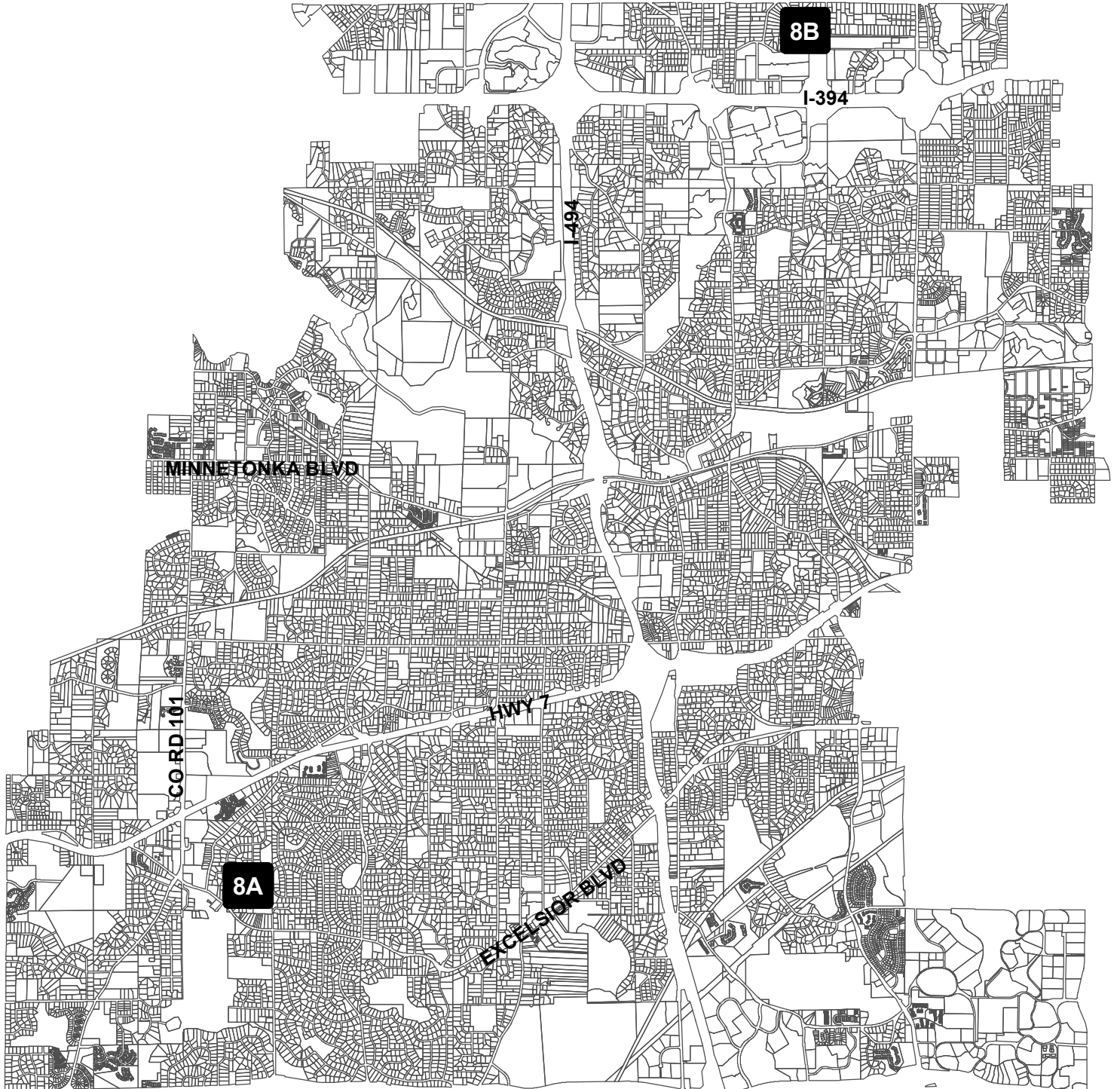




CITY OF
MINNETONKA

MINNETONKA PLANNING COMMISSION JUNE 23, 2022

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





**Planning Commission Agenda
June 23, 2022**

City Council Chambers – Minnetonka Community Center

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** June 9, 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. Conditional use permit for an accessory structure in excess of 1,000 square feet at 12015 Glendale Lane.

Recommendation: Recommend the city council adopt the resolution approving the request (4 votes)
 - Recommendation to City Council (July 18, 2022)
 - Project Planner: Bria Raines
- 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 July 7, 2022 agenda.

Project Description	Top 10 Liquors, SGN
Project Location	1641 Plymouth Rd
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

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

Project Description	Grace Apostolic Church, CUP
Project Location	4215 Fairview Ave
Assigned Staff	Bria Raines
Ward Councilmember	Brian Kirk, Ward 1

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

**Unapproved
Minnetonka Planning Commission
Minutes**

June 9, 2022

1. Call to Order

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

2. Roll Call

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

Staff member present: City Planner Loren Gordon.

3. Approval of Agenda

Banks moved, second by Henry, to approve the agenda as submitted with additional information and a change to a resolution provided in the change memo dated June 9, 2022.

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

4. Approval of Minutes: May 26, 2022

Powers moved, second by Henry, to approve the May 26, 2022 meeting minutes as submitted.

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

5. Report from Staff

Gordon reported that the next planning commission meeting is scheduled to be held on June 23, 2022.

6. Report from Planning Commission Members

Powers reported that he and Chair Sewall participated in interviewing the finalists for the city manager position. He enjoyed the event, which was well organized, and was impressed by all of the finalists.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Variance to the tree protection ordinance for the redevelopment of the property at 17048 Patricia Lane.

Gordon recommended commissioners postpone the review of this item due to not enough commissioners being present to pass a motion.

Powers moved, second by Banks, to postpone the review of Item 8A, an application requesting the approval of a tree protection ordinance variance for the redevelopment of a new home at 17048 Patricia Lane.

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

B. Items concerning Rayito de Sol at 3520 Williston Road.

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

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

Henry and Gordon discussed the drop-off area and traffic pattern for the site.

Lisa Wadsen, director of real estate and construction for Rayito de Sol, stated that:

- The applicant is excited to be a part of the Minnetonka School District. The brand is looking to grow to 13 locations in three years. The founder has won numerous small business wards in the twin cities since 2012. The founder is a teacher striving to bring wellness to infants through preschool-age children.
- The school provides a full Spanish-immersion experience.
- The location would fit beautifully and provide a great natural resource and playground behind the building.
- The current plan is to locate the drop-off and loading area in the spots in front of the school. The drop-off time would be 7 a.m. to 9 a.m. It would not interfere with church traffic at all. It would not operate on the weekends. The school would be closed for the holidays.

Vanessa Pujic, principal of Minnetonka Christian Academy (MCA), stated that:

- The school serves pre-K to 10th-grade students.
- Rayito de Sol's mission and vision fit well with the campus.
- MCA is allowing the Academy of Whole Learning to finish off its lease. MCA is done operating for the summer and has moved out of the 3520 building. MCA will move into the 3500 building in July, when the Academy of Whole Learning has vacated.

- There will be signs to identify the entrances and exits to the different parts of the campus that belong to different entities and direct traffic flow.

Powers confirmed with Ms. Pujic that the 3520 building functioned well for a school use.

Henry confirmed with Ms. Pujic that the 3500 building would provide ample space to meet a potential increase in the number of students in the future.

David Land of MCA stated that:

- It would be possible to house a second tenant in the 3500 building, but it would be housed at opposite ends of the gymnasium, which is not the most desirable space. It would only be available for a temporary period until enrollment increases. It would be possible but challenging.
- The church operates Saturday and Sunday. The schools operates Monday through Friday.
- MCA has been operating out of the 3500 building for nearly 50 years. The number of students being planned for the future would be the same as the number of students that have been housed there before.

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

In response to Henry's question, Gordon explained that the city does not limit a school's enrollment but may require changes to correct a traffic issue if one is created in the future.

Powers visited the site. It is an ideal site for the proposal. He has no problem with the application. He welcomed Rayito de Sol.

Henry likes the location being close to nature and secluded. He supports the staff's recommendation.

Banks agreed. It would be a great location. The proposal makes sense. He did not see any parking issues. He wished the applicant luck.

Chair Sewall did not see a problem with traffic flow or parking. He supports the proposal.

Powers moved, second by Henry, to recommend that the city council adopt an ordinance approving an amendment to the existing master development plan and site and building plans for the conversion of the remaining existing storage facility into classroom space for a licensed daycare facility and a resolution approving a conditional use permit for a licensed daycare center for the property at 3520 Williston Road.

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

9. Adjournment

Banks moved, second by Henry, to adjourn the meeting at 7:15 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 23, 2022

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

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 ordinance¹. 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.²

¹ 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.

² 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.

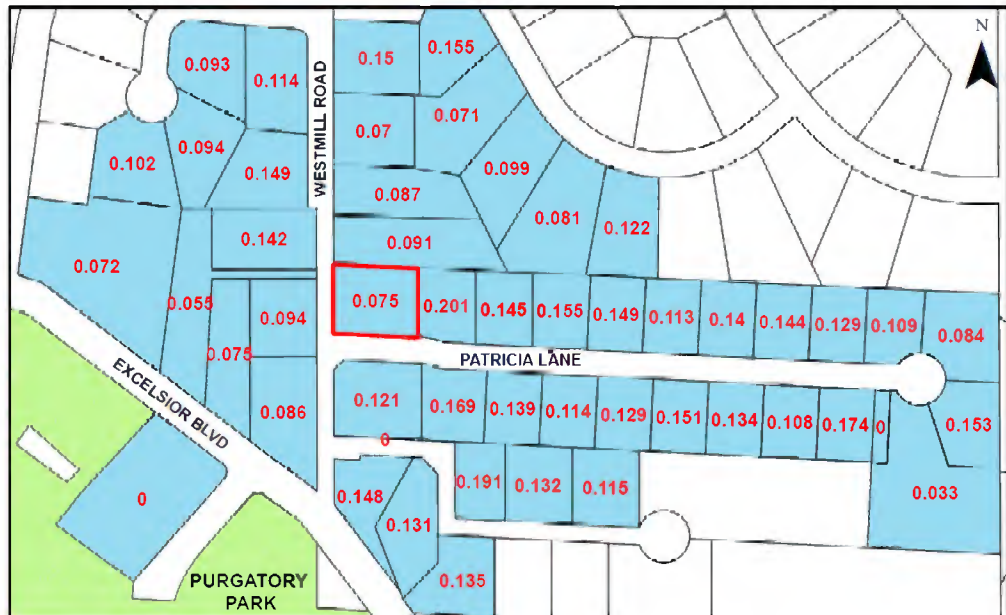
Originator: Bria Raines, Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Project No.	22013.22a
Property	17048 Patricia Lane
Applicant	Capitol Builders, Kevin, and Alison Brophy
Surrounding Land Uses	All surrounding properties are single-family homes zoned R-1 and guided for low-density residential uses.
Planning	Guide Plan designation: low-density residential Zoning: R-1 Low-density residential district
Tree Protection Ordinance	<p>The tree protection ordinance protects the types of trees that may be removed from the subject property. This proposal is a redevelopment³ of the residential property. A redeveloped single-family property is restricted to the following maximum tree removals:</p> <ul style="list-style-type: none">• 25% of woodland preservation area (WPA);• 35% of high-priority trees; and• 50% of significant trees. <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>
McMansion Policy	<p>The city's McMansion policy regulates the floor area ratio (FAR)⁴ 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>

³ 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.

⁴ 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

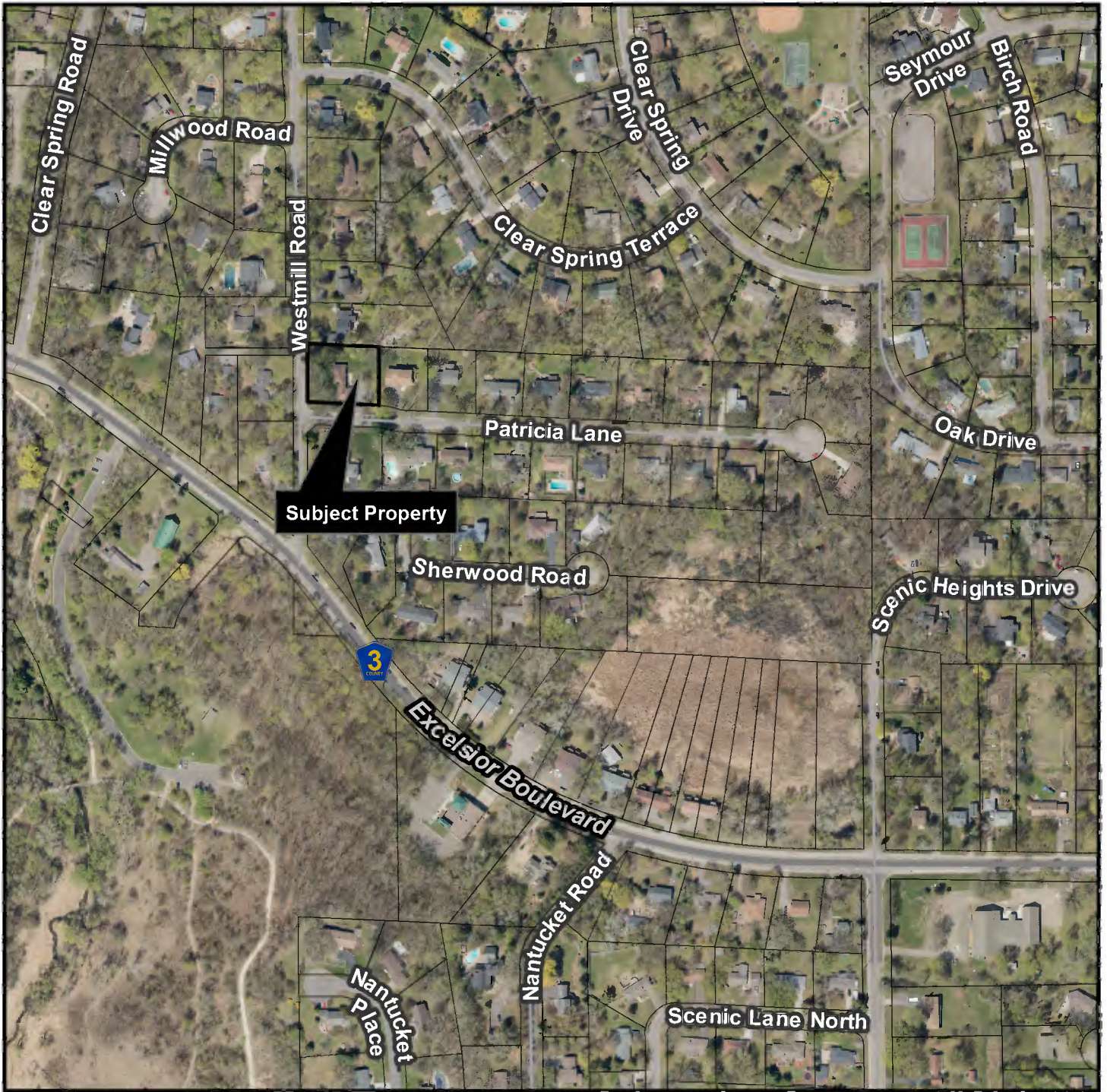
Best management practices must be followed during the course of site preparation and construction activities. This would include the installation and maintenance of erosion control fencing, tree protection, and a temporary rock driveway.

Motion options

The planning commission has the following motion options:

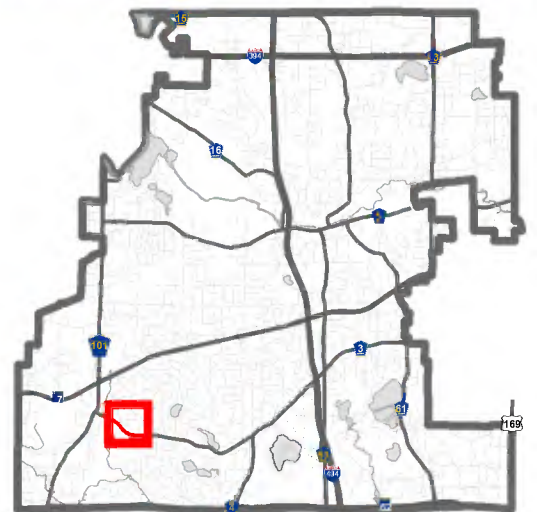
1. Concur with staff's recommendation. In this case, a motion should be made adopting the resolution approving the variance.
2. Disagree with the staff's recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.
3. Table the request. In this 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.

Voting Requirement	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.
Neighborhood Comments	The city sent notices to 37 area property owners and received 1 comment to date. The comment received is in the report attachments.
Deadline for Decision	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.

PRACTICAL DIFFICULTIES	
Describe why the proposed use is reasonable	<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>
Describe: <ul style="list-style-type: none"> • circumstances unique to the property; • why the need for variance was not caused by the property owner; and • and why the need is not solely based on economic considerations. 	<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>
Describe why the variance would not alter the essential character of the neighborhood	<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>

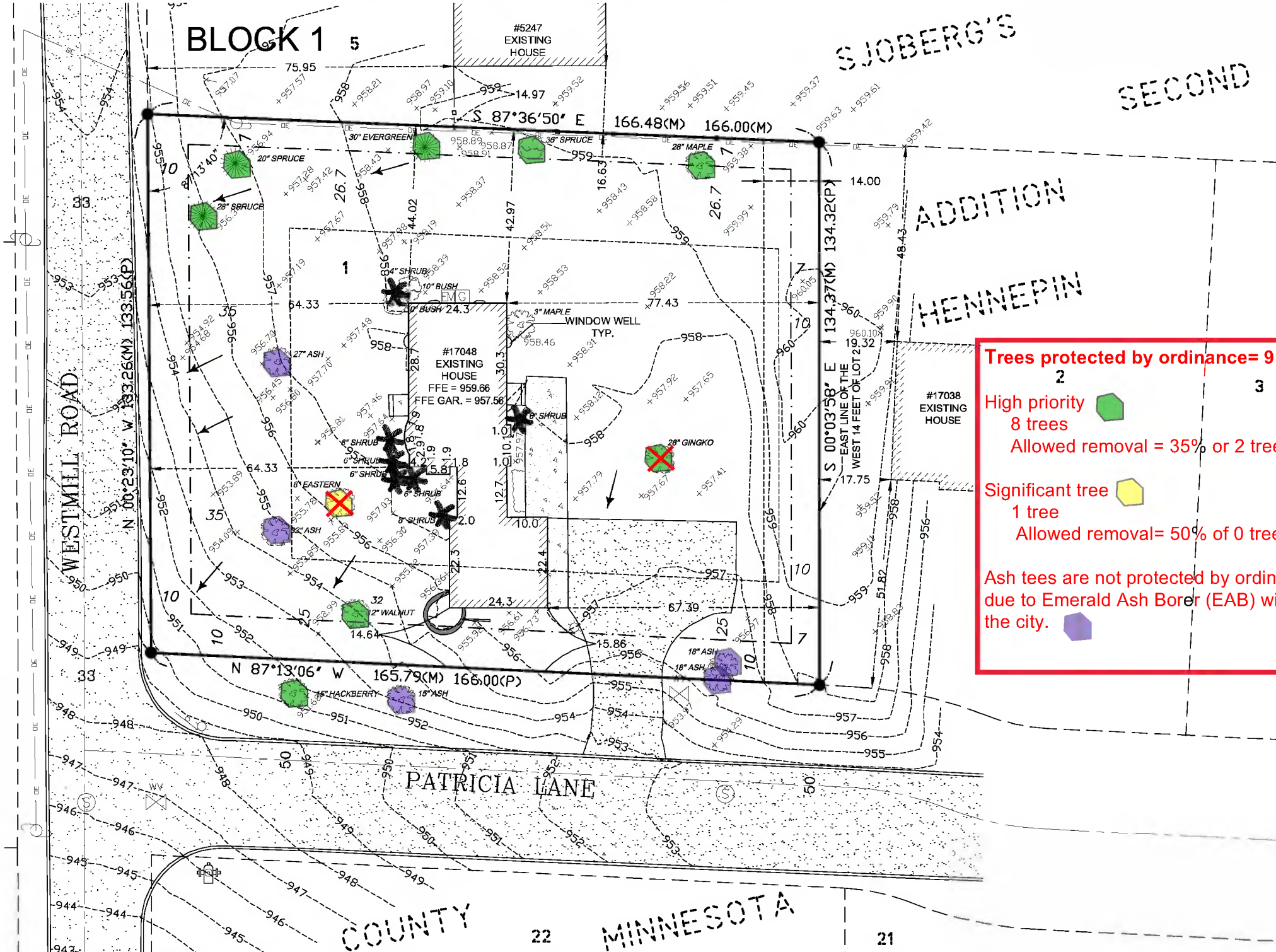
VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE

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: 17048 PATRICIA LANE
 MINNETONKA, MN 55345

FIELD WORK DATE: 03/17/2022

FIELD BOOK NO.: EDS-15

DRAWN BY: IS

CHECKED BY: VS

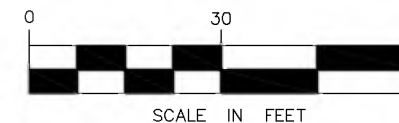
PROJECT NO.: 22-025

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
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- ⊛ DENOTES BUSH
- ⊛ DENOTES SHRUB
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- ⊛ 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.
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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
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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

LOCATION: 17048 PATRICIA LANE
MINNETONKA, MN 55345

FIELD WORK DATE: 03/17/2022

FIELD BOOK NO.: EDS-15

DRAWN BY: IS

CHECKED BY: VS

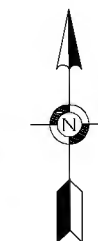
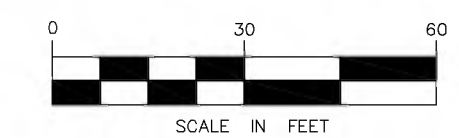
PROJECT NO.: 22-025

SHEET NO. C2



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

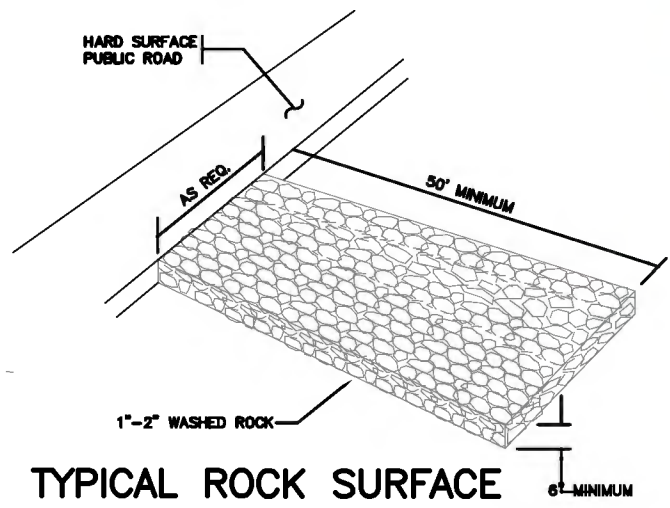


LEGEND

- DENOTES FOUND PROPERTY IRON
- 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
- 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
- DENOTES TREE TO BE SAVED
- DENOTES PROPOSED SILT SOCK
- DENOTES PROPOSED ROCK ENT.
- XXX.X DENOTES PROPOSED CONTOURS
- ← DENOTES PROPOSED DRAINAGE FLOW



TYPICAL ROCK SURFACE

NOT TO SCALE

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.



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

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%

NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS AND DIMENSIONS.
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

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 P.E. NO. 25105 DATED: 04/20/2022

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. C3

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.

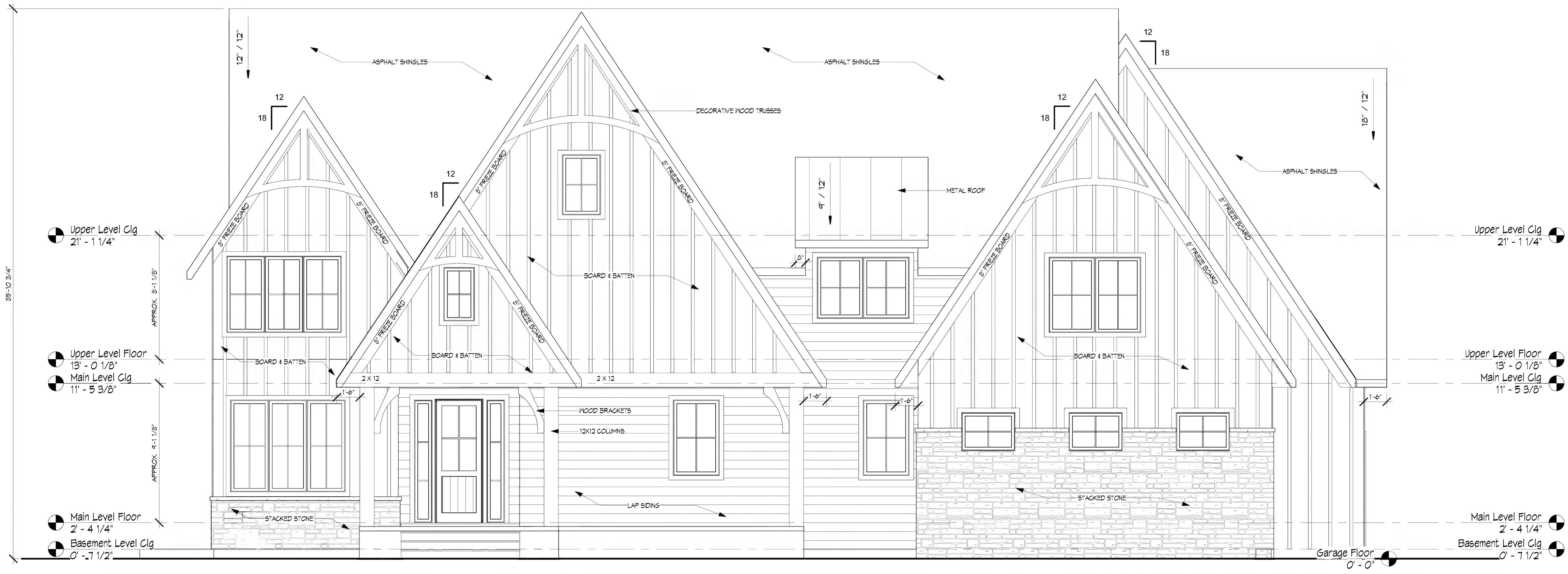
EROSION CONTROL NOTES

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.

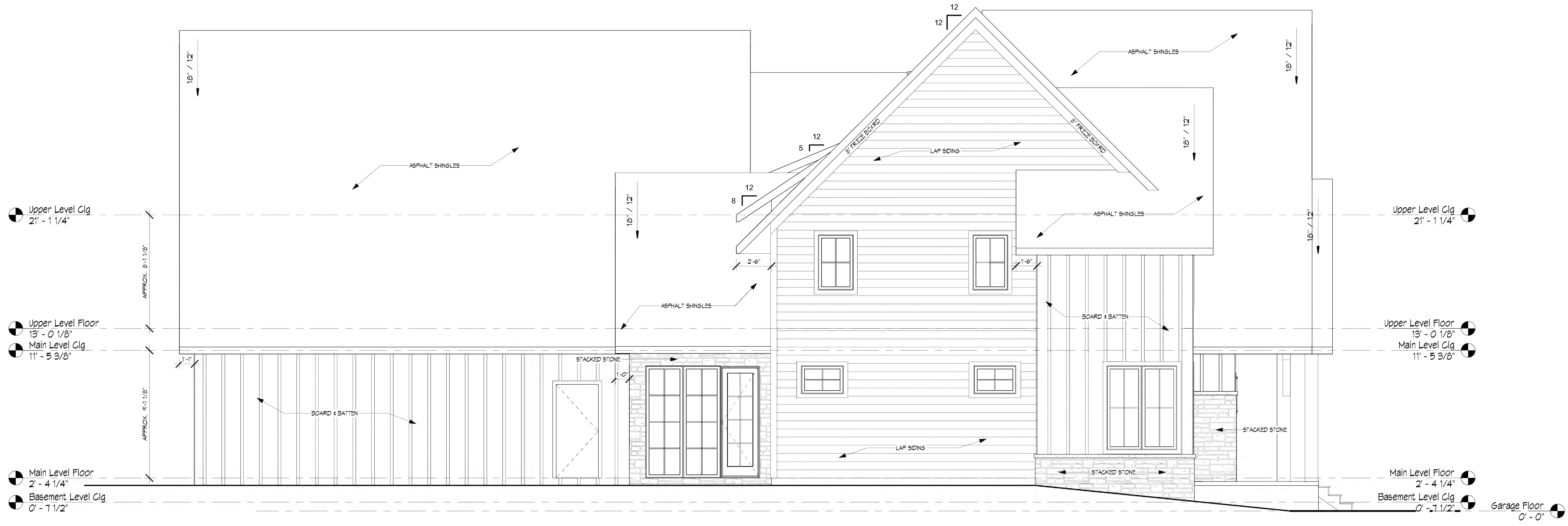
RPBC WATERSHED EROSION CONTROL NOTES

- 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 PERVIOUS 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



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



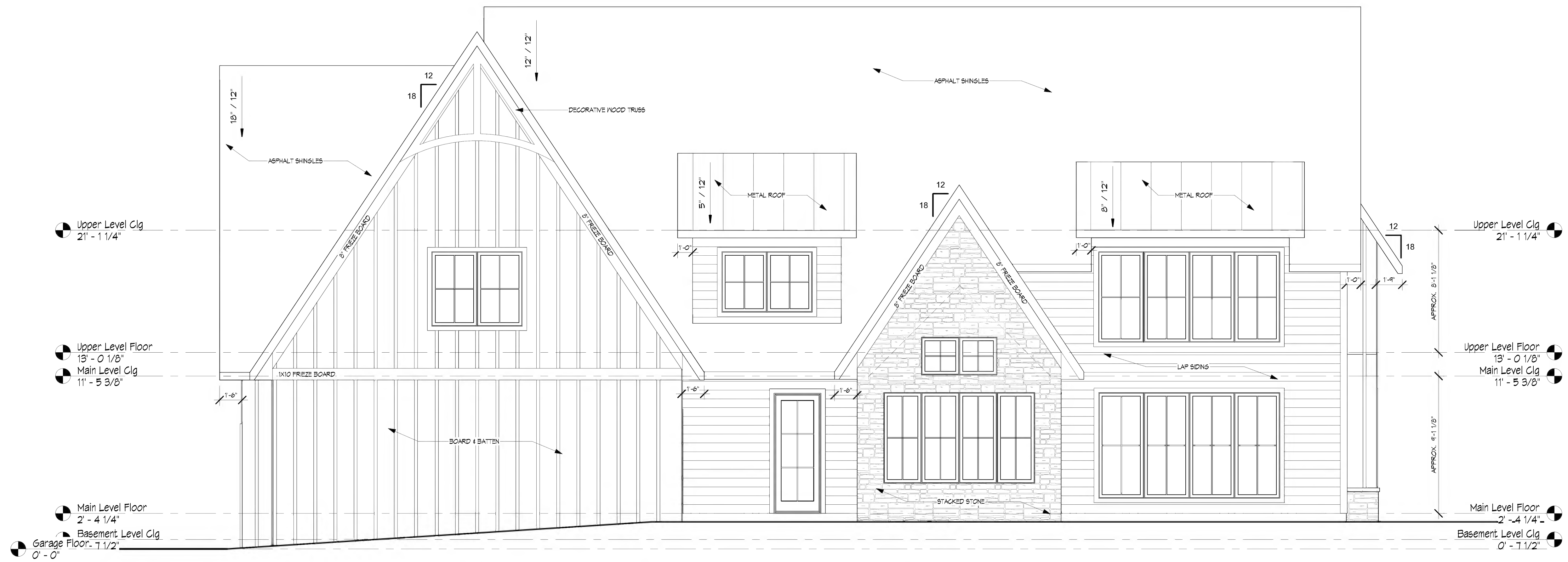
2 LEFT ELEVATION
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Minnetonka, MN

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SHEET NO.
A1
Ext Elevations



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



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

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SHEET NO.
A2
Ext Elevations

1
A3 FOUNDATION / BASEMENT PLAN
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 OPEN'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.

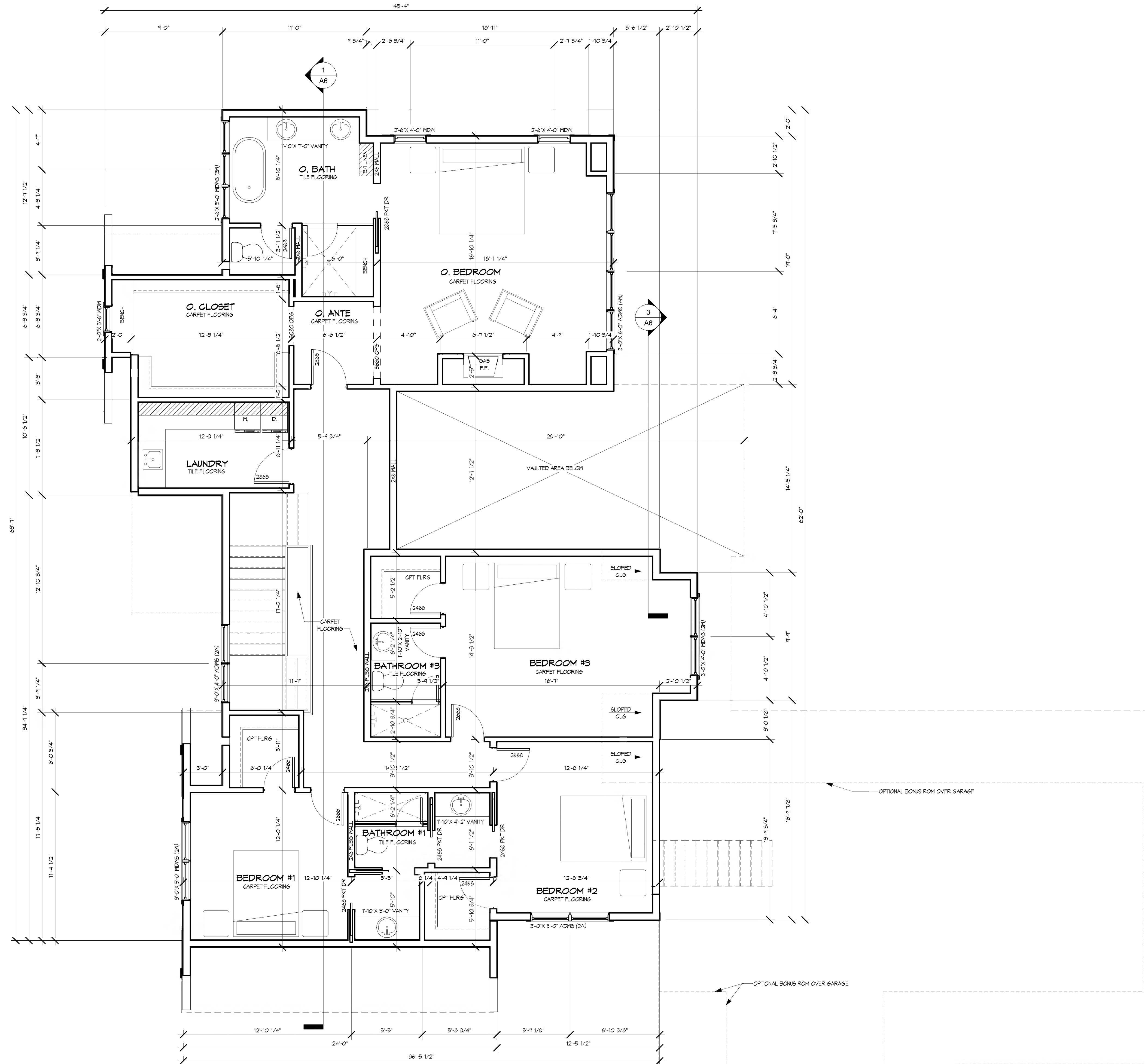
BEHR DESIGN INC.
 Creating Timeless Designs
 OFFICE (952) 746-7702 | FAX: (952) 746-7703
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SHEET NO.
A3
 Basement Plan



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.
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 - 5) ALL BRG. WALL WINDOW & DOOR OPNG'S WIDER THAN 60" REQUIRE (2) TRIMMERS MIN. UNDER EA. SIDE OF HEADER.
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 - 8) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.

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 Minnetonka, MN

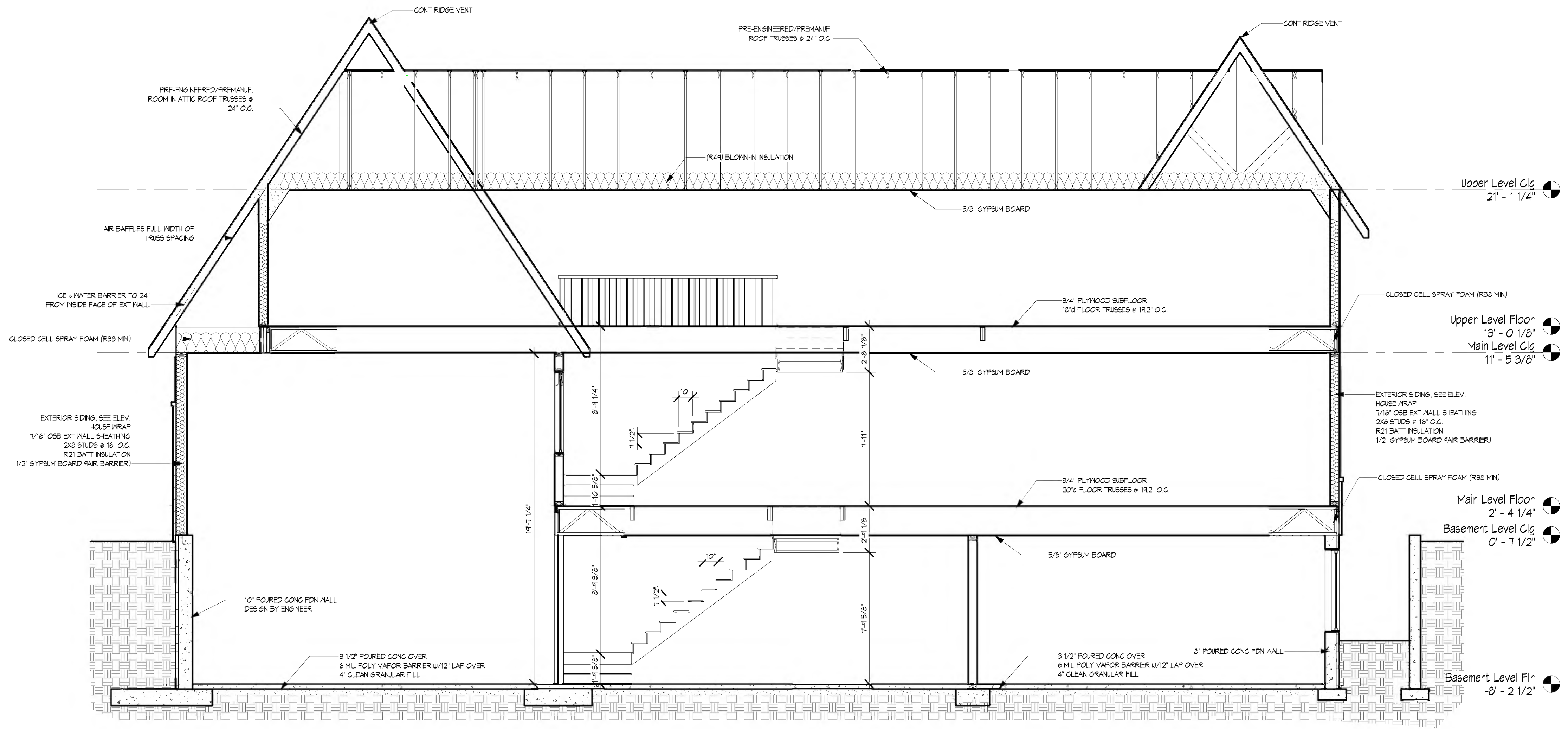
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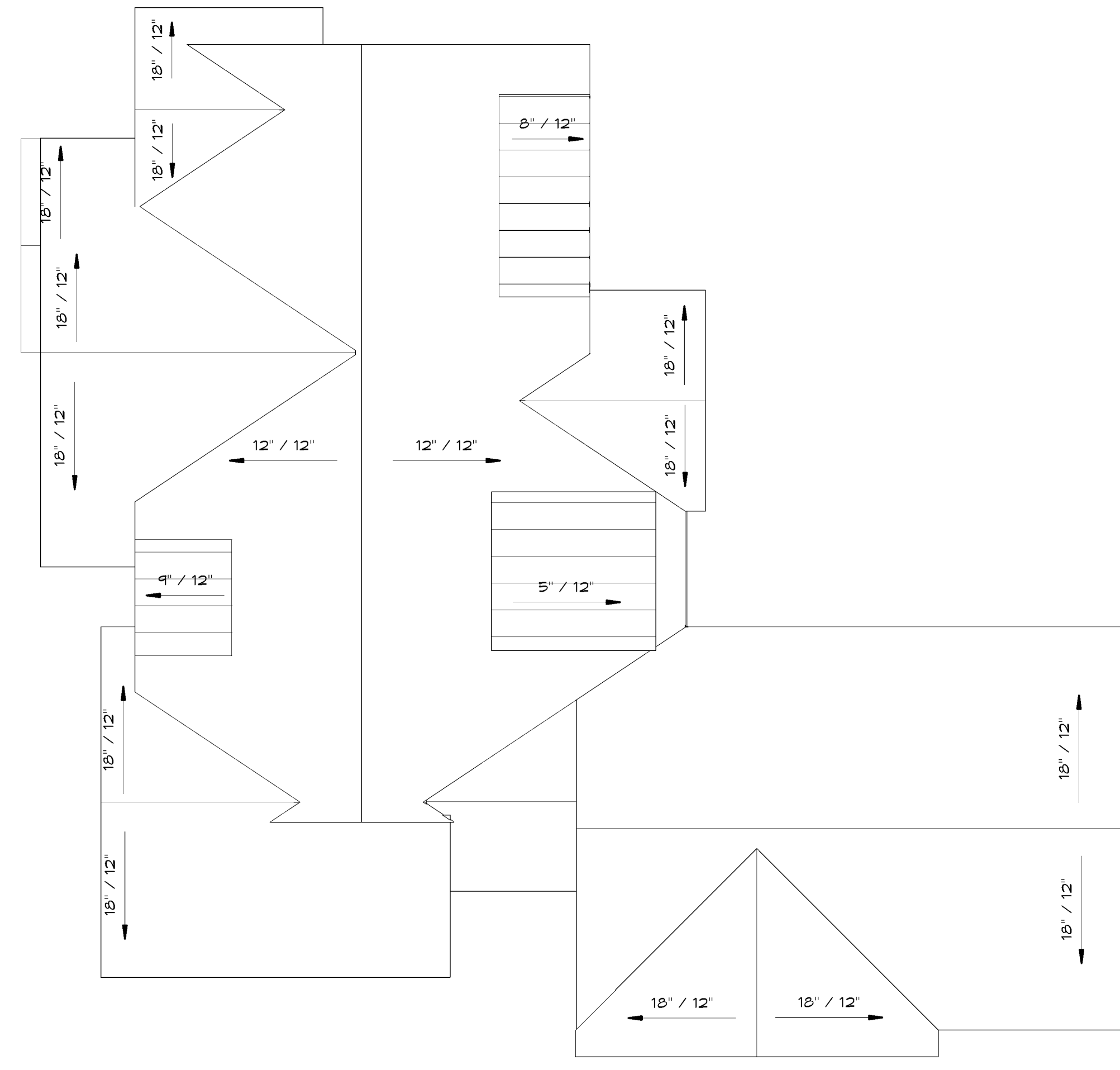
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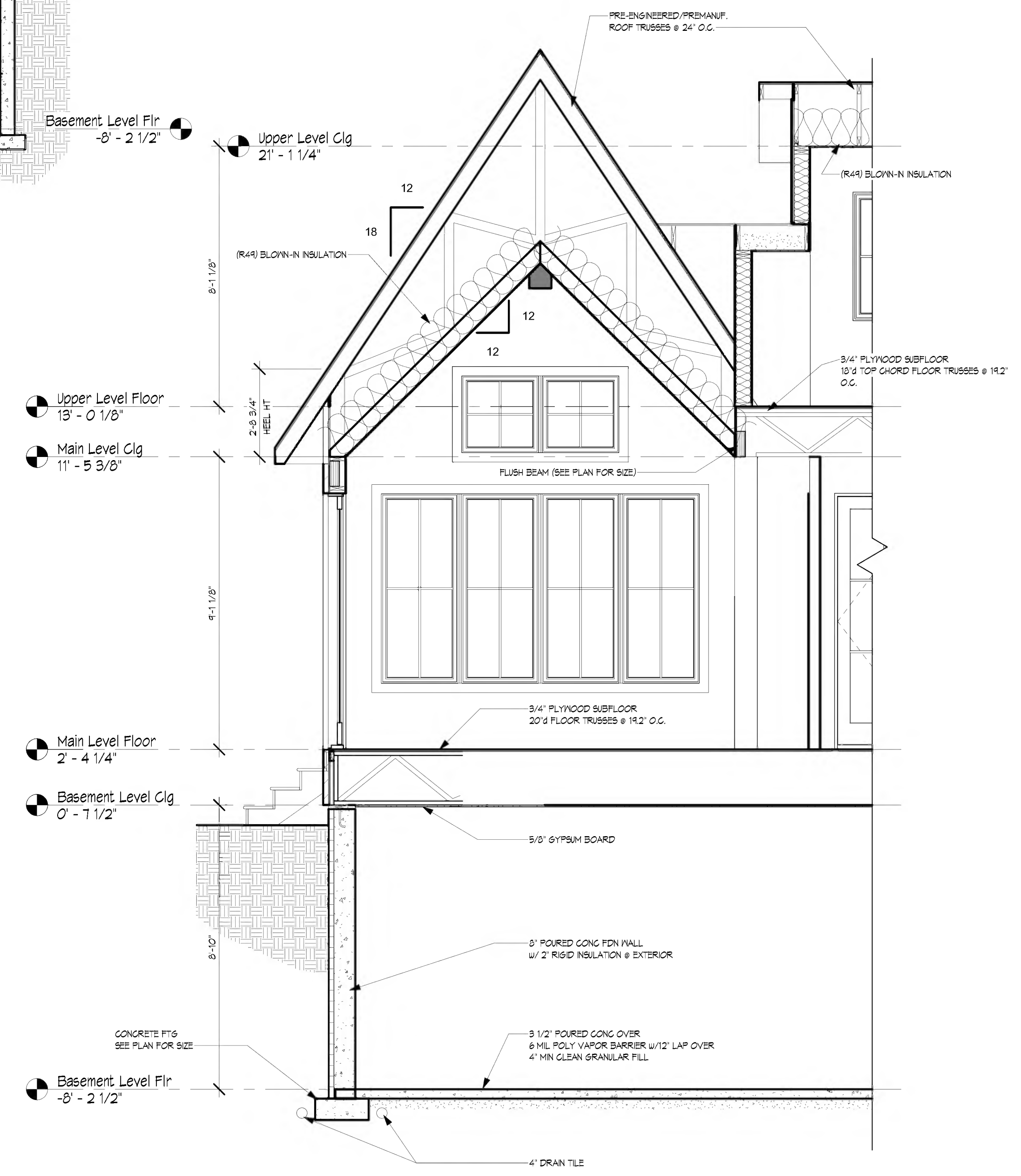
SHEET NO.
A6
 Building Sections



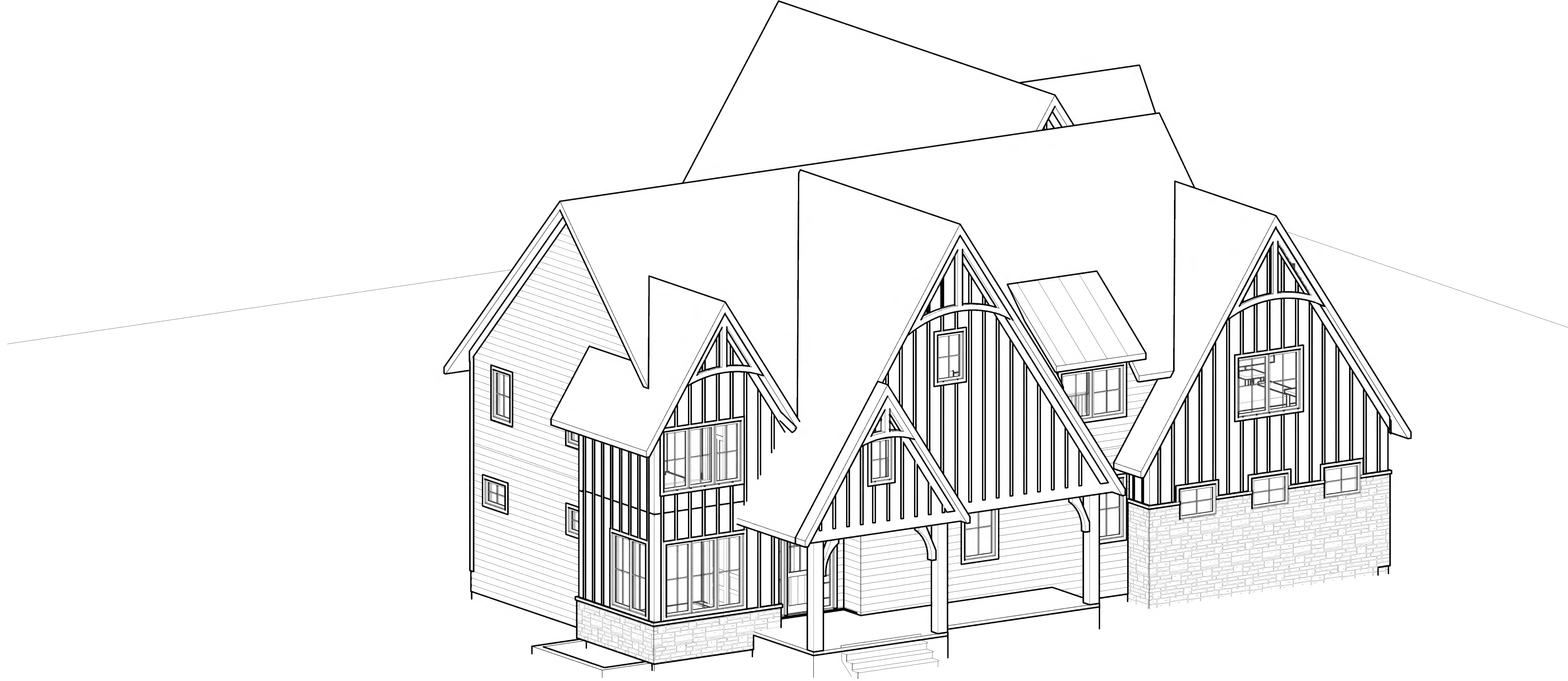
1 Section @ STAIRS
 1/4" = 1'-0"



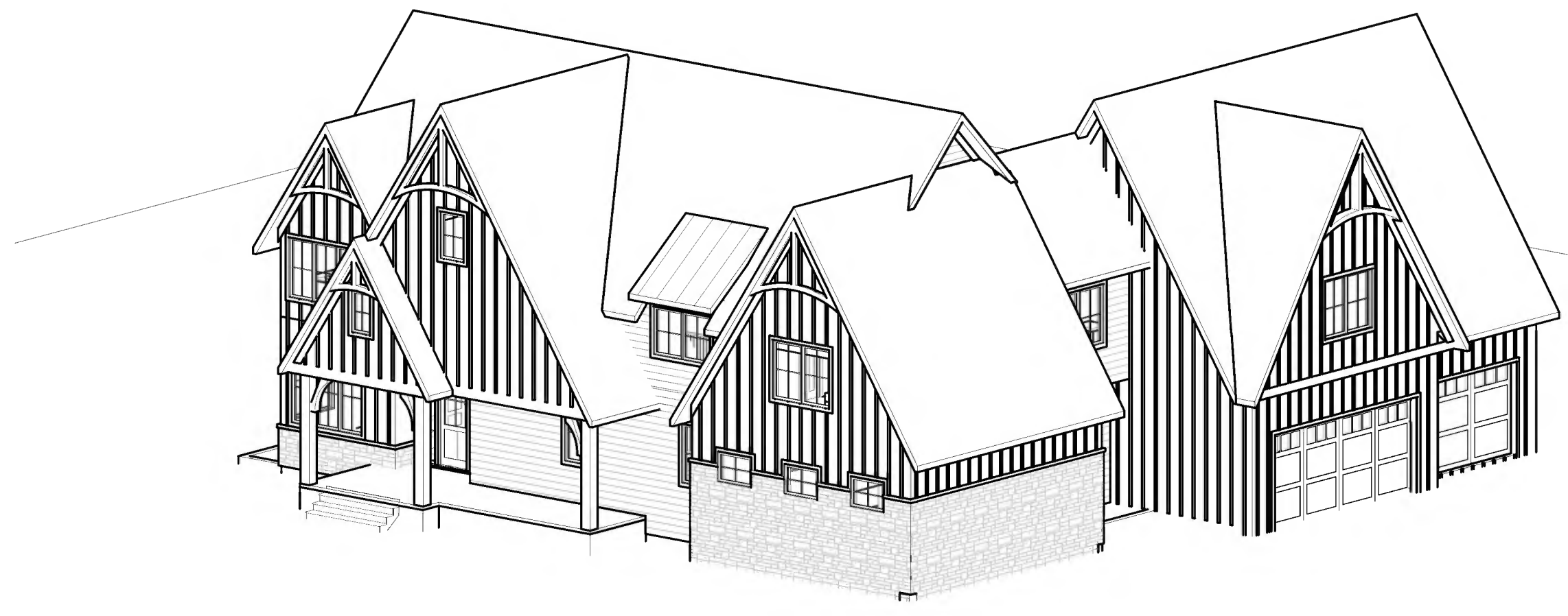
2 Roof Plan
 1/8" = 1'-0"



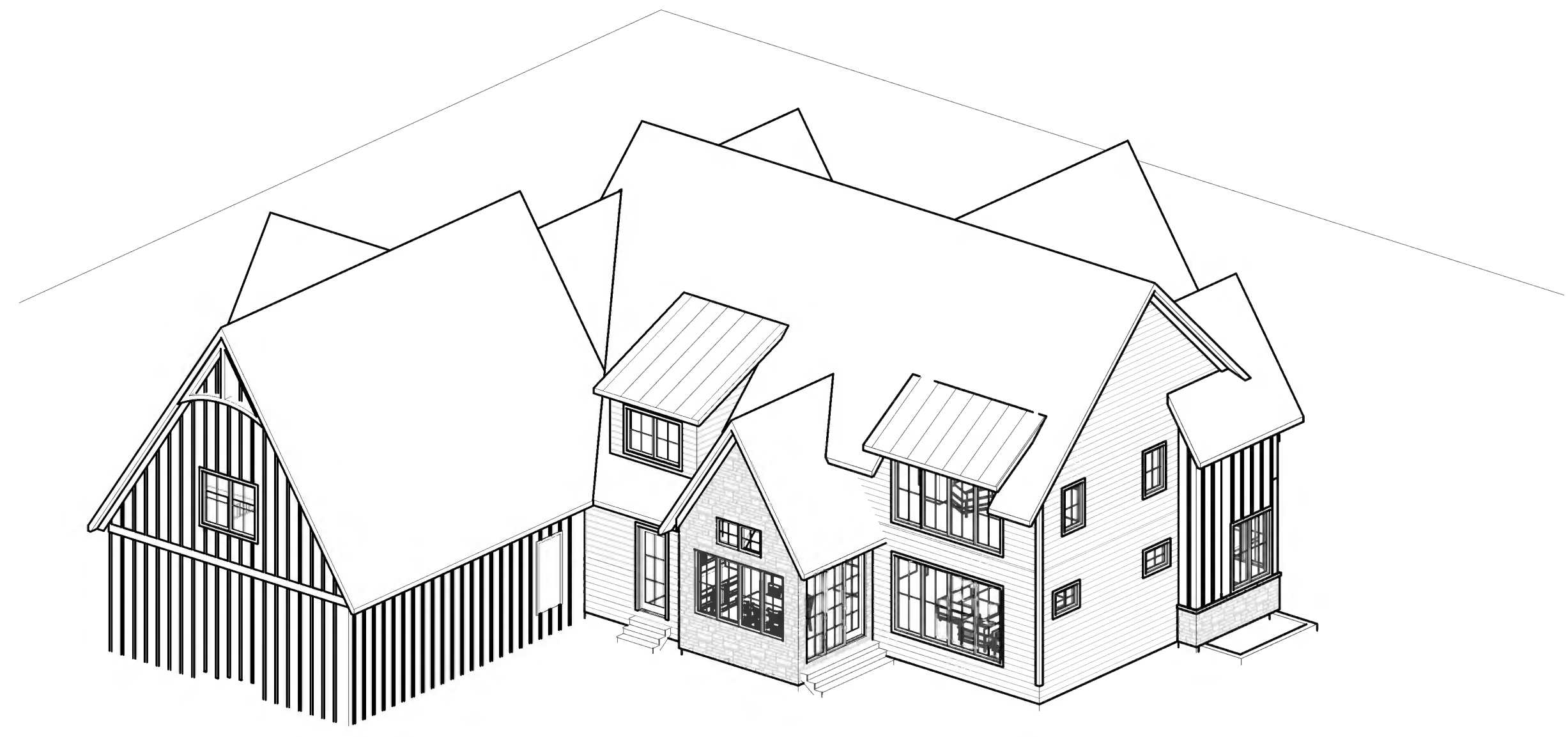
3 Section @ Dining/Kitchen Vault
 3/8" = 1'-0"



1
A7 FRONT 3D VIEW



3
A7 FRONT 3D VIEW 2



2
A7 REAR 3D VIEW

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Brophy Residence
Minnetonka, MN

DATE: 09/22/22
DRAWN BY: BDD
PROJECT #: 21-056B
THIS DRAWING AND DESIGN LAYOUT IS
PROTECTED UNDER STATE AND FEDERAL
LAW. IT 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.
A7
3D Views

From: [Alice Madden](#)
To: [Bria Raines](#)
Subject: Brophy Residence
Date: Friday, June 3, 2022 10:32:11 AM

Hello Bria,

I live across the road from the Brophy Residence.
It looked to me that the Ginkgo tree would need to be removed for any sort of new house.

alicemaddenphotography.com
612-418-2818

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 that 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.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 23, 2022.

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 23, 2022.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
June 23, 2022

Brief Description	Conditional use permit for an aggregate of accessory structures in excess of 1,000 square feet at 12015 Glendale Lane
Recommendation	Recommend the city council approves the permit request.

Proposal

The subject property is located northeast of Ridgedale mall, north of Interstate 394, along Glendale Lane. Property owners Jason and Tammra Lowe are proposing to construct an addition to an existing detached garage located southwest of the principal structure. The proposed garage addition would consist of a porch with a gas fireplace, be within the code-defined height of 12 feet, and would not require any tree removal. The existing garage is 624 square feet, and the porch addition would be 336 square feet, a total of 960 square feet. The subject property also contains a utility shed, 192 square feet, in the southeast corner of the property. With the proposed addition, the aggregate of accessory structures on the property would be 1,152 square feet.

By city code, a conditional use permit is required for accessory structures over 1,000 square feet in area, 12 feet in height, or the combined total floor area for accessory structures on the property is over 1,000 square feet.

Staff Analysis

A conditionally permitted use is a use that is allowed if the standards outlined in the city code for such use are met. The staff finds that the applicants' proposal would meet the standards for large accessory structures. (All of the standards are outlined in the "Supporting Information" section of this report.)

- **Consistent with the Ordinance.** The intent of the ordinance as it pertains to accessory structures on single-family properties is to allow property owners' construction of structures "subordinate to, and associated with," their homes. The proposed addition would meet this intent. The enlarged accessory structure would have a footprint lesser than the principal structure. Given the proposed size and the design, the structure would clearly be subordinate to the principal use.
- **Consistent with the goals, policies, and objectives of the comprehensive plan.** The development guides and comprehensive plan detail the vision and goals for the overall planning principles the city will use for public and private investments. The subject property is guided for residential use. The proposed plans are consistent with the designated land use.
- **Preservation of the site in its natural state to the extent practicable.** The proposed accessory structure would add to the existing accessory structure requiring minimal grading for the proposed porch floor. Tree removal will not be necessary for this project.

- **Preservation of public health, safety, or welfare.** The structure would be attached to the southern portion of the existing two-stall garage. No additional impact on the existing trees and natural topography would be created.

Summary Comments

The city has approved conditional use permits for large accessory buildings in the past. However, the city must – and does – review each application for such use individually. Staff is in recommendation for the proposed accessory structure regarding reasonability, consideration of the natural environment, and compatibility with the neighboring properties.

The property owners have an existing shed and detached garage on the subject property. When combined with the proposed garage addition, it produces an aggregate of over 1,000 square feet. The overage would be allowed by a conditional use permit, or the alternative would be for a revised proposal where the proposed porch is 184 square feet, an aggregate of 1,000 square feet for accessory structures on the premises.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an aggregate of accessory structures in excess of 1,000 square feet at 12015 Glendale Lane.

Originator: Bria Raines, Planner

Through: Susan Thomas, AICP, Assistant City Planner

Supporting Information

Surrounding	Northerly: Residential, zoned R-1 low density residential Southerly: Wetland and High Density Residential, zoned PID Westerly: Residential, zoned R-1 low density residential Easterly: Residential, zoned R-1 low density residential
Land Uses	Residential improved with single-family home
Planning	Guide Plan designation: low density residential Zoning: R-1, low density residential
CUP Standards	<p>City Code §300.16 Subd.2 outlines the general standards that must be met for granting a conditional use permit on a residential lot. The proposal would meet these standards.</p> <ol style="list-style-type: none">1. The use is consistent with the intent of this ordinance. Finding: The proposed structure would meet this standard. The intent of the ordinance as it pertains to accessory structures on single-family properties is to allow property owners' construction of structures "subordinate to, and associated with," their homes. The proposed accessory structure would have a footprint lesser than the existing home, clearly subordinate to the principal use.2. The use is consistent with the goals, policies, and objectives of the comprehensive plan; Finding: The proposal would meet the site's low-density designation in the comprehensive plan.3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and Finding: The proposed structure would be unlikely to have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements. A condition has been added to ensure permits are obtained for all work, especially the gas fireplace.4. The use does not have an undue adverse impact on public health, safety, or welfare. Finding: The proposed structure would be unlikely to have an undue adverse impact on public health, safety, or welfare. The addition will be attached to the south of the existing garage, and with existing vegetation, the addition would not be visible from the adjacent public right-of-way along Glendale Lane.

City Code §300.16 Subd.3(f) outlines the following specific standards that must be met for granting a conditional use permit for accessory structures in excess of 1,000 square feet of gross floor area or 12 feet in height. The proposal would meet these standards.

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

Finding: The proposed addition would have a side yard setback of 16 feet, roughly 60 feet from the wetland and floodplain in the rear property, and over 400 feet from the rear property line.

2. No additional curb cuts to be permitted;

Finding: No additional curb cuts are proposed. No sewer service would be allowed to run under the proposed addition. The service would need to be corrected should the service currently run through the proposed addition area.

3. Not to be used for commercial activities;

Finding: The applicant has indicated that the structure would be for personal use only. This has been included as a condition of the associated resolution.

4. Structure to be architecturally consistent with the principal structure;

Finding: The proposal would be harmonious with a design found on residential properties. The applicant is proposing the addition to resemble the existing garage.

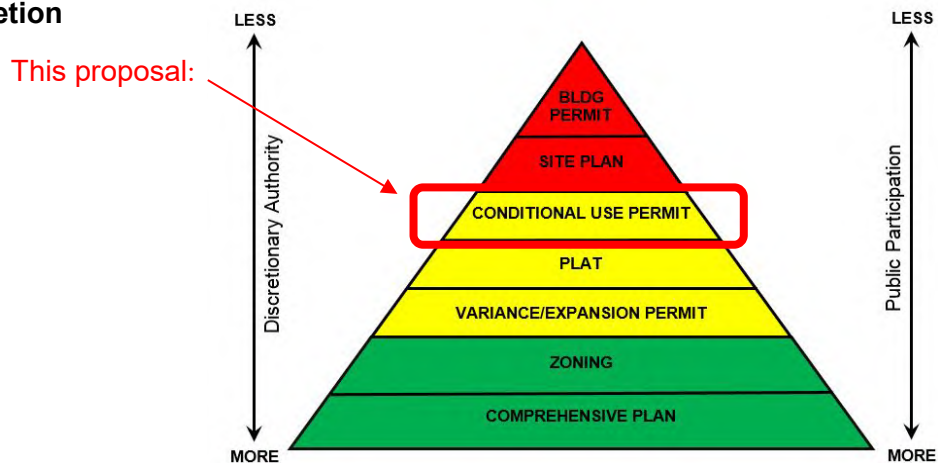
5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties; and

Finding: The structure would be reasonably screened by the existing structure location and vegetation on the property.

6. Site and building plan subject to review pursuant to Section 300.27 of this ordinance.

Finding: By Section 300.27 Subd. 3, accessory structures are exempt from site and building plan review. The existing well on the site must not be disturbed.

Pyramid of Discretion



Voting Requirement

The planning commission will make a recommendation to the city council. Both the commission's recommendation and the city council's final approval require an affirmative vote of a simple majority.

Motion Options

The planning commission has three options:

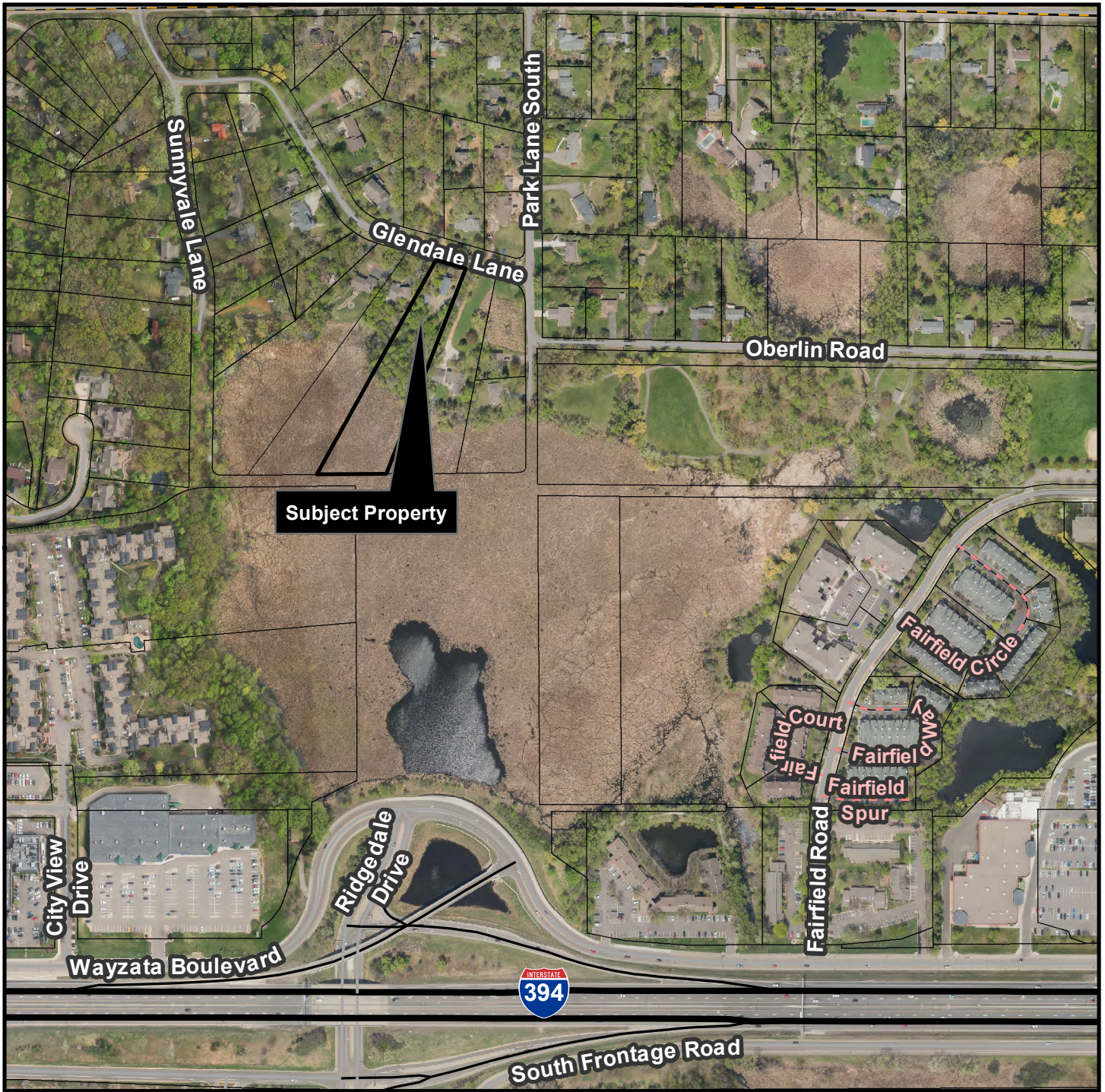
1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to how the ordinance standards are not met.
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 258 area property owners and received one response. A letter of support from two neighboring properties was received from the applicant as part of the application submittal. The comment is included in the packet.

Deadline for Decision

PC – Aug. 4, 2022
CC – Aug. 22, 2022

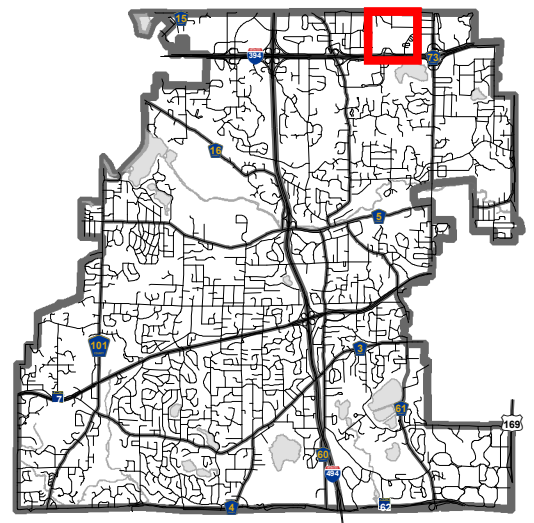


Subject Property



Location Map

Project: Low Residence
 Address: 12015 Glendale Ln



CUP Application Supplement

Applicant is requesting a CUP to allow total accessory structures slightly in excess of 1,000 square feet. The total accessory structure area approval being requested is 1,152 square feet.

Applicant has included with this application letters of support from the two neighbors on either side of Applicant's lot.

The lot size is 2.03 acres, or 88,247 square feet.

Although this application is seeking a CUP, not a variance, there are some hardship factors that apply. First, Applicant's property is a home (built on a hill) with a detached garage in back. While there is room to build an attached porch to the house, the aesthetic of staring at neighbor's driveway and street is not appealing. The appeal of this lot lies in the back where we want to spend our time and be bug free. The detached garage counts toward the total accessory structure square footage, but would not if it were attached. The garage contains 624 square feet. Without the garage, a CUP would not be necessary.

Second, Applicant has built a shed of 192 square feet based upon provisions in the zoning ordinance suggesting that a shed of 192 square feet is not included in the calculation of total accessory structure square footage. Since constructing this shed, Applicant has been told by City staff that sheds are excluded only if they are not permanently affixed to a slab. The ordinance does not make this distinction clear. Until being told this, Applicant believed that the site plan was in compliance with the 1,000 square foot limitation. The garage, together with the proposed porch, contain 960 square feet. Also, the shed is required to house equipment to maintain a property this size.

Finally, the additional accessory structure Applicant wishes to construct is a porch, attached to the garage, containing 336 square feet. This, combined with the existing 816 square feet (existing garage and shed), totals 1,152 square feet.

All of the accessory structures are located completely behind the home. None is visible from the street. The lot size is quite large. The accessory structures are clustered closely behind the home, leaving ample green space.

Jason Lowe, 12015 Glendale Lane

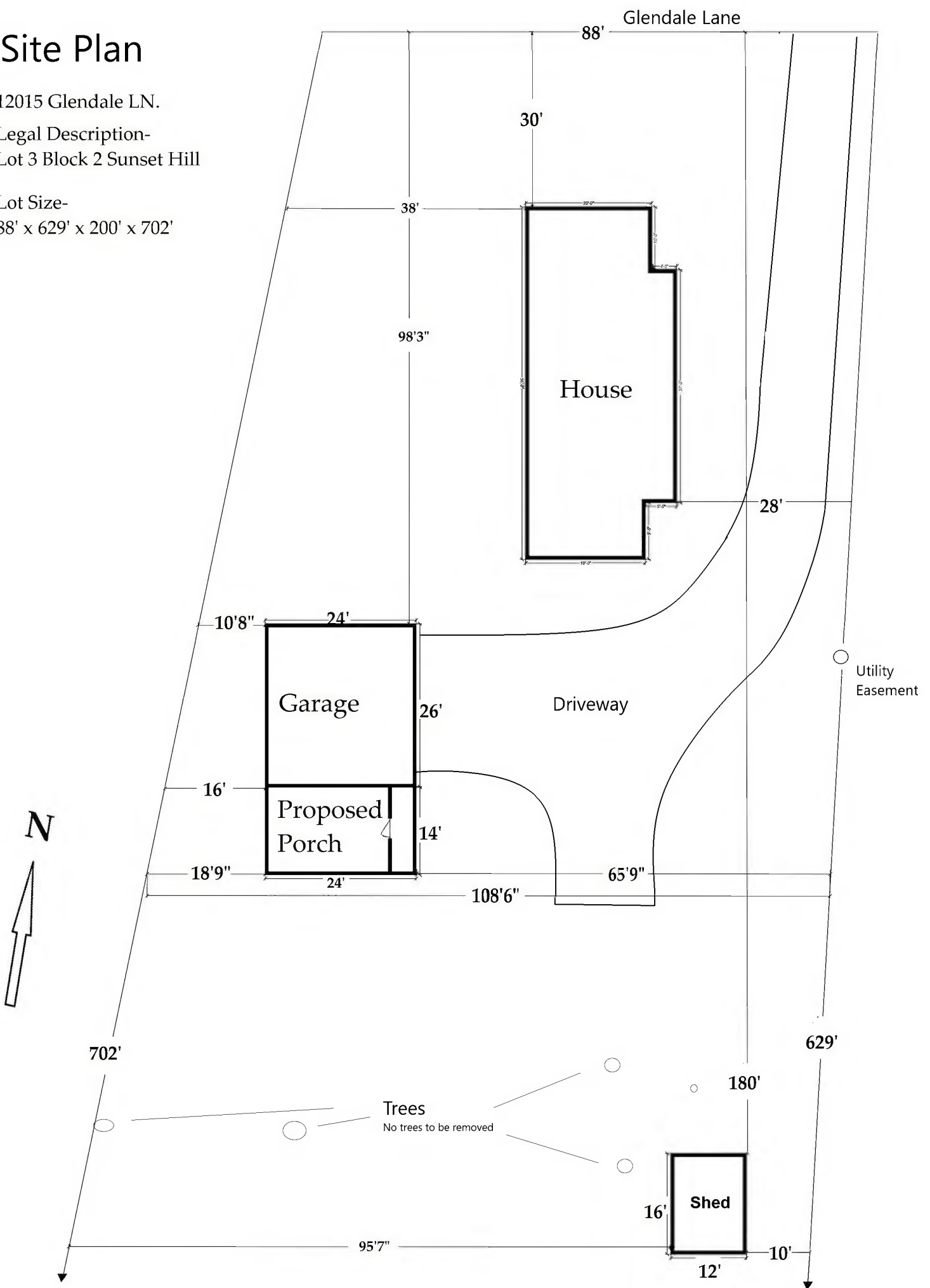
 5/9/22

Site Plan

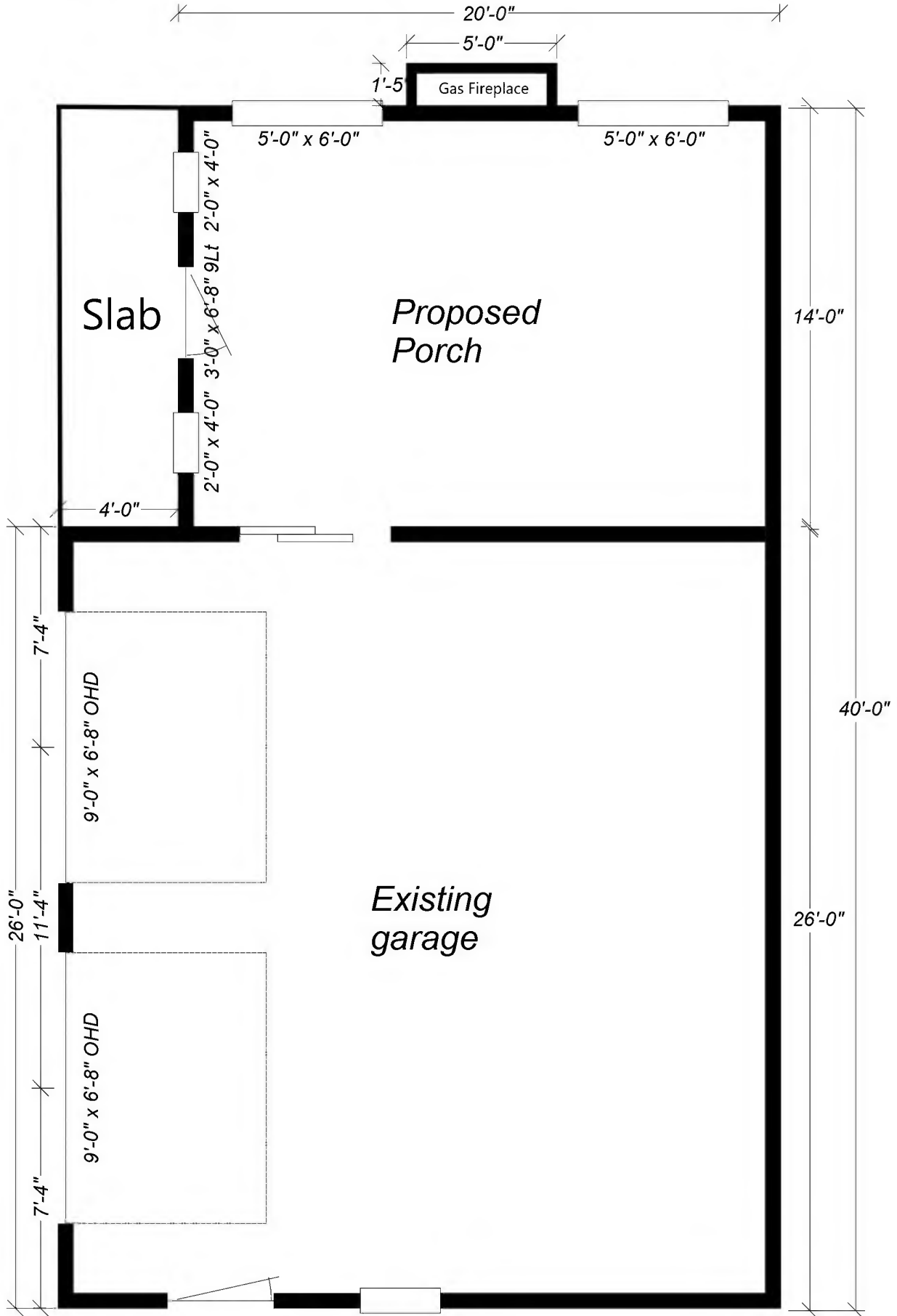
12015 Glendale LN.

Legal Description-
Lot 3 Block 2 Sunset Hill

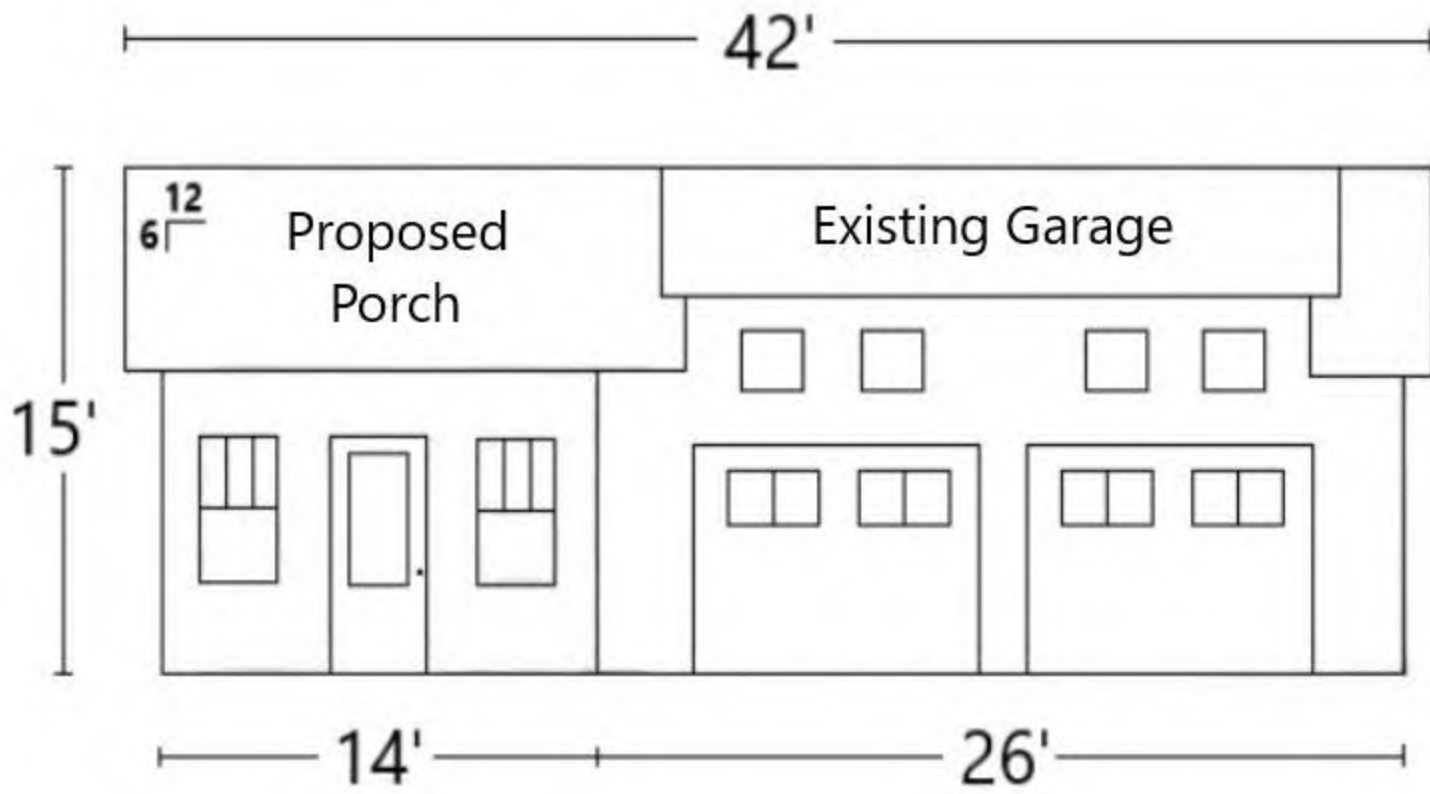
Lot Size-
88' x 629' x 200' x 702'



Floor Plan



East Elevation



South Elevation



Letter of support

To whom it may concern,

I Cy Dodson and Kelly Jo McDonnell, residents of 12007 Glendale Lane have seen and fully support Jason's plan of a porch addition off his garage.

Cy Dodson

Cy Dodson

Kelly Jo McDonnell

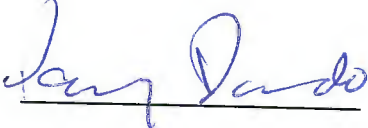
Kelly Jo McDonnell

Date: 5-9-22

Letter of support

To whom it may concern,

I Penny Dando, resident of 12021 Glendale Lane have seen and fully support Jason's plan of a porch addition off his garage.

Penny Dando 

Date: 5/9/2022

From: [John Bowman](#)
To: [Bria Raines](#)
Subject: Lowe residence CUP
Date: Sunday, June 12, 2022 7:20:12 AM

We are in support of the proposed plan.

Lynn Garfunkel & John Bowman
200 Park Lane S.
Minnetonka, Mn

Resolution No. 2022-0XX

Resolution approving a conditional use permit for an aggregate of accessory structures in excess of 1,000 square feet at 12015 Glendale Lane

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 12015 Glendale Lane. It is legally described as:

Lot 3, Block 2, Sunset Hill, Hennepin County, Minnesota.

1.02 Property owners Jason and Tammra Lowe are proposing to construct a porch addition, with a gas fireplace, to an existing accessory structure southwest of the principal structure on the subject property. The existing garage is 624 square feet, and the porch addition would be 336 square feet, a total of 960 square feet. The subject property also contains a utility shed, 192 square feet, in the southeast corner of the property. The aggregate of accessory structures on the property is 1,152 square feet.

1.03 In addition to the proposed accessory structure, the subject property will have an aggregate accessory structure square footage of over 1,000 square feet.

1.04 On June 23, 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 request.

Section 2. Standards.

2.01 City Code §300.16 Subd.2 outlines the following general standards that must be met for granting a conditional use permit on a residential lot:

1. The use is consistent with the intent of this ordinance.
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and
4. The use does not have an undue adverse impact on public health, safety, or welfare.

2.02 City Code §300.16 Subd.3(f) outlines the following specific standards for accessory structures in excess of 1,000 square feet of gross floor area or 12 feet in height.:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;
2. No additional curb cuts to be permitted;
3. Not to be used for commercial activities;
4. Structure to be architecturally consistent with the principal structure;
5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties; and
6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

2.03 City Code §300.127 Subd.5 outlines the following standards that must be met for sit and building plan compliance. These standards are incorporated into this resolution by reference.

Section 3. Findings.

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

3.02 The proposal does meet the conditional use permit standard outlined in City Code §300.16 Subd.3(f).

1. The proposed addition would have a side yard setback of 16 feet, roughly 60 feet from the wetland and floodplain in the rear property, and over 400 feet from the rear property line.
2. No new curb cuts are proposed.
3. The garage is not proposed to be used for commercial activities. This has been included as a condition of this resolution.
4. The garage addition is architecturally consistent with the existing garage and principal structure.

5. The proposed garage addition would be reasonably screened by the location and existing vegetation.
6. By Section 300.27 Subd. 3, accessory structures are exempt from site and building plan review. Although, the proposal would meet all site and building plan standards.

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 prior to the issuance of a building permit.
2. A building permit is required. The building plans must:
 - a) Meet all state and city code requirements.
 - b) Include permits for all work related to this project.
 - c) Confirm the location of the sealed well on the property.
 - d) Confirm the location of the sanitary sewer service. If found to be located beneath the proposed porch, confirm the pipe material is in compliance with the MN Plumbing code or upgrade to meet requirements.
3. Prior to the issuance of a building permit:
 - a) Submit a tree mitigation plan. The plan must meet mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans, the mitigation requirements would be none based upon submitted plans.
 - b) 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. The property must be developed and maintained in substantial conformance with the following plans shown in the project report:
 - Site plan received 2022-04-29
 - Floor plans and elevations received 2022-04-29
5. The proposed porch must meet a 10' horizontal setback from the 917.0' contour.

6. The minimum low floor elevation of the accessory structure is 918.5'.
7. The sealed well must not be disturbed by the construction of this garage addition.
8. No additional curb cuts are permitted on the property.
9. The accessory structure cannot be used for commercial purposes.
10. The city council may reasonably add or revise conditions to address any future unforeseen problems.
11. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 18, 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 July 18, 2022.

Becky Koosman, City Clerk