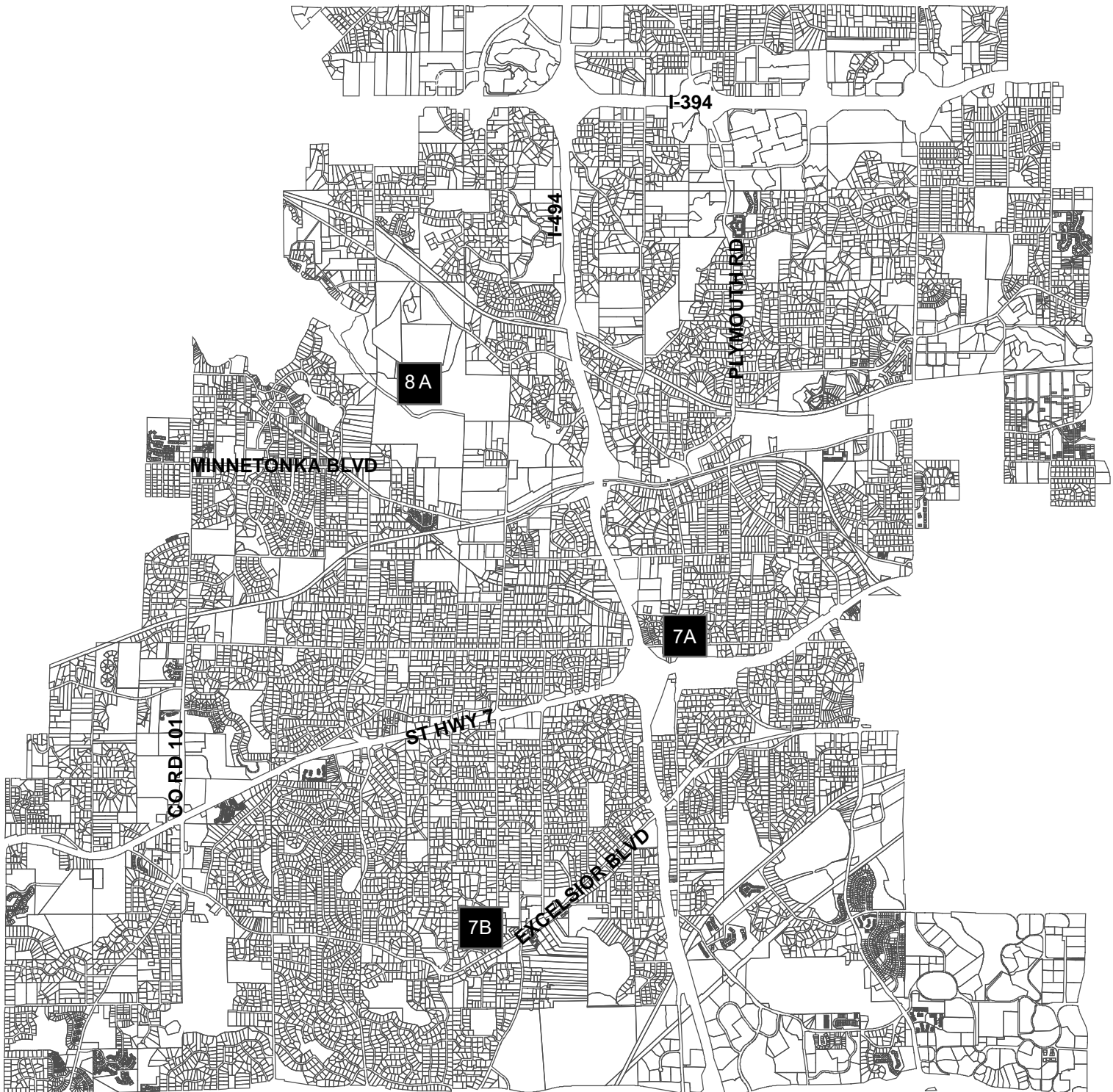




**CITY OF MINNETONKA
PLANNING COMMISSION
Aug. 17, 2023**

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





Planning Commission Agenda
Aug. 17, 2023
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. 3, 2023

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda Items

A. Front yard setback variance for a front porch addition at 4130 St. Marks Drive.

Recommendation: Adopt the resolution approving the request (5 votes).

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

B. Side yard setback variance for an addition at 5434 Williston Road.

Recommendation: Adopt the resolution approving the request (5 votes).

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

8. Public Hearings: Non-Consent Agenda Items

A. Site and building plan review, with a setback variance, for an accessory structure on an unaddressed property south of the Cargill property at 15407 McGinty Road West.

Recommendation: Adopt the resolution approving the request (5 votes).

- Final decision subject to appeal
- Project Planner: Ashley Cauley

9. Adjournment

Planning Commission Agenda

Aug. 17, 2023

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 scheduled for the Sept. 7, 2023 agenda.

Project Description	Walser Kia – multiple applications
Project Location	15700 and 15724 Wayzata Blvd
Assigned Staff	Susan Thomas
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	Ridgedale Center 11 th Addition – plat
Project Location	12431 Wayzata Blvd
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Minnetonka Heights – rezoning
Project Location	18393 Covington Rd
Assigned Staff	Susan Thomas
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	City-owned residential properties – rezoning
Project Location	5432 Rowland Road and 5501 Baker Road
Assigned Staff	Susan Thomas
Ward Councilmember	Brian Kirk, Ward 1

Project Description	Minnetonka Civic Center – sign plan
Project Location	14600 Minnetonka Blvd.
Assigned Staff	Ashley Cauley
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	Davies Residence
Project Location	16901 Grays Bay Blvd
Assigned Staff	Bria Raines
Ward Councilmember	Bradley Schaeppi, Ward 3

**Unapproved
Minnetonka Planning Commission
Minutes**

Aug. 3, 2023

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Senior Planner Ashley Cauley, Water Resources Engineer Sarah Schweiger and City Engineer Phil Olson.

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

4. Approval of Minutes: July 20, 2023

Banks moved, second by Henry, to approve the July 20, 2023 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on July 31, 2023:

- Reviewed the concept plan for the redevelopment of the Wells Fargo site.

A joint meeting with councilmembers and commissioners is scheduled to be held on Aug. 31, 2023.

The next planning commission meeting is scheduled to be held Aug 17, 2023.

6. Report from Planning Commission Members

Acting Chair Hanson thanked city staff for visiting neighborhoods on National Night Out. His neighborhood enjoyed visiting with a police officer.

7. Public Hearings: Consent Agenda

No action will be taken on Item 7B due to the lack of enough commissioners in attendance to pass a motion.

Maxwell moved, second by Henry, to approve item 7A as listed on the consent agenda and recommended in the respective staff report as follows:

A. Expansion permits to rebuild a home destroyed by fire at 15101 Linner Ridge.

Adopt the resolution approving the request.

Henry, Maxwell, Banks and Hanson voted yes. Powers, Waterman and Sewall were absent. Motion carried and item 7A, expansion permits to rebuild a home destroyed by fire at 15101 Linner Ridge, was approved as submitted.

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

B. Front yard setback variance for a front porch addition at 4130 St. Marks Drive.

No action was taken on this item due to not enough commissioners being in attendance to pass a motion.

8. Public Hearings

A. Water resources management plan update.

Acting Chair Hanson introduced the proposal and called for the staff report.

Gordon and Schweiger reported. Staff requested commissioners open the public hearing, receive public input and recommend that the city council adopt the resolution.

In answer to Bank's question, Schweiger demonstrated how to locate and utilize the interactive flood map by searching for "interactive flood map" at **minnetonkamatters.com**, clicking on "Flood Risk Management," and scrolling down and clicking on "View Minnetonka's Interactive Flood Risk Map."

The public hearing was opened for 8A, a water resources management plan update, and 8B, an ordinance amending the city code regarding floodplain districts.

John Coleman, 18317 Kylie Court, asked if the size of storm drains would be increased in response to expected higher rain amounts and if there would be a quicker way for National Oceanic and Atmospheric Administration (NOAA) data to be given to the city to facilitate a quicker response time and lower consultant costs.

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

Schweiger explained that the updated model would be utilized by engineering staff to determine the stormwater management needs of each individual project. Olson stated that a futurist model does include upsizing of storm sewer pipes throughout the city. More analysis would be done for each individual project.

Schweiger explained how NOAA releases the information and the amount of time it takes to input all of the data into a computer to create a model and run a report. There are four different watershed districts in the city which are looked at individually.

Henry appreciated the engineering staff's presentation. This is an important tool to help prevent flooding in the city.

Maxwell noted how changes to the floodplain districts could cause unforeseen circumstances for a homeowner. She supports making residents aware of the new interactive flood map and encouraging property owners to check to see if their property has any changes. She supports the update and appreciates the staff's report.

Banks agreed with commissioners. This is important work. He trusts that the amount of time it takes is needed to collect the information and provide it to the public. It is a wonderful service. He appreciates the interactive flood map, which makes it easy for residents to utilize the information themselves.

Acting Chair Hanson supports notifying homeowners of their ability to utilize the interactive flood map to become aware of the updates to their property before submitting a land-use application.

Henry agreed.

Wischnack explained that information on the water resources management plan update, interactive flood map and amendment to the city code regarding floodplain districts was included in the Minnetonka Memo. A study completed last month shows that the Minnetonka Memo is read by 89 percent of Minnetonka residents. The publication is mailed to 22,000 locations, including all of the 15,000 single-family residences in Minnetonka.

Banks moved, second by Henry, to recommend that the city council adopt the resolution.

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

B. Ordinance amending the city code regarding floodplain districts.

Acting Chair Hanson introduced the proposal and called for the staff report.

Gordon and Schweiger reported. Staff request commissioners open the public hearing, receive public input and provide a recommendation to the city council to adopt the resolution.

The public hearing was opened for 8A, water resources management plan update, and 8B, ordinance amending the city code regarding floodplain districts.

John Coleman, 18317 Kylie Court, asked if the size of storm drains would be increased in response to expected higher rain amounts and if there would be a quicker way for National Oceanic and Atmospheric Administration (NOAA) data to be given to the city to facilitate a quicker response time and lower consultant costs.

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

Maxwell moved, second by Hanson, to recommend that the city council adopt the attached ordinance.

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

9. Other Business

A. Project update regarding Ridgewood Ponds at 18116 Ridgewood Road.

Acting Chair Hanson introduced the proposal and called for the staff report.

Cauley reported. Staff request commissioners provide feedback on the revised plans. No formal action is required. A summary of the original comments and any additional feedback will be included in the city council report.

Maxwell stated that:

- The changes are going in the right direction. The density has been significantly decreased from what was proposed in the concept plan.
- She appreciates that the residences would still be a single-story with a two-car garage. She was concerned that a decrease in density would cause an increase in the height of the residences.
- She likes that the side yard setbacks have been increased by ten feet, so there would be 20 feet between residences.
- The proposal would have less density than the development across the road, which shows the proposal is moving in the right direction.

Banks stated that:

- He agreed with Maxwell.

- The number of residences has been reduced from 13 to 11.
- He likes the increase in the side yard setbacks.
- The project update would save more trees, and there would be more room for landscaping and snow storage.
- He was curious why the landscaping buffer was removed.
- The applicant did a great job on the current proposed plan.

Henry stated that:

- The revised proposal is less dense and better than the concept plan.
- He thought the view from Ridgewood Road would still look dense. He suggested turning a residence lengthwise on the west side like what was done on the north side and moving the road further south.

Acting Chair Hanson stated:

- He likes the revised proposal better than the concept plan.
- He is glad the residence on the top has been removed. The diagonal residence looks like it fits in better.
- He likes that the shared driveway on the northeast part of the circle has been removed.
- He likes the natural shift of the lot sizes and residences being set back.
- He was disappointed that the landscape buffer was removed.
- He is satisfied with the road's access location.
- He likes the profile view of the proposal. It appears much less dense.

Mike Waldo, Ron Clark Construction, applicant, stated that:

- The buffering would not make much difference. The street would not cause an impact since it would travel down a slope before reaching the intersection to block headlights. There is existing vegetation.
- The number of residences was reduced in an effort to receive support for the proposal from the commission and city council. Density was the primary focus from start to finish.

B. Concept plan review for Roers Companies at 1000 Parkers Lake Road.

Acting Chair Hanson introduced the proposal and called for the staff report.

Gordon reported. Staff request commissioners answer the following questions:

1. Is there merit for this concept to proceed to a formal development review?
2. If yes, why? If not, why not?
3. What would make this concept better?

Nick Asta, Roers Companies, applicant, stated that:

- The site is down the street from his office.
- The proposal would include 152 units consisting of mostly one-bedroom and two-bedroom units and some studio and three-bedroom units.
- There would be five stories of building over two stories of underground parking. The grade change would fit in nicely.
- There would be ten units that would meet affordable-housing requirements.
- The shape of the site is dictated by the tree ordinance and preserves as many high-priority trees as possible.
- He was available for questions.

Bridget Geissler, the architect with ESG, representing the applicant, stated that:

- ESG completed the Island Residences and Avidor.
- ESG does a lot of multi-family housing.

Maxwell did not see much surface parking. She looks forward to seeing more details on the traffic-flow pattern and how visitors would access visitor parking. There has been an issue with another apartment building in Minnetonka where visitors do not utilize the underground visitor parking and, therefore, have created parking issues in surrounding parking lots and streets.

Acting Chair Hanson asked if the proposed building's shadow would impact surrounding properties. Mr. Asta said that a neighborhood meeting was held, and no concerns were expressed. Ms. Geissler stated that a sun study would typically be done.

Henry asked if a taller building had been considered. Mr. Asta explained that it would be hard to make the building taller to make the higher level of construction costs work, given the price of rent in the area.

Maxwell stated that:

- The use makes sense for the site.
- It does make sense to submit a formal application.
- She suggested moving the pool from the northwest corner to a location with more sunlight.
- She suggested being very intentional with parking and making it easy access for visitors to reach visitor parking.

Banks stated that:

- He agreed that the concept plan has merit. He recommends moving forward with a formal application.

- He appreciates the presentation.
- He likes the affordable housing and hopes more than the minimum would be done.
- The proposal would meet the city's comprehensive guide plan goals for redevelopment in the area.
- He appreciates reshaping the building to protect more trees. He likes the shape. He agrees that the pool may have to be moved to a sunnier location.
- He would like to see the breakdown of the number of units for each type.
- He looks forward to seeing a rendering of the proposed building.
- He hopes to see the applicant back with a formal proposal in the near future.

Henry stated that:

- He agrees that the concept plan has merit, and he would like to see it proceed to a formal application.
- He agrees that the pool location would be better on the south side to allow more sun to reach the area.
- Above-ground parking is important for visitors.
- He likes the ring of trees around the area and making tree preservation a top priority.
- He looks forward to hearing more details during the review of a formal application.
- He encourages the use of sustainability features and thick walls that would dampen sound between apartments.

Acting Chair Hanson stated:

- He likes the shape of the building.
- The land use would be appropriate.
- He supports including three-bedroom apartments.
- He would like this to move forward to a formal application.
- This would be a good fit for the location.
- A sun study may show that the pool location would be the best spot.
- He looks forward to reviewing the parking.
- He looks forward to hearing how the proposal would fit in the community and about nearby amenities residents would enjoy.

10. Adjournment

Maxwell moved, second by Henry, to adjourn the meeting at 8:04 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
Aug. 17, 2023

Brief Description Resolution approving a front yard setback variance for a front porch addition at 4130 St Marks Drive.

Recommendation Adopt the resolution approving the request.

Proposal

The subject property is 0.935 acres in size and improved with a 2,154 square-foot single-family home. The property was created in 1979; at that time, a front yard setback variance from 35 feet to 25 feet was granted for the subject property and other lots in the neighborhood in order to protect wetlands located in rear yards.

The existing home has a setback of 25.2 feet; the proposed porch would maintain that same 25.2 front yard setback. However, by City Code §300.07 Subd. 6, “a variance shall be valid only for the project for which it was granted.” As such, the proposed porch requires its own variance.

	Required	Existing	Proposed
Front yard setback	35 ft	25.2 ft	25.2 ft

Staff Analysis

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

- A porch is a use consistent with accessory uses found in the R-1 zoning district. The proposal is not anticipated to alter the character of the neighborhood.
- The existing house was constructed as per the variance approved in 1979. The proposed addition would not encroach further into the required setbacks than the existing house and will meet all other setbacks; the side and rear yard, floodplain, and wetland setbacks.

Staff Recommendation

Adopt the resolution approving a front yard setback variance for a front porch addition at 4130 St Marks Drive.

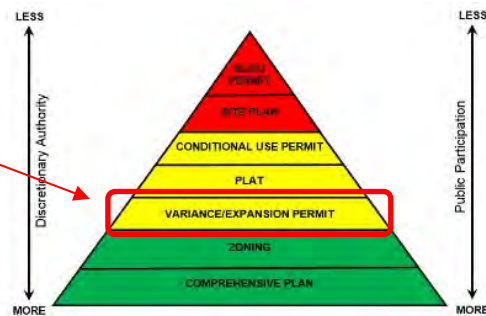
Originator: Bria Raines, Planner
Through: Susan Thomas, AICP, Assistant City Planner

Supporting Information

Project No.	23012.23a
Property	4130 St Marks Drive
Applicant	Property owners Scott and Christina Johnson
Surrounding Land Uses	Surrounding properties are single household structures, zoned R-1, and guided for low-density residential A wetland is on and southeast of the subject property.
Planning	Guide Plan designation: Low-density residential Zoning: R-1
Expansion permit vs. Variance	The expansion permit process is allowed for the expansion of <i>non-conforming uses</i> . The existing home is not considered non-conforming. It conforms to the previously approved variance. As such, the expansion permit process is not an option for this project.
Appeals	Any person aggrieved by the planning commission's decision about the requested variances may appeal such 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 50 area property owners and received no comments.

Pyramid of Discretion

This proposal:

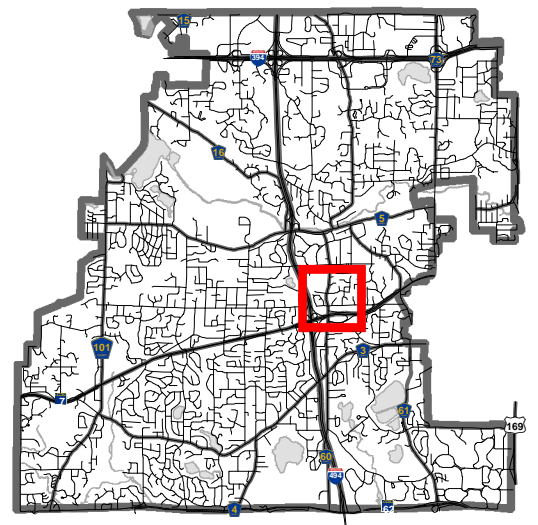


Deadline for Decision	Nov. 2, 2023
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Location Map

Project: Johnson Residence
Address: 4130 St Marks Dr



Expansion Permit Written Statement

Project Location:

4130 St. Marks Drive
Minnetonka, MN 55305

Description of Expansion Permit Request:

We are seeking approval for an expansion permit to add a covered front porch to our rambler style home. As you will see in the plans and renderings, this new porch will match the existing front yard set-back of our existing garage of 25.2 feet.

Intended Use of the Structure:

Provide protection from inclement weather when entering our home. Sip morning coffee and look at the front yard wetlands. Enjoy conversation and community with neighbors.

Considerations as Outlined in the City Code:

Our project meets the following criteria:

“In 2010, the city adopted an ordinance allowing for expansion of existing non-conforming uses when proposed expansion would NOT intrude into one or more setbacks beyond the distance of the existing structure or would NOT exceed the height or size limitations by a distance or amount greater than the existing non-conformity. “

Our home was built in 1983 and is non-conforming to the front yard setback. We are not the original owners and this was not a cause of anything we did to the property.

This addition would not in any way adversely affect or alter the character of the neighborhood, in fact, it will add some much-needed charm to the exterior of our home, which the neighbors will appreciate.



PARCEL LEGAL DESCRIPTION
 Lot 9, Block 1, ST. MARKS ESTATES, according to the recorded plat thereof, Hennepin County, Minnesota.

NOTES

- Site Address: 4130 St. Marks Drive, Minnetonka, MN 55305
 - Parcel Area Information: 40,744 s.f. · 0.94 acres
 - Benchmark: Elevations are based on Hennepin County Control Point MOYER which has an elevation of 933.26 feet (NAVD88).
 - Zoning Information:

The current Zoning for the subject property is R-1 (Low Density Residential) per the City of Minnetonka's zoning map:

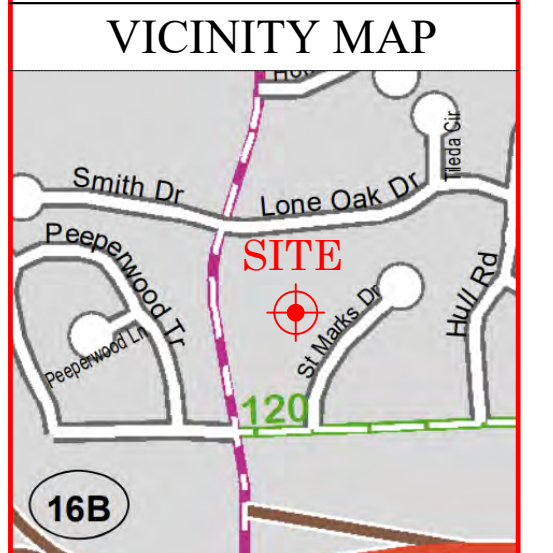
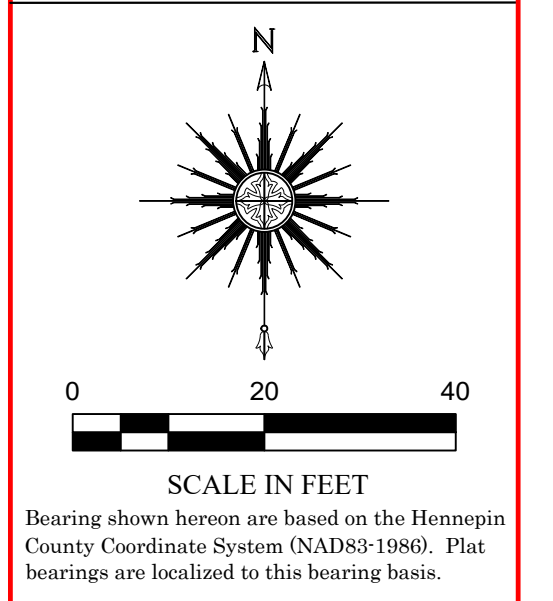
Principal Structure Setbacks - Street(s) 35 feet (xxx Road)
 Side: 30 feet total (10 minimum)
 Rear: 40 feet or 20% of lot depth, whichever is less.

* A Zoning Classification Letter from the client must be provided to the surveyor. All zoning, setback information and hardcover information shown here on must be verified by all parties involved in the planning and design process for this project.
 - Utilities: Underground utilities shown hereon are by observed evidence only. We have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. It is the clients responsibility to create a Gopher State One Call ticket.
- Seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property



- TITLE COMMITMENT NOTE: No title commitment or title opinion was provided as part of this survey. Easements dedicated on the plat are shown hereon. Other easements may exist that we are unaware of without documentation provided by the client.
- TREE IDENTIFICATION NOTE: Trees shown hereon were identified with the PictureThis tree identification application and are deemed reliable and 45 North Land Surveying LLC does not purport to represent said information as identified by a Licensed Arborist.

45 NORTH
 LAND SURVEYING
 13401 Preston Road
 Minnetonka, Minnesota 55345
 Tel: 612-597-0453
 www.45NorthLS.com
 45NorthLandSurveying@gmail.com



HENNEPIN COUNTY
 TWP.117 RNG. 22. SEC.22
 JOB #: 23-059

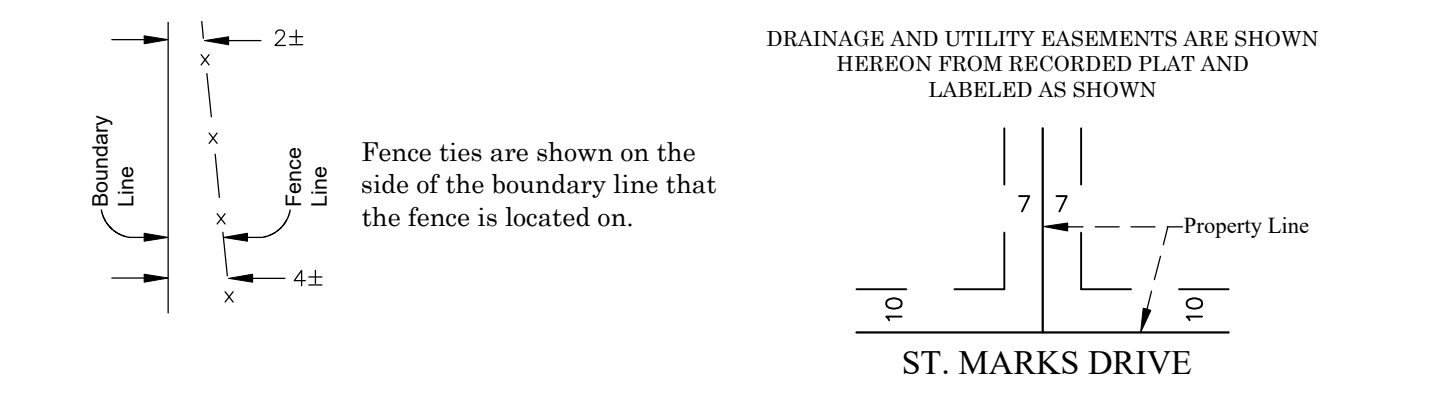
CERTIFICATE OF SURVEY
 PREPARED FOR:
JOHNSON RESIDENCE

CERTIFICATION
 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. Dated this 22nd day of June, 2023.

David B. Pemberton
 Minnesota License No. 40344

SUBMITAL/REVISION
 Original Survey dated: June 22, 2023

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LEGEND

● CAST IRON MONUMENT	⊕ COMM. PEDESTAL	▨ BITUMINOUS
○ SURVEY MONUMENT SET	⊖ COMM. CONNECTION	▩ CONCRETE
○ SURVEY MONUMENT FOUND	○ POWER POLE	— FENCE
△ SURVEY CONTROL POINT	⌋ GUY WIRE	— GUARD RAIL
WGE WALKOUT ELEVATION	⌋ LANDSCAPE LIGHT	— DRAIN TILE
FFE FIRST FLOOR ELEVATION	⊗ STORM DRAIN - ROUND	— ELC ELECTRIC UNDERGROUND
GFE GARAGE FLOOR ELEVATION	⊗ STORM DRAIN - SQUARE	— CTV COMMUNICATION UNDERGROUND
TOP OF TOP OF FOUNDATION ELEV.	SMH STORM MANHOLE	— FO FIBER OPTIC UNDERGROUND
LOE LOWEST OPENING ELEV.	TRANS TRANSFORMER	— GAS GAS UNDERGROUND
○ TREE CONIFEROUS	⊕ ELECTRIC METER	— OHU OVERHEAD UTILITY
○ TREE DECIDUOUS	⊕ GAS METER	++++ CL RAILROAD TRACKS
— BSSL BUILDING SETBACK LINE	⊕ GAS MANHOLE	— SANITARY SEWER
x 972.5 GROUND ELEVATION	⊕ GAS VALVE	— STORM SEWER
~ 972.5 CONTOUR EXISTING	⊕ HAND HOLE	— TEL TELEPHONE UNDERGROUND
~ 972.5 CONTOUR PROPOSED	⊕ TELEPHONE MANHOLE	— UTL UTILITY UNDERGROUND
AC A/C UNIT	⊕ TELEPHONE PEDESTAL	— WATERMAIN
INV INVERT ELEVATION	⊕ GATE VALVE	
— SIGN	⊕ HYDRANT	
⊕ SOIL BORING	⊕ CURBSTOP	
⊕ UTILITY MANHOLE	⊕ FLARED END SECTION	
⊕ UTILITY PEDESTAL	SMH SANITARY MANHOLE	
	⊕ SANITARY CLEANOUT	

BUILDER:
Addilay
Homes &
Remodeling

PROJECT:
Johnson Deck/
Entry/Mudroom
4130 St. Marks
Drive
Minnetonka, MN

REVISIONS:

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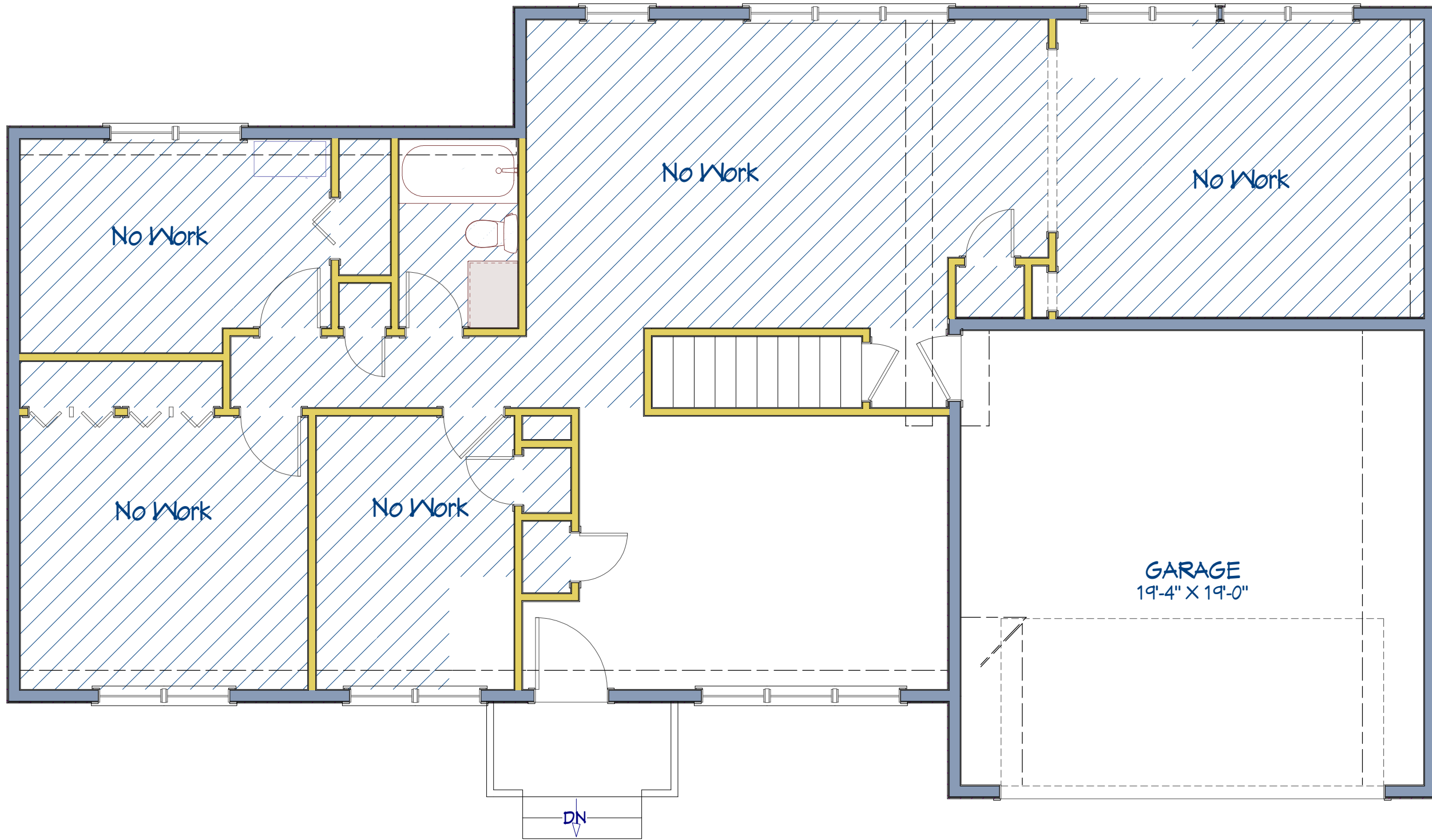
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5/31/2023

SCALE:

SHEET:

1 of 8



As Built

BUILDER:
Addilay Homes & Remodeling

PROJECT:
Johnson Deck/
Entry/Mudroom
4130 St. Marks
Drive
Minnetonka, MN

REVISIONS:

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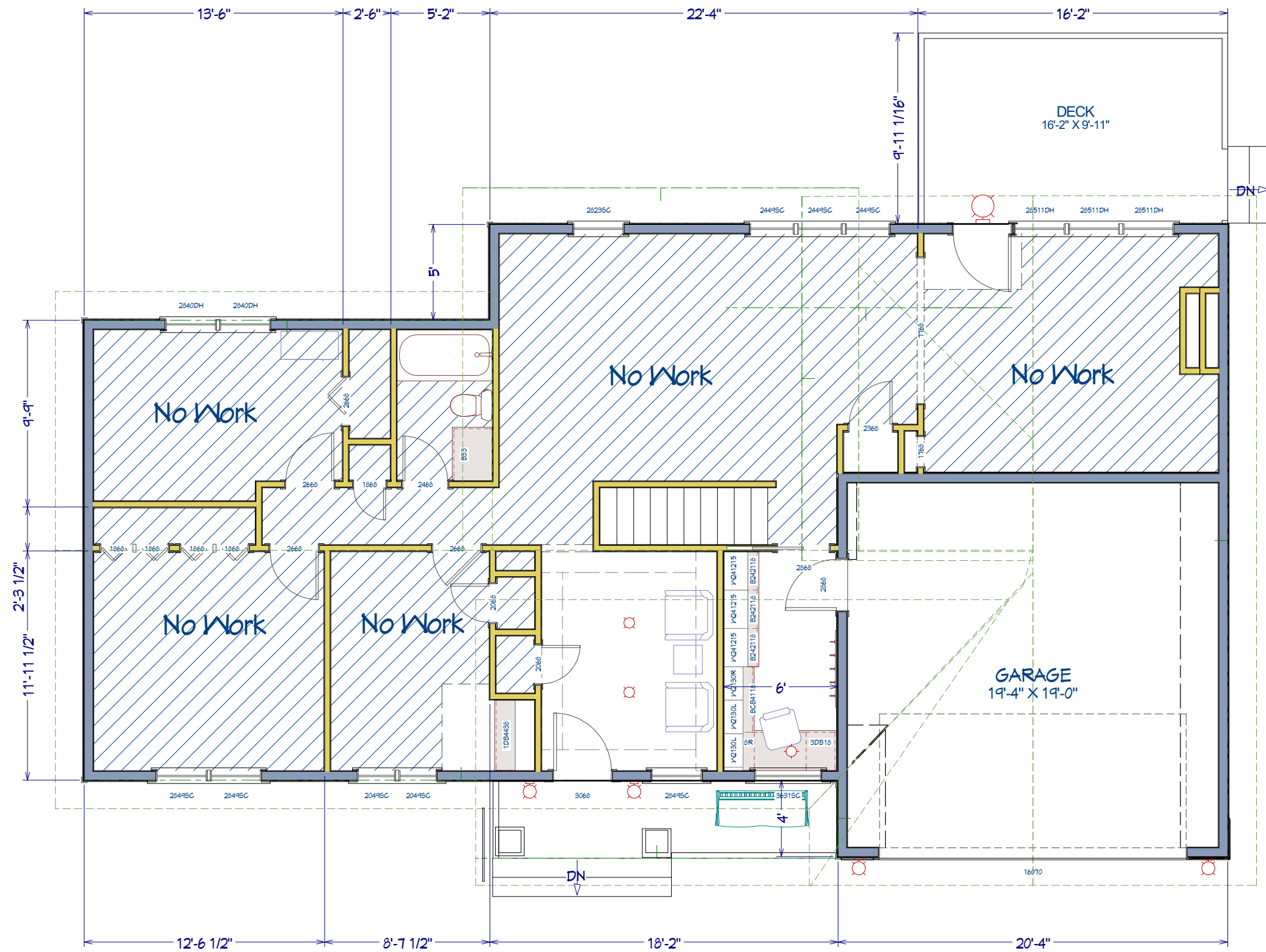
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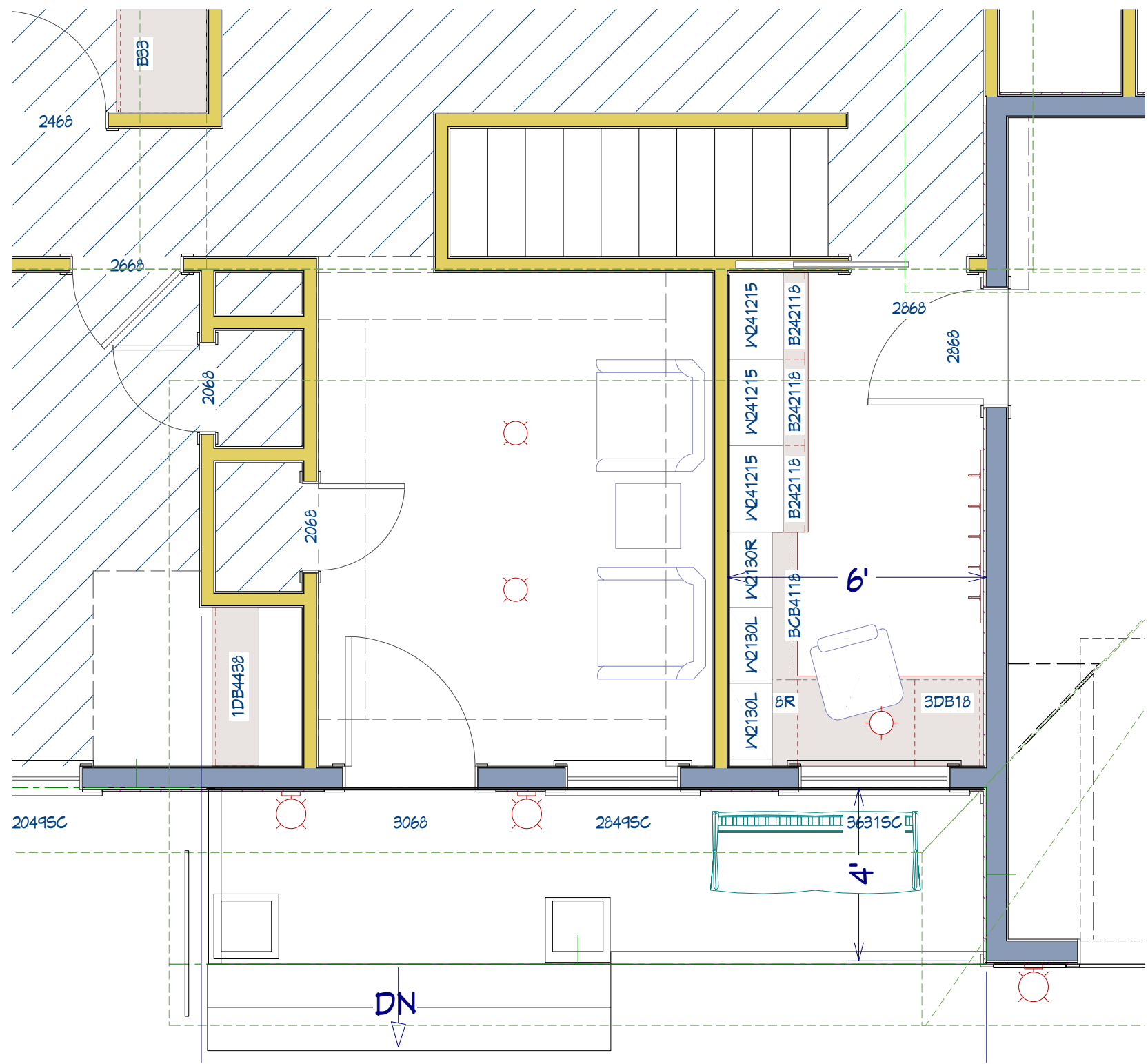
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SHEET:

2 of 8



New Layout - Mudroom/Entryway/Deck



1st Floor

Entry/Mudroom



BUILDER:
Addilay
Homes &
Remodeling

PROJECT:
Johnson Deck/
Entry/Mudroom
4130 St. Marks
Drive
Minnetonka, MN

REVISIONS:

**FINISHED
SQ FT:**

TITLE:

DATE:
5/31/2023

SCALE:

SHEET:
3 of 8

BUILDER:
Addilay
Homes &
Remodeling

PROJECT:
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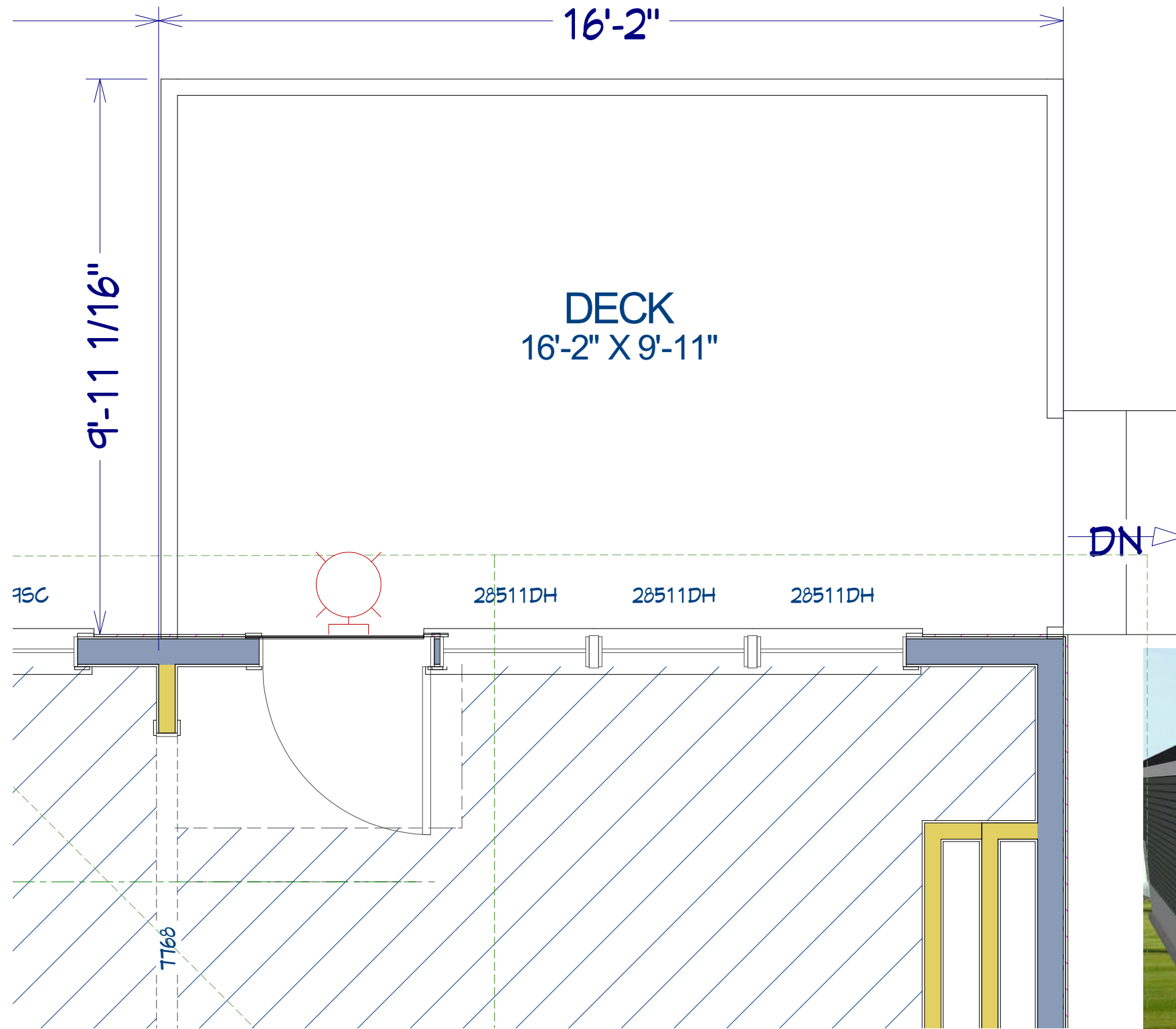
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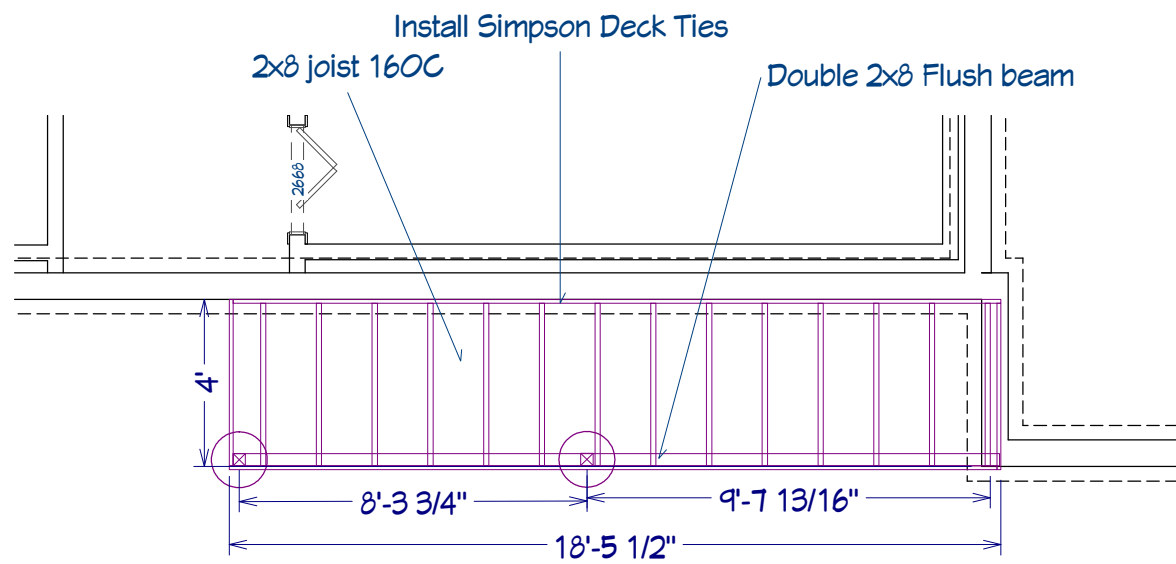
4 of 8



1st Floor

Back Deck



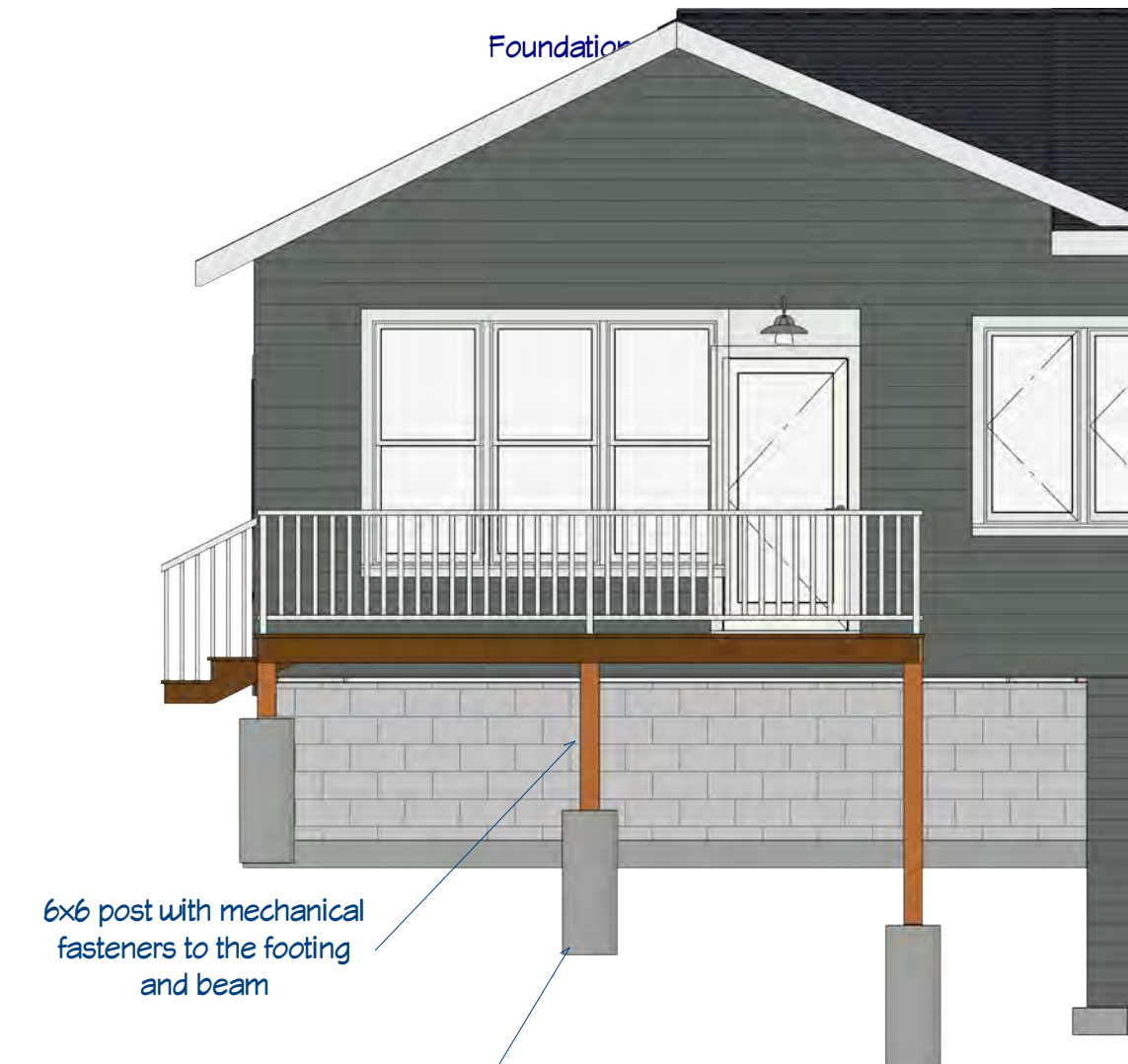
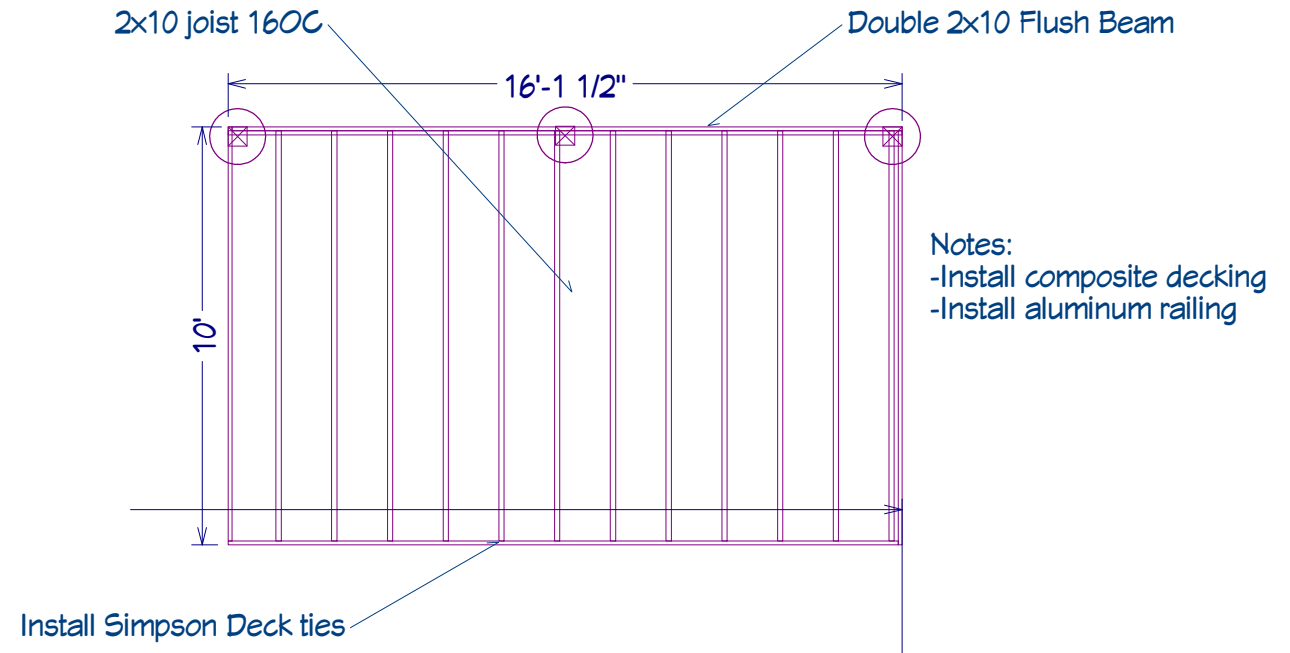


Foundation



Elevation 8
Font Porch

Install 42" deep 14" round
footings with sonotube



Back Deck

Elevation 6



BUILDER:
Addilay
Homes &
Remodeling

PROJECT:
Johnson Deck/
Entry/Mudroom
4130 St. Marks
Drive
Minnetonka, MN

REVISIONS:

**FINISHED
SQ. FT.:**

TITLE:

DATE:

5/31/2023

SCALE:

SHEET:

6 of 8



BUILDER:
Addilay
Homes &
Remodeling

PROJECT:
Johnson Deck/
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Minnetonka, MN

REVISIONS:

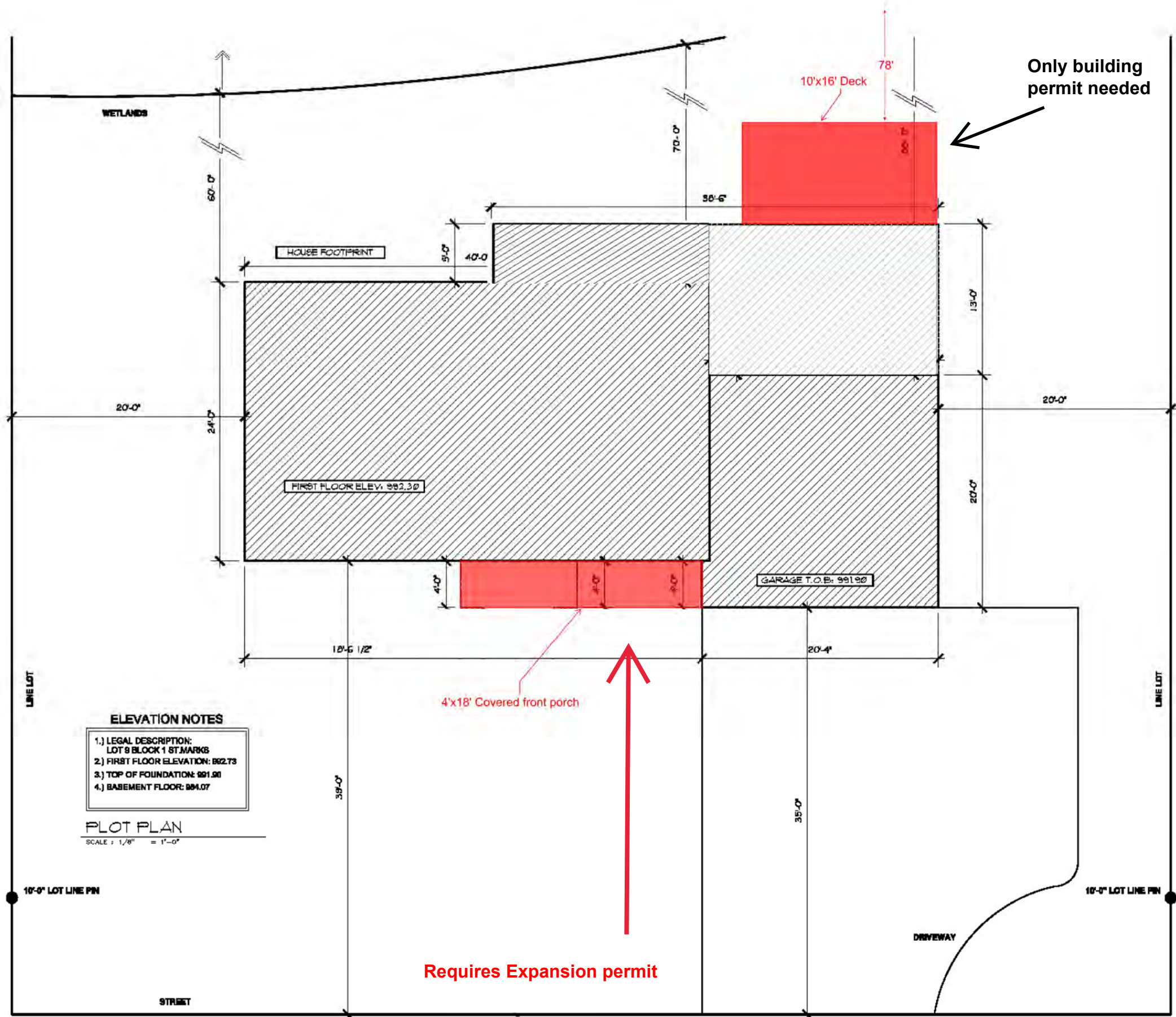
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5/31/2023

SCALE:

SHEET:
7 of 8



BUILDER:
Addilay Homes & Remodeling

PROJECT:
Johnson Deck/
Entry/Mudroom
4130 St. Marks
Drive
Minnetonka, MN

REVISIONS:

FINISHED SQ. FT.:

TITLE:

DATE:
5/31/2023

SCALE:

SHEET:
8 of 8

Planning Commission Resolution No. 2023-XX

Resolution approving a front yard setback variance for a front porch addition at 4130 St Marks Drive

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

Section 1. Background.

1.01 Scott and Christina Johnson own the property located at 4130 St Marks Drive. The property is legally described as follows:

Lot 9, Block 1, St Marks Estates, Hennepin County, Minnesota.

Torrens Certificate No. 1205232

1.02 The property was created in 1979. At that time, a front yard setback variance from 35 feet to 25 feet was granted for the subject property and other lots in the neighborhood in order to protect wetlands located in rear yards.

1.03 The existing home has a front yard setback of 25.2 feet, conforming to the variance previously granted. The property owners are proposing a front porch addition to the southeast side of the existing home; the porch would maintain the existing 25.2-foot setback. However, by City Code §300.07 Subd. 6, “a variance shall be valid only for the project for which it was granted.” As such, the proposed porch requires its own 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 §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 means: (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 meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Intent of the Ordinance: The intent of the front yard setback is to provide adequate separation between homes and public rights-of-way for safety and aesthetic reasons. The existing home, and those on either side of it, have been set back 25 feet from the front property lines for forty years, without safety or aesthetic issues. The proposed porch would maintain this setback.
2. Consistent with Comprehensive Plan: The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing neighborhoods. The requested variance would allow for investment into a single-family residential property.
3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonableness and Unique Circumstance: The existing home has a front yard setback of 25.2 feet, conforming to a variance previously granted. The property owners are proposing a front porch addition to the southeast side of the existing home; the porch would maintain the existing 25.2-foot setback. The proposed setback is reasonable, based on a unique circumstance not common to all other similarly zoned properties.
 - b) Neighborhood Character: A porch is a use consistent with accessory uses found in the R-1 zoning district. The proposed addition would not encroach further into the required setbacks than the existing house and will meet all other setbacks; the side and rear yard, floodplain, and wetland setbacks. The variance request for the front yard setback is not anticipated to alter the character of the neighborhood.

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 property must be developed in substantial conformance with the following plans, except as modified by the conditions below.
 - Survey, with the proposed addition, dated June 22, 2023
 - Plans and elevations dated May 31, 2023

2. Prior to issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County.
 - b) Provide 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 unclear based upon submitted plans.
 - c) Provide a declaration and restrictive covenants over any mitigated wetland areas per the WCA.
 - d) 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.
3. The proposed rear deck must meet the floodplain and wetland setbacks. The building permit review will confirm the deck meets setback requirements.
4. This variance approval will end on Dec. 31, 2024, unless the city has issued a building permit for the project covered by this variance approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Aug. 17, 2023.

Josh Sewall, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:

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 Aug. 17, 2023.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
Aug. 17, 2023

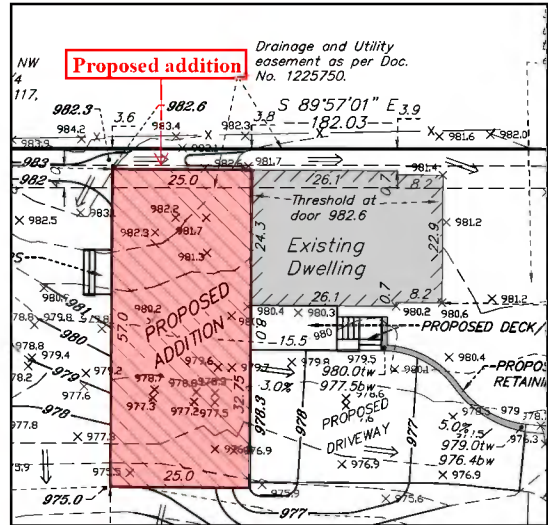
Brief Description	Side yard setback variance for an addition at 5434 Williston Road.
Recommendation	Adopt the resolution approving the request.

Background

The property is located at 5434 Williston Road, north of the intersection of Williston Road and Excelsior Blvd. The property is a half-acre in size and improved with a single-family home, roughly 810 square feet in size, and a detached garage in the northwest corner of the property.

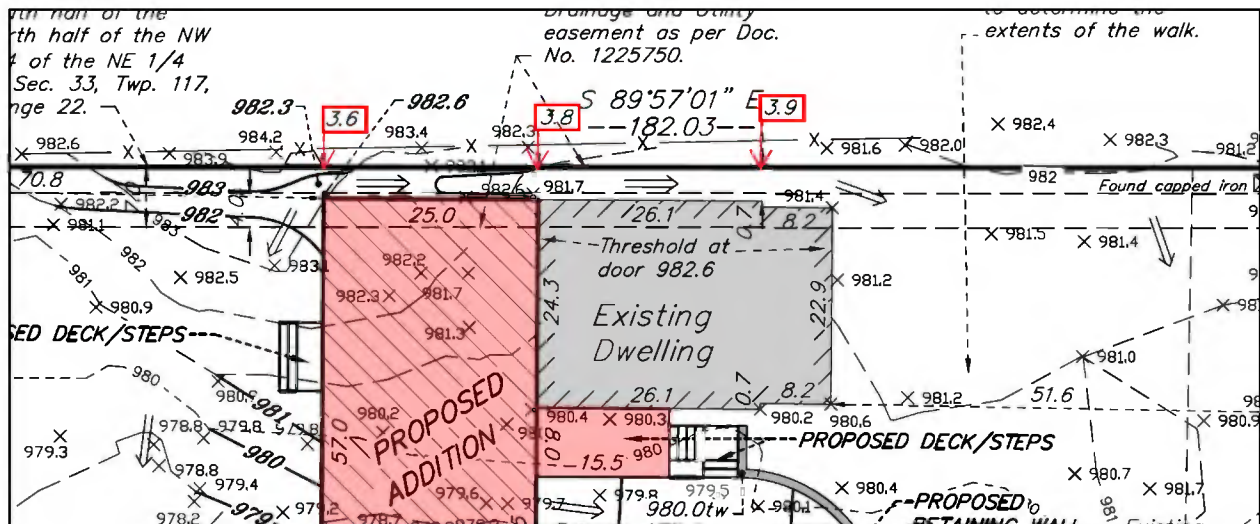
The existing home and garage were constructed in 1904, prior to the adoption of the city's first zoning ordinance. The home and garage have non-conforming setbacks.

City code now requires a minimum 10-foot side yard setback and a 30-foot aggregate side yard setback.



Proposal

Sicora Inc., on behalf of the property owners, is proposing to construct a 1,425-square-foot addition to the existing house. The addition will include a two-stall garage; an existing, non-conforming garage will be removed. The existing home is not exactly parallel to the north property line. For the addition to continue in a straight line off of the existing home, the addition will be closer to the north property. The existing home is set back 3.8 feet from the north property line, and the addition will be set back 3.6 feet from the north property line. The addition requires a side yard setback variance from 10 to 3.6 feet.



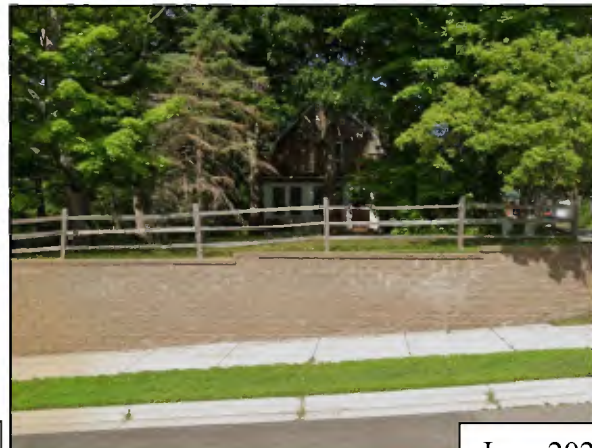
Staff Analysis

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

- **Reasonableness:** The proposed 3.6-foot setback would visually continue the north building line of the existing home. The house has a non-conforming setback which, along with the home placed nonparallel to the north property line, requires the addition to encroach further into the side yard setback. The northern drainage and utility easement is 3 feet wide. This means the existing home and proposed addition would not encroach into any easement.
- **Unique circumstance:** The existing home and garage were constructed 60 years prior to the city's zoning ordinance. Both structures are non-conforming. The addition is proposed on a relatively flat area of the property. The area south of the home, where an addition could technically be built meeting required setbacks, is significantly downward sloping. These are not circumstances common to similarly-zoned properties.
- **Character of the locality:** The proposed addition would not negatively impact neighborhood character. The existing home is set back from Williston Road and screened with existing vegetation. The addition will be likewise screened from the public right-of-way by the existing vegetation in the front yard.



April 2022



June 2023

Staff Recommendation

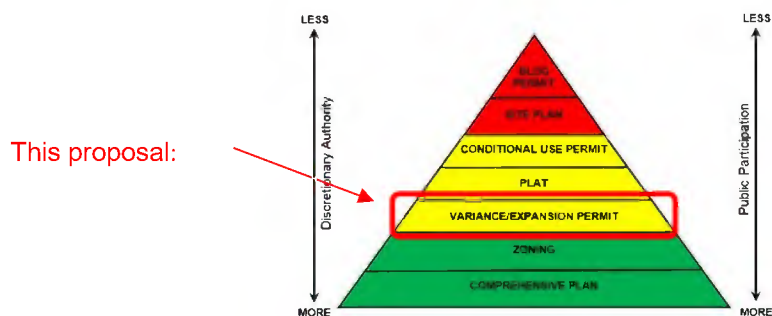
Adopt the resolution approving a side yard setback variance for an addition at 5434 Willison Rd.

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

Supporting Information

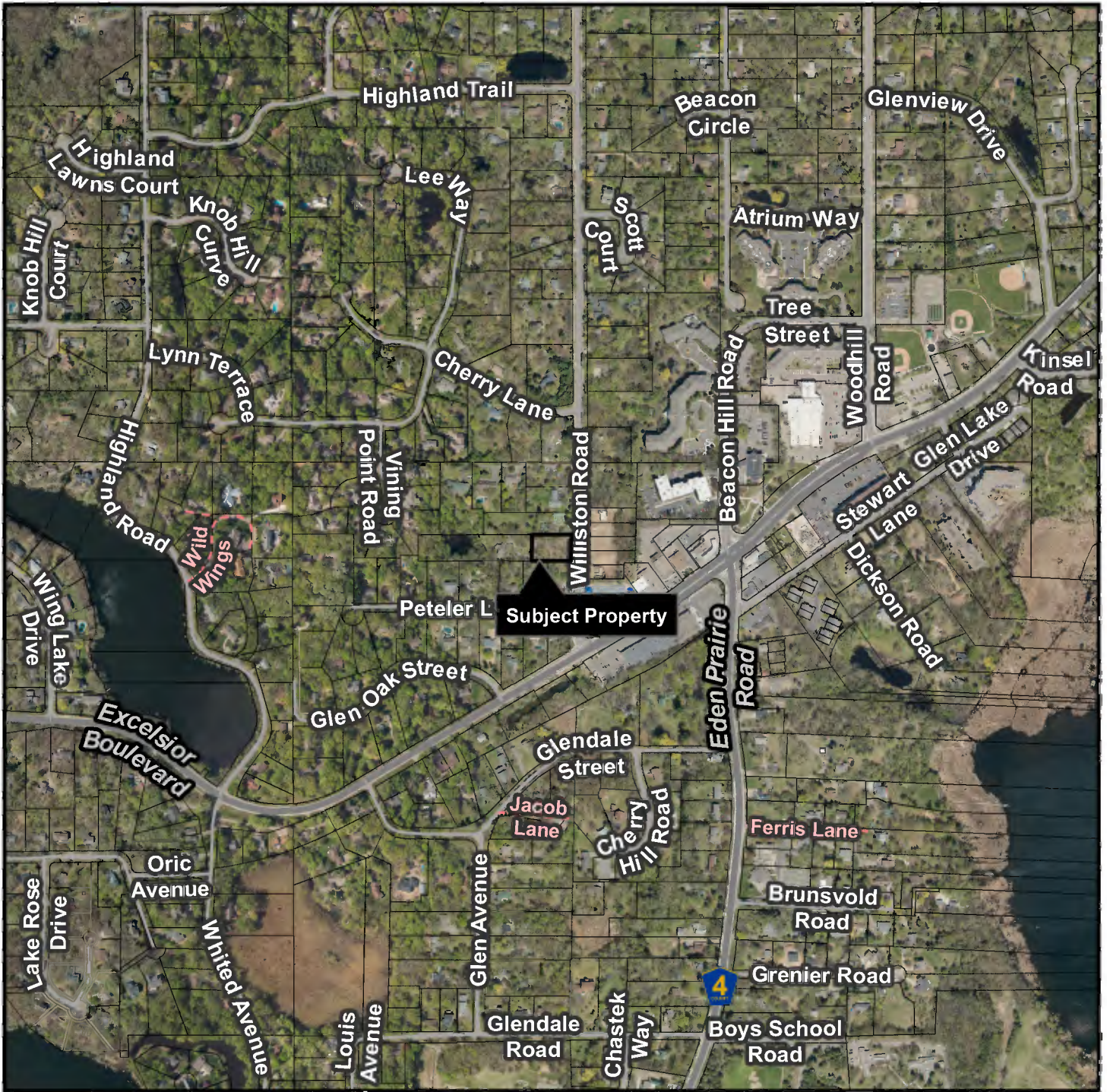
Project No.	88106.23
Property	5434 Williston Road
Applicant	Sicora Inc., on behalf of the property owners
Surrounding Land Uses	<p>Properties to the north, west, and south are single-family residential homes, guided low density, zoned R-1</p> <p>Properties to the east are Williston Woods West, single-family residential homes, guided for medium-density residential, zoned PUD.</p>
Planning	<p>Guide Plan designation: Single-family residential</p> <p>Zoning: R-1</p>
Expansion permit Vs. a variance	<p>A variance is required when an expansion of a use will intrude further into a setback area beyond the distance of the existing structure. An expansion permit is required when an expansion of a use will occupy a <i>non-conforming</i> area that was not previously occupied.</p> <p>While the existing home has a non-conforming site yard setback, the proposed addition will not maintain that setback. The addition will encroach further into the setback. As such, a variance – and not an expansion permit – is required.</p>
Variance Standard	<p>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)</p>
Appeals	<p>Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.</p>
Neighborhood Comments	<p>The city sent notices to 136 area property owners and received no comments.</p>

Pyramid of Discretion



**Deadline for
Decision**

Nov. 10, 2023



Location Map

Project: Hancharenko & Sjodin Residence
Address: 5434 Williston Road



Marty Hancherenko and Emily Sjodin
5434 Williston Rd, Mntka 55345

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.

1. Describe why the proposed use is reasonable.

The size of the footprint of this home is calculated at roughly 725 sq feet, which includes 150 sq feet of a front porch that was insulated and finished off during the last 5 years. The livable footprint of this home is just too small.

After consulting with the homeowners, they were given the option to tear down the existing structure. They declined. There is a character to this home that would be very difficult to replicate. So, a large renovation was to be the approach that they would pursue.

The renovation is reasonable as it allows for the original architecture to be best be preserved and extended.

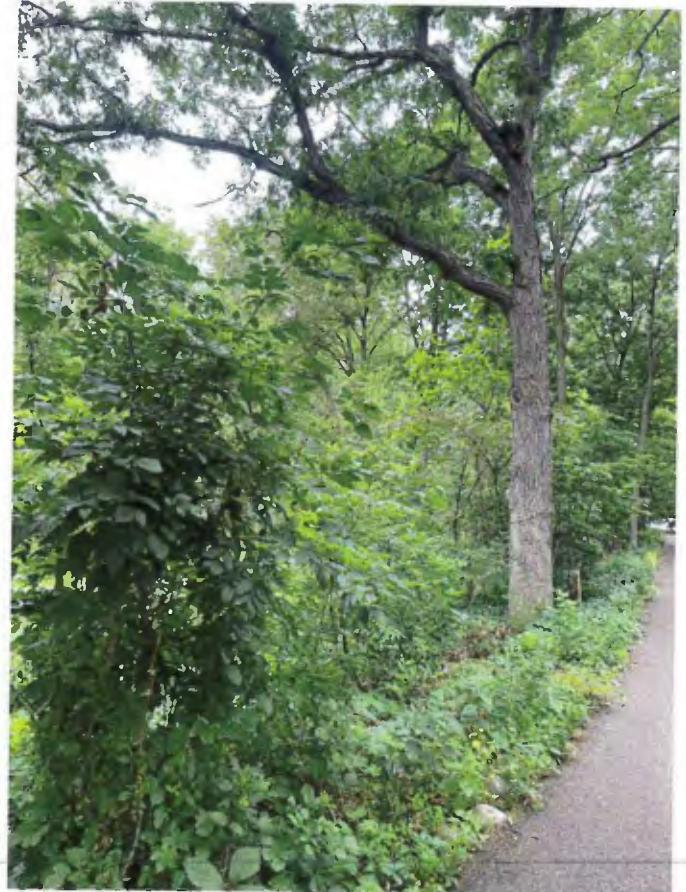
2. Describe circumstances unique to the property, why the need for variance was not caused by the property owner; and why the need is not solely based on economic considerations.

This 1904 home was likely one of the original farm houses in the area. Zoning and easements have been imposed on this home over the years. It is reasonable to request that an extension of the home (kept at the same setback as the original structure) be allowed.

3. Describe why the variance would not alter the essential character of the neighborhood.

The variance gives the best opportunity to maintain and enhance to 1904 charm that the homeowners fell in love with. The requested variance would allow for the best structure to be built to support the neighborhood.

Photos of the Front Yard



Photos from the Front Yard



Photos from the Rear of the Property



LEGAL DESCRIPTION:

The East 215.00 feet of the following described property:

That part of the South Half of the North Half of the Northwest Quarter of the Northeast Quarter of Section 33, Township 117, Range 22 described as beginning at the Northeast corner of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter; thence South to the Southeast corner of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter; thence West along the South line of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter a distance of 363 feet; thence North at a right angle 206.25 feet; thence West at a right angle to an Intersection with the extension South of the East line of Outlot 1, Countryside Woods; thence North along said extension and along said East line to the North line of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter; thence East along said North line to the point of beginning; except the South 206.25 feet thereof, according to the Government Survey thereof,

HENNEPIN County, Minnesota.

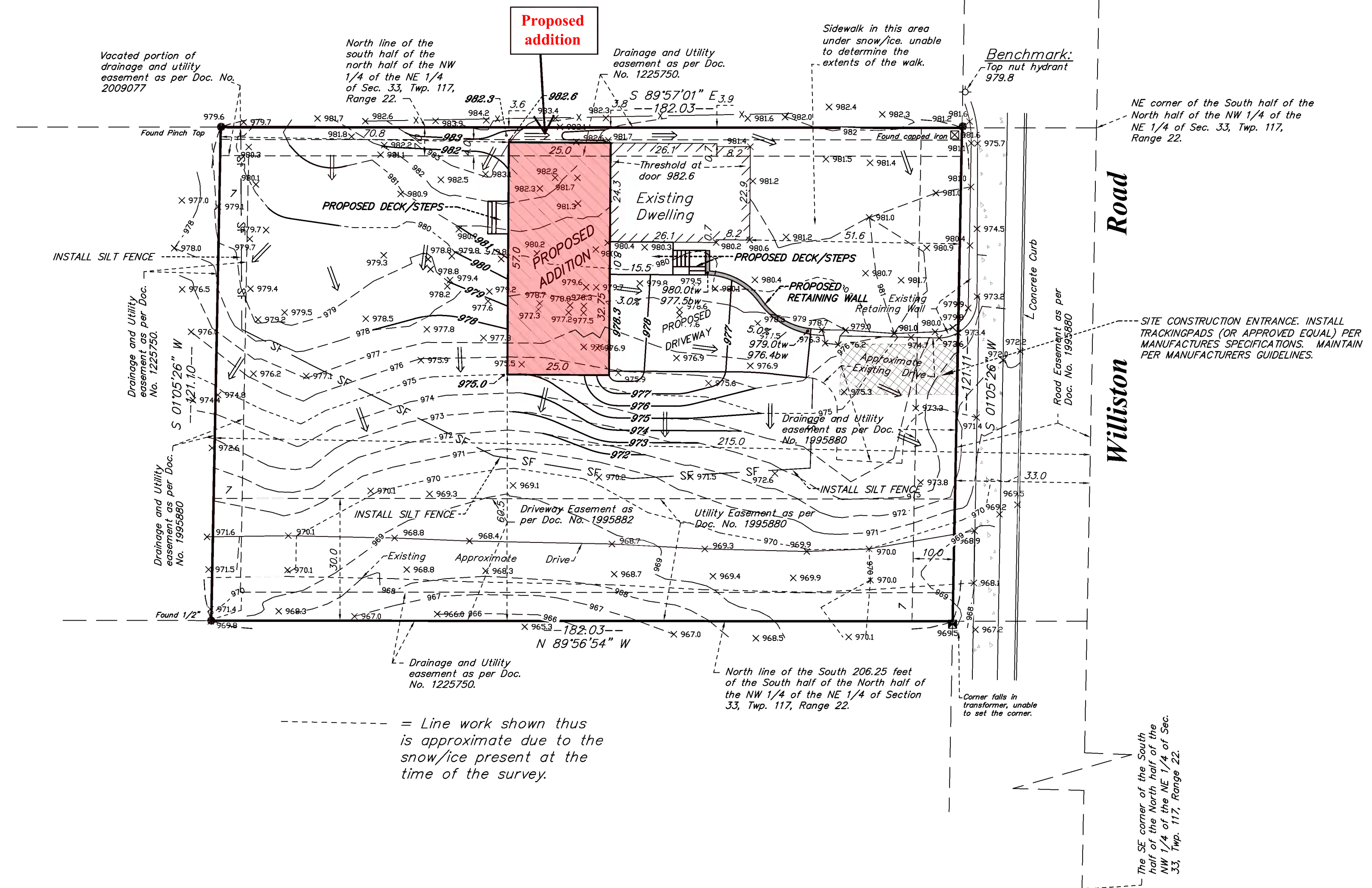
SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- It should be noted that this survey was done under snow and ice conditions and that all improvements may or may not have been shown correctly. While we did our best to locate all improvements under the snow and ice, we can't be sure that all improvements were shown. Please look over the survey to be sure everything you need shown is shown correctly.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

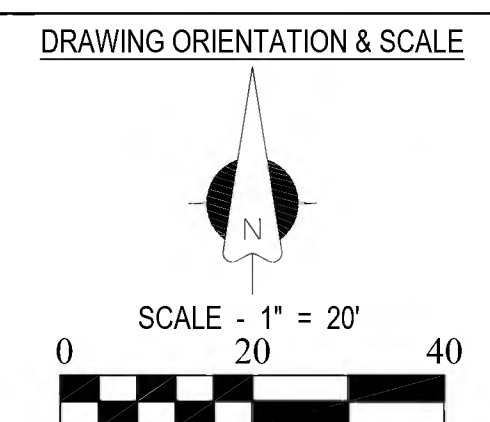
STANDARD SYMBOLS & CONVENTIONS:

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

LEGEND	
	= CATCH BASIN
	= GAS METER
	= FIRE HYDRANT
	= POWER POLE
	= MANHOLE
	= TELEPHONE PED.
	= ELEC. TRANSFORMER
	= WELL
	= GATE VALVE
	= LIGHT POLE
	= FENCE LINE
	= SANITARY SEWER LINE
	= WATER LINE
	= GAS LINE
	= STORM DRAIN LINE
	= OVERHEAD UTILITY LINE
	= EXISTING CONTOUR
	= EXISTING SPOT ELEVATION
	= PROPOSED CONTOUR
	= PROPOSED SPOT ELEVATION
	= DRAINAGE ARROW
	= PROPOSED SILT FENCE
	= CONCRETE SURFACE



DATE	REVISION DESCRIPTION
6/16/23	TO ADD EASEMENTS ONLY, NO OTHER UPDATES HAVE BEEN DONE FOR THIS REVISION. THERE WAS NO FIELD UPDATES DONE FOR THIS REVISION.



CLIENT NAME / JOB ADDRESS

SICORA DESIGN BUILD

5434 WILLISTON ROAD
MINNETONKA, MN

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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

Thomas M. Bloom
Thomas M. Bloom
42379
LICENSE NO.
MAY 31, 2023
DATE

DATE SURVEYED: MARCH 20, 2023

DATE DRAFTED: MAY 31, 2023

SHEET TITLE

PROPOSED SURVEY

DRAWING NUMBER

230670 JR
REV 6 - 16

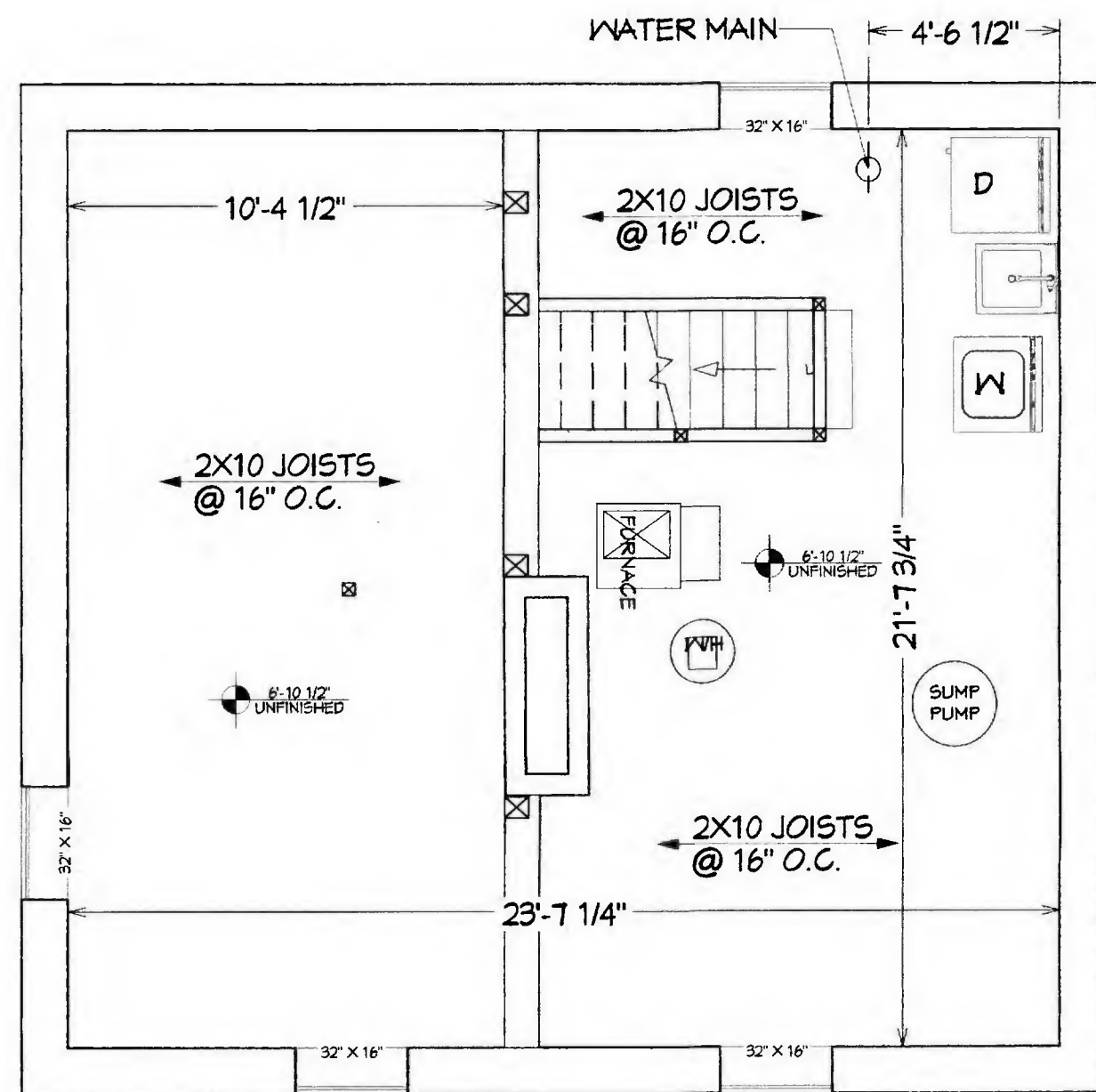
SHEET SIZE 22 X 34

SHEET NO.

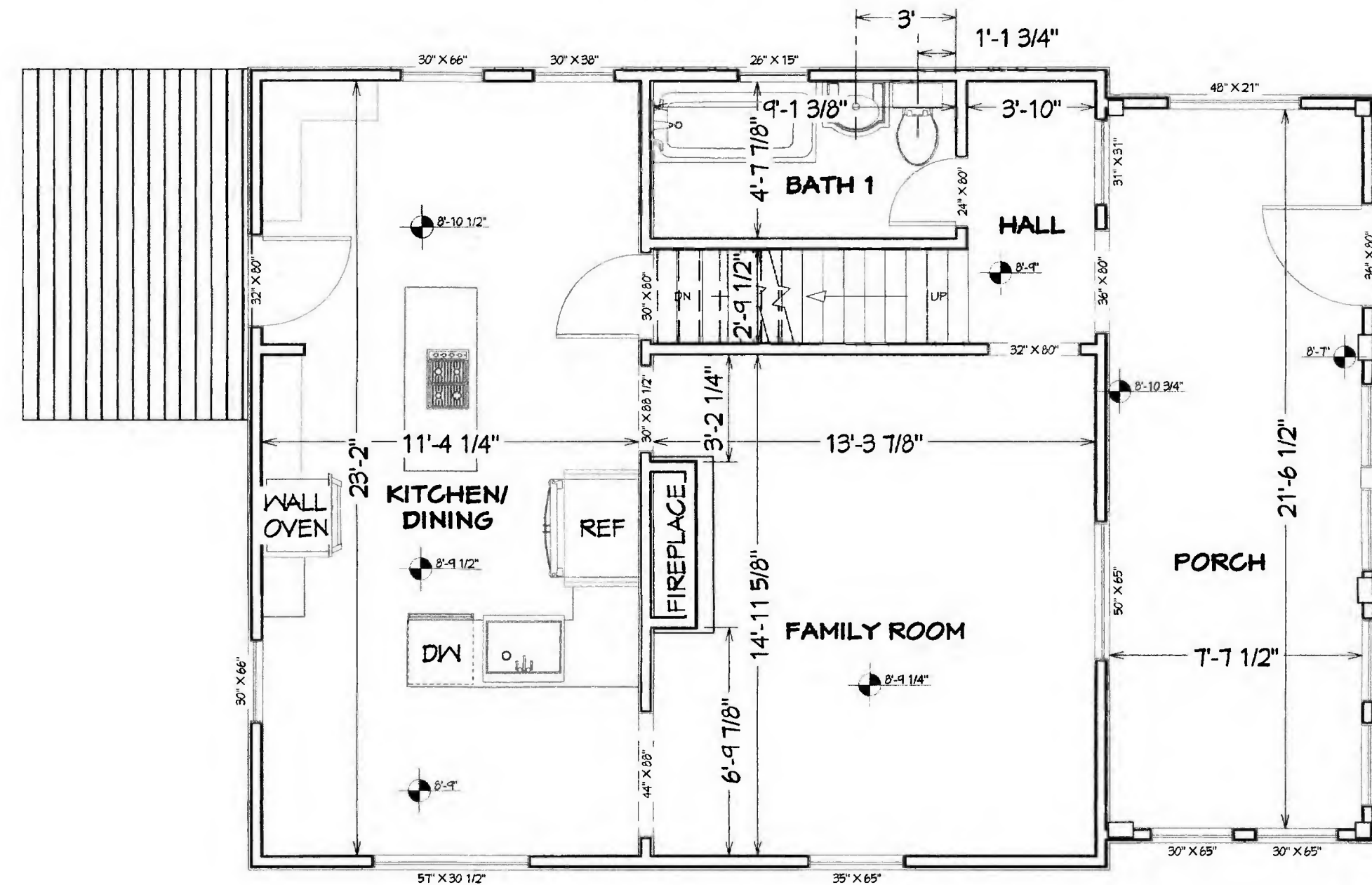
S1

SHEET 1 OF 1

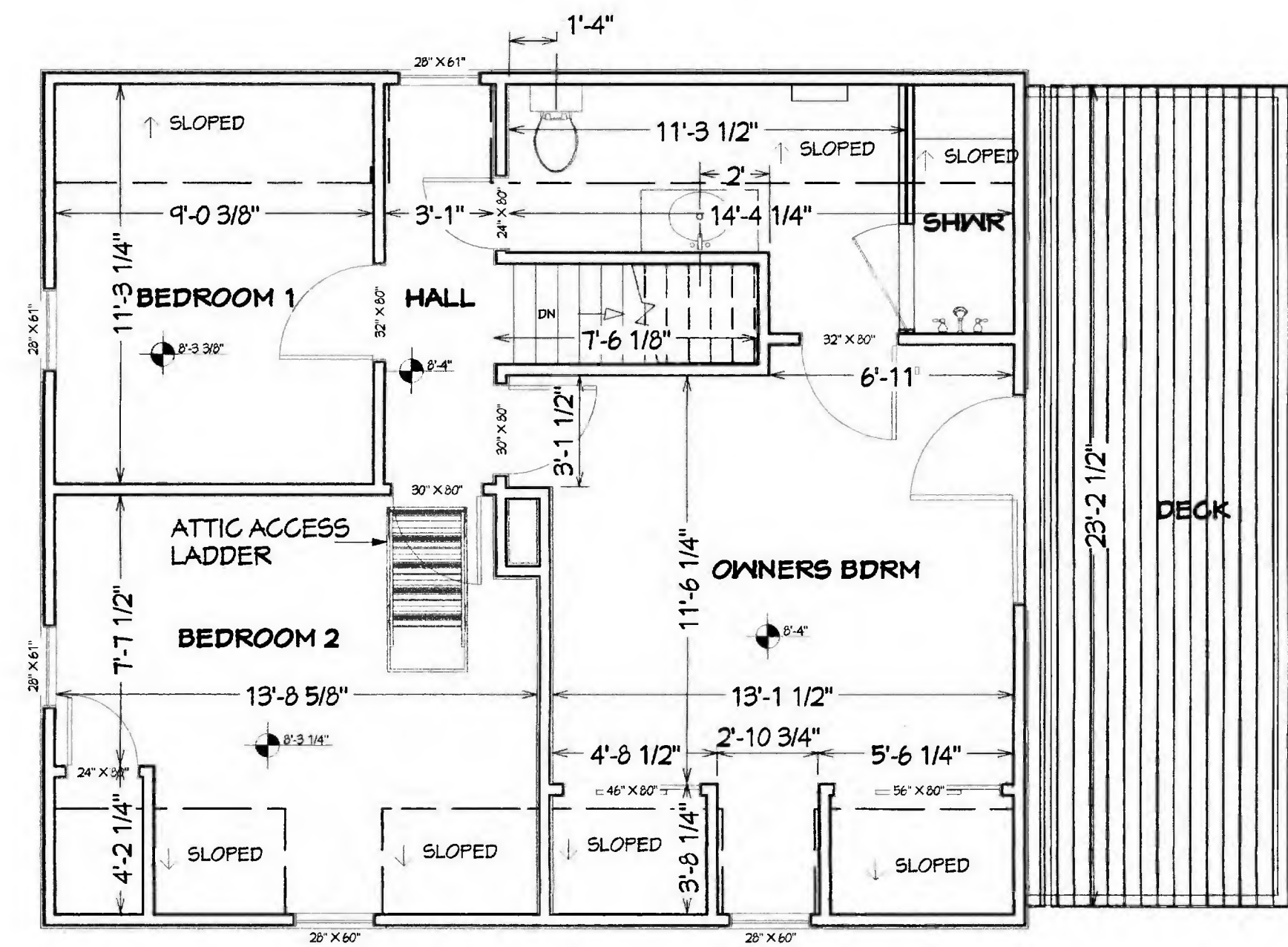
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1 EXISTING FOUNDATION PLAN
A1 SCALE: 1/4" = 1'-0"



2 EXISTING MAIN LEVEL PLAN
A1 SCALE: 1/4" = 1'-0"



3 EXISTING UPPER LEVEL PLAN
A1 SCALE: 1/4" = 1'-0"

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Telephone: 952.929.0098
Team: SALES: RON LID, DARCY JILL ANNA
DRAFTER: DARCY JILL ANNA
PH: JILL DAVE

CLIENT: **FIRST NAME**
HANCHARENKO/SJODIN
Address
5434 WILLISTON ROAD, MINNETONKA, MN 55345

SHEET LAYOUT

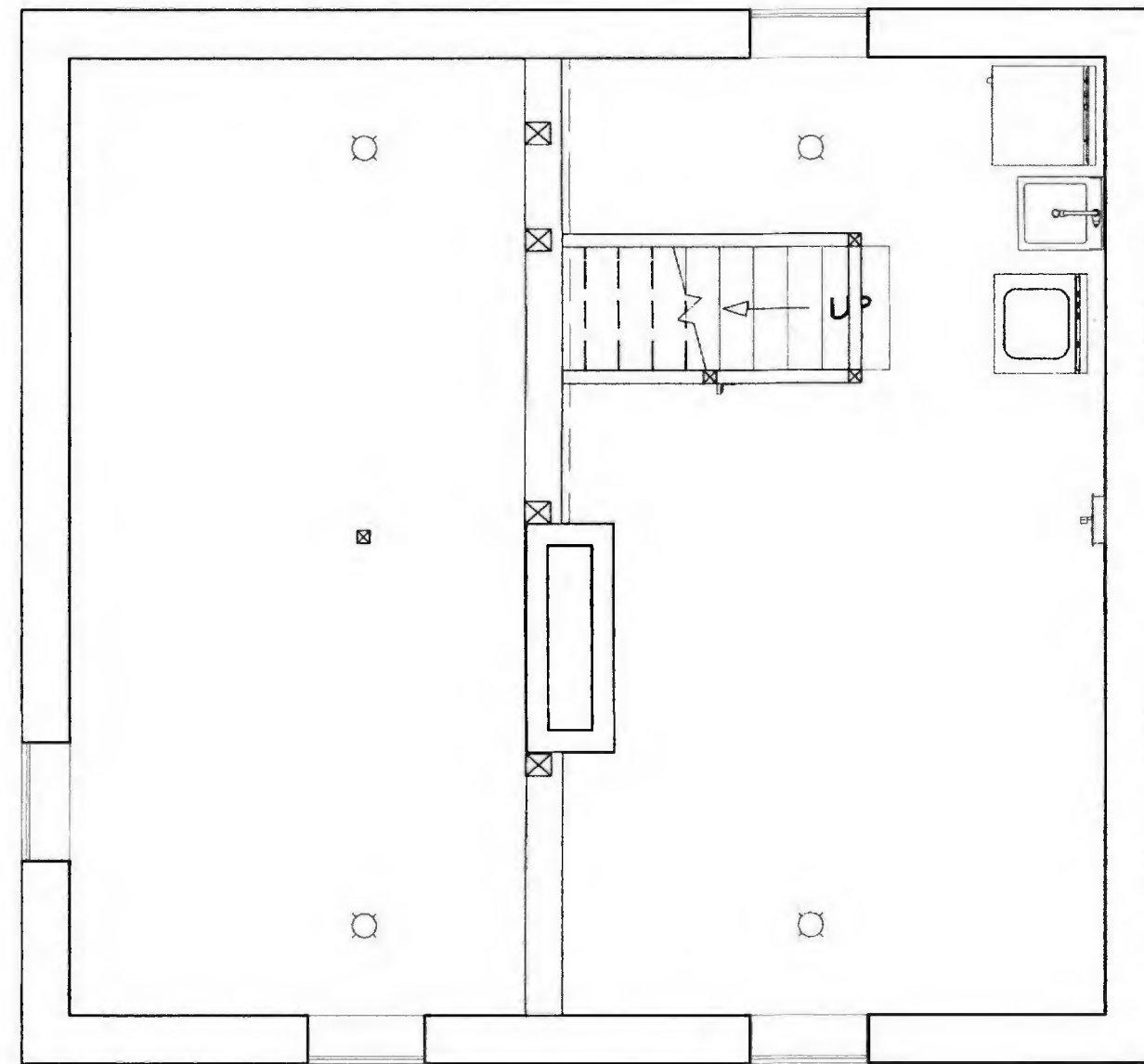
A1	EXIST. FLOOR PLANS
A2	EXIST. ELEC. PLANS
A3	EXIST. EXTERIOR ELEV.
A4	EXIST. EXTERIOR ELEV.
A5	PROPOSED FLOOR PLAN
A6	PROPOSED FLOOR PLAN
A7	PROPOSED FLOOR PLAN
A8	PROPOSED ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
REVISION DATE	04/13/2023 As-Built

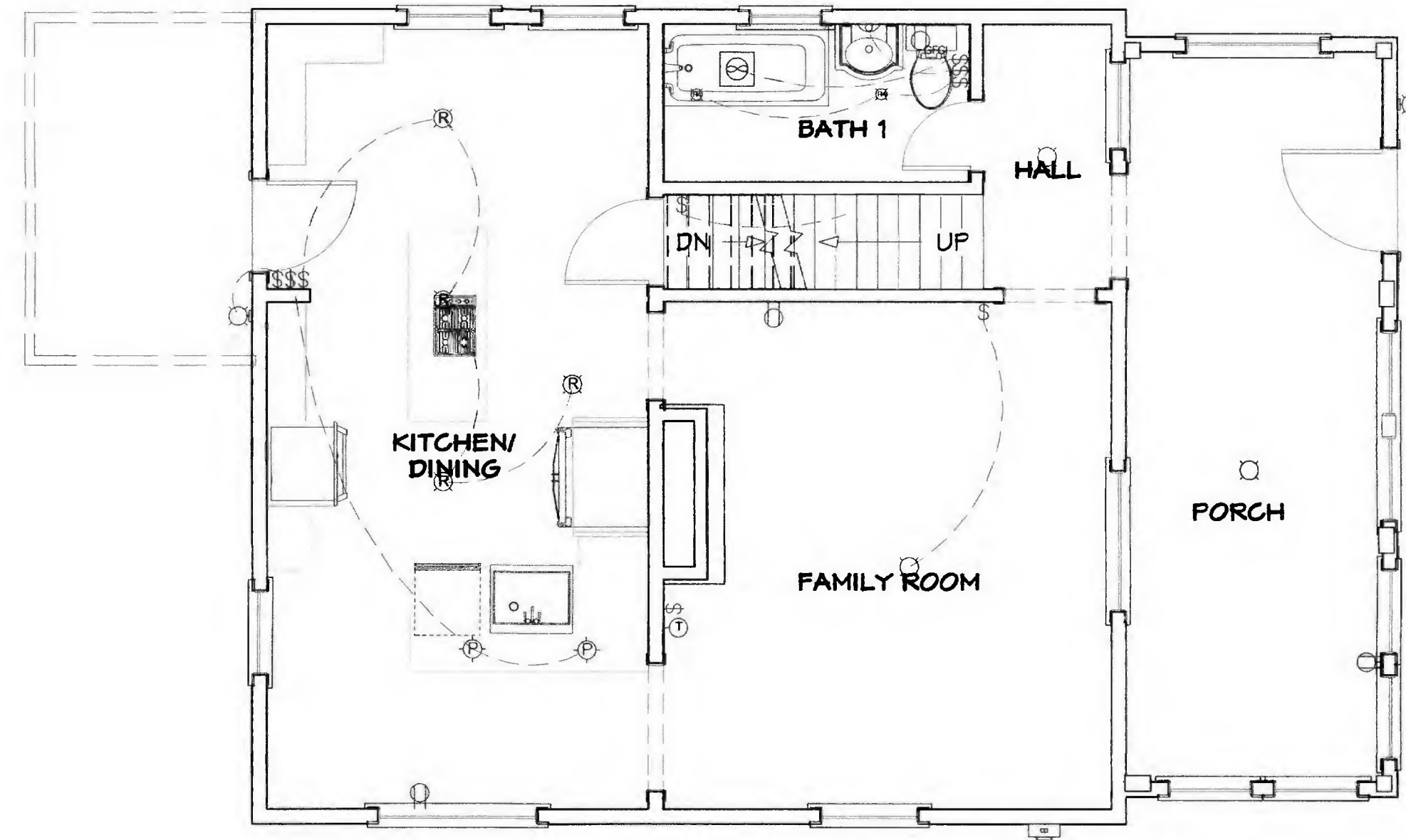
EXIST. FLOOR PLANS

SHEET NO.
A1
HANCHARENKO/SJODIN

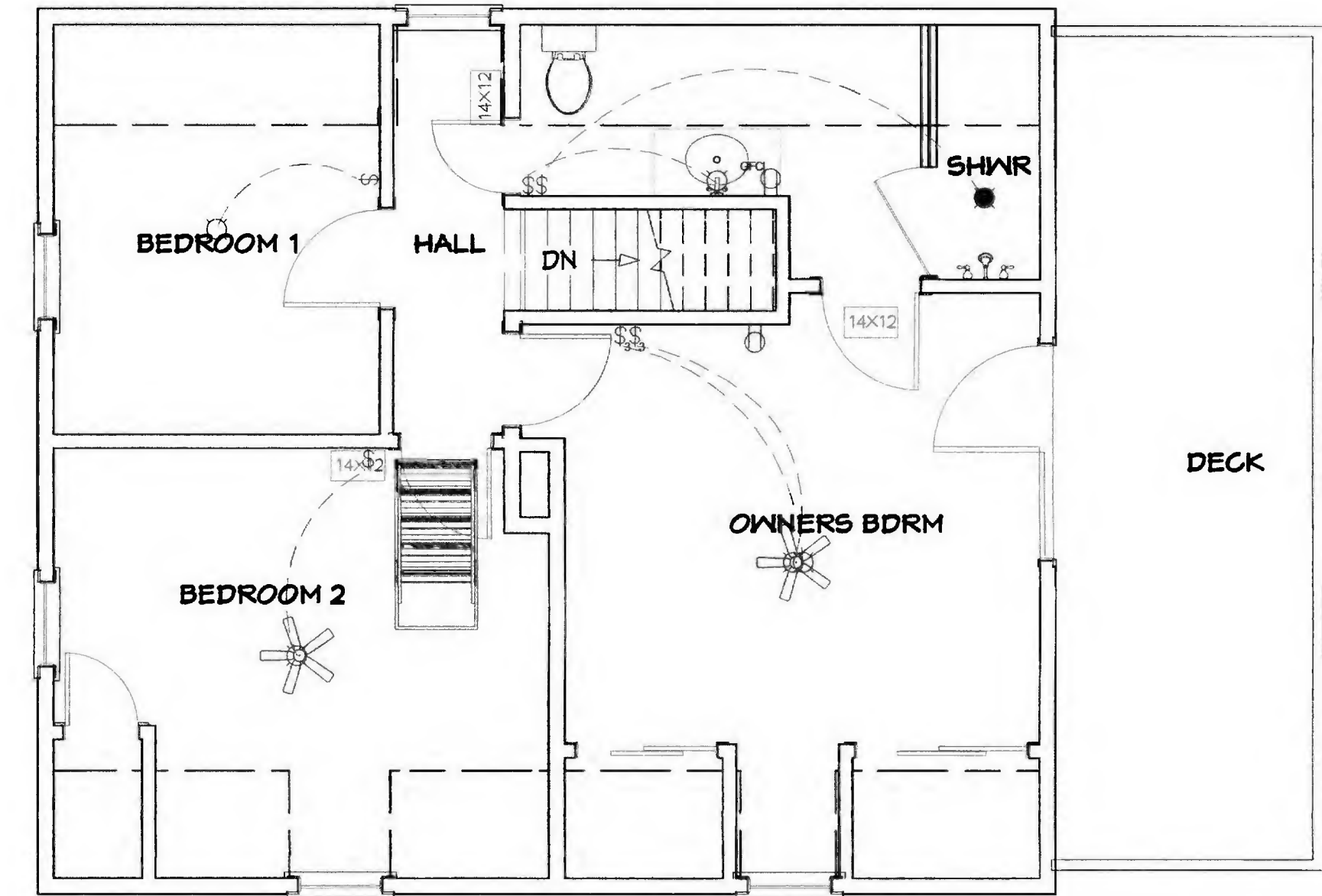
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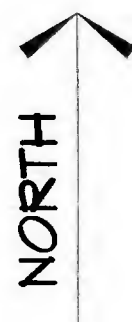
1 EXISTING FOUNDATION PLAN - ELEC
A2 SCALE: 1/4" = 1'-0"



2 EXISTING MAIN LEVEL PLAN - ELEC
A2 SCALE: 1/4" = 1'-0"



3 EXISTING UPPER LEVEL PLAN - ELEC.
A2 SCALE: 1/4" = 1'-0"



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Client: _____
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TEAM: SALES: RON I.D., DARCY JILL, ANNA
DRAFTER: DARCY JILL, ANNA
P.W. JIM DAVE

CLIENT: **FIRST NAME**
HANCHARENKO/SJODIN
Address
5434 WILLISTON ROAD, MINNETONKA, MN 55345

SHEET LAYOUT

A1	EXIST. FLOOR PLANS
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A3	EXIST. EXTERIOR ELEV.
A4	EXIST. EXTERIOR ELEV.
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A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
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EXIST. ELEC. PLANS

SHEET NO.
A2
HANCHARENKO/SJODIN

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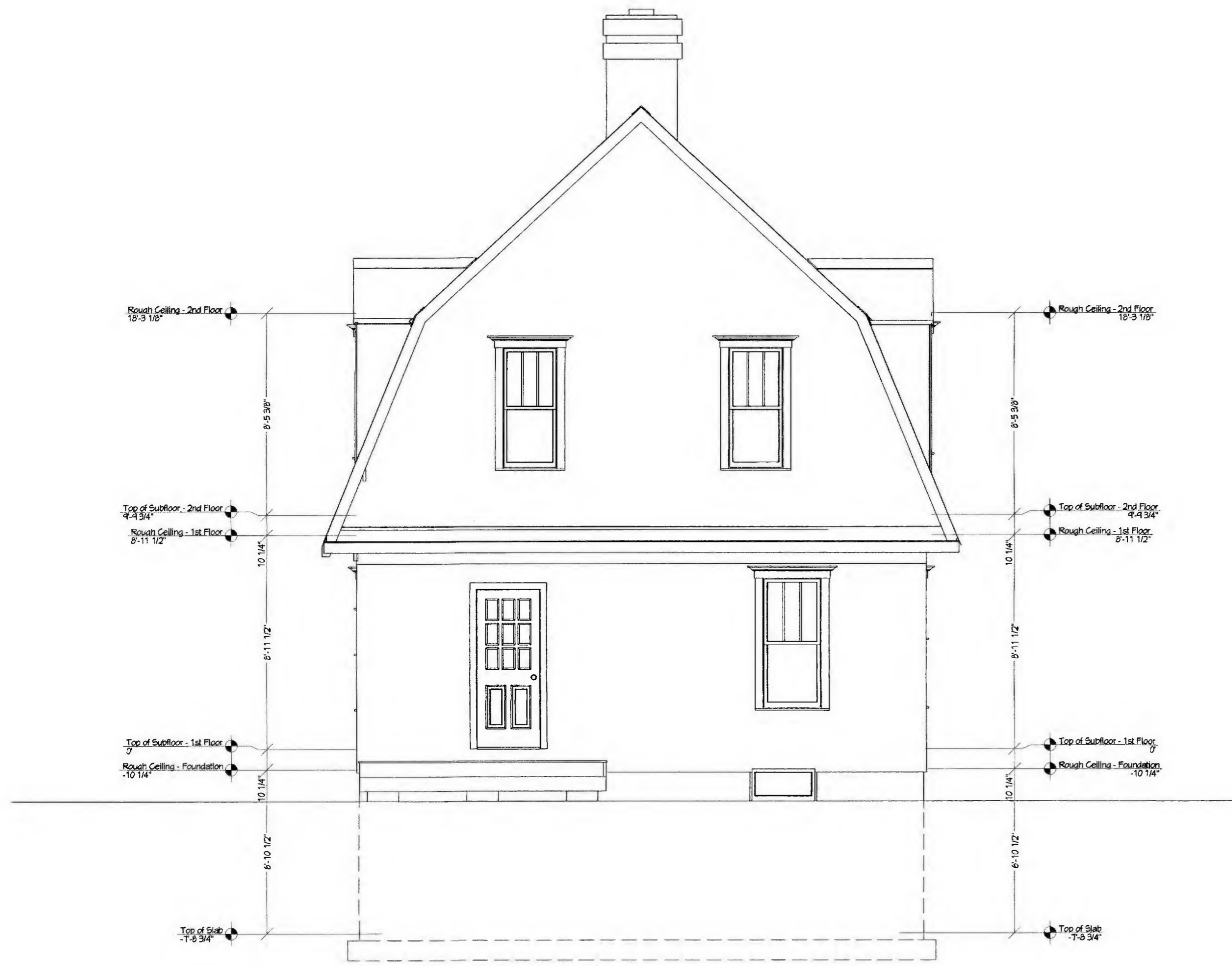
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A8	PROPOSED ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
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EXIST. EXTERIOR ELEV.

SHEET NO.
A3
 HANCHARENKO/SJODIN



1 EXISTING EXTERIOR ELEVATION - WEST
A3 SCALE: 1/4" = 1'-0"



2 EXISTING EXTERIOR ELEVATION - NORTH
A3 SCALE: 1/4" = 1'-0"

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A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
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EXIST. EXTERIOR ELEV.

SHEET NO.
A4
 HANCHARENKO/SJODIN



1 EXISTING EXTERIOR ELEVATION - EAST
 A4 SCALE: 1/4" = 1'-0"



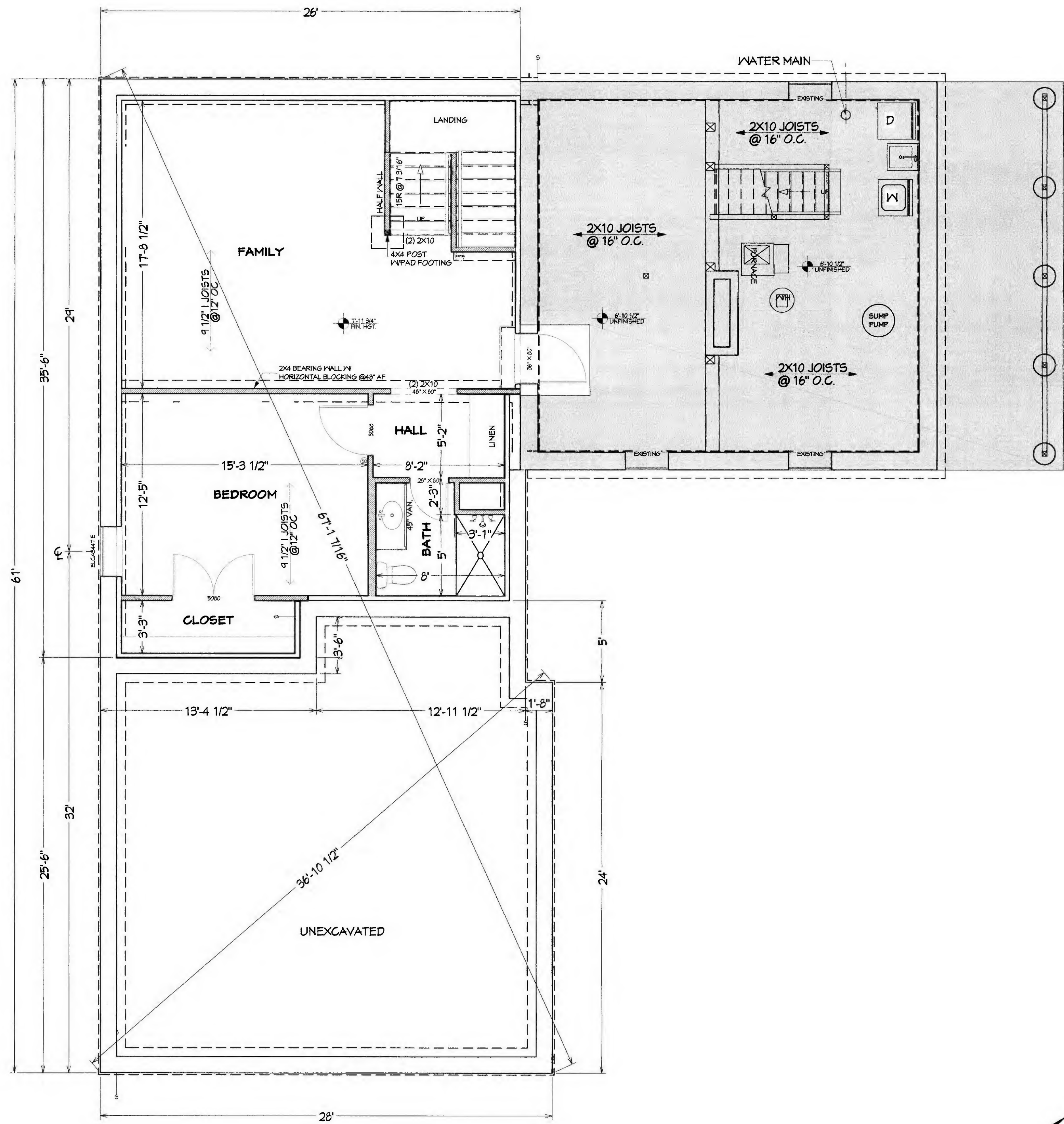
2 EXISTING EXTERIOR ELEVATION - SOUTH
 A4 SCALE: 1/4" = 1'-0"

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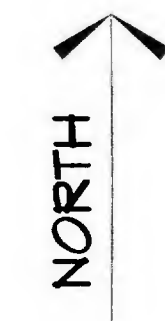
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1 PROPOSED LOWER LEVEL PLAN
A5 SCALE: 1/4" = 1'-0"



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St Louis Park, MN 55416 JILL ANNA
Telephone: 952.929.0098 DRAFTER: DARCY JILL ANNA
Fax: 952.265.5580 PNC: JIM DAVE

CLIENT: **FIRST NAME**
HANCHARENKO/SJODIN
Address
5434 WILLISTON ROAD, MINNETONKA, MN 55345

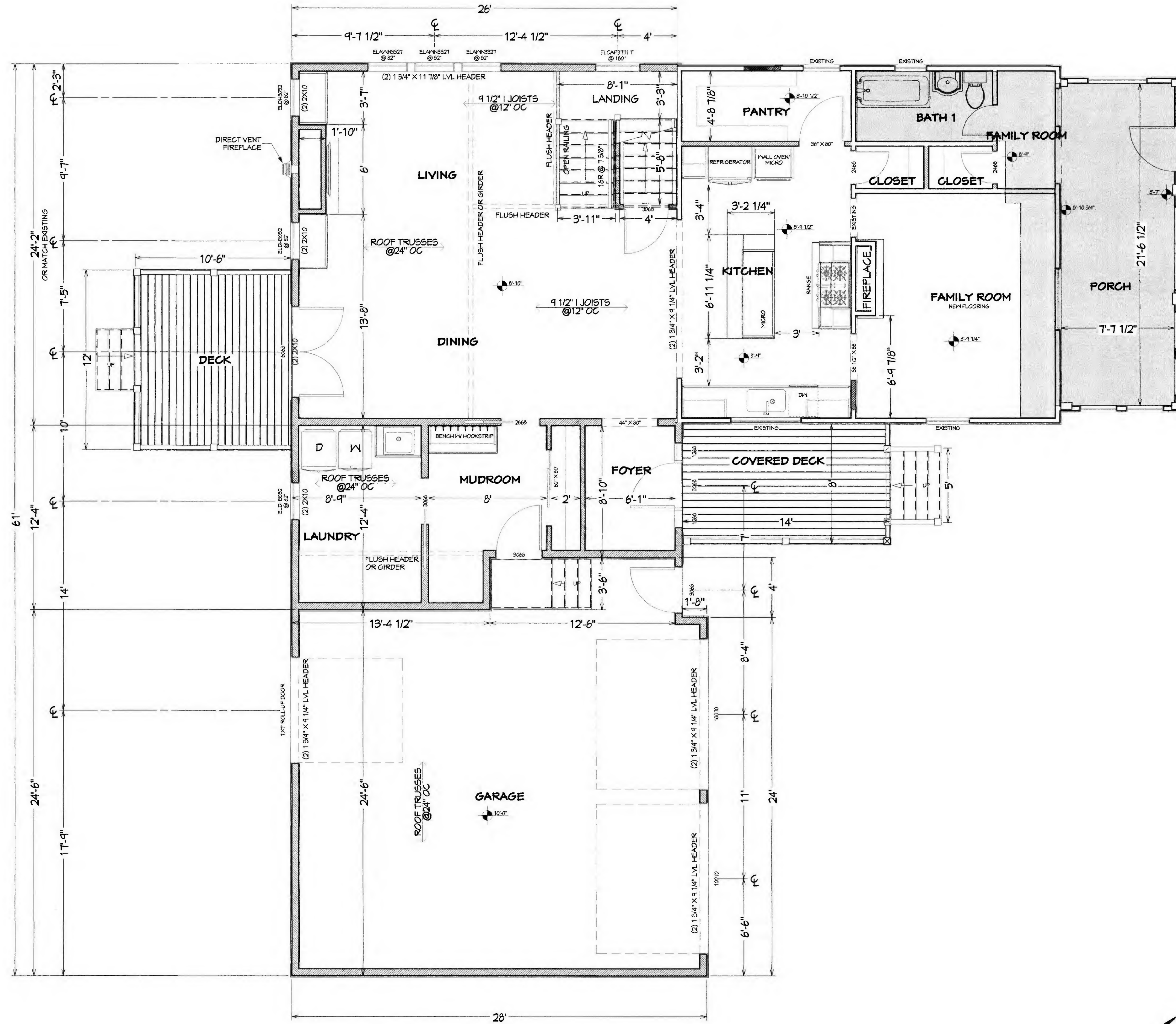
SHEET LAYOUT

A1	EXIST. FLOOR PLANS
A2	EXIST. ELEC. PLANS
A3	EXIST. EXTERIOR ELEV.
A4	EXIST. EXTERIOR ELEV.
A5	PROPOSED FLOOR PLAN
A6	PROPOSED FLOOR PLAN
A7	PROPOSED FLOOR PLAN
A8	PROPOSED ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
REVISION DATE	04/13/2023 As-Built

PROPOSED FLOOR PLAN
SHEET NO.
A5
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1 PROPOSED MAIN LEVEL PLAN
A6 SCALE: 1/4" = 1'-0"

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DRAFTER: DARCY JILL ANNA
PLOT: JIM DAVE

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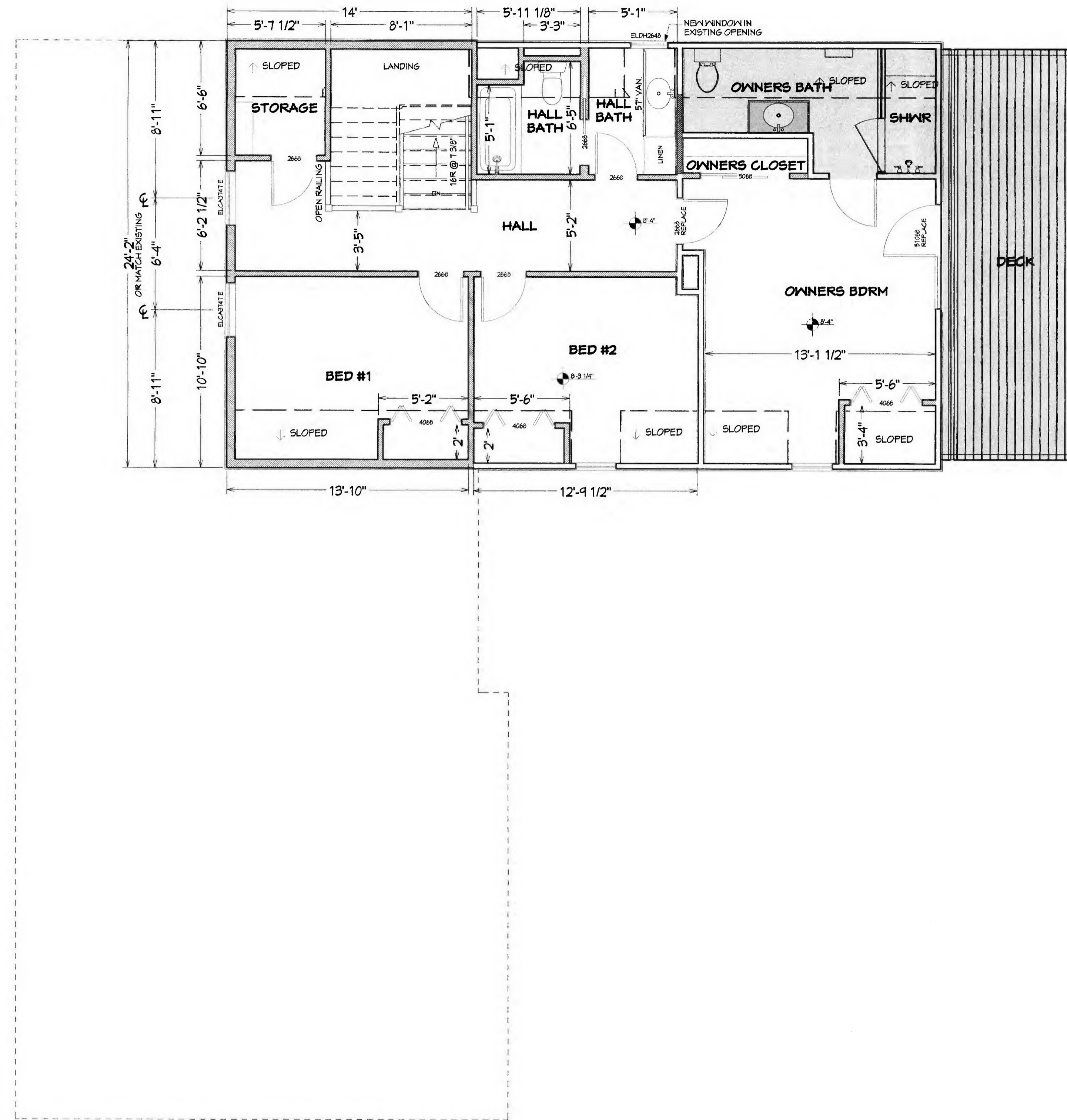
SHEET LAYOUT

A1	EXIST. FLOOR PLANS
A2	EXIST. ELEC. PLANS
A3	EXIST. EXTERIOR ELEV.
A4	EXIST. EXTERIOR ELEV.
A5	PROPOSED FLOOR PLAN
A6	PROPOSED FLOOR PLAN
A7	PROPOSED FLOOR PLAN
A8	PROPOSED ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
REVISION DATE	04/13/2023 As-Built

PROPOSED FLOOR PLAN
SHEET NO.
A6
HANCHARENKO/SJODIN

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1 PROPOSED UPPER LEVEL PLAN
A7 SCALE: 1/4" = 1'-0"



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SHEET LAYOUT

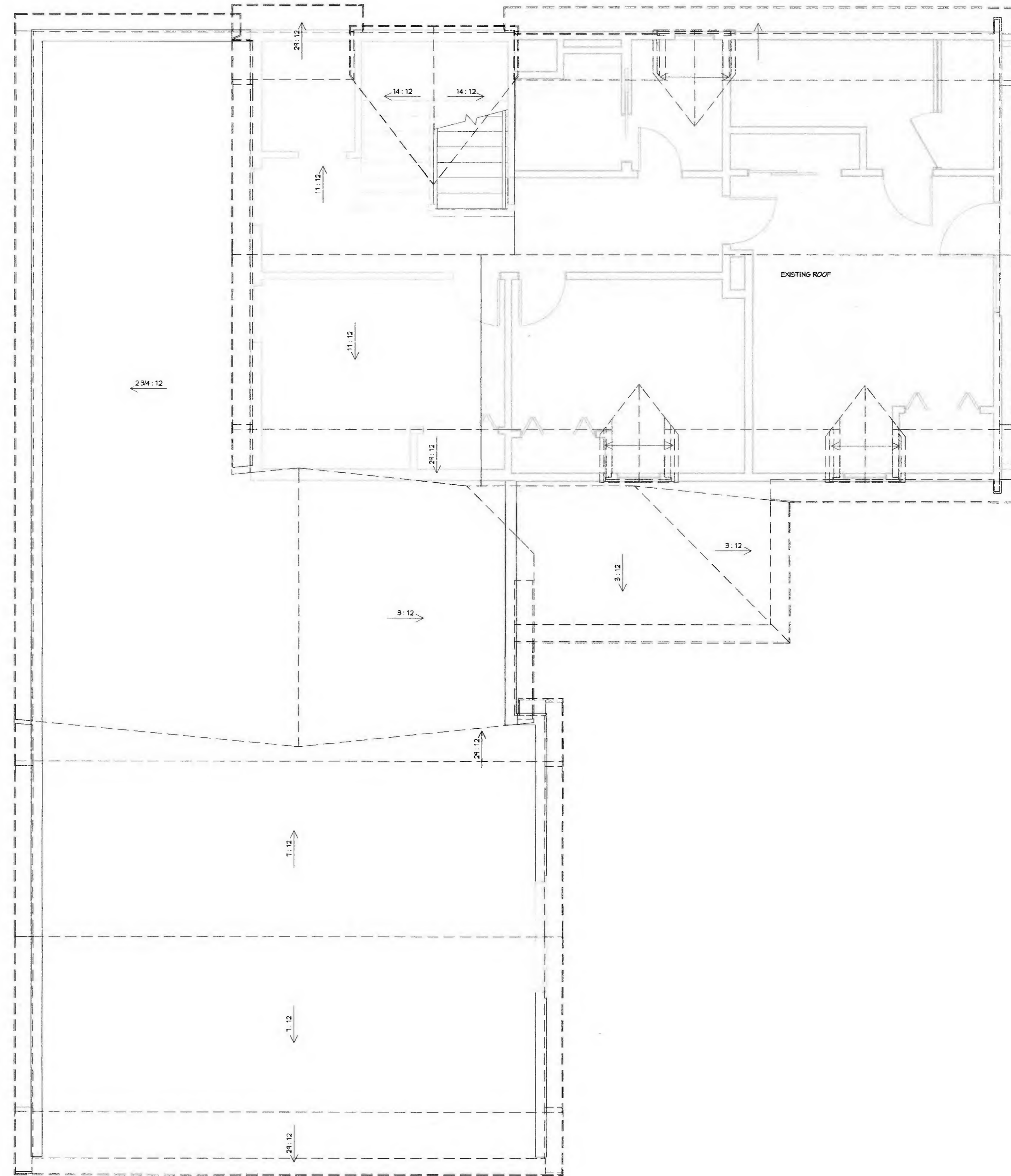
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A2	EXIST. ELEC. PLANS
A3	EXIST. EXTERIOR ELEV.
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A8	PROPOSED FLOOR PLAN
A9	PROPOSED ROOF PLAN
A10	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS

ORIGINATION DATE	04/13/2023
REVISION DATE	04/13/2023 As-Built

PROPOSED FLOOR PLAN

SHEET NO.
A7
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1 PROPOSED ROOF PLAN
A8 SCALE: 1/4" = 1'-0"



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REVISION DATE	04/13/2023 As-Built

PROPOSED ROOF PLAN

SHEET NO.
A8
HANCHARENKO/SJODIN

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2 PROPOSED EXTERIOR ELEVATION - NORTH
A9 SCALE: 1/4" = 1'-0"



1 PROPOSED EXTERIOR ELEVATION - WEST
A9 SCALE: 1/4" = 1'-0"

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- A10 EXTERIOR ELEVATIONS

ORIGINATION DATE
04/13/2023
REVISION DATE
04/13/2023 As-Built

EXTERIOR ELEVATIONS

SHEET NO.
A9
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2 PROPOSED EXTERIOR ELEVATION - SOUTH
A10 SCALE: 1/4" = 1'-0"



1 PROPOSED EXTERIOR ELEVATION - EAST
A10 SCALE: 1/4" = 1'-0"



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 PNC: JIM, DAVE

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- A9 EXTERIOR ELEVATIONS
- A10 EXTERIOR ELEVATIONS

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EXTERIOR ELEVATIONS

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A10
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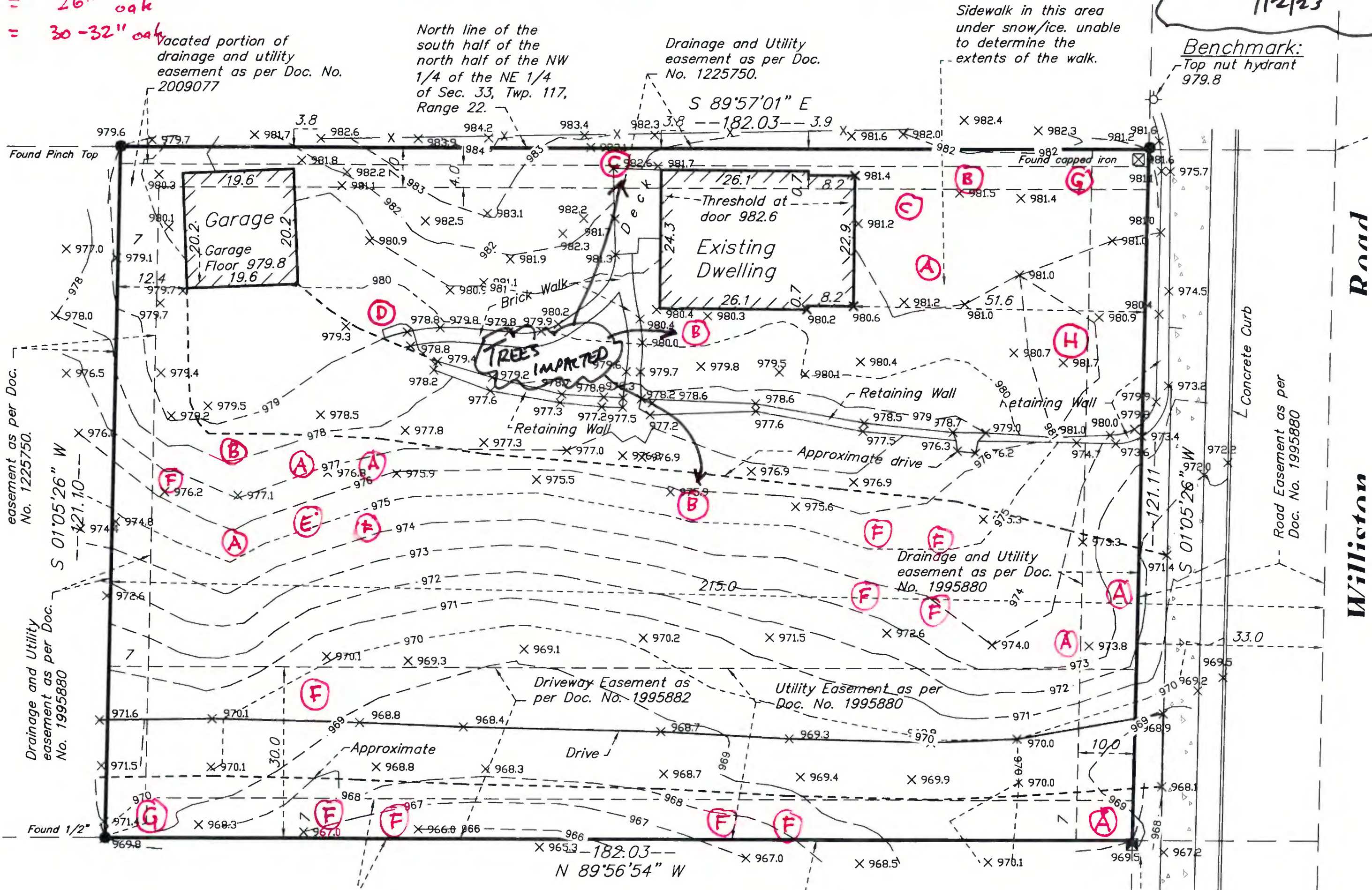
Reviewed by: _____
 Client: _____
 Date: _____

- A = 8-12" oak
- B = 22"-24" oak
- C = 26" oak
- D = 30-32" oak

- E = 8"-10" Hackberry
- F = 14"-20" Hackberry

- G = 12" Maple
- H = 30" Maple

TREE PLAN
5434 Williston
7/12/23



Planning Commission Resolution No. 2023-XX
Resolution approving a side yard setback variance for
an addition at 5434 Williston Road

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

Section 1. Background.

- 1.01 Sicora Inc. has requested a variance from the city code for an addition to the existing home. (Project #88106.23)
- 1.02 The property is located at 5434 Williston Road. It is legally described in Exhibit A.
Torrens Certificate No. 1376460
- 1.03 The existing home was constructed in 1904, prior to the adoption of the city's first zoning ordinance. It has a non-conforming side yard setback of 3.8 feet.
- 1.04 City Code §300.10, Subd. 5(c) requires the sum of the side yard setbacks to be no less than 30 feet, with a minimum setback of 10 feet. The applicant is proposing a setback of 3.6 feet.
- 1.05 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 §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 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 side yard setback is to provide adequate separation between structures. The proposed side yard setback of 3.6 feet would allow the construction of an addition that maintains the north building line of the existing home, while still being over 50 feet from the adjacent home to the north.
 2. Consistent with Comprehensive Plan: The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing neighborhoods. The requested variance would allow for investment into a single-family residential property.
 3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonableness: The proposed 3.6-foot setback would continue along the north building line of the existing home. The house has a non-conforming setback which, along with the home placed nonparallel to the north property line, requires the addition to encroach further into the side yard setback. Nevertheless, the addition would still be over 50 feet from the adjacent home to the north.
 - b) Unique Circumstance: The existing home was constructed in 1904, over 80 years prior to the city's zoning ordinance. Both structures are non-conforming, and the southern half of the property has significant downward sloping. The addition is proposed on a relatively flat area of the property. The area south of the home, where an addition could technically be built meeting required setbacks, is significantly downward sloping. These are not circumstances common to similarly-zoned properties. These are not circumstances common to similarly zoned properties.
 - c) Character of Locality: The proposed addition would not negatively impact neighborhood character. The existing home is set back from Williston Road and screened with existing vegetation. The addition will be likewise screened from the public right-of-way by the existing vegetation in the front yard.

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, excepted as modified by the conditions below:
 - Survey, dated May 31, 2023
 - Floor plans and elevations dated April 13, 2023
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) If the project will disturb more than 5,000 square feet of area or include more than 50 cubic yards of excavation, a final stormwater management plan is required for the entire site's impervious surface. The plan must demonstrate conformance with the following criteria:
 - Rate: limit peak runoff flow rates to that of existing conditions from the 2-, 10, and 100-year events at all points where stormwater leaves the site.
 - Volume: provide for onsite retention of 1.1-inch of runoff from the entire site's impervious surface.
 - Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.
 - c) Submit a tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. No mitigation is required based on the submitted plans.
 - d) Provide a natural resource compliance cash escrow in the amount of \$1,000.00.
 - e) Install a temporary rock driveway, erosion control, tree protection fencing, and any other measures as identified as the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
3. The existing driveway turnaround must remain, as is shown on the survey plan, near Williston Road.
4. This variance will end on Dec. 31, 2024, 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 Aug. 17, 2023.

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:

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 Aug. 17, 2023.

Fiona Golden, Deputy City Clerk

Exhibit ALEGAL DESCRIPTION:

The East 215.00 feet of the following described property:

That part of the South Half of the North Half of the Northwest Quarter of the Northeast Quarter of Section 33, Township 117, Range 22 described as beginning at the Northeast corner of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter; thence South to the Southeast corner of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter; thence West along the South line of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter a distance of 363 feet; thence North at a right angle 206.25 feet; thence West at a right angle to an Intersection with the extension South of the East line of Outlot 1, Countryside Woods; thence North along said extension and along said East line to the North line of said South Half of the North Half of the Northwest Quarter of the Northeast Quarter; thence East along said North line to the point of beginning; except the South 206.25 feet thereof, according to the Government Survey thereof,

HENNEPIN County, Minnesota.

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
Aug. 17, 2023

Brief Description	Site and building plan review for an accessory structure at 15407 McGinty Road West and an adjacent unaddressed parcel.
Recommendation	Adopt the resolution approving the request.

Background

The roughly 150-acre Cargill campus is located on McGinty Road West, just east of Crosby Road. The site's principal building was constructed in 1975.

In 1989, the city approved site and building plans, with a rear yard setback variance from 20 feet to seven feet, for a 2,200-square-foot accessory structure to be constructed south of the principal building. The structure would be used to store maintenance materials and equipment. The rest of the site would continue to be used as a staging area for property equipment.

Proposal

David Hromadko, on behalf of Cargill, is proposing to construct a 2,000 square foot accessory structure. The existing cabin structure and fireplace would be removed, and the new structure would utilize the existing gravel pad as the driveway. The accessory structure will be used to store additional maintenance equipment.

The proposal requires: (1) site and building plan approval; and (2) a setback variance from the easterly property line from 20 feet to 10 feet.

Staff Analysis

Staff finds the proposal reasonable as:

- The proposed structure would be located more than 1,300 feet from the nearest residential structure and would be screened by existing vegetation.
- The proposed storage structure would provide a reasonably sized building in proportion to existing structures on the property for the enclosure of maintenance equipment currently being stored outside.
- The building would meet all site and building plan review standards.

Staff Recommendation

Adopt the resolution approving site and building plans, with a setback variance, for an accessory structure at 15407 McGinty Road West and an adjacent, unaddressed parcel.

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

Supporting Information

Surrounding Land Uses

	North	South	East	West	Subject property
Use	McGinty Road and wetland	Minnehaha Creek	Mooney Park	Wetland and Minnehaha Creek	Office
Zoning	R-1				B-1
Guide Plan Designation	Low density				Office

Trees

Since 1950, the Cargill campus has been registered with the Tree Farm System. According to the "Minnesota Shade Tree Advocate," over 150,000 trees were planted on the campus between 1947 and 1955. (See attached article).

The inventory does not cover the entire Cargill site. As proposed, the plan would remove 185 trees. The inventory excludes trees that staff believes may be regulated under the ordinance. As a condition of approval, the tree inventory must be updated to include more detail. Staff is comfortable with this as a condition of approval, as given the number of trees on the site, the plan would not exceed the tree protection ordinance removal threshold.

Floodplain

Floodplain extends onto the property north of the proposed structure location. As proposed, the structure would meet the 20-foot horizontal and 2-foot vertical separation from the 938.0' elevation. Nonetheless, this has been added as a condition of approval.

Topography

The area is relatively flat and currently is improved with a concrete parking pad, a small structure and a fireplace. These structures would be removed in preparation for the new structure.

SBP Standards

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



Figure 1: Flood Risk Map

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: The proposal has been reviewed by city planning, engineering, natural resources, public works, fire and legal staff and found to be generally consistent with the city's development guides.

2. Consistency with this ordinance;

Finding: The proposal would meet the minimum standards of the zoning ordinance.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: The proposal would result in grading and tree removal. However, the proposed storage building is appropriately located in generally developed areas of the campus.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: The proposed structure would allow for the enclosing of equipment that is currently stored outside while utilizing existing driving and parking pads.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
- b) the amount and location of open space and landscaping;
- c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
- d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of

pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The proposed structure would be appropriately located in relation to existing structures on the campus, natural resources, and existing site circulation patterns. The proposed building materials are appropriate for the type of structure.

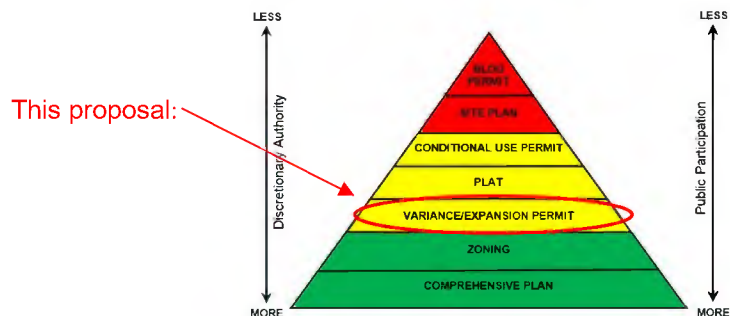
- Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The structure would be subject to the energy code.

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

Finding: The proposal would not negatively impact adjacent or neighborhood properties. The structure is more than 1,300 feet away from the nearest residential structure.

Pyramid of Discretion



Motion Options

The planning commission has three options:

- Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the final site and building plans.
- Disagree with staff's recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the final site and building plans. This motion should include findings for denial.

- 3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

Appeals

Any person aggrieved by the planning commission's decision regarding the requested variances may appeal such 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 seven area property owners and received no comments.

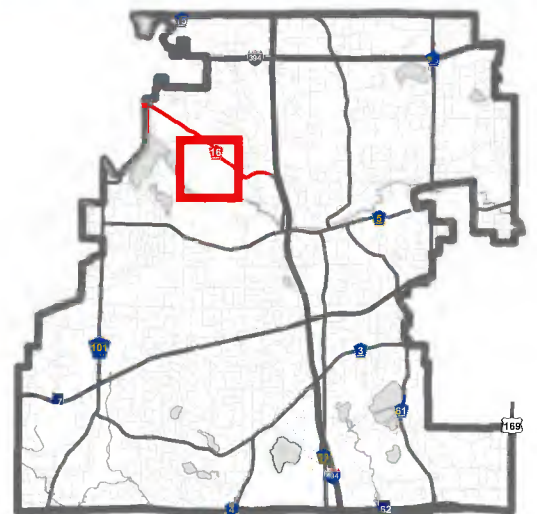
**Deadline for
Decision**

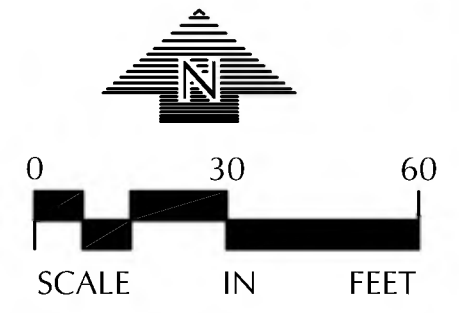
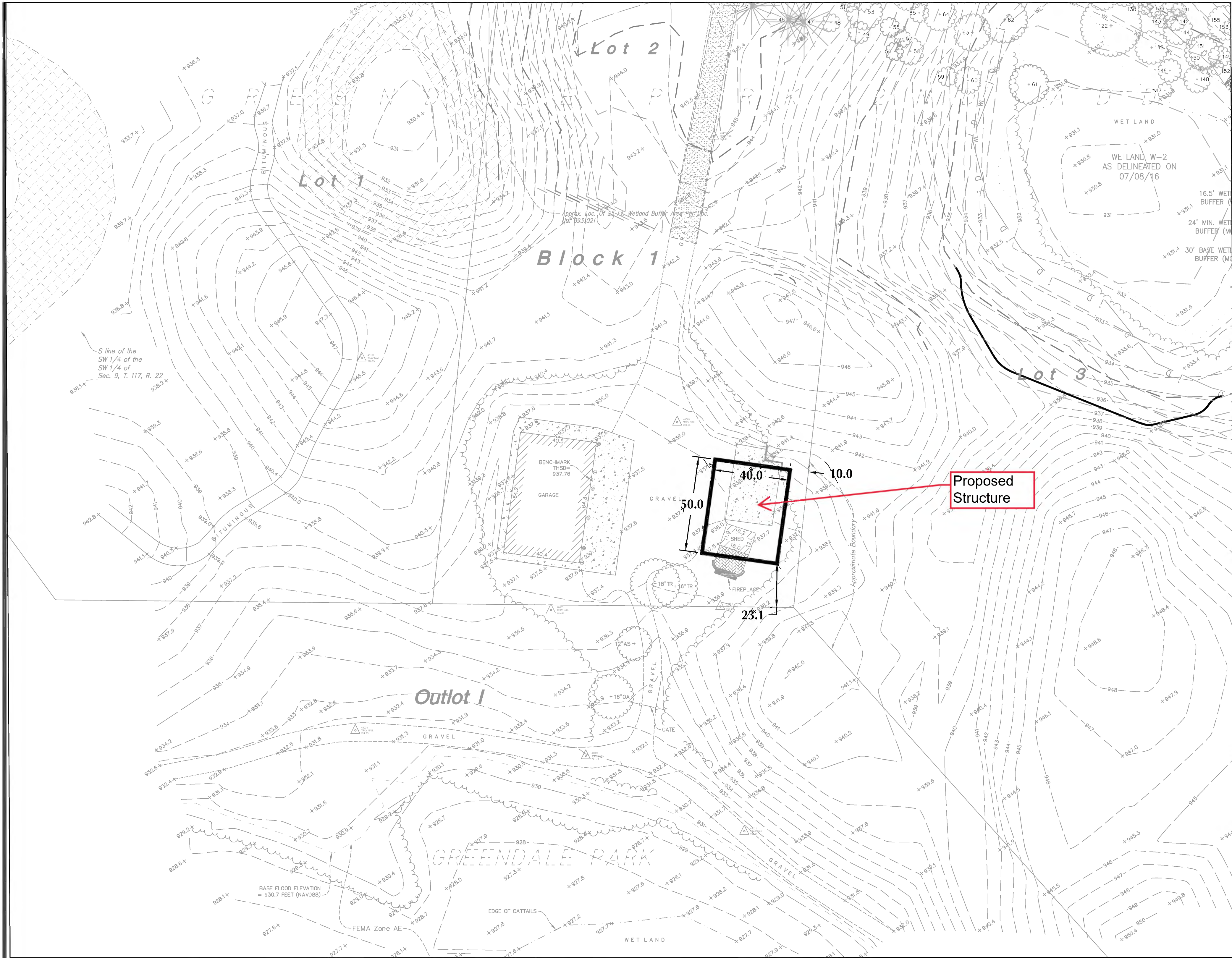
Nov. 15, 2023



Location Map

Project: Cargill Accessory Structure
Address: 15407 McGinty Road West





**CARGILL
POLE BARN**
WAYZATA, MINNESOTA

**CARGILL
INCORPORATED**
15407 MCGINTY ROAD
WAYZATA, MN 55391

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION
CADD files prepared by the Consultant for this project are instruments of the Consultant professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS
06/27/23 C TY SUBM TTAL

PROFESSIONAL SIGNATURE

**NOT FOR
CONSTRUCTION**

QUALITY CONTROL

C1-1 EXISTING CONDITIONS

**OPTION 1
EXISTING
CONDITIONS
C1-1**

Plotted: 07/18/2023 1:4 PM W:\2009\09010\CADD DATA\CIVIL.dwg Working Files\Pole Barn- Existing Conditions & Site Plan



CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

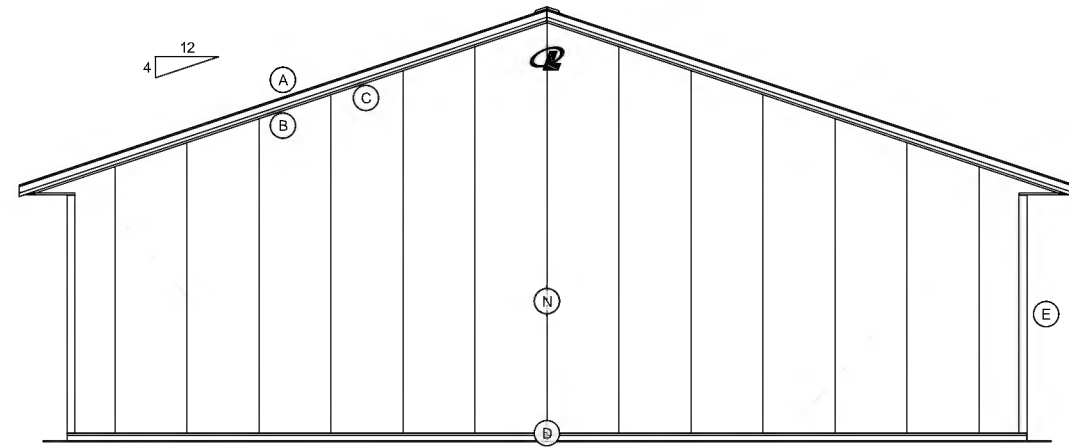
THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



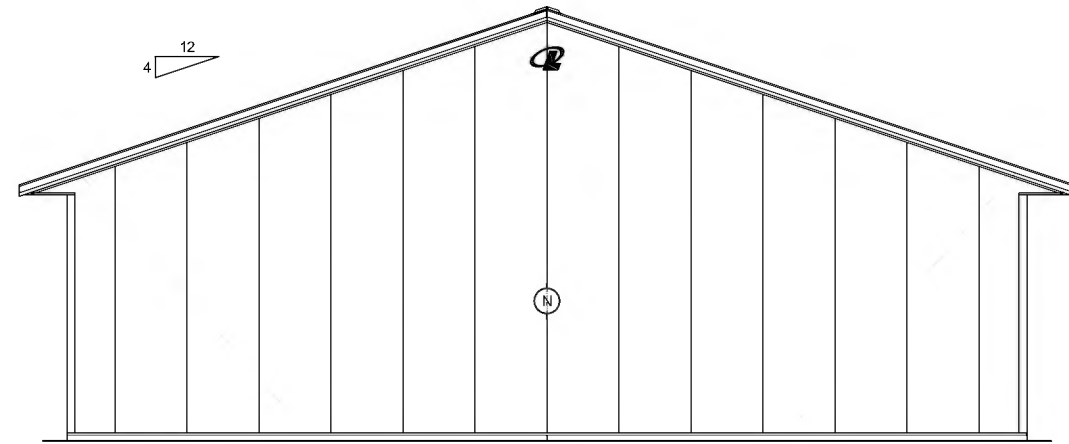
Structures to be removed

Location of
accessory
structure

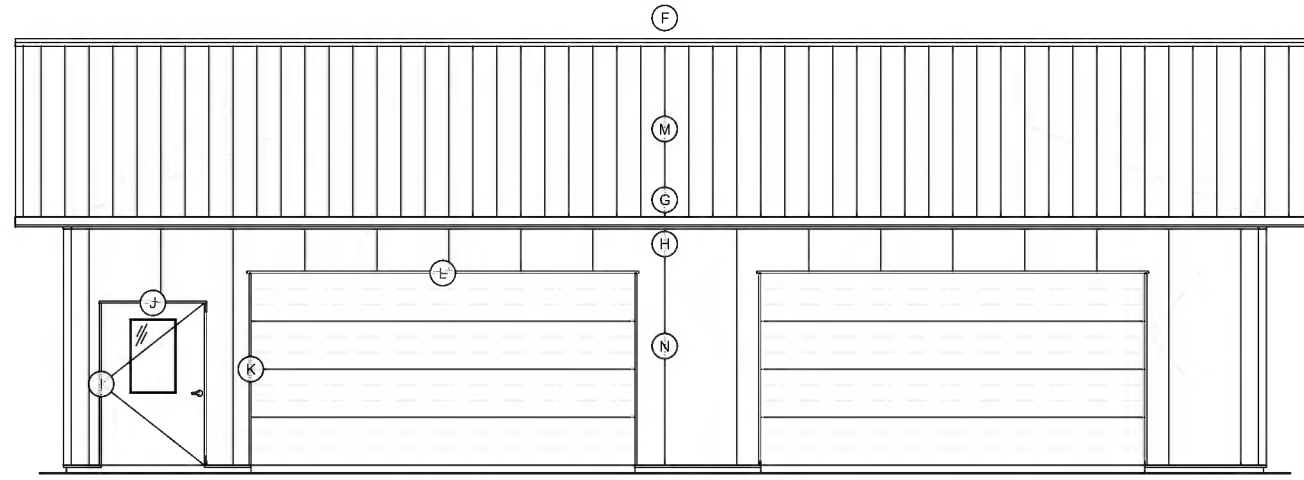




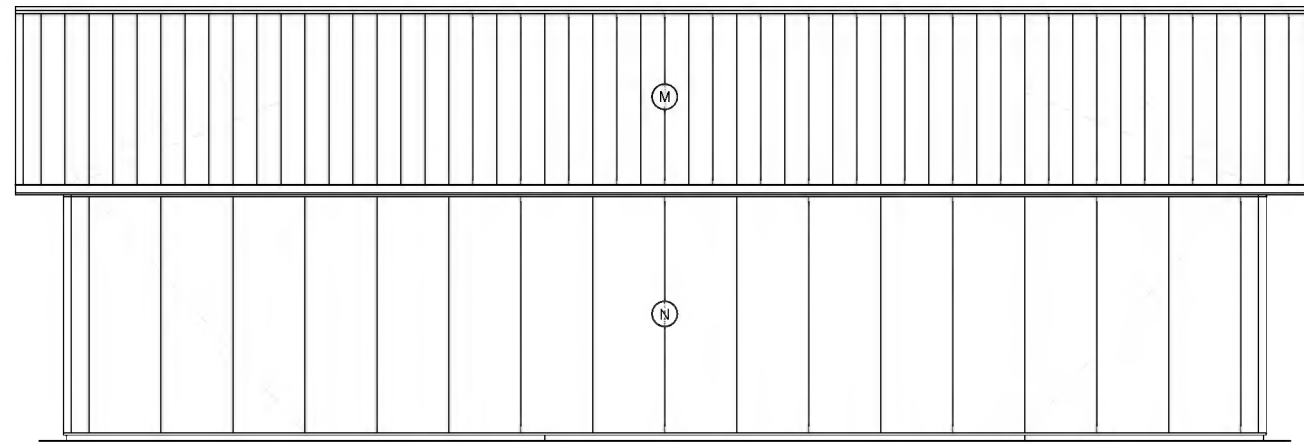
A2 ENDWALL 1 ELEVATION
1/8" = 1'-0"



C2 ENDWALL 2 ELEVATION
1/8" = 1'-0"



B2 SIDEWALL 1 ELEVATION
1/8" = 1'-0"



D2 SIDEWALL 2 ELEVATION
1/8" = 1'-0"

FINISH SCHEDULE ○

ID	LOCATION	DESCRIPTION	DETAILS
	FINISH	ELEVATIONS ARE NOT FOR PANEL LAYOUT	
	FINISH	SEE PANELGEN REPORTING FOR ACTUAL LAYOUT	
A	RAKE TRIM	#820 RAKE AND CORNER	JF330
B	RAKE TRIM	#672 FASCIA WITH STIFFENER	JF153
C	SOFFIT	#142 FJS 3/8THR SOFFIT	MF724
D	BASE TRIM	#190 BOTTOM CLOSURE	MF113
E	CORNER TRIM	#820 RAKE AND CORNER	MF511
F	RIDGE TRIM	#152 VENTED RIDGELITE	OA047
G	EAVE TRIM	#170 STANDARD EAVE	JF154
H	EAVE TRIM	#672 FASCIA WITH STIFFENER	JF153
I	WALK DR TRIM	#890 SIDE JAMB C TRIM	KC471
J	WALK DR TRIM	#260 J TRIM	KC471
K	OVHD DR TRIM	#890 SIDE JAMB C TRIM	LK424
L	OVHD DR TRIM	#260 J TRIM	LK424
M	R1, R2	FINISH: UNI-RIB 28GA - A250 SMP	JF044
N	E1, E2, S1, S2	FINISH: UNI-RIB 28GA - A250 SMP	MF044

OPENING SCHEDULE □

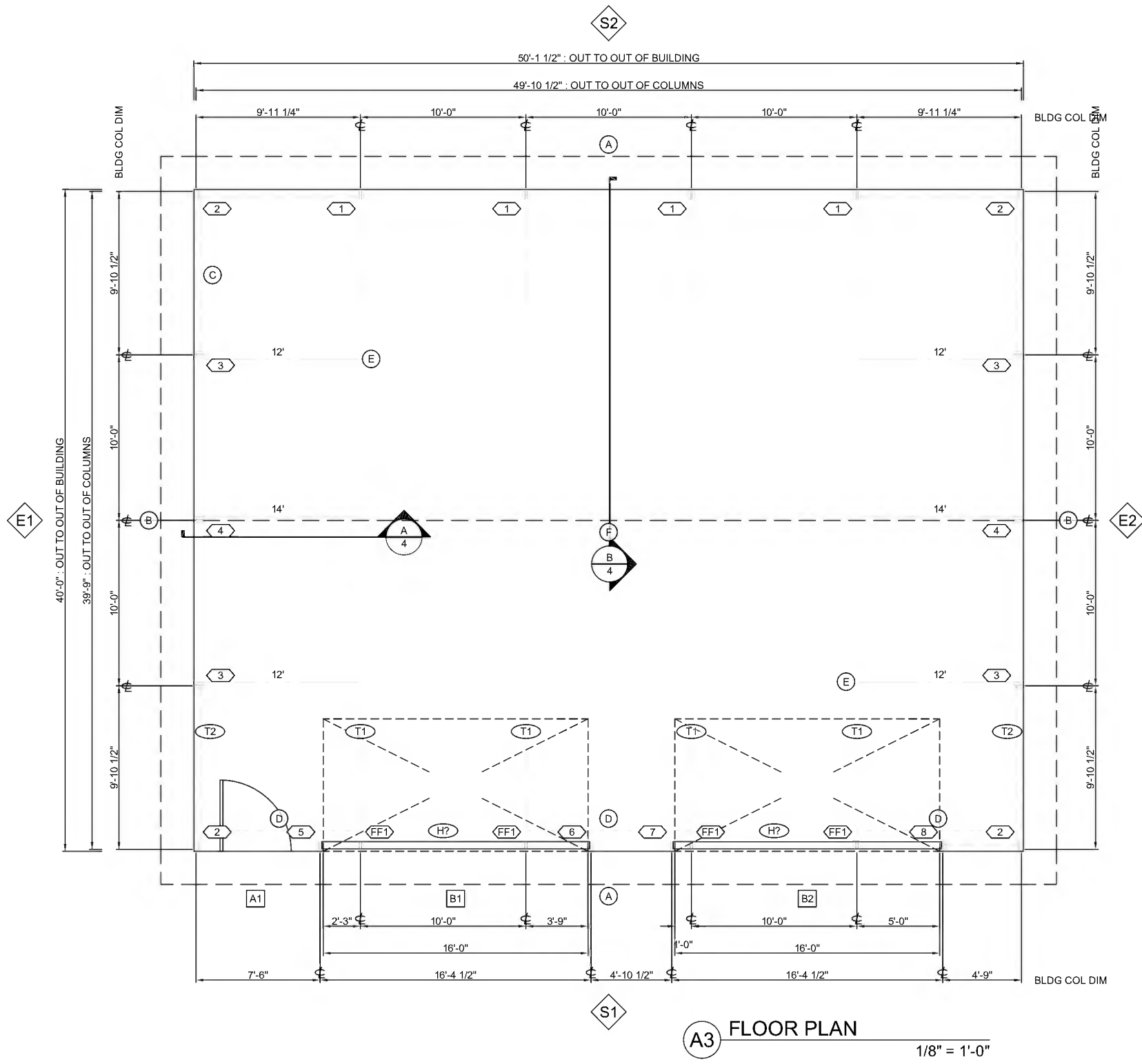
ID	MODEL	NOMINAL
A1	WLK DOOR 5100 22X36 LITE	48x80
B1	8' HIGH OVERHEAD DOOR OPENING	192x96
B2	8' HIGH OVERHEAD DOOR OPENING	192x96

BUILDING COLORS

ROOF METAL	SANDSTONE	SLDG DR PANEL	--
SIDEWALL	EARTH BROWN	SLDG DR VERTS	--
ENDWALL	EARTH BROWN	SLDG DR JAMB TR	--
GABLES	--	SLDG DR TRACK	--
BASE	EARTH BROWN	OVHD DR PANEL	--
CORNER	EARTH BROWN	OVHD DR TRIM	EARTH BROWN
EAVE/FASCIA	EARTH BROWN	WALK DR	AJ BROWN
GABLE/RAKE	EARTH BROWN	WALK DR TRIM	EARTH BROWN
SOFFIT	EARTH BROWN	WINDOW	--
WAINSCOT	--	WINDOW TRIM	--
ACCENT PANEL	--	SHUTTERS	--
GABLE LOUVER	--	SIG DR FIELD	--
INSUL WL BATTEN	--	SIG DR TRIM	--
RIDGE CAP	CLEAR	SIG DR JAMB TR	--
RIDGE VENT	--	SIG DR WINDOW	--
CUPOLA ROOF	--	SIG DR TRACK	--
CUPOLA BODY	--	LARGE DOOR	--
CUPOLA BASE	--	LARGE DOOR TRIM	--
GUTTER	--	DUTCH DR FRAME	--
DOWNSPOUT	--	DUTCH DR INSERT	--
PORCH ROOF	--	SHINGLES	--
PORCH COL CVR	--	MANSARD ROOF	--
PORCH CRWN/VBLK	--	MANSARD EAVE	--
PORCH SOFT/CLG	--	MANSARD SOFFIT	--
CLEAR OPNG TR	--	MODERRA	--
CURTAIN OPNG TR	--	BOX STALL GRILLS	--

THIS CERTIFICATION IS LIMITED TO THE STRUCTURAL DESIGN OF THE FRAMING AND COVERING PARTS MANUFACTURED BY LESTER BUILDING SYSTEMS, LLC. ALL OTHER ITEMS SUCH AS EQUIPMENT, VENTILATION, PLUMBING, ELECTRICAL, ERECTION, DOORS, FIRE RESISTIVE REQUIREMENTS, INSPECTION, CONCRETE FLOORS, ETC. IS THE RESPONSIBILITY OF OTHERS.

LESTER BUILDING SYSTEMS, LLC. TOLL-FREE: 800-826-4439 See Titleblock DRWN BY for Extension	DATE: 5/26/2023 JOB-NUMBER: 626746 SHEET: 02 OF 17
	JOB DESCRIPTION: 40' x 50' x 10' Uni-1 facility CUSTOMER: Corgill, Inc. 15407 McCinty Road West Wayzata, MN 55391 DEALER: Ron Foust PO Box 417 Lester Prairie, MN 55354



FLOOR PLAN SCHEDULE

ID	DESCRIPTION	DETAILS
	64'-1 9/16" DIAGONAL OUT-OUT OF FRAMING	
	TRUSS SPACING FROM ENDWALL 1:	
	1@120.75 3@120.1 @120.75	
A	24" OVERHANG S1, S2	
B	24" OVERHANG E1, E2	
C	2x4 WALL DIAG BRACE	HA526
D	2x8 M-23/2400 MSR 1.8E SW WIND HEADER	HD660
E	2x6 DIAGONAL GABLE BRACE	HB100
F	#152 VENTED RIDGELITE	OA047

ROOF FRAMING SCHEDULE

ID	PART	DESCRIPTION	DETAILS
T1	C001	1-PLY 40'-0" TRUSS 2x12 TC / 2x10 BC	HD633
T2	C002	1-PLY 40'-0" DROP GABLE TRUSS 2x? TC / 2x? BC	FF300
H?		3-PLY 1-3/4x14 LVL 194-04 HEADER	FO384
		BEARING: 97-08 - BEAM POCKET: 5.38 x 11.75	
H?		3-PLY 1-3/4x14 LVL 194-04 HEADER	FO384
		BEARING: 97-08 - BEAM POCKET: 5.38 x 11.75	

COLUMN SCHEDULE

ID	PART	SHAPE	LENGTH	BASE	SIZE	TYPE	YDS/BGS	DET	ANCHOR	
									TYPE	BRS/BLTS
1	691166	FS666	16-00-00	-52	9x30	POURED	0.1364	EF203	BLOCK	EF211
2	692156	FE666	16-00-00	-52	8x18	POURED	0.0436	EF203	BLOCK	EF211
3	692220	FE666	20-00-00	-52	8x18	POURED	0.0436	EF203	BLOCK	EF211
4	692224	FE666	24-00-00	-52	8x18	POURED	0.0436	EF203	BLOCK	EF211
5	C003	FS666J6	16-00-00	-52	9x30	POURED	0.1364	EF203	BLOCK	EF211
6	C004	J6FS66	16-00-00	-52	8x30	POURED	0.1212	EF203	BLOCK	EF211
7	C005	FS666J6	18-00-00	-55	10x38	POURED	0.2182	EF203	BLOCK	EF211
8	C006	J6FS66	18-00-00	-55	8x30	POURED	0.1212	EF203	BLOCK	EF211
FF1	FLDFAB	FS666	1-10-09	111.5	-	HEADER	-	-	(2)HLD DWN	FO354

OPENING SCHEDULE

ID	MODEL	COLOR	NOMINAL	ROUGH	FRAME DET	FINISH DET
A1	WLK DOOR 5100 22X36 LITE	E BRN	48x80	51.625x81.125	?	102035
B1	8' HIGH OVERHEAD DOOR OPENING		192x96		?	101675
B2	8' HIGH OVERHEAD DOOR OPENING		192x96		?	101675

ITEMS NOT FURNISHED BY LESTER BUILDINGS

QTY	UM	PART DESCRIPTION
2	EA	16'W X 8'H - CS-24 NON INSULATED
N/A	EA	
N/A	EA	
N/A	EA	
N/A	EA	
N/A	EA	
N/A	EA	
N/A	EA	
N/A	EA	
N/A	EA	

THIS CERTIFICATION IS LIMITED TO THE STRUCTURAL DESIGN OF THE FRAMING AND COVERING PARTS MANUFACTURED BY LESTER BUILDING SYSTEMS. ALL OTHER ITEMS SUCH AS EQUIPMENT, VENTILATION, PLUMBING, ELECTRICAL, ERECTION, DOORS, FIRE RESISTIVE REQUIREMENTS, INSPECTION, CONCRETE FLOORS, ETC. IS THE RESPONSIBILITY OF OTHERS.

DATE: 5/26/2023
DRWN BY: Chris Sotelo
JOB NUMBER: 626746
SHEET: 03
OF: 17

JOB DESCRIPTION: 40' x 50' x 10' Uni-1 facility

CUSTOMER: Corqili, Inc.
 15407 McCinty Road West
 Wayzata, MN 55391

DEALER: Ron Foust
 PO Box 417
 Lester Prairie, MN 55354

LESTER BUILDING SYSTEMS, LLC
 TOLL-FREE: 800-826-4439
 See Titleblock DRWN BY for Extension

MINNESOTA

Shade Tree Advocate

Speaking Out For  Community Forests

VOL. 8, NO. 2

Spring



2006

COMMUNITY FOREST PROFILE

Cargill's Corporate Campus

By Scott Adams

When Cargill purchased a personal residence on McGinty Road in Minnetonka, Minnesota in 1944, the area was forever changed. This residence would eventually become a corporate campus with approximately 1500 employees coming and going each day.

Cargill's campus is special in many ways. For example, consider what you see while driving through the suburbs. You might see the same types of houses, all in a row, with maybe a neighborhood park here and there. Well, not on McGinty Road. What appears to be just another typical neighborhood unexpectedly becomes a tree farm where all you see are wetlands, trees, trees, and more trees.

The campus site covers approximately 240 acres. The wooded portions encompass close to 150 acres. The property has been registered with the Tree Farm System since the inception of the program in Minnesota in 1950. In fact, it is the southern most tree farm with conifers in Minnesota. Over 150,000 Red and White Pine, White Spruce and Northern White Cedar were planted between 1947 and 1955. Approximately 70 acres are conifers with the remaining 80 acres being various hardwoods.

Managing a forest as a Tree Farm is both challenging and rewarding. The Cargill farm has been maintained by both nature and nurture since the original planting was done. Cargill uses a forestry management plan developed by the Minnesota Department of Natural Resources. The Grounds Team, as part of the Facility Services group, administers the plan to keep this wonderful resource healthy and viable.

Cargill's Corporate Campus continued on p. 3



Cargill

Inside THIS ISSUE

- 2 Perspectives Column
- 5 Urban Forest Health: Preparing for EAB
- 8 Dispel-A-Myth: Tree Failure is Unpredictable
- 10 Clip & Save: A Day in the Life of a Tree
- 13 Reforesting the Fairgrounds
- 15 STAC Info and Calendar
- 16 METRIA

Visit MnSTAC on the Web at www.mnstac.org

The Minnesota Shade Tree Advisory Committee's mission is to advance Minnesota's commitment to the health, care and future of all community forests.

Cargill's Corporate Campus from p. 1

Over the years, the trees have weathered Pine Bark Beetles, Dutch Elm Disease, and Blister Rust. The Grounds Team is proud of the fact that, with proper management and control efforts, damage was always minimal. However, in the late 1970's, the campus did lose 145 cords of Elm to Dutch Elm Disease.

Common Buckthorn has been the hardest hurdle for the team. This plant, brought over from Europe years ago as a landscape hedge, invaded native forests relentlessly. It grows anywhere, under any conditions, and completely overtakes everything around it. Since the late 1990's, Cargill has made a large investment in the removal of this invasive and destructive plant. Cargill took the necessary steps to save its wetlands and forests from the Buckthorn and, in the process, developed a model for others to use.

Using loaders with large brush cutters, tractors with brush cutters, and weed whips with metal blades to fight the battle, the Grounds Team has removed 25' Buckthorn trees measuring up to 10" in diameter. Main seed producers are removed by chainsaw and placed in a wood chipper. When an area is cleared of Buckthorn, it is then sprayed with Garlon 4 to kill any remaining plants and host roots. This chemical has proven to be a powerful weapon that kills the Buckthorn in one application.

Yet, to illustrate how insidious this plant can be, there are still many berries in the area and spraying continues on a regular basis. This work will likely go on for many years and may not ever end for this campus, however Cargill and the Grounds Team are committed to success. On a more positive note, as soon as the Team establishes good control of the Buckthorn in a given area, they replant native trees for the future.

The Grounds Team is also responsible for the other approximately 90 acres of buildings, wetlands, grass areas, paved surfaces, and plantings. Cargill maintains around 35 acres of manicured lawns and garden areas. The Team employs two full time Grounds maintenance staff and several seasonal workers. Cargill values the outdoor features of this property as much as the indoor office space. It is an important resource for employees and visitors.

A recently completed two-mile fitness walking path meanders through the trees and



Cargill

gardens. Employees enjoy the natural beauty of the forests and plants while improving their health and fitness. During path construction, the project team worked closely with local officials, the Grounds Crew and a local contractor to minimize construction impact to the forest, wetlands, and habitat areas.

Cargill continues to collaborate with the DNR and a local tree company to scrutinize the health and vigor of the trees. Currently, Cargill and its tree contractor have been working on a tree survey. Many of the trees have been identified and mapped. Maintenance such as pruning, fertilizing, and other care is tracked through the survey process. During the last few years, Dutch Elm Disease re-emerged and several majestic and beautiful trees were lost. As a result, the Grounds Crew learned that being proactive and vigilant is more important than ever. They have invested thousands of dollars in Dutch Elm treatment. In addition, quick response helped save many other at-risk elms.

Many corporations, large and small, give back to their communities in a variety of ways. Cargill embraces this idea by supporting community-based organizations such as the McKnight Foundation and the United Way. The corporate campus is another way that Cargill supports the community. Finding 240 undeveloped acres, in the middle of a busy suburban area, is a rare

Cargill's Corporate Campus continued on p. 4

Cargill's Corporate Campus from p. 3

thing. Another company may have built up the land up or sold it for development. The forest, wetlands, and habitats are wonderful natural resources that have been well maintained in the past and to which Cargill is committed to preserving for the present and the future. 🌿



Cargill

Scott Adams is a Grounds Supervisor with Cargill.

Office With A View from p. 2

If someone is interested in becoming a climbing arborist, there are several places to get information and training. Tree climbing can be very dangerous for someone who has not learned proper techniques and safe work practices, which is why it is very important to get your information and training from a qualified instructor or climber. If you were to ask, most climbers will tell you a great place to learn is from other climbers at the local ISA chapter conferences and trade shows. For myself, The Wisconsin Arborist Association was a great place to see climbing demonstrations and chat with other climbers. Mid-State technical college in Wisconsin Rapids, Wisconsin offers a two year program to become an Urban Forestry Technician. Graduates of the program are trained in planting, pruning, maintaining and removing urban trees. An aerial component is included in the curriculum for students who are physically and mentally capable of ascending a tree. Elective courses include a series of aerial tree pruning and rigging courses. These classes feature rope and saddle techniques along with bucket truck operation to prune trees of all sizes.

Tree climbing is not only just for the professionals anymore; recreational tree climbing groups are gaining in popularity. A sense of

adventure and a love of the outdoors are the biggest attractors for most recreational tree climbers. I've been a part of several recreational tree climbs ranging from sleeping overnight in a 200-foot Douglas fir to showing my nephews and nieces how to climb grandpa's 20-foot sugar maple with a rope and saddle. With advancements in climbing equipment and techniques, tree climbing is becoming easier and easier for the professionals as well as the weekend enthusiast.

Climbing trees on a daily basis can be very demanding both physically and mentally but the rewards are worth it. When I get paid for a job that some people do for fun and adventure on the weekends, I'm reminded that I've found something very unique. 🌿

Mike Stanonik is a Certified Arborist for the City of Appleton, Wisconsin, and an adjunct instructor for Mid-State Technical College. He was the 2003 Tree Climbing Champion for the Wisconsin Arborist Association. He can be reached at happytrees@earthlink.net

Resolution No. 2023-

**Resolution approving a final site and building plans, with a setback variance,
for an accessory structure at 15407 McGinty Road West
and an adjacent unaddressed parcel**

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

Section 1. Background.

1.01 David Hromadko, on behalf of Cargill, is proposing to construct a 2,000 square foot accessory structure.

1.02 The structure would be constructed on the unaddressed parcel associated with the property located at 15407 McGinty Road W. It is legally described as follows:

PARCEL B

That part of Lot 1, Block 1, Greendale Park, Hennepin County, Minnesota, lying Southerly of a line drawn 1191.26 feet northerly of, measured at a right angle to and parallel with the most southerly line of said Lot 1 and its extensions, and which lies easterly of a line drawn 727.45 feet Easterly of, measured at a right angle to and parallel with the most westerly line of said Lot 1 and its extensions.

PARCEL C

Lots 1, 2, and 3, Block 1, GREENDALE PARK 2ND ADDITION, Hennepin County, Minnesota

AND

Outlot 1, GREENDALE PARK, Hennepin County, Minnesota

Torrens Certificate No. 1500146 and 1500142

1.03 On Aug. 17, 2023, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. General Standards.

2.01 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the

city will consider its compliance with the following:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with the ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b) the amount and location of open space and landscaping;
 - c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

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 means: (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 site and building plan standards outlined in the City Code §300.27, Subd. 5.

1. The proposal has been reviewed by city planning, engineering, natural resources, public works, fire and legal staff and found to be generally consistent with the city's development guides.
2. But for the setback variance, the proposal would meet the minimum standards of the zoning ordinance.
3. The proposal would result in grading and tree removal. However, the proposed storage building is appropriately located in generally developed areas of the campus.
4. The proposed structure would allow for the enclosing of equipment that is currently stored outside while utilizing existing driving and parking pads.
5. The proposed structure would be appropriately located in relation to existing structures on the campus, natural resources, and existing site circulation patterns. The proposed building materials are appropriate for the type of structure.
6. The structure would be subject to the energy code.
7. The proposal would not negatively impact adjacent or neighborhood properties. The structure is more than 1,300 feet away from the nearest residential 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 ordinance as it relates to setbacks is to encourage the planned and orderly development of land, and to prevent overcrowding of land and structures. The structure would be located on a property with another structure utilized by Cargill for equipment storage. Otherwise, the nearest structure is 1,300 feet away.
2. CONSISTENT WITH COMPREHENSIVE PLAN: One of the recognized policies of the comprehensive guide plan is to "support existing

commercial areas and encourage new development techniques that contribute to the vitality and diversity of an area.” The requested setback would allow for the storage of equipment needed to maintain the Cargill property.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonableness: The requested variance would allow for the structure to be constructed in a location that is currently occupied by parking pavement or a small existing structure while maintaining appropriate turning radii for equipment.
 - b) Unique Circumstance and Character of Locality: The nearest residential property is 1,300 feet away from the proposed structure. The proposed structure would be screened from all adjacent properties by existing vegetation.

Section 4. Planning Commission Action.

4.01 The planning commission approves the final site plans for a parking lot expansion. Approval is 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 dated June 27, 2023
 - Building plans dated May 26, 2023
2. Prior to the issuance of a permit
 - a) This resolution must be recorded at Hennepin County.
 - b) Submit the following for review:
 - 1) 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.
 - 2) 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 following:

- 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.
- 3) 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
- c) Install erosion control, tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
3. The structure must be setback a minimum of 20 feet horizontally from the 938.0 feet.
4. The minimum low floor elevation is 940.0 feet.
5. Permits may be required from other outside agencies, including Hennepin County, the Nine-Mile Creek Watershed District, and the MPCA. It is the applicant's or property owner's responsibility to obtain any necessary permits.
6. Construction must begin by Aug. 17, 2024, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Aug. 17, 2023.

Josh Sewall, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this Resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Aug. 17, 2023.

Fiona Golden, Deputy City Clerk