

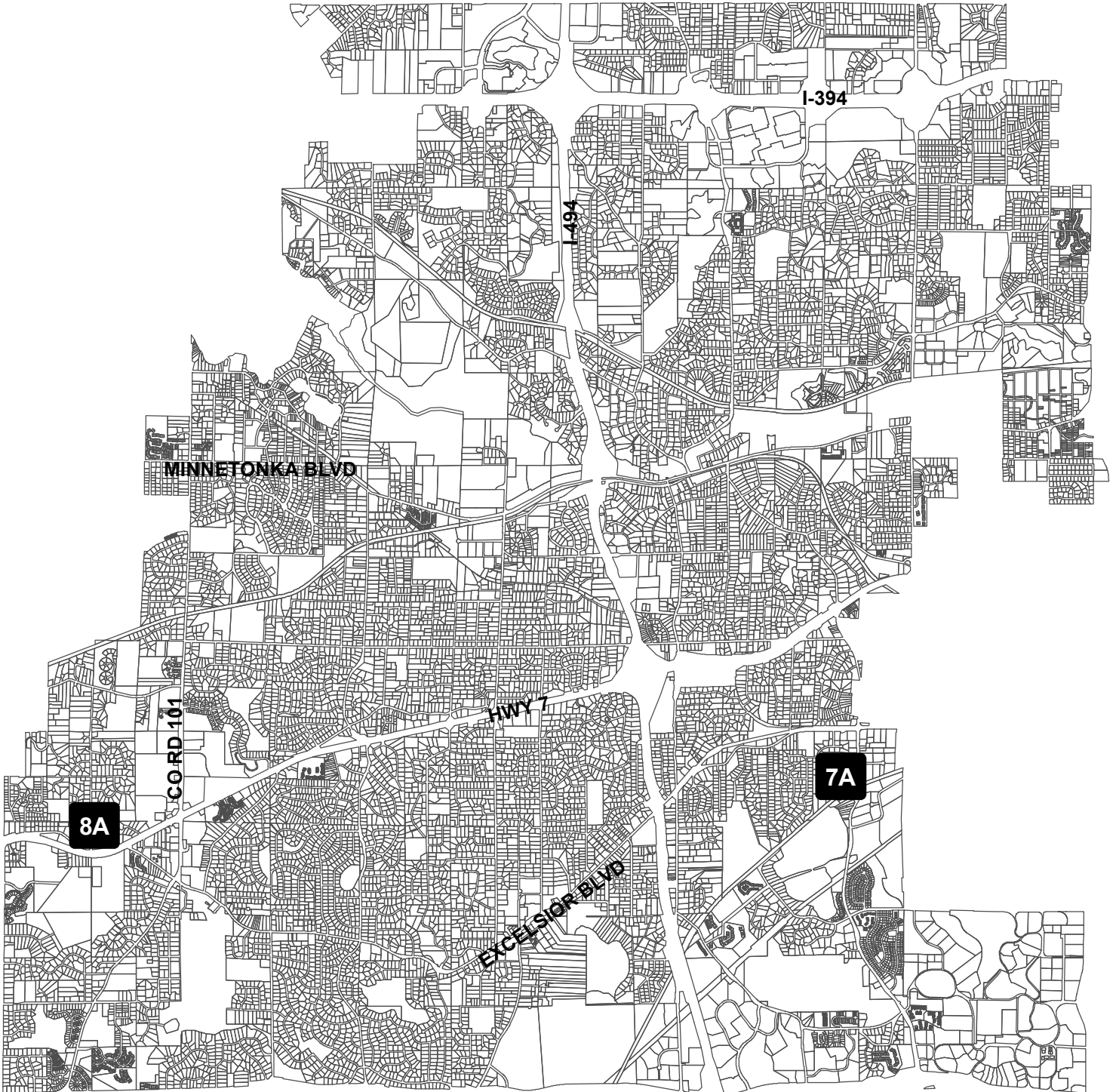


CITY OF  
**MINNETONKA**

# MINNETONKA PLANNING COMMISSION

Sept. 1, 2022

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





**Planning Commission Agenda  
Sept. 1, 2022  
6:30 p.m.**

**City Council Chambers – Minnetonka Community Center**

**1. Call to Order**

**2. Roll Call**

**3. Approval of Agenda**

**4. Approval of Minutes:** Aug. 18, 2022

**5. Report from Staff**

**6. Report from Planning Commission Members**

**7. Public Hearings: Consent Agenda**

A. Expansion permit for a garage at 11709 Shady Oak Drive.

Recommendation: Adopt the resolution approving the request (4 votes)

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

**8. Public Hearings: Non-Consent Agenda Items**

A. Preliminary plat for Cummings Homestead Second Addition, a two-lot subdivision at 5024 Sparrow Road.

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

- Recommendation to City Council (Sept. 12, 2022)
- Project Planner: Drew Ingvalson

**9. Adjournment**

**Planning Commission Agenda**

**Sept. 1, 2022**

**Page 2**

**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 Sept. 15, 2022 agenda.

<b>Project Description</b>	Amavida, 10-unit condo development
<b>Project Location</b>	3928 and 3930 Shady Oak Road
<b>Assigned Staff</b>	Susan Thomas
<b>Ward Councilmember</b>	Brian Kirk, Ward 1

<b>Project Description</b>	Dunibar Court, 5-lot subdivision
<b>Project Location</b>	17809 Ridgewood Road
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Kissy Coakley, Ward 4

<b>Project Description</b>	Westwind Plaza, rescind sign plan
<b>Project Location</b>	4703-4799 Co Rd 101
<b>Assigned Staff</b>	Drew Ingvalson
<b>Ward Councilmember</b>	Bradley Schaeppi, Ward 3

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**Aug. 18, 2022**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: Community Development Director Julie Wischnack, Assistant City Planner Susan Thomas, and Planner Bria Raines.

**3. Approval of Agenda:** The agenda was approved as submitted.

**4. Approval of Minutes:** Aug. 4, 2022

***Maxwell moved, second by Powers, to approve the Aug. 4, 2022 meeting minutes as submitted.***

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

**5. Report from Staff**

Thomas briefed commissioners on upcoming meetings:

- A joint meeting and bus tour with the EDAC and council members is scheduled to be held on July 25, 2022. Participants will meet at 4:30 p.m. at the Ridgedale Shopping Center west entrance.
- The next regular planning commission meeting is scheduled to be held on Sept. 1, 2022.
- A study session to look at amending the parking ordinance will be held in October 2022.

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

**7. Public Hearings: Consent Agenda**

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

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

**A. Amendment to the Minnetonka Corporate Center Sign Plan for King Technology at 6000 Clearwater Drive.**

Adopt the attached resolution approving an amendment to the Minnetonka Corporate Center sign plan for King Technology at 6000 Clearwater Drive.

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

**8. Public Hearings**

**A. Conditional use permit and parking variance for a fast-food restaurant at 11301 Hwy. 7.**

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

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

Powers confirmed with staff that the parking ordinance refers to the entire parking area for all of the businesses in a shopping area and does not refer to just the stalls located near one business.

In response to Chair Sewall's question, Raines answered that the floral business has an interim use permit which could be modified if there would be a parking shortage in the area.

In response to Henry's question, Thomas stated that staff could look into the possibility of providing historical photos of the parking lot for the shopping center in the winter to determine what amount of space has been utilized for snow storage in the past. The staff has never before received a parking complaint for this shopping center.

Matt Riggs, the applicant, stated that:

- Nautical Bowls is primarily a grab-and-go-type restaurant, and there would only be two tables for patrons inside.
- He has always found 50 percent of the 11 or 12 parking spaces in front of the proposed location empty. The rest of the parking lot, even during the busiest times of the day, has plenty of empty parking stalls.
- The current Nautical Bowls location in Minnetonka has ten parking stalls shared with Caribou and a gym next door. He has never seen double parking there. He would not allow it.
- He would like to host a bike event to attract bicyclists from the trail.
- He hopes to provide an online ordering option. Door Dash would be the only delivery service if it were utilized.

- Most customers place the order ahead of time, walk in, grab it and leave.
- Business peaks at lunchtime.
- He estimated that it would be open every day from 9 a.m. to 7:30 p.m.

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

Maxwell asked if a different type of use could occupy the site without needing a parking variance. Raines answered that any use would need a parking variance.

Powers was concerned about how to navigate this area of the shopping center. The route is challenging. He thought it could use more study. He likes the business.

Waterman agreed that the traffic flow in that area of the shopping center is sometimes concentrated. There is plenty of parking. He liked the idea of relocating the flower mart. Nautical Bowls is a great project. He supports the proposal, but the traffic flow worries him.

Henry liked the idea of turning the flower market 90 degrees or one aisle over to provide more parking stalls for the five businesses on that side. He would like more than one handicap stall in front of the businesses.

Banks agreed that parking would be a challenge in that area. He understood that there are studies that show parking would be sufficient, and the parking ordinance needs to be modified. The location of the business in that part of the shopping center may cause congestion. He likes Mr. Riggs' ambition and hopes the business is successful. The parking situation could be worked out with some adjustments.

Maxwell noted that a variance to the parking ordinance would be required for any type of business use at the proposed tenant location. This type of restaurant would have less of a parking demand than a restaurant that would have more dine-in customers. There would be times when there would not be enough parking in that vicinity of the northeast corner, and customers would have to park further away. That is something that the tenants would have to deal with. She would rather grant the parking variance than not have a business utilize the space.

Powers thought customers driving to a sit-down restaurant would be more inclined to park further away. He was worried that customers with to-go orders would park right outside instead of utilizing a parking stall.

Maxwell suggested that each business has dedicated parking stalls for two stalls near the door of each business. Raines explained that the property owner could work that out with the tenants. She noted that the flower mart does not take up as many parking stalls as the parking plan, Exhibit A, shows. There would be 15 to 18 additional parking stalls north of the flower market.

Thomas noted that the property owner and tenants enter into agreements to designate dedicated parking spaces. The city parking ordinance includes the entire property when calculating the mandatory amount of parking for each site.

Henry confirmed with Raines the location of the proof of parking area.

Chair Sewall stated that the property as a whole has more than adequate parking, but he agreed that the area nearest the proposed tenant space is difficult to navigate sometimes. Some modifications could be made with dedicated parking spaces, proof of parking, and the location of the flower mart. The parking plan is outdated and does not show 15 additional existing spaces, which makes the parking sufficient. There may be some offset with the timing of the peak hours of the hair salon. Customers may have to walk a little farther, but he did not think it would be a huge ordeal to get there. The property owner could look at adding pedestrian signage. The flower mart is an interim use which could be moved next year if parking becomes a problem.

***Banks moved, second by Waterman, to recommend that the city council adopt the resolution approving a conditional use permit and variance for Nautical Bowls at 11301 Hwy. 7.***

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Sept. 12, 2022.

**B. Conditional use permit with location variance for Advanced Oral Surgery and Periodontics at 110 Cheshire Lane.**

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.

Peter Hind, the architect for the project, stated that he was thankful for the staff's help and presentation. Advanced Oral Surgery and Periodontics has a current location in Lakeville, MN. The use would perform conscious sedation and operate like a typical dental office. There would be no major reconstructive surgery. He requested the application be approved. There would be two doctors, four staff, and two to four nurses present during working hours and 12 to 15 patients visiting the site each day. The proposal would not create more traffic than the previous use.

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

Waterman supports the proposal. It would be a reasonable use.

Maxwell supports the staff's recommendation. Traffic would access the site from the other side, and the use would be separated by a pond from the surrounding residential neighborhood.

Henry noted that no neighbor complained. The building is already there. He would have no problem with it if he lived in the area. He supports the staff's recommendation.

Powers and Banks support the staff's recommendation.

Chair Sewall confirmed with Thomas that there is no sign proposed. He supports the staff's recommendation.

***Powers moved, second by Maxwell, to recommend that the city council adopt the resolution approving a conditional use permit and location variance for Advanced Oral Surgery and Periodontics at 110 Cheshire Lane.***

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Sept. 12, 2022.

## **9. Other Business**

### **A. Concept plan review for a 275-unit apartment building at 10701 Bren Road East.**

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

Thomas reported. She recommended commissioners provide feedback.

Chair Sewall asked what percentage of Opus has been redeveloped. Thomas answered that of Opus' 648 acres, 30 acres have been redeveloped in the last eight years, which equals about five percent. About 30 percent of the 648 acres are not developable due to wetlands, steep slopes, and wooded areas.

Wischnack noted that Opus has six miles of recreational trails, 140 businesses, 4.2 million square feet of office and industrial uses and 36 percent of it is parks.

Ned Dodington, Greystar Development, representing the applicant, stated that:

- Greystar has been operating in the twin cities for ten years.
- He provided a presentation showing that Greystar is the largest development and investment management company of rental apartments globally.
- Greystar has a proven track record.



- Greystar just completed The Bower in Edina. He provided slides of additional projects done in the twin cities.
- He loves the proposed location and its connectivity to the light rail, employment, and walking trails. He is excited by the opportunity.

Burt Coffin, the architect with ESG Architecture and Design in Minneapolis, representing the applicant, stated that:

- The site is well connected to the greater metropolitan area and has a network to existing pedestrian trails.
- There are several other residential projects going on in the area.
- The existing curb cut would be utilized.
- Thomas did a good job explaining the project.
- The parking would be a six-story, above-grade structure that would be wrapped so it would not be visible from the street.
- The courtyard would be 90 feet by 175 feet. It would get nice daylight.
- The exterior of the building would have scalloped edges around the curve and a light-colored exterior. The interior courtyard walls would be a little darker.
- The entrance would have a lot of glass and be transparent from Red Circle Drive.
- The building would have 35 feet to 38 feet of setback to provide a generous space for landscaping.
- There would be ground-floor, walk-up units with porches.
- There would be a connection between the trail system and Shady Oak Road.

Ryan Herm, the landscape architect with Urban Eco Systems, representing the applicant, stated that:

- He is a Minnetonka resident. He thanked commissioners for their service.
- He provided a presentation on the landscape design.
- The proposal would continue a connection to the pedestrian-friendly campus and introduce stormwater conveyance around the site.
- There would be pollinator gardens.
- The courtyard would have a pool, seating, lounge areas, grills, and fire pits.
- The proposal would have a sustainable plant scheme to meet the goals of the watershed district and the city and emphasize human activity and recreation.

Mr. Coffin explained that:

- A benefit of not having an underground parking structure would allow large, over-story trees and incredibly rich landscaping to thrive.
- He reviewed the floor plans for each level.

- The site would be sustainably designed.
- There would be a bicycle-maintenance room.
- Stormwater management would be important. He will have more information on that in the near future.
- Best practices would be used for insulation and appliances.
- The courtyard would have full landscaping and could support solar panels.
- He looks forward to meeting with the city council on Sept. 12, 2022.

Powers appreciated the excellent presentation. He questioned why a pool would be included in the proposal. Mr. Dodington stated that the market is competitive, and a pool is a market standard for a large, multi-family, residential product. Whether the pool would be used or not, it is seen as a market requirement. His kids were out in the pool every day the summer they lived in an apartment.

Powers would like the pool size reduced to allow more areas with tables for people to sit and visit. Mr. Dodington agreed that the pool is often used as a place to congregate and visit. The exact size and location of the pool may change. He appreciated the comment.

Banks appreciated the presentation and details provided. He asked how the proposal would compare to Greystone's other projects in terms of the number of affordable housing units. Mr. Dodington explained that Greystone follows the inclusionary housing policies of each city. In Minneapolis, eight percent of the units meet affordable housing requirements. The proposal would have 28 units to provide 10 percent of the units be affordable. The applicant is also paying attention to the range of affordability requested by the city and offering a competitive market set compared to what others are already providing in the area.

In response to Henry's question, Mr. Dodington answered that the affordable units would be fully integrated and be no different than market-rate units. Wischnack explained that Minnetonka designates the number of unit types to be utilized for affordable units, but any unit of that type may be rented as an affordable unit.

Henry appreciated the detailed concept plan. In response to Henry's question, Mr. Dodington stated that the number of accesses would be adequate for the site. The dedicated service entrance is key and a real benefit to the residents. That would be the move-in and move-out location separate from residents accessing the parking structure.

Maxwell noted the proposal's proximity to the SWLRT and asked how the number of parking stalls was determined. Mr. Dodington explained that the concept plan includes 1.3 parking spaces per unit, which is the typical standard for residential, multi-family use. The market does look for a certain number of spaces per unit. There has been an analysis done that compared how similar buildings operate.

Maxwell asked if parking could be located underneath the apartments. Mr. Dodington explained that the site has a fairly high water table which would make it difficult to

accommodate an underground parking structure. He stated that there are benefits to the above-ground parking structure, which would go up fairly easily, the building could wrap around it, and it would allow the pool to be deeper.

Chair Sewall asked how snow removal would occur on the top level of the parking structure. Wischnack explained how a snow chute might be utilized to move snow.

Chair Sewall asked where guest parking would be located. Mr. Dodington stated that there would be designated guest parking spaces in the ramp on the ground floor close to the leasing office in front of the secure entrance. It would be contained in the parking structure.

Mr. Coffin added that residents like being able to park on the floor that they live on.

In response to Waterman's questions, Mr. Dodington stated that the proposal would be the best fit for the site in today's market. Mr. Coffin stated that a light-colored exterior would make the landscaping more noticeable. The scalloped edges would work better with a light color. It is subjective in a way, and this is a concept plan. He was open to suggestions.

Ryan Sams, the design architect representing the applicant, agreed with everything Mr. Coffin said. He was open to suggestions.

Waterman stated that the detailed illustrations in the presentation are beautiful. He would like a view from the street level. He questioned if it would be good to break up the color of the building exterior. Mr. Sams explained that the scalloped edges subdivide the street wall without changing material and color. Manipulating the massing was used to break up the scale of the building. Masonry at the base of the building could be used to complement the landscaping. The trend is to use restraint in the number of materials and maintain the same high-quality materials throughout.

Wischnack noted that the exterior of the Avidor building is similar to the proposal.

Mr. Sams noted that the topography of the site and slope to the north would eventually create an area that goes from walk-out units to a half-story that would not be occupied where there would have to be some type of base. That would probably have more complexity as the proposal fully forms.

Waterman asked how courtyards like this are utilized. Mr. Dodington explained that the courtyard would be large enough to have sunny areas and some shady areas. Some residents really like to live on the courtyard side of a property to engage with others and be active. The ability to execute a landscape theme at grade would be a stand-out feature for this product in the marketplace.

Wischnak noted that The Rize has a similar courtyard.

In response to Powers' questions, Mr. Dodington stated that there would be three elevators, and it has not yet been determined whether to have electric or gas stoves. Powers suggested including sound-dampening features for residents who work from home and chargers for electric vehicles.

Mr. Dodington noted that the proposal would not have cable t.v. hookups. Tenants would utilize the managed wifi network. Electric vehicle charging stations are standard for Greystone properties. Soundproofing is very important. The management team makes sure that there is enough soundproofing.

Banks asked if retail would be included. Mr. Dodington said that it has been very difficult to lease retail space in residential buildings, and it was not considered for this proposal since there is retail located close by on Shady Oak Road.

Chair Sewall asked if a coffee shop or grocery store would be an asset for the area. Mr. Dodington answered absolutely. Residents always want to know the location of the closest grocery store. A coffee shop or grocery store would be great.

Henry asked if something would be put on the roof. Mr. Dodington stated that adding solar panels would be explored. Research is being done to see what sustainable features and classifications may be utilized.

Henry suggested including a car wash. Mr. Dodington agreed that it is a common amenity now.

Henry suggested planting oak trees that would last many years. Mr. Herm said that an upright oak could be considered.

Powers stated that:

- He likes the entire project.
- He likes the idea of the parking. It would be much more cost effective to build it above ground.
- He loves the scalloping idea for the curve.
- He loves the intense interest in landscaping.
- He supports integrating the project into the walkability of the area.
- The passageway idea is brilliant. People like to have a shortcut.
- He likes that washers and dryers would be in each unit.

Maxwell stated that:

- The concept plan is fine.
- She likes the scalloping, which is a unique way to match the shape of the site.
- She likes the above-ground parking that would suit this site very well.

- She would like to have the proposed private courtyard as a resident who lives there, but she would prefer the courtyard to be slightly smaller and more visible to allow non-residents to allow them to feel more connected when running, walking, or bicycling past.

Banks stated that:

- He likes the concept plan overall.
- He would like 15 percent of the units to be affordable.
- He likes the scalloping and angles on the outside.
- He thought more material elements or colors on the inside would help break up the inside.
- The sky lounge is a great feature. He would like it to be a little bigger.
- He likes the unique orientation of the building.
- The landscaping plan is very thoughtful at this stage. The landscaping reduces the appearance of the mass of the building.
- He likes the dedicated area for moving in and moving out.
- He suggested having charging stations for electric vehicles on every floor.
- The proposal is well thought out. The presentation was great.
- He wished them the best of luck moving forward.

Henry stated that:

- He appreciated the presentations.
- He looked forward to working with the applicant in the future.
- The proposal's scalloping is wonderful, the architecture is good, and the landscaping is great, but the building would be too massive.
- He would like more unique elements.
- He favors reducing the height by one or two levels and adding more visual interest.
- He supports balconies on all of the units.
- He would be o.k. with the massing if the roof would be used as a resource for grilling, green space, lawn bowling, or solar panels.
- The building has a pretty good, timeless design.
- It is a well-thought-out proposal.

Waterman stated that:

- He appreciated the presentations.
- The site is meant to be used for multi-family residential housing.
- Seeing a rendering of the proposal from the street view may help him feel more comfortable with the mass of the building.
- He likes the wrap-around with the garage, but it creates a big structure and is somewhat unoriginal.
- He is not in love with the courtyard, but he loves the 25-foot passageway.

- He would like to see changes in elevation or what could be done to break up the view.
- He thought the window placement and sizing were a little jarring.
- There is a lot to like about the proposal. He likes the turnaround and emphasis on the landscape.
- He appreciated setting the building further back and the trail connection.
- The interior courtyard color is a little drab.
- The mass is large, but that does not mean it would be a no-go. He was interested to see how it develops.

Chair Sewall stated that:

- The residential use would be fine for the area.
- He still hopes to see other types of uses in the area in the near future.
- He likes the vehicular and pedestrian connections.
- He likes the dedicated move-in and out space.
- The parking ramp makes sense in a lot of ways. He likes the idea of parking on the same level where one lives.
- He supports having electric-vehicle charging stations on each level.
- He agreed that the building has a fair amount of mass. The farther it could be set back and leave more room for landscaping, the better.
- He was fine with the lighter exterior color. He agreed that six colors would be too much.
- He trusts that Greystar is a professional team. He looks forward to seeing them return.

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Sept. 12, 2022.

## 10. Adjournment

***Waterman moved, second by Henry, to adjourn the meeting at 9:03 p.m. Motion carried unanimously.***

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

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 7**

Public Hearing: Consent Agenda

**MINNETONKA PLANNING COMMISSION**  
**Sept. 1, 2022**

<b>Brief Description</b>	Expansion permit for a garage at 11709 Shady Oak Drive
<b>Recommendation</b>	Adopt the resolution approving the request.

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**Background**

The subject property is located at the intersection of Shady Oak Lane and Shady Oak Drive. The home and detached garage on the property were constructed in 1952, prior to the adoption of the city's first zoning ordinance. The structures met all setback requirements at the time of construction.

The current R-1 zoning ordinance requires a 35-foot setback from a neighborhood collector street. In addition, the R-1 zoning ordinance permits corner lots to reduce one front yard setback by ten feet. Therefore, the minimum required front yard setback on the subject property is 25 feet. The existing detached garage has a non-conforming front yard setback of 11 feet.

**Proposal**

The contractor, Heinen Contracting, Inc., is proposing to demolish the existing detached garage and build a new garage in the same location. The garage area would increase from 18 feet by 22 feet to 24 by 24 feet, an increase of approximately 183 square feet. This proposal will expand parallel to the existing non-conforming garage setback. The front yard setback will not be altered. Under this proposal, the new garage would remain at the same non-conforming setback as the existing structure and would meet all other setback requirements.

This project requires demolition and rebuilding of the 24-foot by 24-foot accessory structure, as building the structure by constructing only the addition to what is existing would create an irregular-looking building with an inconsistent roofline.

**Staff Analysis**

Staff finds that the applicant's proposal meets the expansion permit standards for a non-conforming use:

- The proposed expansion is reasonable. The expansion will increase the garage area to a standard 2-stall garage, 24 feet by 24 feet.
- The circumstances of the property are unique. The existing garage location is non-conforming, the lot size is approximately 9,000 square feet, and relocating the garage to a conforming setback would reduce the limited rear yard space available.
- The expansion would not adversely affect or alter the character of the neighborhood.

**Staff Recommendation**

Adopt the resolution approving an expansion permit for a garage at 11709 Shady Oak Drive.

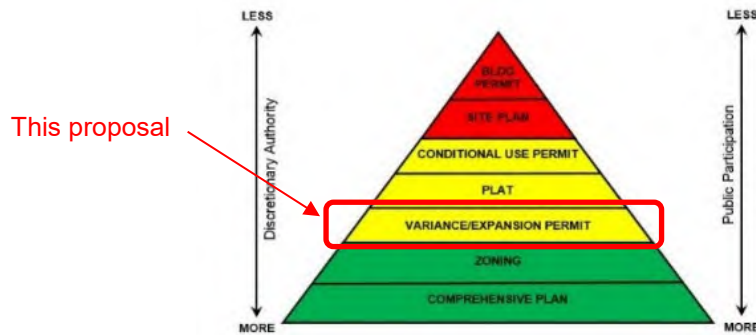


Originator: Bria Raines, Planner  
Through: Loren Gordon, AICP, City Planner

## Supporting Information

<b>Project No.</b>	22020.22a
<b>Property</b>	11709 Shady Oak Drive
<b>Applicant</b>	Heinen Contracting, Inc.
<b>Property Owner</b>	Jack Anderson
<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>Variance v. Expansion</b>	A variance is required for any alteration that will intrude into one or more setback areas beyond the distance of an existing, non-conforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity. The applicant's proposal requires an expansion permit. While the proposed garage does not meet the required setback, it has a greater setback than the home's existing, non-conforming setback.
<b>Burden of Proof</b>	<p>By city code, an expansion permit for a non-conforming use may be granted but is not mandated when an applicant meets the burden of proving that:</p> <ol style="list-style-type: none"><li>1. The proposed expansion is a reasonable use of the property, considering such things as:<ul style="list-style-type: none"><li>• Functional and aesthetic justifications for the expansions;</li><li>• Adequacy of off-street parking for the expansion;</li><li>• Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;</li><li>• Improvement to the appearance and stability of the property and neighborhood.</li></ul></li><li>2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and</li><li>3. The expansion would not adversely affect or alter the essential character of the neighborhood.</li></ol>

### Pyramid of Discretion



### Neighborhood Comments

The city sent notices to 38 area property owners and received no comments to date.

### 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.

### 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 expansion permit.
2. Disagree with the staff's recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

### Voting Requirement

The planning commission's action on the applicant's request is final and subject to appeal. Approval requires the affirmative vote of four commissioners.

### Appeals

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

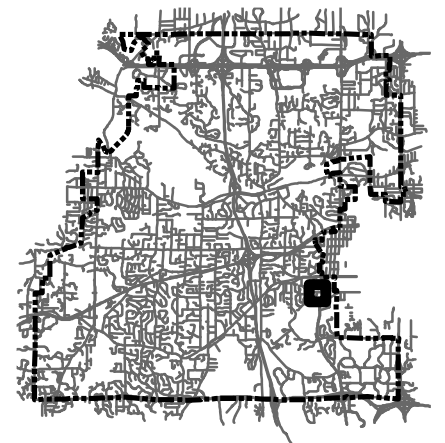
### Deadline for Decision

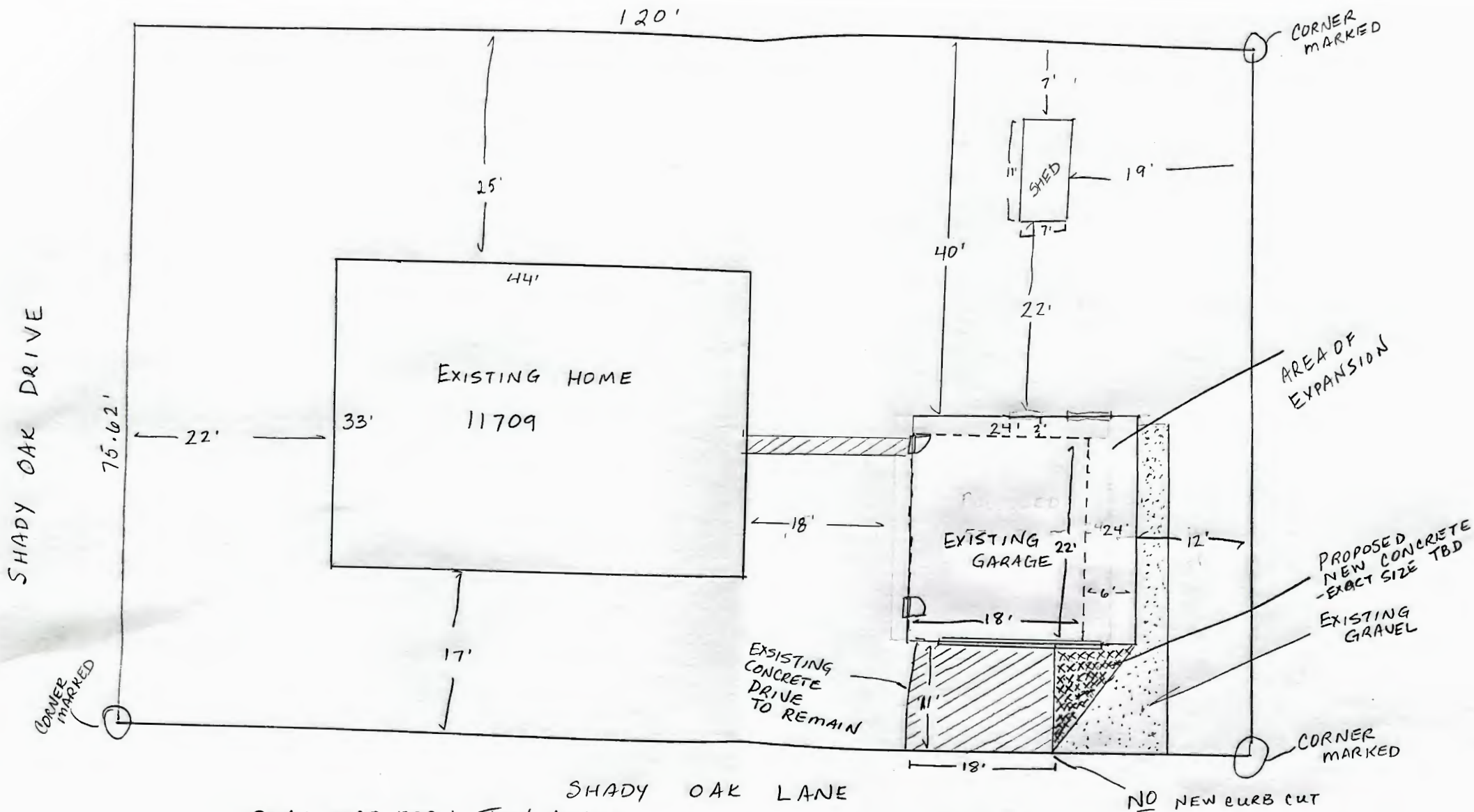
Oct. 3, 2022



### LOCATION MAP

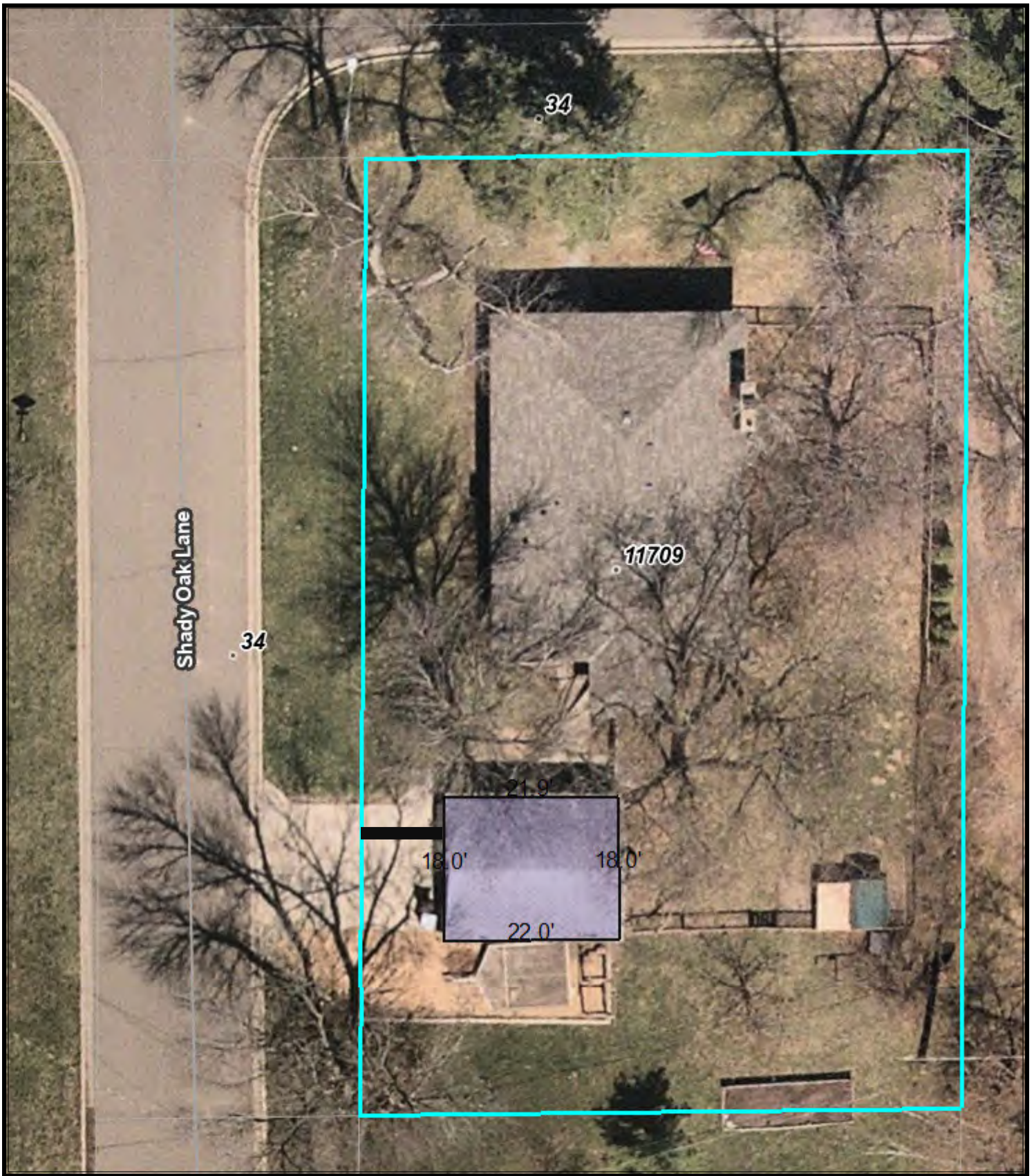
Project: Anderson Residence  
Location: 11709 Shady Oak Dr



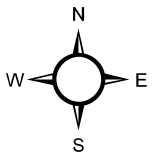
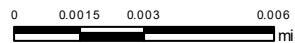


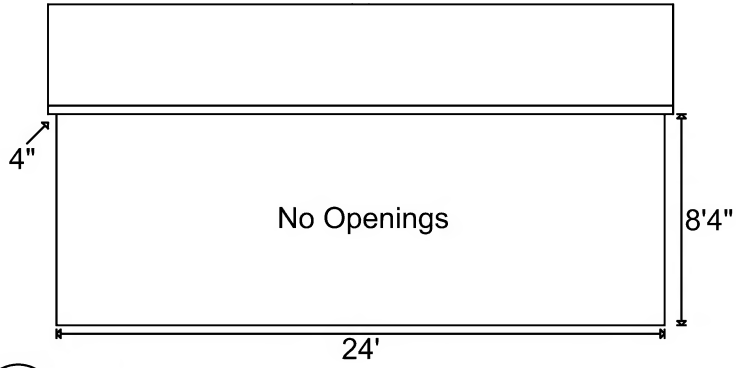
SHADY OAK LANE  
 PLAT MAP FOR: Jack Anderson  
 11709 SHADY OAK DR.  
 MINNETONKA, MN 55343  
 PID: 2611722130015

← N  
 SCALE: 10' = 1"  
 1" = 10'

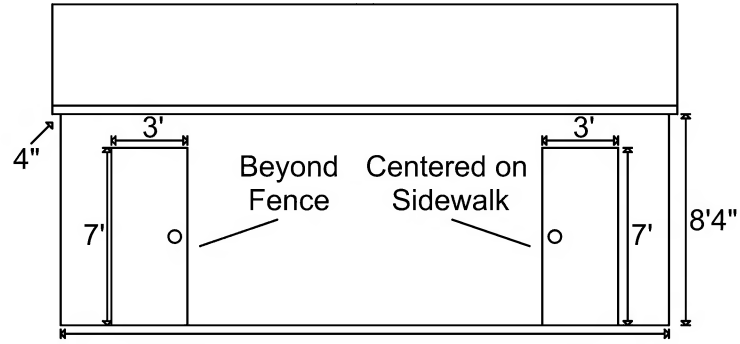


11709 Shady Oak Drive



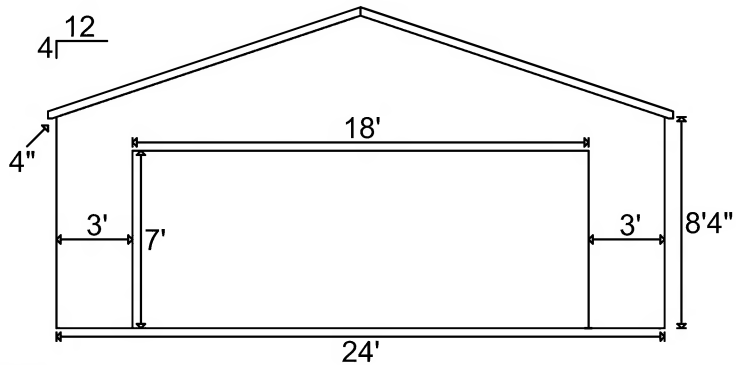


SOUTH

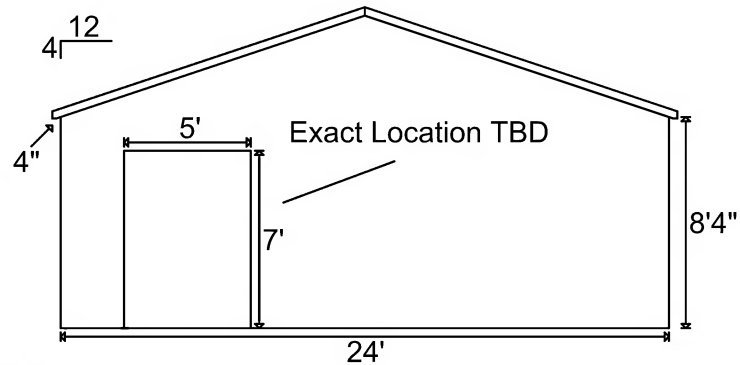


NORTH

PEAK HT: 12' 4"  
MID HT: 10' 4"



WEST



EAST

COMPANY:  
Heinen Garage  
  
Minnetonka Minnesota  
55305

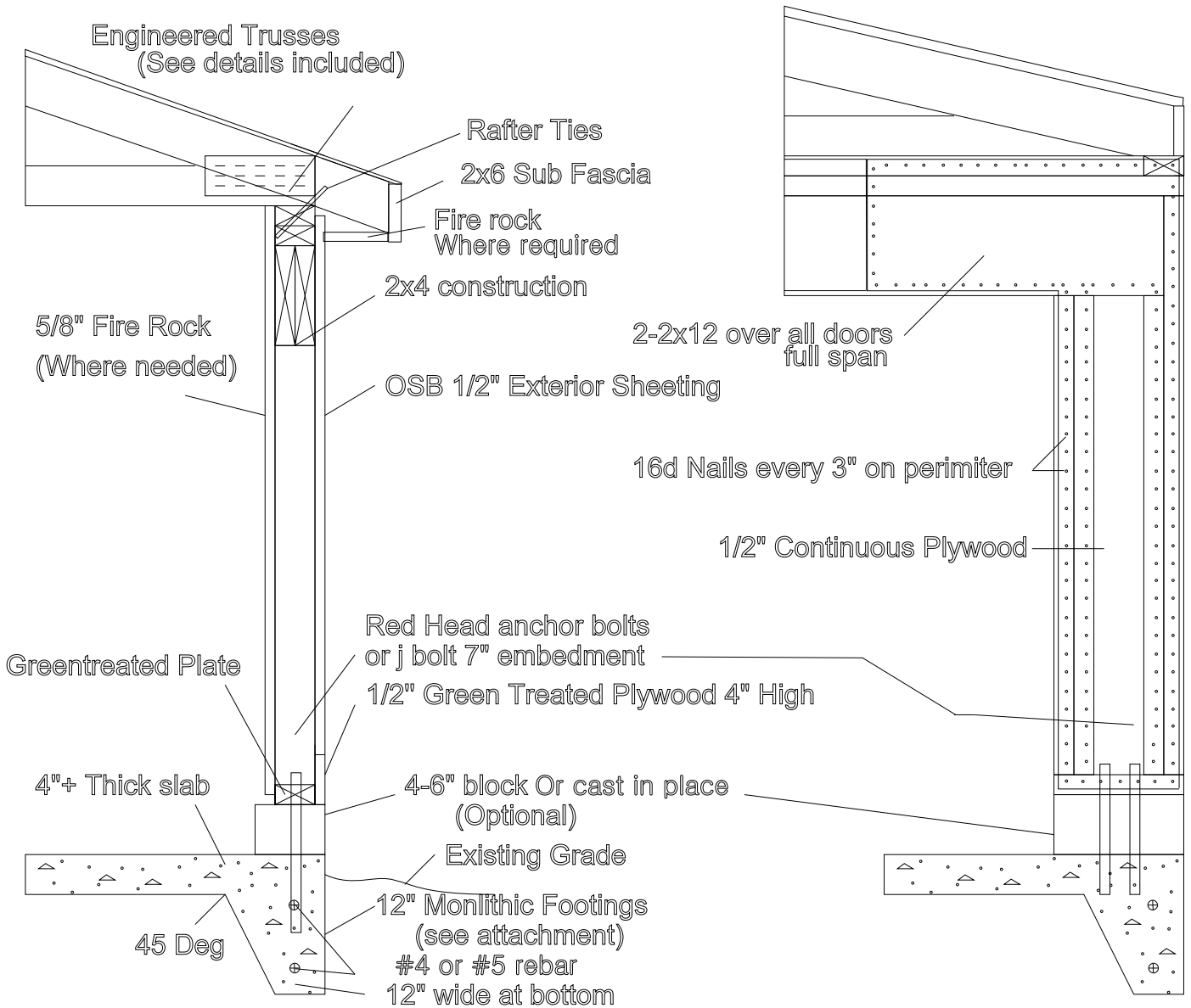
PROJECT 11709 Shady Oak Dr.

CLIENT Jack Anderson

SHEET TITLE Building Plan

DATE	SHEET
4/7/22	1A
DESIGNED BY: GABE HEINEN	

Heinen Contracting  
Garage Detail Standards

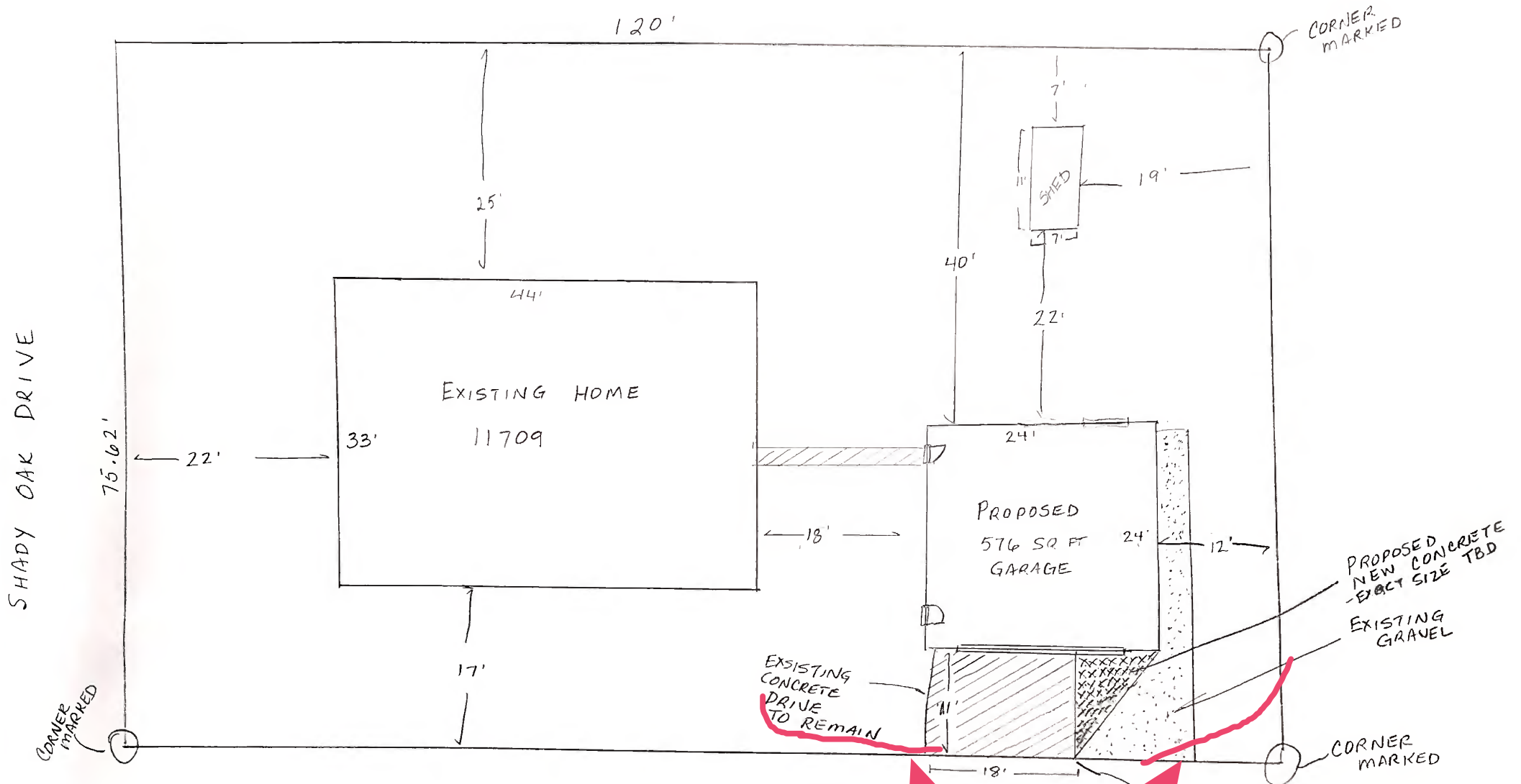


DESIGN BY: GREG HEINEN	DATE:	4/11/22
	SHEET	A

PROJECT	11709 Shady Oak Dr, Minnetonka
CLIENT	Jack Anderson
SHEET TITLE	Garage Details

COMPANY:	HCI
	10100 HILLSIDE LANE WEST
	PH: 612.327.9186






SHADY OAK LANE

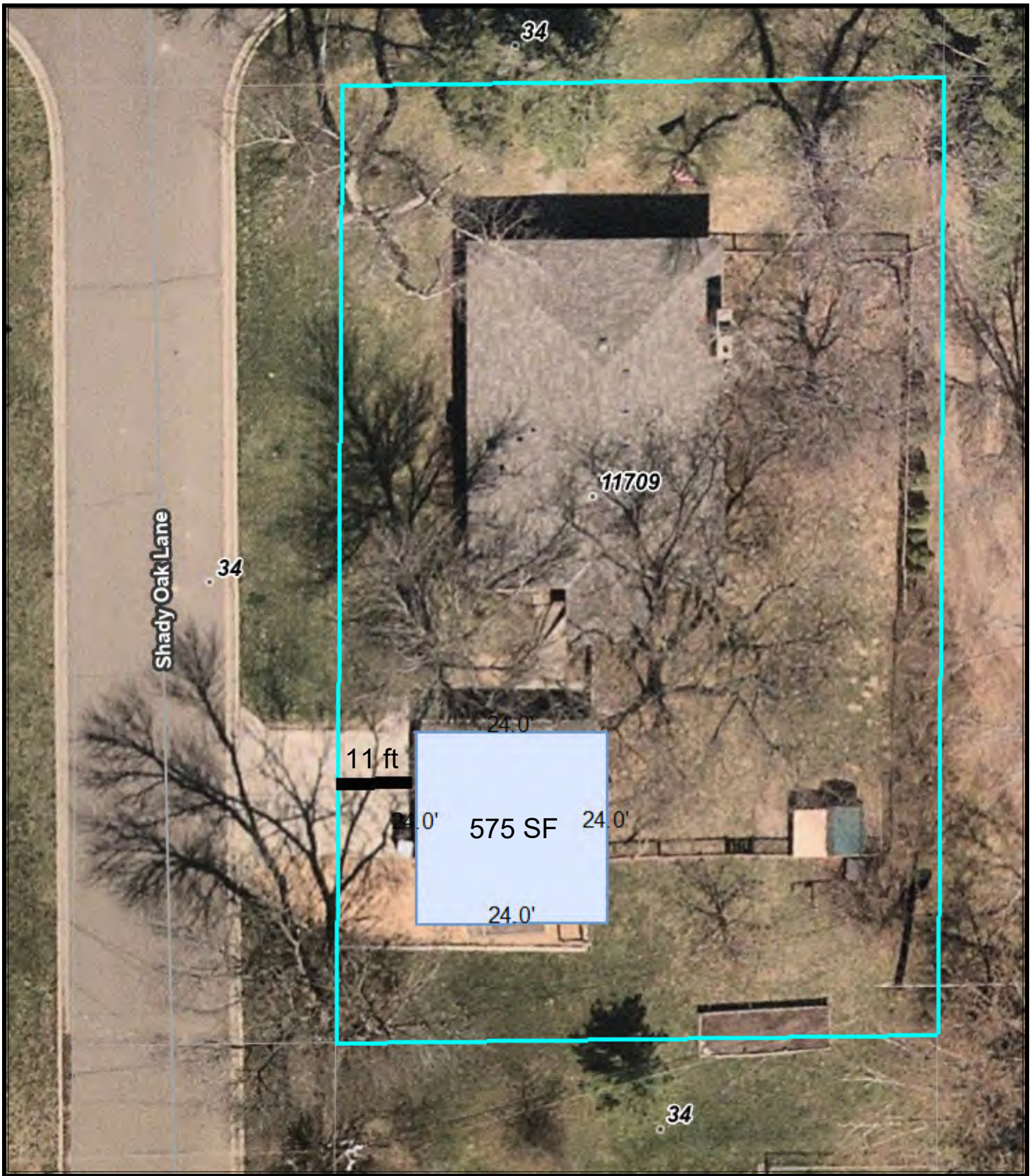
PLAT MAP FOR: Jack Anderson  
11709 SHADY OAK DR.  
MINNETONKA, MN 55343

PID: 2611722130015

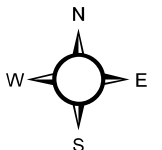
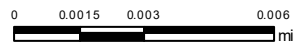


Erosion  
Control  
Waddles  
Placed  
Here

SCALE: 10' =   
1" = 10'



11709 Shady Oak Drive



**Planning Commission Resolution No. 2022-**  
**Resolution approving an expansion permit for a garage addition**  
**at 11709 Shady Oak Drive**

---

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

Section 1. Background.

- 1.01 The subject property is located at 11709 Shady Oak Drive. It is legally described as:  
  
Tract I, Registered Land Survey No. 0526, Hennepin County, Minnesota.  
  
Torrens Certificate No. 1501417
- 1.02 The home and detached garage on the property were constructed in 1952, prior to the adoption of the city's first zoning ordinance. The current R-1 zoning ordinance requires a 35-foot setback from a neighborhood collector street. In addition, the R-1 zoning ordinance permits corner lots to reduce one front yard setback by 10 feet. Therefore, the minimum required front yard setback for the subject property is 25 feet. The existing detached garage has a nonconforming front yard setback of 11 feet.
- 1.03 The contractor, Heinen Contractors, Inc., is proposing to remove the existing garage and build a new garage roughly 183 square feet larger than the garage. The garage would maintain the existing front yard setback of 11 feet. An expansion permit is required.
- 1.04 The construction will require the demolition of the existing structure and the building of the 24-foot by 24-foot accessory structure.
- 1.05 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of non-conformities.
- 1.06 City Code §300.29 Subd. 3(g) allows expansion of a non-conformity only by variance or expansion permit.
- 1.07 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted but is not mandated when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic justifications for the expansion;
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonableness. The proposal is reasonable. The expansion will increase the garage to a standard two-stall garage, 24 feet by 24 feet. Planning Commission's written policy determines a 2-stall garage to be a reasonable request.
2. Unique Circumstance. The circumstances of the property are unique. The existing garage location is nonconforming, the lot size is approximately 9,000 square feet, and relocating the garage to a conforming setback would reduce the limited rear yard space available.
3. Character of Neighborhood. The proposal would not impact neighborhood character. The garage would maintain the existing setback, getting larger only towards the rear property line, and meet the rear and side yard setback requirements.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit 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:
  - Site plan, received Aug. 4, 2022
  - Building elevations, dated April 7, 2022

2. This resolution must be recorded with Hennepin County.
3. The water service for the proposed accessory structure must be connected to the existing water meter. If a sewer for the accessory structure is proposed in the future, the shortest distance to the existing sewer must be used.
4. The driveway within the right-of-way must be hard surface paved. The existing curb cut may be no wider than 20 feet.
5. Prior to construction, install a temporary rock driveway and erosion control fencing for staff inspection. Redundant silt fence is required for all areas downslope of the project. These items must be maintained throughout the course of construction.
6. This expansion permit will expire on Dec. 31, 2023, unless the building permit for the project covered by this resolution has been finalized or the city has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Sept. 1, 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 Sept. 1, 2022.

---

Fiona Golden, Deputy City Clerk

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 8**

Public Hearing: Non-Consent Agenda

**MINNETONKA PLANNING COMMISSION**  
**Sept. 1, 2022**

**Brief Description** Preliminary plat of CUMMINGS HOMESTEAD SECOND, a two-lot subdivision, at 5024 Sparrow Road.

**Recommendation** Recommend the city council approve the proposal.

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**Proposal**

The applicant, Michael Brandt, is requesting to subdivide the property at 5024 Sparrow Road into two single-family residential lots (on behalf of the property owners).

**Proposal Summary**

The following is intended to summarize the applicant's proposal:

- **Existing Site Conditions.**

Lot Size: 1.4 acres

Structures: The property is improved with a:

- 1,272 square foot single family home (built in 1944);
- 255 square foot shed/lean-to (with non-conforming side yard setback); and
- 40 square foot playhouse.

Wetland: A wetland delineation found that there is not a wetland on the subject property.

Topography: Excluding the area near the existing home, the majority of the western side of the existing property is considered a steep slope (shown as green/orange in the image to the right).<sup>1</sup> The high point of the steep slope is on the western side of the property. Generally, the site slopes downwards toward Sparrow Road, with land nearest the road not meeting the steep slope



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<sup>1</sup> By City Code Sec. 300.02, a "steep slope" is a slope that: (1) rises at least 20 feet between toe and top of the slope; (2) has an average grade of 20 percent as measured between toe and top of the slope; and (3) has been field verified and located by city staff. In verifying and locating steep slopes, staff may consider site features such as soil types, vegetation coverage, anticipated erosion issues, technical reports, and studies, or other items staff considers pertinent for the protection of the slope.

definition. The area shown in orange is a steep slope with a grade of over 30% grade. Per city code, the city may prohibit grading and development within this area.

Trees: The site has 51 high-priority trees<sup>2</sup> and 46 significant trees<sup>3</sup>.

Access: Both of the proposed properties would access off Sparrow Road

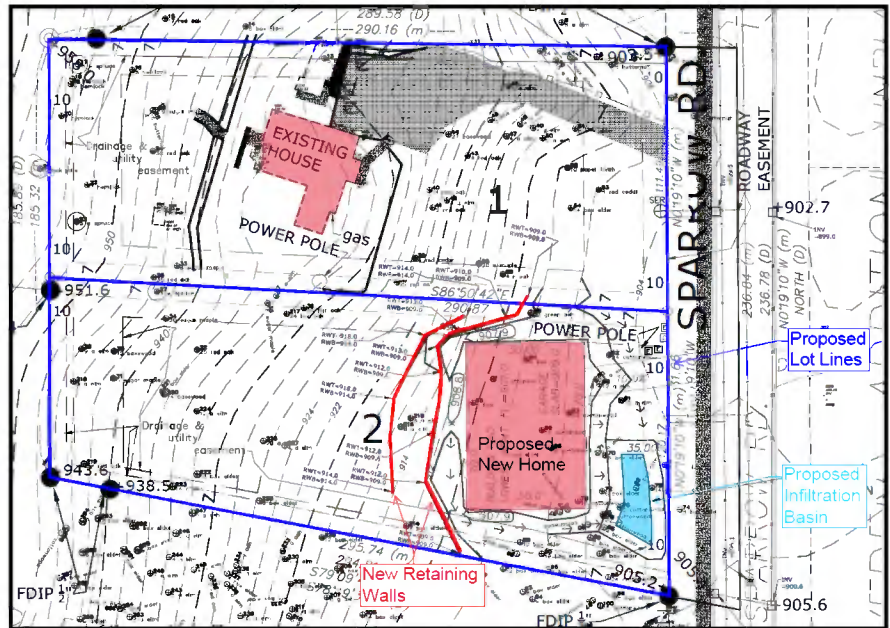
- **Proposed Site Conditions.**

Homes: The applicant is proposing to keep the existing home on the newly created northern lot and build a new home on the newly created southern lot.

Grading: Site grading would occur to accommodate the new home on the southern lot and to direct stormwater to the newly constructed infiltration basin near Sparrow Road. The applicant has proposed two retaining walls, located mostly on the southern lot, to minimize grading impacts.

Utilities: Sewer and water utilities would be accessed off mains located beneath Sparrow Road.

Trees: The proposal would result in the removal of 14 high-priority trees and 19 significant trees.



<sup>2</sup> By City Code 300.28, a "tree, high priority" is a tree that is not in a woodland preservation area but is still important to the site and the neighborhood character, that is structurally sound and healthy, and that meets at least one of the following standards as outlined below. The city forester prioritizes – and maintains a prioritization list – of native and culturally significant tree species above non-native native trees. This prioritization of species may be used to guide both tree removals and mitigation.

1. A deciduous tree that is at least 10 inches dsh.
2. A coniferous tree that is at least 15 feet in height that is not in a group described below; or
3. A tree that is in a group of three or more deciduous trees that are at least eight inches dsh or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that is within 50 feet of an arterial road and 35 feet of a minor collector, local or private street and a trail. This distance will be measured from the edge of the pavement of the road, street, or trail.

<sup>3</sup> By City Code 300.28, a "tree, significant" is a tree that is structurally sound and healthy and that is either a deciduous tree at least four inches dsh or a coniferous tree at least 10 feet in height.



## Staff Analysis

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

- **Are the proposed lots reasonable?**

Yes. The city's subdivision ordinance outlines minimum area and dimensional standards for single-family residential lots. The proposal would meet all of these minimum standards.

	<b>Required</b>	<b>Lot 1</b>	<b>Lot 2</b>
<b>Lot area</b>	22,000 sq. ft	27,615 sq. ft.	26,655 sq. ft.
<b>Lot width at the right-of-way</b>	80 ft	110 ft	120 ft
<b>Lot width at the setback</b>	110 ft	110 ft	115 ft
<b>Lot depth</b>	125 ft	290 ft	295 ft
<b>Buildable area*</b>	3,500 sq. ft.	8,760 sq. ft.	12,975 sq. ft.

\*Areas less than 30% grade

- **Does the proposal meet the city's steep slope ordinance?**

The city's steep slope ordinance was developed to encourage thoughtful integration of development into a slope. The intent of the ordinance is not to prohibit the construction of a slope but rather to guide the development of a slope. Unlike other ordinances, which provide clear standards intended to "approve" or "deny" a project, the steep slope ordinance allows the city more discretion in determining compliance with the three findings listed in the ordinance. The following is intended to summarize the findings:

1. *Ordinance Finding 1: The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.*

**Staff findings:** The applicant has situated the proposed home on the far east side of the property, mostly outside of the steep slope. Retaining walls would be constructed relatively close to the west side of the proposed home to further minimize slope disturbance.

2. *Ordinance Finding 2: The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.*

**Staff findings:** The ordinance allows the city to prohibit construction on slopes with average slopes exceeding 30 percent. There is one area of the site that has slopes exceeding this percentage; however, the applicant has not proposed any grading within this area. As proposed, the runoff would continue to drain towards

the east side of the property (Sparrow Road), and the increased impervious surface runoff would be directed to an infiltration basin near the front (east) property line.

3. *Ordinance Finding 3: The proposed development provides adequate measures to protect public safety.*

**Staff findings:** The city's fire department has reviewed the plans and had no concerns about accessibility for emergency vehicles.

- **Would the proposal meet the tree ordinance?**

Yes. The proposal would meet the tree ordinance. The table below summarizes the thresholds outlined in the ordinance and the proposal:

	<b>WPA (% of area)</b>	<b>High-Priority trees</b>	<b>Significant trees</b>
<b>Ordinance</b>	25% of area on site	35% (17 trees)	50% (23 trees)
<b>Proposal</b>	N/A – WPA not present	27.5% (14 trees)	41.3% (19 trees)

### **Summary Comment**

The applicant's proposal makes the best effort to minimize future development impacts on the existing steep slopes on the site. In addition, the proposal meets all minimum requirements for subdivision.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving the preliminary plat of CUMMINGS HOMESTEAD SECOND, a two-lot subdivision at 5024 Sparrow Road.

Originator: Drew Ingvalson, Associate Planner/Sustainability Coordinator  
Through: Loren Gordon, AICP, City Planner

### Supporting Information

#### Surrounding Land Uses

	Existing Land Use	Zoning	Comp Guide Plan
Subject Property	Single-Family Home	R-1	Low density
Surrounding Properties	Single Family Home	R-1	Low density

#### Steep Slope

By City Code §300.28, Subd. 20(b), staff will evaluate the extent to which the development meets the guidelines under each finding. While it is the intent of the ordinance is to require compliance with as many of the guidelines as possible, the ordinance grants the city discretion to not require *total* compliance with *every* guideline if the overall finding is still achieved:

Ordinance Finding 1: The property is physically suitable for the design and siting of the proposed development and will preserve significant natural features by minimizing disturbance to existing topographical forms.

a. Design developments into steep slopes, rather than making significant alterations to the slope to fit the development:

1. Avoid building pads that result in extensive grading outside of the building footprint and driveway areas;

**Staff Findings:** The submitted plans do not include extensive site grading. A condition of approval has been included to take into consideration existing grades and minimize disturbance.

2. Use retaining walls as an alternative to banks of cut-and-fill, and design and site such walls to avoid adverse visual impact;

**Staff Findings:** The proposal includes two retaining walls along the back of the home on Lot 2 to minimize slope disturbance.

3. Allow for clustering with different lot shapes and sizes, with the prime determinant being to maximize the preservation of the natural terrain;

**Staff Findings:** The subdivision creates lots that would maximize the preservation of the site's natural features.

4. Allow flag lots when appropriate to minimize grading;

**Staff Findings:** This standard does not apply.

5. Avoid cuts and fills greater than 25 feet in depth; and

**Staff Findings:** No proposed cuts or fills exceed 25 feet.

6. Design grading to preserve the crest of prominent ridges. Buildings may be located on prominent ridges as long as the requirements of this subdivision are met.

**Staff Findings:** The grading plan would not significantly disturb the crest of the prominent ridges. The proposed home is located at the bottom of the slope and is situated to minimize disturbance.

- b. Design streets and driveways that generally follow existing contours, except where necessary for public safety or to minimize the adverse impacts from traffic:
  1. Use cul-de-sacs and common drives where practical and desirable to preserve slopes; and
  2. Avoid individual long driveways unless necessary to locate the principal structures on less sensitive areas of the site.

**Staff Findings:** The plan shows one new driveway that is located outside of the steep slope.

- c. Concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features:

1. Preserve sensitive areas by clustering buildings or using other innovative approaches; and

**Staff Findings:** The proposed new home would be located to minimize impacts to the slope.

2. Maintain sufficient vegetation and design the scale of the development so that it does not overwhelm the natural character of the steep slope.

**Staff Findings:** As a result of grading for the southern home, trees will be removed from the slope. The staff has reviewed the proposal and finds it acceptable. Nonetheless, a condition of approval has been included to minimize tree impacts on the slope.

- d. Preserve steep slopes that buffer residences from non-residential sources of light and noise.

**Staff Findings:** The slope would not be disturbed enough to significantly change lighting or noise buffers for any residences.

Finding 2: The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

- a. Wherever practical, minimize the impervious surface area and maximize the use of natural drainage systems:
  - 1. Design any new drainage systems away from neighboring properties, away from cut faces or sloping surfaces of a fill, and towards appropriate drainage facilities, whether artificial or natural. Drainage systems must comply with the city's water resources management plan; and
  - 2. Use the existing natural drainage system as much as possible in its unimproved state if the natural system adequately controls erosion.

**Staff Findings:** The submitted grading plan would direct runoff to the newly constructed infiltration basin. The proposal would not result in soil erosion, flooding, or drainage issues.

- b. Avoid building on or creating steep slopes with an average grade of 30 percent or more. The city may prohibit building on or creating slopes in the following situations:
  - 1. Where the city determines that reasonable development can occur on the site without building on or creating slopes; or
  - 2. Development on such slopes would create real or potentially detrimental drainage or erosion problems.

**Staff Findings:** This proposed development will not have any grading within the area that has 30 percent grades. Nonetheless, a condition of approval has been included to prohibit grading in 30 percent grade areas.

- c. Design slopes to be in character with the surrounding natural terrain;

**Staff Findings:** The proposal would be in character with the surrounding natural features.

- d. Use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer;

**Staff Findings:** The proposal includes retaining walls on the southern lot to reduce grading into the slope.

- e. Install and maintain erosion control measures during construction in accordance with the current Minnesota pollution control agency best management practices; and

**Staff Findings:** This has been included as a condition of approval.

- f. Revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.

**Staff Findings:** This has been included as a condition of approval.

Finding 3. The proposed development provides adequate measures to protect public safety.

- a. Limit the slopes of private driveways to not more than 10 percent. The driveway should have sufficient flat areas at the top and toe to provide vehicles a landing area to avoid vehicles slipping into the adjacent street during icy conditions. The city may require a driveway turn-around; and

**Staff Findings:** Staff has added a condition of approval limiting the driveway grade to 10 percent.

- b. Provide sufficient access for emergency vehicles to reach the proposed buildings.

**Staff Findings:** The city's fire department has reviewed and had no comments on the plan.

### **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.

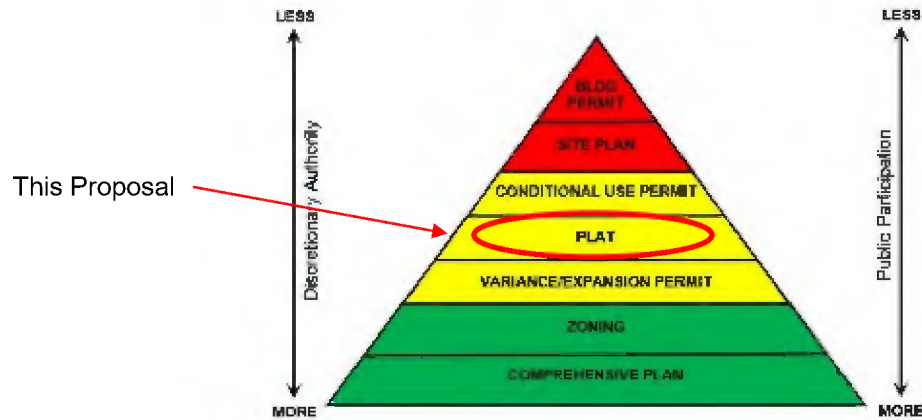
### **Stormwater**

The applicant's plans illustrate the construction of an infiltration basin between the new home and Sparrow Road. The applicant will be required to submit a final stormwater management plan to be reviewed in conjunction with the building permit for the new home. The final infiltration basin may be slightly different from the one shown in their plans; however, staff has provided a condition of approval that requires the final stormwater management plan to meet city stormwater requirements.

**Neighborhood Comments**

The city sent notices to 29 area property owners and received no comments.

**Pyramid of Discretion**



**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the preliminary plat.
2. Disagree with the staff recommendation. In this case, a motion should be made recommending the city council deny the plat. This motion must include a finding 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 will make a recommendation to the city council on the applicant's proposal. A recommendation for approval requires an affirmative vote of a simple majority. The city council's final approval requires the affirmative votes of four members.

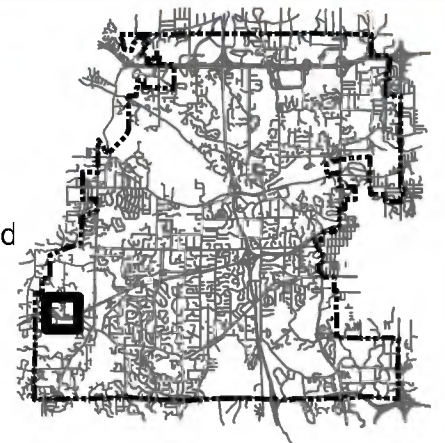
**Deadline for Decision**

Oct. 24, 2022



### LOCATION MAP

Project: Cummings Homestaead Second  
Location: 5024 Sparrow Rd







Sparrow Road

N →

Property from Sparrow Road (facing West)



Existing Home



Rear Yard



# CERTIFICATE OF BOUNDARY and TOPOGRAPHICAL SURVEY

PROPERTY DESCRIPTION:

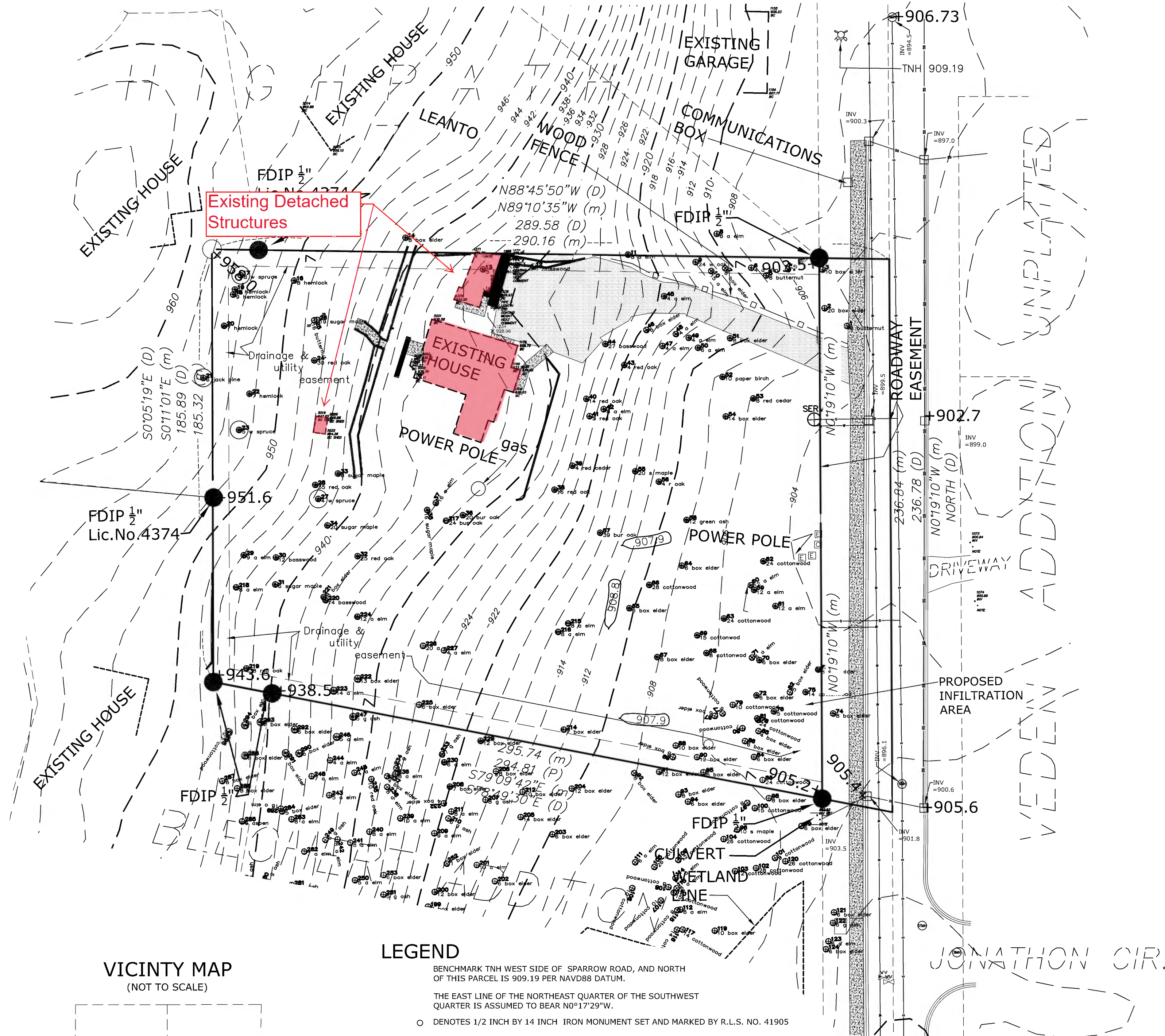
That part of the Northeast Quarter of the Southwest Quarter of Section 30, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows: Commencing at the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 30; thence on an assumed bearing of South, along the east line of said Northeast Quarter of the Southwest Quarter, a distance of 345.74 feet to the point of beginning of the land to be described; thence North 88 degrees 45 minutes 50 seconds West a distance of 289.58 feet; thence South 0 degrees 05 minutes 19 seconds East a distance of 185.89 feet; thence South 78 degrees 49 minutes 30 seconds East to a point on the east line of said Northeast Quarter of the Southwest Quarter distance 582.52 feet south of the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing of North along said east line a distance of 236.78 feet, to the point of beginning.

Reserving an eastment for roadway purposes over, under, and across the Easterly 30.00 feet of the above described property.

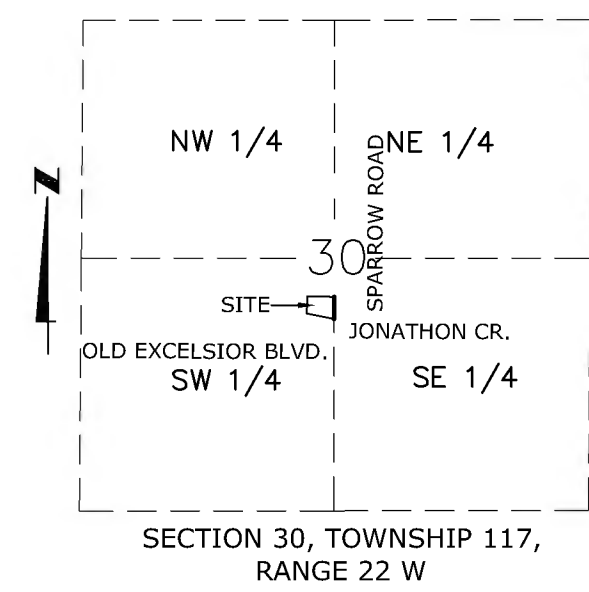
Also reserving an easement for utility and drainage purposes over, under, and across the Northerly 7 feet, the Westerly 7 feet, and the Southerly 7 feet of said above described property.

NOTES:

1. Survey revision of 07-15-2022 to update scale and some surfaces and labeling of survey.
2. Survey revision of 07-18-2022 to add storm and sanitary sewer and water information.



VICINITY MAP  
(NOT TO SCALE)

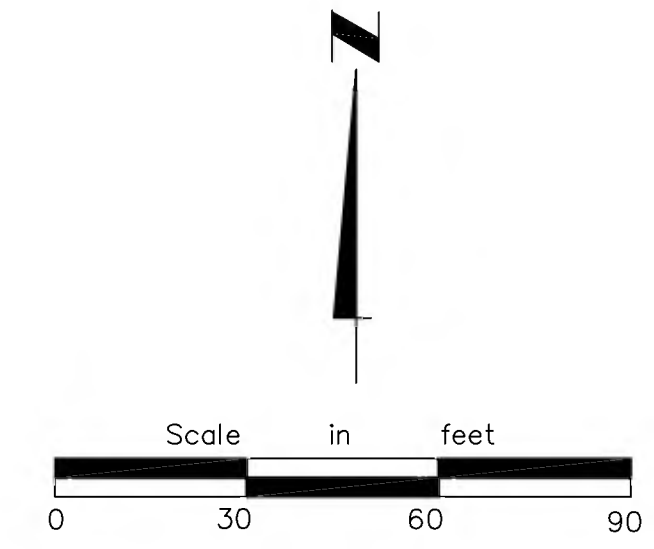


LEGEND

- BENCHMARK TNH WEST SIDE OF SPARROW ROAD, AND NORTH OF THIS PARCEL IS 909.19 PER NAVD88 DATUM.
- THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR N0°17'29"W.
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY R.L.S. NO. 41905
  - DENOTES IRON MONUMENT FOUND
  - DENOTES RETAINING WALL
  - DENOTES CATCH BASIN
  - FDIP 1/2" DENOTES FLOWED IRON PIPE WITH HALF INCH DIAMETER.
  - SERV. DENOTES WATER SERVICE.
  - ⊕ DENOTES SANITARY SEWER MANHOLE
  - ⊗ DENOTES STORM SEWER MANHOLE
  - ⊕ DENOTES WATER VALVE
  - +938.5 DENOTES EXISTING GROUND SPOT ELEVATION.
  - DENOTES ELECTRIC BOX OR CYLINDER
  - DENOTES COMMUNICATIONS BOX OR CYLINDER
  - CURRENT ZONING: R-1-SINGLE FAMILY RURAL RESIDENTIAL
  - AREA OF PROPERTY: 1.41 ACRES, 61,299 SQ.FT.
  - — — — — DENOTES STORM SEWER LINE
  - — — — — DENOTES SANITARY SEWER LINE
  - — — — — DENOTES WATER LINE

AREAS:

EXISTING COVERAGE AREAS:	AREAS:
PARCEL AREA=	61,299 SQ.FT.
EXISTING HOUSE AREA=	1,310 SQ.FT.
EXISTING LEANTO AREA=	254 SQ.FT.
EXISTING SHED=	36 SQ.FT.
BITUMINOUS AREA=	5,993 SQ.FT.
CONCRETE AREA=	278 SQ.FT.
PAVER AREA=	138 SQ.FT.
TOTAL EXISTING IMPERVIOUS SURFACE=	8,009 SQ.FT.(13.1%)

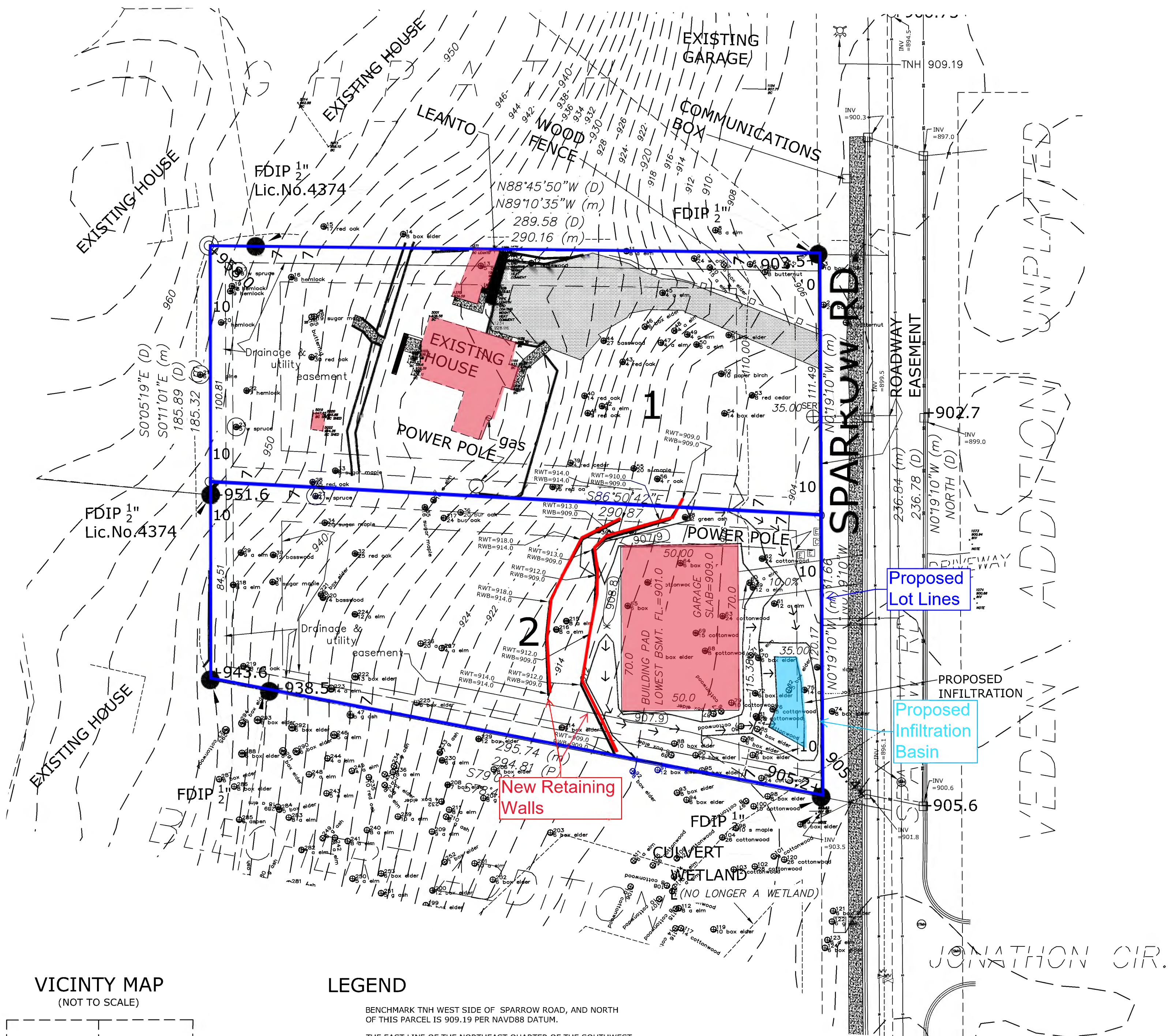


I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

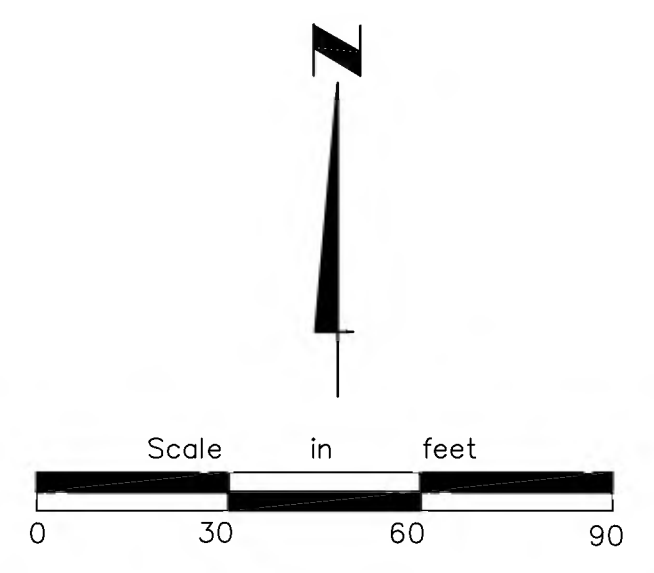
*Michael H. Brandt*  
 Date 31 May 2022 Michael H. Brandt  
 Rev 15 July 2022 Reg. No. 41905  
 Rev 18 July 2022

BRANDT ENGINEERING & SURVEYING  
 1713 Southcross Drive West, Suite A  
 Burnsville, MN 55306  
 (952) 435-1966 C112-01-22

# PRELIMINARY PLAT OF CUMMINGS HOMESTEAD SECOND



**PROPERTY DESCRIPTION:**  
 That part of the Northeast Quarter of the Southwest Quarter of Section 30, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows: Commencing at the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 30; thence on an assumed bearing of South, along the east line of said Northeast Quarter of the Southwest Quarter, a distance of 345.74 feet to the point of beginning of the land to be described; thence North 88 degrees 45 minutes 50 seconds West a distance of 289.58 feet; thence South 0 degrees 05 minutes 19 seconds East a distance of 185.89 feet; thence South 78 degrees 49 minutes 30 seconds East to a point on the east line of said Northeast Quarter of the Southwest Quarter distance 582.52 feet south of the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing of North along said east line a distance of 236.78 feet, to the point of beginning.



Reserving an eastment for roadway purposes over, under, and across the Easterly 30.00 feet of the above described property.

Also reserving an easement for utility and drainage purposes over, under, and across the Northerly 7 feet, the Westerly 7 feet, and the Southerly 7 feet of said above described property.

**NAMES AND ADDRESSES OF OWNERS FOR PROPOSED NEW LOTS:**

- OWNER OF NEW LOT 1:**  
 Robert Cummings  
 6860 Rosemary Rd.  
 Eden Prairie, MN 55346
- and
- Kathleen Anderson  
 15524 Willowood Drive  
 Minnetonka, MN 55345
- and
- Susan J. Michels  
 13886 Duluth Drive  
 Apple Valley, MN 55124

**PROPOSED AREAS :**

LOT 1 AREA=	27,615 SQ.FT.
EXISTING HOUSE AREA=	1,310 SQ.FT.
EXISTING LEANTO AREA=	254 SQ.FT.
EXISTING SHED=	36 SQ.FT.
BITUMINOUS AREA=	3,086 SQ.FT.
CONCRETE AREA=	278 SQ.FT.
PAVER AREA=	138 SQ.FT.
<b>TOTAL LOT 1 PROPOSED IMPERVIOUS SURFACE=</b>	<b>5,102 SQ.FT.(18.5%)</b>

LOT 2 AREA=	26,656 SQ.FT.
PROPOSED HOUSE PAD AREA=	3,500 SQ.FT.
PROPOSED DRIVEWAY AREA=	424 SQ.FT.
<b>TOTAL LOT 2 PROPOSED IMPERVIOUS SURFACE=</b>	<b>3,924 SQ.FT.(14.7%)</b>

- OWNER OF NEW LOT 2:**  
 Robert Cummings  
 6860 Rosemary Rd.  
 Eden Prairie, MN 55346
- and
- Kathleen Anderson  
 15524 Willowood Drive  
 Minnetonka, MN 55345
- and
- Susan J. Michels  
 13886 Duluth Drive  
 Apple Valley, MN 55124

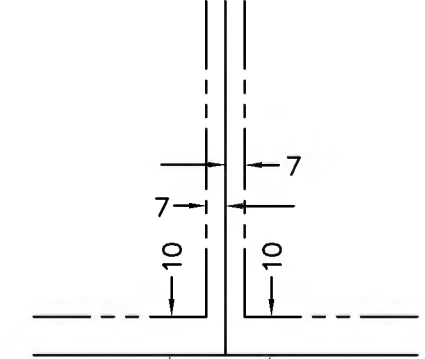
**ADDRESS OF PROPERTY:**

5024 Sparrow Road,  
 Minnetonka, MN 55345

**NOTES:**

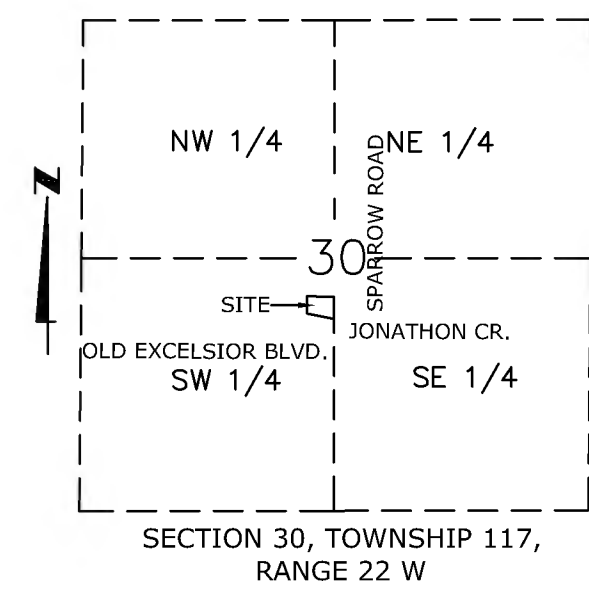
- Survey revision of 07-15-2022 to update scale and some surfaces and labeling of survey.
- Survey revision of 07-18-2022 to add storm and sanitary sewer and water information.
- Survey revision of 08-10-2022 to add rear lot line dimensions for new lots.
- Survey revision of 08-16-2022 to add width dimensions at the front setback of 35.00 feet, also update Wetland Status.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:  
 (NOT TO SCALE)



BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND 7 FEET IN WIDTH ADJOINING LOT LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

**VICINITY MAP**  
 (NOT TO SCALE)



**LEGEND**

- BENCHMARK TNH WEST SIDE OF SPARROW ROAD, AND NORTH OF THIS PARCEL IS 909.19 PER NAVD88 DATUM.
- THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR N0°17'29"W.
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY R.L.S. NO. 41905
- DENOTES IRON MONUMENT FOUND
- DENOTES RETAINING WALL
- DENOTES CATCH BASIN
- DENOTES CULVERT
- FDIP 1" 2" DENOTES FOUND IRON PIPE WITH HALF INCH DIAMETER.
- SERV. DENOTES WATER SERVICE.
- DENOTES SANITARY SEWER MANHOLE
- DENOTES STORM SEWER MANHOLE
- DENOTES WATER VALVE
- +938.5 DENOTES EXISTING GROUND SPOT ELEVATION.
- DENOTES ELECTRIC BOX OR CYLINDER
- DENOTES COMMUNICATIONS BOX OR CYLINDER
- CURRENT ZONING: R-1-SINGLE FAMILY RURAL RESIDENTIAL
- AREA OF PROPERTY: 1.41 ACRES, 61,299 SQ.FT.

**EXISTING AREAS :**

PARCEL AREA=	61,299 SQ.FT.
EXISTING HOUSE AREA=	1,310 SQ.FT.
EXISTING LEANTO AREA=	254 SQ.FT.
EXISTING SHED=	36 SQ.FT.
BITUMINOUS AREA=	5,993 SQ.FT.
CONCRETE AREA=	278 SQ.FT.
PAVER AREA=	138 SQ.FT.
<b>TOTAL EXISTING IMPERVIOUS SURFACE=</b>	<b>8,009 SQ.FT.(13.1%)</b>

I hereby certify that this survey, plan, or report 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.

*Michael H. Brandt*  
 Michael H. Brandt  
 Date 31 May 2022 Reg. No. 41905  
 Rev 15 July 2022 Rev 10 August 2022  
 Rev 18 July 2022 Rev 16 August 2022

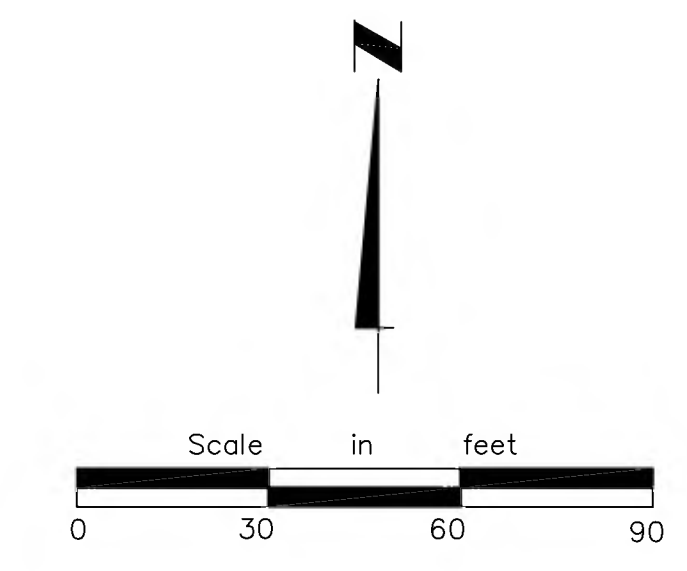
**BRANDT ENGINEERING & SURVEYING**  
 1713 Southcross Drive West, Suite A  
 Burnsville, MN 55306  
 (952) 435-1966 C112-01-22

# GRADING PLAN FOR CUMMINGS HOMESTEAD SECOND

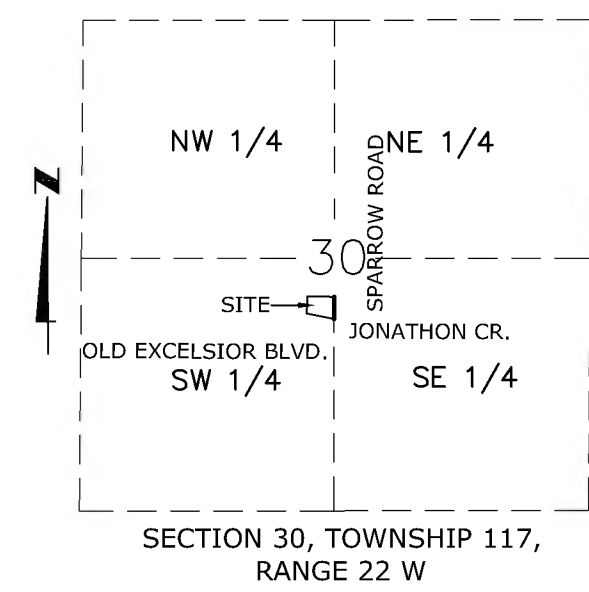


NOTES:

1. This grading plan is made only for the purpose of showing buildable pad areas and to show how grading could work on the site, but no grading is intended presently by the present owners.
2. Survey revision of 07-15-2022 to update scale and labeling on survey.
3. Proposed Infiltration Area is approximately 1, 108 sq. ft. in Area.
4. Grading will require two retaining walls, both with maximum height of 4 feet or less. The lower retaining wall is about 137 feet in length, and upper retaining wall is about 88 feet in length.



VICINITY MAP  
(NOT TO SCALE)



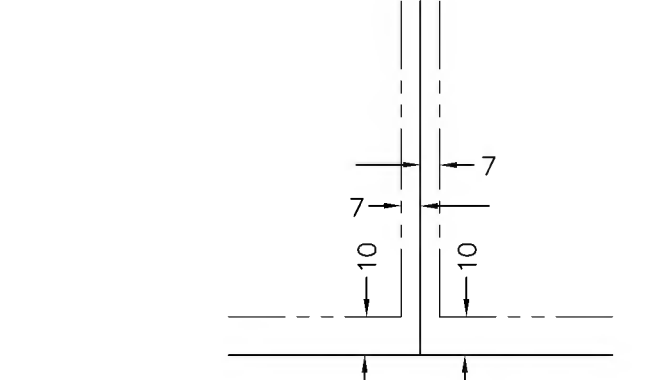
LEGEND:

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- ⊕ DENOTES SANITARY SEWER MANHOLE
- ⊖ DENOTES STORM SEWER MANHOLE
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- +938.5 DENOTES EXISTING GROUND SPOT ELEVATION.
- DENOTES ELECTRIC BOX OR CYLINDER
- DENOTES COMMUNICATIONS BOX OR CYLINDER
- CURRENT ZONING: R-1-SINGLE FAMILY RURAL RESIDENTIAL
- AREA OF PROPERTY: 1.41 ACRES, 61,299 SQ.FT.

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DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:  
(NOT TO SCALE)



BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND 7 FEET IN WIDTH ADJOINING LOT LINES, UNLESS OTHERWISE INDICATED ON THE PLAN.

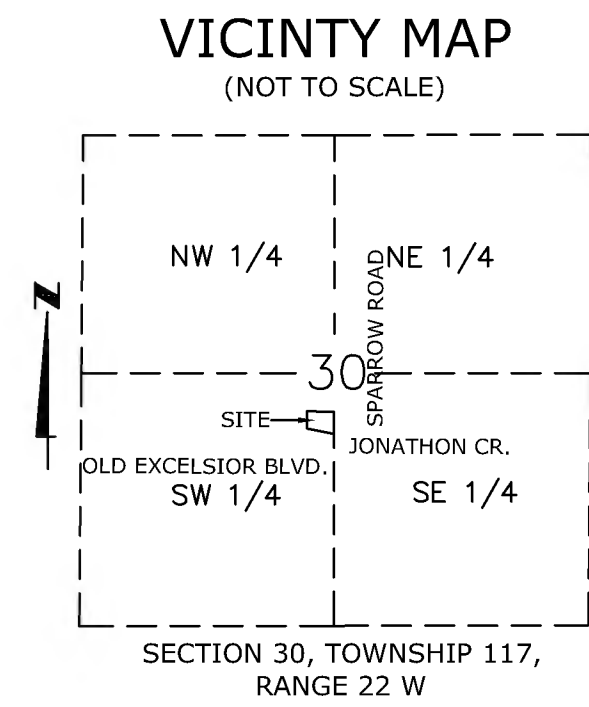
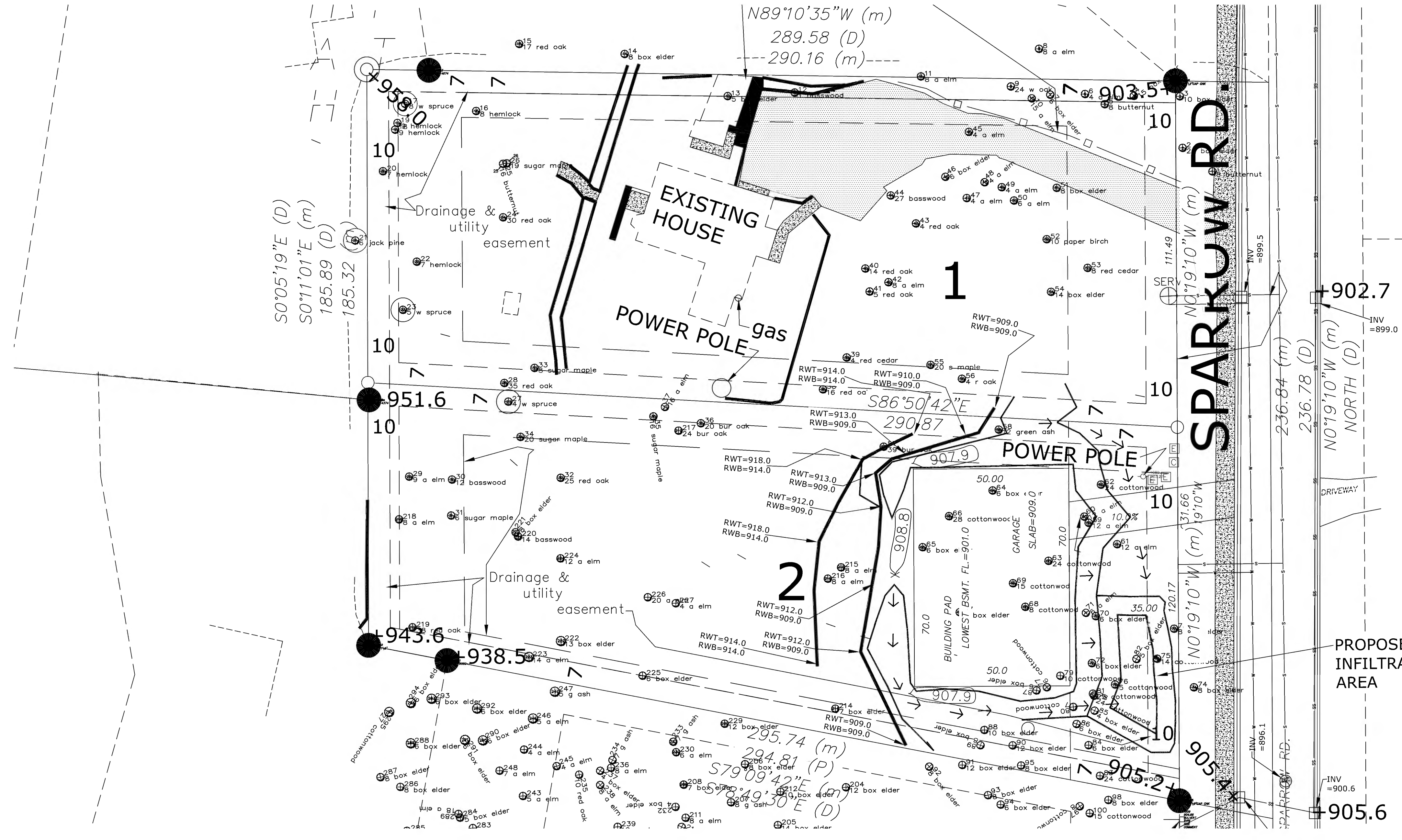
ADDRESS OF SURVEYED PROPERTY:

5024 Sparrow Road,  
Minnetonka, MN 55345

I hereby certify that this survey, plan, or report 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.  
*Michael H. Brandt*  
Date 31 May 2022 Reg. No. 41905  
Rev 16 July 2022

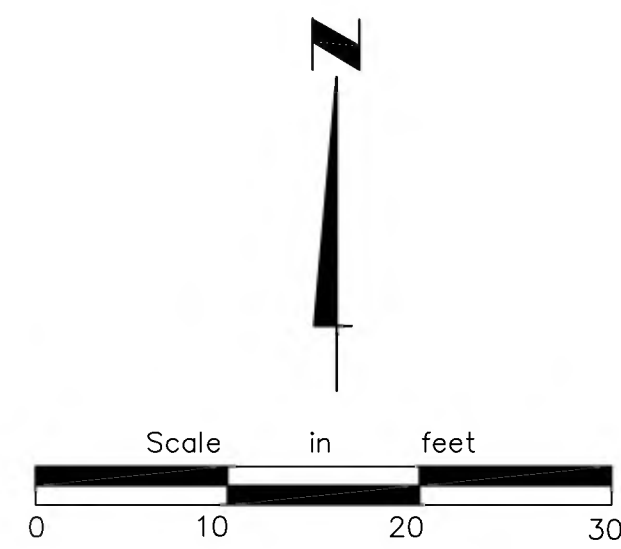
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# TREE INVENTORY MAP



## NOTES AND LEGEND

- BENCHMARK T1H WEST SIDE OF SPARROW ROAD, AND NORTH OF THIS PARCEL IS 909.19 PER NAVD88 DATUM.
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I hereby certify that this survey, plan, or report 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.

*Michael H. Brandt* Michael H. Brandt  
 Date 31 May 2022 Reg. No. 41905

BRANDT ENGINEERING & SURVEYING  
 1713 Southcross Drive West, Suite A  
 Burnsville, MN 55306  
 (952) 435-1966 C112-01-22



**Resolution No. 2022-**

**Resolution approving the preliminary plat of CUMMINGS HOMESTEAD SECOND, a two-lot subdivision at 5024 Sparrow Road**

---

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

Section 1. Background.

1.01 Michael Brandt has requested preliminary plat approval of CUMMINGS HOMESTEAD SECOND on behalf of the property owners.

1.02 The site is located at 5024 Sparrow Road. The property is legally described as follows:

That part of the Northeast Quarter of the Southwest Quarter of Section 30, Township 117 North, Range 22 West of the 5th Principal Meridian is described as follows: Commencing at the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 30; thence on an assumed bearing of South, along the east line of said Northeast Quarter of the Southwest Quarter, a distance of 345.74 feet to the point of beginning of the land to be described; thence North 88 degrees 45 minutes 50 seconds West a distance of 289.58 feet; thence South 0 degrees 05 minutes 19 seconds East a distance of 185.89 feet; thence South 78 degrees 49 minutes 30 seconds East to a point on the east line of said Northeast Quarter of the Southwest Quarter distance 582.52 feet south of the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing of North along said east line a distance of 236.78 feet, to the point of beginning.

1.03 On Sept. 1, 2022, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The planning 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 grant preliminary plat approval.

Section 2. General Standards.

- 2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.
- Section 3. Findings.
- 3.01 The proposed preliminary plat meets the lot dimension design requirements as outlined in City Code §400.030.
- Section 4. Council Action.
- 4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:
1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.
    - a) The following must be submitted for a final plat application to be considered complete:
      - 1) A final plat drawing that clearly illustrates the following:
        1. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
        2. Utility easements over existing or proposed public utilities, as determined by the city engineer.
        3. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.
        4. The easterly 30 feet of the property is dedicated as right-of-way for Sparrow Road.
      - 2) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
        1. Title evidence that is current within thirty days before the release of the final plat. Any additional easements or encumbrances must be shown on the preliminary and final plat to ensure there are no conflicts.
  2. Prior to final plat approval:
    - a) This resolution must be recorded with Hennepin County.

- b) The documents outlined in section 4.01(1)(a)(1) above must be approved by the city attorney.
3. Prior to the release of the final plat for recording:
  - a) Submit the following:
    - 1) Two sets of mylars for city signatures.
    - 2) An electronic CAD file of the plat in microstation or DXF.
    - 3) Park dedication fee of \$5,000.
    - 4) The lender for the property at 5024 Sparrow Road must either submit a lender consent or sign the plat.
4. Subject to staff approval, CUMMINGS HOMESTEAD SECOND must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Preliminary plat dated Rev Aug. 16, 2022
  - Grading plan dated July 16, 2022
  - Tree inventory map dated May 31, 2022
5. The following is required prior to the issuance of a building permit for the first new home:
  - a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
  - b) A MPCA NPDES permit.
  - c) Proof of subdivision registration and transfer of NPDES permit, if applicable.
  - d) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
  - e) Submit evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(1) of this resolution.
6. The following is required prior to the issuance of a building permit for either lot:

- a) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
  - 1) Final grading plan must take into consideration existing steep slope areas by working with staff to minimize disturbance and grade changes.
  - 2) Final stormwater management plans must meet the city's rate, volume, and quality standards.
  - 3) Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. In addition:
    - a. Existing vegetation should remain in steep slope areas where feasible. The applicant should work with staff to reduce tree removal in these areas.
    - b. Work to revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.
  - 4) Confirm the existing home sanitary sewer and water service locations. If they are serviced from the southerly portion of the lot, the services should be disconnected so that Lot 2 can use those services. A private utility easement and maintenance agreement will otherwise be needed if Lot 1 services cross Lot 2.
  - 5) A driveway permit.
  - 6) A right-of-way permit for the service connections to public mains.
  - 7) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks, if applicable.
  - 8) Cash escrow in the amount of \$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.
7. On preliminary plans, the proposed retaining walls on Lot 2 are shown encroaching into easements and crossing the proposed property line. Walls will not be allowed in the easements on the final plans.
  8. Any unused sanitary sewer or water services must be removed back to their respective mains.
  9. The sidewalk must maintain a two percent cross slope through the proposed driveway. The sidewalk cannot be poured integral to the curb and the sidewalk concrete to meet MNDOT specifications for mix design.
  10. The driveway grade may not exceed 10 percent.
  11. No development or grading may occur in locations of 30 percent slope or greater, as identified by city staff.
  12. Prior to issuance of a permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
  13. Permits may be required from other outside agencies, including Hennepin County, the Riley-Purgatory-Bluff Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
  14. During construction, the streets must be kept free of debris and sediment.
  15. The city must approve the final plat within one year of the preliminary approval or receive a written application for a time extension, or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Sept. 12, 2022.

---

Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Sept. 12, 2022.

\_\_\_\_\_  
Becky Koosman, City Clerk