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## Planning Commission Agenda

March 2, 2017—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: February 16, 2017
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
  - A. Front and side yard setback variances for additions to the existing home at 3250 Fairchild Avenue.  
  
Recommendation: Adopt the resolution approving the variances (5 votes)
    - Final Decision Subject to Appeal
    - Project Planner: Susan Thomas
8. Public Hearings: Non-Consent Agenda Items
  - A. Expansion permit to construct a new single-family home at 3808 Tonkawood Road.  
  
Recommendation: Adopt the resolution approving the variances (5 votes)
    - Final Decision Subject to Appeal
    - Project Planner: Drew Ingvalson

**Planning Commission Agenda**

**March 2, 2017**

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- B. Site and building plan review, with an expansion permit, for Pump and Meter at 11303 Excelsior Boulevard.

Recommendation: Adopt the resolution approving the requests (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Ashley Cauley

- C. Preliminary and final plats of LINNER ROAD ESTATES at 1911 and 1935 Linner Road.

Recommendation: Recommend the council approve the request (4 votes)

- Recommendation to City Council (Tentative Date: March 27, 2017)
- Project Planner: Susan Thomas

**9. Elections**

- Election of Planning Commission Chair
- Election of Planning Commission Vice Chair

**10. Planning Commission Bylaws and Policies**

**11. Adjournment**

**Notices**

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the March 23, 2017 Planning Commission meeting:

Project Description: The applicant is proposing to subdivide the properties at 3639 Shady Oak Road and 3627 Regal Oak into four lots. The home at 3639 Shady Oak Road would be removed, the home at 3627 Regal Oak would remain, and three new homes would be constructed. The applicant's proposal requires approval of preliminary and final plats.

Project No.: 16007.16b

Ward/Council Member: 1—Bob Ellingson

Staff: Susan Thomas

Section: 14

## **WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING**

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The Commission will then discuss the proposal. No further public comments are allowed.
10. The Commission will then make its recommendation or decision.
11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**February 16, 2017**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Knight, O'Connell, Powers, Sewell, Calvert, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, and Planner Drew Ingvalson.

**3. Approval of Agenda:** The agenda was approved as submitted with the additional comments provided in the change memo dated February 16, 2017.

**4. Approval of Minutes:** February 2, 2017

***Calvert moved, second by Powers, to approve the February 2, 2017 meeting minutes as submitted.***

***Knight, O'Connell, Powers, Calvert, and Kirk voted yes. Sewell abstained. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of February 6, 2017:

- Adopted a resolution approving the Wilson Ridge 6<sup>th</sup> Addition subdivision.
- Reviewed a concept plan for a 110-unit senior project for Mesaba Capital on Old Excelsior Road.

Gordon welcomed Josh Sewell to the planning commission.

**6. Report from Planning Commission Members**

Calvert stated that she attended the State of the City address and learned about the evolution of the city and the nature of change.

7. **Public Hearings: Consent Agenda:** None

8. **Public Hearings**

A. **Conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height and a variance to add a second curb cut at 4124 Avondale Street.**

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

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

Chad Vugteveen, 4142 Avondale Street, applicant, stated that staff did a thorough job. He was available for questions. He explained that in order to extend the driveway to the proposed accessory structure, four trees would have to be removed and the contours of the site would not work well. The proposal would require removal of no more than two trees.

Powers supported saving two additional trees. Calvert agreed, even though the proposal would create a lot of impervious surface.

O'Connell thought staff did a good job. He supports staff's recommendation.

Chair Kirk thought the additional curb cut would work because of the width of the lot. He would hate to see other lots adding a second curb cut. The lot is large enough for the accessory structure.

Calvert noted that the site already uses an unofficial second curb cut.

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

***O'Connell moved, second by Powers, to recommend that the city council adopt the attached resolution. This resolution approves a conditional use permit for 1,841 square feet of accessory structures that exceed 12 feet in height and a variance to add a second curb cut at 4142 Avondale Street.***

***Knight, O'Connell, Powers, Sewell, Calvert, and Kirk voted yes. Motion carried.***

Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council March 6, 2017.

**9. Other Business**

**A. Concept plan review for Newport Midwest at 10400, 10500, and 10550 Bren Road East.**

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

Gordon reported. He recommended that the planning commissioners provide comments and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Powers asked for the ratio of parking stalls to units. Gordon referred the question to the applicant.

O'Connell asked if there is a design overlay for the site. Gordon explained that there is a trip generation overlay for Opus. Wischnack noted that the SWLRT placed an overlay on the site. Chair Kirk thought that an overall design plan would be beneficial.

In response to Chair Kirk's question, Wischnack explained that both sections of the SWLRT would go over Bren Road West on the south side. There would be a lot of bridge replacements with the SWLRT project. The lite rail would travel underground at Feltl Road and Smetana Road.

Becky Landon, with Newport Midwest, and Pete Keeley, of Collage Architects, introduced themselves. Ms. Landon stated that she is looking for input before creating the plan for the aesthetic look of the building. She hopes to set a standard. The proposal would include 240 units of which 55 units would be affordable at 50 percent and 60 percent median-income levels. The market-rate units would be just below luxury level. The applicant is looking at two buildings which would be broken up.

Mr. Keeley said that the proposal hopes to have a lot of outdoor spaces and ways for the residents to engage with the trails and pedestrian paths. There would be a front, direct access to each unit with porches that would be set a few feet up from the grade to offset the lights from vehicles on Bren Road and the train. He explained the trail and sidewalk locations. There would be a commons

area with fitness room, party room, and office spaces available to be rented. The access would be from the one-way road system. There would be a private road to the underground parking access. The inside road would be a loop. The proposal went to great lengths to not have surface parking without a cover, but to build the building over the top of the surface parking area. There would be visibility throughout the site. Vehicles would be able to circulate under, behind the building, and back out. This would be family housing. The affordable housing would be utilized mostly for two and three-bedroom units. There would be a defined play area and family lounge. There would be a drop off access adjacent to Bren Road. He asked for comments on whether a second access would work at that location to provide a drop off. The look of the building would be a modern, contemporary building with front porches, balconies, and some animation along the train side. It would be more subdued the further it got from the SWLRT. The base being considered would be brick and stone with a fair amount of siding and metal paneling. There would be a roof deck overlooking a courtyard. The building would be broken up in different areas with two, three, and five stories. There would be bike and dog spas.

Mr. Keely stated that a one-bedroom unit would have one parking stall and two and three-bedroom units would have two parking stalls which is how the ratio ended up at 1.35 stalls per unit.

Knight asked how close a U-Haul truck could get to access the building. Mr. Keely explained that there would be an 8.5-foot area underground for a vehicle to reach the elevator. Otherwise, there would be 70 feet to the door. Stalls near the elevator would be able to be reserved for a period of time. There would be trash and recycling chutes.

Powers asked if noise reduction measures would be taken. Mr. Keely answered affirmatively. A laminated piece of glass would be added to increase the STC of the window frame. The new construction codes and energy codes would provide a 2' x 8' wall and a lot more insulation. The trains are actually pretty quiet. The bells and station noises would be louder than the lite rail train. Vibration has not been an issue on any of the lines.

Landon noted that the units that face the lite rail are the first to be rented. That has held true for family and senior housing.

Commissioners discussed the proposed parking with Mr. Keely. Mr. Keely stated that the trends are showing that vehicle ownership is dropping dramatically. He noted that there would be the availability to sign leases for off-hour use of surrounding businesses' parking lots.

Powers asked about safety for pedestrians. Mr. Keely stated that having many eyes on the site by residents having porches and front stoops along with lighting and safe walkways would be beneficial. Wischnack noted that lighting of the Opus trails is part of the city's capital improvement plan.

In response to Chair Kirk's question, Wischnack stated that there would be a fence. The type of fence is being reviewed. Pedestrians would only be able to cross the track at the station.

Gordon confirmed with commissioners that they seemed comfortable with a change in land use from office to residential.

Chair Kirk invited anyone present to comment. There was no response.

Calvert thought that the site is ready for redevelopment. She liked the proposed high-density use. Access to the building that would provide affordable housing has some issues that may need to be resolved. She was glad there would be one, two, and three-bedroom units provided. The proposal would be a visual improvement and be an asset so close to the station.

Knight likes the look of the buildings. Gordon provided that the original plans for Opus included 700 residential units. In the 2030 comprehensive plan, the goal is to add at least 500 units. Major roadwork would be included as part of the lite rail project.

Knight liked the play area for little kids. He asked if there was a designated area for older kids. Gordon noted that the trail area would connect the whole area. Shady Oak Beach, Lone Lake, or Hopkins would provide the closest teen areas. The six miles in Opus would be perfect for bikers and scooter users.

Powers thought adding a large number of affordable units and pricing the market rate units just below luxury rates would be smart.

Chair Kirk thought that an awful lot would be going on. He thought scaling it back might provide more of a comfort zone with the parking and access points. He was initially concerned with the affordable units providing a buffer to the lite rail for the market-rate units. He liked the common spaces. He supported looking at connecting the site with the walkability of the surrounding area. He favored more visitor parking near the building that would provide affordable housing. He was not as concerned with the access point to the site. He thought that it would be good to have a controlled area and traffic queuing within its own space.

Calvert thought that it would be important that the project appear homogenous and not have the affordable housing building appear different than the other building.

Sewell thought that the project looks great. He favored managing the height. As the starting point for development in the area, it looks great and has a lot of great features.

This concept plan is tentatively scheduled to be reviewed by the city council at its meeting on March 6, 2017.

**B. Concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road.**

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

Gordon and Wischnack reported. They recommended that the planning commissioners provide comments and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Wischnack explained that "low income" housing refers to a resident with an annual income of less than 30 percent of the area median income. Median income is \$85,000 for this area. "Affordable housing" covers a range of up to 80 percent of the area median income. The proposed rent would be between \$800 and \$1,200 a unit which would be considered 60 percent of area median income. Wischnack refers to it as "workforce housing" and the worker typically earns between \$40,000 and \$50,000 a year. Tax credits would be used to offset the affordability of the project. The proposal would not be "Section 8 housing," but Section 8 vouchers may be used to subsidize the rent.

Knight noted that the site has a fair amount of pollution. He asked if the adjacent site on the south side would be part of the proposal. Wischnack answered in the negative.

Chair Kirk asked who pays to have the site cleaned up. Wischnack explained that there are grants available. The city would apply for a grant to fund the cleanup. The city likes to have the redevelopment grading coincide with the cleanup.

Tim Whitten, of Whitten Associates, and Mike Roebuck and Mike Waldo, of Ron Clark Construction and Design, the development team, introduced themselves. Mr. Whitten stated that he is excited to work on the site since it is located in Minnetonka. He pointed out a large stormwater management easement located on the site. The site has a grade challenge and access restricted to Oak Drive Lane. The most efficient way to access the proposed three-story building with 54 units and structured parking would be straight in from the end. The site today is mostly impervious surface. There would be 59 enclosed parking stalls and 32 surface parking stalls. The grade dictated the site's design. The proposal would reduce the site's amount of impervious surface. A lot of green would be added. Even though the amount of stormwater runoff would be decreased, a rain garden would still be added to clean the stormwater. The concept plan shows the mass and scale of the building. The architectural features would provide a transition from existing residential to a commercial area. The focus would be to keep the main roof at a low pitch and stay within scale. Landscaping details would be worked out. Ron Clark is known for exceeding landscaping requirements. He was available for questions.

Calvert confirmed with Mr. Whitten that brick in brown tones and cement-board detailing would be the idea for the exterior.

Mr. Waldo explained that 54 units would allow for a full-time caretaker on site and on-site manager. He would like more than 54 units, but that would be a little tight.

Chair Kirk invited anyone present to comment.

Andy Braun, 4408 Crawford Road, asked for the purchase price of the site, the selling price of the site, the cost of the development, and how much profit would be expected from the rent of the units. He thought residents of the three-story building would be able to see his residence. He was concerned for his property's value, public safety, and his wellbeing. "The record" shows that the comments were "less than three stories." He asked if "Section 8" could apply.

Elizabeth Miller, 4408 Crawford Road, stated that she spoke on behalf of four of her neighbors. Her landscape would be degraded by the scope of the project. They received the information a couple weeks ago. The homeowners are invested for the future. A park or green space was off the table for discussion. The neighbors would take the loss on their property values, happiness, and safety.

Ann Aanestad, 4255 Oak Drive Lane, stated that she was concerned with the height of the proposed building. The surrounding houses are ramblers, one-story,

and modest-style houses. The underground parking would make the building four stories. It would not fit the housing in the area. The nearest park is over a mile away. There is not enough green space to accommodate 54 units. The proposal would cause grid lock in the area. The apartment building would not be appropriate in the area. It would not fit.

Chris Aanestad, 4255 Oak Drive Lane, stated that the building looks like it is four stories with the roof. It does not fit with the character of the neighborhood at all. He preferred owner-occupied. He did not know why townhomes would not be considered. He asked for the size of the lot and how many townhomes would be feasible. He thought 10 townhomes would allow the city to recoup its money. Traffic is a huge issue. This is the only access out of the neighborhood.

Kyle Holm, 4234 Oak Drive Lane, was worried about the stress 54 units would put on the school systems. The size of the building would be doubled. He asked if lowering the number of units could decrease rent because an on-site manager would not be funded. The rent would still be high. He is investing in his house. He agreed that something needs to happen on the site, but he is worried about his resale value.

David Cousins, 4531 Greenwood Drive, stated that he did not see a complete line of justification. He asked what more needs to be done with the process and how urgent is the redevelopment. He asked for the tax consequences for the city and county.

Mr. Braun asked if the \$800 to \$1,200 range included subsidies. He was concerned with headlights hitting a house near the site. He questioned why all options were not on the board to begin with.

Ellen Cousins, 4531 Greenwood Drive, requested that action be tabled for a couple years until the lite rail has been operating to see what would be the best use of the property. She saw no reason to develop the property. The proposal would ruin the neighborhood.

Mr. Braun said that the site is very visible on a main corridor. Something commercial that would be a public resource would be more appropriate than residential. Residential housing should be located further from the corridor.

Ms. Miller confirmed that commissioners had something that she previously submitted.

Nathan Toldts, 4231 Oak Drive Lane, stated that he was concerned with the size of the building, number of units, and traffic. He would prefer something smaller that would provide more of a transition to the single-family residences.

Receiving public comments was concluded.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its meeting on February 27, 2017.

Chair Kirk explained that the planning commission looks at the land use issues of each proposal, not the financial aspects. Wischnack stated that the purchase price for both properties was \$1.9 million. The sale price is unknown and will not be public information until it is included in the agenda report and reviewed by the city council for approval of the sale at a city council meeting. Of the \$1.9 million paid for the Shady Oak project, \$900,000 was returned to the city. When the city council purchased the property, the purpose was to solve a road improvement issue. The city council has purchased other properties for parks, but not this site.

Mr. Waldo explained that apartment buildings financed with tax credits or any other source is required to allow a Section 8 voucher to be used based on the rent being charged. He estimated 5 to 12 percent of the units would have a renter utilizing a voucher. He noted voucher users are some of the best tenants because the participants do not want to risk losing the voucher.

Gordon noted that the site is located in the Hopkins School District. The school district would be better able to estimate the number of school-age children in the area. Bus routes are planned during the enrollment process. He estimated that a school bus would travel past the site.

Gordon explained that redevelopment has always improved surrounding property values in Minnetonka. A residential apartment building pays the highest rate of property taxes. There is a commercial use underperforming next door. An underperforming commercial use next door could decrease surrounding property values.

Chair Kirk reviewed comments from the public including concern with the size of the building and traffic issues related to Oak Drive Lane and Shady Oak Road.

Calvert clarified that the site is currently zoned for a commercial use. Gordon confirmed that the site is guided by the comprehensive guide plan for commercial and its zoning district is B-2, which would allow offices, gas stations, and fast-

food restaurants with a drive-through window. The proposed zoning change would be a less intensive district than a commercial district.

Calvert asked how a 54-unit apartment building would fit with the city's housing goals. Gordon reviewed the housing gaps analysis that projected 1,250 units would be located within a half mile of the Shady Oak SWLRT station.

Wischnack reviewed options considered for the site. The city's goal of purchasing the site was not to make money. It was necessary for the Shady Oak Road improvement project. The city hopes to break even when it is sold.

Powers confirmed with Wischnack that a commercial use could apply to be located on the site, but never did. Wischnack explained that staff met with developers representing each type of use and all of them determined that the location would not be good for retail or commercial. A pharmacy may be the only viable commercial use.

Calvert confirmed with Wischnack that the adjacent house would not be included in the proposal.

Knight thought that the proposal probably is too big, has too many units, and would add to the traffic problems.

Calvert was concerned with the mass. She was excited that the building would be moved away from the road and create green space. Having an on-site manager is important, but she thought that the building would be too big.

Powers did not think the proposal would fit into the neighborhood. Headlights into the house and traffic on Oak Drive Lane are serious issues. He did not like the concept plan.

Calvert clarified that the proposal would provide "affordable housing." She has no aversion to renters who utilize vouchers.

O'Connell stated that he knows of developments that provide Section 42 housing and the buildings are well maintained and attractive. He stated that multi-family housing should be located on a busy, arterial road. The issue with access to travel north is real and the proposal would increase that problem. The use of the site is better as multi-family residential than its current zoning. The site is an eyesore. It would benefit the neighborhood to fix it.

Sewell felt that apartments would be an appropriate use, but the scale of the building may not fit and could adversely impact the neighborhood.

Chair Kirk noted that the utility easement limits what can be done on the site. The proposed building would be too tall and long. There would be no transition from the proposed building to single-family residences. The entrance would need to be on the west side to provide better traffic flow. There should be no more than one driveway off of Oak Drive Lane.

Chair Kirk thanked the neighbors for their attendance.

**9. Adjournment**

***Sewell moved, second by Calvert, to adjourn the meeting at 9:33 p.m.  
Motion carried unanimously.***

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

# **Minnetonka Planning Commission Meeting**

**March 2, 2017**

**Agenda Item 7**

**Public Hearing: Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**March 2, 2017**

**Brief Description**      Front and side yard setback variances for additions to the existing home at 3250 Fairchild Avenue:

- Front yard setback variance from 30 feet to 25 feet;
- Front yard setback variance from 35 feet to 24 feet; and
- Side yard setback variance from 10 feet to 9 feet;

**Recommendation**      Adopt the resolution approving the variances.

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**Background**

In April 1968, the Council of the Village of Minnetonka approved setback variances for construction of a new home and detached garage at 3520 Fairchild Avenue. (See attached.)

	<b>Required</b>	<b>Approved</b>
<b>House – Front Yard</b>	35 feet	30 ft
<b>Garage – Front Yard</b>	35 feet	24 ft
<b>Garage – Side Yard</b>	15 feet*	10 ft**

\*Setback requirements has since changed to aggregate 30 ft, no one side less than 10 ft.

\*\*A recent survey indicates the garage was constructed with 9.2 foot side yard setback.

In 1990, an addition connecting the home and garage was administratively reviewed and approved. The addition met all minimum setback requirements. (See attached.)

**Proposal**

Sicora Design Build, on behalf of current property owners Stephen and Amy Dunlop, is proposing two additions to the existing home: (1) an unenclosed front porch addition; and (2) a second story addition, generally located over the existing garage. The additions require the following variances:

<b>Addition</b>	<b>Variance</b>	<b>Setback</b>	
		<b>Required</b>	<b>Proposed*</b>
Front Porch Addition	Front Yard Setback	30 ft	25 ft
Second Story Addition	Front Yard Setback	35 ft	24 ft
	Side Yard Setback	10 ft	9 ft

\*Rounded to the nearest 1 ft

## Staff Analysis

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

- **Reasonableness and Unique Circumstance:**

Front Porch: The proposed setback is reasonable, given the unique configuration of the existing home and garage. The proposed front porch would have a greater front yard setback than the existing garage.

Second Story Addition: The proposed setbacks are reasonable, given the unique configuration and layout of the existing home. Technically, living space could be added to the home meeting required setbacks. However, such addition would increase the footprint of the home, thereby increasing impervious surface. The applicant's proposal would add living space in an environmentally sensitive manner, without adding impervious surface.

- **Neighborhood Character.** The immediate area contains an eclectic assortment of home styles with varied setbacks. There is not a clear and defined neighborhood character. As such, the requested variances would not negatively impact the area.

## Staff Recommendation

Adopt the resolution approving front yard and side yard setback variances for additions to the home at 3250 Fairchild Avenue.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Land Uses**

Northerly: single-family home  
Easterly: single-family homes  
Southerly: vacant, unbuildable property  
Westerly: single-family homes

**Planning**

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

**Expansion Permits and Variances**

An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.

The front yard and side yard setbacks of the existing home/garage are not considered non-conforming because the reduced setbacks were approved by variances. Essentially, the home “conforms” to the setbacks legally approved in 1968. Because these setbacks are not non-conforming, they are not eligible for an expansion permit; variances are required.

**Variance Standard**

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

**McMansion Policy**

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on

the same street, and a distance of 400 feet from the subject property.

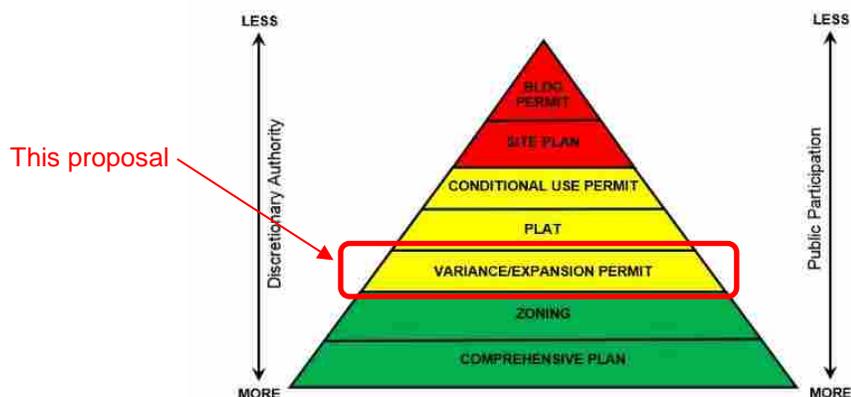
By City Code §300.02, floor area is defined as “the sum of the following as measured from exterior walls: the fully exposed gross horizontal area of a building, including attached garage space and enclosed porch areas, and one-half the gross horizontal area of any partially exposed level such as a walkout or lookout level. By the same code, FAR is defined as “the floor area of a building as defined by [this] ordinance, divided by area of the lot on which the building is located. Area zoned as wetland, floodplain, or below the ordinary high water level of a public water is excluded from the lot area for purposes of the floor area ratio calculation.”

The largest FAR in the area is 0.23. As proposed, the property would have an FAR of 0.19, complying with the McMansion Policy.

### Neighborhood Comments

The city sent notices to 27 area property owners and received no comments to date.

### Pyramid of Discretion



### Motion options

The planning commission has the following motion options:

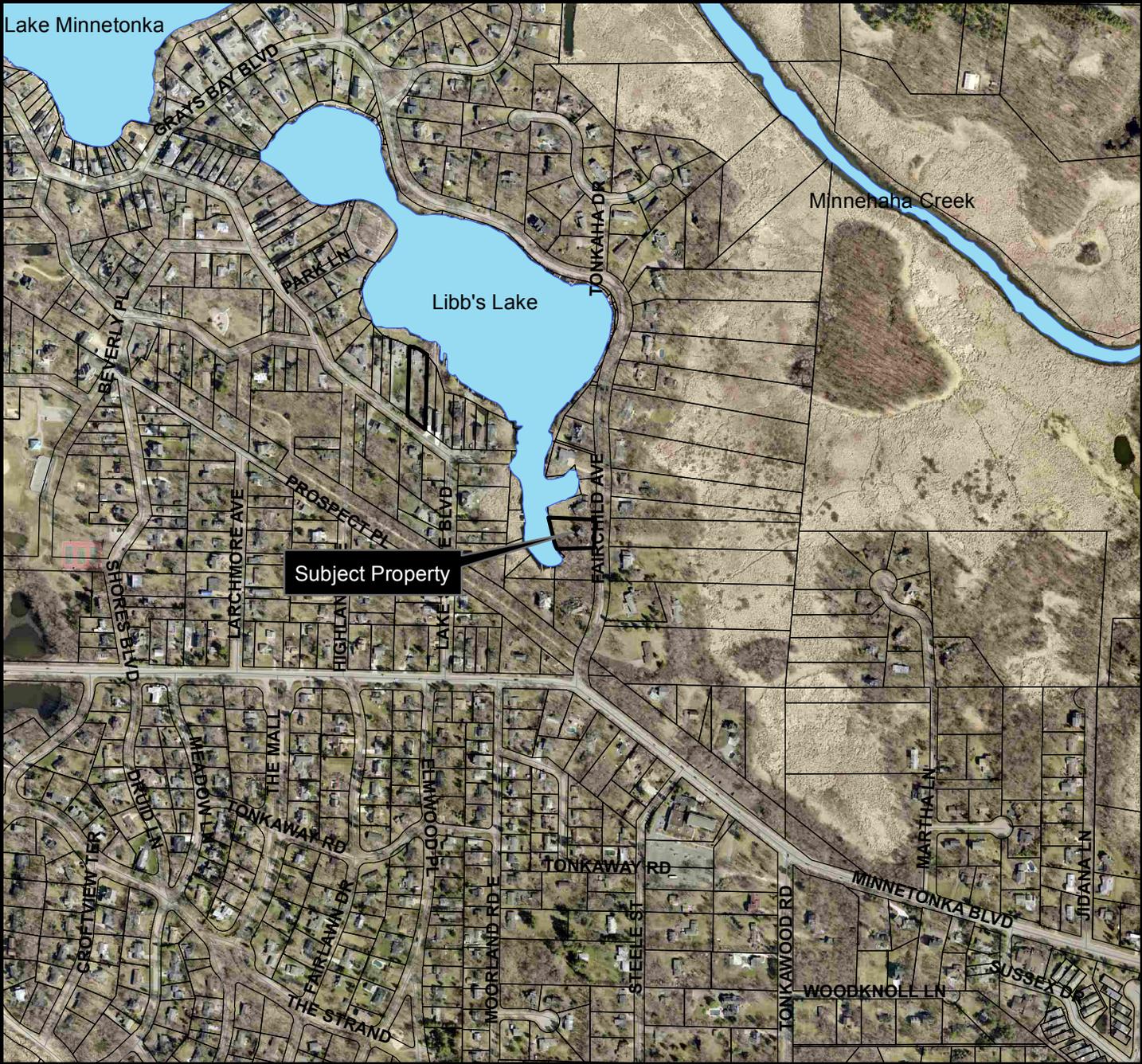
1. Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution approving the variances and expansion permit.
2. Disagree with staff’s recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to

why the request is being tabled with direction to staff, the applicant or both.

**Voting Requirement** The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

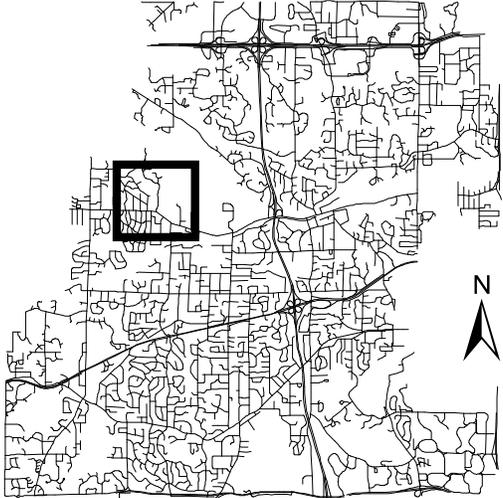
**Appeals** Any person aggrieved by the planning commission's decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Deadline for Decision** **May 22, 2017**



**Location Map**

Project: Stephen & Amy Dunlop  
 Applicant: Sicora Design Build  
 Address: 3250 Fairchild Ave  
 Project No. 17003.17a



This map is for illustrative purposes only.

REGULAR MINUTES  
OF  
THE VILLAGE COUNCIL

April 22, 1968

Minutes of a regular meeting of the Village Council of the Village of Minnetonka held April 22, 1968, in the Council Chambers of the Village Hall with all members present.

1. 7:30 P. M. HEARING ON REDUCING THE FRONT AND SIDE YARD SETBACKS FOR A NEW HOME AT 3250 FAIRCHILD AVENUE FOR ROBERT KURTZ

Higuchi moved, Johnson seconded adoption of Resolution No. 68-1613 reducing the front yard setback from 35 to 24 feet for the construction of a new detached garage, the side yard setback from 15 to 10 feet, and the front yard setback from 35 to 30 feet for a new home at 3250 Fairchild Avenue for Robert Kurtz. Illies, Higuchi, Mason, Johnson and Cooley voted "aye". Carried.

2. CONTINUED HEARING ON ABATING A PUBLIC NUISANCE PERMITTED BY MRS. GRACE BANE, 12121 ORCHARD AVENUE WEST (CONTINUED FROM 4-8-68)

On April 8, 1968, Mrs. Grace Bane, 12121 West Orchard Avenue, was requested to appear before the Council to explain why she permitted a public nuisance in the form of accumulation of debris in her front yard. Mrs. Bane was not present but she was represented by her attorney, Mr. Philip Gerberding. At that time, Mrs. Bane was given two weeks to remove the trash and debris from her yard to the Council's and neighboring residents' satisfaction. Mrs. Bane was now present and explained that the trash and debris had been removed. The neighboring residents present agreed that the premises had been cleaned up but that she still continues to scream and drive her automobile on the neighbors' property. Councilman Mason inquired of the Village Attorney as to what could be done to resolve this problem. The Village Attorney explained that the trash and debris had been cleaned up as required but it is difficult to regulate one's conduct. Mrs. Bane stated that she had received no written complaints regarding her behavior. Councilwoman Johnson reminded Mrs. Bane that the accumulation of trash and debris was the only problem before the Council at this time. The Village Attorney further reminded the Council that Mrs. Bane has complied with the Council's order to clean up her premises to the neighbors' satisfaction and suggested that the Council now consider allowing her a permit to keep five dogs. In view of this, Illies moved, Higuchi seconded a motion to reconsider the permit to keep more than two dogs. Illies, Higuchi, Mason, Johnson and Cooley voted "aye". Carried.

Then, Johnson moved, Illies seconded a motion approving a permit to keep five dogs providing that licenses are obtained for all dogs, that she obtain current rabies inoculations for the five dogs and that she will not replace the first three dogs who die or are disposed of, thereby eventually reducing the number to two dogs. Mrs. Bane agreed to this arrangement. Illies, Higuchi, Mason, Johnson and Cooley voted "aye". Carried.

WILLIAM D. SCHOELL  
REGISTERED CIVIL ENGINEER

MINN. NO. 2243  
D. DAK. 788  
WIS. NO. E-8176  
FLORIDA NO. 8271  
NO. DAK. 822  
MONT. NO. 1818-2

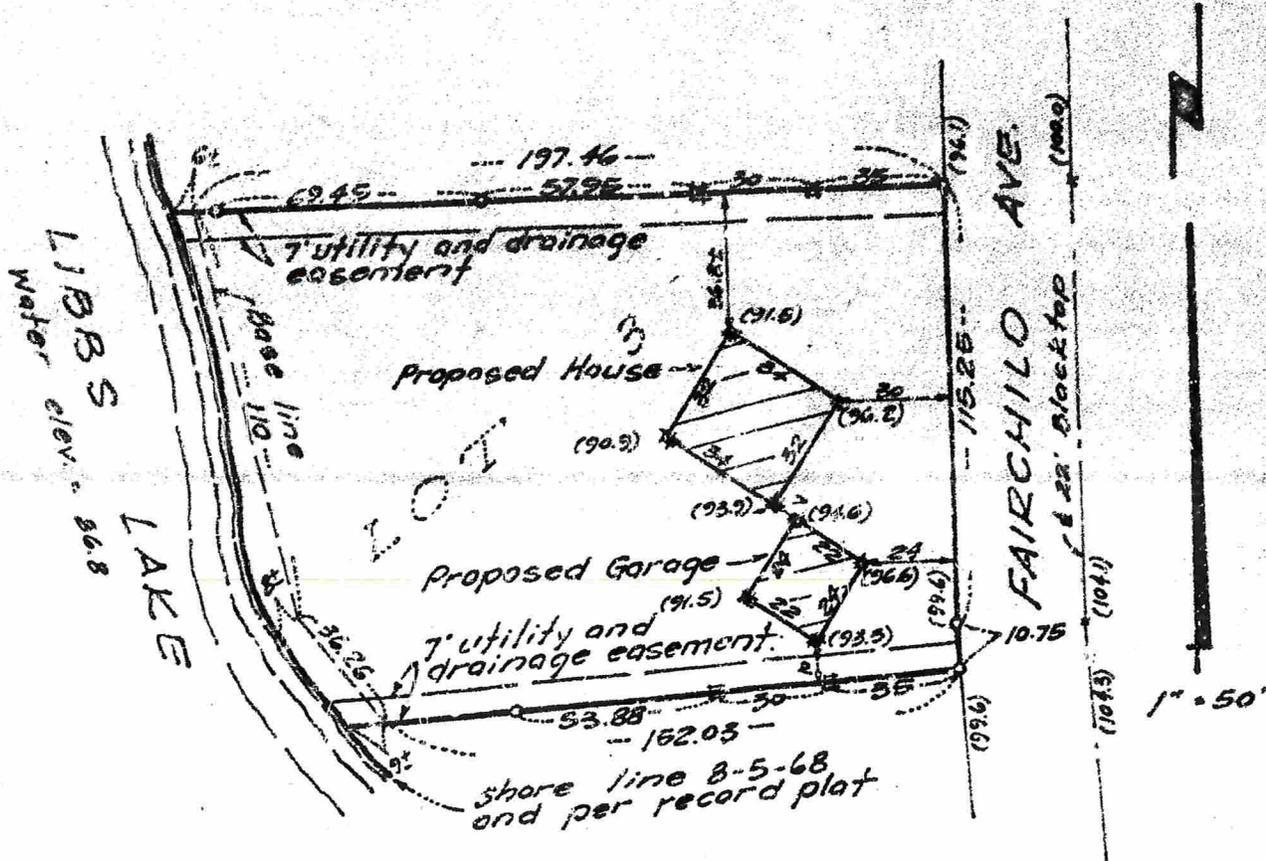
SCHOELL & MADSON, INC.  
ENGINEERS & SURVEYORS  
50 NINTH AVENUE SOUTH  
HOPKINS, MINNESOTA  
PHONE: 928-7814

5864 41.79  
CARLISLE MADSON  
REGISTERED LAND SURVEYOR  
MINN. NO. 4374  
D. DAK. 781  
WIS. NO. S-874  
IOWA NO. 2708  
D. DAK. 1192  
MONT. NO. 1742-2

# CERTIFICATE OF SURVEY

FOR MR. WILLIAM B. SCHULTZ

*for C. B. Kuvitz*



- o - Denotes iron monument.
- II - Denotes wood stake.
- \* (99.6) - Denotes exist. elev. (Assumed datum).

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE BOUNDARIES OF:

Lot 3, Block 1, Tonkaha Shores.

AND OF THE LOCATION OF ALL BUILDINGS, IF ANY, THEREON, AND ALL VISIBLE ENCROACHMENTS, IF ANY, FROM OR ON SAID LAND.

AS SURVEYED BY ME THIS 5th DAY OF August 19 68

It also shows the location of the stakes as set for two proposed buildings.

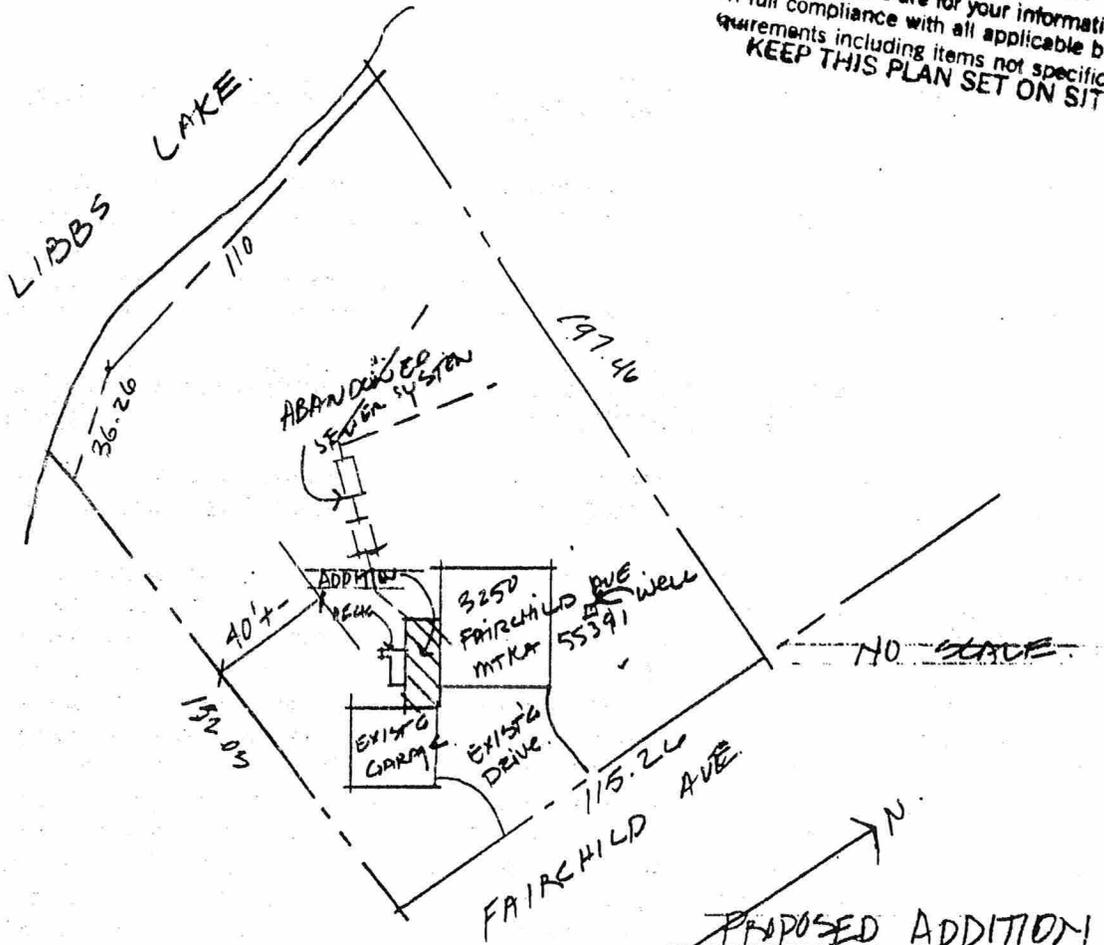
*Carlisle Madson*  
REGISTERED LAND SURVEYOR

**CITY OF MINNETONKA  
BUILDING PERMIT PLAN REVIEW**

INSPECTOR Bence Argue  
DATE 7-2-90 PERMIT NO. 15026

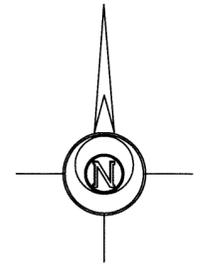
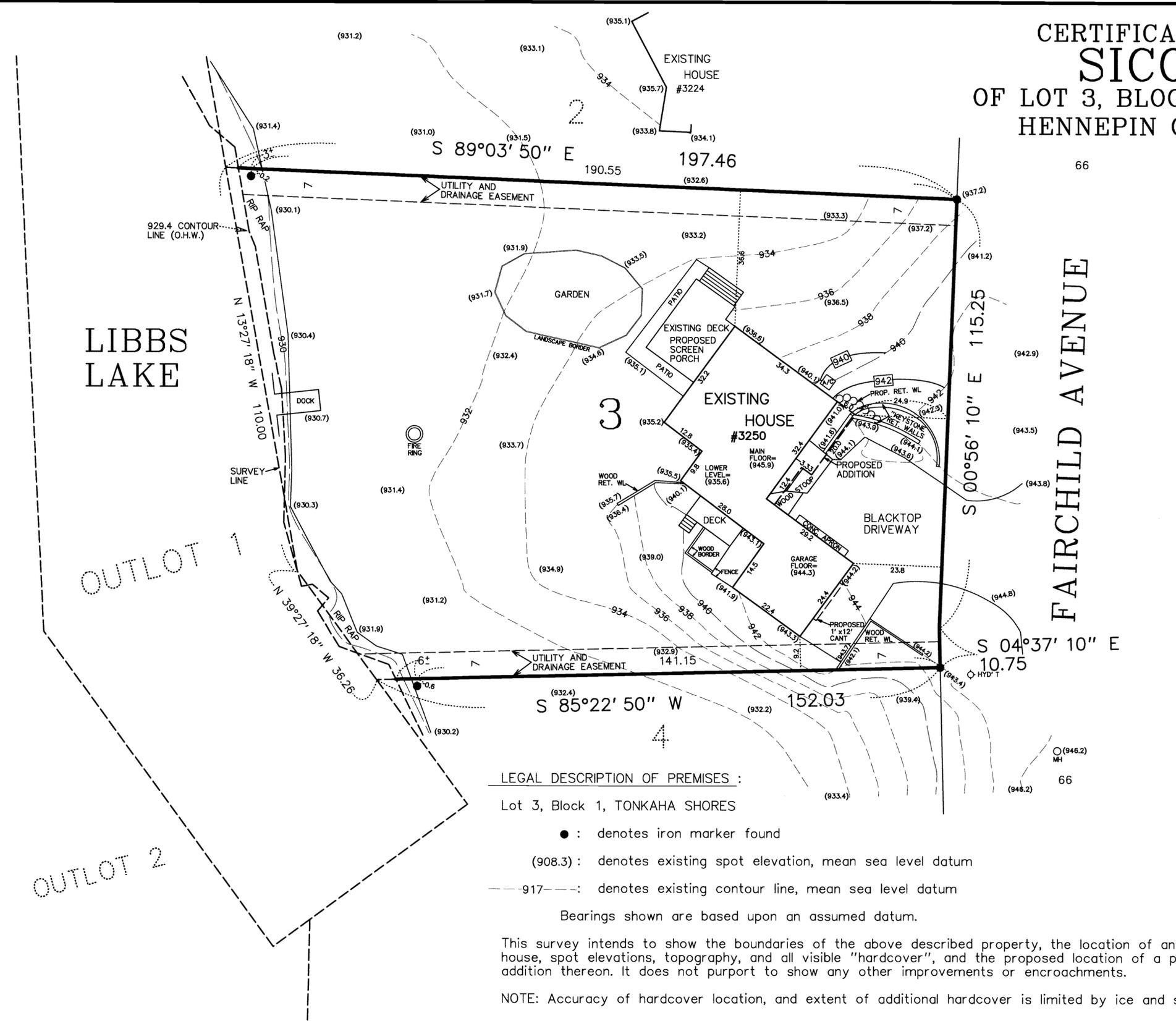
- APPROVED AS SUBMITTED
- APPROVED WITH CORRECTIONS AS NOTED
- NOT APPROVED—CORRECT & RESUBMIT

These comments are for your information. All work shall be done in full compliance with all applicable building & zoning code requirements including items not specifically noted in this review.  
**KEEP THIS PLAN SET ON SITE AT ALL TIMES.**



PROPOSED ADDITION FOR  
DUNLAP RES. 10-26-90  
TAKEN FROM CERTIFICATE SURVEY  
OF CITY RECORDS AUG. 5 1968.

CERTIFICATE OF SURVEY FOR  
**SICORA, INC.**  
 OF LOT 3, BLOCK 1, TONKAHA SHORES  
 HENNEPIN COUNTY, MINNESOTA



HARDCOVER CALCULATIONS :

Lot area = 23,499 Sq. ft.  
 House = 1943 sf  
 Driveway & apron = 1388 sf  
 Decks, stoops & stairs = 621 sf  
 Patio = 181 sf  
 Total = 4133 Sq. ft.  
 $4133 / 23,499 \times 100 = 17.59\%$

PROPOSED HARDCOVER :

Proposed addition = +153 sf  
 Removed wood stoop over  
 proposed addition = -75 sf  
 Net gain = +78 sf  
 $4133 + 78 = 4211 \text{ Sq. ft.}$   
 $4211 / 23,499 \times 100 = 17.92\%$

LEGAL DESCRIPTION OF PREMISES :

Lot 3, Block 1, TONKAHA SHORES

- : denotes iron marker found
- (908.3) : denotes existing spot elevation, mean sea level datum
- 917--- : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, the location of an existing house, spot elevations, topography, and all visible "hardcover", and the proposed location of a proposed addition thereon. It does not purport to show any other improvements or encroachments.

NOTE: Accuracy of hardcover location, and extent of additional hardcover is limited by ice and snow cover.

DATE	DESCRIPTION
1-19-17	PROPOSED ADDITION ADDED
1-27-17	REVISED TO SHOW RETAINING WALL, CANT AT GARAGE



**GRONBERG & ASSOCIATES, INC.**

CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS

445 NORTH WILLOW DRIVE, LONG LAKE, MN. 55356

952-473-4141

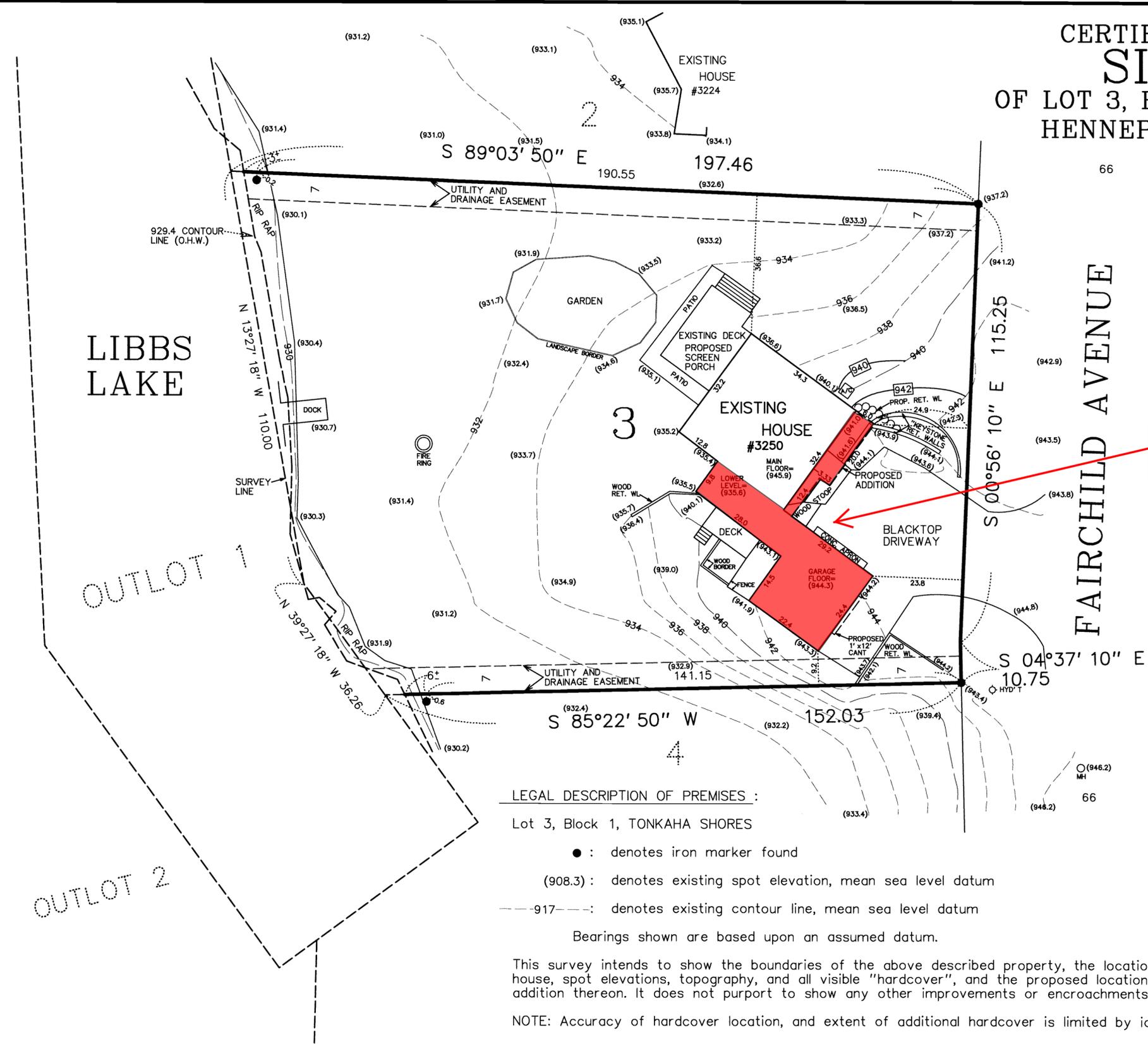
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Mark S. Gronberg*

Mark S. Gronberg Minnesota License Number 12755

SCALE	1"=20'
DATE	1-16-17
JOB NO.	16-454

CERTIFICATE OF SURVEY FOR  
**SICORA, INC.**  
 OF LOT 3, BLOCK 1, TONKAHA SHORES  
 HENNEPIN COUNTY, MINNESOTA



**PROPOSED ADDITIONS**

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CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS

445 NORTH WILLOW DRIVE, LONG LAKE, MN. 55356

952-473-4141

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*Mark S. Gronberg*

Mark S. Gronberg Minnesota License Number 12755

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DATE	1-16-17
JOB NO.	16-454

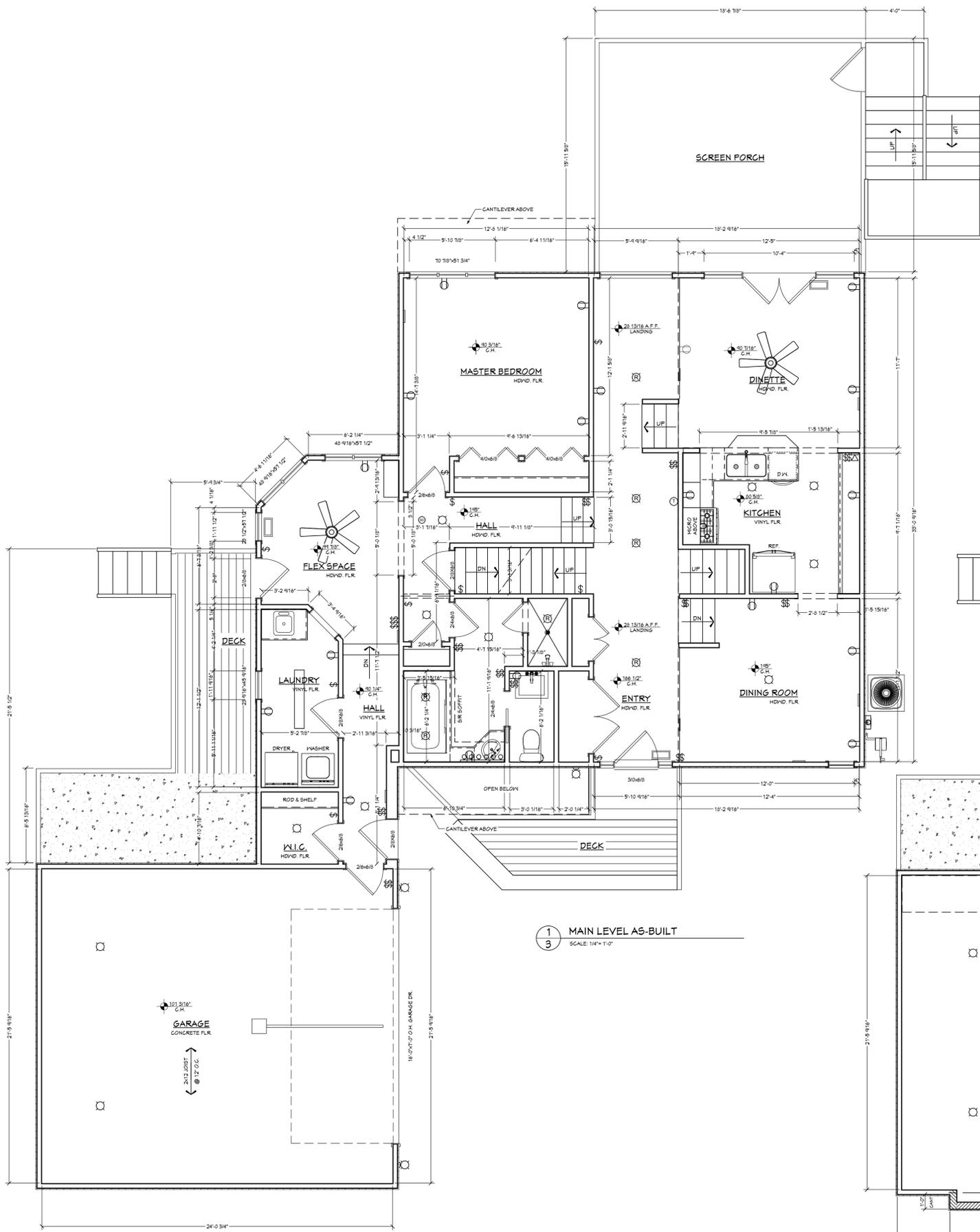
EXISTING



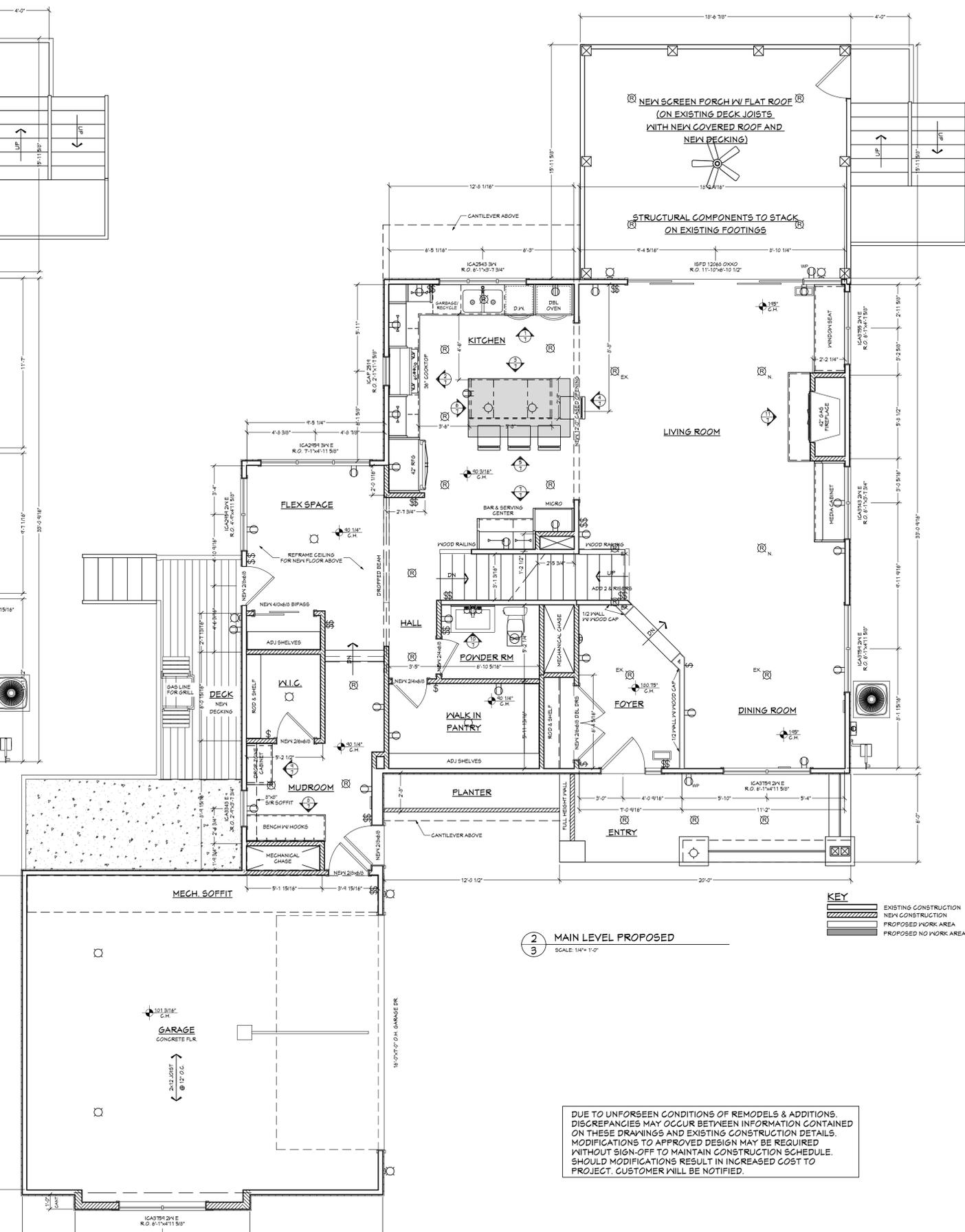
PROPOSED



DUNLOP - MODERN EXTERIOR



1 MAIN LEVEL AS-BUILT  
SCALE: 1/4" = 1'-0"



2 MAIN LEVEL PROPOSED  
SCALE: 1/4" = 1'-0"

**KEY**  
 [Solid Line] EXISTING CONSTRUCTION  
 [Dashed Line] NEW CONSTRUCTION  
 [Hatched Area] PROPOSED WORK AREA  
 [Dotted Area] PROPOSED NO WORK AREA

DUE TO UNFORSEEN CONDITIONS OF REMODELS & ADDITIONS, DISCREPANCIES MAY OCCUR BETWEEN INFORMATION CONTAINED ON THESE DRAWINGS AND EXISTING CONSTRUCTION DETAILS. MODIFICATIONS TO APPROVED DESIGN MAY BE REQUIRED WITHOUT SIGN-OFF TO MAINTAIN CONSTRUCTION SCHEDULE. SHOULD MODIFICATIONS RESULT IN INCREASED COST TO PROJECT, CUSTOMER WILL BE NOTIFIED.



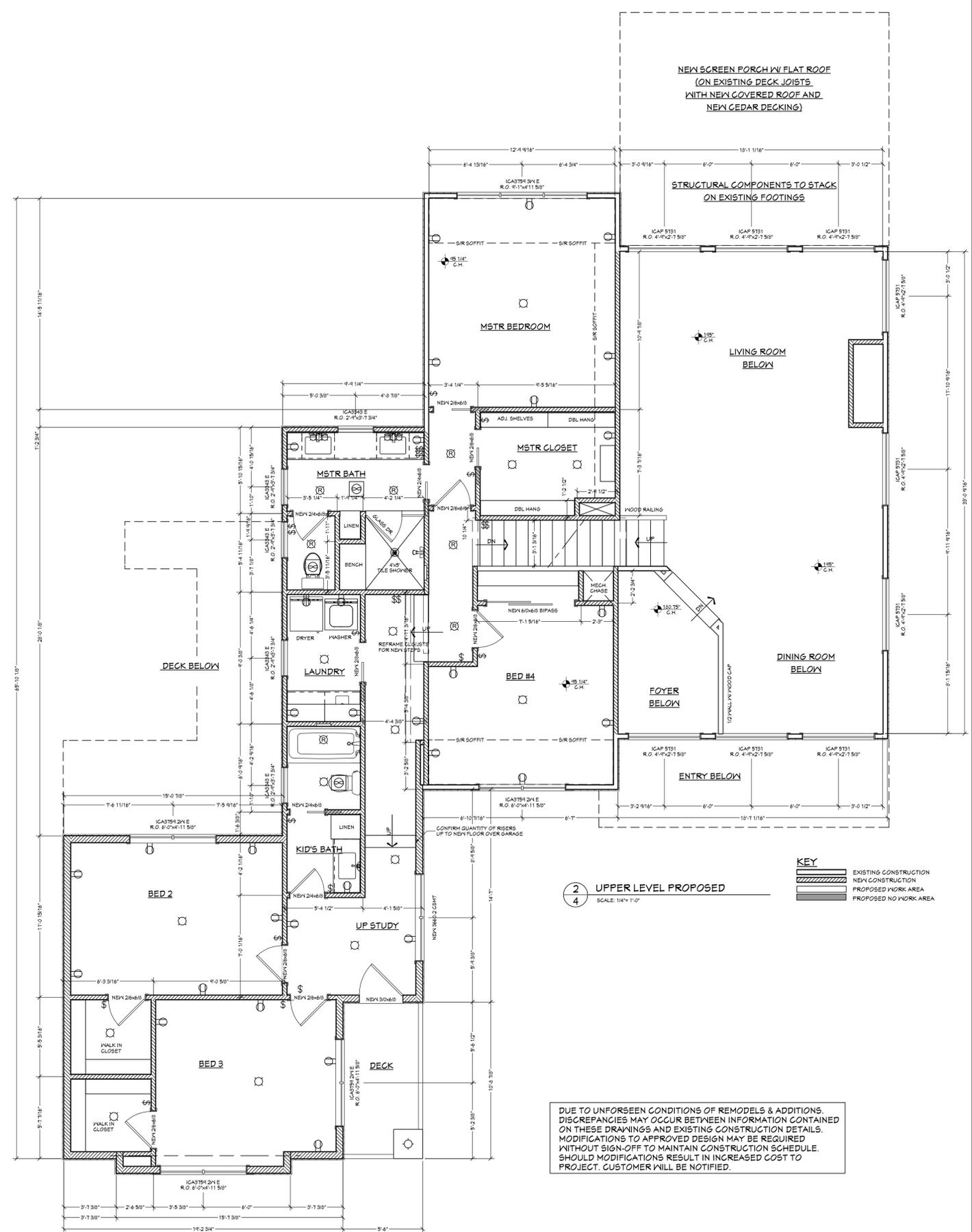
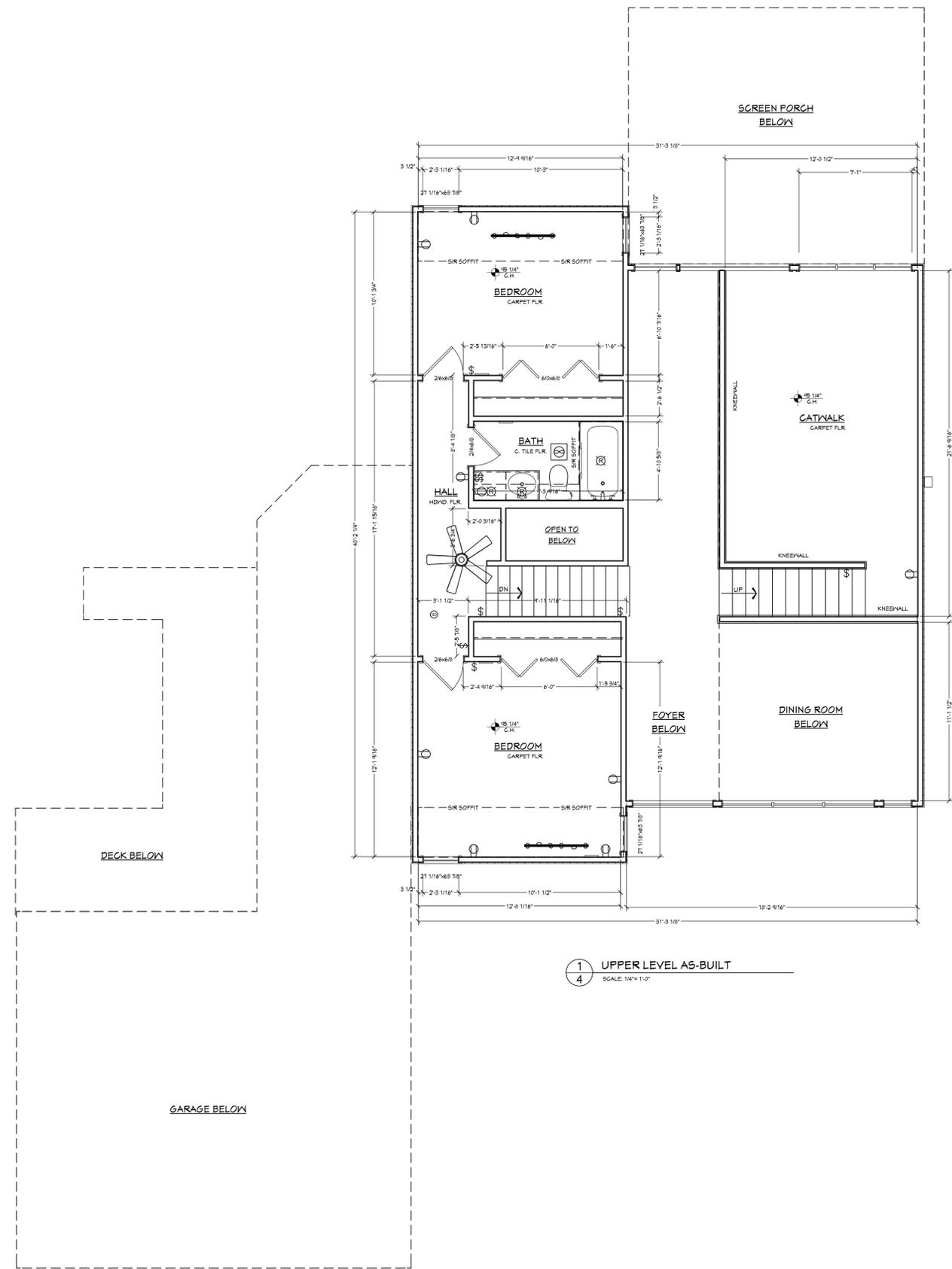
**SICORA**  
Design/Build

5601 West Lake Street  
 St. Louis Park, MN 55416  
 Telephone: 952.929.0098  
 Fax: 952.285.5580  
 www.sicora.com  
 Lic. #PC253425

CLIENT:  
**Steve & Amy Dunlop**  
 3350 Fairchild Ave.  
 Wayzata, MN 55391

ORIGINATION DATE  
 11/29/2016  
 REVISION DATE  
 12/20/2016 Concept  
 1/19/2017 Bid Plan

SHEET NO.  
**3**  
 Dunlop



**SICORA**  
Design/Build

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**4**  
Dunlop



**SICORA**  
Design/Build

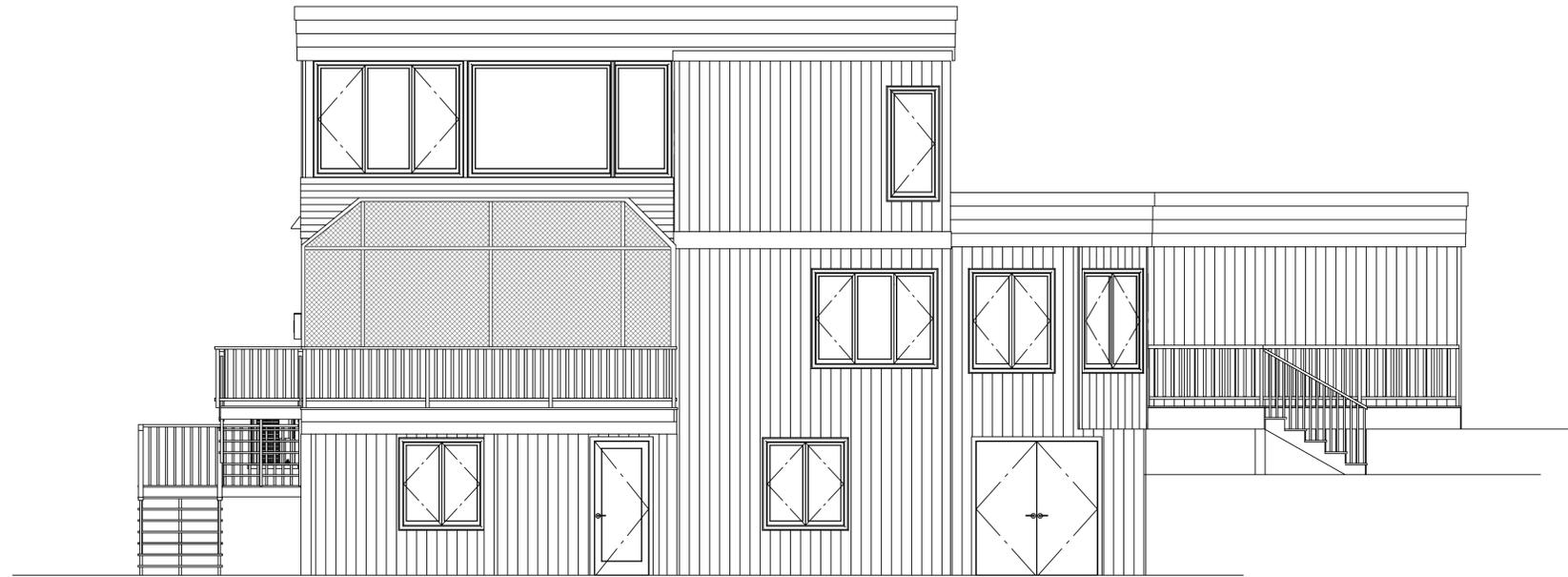
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St. Louis Park, MN 55416  
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Lic. #PC253425

CLIENT:  
**Steve & Amy Dunlop**  
3250 Fairchild Ave.  
Wayzata, MN 55391

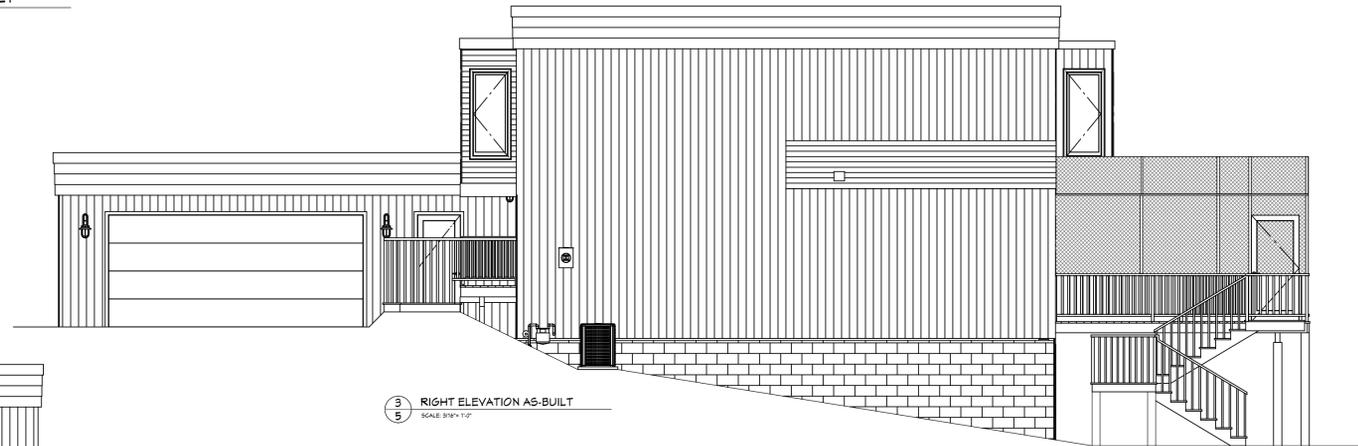
ORIGINATION DATE  
11/29/2016  
REVISION DATE  
12/20/2016 Concept  
1/19/2017 Bid Plan

SHEET NO.

**5**  
Dunlop



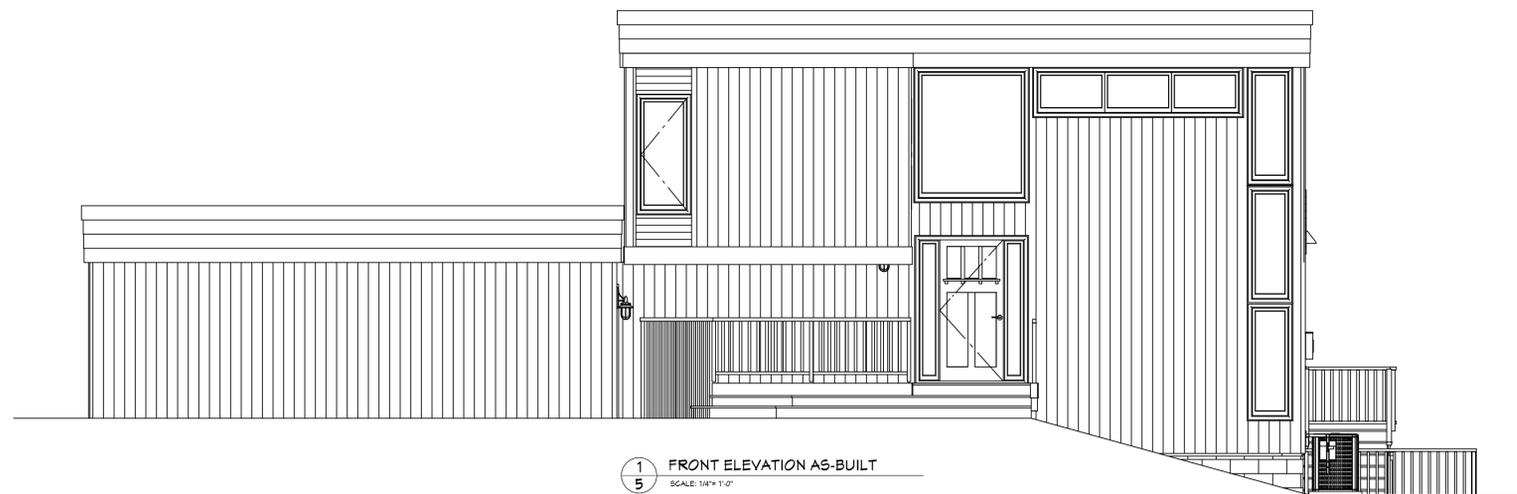
4 REAR ELEVATION AS-BUILT  
SCALE: 1/8" = 1'-0"



3 RIGHT ELEVATION AS-BUILT  
SCALE: 3/8" = 1'-0"



2 LEFT ELEVATION AS-BUILT  
SCALE: 3/8" = 1'-0"



1 FRONT ELEVATION AS-BUILT  
SCALE: 1/4" = 1'-0"



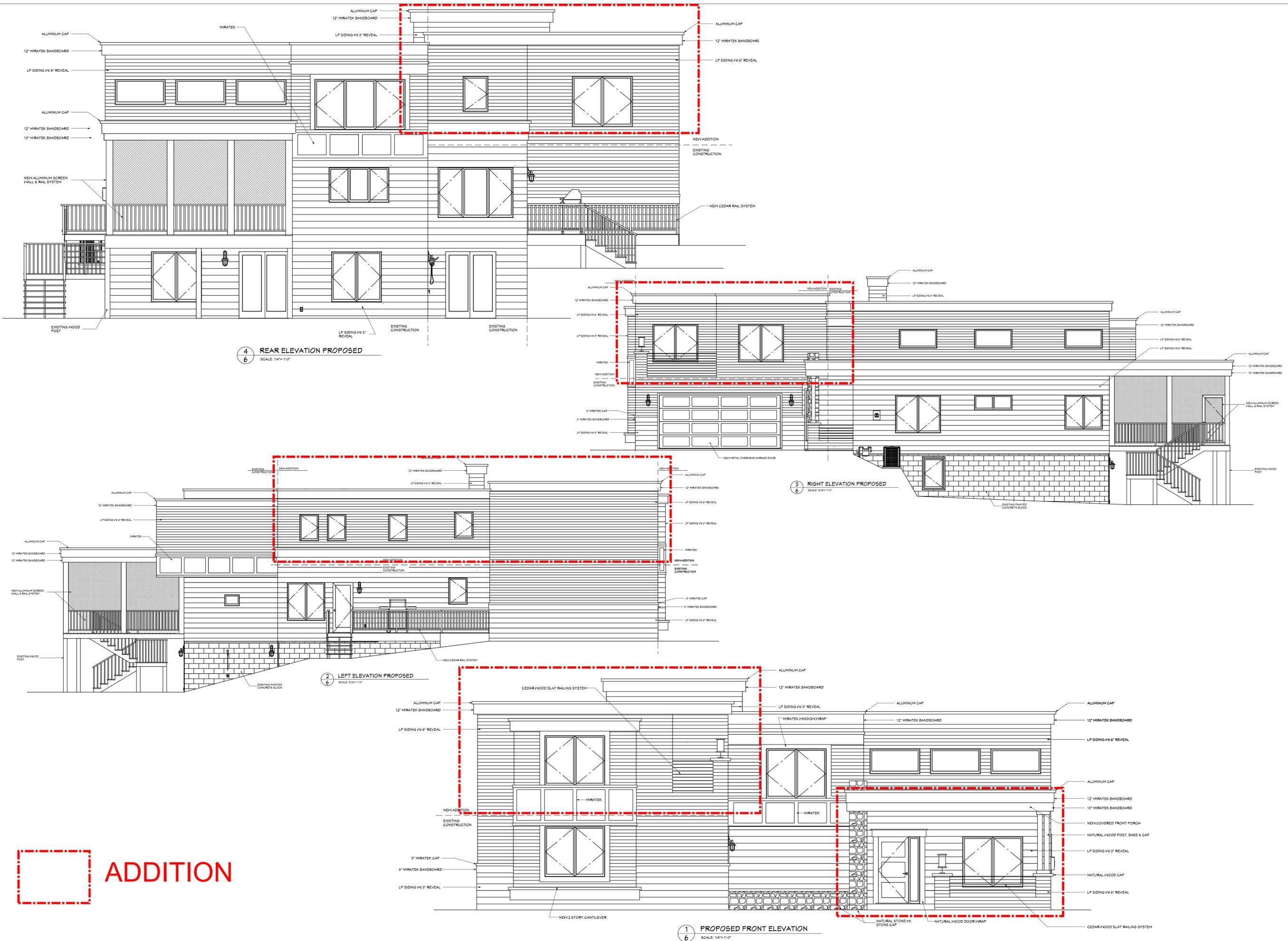
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Wayzata, MN 55391

ORIGINATION DATE  
11/29/2016  
REVISION DATE  
12/20/2016 Concept  
1/19/2017 Bid Plan

SHEET NO.  
**6**  
Dunlop



**ADDITION**

4 REAR ELEVATION PROPOSED  
SCALE: 1/4" = 1'-0"

3 RIGHT ELEVATION PROPOSED  
SCALE: 3/8" = 1'-0"

2 LEFT ELEVATION PROPOSED  
SCALE: 3/8" = 1'-0"

1 PROPOSED FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

**Planning Commission Resolution No. 2017-**

**Resolution approving front yard and side yard setback variances for additions to the existing home at 3250 Fairchild Avenue**

---

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

Section 1. Background.

1.01 The subject property is located at 3250 Fairchild Avenue. It is legally described as: Lot 3, Block 1, TONKAHA SHORES

1.02 The existing home does not meet front yard or side yard setback requirements as outlined in the current zoning ordinance. However, the setbacks are generally consistent with front yard and side yard setback variances granted in 1968.

1.03 Sicora Design Build, on behalf of current property owners Stephen and Amy Dunlop, is proposing two additions to the existing home: (1) an unenclosed front porch addition; and (2) a second story addition, generally located over the existing garage. The additions require the following variances:

Addition	Variance	Setback	
		Required	Proposed
Front Porch Addition	Front Yard Setback	30 ft	25 ft
Second Story Addition	Front Yard Setback	35 ft	24 ft
	Side Yard Setback	10 ft	9 ft

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. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The purpose and intent of required setbacks is to ensure appropriate separation between structures and property lines or natural resources. The requested variances meeting this intent. The front porch addition would have a greater front yard setback than the existing garage and the second story addition would maintain all existing setbacks. In other words, the proposed additions would not encroach further into the required setbacks than the existing home and garage.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposed variances are consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variances would preserve the residential character of the neighborhood, and would provide investment in the property to enhance its use.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
  - a) **REASONABLENESS:**
    - 1) **Front Porch:** The proposed setback is reasonable, given the unique configuration of the existing home and

garage. The proposed front porch would have a greater front yard setback than the existing garage.

- 2) Second Story Addition: The proposed setbacks are reasonable, given the unique configuration and layout of the existing home. Technically, living space could be added to the home meeting required setbacks. However, such addition would increase the footprint of the home, thereby increasing impervious surface. The applicant's proposal would add living space in an environmentally-sensitive manner, without adding impervious surface.

- b) CHARACTER OF LOCALITY: The immediate area contains an eclectic assortment of home styles with varied setbacks. There is not a clear and defined neighborhood character. As such, the requested variances would not negatively impact the area.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variances 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:
  - Site plan dated January 27, 2017
  - Building plan set dated January 19, 2017
2. Prior to issuance of a building permit:
  - a) A copy of this resolution must be recorded with Hennepin County.
  - b) Install construction fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
3. These variances will end on December 31, 2018, 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 March 2, 2017.

---

Brian Kirk, Chairperson

Attest:

---

Kathy Leervig, 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 March 2, 2017.

---

Kathy Leervig, Deputy City Clerk

# **Minnetonka Planning Commission Meeting**

**March 2, 2017**

**Agenda Item 8**

**Public Hearing: Non-Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**March 2, 2017**

**Brief Description**      Expansion permit to construct a new single-family home at 3808 Tonkawood Road

**Recommendation**      Adopt the resolution approving the expansion permit

---

**Proposal**                      The applicants, Pat and Vicki Schiller, are proposing to demolish an existing single-family home and construct a new single-family home at 3808 Tonkawood Road. The existing home was constructed prior to the adoption of the city ordinance and has legal non-conforming front and side yard setbacks. If approved, the proposed home would meet side yard setback requirements, but would not meet the required 50-foot front yard setback. However, the structure would be set back further from the front property line than the existing home. (See attached plans).

This proposal requires:

- Expansion Permit: Principal structure would encroach into the required front yard setback, but would not encroach closer than the existing structure.

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Front Yard Setback	50 ft.	26.5 ft.	30 ft.*
North Side Yard Setback	10 ft.	8.9 ft.	20 ft.
South Side Yard Setback	20 ft.	39.3 ft.	22 ft.

\* requires expansion permit

**Staff Analysis**                      Staff finds that the applicant's proposal is reasonable:

1. Reasonableness:
  - a) The proposed construction of a single-family home is reasonable.
  - b) The proposed home would enhance the existing property.
  - c) The proposed home would be set back further from the front property line than the existing home.
2. Circumstance Unique to the Property:

- a) The existing structure has a legal non-conforming front yard setback.
  - The existing house was built in 1946, prior to adoption of the current front yard setback requirement.
  - The existing home has a 26.5-foot front yard setback, encroaching 23.5 feet into the required 50-foot setback.
  - The proposed structure would be set back 30 feet from the front property line, increasing the front yard setback by 3.5 feet.
- b) The front property line is set back particularly far from the paved surface of Tonkawood Road.
  - There is approximately 25 feet between the Tonkawood Road curb and the front property line. This is a particularly large setback between the road and property line.
  - If approved, the subject home would be set back 55 feet from Tonkawood Road.
- c) There are significant elevation changes in the rear yard. More intense grading would be needed if the structure was required to meet the 50-foot front yard setback.

3. Neighborhood Character:

- a) If approved, the proposed project would not alter the essential character of the neighborhood.
- b) The subject home is currently encroaching into the front yard setback and the proposed home would be set back further from the front property line than the existing home.
- c) There are three other homes within 400 feet of the subject home on Tonkawood Road that have front yard setbacks that are less than 50 feet.

**Staff Recommendation**

Adopt the attached resolution approving expansion permit to construct a new single-family home at 3808 Tonkawood Road.

Originator: Drew Ingvalson, Planner  
Through: Loren Gordon, AICP, City Planner

## Supporting Information

<b>Project No.</b>	17002.17a
<b>Property</b>	3808 Tonkawood Road
<b>Applicant</b>	Pat and Vicki Schiller
<b>Surrounding Land Uses</b>	All of the surrounding properties are zoned R-1, single family residential and guided for low density residential.
<b>Planning</b>	Guide Plan designation: Low Density Residential Zoning: R-1 Single Family Residential
<b>Property</b>	The Tonkawood subdivision was platted in 1910. The subject property is a portion of Lot 4 in the Tonkawood subdivision. The elevation on the lot is highest near Tonkawood Road and slopes generally downward as you travel west on the property. (See attached.) The far western portion of the lot has wetland and 100-year storm areas. However, this area is over 150 feet from the proposed home location and the regulations for these natural resources do not influence the buildable status of the project.
<b>Existing Home</b>	The subject home was constructed in 1946. It is a single level, rambler with a tuck under, side loading garage. The home has 1,700 square feet of gross building area.
<b>Expansion Permit v. Variance</b>	<p>An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.</p> <p>By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.</p> <p>The existing home is considered non-conforming as the structure was built prior to the adoption of the city ordinance.</p>

**Expansion Permit**

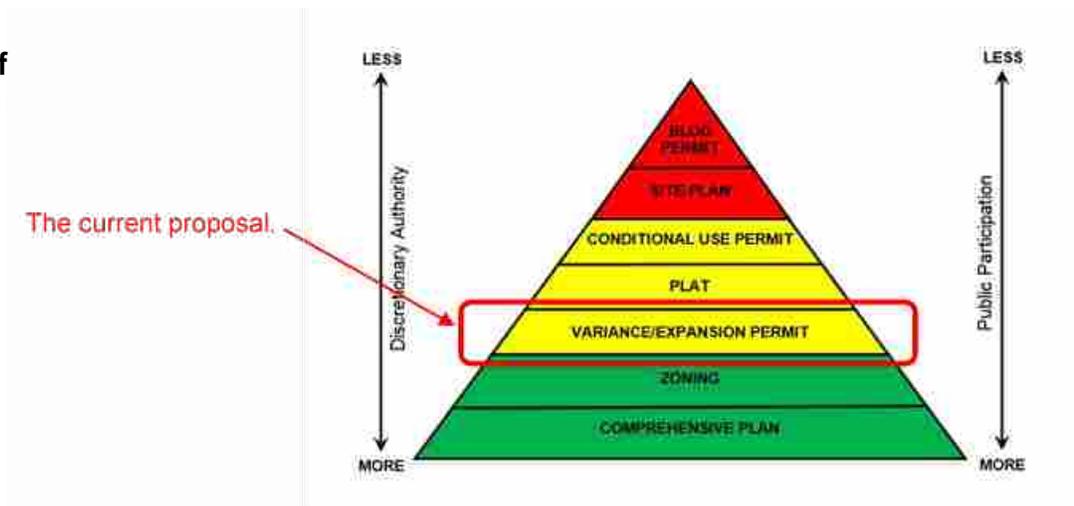
By city code (City Code §300.29), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

**Neighborhood Comments**

The city sent notices to 28 area property owners and received zero comments.

**Pyramid of Discretion**



**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the expansion permit.
2. Disagree with staff's recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the proposal. This motion must 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 about the requested expansion permit 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.

**Voting Requirement**

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

**Deadline for Decision**

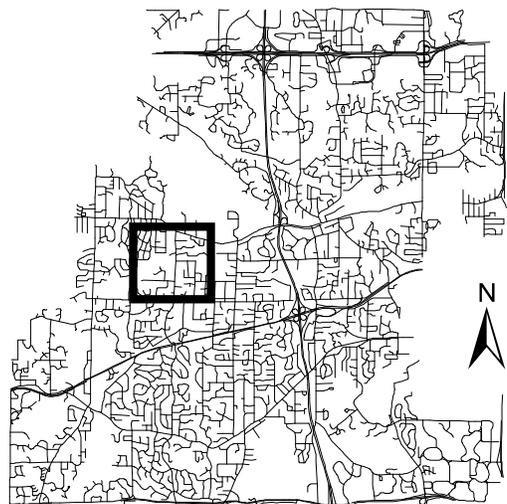
May 23, 2017



### Location Map

Project: Pat & Vicki Schiller  
 Address: 3808 Tonkaway Rd  
 Project No. 17002.17a

City of  
**minnetonka**



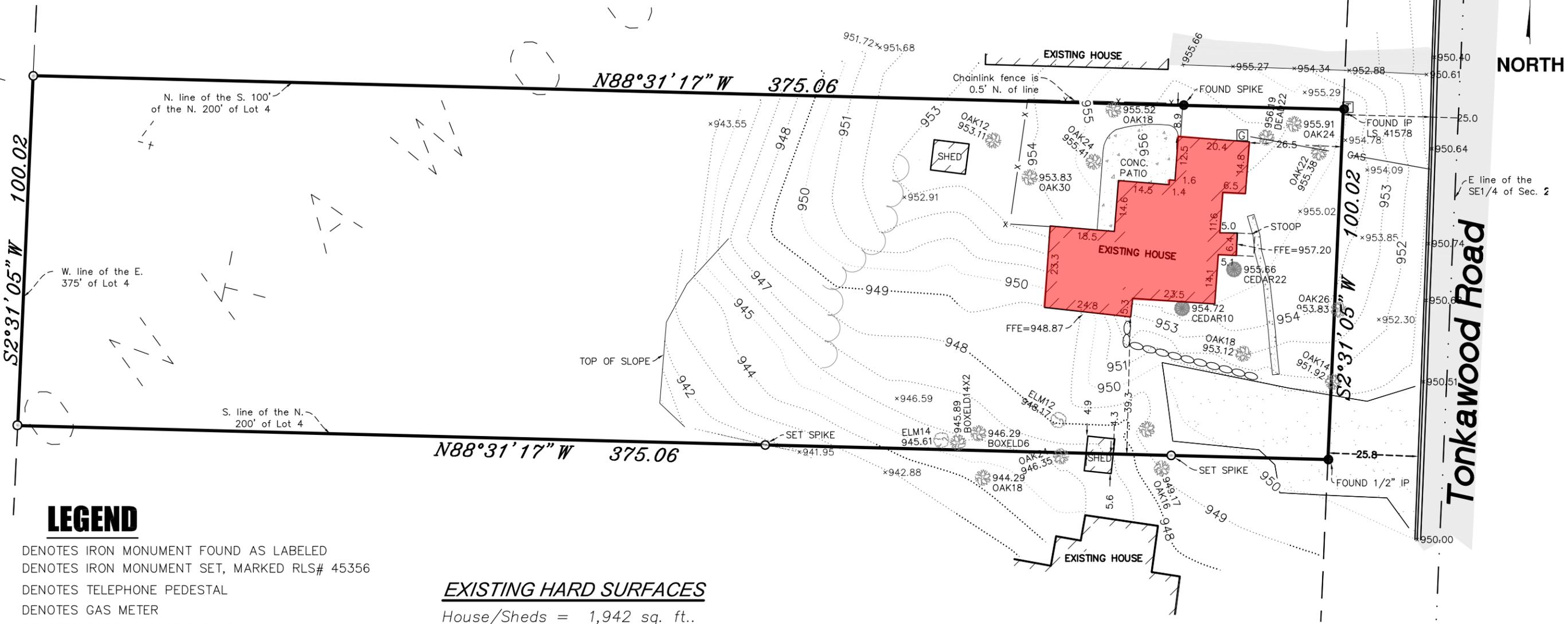
This map is for illustrative purposes only.



# CERTIFICATE OF SURVEY

## Existing House

~for~ Pat Schiller  
 ~of~ 3808 Tonkawood Road  
 Minnetonka, MN



### LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 45356
- DENOTES TELEPHONE PEDESTAL
- ⊠ DENOTES GAS METER
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- x — x DENOTES WOVEN WIRE FENCE
- ○ ○ ○ ○ DENOTES RETAINING WALL
- ⋯ DENOTES EXISTING CONTOURS
- ⌒ DENOTES TREE LINE
- GAS — DENOTES UNDERGROUND GAS LINE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE
- ▩ DENOTES GRAVEL SURFACE

### EXISTING HARD SURFACES

House/Sheds = 1,942 sq. ft.  
 Concrete = 494 sq. ft.  
 Gravel = 930 sq. ft. (on lot only)

Total = 3,366 sq. ft. / 37,506 sq. ft (Boundary area)  
 = (9% of lot is hard surface)

### DESCRIPTION PER DOC. NO. 7177817

The South 100 feet of the North 200 feet of the East 375 feet of Lot 4, Tonkawood.

### NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 07/20/16.
- Bearings shown are on the Hennepin County Coordinate System.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

○ Denotes Iron Set  
 ● Denotes Iron Found  
 Scale 1" = 30'  
 Job No.: 16592BS

Bearings shown are on an assumed datum.  
 Drawn By: SNN  
 Project Manager: KDN

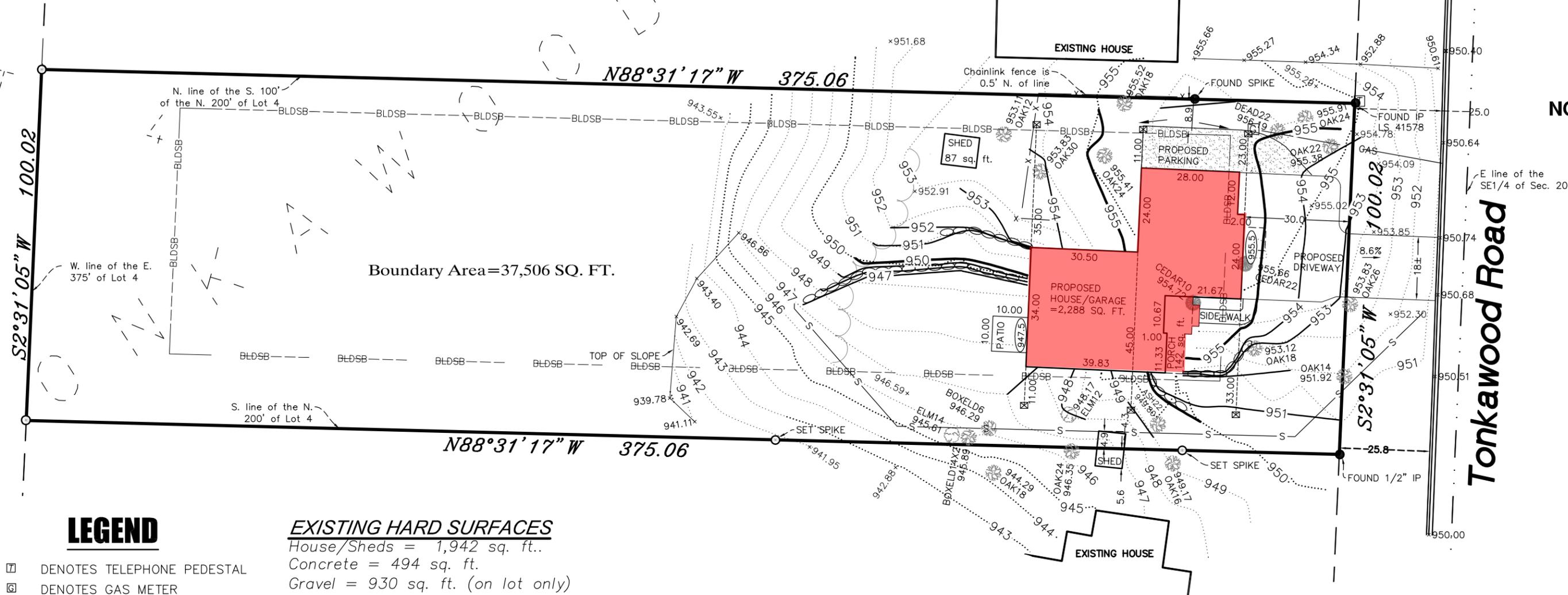
I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 27th day of July, 2016.  
  
 License No. 45356

**E.G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 990 5th Avenue SE, Suite 2  
 Hutchinson, MN 55350  
 Tel. (320) 587-2025 Fax (320) 587-2595  
 www.egrud.com

# CERTIFICATE OF SURVEY

# Proposed House

~for~ Pat Schiller  
 ~of~ 3808 Tonkawood Road Minnetonka, MN



NORTH

## LEGEND

- DENOTES TELEPHONE PEDESTAL
- ⊠ DENOTES GAS METER
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- x— DENOTES WOVEN WIRE FENCE
- ⊖⊖⊖ DENOTES RETAINING WALL
- ⋯ DENOTES EXISTING CONTOURS
- ⌒ DENOTES TREE LINE
- GAS— DENOTES UNDERGROUND GAS LINE
- s— DENOTES PROPOSED SILT FENCE

### EXISTING HARD SURFACES

House/Sheds = 1,942 sq. ft.  
 Concrete = 494 sq. ft.  
 Gravel = 930 sq. ft. (on lot only)  
Total = 3,366 sq. ft. / 37,506 sq. ft (Boundary area)  
 = (9% of lot is hard surface)

### PROPOSED HARD SURFACES

Prop. House = 2,288 sq. ft.  
 Prop. Porch = 142 sq. ft.  
 Prop. Concrete Walk = 125 sq. ft.  
 Prop. 10'x10' Patio = 100 sq. ft.  
 Driveway = 1,043 sq. ft. (on lot only)  
 Parking space = 500 sq. ft.  
 Existing Shed = 87 sq. ft.  
Total = 4,285 sq. ft. / 37,506 sq. ft (Boundary area)  
 = (11.4% of lot is proposed hard surface)

- 1023 DENOTES PROPOSED ELEVATION.
- x 1011.2 DENOTES EXISTING ELEVATION.
- ↖ DENOTES DIRECTION OF DRAINAGE.
- ⊠ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)

(8' 10" HIGH POURED WALL)  
PROPOSED ELEVATIONS:  
 TOP OF FOUNDATION = 956.2  
 GARAGE FLOOR = 955.5  
 LOWEST FLOOR = 947.7  
 TOP OF FOOTING = 947.4

DIAGONAL: 60.50 X 80.00 = 100.30

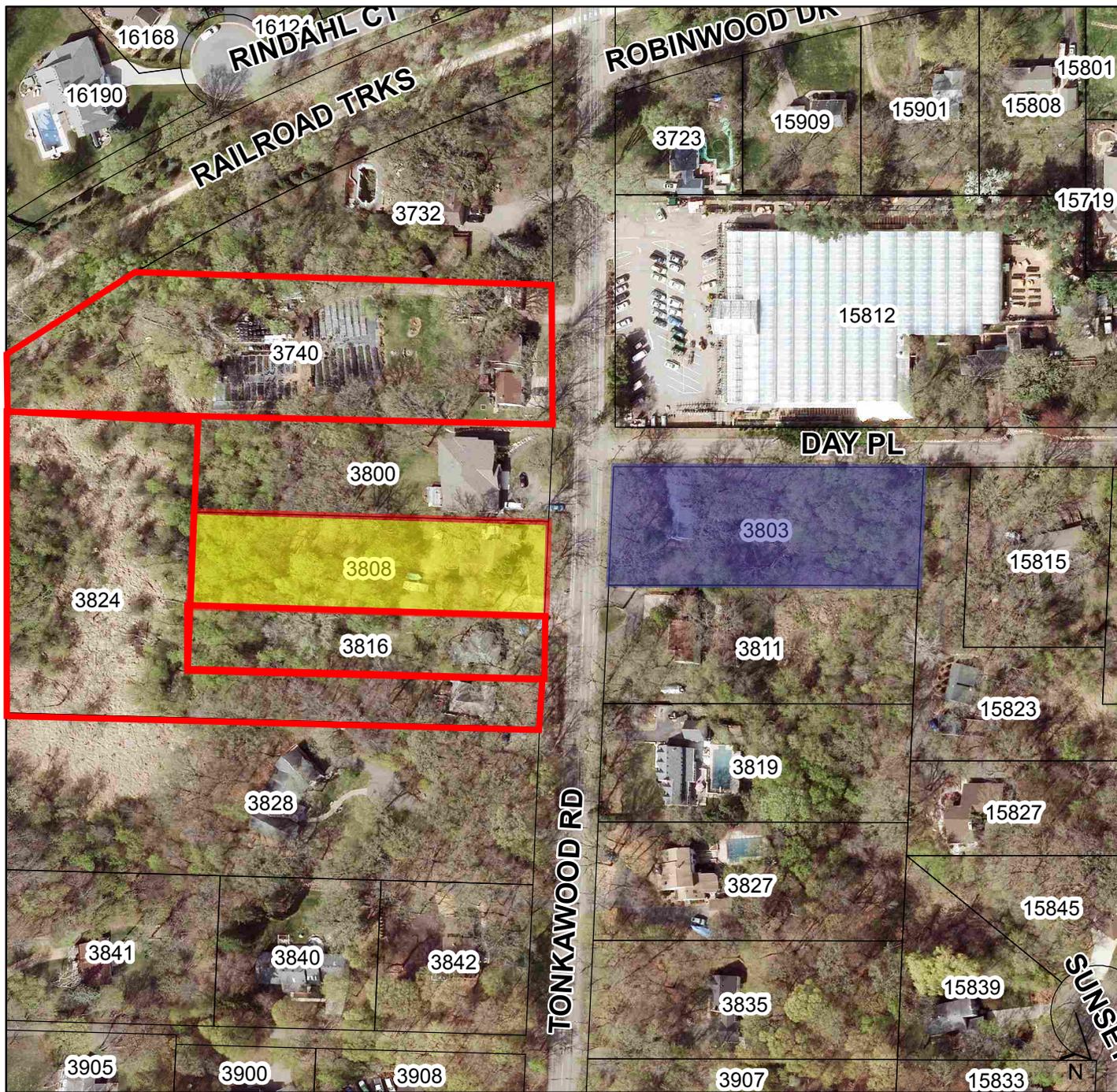
## NOTES

- \* BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.
- \* DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
- \* FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.
- Field survey was completed by E.G. Rud and Sons, Inc. on 07/20/16.
- Bearings shown are on the Hennepin County Coordinate System.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

## DESCRIPTION PER DOC. NO. 7177817

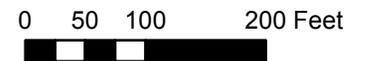
The South 100 feet of the North 200 feet of the East 375 feet of Lot 4, Tonkawood.

○ Denotes Iron Set ● Denotes Iron Found	Bearings shown are on an assumed datum.	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. Dated this <u>17th</u> day of <u>January</u> , 2017.  <i>KPSM</i>	 <b>E.G. RUD &amp; SONS, INC.</b> Professional Land Surveyors 990 5th Avenue SE, Suite 2 Hutchinson, MN 55350 Tel. (320) 587-2025 Fax (320) 587-2595	
Scale 1" = 30'	Drawn By: SNN			License No. 45356
Job No.: 16592BS	Project Manager: KDN			

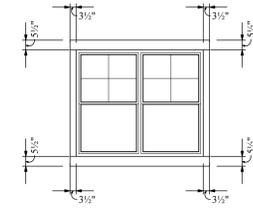
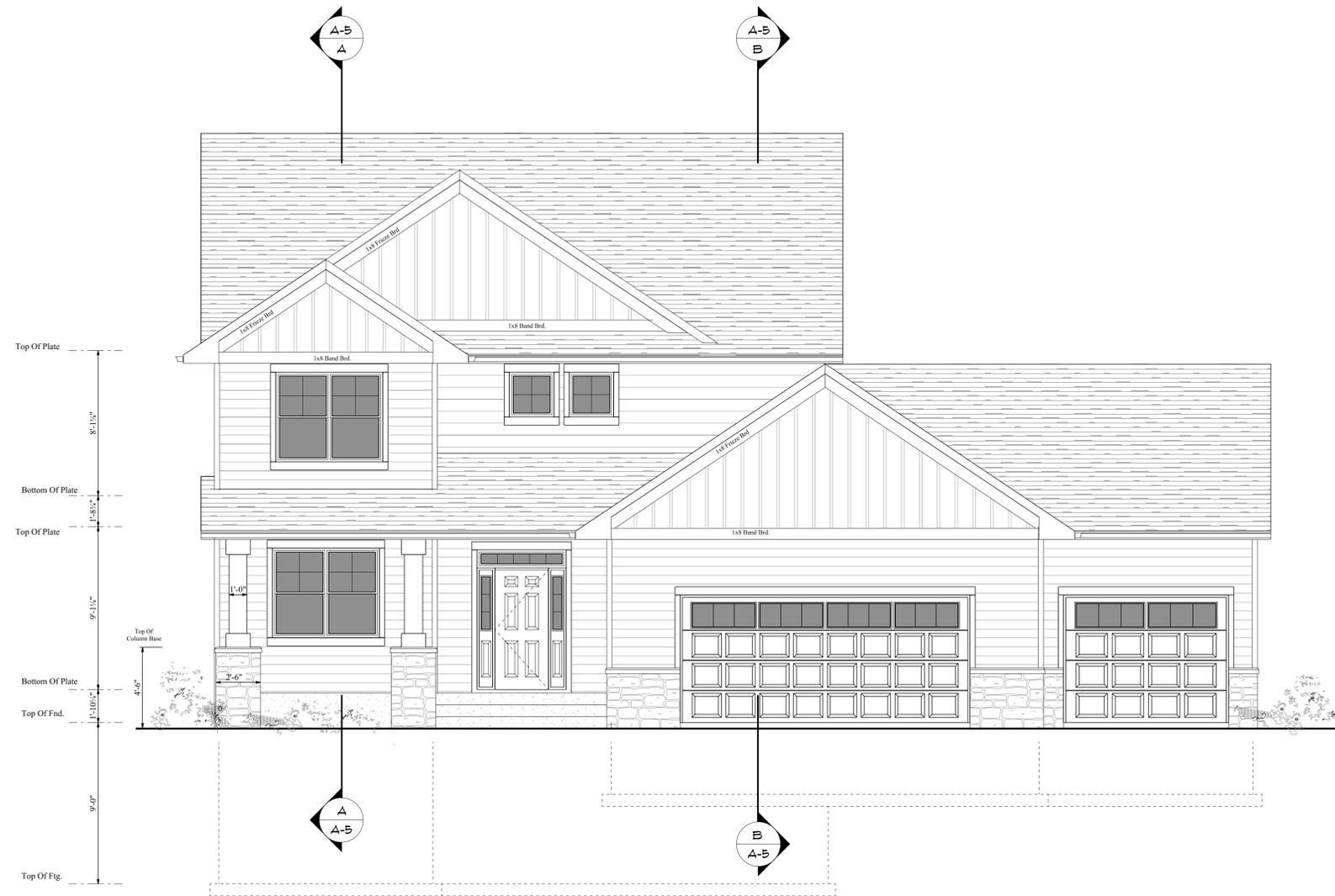


## Variances and Home Setbacks on Tonkawood Road

- Subject Property
- Front Yard Setback Variance Denied
- Properties with Structures within 50 feet of Front Property Line



Not a Survey. Not to Scale

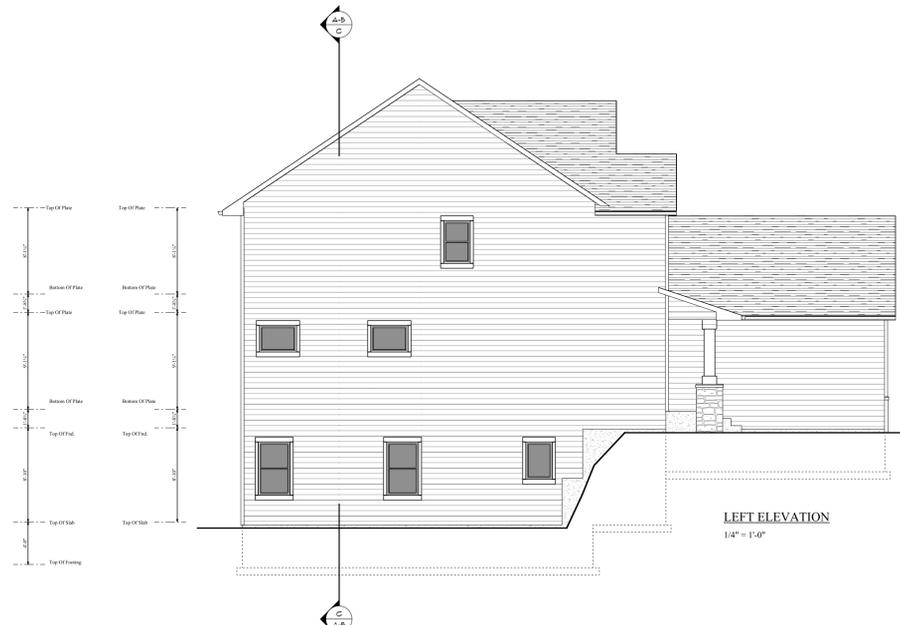


**TYPICAL OPENING TRIM DETAIL**

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



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



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



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

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING CODES AND BUILDING PRACTICES. THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES; HOWEVER STATE AND LOCAL CODES VARY WIDELY. THE DESIGNER, MDS DESIGN SERVICE, SHALL NOT BE HELD LIABLE FOR ANY ERRORS. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. DO NOT SCALE DRAWINGS. USE ONLY THE PRINTED DIMENSIONS. VERIFY WITH THE WINDOW MANUFACTURER ALL WINDOW SIZES AND APPLICABLE EGRESS REQUIREMENTS. ALL DIMENSIONS ARE TAKEN FROM TOUGH STUDS OR A DIMENSION OF EITHER 5/8" (2x6 STUDS), 3/4" (2x4 STUDS), 3/4" (2x4 STUDS) OR TO THE OUTSIDE OF MASONRY. CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES. CONTRACTOR SHALL VERIFY ALL BEAM AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND ROOF BEARING LOCATIONS.

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Meyer Design Service  
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OWNER:  
SCHILLER

CLIENT RELEASE  
SIGNATURES & DATE: 1/8/2016

DRAWN BY:  
VINCE C. MEYER

ELEVATIONS

SHEET NUMBER:  
A-1

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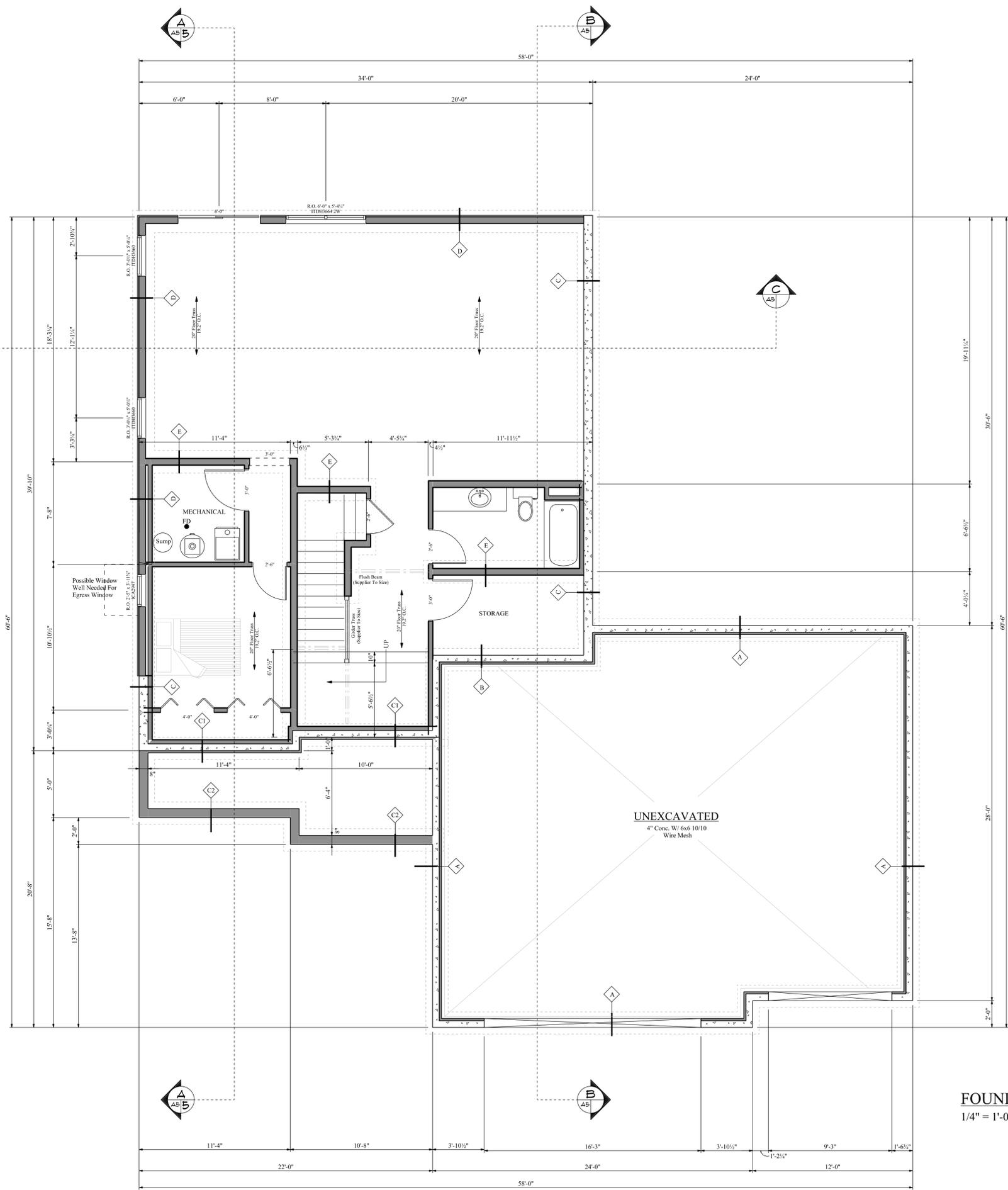
OWNER:  
  
SCHILLER

CLIENT RELEASE  
SIGNATURE & DATE: 1/18/2016

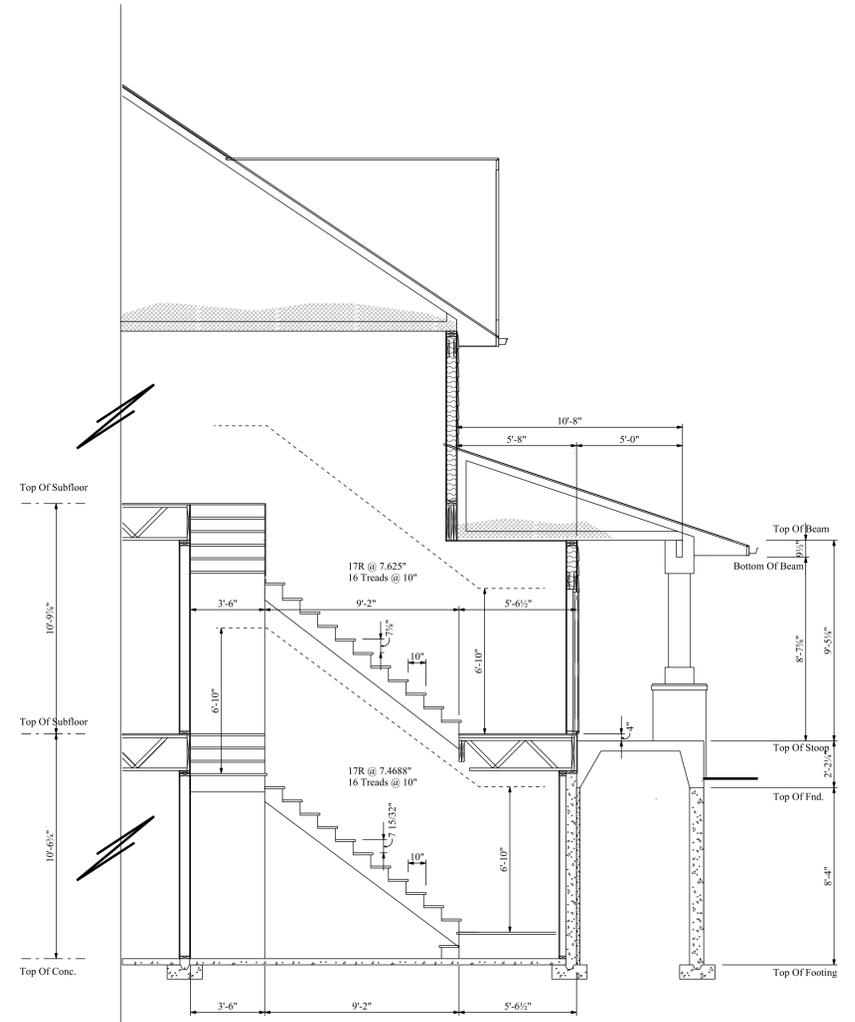
DRAWN BY:  
VINCE C. MEYER

FOUNDATION

SHEET NUMBER:  
A-2



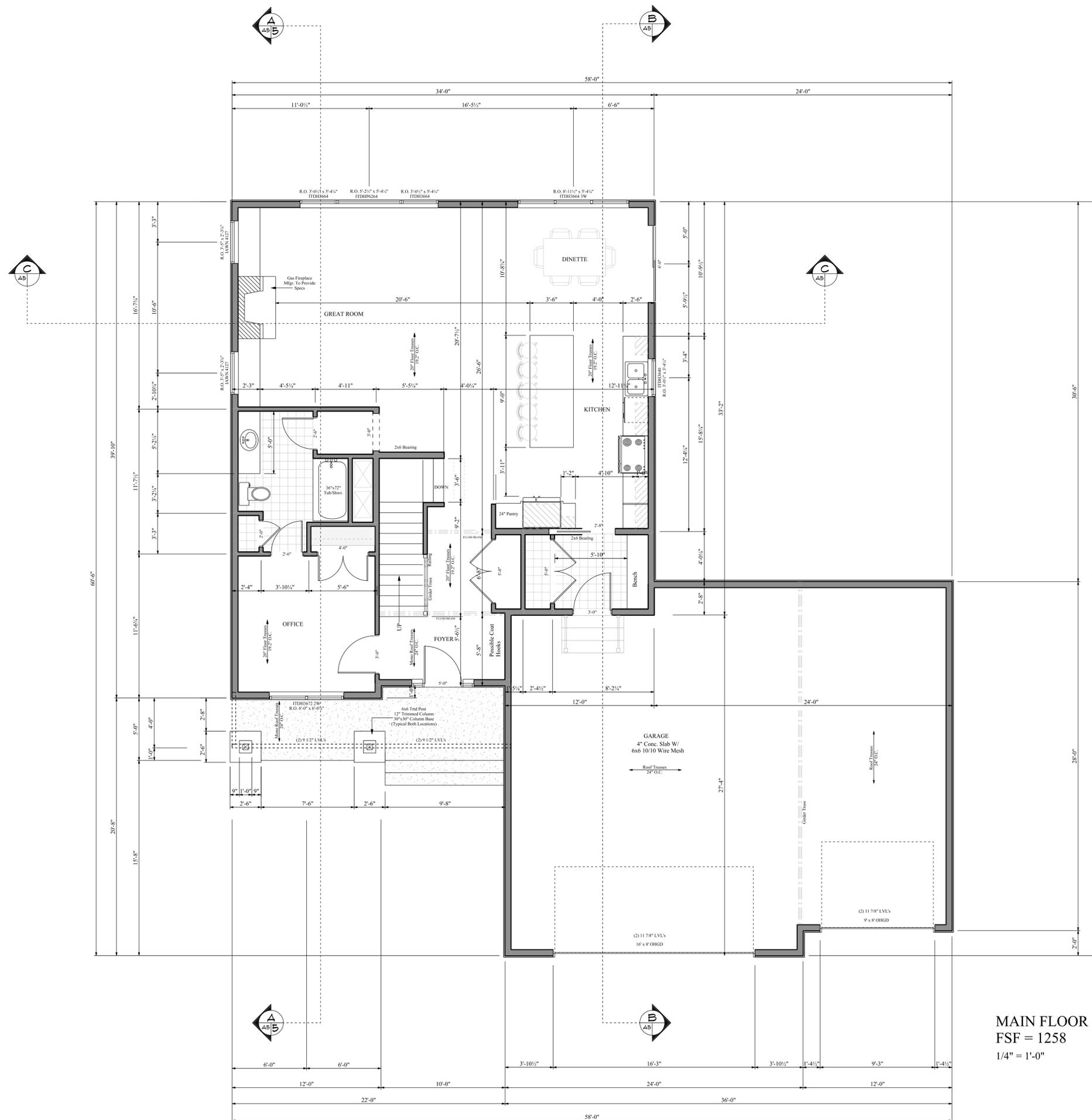
**FOUNDATION PLAN**  
1/4" = 1'-0"



**STAIR / COVERED PORCH SECTION**  
1/4" = 1'-0"

- A** 8"x48" Conc. Fnd.  
2" Slab Ledge  
20"x8" Conc. Footing W/  
(2) #4 Re-bar Cont.
- B** 2" Rigid Insulation  
Dampproofing  
10"x108" Conc. Fnd.  
2" Garage Slab Ledge  
1" Thermax Insulation  
20"x8" Conc. Footing W/  
(2) #4 Re-bar Cont.
- C** 2" Rigid Insulation  
8"x108" Conc. Fnd.  
1" Thermax Insulation  
Dampproofing  
4" D.T.  
20"x8" Conc. Footing  
(2) #4 Re-bar Cont.
- C1** 2" Rigid Insulation  
8"x108" Conc. Fnd.  
2" Stoop Ledge  
1" Thermax Insulation  
Dampproofing  
4" D.T.  
20"x8" Conc. Footing  
(2) #4 Re-bar Cont.
- C2** 8"x100" Conc. Fnd.  
Stoop Fnd.  
Drop Stoop Fnd 8"  
From Top Of House Fnd.  
20"x8" Conc. Footing W/  
(2) #4 Re-bar Cont.
- D** 2" Rigid Insulation  
Dampproofing  
8"x7" Conc. Fnd.  
Step Down Fnd. According To Grade  
1" Thermax Insulation  
2x6 Lookout Wall  
4" D.T.  
20"x8" Conc. Footing  
(2) #4 Re-bar Cont.
- E** 1/2 Crs. 6" Blk.  
2x6 Bearing Wall @ 16" O.C.  
20"x8" Conc. Footing W/  
(2) #4 Re-bar Cont.

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING CODES AND BUILDING PRACTICES. THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES; HOWEVER STATE AND LOCAL CODES VARY WIDELY. THE DESIGNER, HIS DESIGN SERVICE, SHALL NOT BE HELD LIABLE FOR ANY ERRORS. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. DO NOT SCALE DRAWINGS. USE ONLY THE PRINTED DIMENSIONS. VERIFY WITH THE WINDOW MANUFACTURER ALL WINDOW SIZES AND APPLICABLE EGRESS REQUIREMENTS. ALL DIMENSIONS ARE TAKEN FROM TOUGH STUDS OR A DIMENSION OF EITHER 5/8" (2x6 STUDS), 3/4" (2x4 STUDS) OR TO THE OUTSIDE OF MASONRY. CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES. CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND HEADER SIZES FOR CODE COMPLIANCE.



MAIN FLOOR LAYOUT  
 FSF = 1258  
 1/4" = 1'-0"

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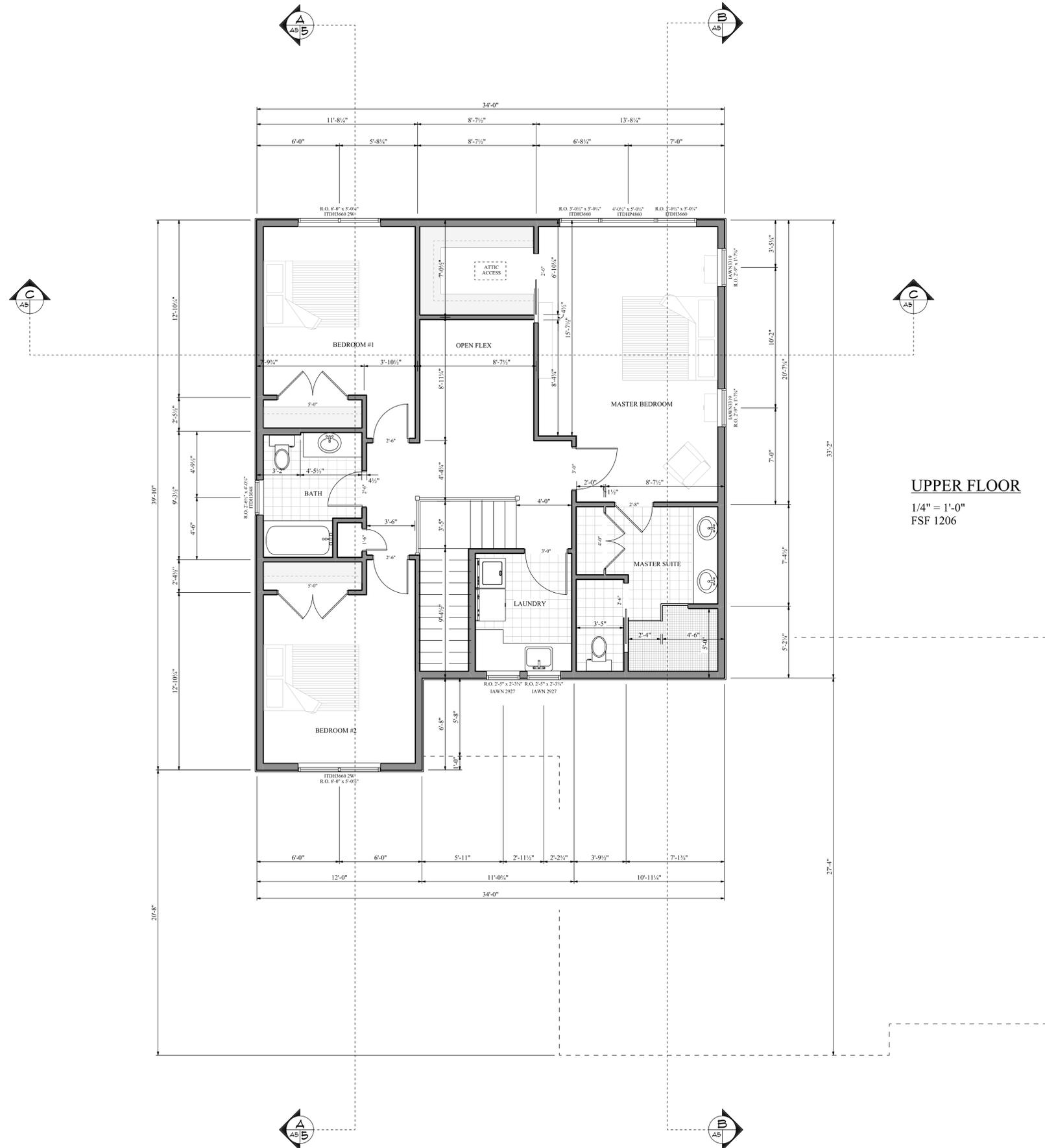
OWNER:  
 SCHILLER

CLIENT RELEASE SIGNATURES & DATE:  
 1/18/2016

DRAWN BY:  
 VINCE C. MEYER

MAIN FLOOR

SHEET NUMBER:  
 A-3



**UPPER FLOOR**

1/4" = 1'-0"  
FSF 1206

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING CODES AND BUILDING PRACTICES. THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES; HOWEVER STATE AND LOCAL CODES VARY WIDELY. THE DESIGNER, MDS DESIGN SERVICE, SHALL NOT BE HELD LIABLE FOR ANY ERRORS. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. DO NOT SCALE DRAWINGS; USE ONLY THE PRINTED DIMENSIONS. VERIFY WITH THE WINDOW MANUFACTURER ALL WINDOW SIZES AND APPLICABLE EGRESS REQUIREMENTS. ALL DIMENSIONS ARE TAKEN FROM TO ROUGH STUDS OF A DIMENSION OF EITHER 3 1/2" (2x4 STUDS), 3 1/2" (2x4 STUDS) OR TO THE OUTSIDE OF MASONRY. CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES. CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND ROOF BEARING LOCATIONS.



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OWNER:

SCHILLER

CLIENT RELEASE  
SIGNATURES & DATE: 08/2/2016

DRAWN BY:  
VINCE C. MEYER

UPPER FLOOR

SHEET NUMBER:

A-4





**Planning Commission Resolution No. 2017-**

**Resolution approving an expansion permit for construction  
of a single-family home at 3808 Tonkawood Road**

---

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

Section 1. Background

1.01 The applicants, Pat and Vicki Schiller, are proposing to demolish an existing single-family home and construct a new single-family home at 3808 Tonkawood Road.

1.02 The existing house was built in 1946 and has a non-conforming front yard setback. The applicant is proposing to position the structure 30 feet from the front property line, requiring an expansion permit.

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Front Yard Setback	50 ft.	26.5 ft.	30 ft.

1.03 The property is located at 3808 Tonkawood Road. It is legally described as:

The South 100 feet of the North 200 feet of the East 375 feet of Lot 4, Tonkawood, Hennepin County, Minnesota.

1.04 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

1.05 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.06 City Code §300.29 Subd. 7(c) authorizes the city to grant expansion permits.

1.07 On March 2, 2017, the planning commission held a hearing on the

application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

## Section 2. Standards

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

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

## Section 3. Findings

3.01 The proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd. 7(c):

1. REASONABLE EXPANSION:
  - a) The proposed construction of a single-family home is reasonable.
  - b) The proposed home would enhance the existing property.
  - c) The proposed home would be set back further from the front property line than the existing home.

## 2. CIRCUMSTANCES UNIQUE TO THE PROPERTY:

- a) The existing structure has a legal non-conforming front yard setback.
  - The existing house was built in 1946, prior to adoption of the city's front yard setback requirement.
  - The existing home has a 26.5-foot front yard setback, encroaching 23.5 feet into the required 50-foot setback.
  - The proposed structure would be set back 30 feet from the front property line, increasing the front yard setback by 3.5 feet.
- b) The front property line is set back particularly far from paved surface of Tonkawood Road.
  - There is approximately 25 feet of right-of-way between Tonkawood Road and the front property line.
  - If approved, the subject home would be set back 55 feet from Tonkawood Road.
- c) There are significant elevation changes in the rear yard. More intense grading would be needed if the structure was required to meet the 50-foot front yard setback.

## 3. NEIGHBORHOOD CHARACTER:

- a) If approved, the proposed project would not alter the essential character of the neighborhood.
- b) The subject home is currently encroaching into the front yard setback and the proposed home would be setback further from front property line than the existing home
- c) There are three other homes within 400 feet of the subject home on Tonkawood Road that have front yard setbacks that are less than 50 feet.

---

Section 4. Planning Commission Action

4.01 The above-described expansion permit and variance are hereby approved. 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 date stamped January 23, 2017
  - Building elevations date stamped January 23, 2017
  - Floor plans date stamped January 23, 2017
2. This resolution must be recorded with the county prior to issuance of a building permit.
3. Proposed driveway and bumpout parking space on north side of home must be hard surface (bituminous, concrete, paver.)
4. A stormwater management plan and accompanying calculations must be submitted prior to issuance of a building permit. These plans and calculations must show conformance with: Volume Control - 1 inch of runoff over the entire site's impervious surface must be retained onsite.
5. Erosion control and tree protection must be installed and inspected prior to the building permit being issued.
6. Cash escrow, in an amount to be determined by city staff, must be submitted. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
  - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
7. Any tree mitigation required must be installed prior to final inspection or release of certificate of occupancy.

8. A conservation easement is required over a minimum 16.5 foot wide buffer from the wetland at the rear of the property. This area must be maintained in native vegetation. The conservation easement document must be filed prior to issuance of the building permit or prior to final inspection, depending on the ability to identify the wetland boundary prior to the issuance of the permit. The conservation easement area will also need to be added to the survey.
9. This expansion permit and variance approval will end on December 31, 2018, unless the city has issued a building permit for the project covered by this expansion permit and variance approval or the city has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 2, 2017.

---

Brian Kirk, Chairperson

Attest:

---

Kathy Leervig, 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 March 2, 2017.

---

Kathy Leervig, Deputy City Clerk

**MINNETONKA PLANNING COMMISSION**  
**March 2, 2017**

<b>Brief Description</b>	Site and building plan review, with an expansion permit, for Pump and Meter at 11303 Excelsior Boulevard
<b>Recommendation</b>	Adopt the resolution approving the requests

---

**Background**

Pump and Meter, Inc. is proposing a 6,000 square foot addition to its existing warehouse building at 11303 Excelsior Boulevard. The company, originally founded in 1930, moved its corporate office from Minneapolis to its current location in 1982. Pump and Meter is a specialty service contractor servicing the petroleum and automotive industry with branches in Chippewa Falls, Wisconsin; Bemidji, Minnesota; and Duluth, Minnesota.

**Proposal Summary**

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

- **Existing Site Conditions.** The 3.5 acre site is located on Excelsior Boulevard at the Minnetonka-Hopkins border. The site is currently improved with an office building, a warehouse building, and two smaller accessory structures. But for the southern portion of the site, the site is almost entirely impervious surface with a mix of gravel, bituminous, and concrete. Currently, there is outdoor storage around the periphery of the property, which is screened by vegetation planted at the property line.
- **Proposed Building Addition and Site Design.** Pump and Meter has long anticipated the future growth of the company at its Minnetonka site. In fact, two future additions – one of which is the currently proposed addition – were included on the original 1992 building plans for the existing warehouse building.

Currently, Pump and Meter houses its offices in the northern office building and utilizes the southern warehouse for maintenance and storage needs. The proposed 6,000 square foot addition would allow for all of Pump and Meter's office, storage, training facilities, and maintenance operations to be located under one roof. Following completion of the addition, the northern office building would be leased to a local office company.

Stormwater would be directed to an existing stormwater infiltration basin in the southeast corner of the site.

- **Proposed Parking and Access.** The applicant has submitted a proof-of-parking plan that includes two parking lot expansions and more formalized parking areas within the existing paved portions of the site.

### **Primary Questions and Analysis**

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

- **Is the proposed use appropriate?**

Yes. The subject property is zoned I-1, industrial. Warehouse, storage, and office uses are permitted uses within this zoning district.

- **Is the proposed building addition reasonable?**

Yes. The addition would meet all standards as outlined in the I-1, industrial ordinance.

- **Is the proposed parking expansion reasonable?**

Yes. By ordinance, the site requires a total of 72 parking spaces. The applicant has submitted a proof-of-parking plan which includes a total of 84 parking stalls. To provide for continued vehicular and delivery truck flow through the site, the applicant is proposing two parking lot expansions in order to meet the city's parking requirements. Currently, the existing parking lot is setback 5 feet from the north and west property lines. As proposed, the northerly and westerly parking lot expansions would require expansion permits to maintain the existing parking lots' setback. Staff finds that this request is reasonable and has included its findings in the "Supporting Information" section of this report.

- **Would the proposal comply with the Southwest Light Rail (SWLRT) Overlay District ordinance?**

Yes. The SWLRT overlay ordinance was created in anticipation of the future light rail transit stations in Minnetonka. The intent of the ordinance is to guide coordinated development and redevelopment of the area in a transit-friendly manner amongst properties under multiple ownership. By ordinance, development within the overlay district must: (1) contemplate transit-friendly development; (2) not result in an investment into the property that is more than 50% of the current value of the property; and (3) not include a rezoning, variance or conditional use permit.

The proposal would allow for continuation of a currently allowed use and longstanding Minnetonka business, while allowing for investment into the property that complies with the standards outlined in the ordinance.

**Staff Recommendation**

Adopt the resolution approving final site and building plans, with an expansion permit, for a building expansion at 11303 Excelsior Boulevard.

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

**Supporting Information**

**Surrounding Land Uses**

Northerly: City of Hopkins, residential properties  
 Easterly: City of Hopkins, industrial property  
 Southerly: Industrial property  
 Westerly: Industrial property

**Planning**

Guide Plan designation: Industrial  
 Zoning: I-1, Industrial

**Setbacks**

The following chart outlines the setbacks required for the building. Requirements with no change are shaded in grey:

		Required	Existing	Proposed
Warehouse Building Setbacks	North	50 ft	205 ft	205 ft
	South	20 ft	155 ft	95 ft
	East	30 ft	55 ft	55 ft
	West	20 ft	113 ft	113 ft
Parking Lot Setbacks	North	20 ft	5 ft	5 ft *
	South	10 ft	155 ft	155 ft
	East	20 ft	5 ft	5 ft
	West	10 ft	5 ft	5 ft *
FAR		1.0	0.16	0.2
Impervious		85%	65%	75%

\*requires expansion permit

**Parking Requirements**

By ordinance, the site would require a total of 72 parking stalls. The following chart summarizes the parking requirements of the site:

Use	Parking Calculation	Required Number of stalls
Warehouse	1 stall per 1,000 sf (17,544 sf / 1000 sf)	18
Office space within proposed expansion	1 stall per 250 sf (9,416 sf / 250 sf)	38

<i>Office space within existing office building</i>	1 stall per 250 sf 4000 sf / 250 sf	16
<b>Total</b>		<b>72</b>

**Outdoor storage** Currently, Pump and Meter is storing multiple tanks and pumps on the western side of the property. The applicant has indicated that these items would be moved offsite to accommodate parking.

**Grading** Due to the relatively flat topography of the site, minimal grading is required to accommodate the proposal.

**Stormwater** As proposed, stormwater would be directed to an infiltration basin in the southeast corner of the site.

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

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

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

2. Consistency with this ordinance;

**Finding:** But for the expansion permit to allow for the expansion of the existing non-conforming parking lot, the proposal is consistent with the city's 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 site is relatively flat with minimal existing greenspace or landscaping. As such, the proposal does not require a significant amount of grading or tree removal.

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 proposal would result in a building addition that has been contemplated by the city and the property owner for 20 years. The building addition would be constructed over an area that is compacted and partially impervious. Further, the proposal would allow for investment into an industrially-zoned property.

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 building addition and parking areas have been appropriately located relative to existing improvements.

5. 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 proposed building addition would meet minimum energy standards.

6. 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 proposed building addition would not negatively impact adjacent properties or land uses. The proposal would allow for reasonable investment into the property without exceeding the maximum threshold established within the SWLRT Overlay District.

**Expansion Permit**

Staff finds that the proposal is reasonable under provisions of the non-conforming use ordinance.

1. **REASONABLENESS:** It is somewhat unclear when the existing parking lot was constructed. However, based on aerial photography, staff believes that the existing parking lot pre-dates the city's current parking standards. The proposed parking lot expansions would maintain existing parking lot setbacks and would allow for more organized and formal parking areas onsite without disrupting large truck traffic. As such, staff finds the request reasonable.
2. **UNIQUE CIRCUMSTANCE:** The southern portion of the site is largely encumbered by the site's stormwater maintenance facility. This, coupled with the non-conforming setbacks of the existing office building and parking lot, presents a unique circumstance that limits the location of parking lot expansions on site.
3. **NEIGHBORHOOD CHARACTER:** The site is located in an industrial district south of Excelsior Boulevard. Many of these properties have non-conforming – or even in some cases, zero-foot – parking lot setbacks. As such, the expansion permit would not adversely impact the surrounding neighborhood.

**Southwest Light  
Rail Transit  
Overlay District**

In anticipation of the construction of the Southwest Light Rail Transit (SWLRT) the city adopted the SWLRT Overlay District. Recognizing that many of the properties surrounding the two Minnetonka station areas were ripe for redevelopment, the overlay district was developed to allow minor redevelopment activities to occur without precluding future coordinated transit orientated redevelopment opportunities.

Within the overlay district, the ordinance allows:

- Existing property owners and businesses to continue with their currently allowed use;

- Limited improvements to existing buildings and sites when transit-friendly improvements are demonstrated;
- Property improvements into existing buildings by no more than 50% of the property's current value;
- Site and building plan approvals but restricts other city approvals.

The proposal would comply with all requirements for properties within the SWLRT overlay district as outlined by City Code 300.36 Subd. 2:

1. The applicant must include as part of its application to the city a discussion of how the development would integrate with other properties within the district when the station is constructed and what future changes to the property would be necessary for a cohesive transit-friendly redevelopment of the relevant station area, including: (a) building placement, facades and orientation; (b) property use; (c) site layout and connections to adjacent properties; (d) parking including shared parking arrangements; (e) bike parking; (f) pedestrian connections and access to the station; (g) landscaping; and (h) size of the development parcel;

**Finding:** Staff finds that the proposal would allow for reasonable use of a property within the overlay district. The proposal would not preclude or adversely impact future transit-friendly redevelopment opportunities. As such, staff finds that the proposal would meet the intent of this requirement.

2. The applicant may not make new investment into the property that is more than 50% of the current value of all improvements on the property; and

**Finding:** As required by ordinance, the applicant submitted a list itemizing the cost of construction for the addition. Given the property's current market value, the maximum investment allowed into the property is \$552,500. The construction costs of the proposed addition is \$550,064. As such, the proposal meets this requirement.

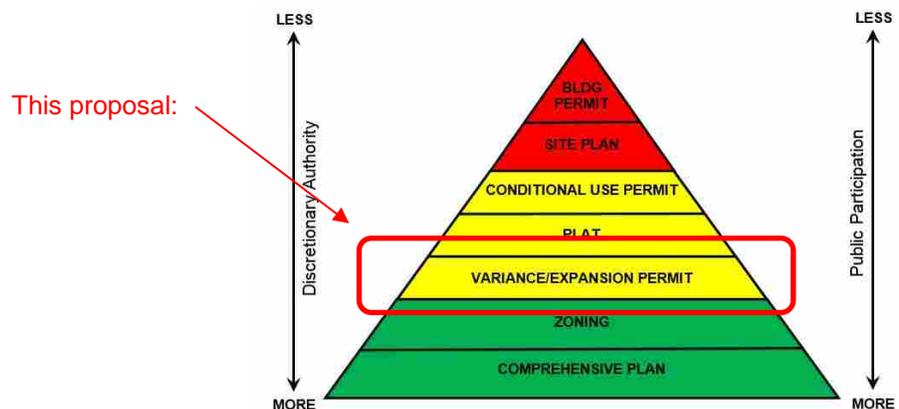
3. No re-zonings, variances, or conditional use permits will be allowed for the property. Only site plan approvals and building permits will be issued.

**Finding:** The proposal requires approval of site and building plans and an expansion permit. The proposal does not require a re-zoning, variance or conditional use permit.

### Outside Agencies

The applicant's proposal has been submitted to various outside agencies for review, including Hennepin County and the city of Hopkins.

### Pyramid of Discretion



### Motion Options

Five votes are required to approve the applicant's proposal. The planning commission has three options:

- 1) Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the final site and building plans and expansion permit.
- 2) 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 and expansion permit. 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 57 area property owners and received no comments.

**Deadline for  
Decision**

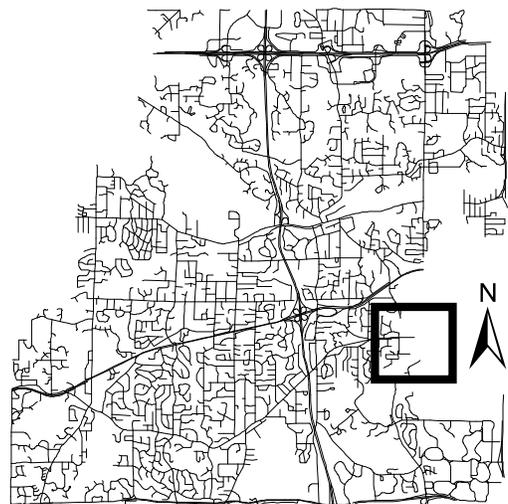
May 22, 2017



### Location Map

Project: Pump & Meter Service, Inc  
Address: 11303 Excelsior Blvd  
Project No. 89061.17a

City of  
**minnetonka**



This map is for illustrative purposes only.

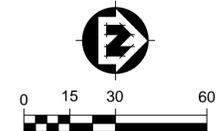
Pump and Meter  
11303 Excelsior Boulevard  
89061.17a

**LEGEND: EXISTING (CONTINUED)**

- e — . . . . . DENOTES EEC. LINE
- X — X — . . . . . DENOTES FENCE LINE
- FO — . . . . . DENOTES FIBER OPTIC
- G — . . . . . DENOTES GAS LINE
- SAN — . . . . . DENOTES SANITARY SEWER
- SS — . . . . . DENOTES STORM SEWER
- TELE — . . . . . DENOTES TELEPHONE LINE
- CATV — . . . . . DENOTES TV LINE
- OHU — . . . . . DENOTES OVERHEAD UTL.
- W — . . . . . DENOTES WATERMAIN
- + — + — . . . . . DENOTES RAIL ROAD
- ⊙ . . . . . FIRE HYDRANT
- ⊕ . . . . . WATER VALVE
- . . . . . MANHOLE
- ⊠ . . . . . CATCH BASIN
- ⊙ . . . . . POWERPOLE
- ⊙ . . . . . LIGHT POLE
- ⊙ . . . . . GUY
- ⊠ . . . . . TRANSFORMER
- ⊠ . . . . . ELECTRIC METER
- ⊠ . . . . . TV PEDESTAL
- ⊠ . . . . . TELEPHONE PEDESTAL
- ⊠ . . . . . ELECTRIC PEDESTAL
- ⊠ . . . . . AIR CONDITIONER
- ⊠ . . . . . HAND HOLE
- ⊠ . . . . . SEMAPHORE
- ⊠ . . . . . GAS METER
- ⊠ . . . . . SOIL BORING
- ⊠ . . . . . SIGN
- ⊠ . . . . . DECIDUOUS TREE
- ⊙ . . . . . CONIFEROUS TREE
- ⊙ . . . . . DENOTES TREE & BRUSH LIMITS
- ⊙ . . . . . DENOTES FLARED END SECTION
- ⊙ . . . . . DENOTES FRENCH DRAIN
- ⊙ . . . . . CURB STOP
- ⊙ . . . . . CLEAN OUT
- ⊙ . . . . . BUSH
- ⊙ . . . . . AUTO SPRINKLER
- ⊙ . . . . . WATER SPIGOT
- ⊙ . . . . . FLAG POLE
- ⊙ . . . . . GROUND LIGHT
- ⊙ . . . . . MAILBOX
- ⊙ . . . . . ROOF DRAIN
- ⊙ . . . . . TRANSMISSION TOWER
- ⊙ . . . . . VENT PIPE
- ⊙ . . . . . WELL

**WARNING**  
 LOCATION OF UNDERGROUND UTILITIES  
 TO BE VERIFIED BY CONTRACTOR  
**GOPHER STATE ONE CALL**  
 CALL BEFORE DIGGING.  
 1-800-252-1166 REQUIRED BY LAW

The subsurface utility information in this plan is utility quality level D. This quality level was determined according to the guidelines of CI/ASCE 38-2, entitled "Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data."



**GOVERNING SPECIFICATIONS**

- THE LATEST EDITION OF THE MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL GOVERN FOR ALL PAVING AND GRADING WORK.
- LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD)
- LATEST EDITION OF THE CITY OF HOPKINS STANDARD SPECIFICATIONS FOR CONSTRUCTION AND/OR APPLICABLE CITY ORDINANCES
- LATEST EDITION OF THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) STANDARD UTILITIES SPECIFICATIONS FOR SEWER INSTALLATIONS
- BENCHMARK**  
TOP NUT HYDRANT, NW CORNER OF SITE=926.32
- DATE OF SURVEY: AUGUST 30, 2016 BY MSA PROFESSIONAL SERVICES, INC.

**NOTES:**  
 EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION (SEE EROSION CONTROL PLAN).

CONTACT GOPHER STATE ONE CALL AT (651) 454-0002 FOR UTILITY LOCATIONS 48 HOURS IN ADVANCE OF EXCAVATIONS. CONTACT PUBLIC UTILITY OWNERS A MINIMUM OF 72 HOURS PRIOR TO THE START OF WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT ALL EXISTING UTILITIES AND TOPOGRAPHIC FEATURES NOT SCHEDULED FOR REMOVAL. NO ADDITIONAL PAYMENT WILL BE MADE FOR REPAIRING DAMAGE TO EXISTING UTILITIES. RELOCATING, WORKING AROUND, OR PROTECTING EXISTING UTILITIES OR OTHER APPURTENANCES. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY OWNER, THE ARCHITECT, AND THE ENGINEER OF DISCREPANCIES OR VARIATIONS FROM THE PLANS.

THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS, ELEVATIONS AND TYPES OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE COMMENCEMENT OF ANY WORK ON-SITE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY OWNER, THE ARCHITECT, AND THE ENGINEER OF DISCREPANCIES OR VARIATIONS FROM THE PLANS.

PREVENT MOVEMENT OR SETTLEMENT OF ADJACENT STRUCTURES. PROVIDE BRACING AND SHORING AS REQUIRED, INCIDENTAL TO THE PROJECT.

THE CONTRACTOR SHALL REFER TO THE MINNESOTA MUTCD FOR TRAFFIC CONTROL REQUIREMENTS. THE CONTRACTOR MAY BE REQUIRED TO PHASE CONSTRUCTION TO MINIMIZE DISRUPTION TO TRAFFIC AND MAINTAIN SITE SAFETY. CONSTRUCTION OPERATIONS SHALL BE PERFORMED IN A WAY TO MINIMIZE THE DISRUPTION TO THE NORMAL FLOW OF TRAFFIC ON ALL STREETS, ALLEYS, AND PUBLIC BUILDING ACCESS.

THE CONTRACTOR SHALL OBTAIN AND CONFORM TO ALL PERTINENT CITY, COUNTY AND STATE DETAILS, SPECIFICATIONS, PERMITS, AND COORDINATE INSPECTIONS AS REQUIRED BY THE GOVERNING BODY DURING THE ENTIRE PROJECT DURATION.

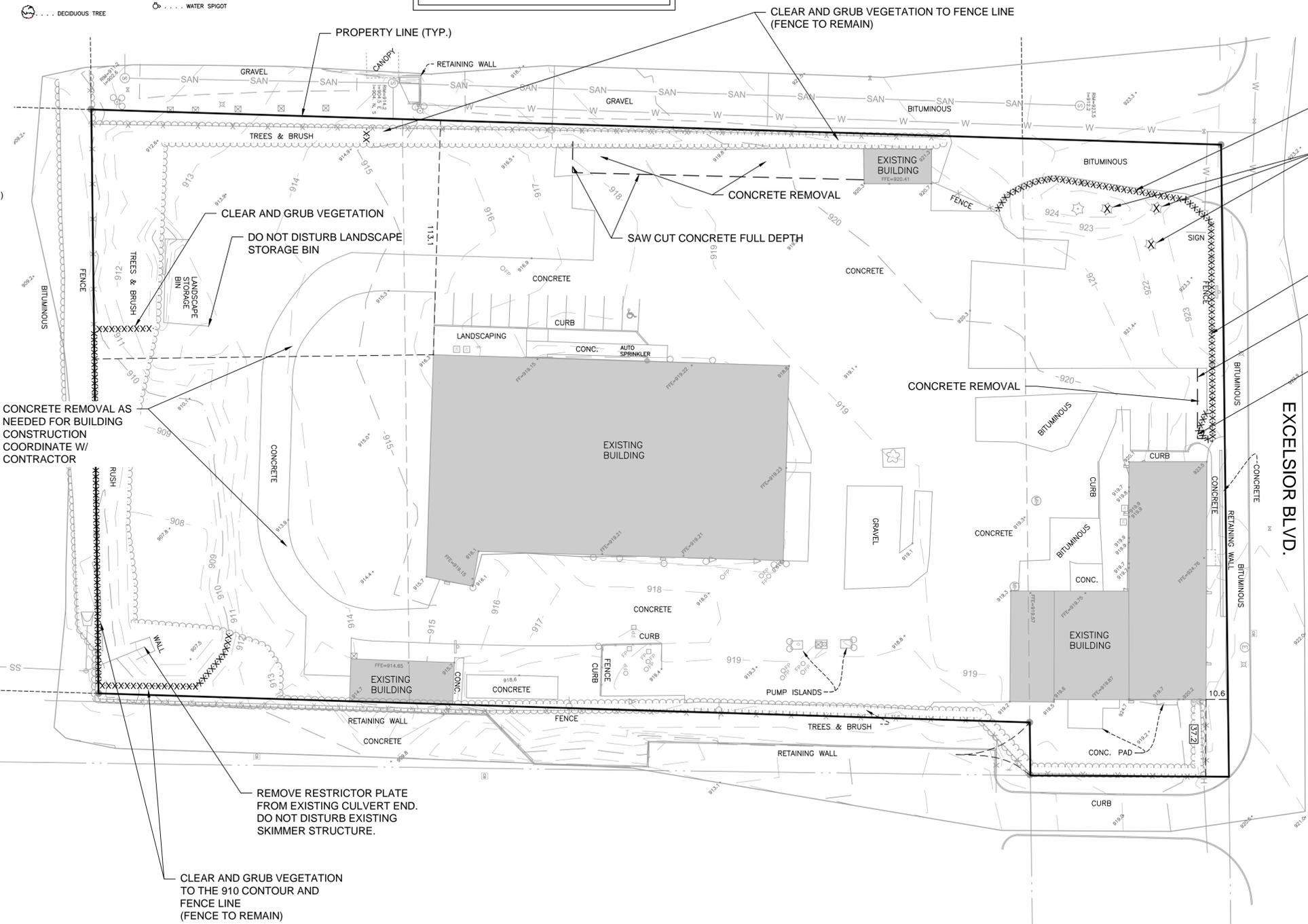
SAW CUT ALL BITUMINOUS AND CONCRETE JOINTS PRIOR TO REMOVAL.

THE CONTRACTOR SHALL COORDINATE GAS, ELECTRICAL, OR OTHER PRIVATE UTILITY SERVICE PROVIDERS FOR REMOVALS AND RELOCATIONS TO CONSTRUCT THE PROJECT AS SHOWN. THE CONTRACTOR SHALL PROVIDE COMPENSATION FOR ALL PRIVATE UTILITY REMOVALS AND/OR RELOCATIONS AT NO ADDITIONAL COST TO THE OWNER.

**SAFE WORK SITE REQUIREMENTS:** THE CONTRACTOR SHALL PROVIDE A CONTINUOUS, ACCESSIBLE, AND SAFE PEDESTRIAN WALKWAY THAT MEETS ADA AND MN MUTCD STANDARDS IF WORKING IN A SIDEWALK AREA AND TRAFFIC CONTROL PER MN MUTCD REQUIREMENTS FOR WORK WITHIN THE PUBLIC RIGHT OF WAY.

**NO PRIVATE FACILITIES IN THE RIGHT OF WAY:** THE DEVELOPER IS STRICTLY PROHIBITED FROM INSTALLING PRIVATE ELECTRICAL WORKING, CONDUIT, RECEPTACLES, AND/OR LIGHTING IN THE CITY'S RIGHT OF WAY. THIS INCLUDES STUBBING CONDUIT OR CABLE INTO THE PUBLIC RIGHT OF WAY TO ACCOMMODATE UTILITY FEEDS TO THE SITE. COORDINATE WITH EACH UTILITY COMPANY PRIOR TO CONSTRUCTION TO DETERMINE FEED POINTS INTO THE PROPERTY.

CONSTRUCTION EQUIPMENT AND MATERIALS SHALL NOT BE STORED WITHIN CITY R/W.



- REMOVE FENCE
- TREE REMOVAL (TYP.)
- REMOVE FENCE
- SAW CUT CONCRETE FULL DEPTH
- REMOVE CURB

PROJECT NO.:	18137001	SCALE: AS SHOWN	NO.	DATE	REVISION	BY
PROJECT DATE:		DRAWN BY:	CES			
F.B.:		CHECKED BY:	CS			

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

JANUARY, 2017  
 Date  
 License No. 52941  
*David Schofield, P.E.*  
 DAVID SCHOFIELD

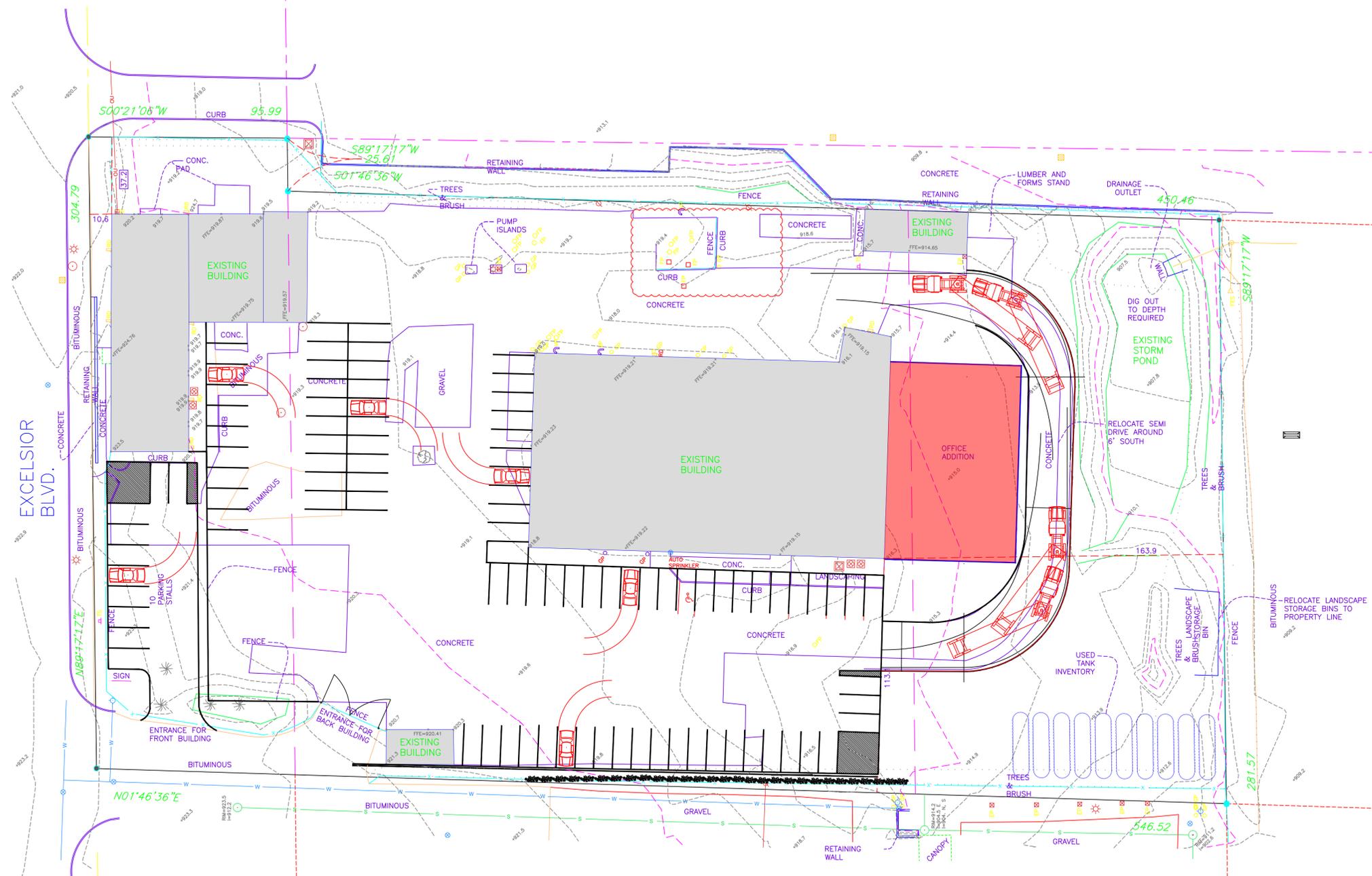
**MSA**  
 PROFESSIONAL SERVICES

ARCHITECTURE | ENGINEERING | ENVIRONMENTAL FUNDING | PLANNING | SURVEYING  
 60 Plato Blvd E St. Paul, MN 55107  
 (612) 548-3132 (866) 452-9454  
 www.msa-ps.com  
 © MSA Professional Services, Inc.

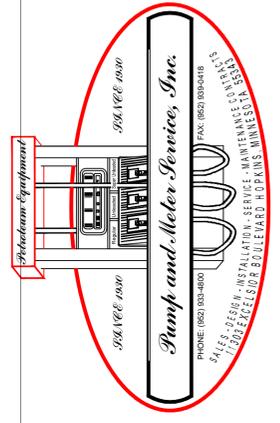
**SITE IMPROVEMENTS**  
 PUMP AND METER SERVICE, INC.  
 HOPKINS, MN

**REMOVALS**

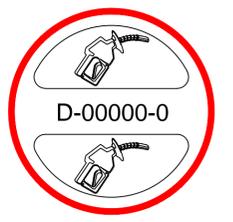
FILE NO.  
 18137001  
 SHEET  
 R-1



REVISION BLOCK	
DATE	DESCRIPTION



**Pump & Meter Service, Inc.**  
 11303 Excelsior Blvd  
 Hopkins, MN 55343  
 Scale: 1" = 30'  
 Drawn by: C Hein  
 Date drawn: 10/28/16

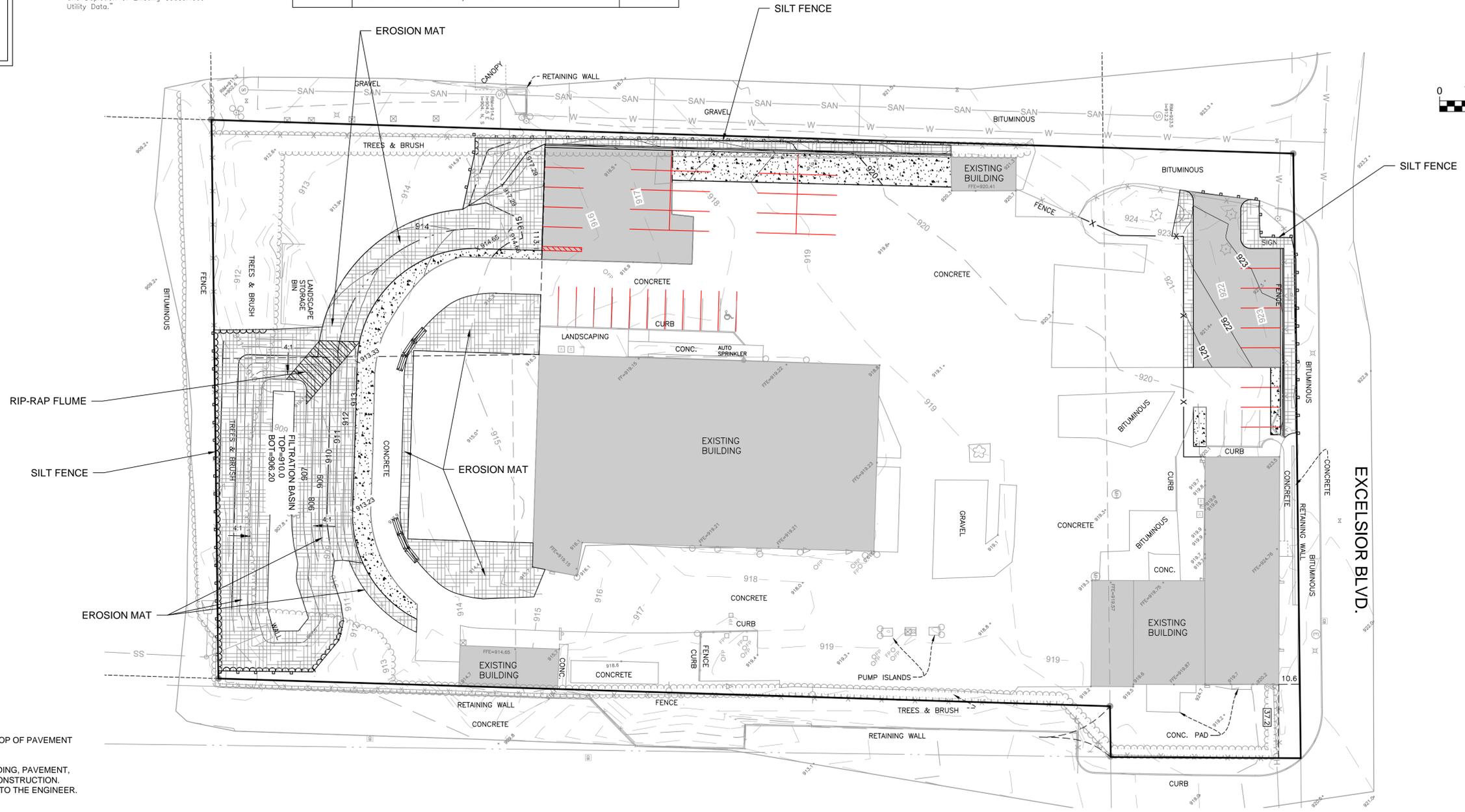
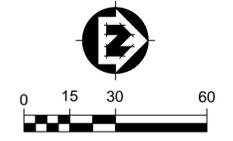


**WARNING**  
 LOCATION OF UNDERGROUND UTILITIES  
 TO BE VERIFIED BY CONTRACTOR  
**GOPHER STATE ONE CALL**  
 CALL BEFORE DIGGING,  
 1-800-252-1166 REQUIRED BY LAW

The subsurface utility information in this plan is utility quality level D. This quality level was determined according to the guidelines of CI/ASCE 38-.2, entitled "Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data."

**BENCHMARK TABLE**

BM. NO.	DESCRIPTION	ELEV.
1	TOP NUT HYDRANT, NW CORNER OF SITE	926.32



**LEGEND:**  
 - - - 973 EXISTING CONTOURS  
 ——— 973 PROPOSED CONTOURS

- GENERAL NOTES:**
- SPOT GRADES REFLECT FLOW LINE OF CURB OR TOP OF PAVEMENT UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL FIELD VERIFY EXISTING BUILDING, PAVEMENT, AND CURB & GUTTER ELEVATIONS PRIOR TO CONSTRUCTION. DIFFERENCES SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER.

**NOTES:**

MAXIMUM GRADE WITHIN HANDICAPPED PARKING SPACE AND ACCESS ISLE IS 2.00% IN ANY DIRECTION. A MAINTAIN/CONSTRUCT NO MORE THAN A 2.00% CROSS SLOPE ALONG ALL HANDICAPPED ACCESSIBLE ROUTES.

CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND/OR PROPERTY IRONS.

CONSTRUCTION EQUIPMENT AND MATERIALS SHALL NOT BE STORED ON WITHIN R/W.

PROJECT NO.	SCALE	NO.	DATE	REVISION	BY
18137001	AS SHOWN				
PROJECT DATE:	DRAWN BY: CES				
F.B.:	CHECKED BY: CS				

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

JANUARY, 2017  
 Date  
 52941 License No.  
*David Schofield, P.E.*  
 DAVID SCHOFIELD

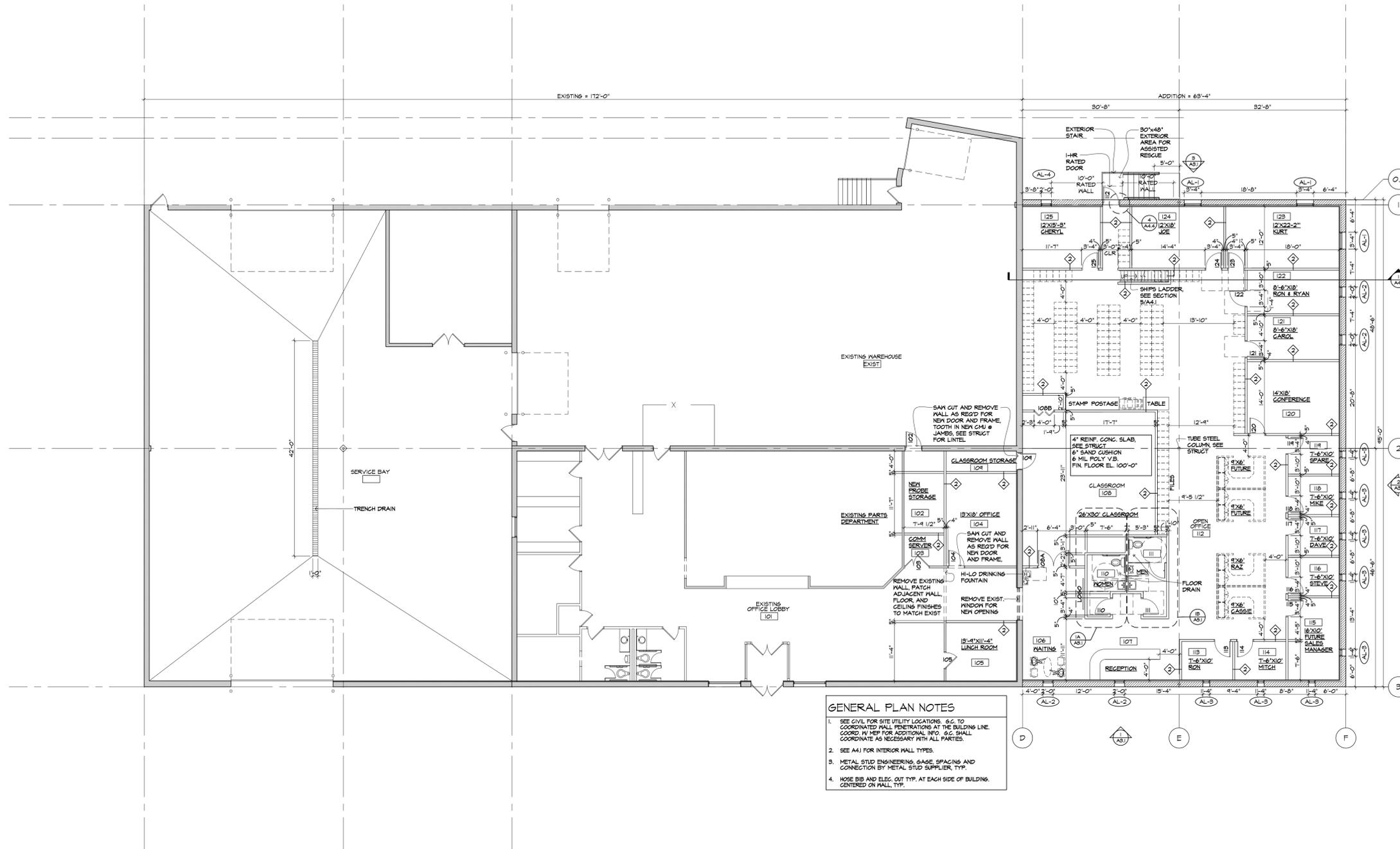
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**SITE IMPROVEMENTS**  
 PUMP AND METER SERVICE, INC.  
 HOPKINS, MN

SWPPP 1

FILE NO.  
 18137001  
 SHEET  
 CS-3



**GENERAL PLAN NOTES**

- SEE CIVIL FOR SITE UTILITY LOCATIONS, & CO. TO COORDINATED WALL PENETRATIONS AT THE BUILDING LINE. COORD. W/ MEP FOR ADDITIONAL INFO. SEE SHALL COORDINATE AS NECESSARY WITH ALL PARTIES.
- SEE A41 FOR INTERIOR MALL TYPES.
- METAL STUD ENGINEERING, GAGE, SPACING AND CONNECTION BY METAL STUD SUPPLIER, TYP.
- HOSE BIB AND ELEC. OUT TYP. AT EACH SIDE OF BUILDING, CENTERED ON WALL, TYP.

Mark	Revision / Issue	Date

**PUMP & METER  
SERVICE ADDITION  
HOPKINS, MN**

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

Printed Name: Kathy L. Anderson

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ License #: \_\_\_\_\_

**PROPOSED FLOOR  
PLAN  
SCALE: AS NOTED**

PROJECT NUMBER:	16-1078-01
ISSUED DATE:	01-18-17
DRAWN BY:	MR, CM
CHECKED BY:	KA

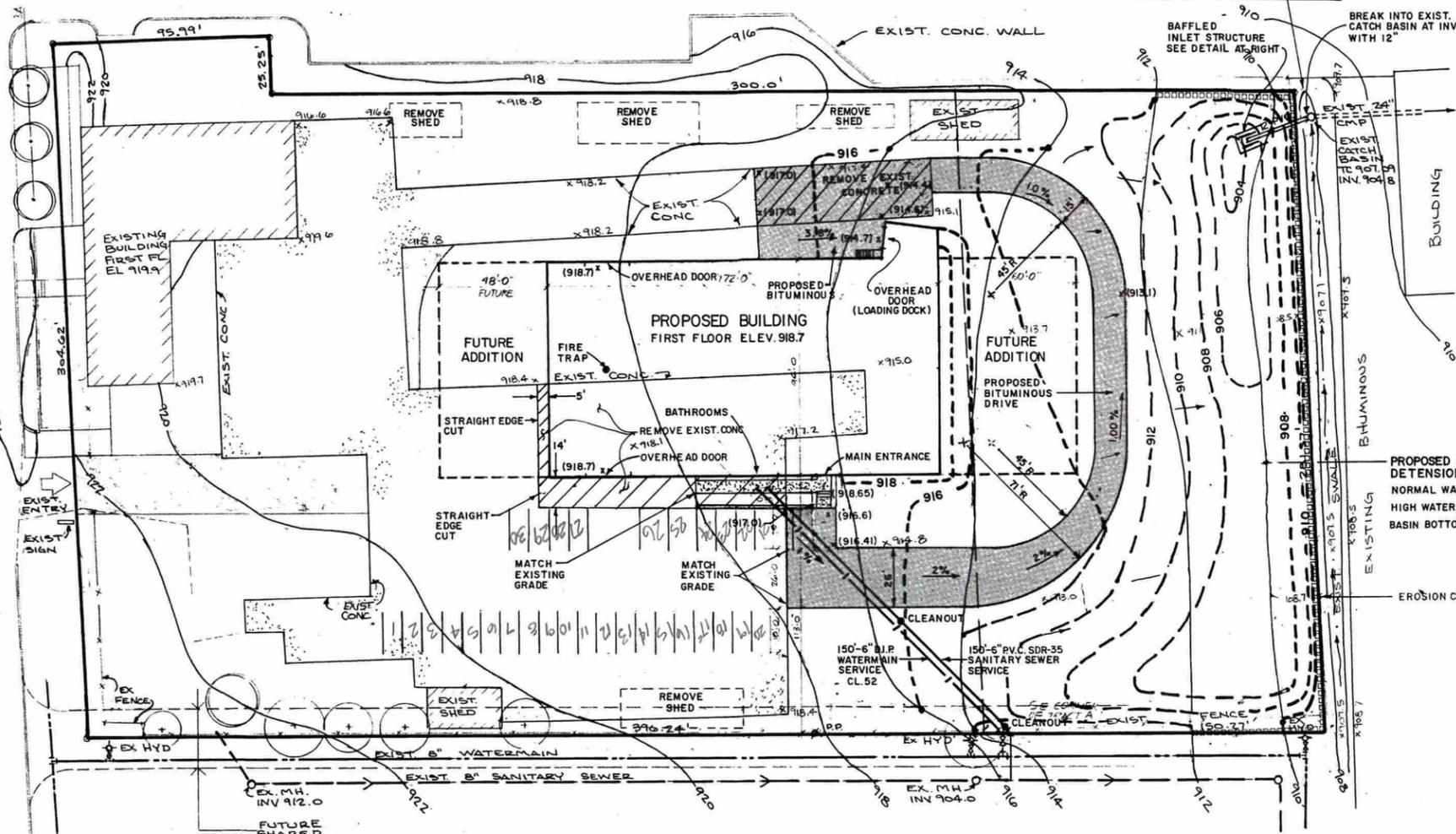
**1 PROPOSED FLOOR PLAN** 3/32" = 1'-0" NORTH

## Other Information

1992 - site plan for building permit for the warehouse

SCALE 1"=30'

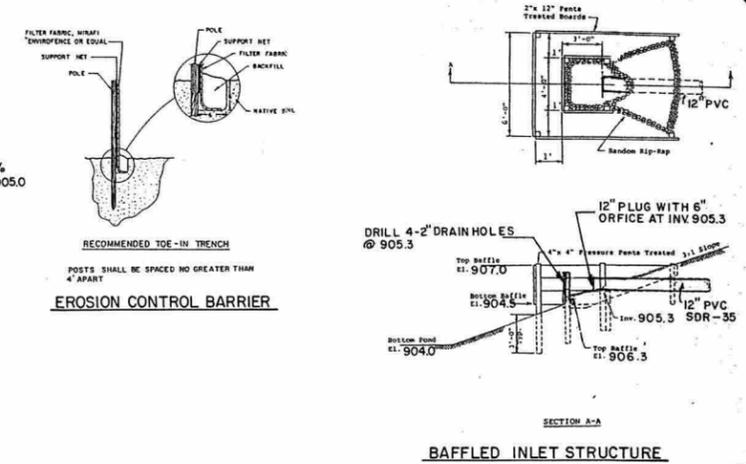
NO. 3  
C. S. A. H.



NOTE SANITARY SEWER AND WATERMAIN CONNECTIONS  
 1) CONNECT TO EX. 6" SANITARY SEWER STUB WITH 6'-45° BEND AND CLEANOUT  
 2) CONNECT TO EX. 6" WATERMAIN STUB WITH 6'-45° BEND

LEGEND

- 910 — EXISTING CONTOURS
- - - 910 - - - PROPOSED CONTOUR
- x 907.5 EXISTING SPOT ELEVATION
- x (907.5) PROPOSED SPOT ELEVATION
- 1.0% PERCENT OF GRADE
- FLOW ARROW
- ▨ PROPOSED BITUMINOUS PAVEMENT
- ▤ EROSION CONTROL BARRIER
- - - - - EXISTING STORM SEWER
- - - - - PROPOSED STORM SEWER
- - - - - EXISTING SANITARY SEWER
- - - - - PROPOSED SANITARY SEWER
- - - - - EXISTING WATERMAIN
- - - - - PROPOSED WATERMAIN



NOTE: ALL DISTURBED AREAS SHALL BE SEEDED AFTER GRADING

This drawing has been checked and reviewed this day of 3/6, 1992, by Jerry Backman

DATE	BY	REVISIONS

CERTIFICATION  
 I hereby certify that the plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.  
 Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

**SCHOELL & MADSON, INC.**  
 ENGINEERS • SURVEYORS  
 PLANNERS • SOIL TESTING  
 10550 WAYZATA BLVD.  
 MINNETONKA, MN. 55343  
 (612) 546-7601

OWNER / DEVELOPER  
**PUMP AND METER SERVICE, INC.**  
 DATE: MARCH 1992

PROJECT NAME / SHEET TITLE  
**GRADING, DRAINAGE, SANITARY SEWER AND WATERMAIN PLAN**

**Planning Commission Resolution No. 2017 -**

**Resolution approving final site and building plans, with an expansion permit, for a building addition for Pump and Meter, Inc. at 11303 Excelsior Boulevard**

---

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

Section 1. Background.

- 1.01 The subject property is located at 11303 Excelsior Boulevard. It is legally described on Exhibit A of this resolution.
- 1.02 Pump and Meter, Inc. has requested approval of final site and building plans in order to construct an addition onto the warehouse building. The proposal also requires an expansion permit to expand the existing parking lot.
- 1.03 The exact construction date of the existing parking lot is somewhat unclear. However, after reviewing previously approved site plans and aerial photography, staff believes that the existing non-conforming parking lot setbacks predate the city's ordinance. The following summarizes the required and existing parking lot setbacks:

	<b>Required</b>	<b>Existing</b>
North	20 ft	5 ft
South	10 ft	155 ft
East	20 ft	5 ft
West	10 ft	5 ft

- 1.04 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of non-conformities.
- 1.05 City Code §300.29 Subd.3(g) allows expansion of a nonconformity by variance or expansion permit.
- 1.06 City Code §300.36, Subd.2 establishes the boundaries of and the standards for the Southwest Light Rail Overlay District.

1.07 On March 2, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards

2.01 City Code §300.27 Subd.5, outlines several items that must be considered in the evaluation of site and building plans.

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

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

2.03 City Code §300.36, Subd. 2 states that development or redevelopment within the Southwest Overlay District must meet the following requirements:

1. The applicant must include as part of its application to the city a discussion of how the development would integrate with other properties within the district when the station is constructed and what future changes to the property would be necessary for a cohesive transit-friendly redevelopment of the relevant station area, including:
  - a) Building placement;
  - b) Building orientation;
  - c) Building facades;

- d) Property use;
  - e) Site layout and connections to adjacent properties;
  - f) Parking including shared parking arrangements;
  - g) Bicycle parking;
  - h) Pedestrian connections;
  - i) Access to the station;
  - j) Landscaping;
  - k) Size of the development parcel.
2. The applicant may not make new investment into the property that is more than 50% of the current value of all improvements on the property; and
  3. No re-zonings, variances, or conditional use permits will be allowed for the property. Only site plan approvals and building permits will be issued.

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 planning, building, engineering, natural resources, fire, and public works staff and found to be generally consistent with the city's development guides.
2. But for the expansion permit to allow for the expansion of the existing non-conforming parking lot, the proposal is consistent with the city's zoning ordinance.
3. The site is relatively flat with minimal existing greenspace or landscaping. As such, the proposal does not require a significant amount of grading or tree removal.
4. The proposal would result in a building addition that has been contemplated by the city and the property owner for 20 years. The building addition would be constructed over an area that is compacted and partially impervious. Further, the proposal would allow for investment into an industrially-zoned property.

5. The proposed building addition and parking areas have been appropriately located relative to existing improvements.
6. The proposed building addition would meet minimum energy standards.
7. The proposed building addition would not negatively impact adjacent properties or land uses. The proposal would allow for reasonable investment into the property without exceeding the maximum threshold established within the SWLRT Overlay District

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

1. Reasonableness: It is somewhat unclear when the existing parking lot was constructed. However based on aerial photography, the city believes that the existing parking lot pre-dates the city's current parking standards. The proposed parking lot expansions would maintain existing parking lot setbacks and would allow for more organized and formal parking areas onsite without disrupting large truck traffic. As such, the request reasonable.
2. Unique Circumstance: The southern portion of the site is largely encumbered by the site's stormwater maintenance facility. This coupled with the non-conforming setbacks of the existing office building and parking lot, presents a unique circumstance that limits the location of parking lot expansions on site.
3. Neighborhood Character: The site is located in an industrial district south of Excelsior Boulevard. Many of these properties have non-conforming – or even in some cases, zero-foot – parking lot setbacks. As such, the expansion permit would not adversely impact the surrounding neighborhood.

3.03 The proposal would meet the requirements for redevelopment of a property within the Southwest Overlay District as outlined in City Code §300.36, Subd. 2:

1. The proposal would allow for reasonable use of a property within the overlay district. The proposal would not preclude or adversely impact future transit-friendly redevelopment opportunities. As such, the proposal would meet the intent of this requirement.
2. As required by ordinance, the applicant submitted a list itemizing the cost of construction for the addition. Given the property's current

market value, the maximum investment allowed into the property is \$552,500. The construction costs of the proposed addition is \$550,064. As such, the proposal meets this requirement.

3. The proposal requires site and building plan approval and an expansion permit. The proposal does not require a re-zoning, variance or conditional use permit.

#### Section 4. Planning Commission Action.

4.01 The above-described site and building plans, with an expansion permit, are hereby approved subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Survey dated January 2017.
  - Site improvements plans dated January 2017.
  - Floor plans dated January 18, 2017
2. Grading Permit.
  - a) A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved. The following must be submitted for the grading permit to be considered complete:
    - 1) An electronic PDF copy of all required plans and specifications.
    - 2) Three full size sets of construction drawings and project specifications.
    - 3) Final site, grading, stormwater management, utility, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
      - a. Final site plan must:
        1. Provide protection at curb discharge points. Currently, the curb is channeling drainage to green space that may create potential erosion issues.

- b. Final stormwater management plan and stormwater maintenance agreement. The plan must meet the requirements of the city's Water Resources Management Plan, Appendix A. Design.
    - 1. Volume: Retention of 1 inch of runoff over the site's entire impervious surface.
    - 2. Rate: Maintain, at a minimum, the existing peak runoff flow rates for the 2, 10, and 100-year event.
    - 3. Water Quality: Removal of 60 percent of total phosphorous and 90 percent total suspended solids.
  - c. Final landscaping and tree mitigation plans must:
    - 1. Meet minimum landscaping value and mitigation requirements as outlined in city code. Required landscaping value is a percentage of project value. At the sole discretion of natural resources staff, landscaping and mitigation may be adjusted based on site conditions.
    - 2. Include an itemized plant material list and incorporate additional native plantings that will contribute to reducing landscape irrigation needs.
    - 3. Include rain sensors on any irrigation systems.
- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff.
- a. The city will not fully release the letters of credit

or cash escrow until:

1. A final as-built survey has been submitted;
  2. Vegetated ground cover has been established; and
  3. Required landscaping or vegetation has survived one full growing season.
- 5) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.
- 6) 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.
- 7) All required administration and engineering fees.
- 8) Information on the locking mechanism of the proposed security fence.
- 9) Evidence of approval by the Nine Mile Creek Watershed District.
- 10) Parking plan which indicates how the parking lot will be striped. This plan must show that there is no conflict between drive aisles and parked vehicles.
- b) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for

staff inspection. These items must be maintained throughout the course of construction.

3. Building Permit:

a) Prior to issuance of a building permit, submit the following:

- 1) If disturbing more than one acre, proof of subdivision registration and transfer of NPDES permit.
- 2) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
- 3) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
  - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

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

- 4) All required hook-up fees.
  - 5) Building elevations showing type and color of exterior building materials. The elevations must also show that the building height will not exceed 35-feet.
4. 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 responsibility to obtain any necessary permits.

5. During construction the street must be kept free of debris and sediment.
6. The property owner is responsible for replacing any required landscaping that dies.
7. This resolution does not approve any signs. Separate sign permit applications must be submitted.
8. The approvals granted under this resolution will expire on December 31, 2018 unless: (1) a building permit has been issued for the proposal as outlined; or (2) the city has received and approved a written request for extension of the approvals.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 2, 2017.

---

Brian Kirk, Chairperson

Attest:

---

Kathy Leervig, 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 March 2, 2017.

---

Kathy Leervig, Deputy City Clerk

**Exhibit A****Parcel 1:**

That part of the northeast quarter of the Northeast Quarter of Section 26 in Township 117, Range 22, described as follows:

Beginning at a point on the north line of said quarter quarter distant 807.5 feet east from the northwest corner of said quarter quarter; thence east along said north line of said section to a point distant 1552.6 feet west from the northeast corner of the northwest quarter of the northwest quarter of section 25 in said township 117, range 22; thence south to a point of intersection with a line drawn parallel with the north line of the northeast quarter of the northeast quarter of said section 26 from a point on the west line thereof 96 feet south from the northwest corner of said quarter quarter, which point of intersection is 1112.65 feet east along said parallel line from the west line of said northeast quarter of northeast quarter; thence west along said parallel line to its intersection with a line drawn from the point of beginning parallel with the east line of said northeast quarter of northeast quarter; thence north parallel with the east line of said northeast quarter of northeast quarter to the point of beginning, in Hennepin County, Minnesota.

**Parcel 2:**

That part of the northeast quarter of the northeast quarter of Section 26, Township 117, Range 22, described as follows:

Commencing at the northwest corner of said northeast quarter of the northeast quarter; thence south along the west line of said northeast quarter of the northeast quarter a distance of 96.00 feet; thence east, parallel with the north line of said Northeast quarter of the northeast quarter, a distance of 1087.40 feet to the point of beginning of the land to be described; thence south, parallel with the east line of said Northeast quarter of the northeast quarter, a distance of 300.00 feet, thence west parallel with said north line to a line drawn south, parallel with said east line, from a point on the north line of said northeast quarter of the northeast quarter

Distant 807.55 feet east from the northwest corner of said northeast quarter of the northeast quarter; thence north along the last described parallel line to a line drawn west, parallel with the north line of said northeast quarter of the northeast quarter, from the point of beginning; thence east to the point of beginning.

**Parcel 3:**

Thar part of the northeast quarter of the northeast quarter, Section 26, Township 117, Range 22, Described as follows:

Commencing at the northwest corner of said northeast quarter of the northeast quarter; thence south along the west line of said northeast quarter of the northeast quarter a distance of 96.00 feet; thence east, parallel with the north line of said northeast quarter of the northeast quarter, a distance of 1087.40 feet; thence south, parallel with the east line of said northeast quarter of the northeast quarter, a distance of 300.00 feet to the actual point of beginning, thence south, parallel with said east line, to the south line of the north 546.00 feet of said northeast quarter of the northeast quarter; thence west along said south line to a line drawn south, parallel with said east line, from a point on the north line of said northeast quarter of the northeast quarter distant 807.55 feet east from the northwest corner of said northeast quarter of the northeast quarter; thence north along the last described parallel line to a line drawn west, parallel with the north line of said northeast quarter of the northeast quarter, from the actual point of beginning; thence east to the actual point of beginning.

**MINNETONKA PLANNING COMMISSION**  
**March 2, 2017**

<b>Brief Description</b>	Preliminary and final plats of LINNER ROAD ESTATES at 1911 and 1935 Linner Road
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the preliminary and final plats.

---

### **Introduction**

Eric Zehnder is proposing to divide the two existing lots at 1911 and 1935 Linner Road into four, single-family lots. An existing home and accessory buildings would be removed and four new homes could be constructed.

### **Proposal Summary**

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

- **Existing Site Conditions.**

The two properties are located in the northeast quadrant of the Linner Road/Meeting Street intersection. The 1911 Linner Road lot is improved with a single-family home, originally constructed in 1928, and two accessory structures. The 1935 Linner Road lot is unimproved. The combined lots have a total area of 2.4 acres. The highest point of the combined site is located along the northeast property line. From this point, grade slopes downward, to the northwest, west, and southwest. The site includes several mature trees of boxelder, elm, and maple varieties.

- **Proposed Lots.**

The applicant proposes to divide the two existing properties into four lots. The lots, which would have individual driveway access to Linner Road, would meet all minimum area and dimension standards for lots within the R-1 zoning district.

- **Site impacts.**

As proposed, grading would occur to remove the existing drive and structures, to construct new driveways and homes, and to install required utilities and stormwater management facilities. This grading would result in removal of, or substantial impact to, 33 percent of the site's high-priority trees.

**Primary Questions and Analysis**

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

- **Are the proposed lot sizes and configurations appropriate?**

Yes. The proposed lots would meet all minimum size and dimensional standards as outlined in city code.

	AREA		WIDTH		DEPTH
	Total	Buildable	At Right-of-way	At Setback	
<b>REQUIRED</b>	22,000 sq.ft.	3,500 sq.ft.	80 ft	110 ft	125 ft
<b>LOT 1</b>	22,000 sq.ft.	7,450 sq.ft.	110 ft	110 ft	135 ft
<b>LOT 2</b>	23,395 sq.ft.	6,270 sq.ft.	125 ft	125 ft	135 ft
<b>LOT 3</b>	29,810 sq.ft.	15,680 sq.ft.	110 ft	110 ft	270 ft
<b>LOT 4</b>	29,810 sq.ft.	15,680 sq.ft.	110 ft	110 ft	270 ft

\*All numbers rounded down to nearest 5 ft or 5 sq.ft.

- **Are the proposed site impacts reasonable?**

Yes. The proposed subdivision has been evaluated for conformance with the city’s tree protection ordinance, which regulates tree removal and mitigation. The highest level of protection is provided to woodland preservation areas (WPA) and high-priority trees during subdivision of the property. During subdivision, just 25 percent of WPA and 35 percent of high-priority trees may be removed or impacted. There is no WPA on the combined site. However, there are 15 high-priority trees and 63 significant trees. The proposal would result in removal of, or substantial damage to the critical root zones of, 33 percent of the site’s high-priority trees. This would meet the standards of the tree protection ordinance.

Trees	Existing	Impacted or Removed
High-Priority	15	5 or 33%
Significant	63	24 or 38%
<b>TOTAL</b>	<b>78</b>	<b>29 or 37%</b>

### **Summary Comments**

Staff acknowledges that creating four lots, and constructing four new homes where one small home has stood for over 90 years, will visually change the area of the Linner Road/Meeting Street intersection. However, the proposed four lots meet all minimum standards as outlined in city code. As such, the applicant's proposal is both reasonable and straightforward.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving the preliminary and final plats of LINNER ROAD ESTATES.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Uses** The subject property is surrounded by single-family residential lots.

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

**Concept Plan** In the fall of 2016, the applicant submitted a concept plan for development to the combined site. The plan contemplated a rezoning to R-1A and creation of five residential lots ranging in size from 16,300 square feet to 22,000 square feet. The four lots under 22,000 square feet in size would be accessed via a new cul-de-sac. The one lot over 22,000 square feet in size would have direct access to Linner Road.

The planning commission conducted a review of the concept plan on November 3, 2016. Four members of the public addressed the commission and expressed concern about how the number and size of the proposed lots, and access to these lots, would impact existing neighborhood character. The speakers generally advocated for R-1 development rather than development under R-1A zoning. Planning commissioners provided varied comments. Some commissioners echoed the area residents, noting that five lots would be too many. Other commissioners indicated support for the five-lot cul-de-sac site design which would limit access onto Linner Road.

The city council did not review the concept plan. Prior to its consideration, the applicant withdrew the concept and indicated that a new, R-1 compliant plan would be submitted. It is that plan that is currently under consideration.

**Wetland** There is a natural low area on the site, just north of Meeting Street. Analysis of the area was done in the fall of 2016 by the applicant's engineers and was confirmed by natural resource staff. Wetlands are identified by three factors: (1) hydric soils; (2) hydrology; and (3) vegetation. The low area on the site does not have hydric soils and, as such, is not classified as a wetland.

**Grading** In order to evaluate the impacts of anticipated grading, the city requires that all applications for subdivision illustrate general home footprints and an associated grading plan. If a subdivision is approved, final grading must occur in substantial compliance with the general plan.

The general grading plan submitted by the applicant illustrates that grading would occur to remove an existing driveway and structures, to construct new driveways and homes, and to install required utilities and stormwater management practices. Under the plan, two to four feet of fill would be located in the areas of the new homes. Two to three feet of excavation would occur to create raingardens and facilitate appropriate drainage patterns.

As conditions of approval:

- The raingarden on proposed Lot 1 must be constructed prior to issuance of a building permit for any new home on Lots 1 or 2. This condition is necessary, as the raingarden will serve as required stormwater treatment for two lots.
- Grading on Lot 1 must facilitate drainage patterns from Lot 2 to the raingarden on Lot 1.
- But for the raingarden on Lot 1, all other grading may occur only in conjunction with issuance of a building permit for individual homes.

### **Tree Mitigation**

On each lot, required tree mitigation would be reviewed in conjunction with building permit applications. Mitigation is not required for trees removed/impacted within the footprint of the home and driveway and within a 20-foot perimeter of the home and 10 foot perimeter of the drive. Mitigation is required for trees removed/impacted outside of these areas.

Based on the general grading plan submitted, the applicant would be required to mitigate for 23.5 inches of trees, plus three 2-inch trees.

### **Stormwater**

Runoff from newly created impervious surface would be directed into one of three new raingardens. As previously noted, the raingarden on Lot 1 would serve as stormwater management for Lots 1 and 2. Individual raingardens would be located on Lots 3 and 4. The proposed plan has been reviewed by the city's water resources engineering coordinator and found to be generally consistent with requirements of the city's stormwater management plan.

### **Utilities**

Public water and sewer utilities are available in Linner Road.

### **Vacations**

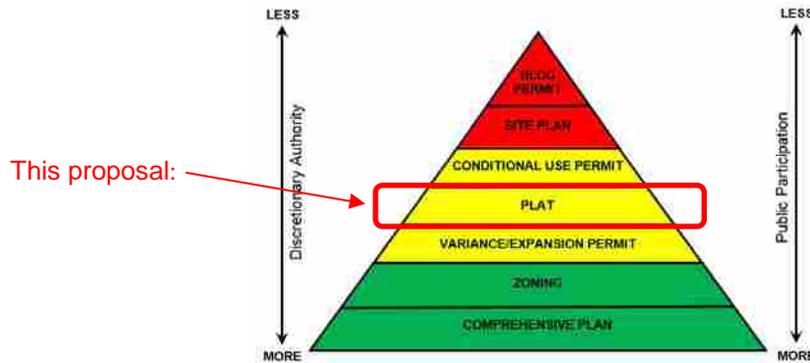
The applicant's request also includes vacation of existing roadway easements and drainage and utility easements. New

public right-of-way and drainage and utility easements will be dedicated on the recorded plat of LINNER ROAD ESTATES. Vacation of easement is the purview of the city council, which will consider the vacation request in conjunction with the preliminary and final plats.

**Outside Agencies**

The applicant's proposal has been submitted to various outside agencies for review, including the Minnehaha Creek Watershed District.

**Pyramid of Discretion**



**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the preliminary and final plats.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the plats. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Voting Requirement**

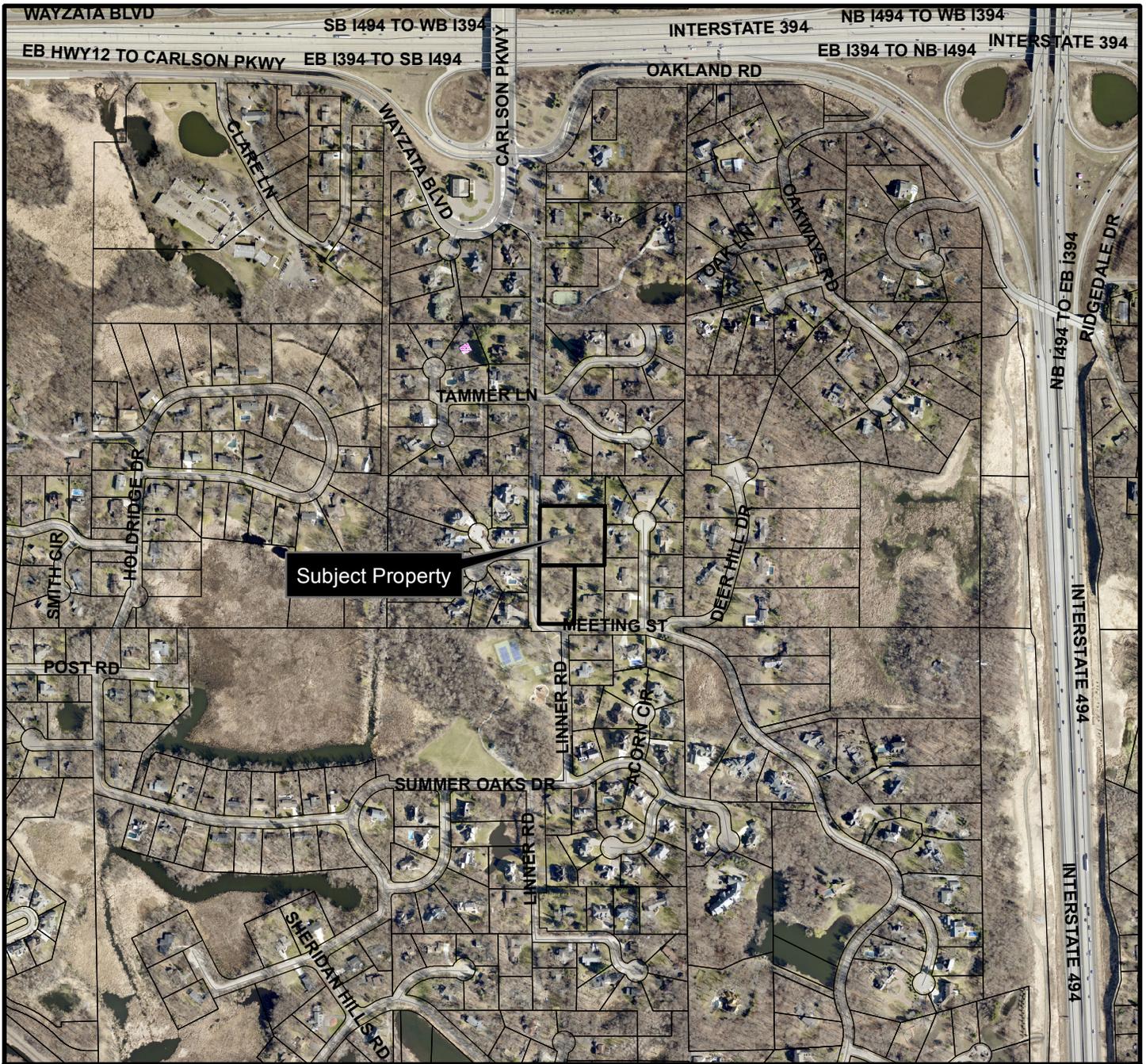
The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's final approval requires an affirmative vote of a simple majority.

**Neighborhood**

The city sent notices to 81 area property owners during both the

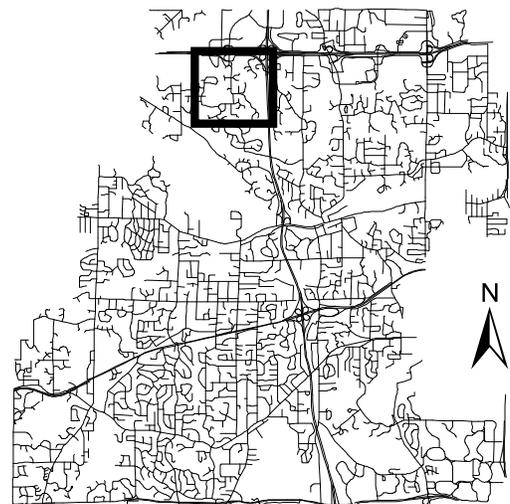
**Comment**                      concept plan and formal application review. Though several comments were received during the concept plan review, the city has received no written comments on this formal application.

**Deadline for Action**      April 24, 2017



### Location Map

Project: Linner Road Estates  
 Applicant: Zehnder Homes  
 Address: 1911 & 1935 Linner Rd  
 Project No. 16030.17a

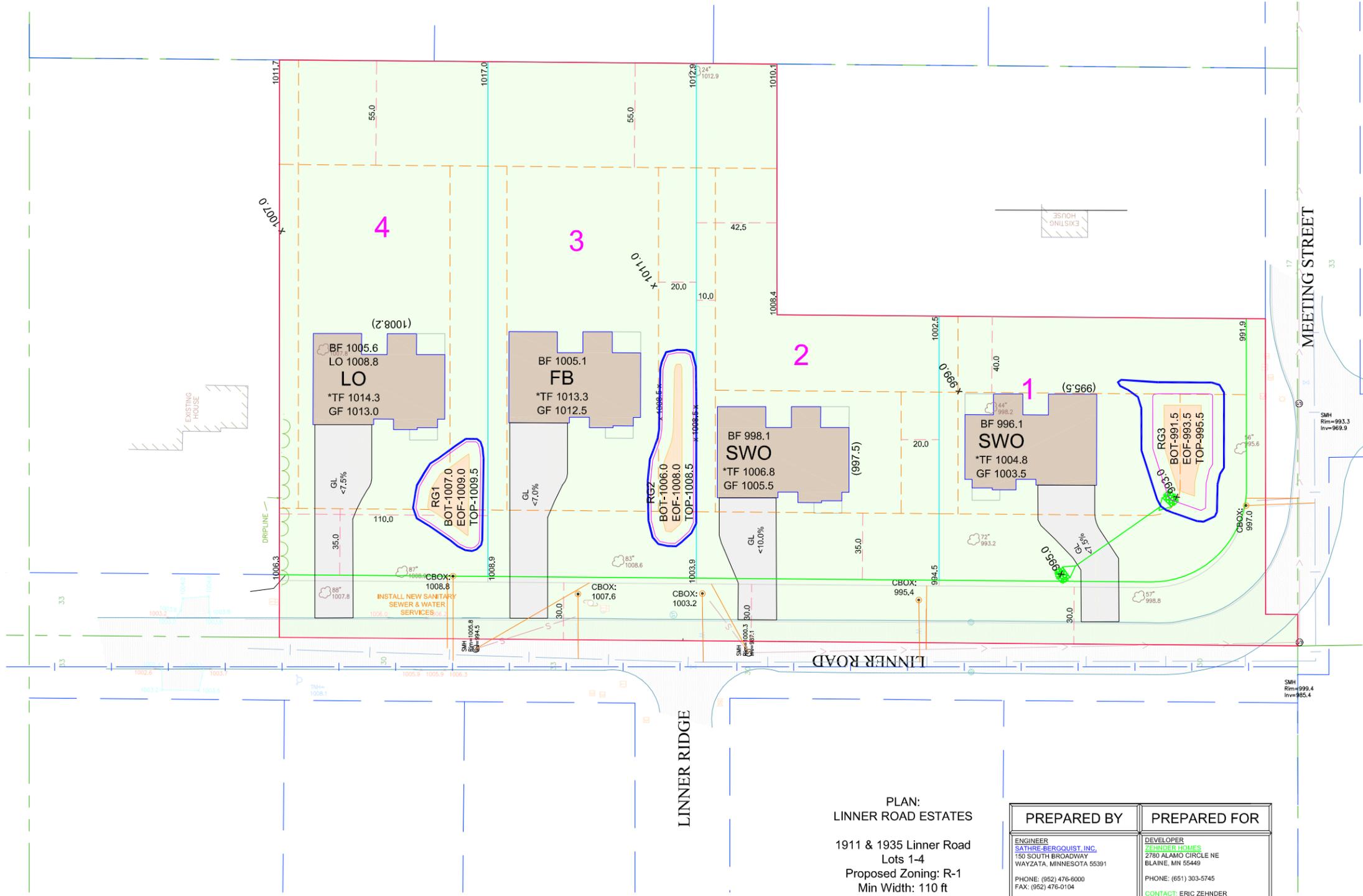


This map is for illustrative purposes only.

City of  
**minnetonka**



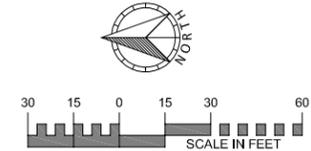
SHEET INDEX TABLE	
SHEET	Description
1	Title Sheet
2	Final Sanitary Sewer & Watermain Plan
3	Final Grading Plan
4	Final Erosion Control Plan
5	Details
TS1	Tree Survey



SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
WATERMAIN		
BUILDING SETBACK BOUNDARY		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
DRAIN TILE W/ CLEANOUTS		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WR/WRAP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
WELL		
DRAIN FLOW/RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SOIL BORING LOCATION		
SILT FENCE		
TREE PRESERVATION FENCE		
BARRICADE		
SPOT ELEVATION		
TBC SPOT ELEVATION		
UTILITY POLE		
LIGHT POLE		
HANDICAP PARKING SPACE		

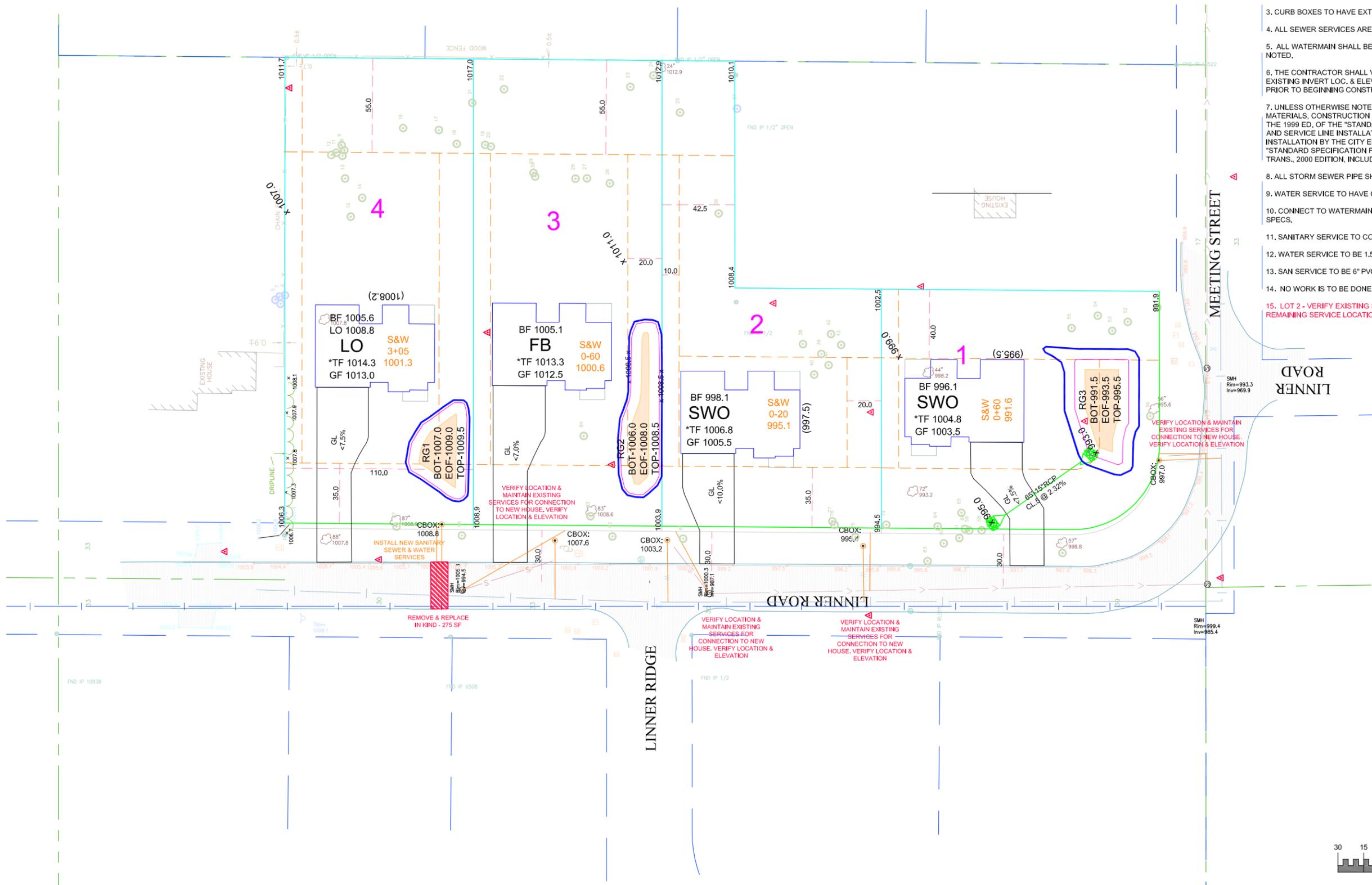
PLAN:  
LINNER ROAD ESTATES  
1911 & 1935 Linner Road  
Lots 1-4  
Proposed Zoning: R-1  
Min Width: 110 ft  
Min Area: 22,000 sf  
Fysb: 35 ft  
Sysb: 30 ft toal/ 10 ft min  
Rysb: min 40 ft or 20%

<b>PREPARED BY</b> ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	<b>PREPARED FOR</b> DEVELOPER ZEHNDER HOMES 2780 ALAMO CIRCLE NE BLAINE, MN 55449 PHONE: (651) 303-5745 CONTACT: ERIC ZEHNDER EMAIL: eric.zehnder@zehnderhomes.com
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- GENERAL UTILITY NOTES
- NOTES:
1. HYDRANT SHALL BE 8.0' BURY. WATERMAIN SHALL HAVE 7.5' COVER.
  2. 6" PVC SANITARY SERVICES AND RISER TO BE SDR 26.
  3. CURB BOXES TO HAVE EXTENSION RODS TO CURB STOP.
  4. ALL SEWER SERVICES ARE LOCATED 3' DOWNSTREAM OF WATER SERVICES.
  5. ALL WATERMAIN SHALL BE DIP CLASS 52 W/ POLYWRAP, UNLESS OTHERWISE NOTED.
  6. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, VERIFY EXISTING INVERT LOC. & ELEV. AND NOTIFY THE OWNER OF ANY DIFFERENCES. PRIOR TO BEGINNING CONSTRUCTION
  7. UNLESS OTHERWISE NOTED, OR AS SPECIFIED IN THE ABOVE NOTE, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE 1999 ED. OF THE "STANDARD UTILITIES SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION BY THE CITY ENGINEERING ASSOCIATION OF MINN." AND TO THE "STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION" MINN. DEPT. OF TRANS., 2000 EDITION, INCLUDING THE CURRENT ADDENDUM.
  8. ALL STORM SEWER PIPE SHALL BE CLASS 5 UNLESS OTHERWISE NOTED.
  9. WATER SERVICE TO HAVE CURB STOP & BOX INSTALLED PER DETAIL 518.
  10. CONNECT TO WATERMAIN WITH CORPORATION STOP AND SADDLE-SEE SPECS.
  11. SANITARY SERVICE TO CONNECT TO MAIN WITH 8"x6" WYE AND 6" 1/8 BEND.
  12. WATER SERVICE TO BE 1.5" COPPER.
  13. SAN SERVICE TO BE 6" PVC, SDR-26
  14. NO WORK IS TO BE DONE WITHIN THE WETLAND BOUNDARY
  15. LOT 2 - VERIFY EXISTING SERVICE TO BE USED. CAP AND ABANDON REMAINING SERVICE LOCATION



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_LINNER	01	CAW	01/31/17	ADJUST ROW WIDTH
DRAWN BY	02	CAW	02/08/17	ADJUST GRADING TO AVOID TREES
CHECKED BY				
DATE				
12/15/16				

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*Charles A. Wiemerslage*  
 Charles A. Wiemerslage, P.E.  
 Date: 12/15/16 Lic. No. 49180

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

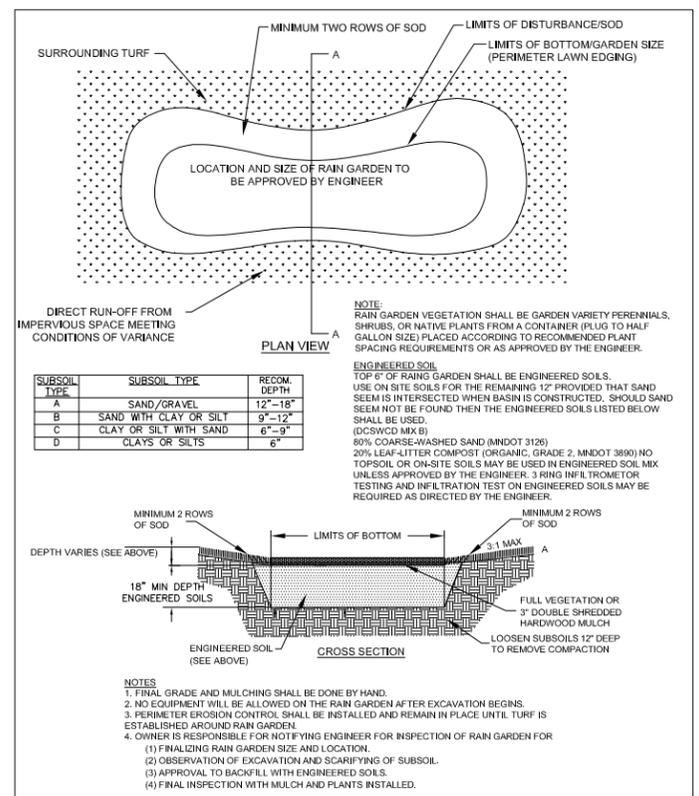
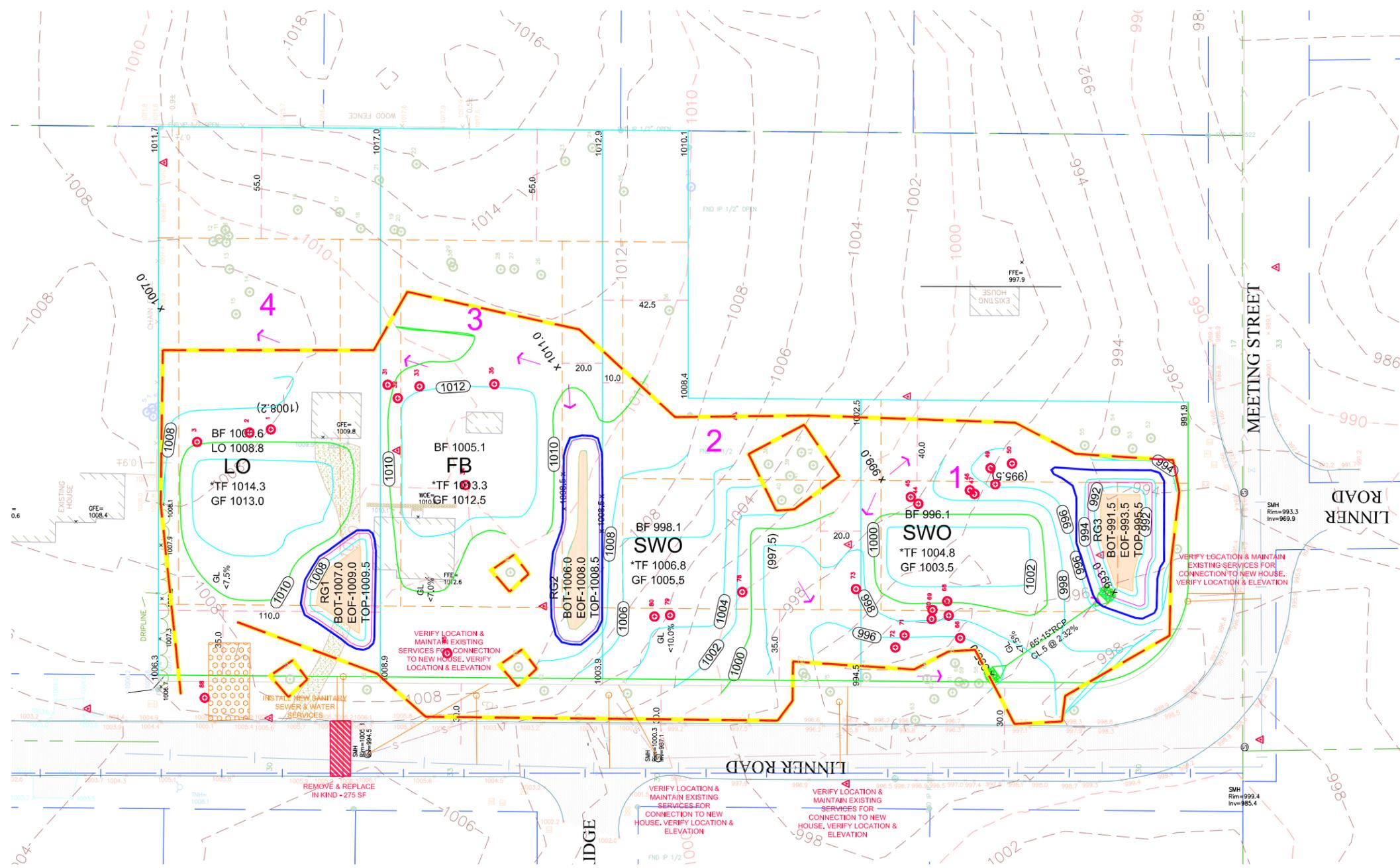
ENGINEERS SURVEYORS  
 DESIGNERS PLANNERS

CITY PROJECT NO. ---

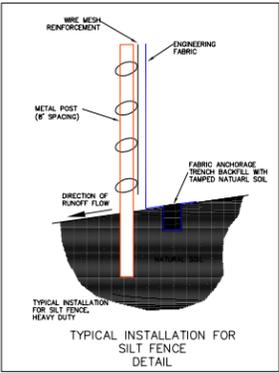
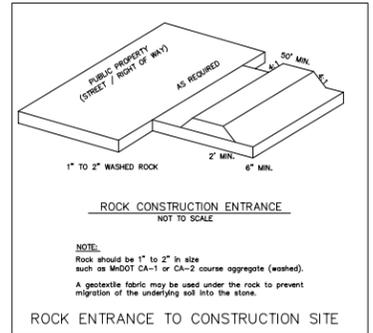
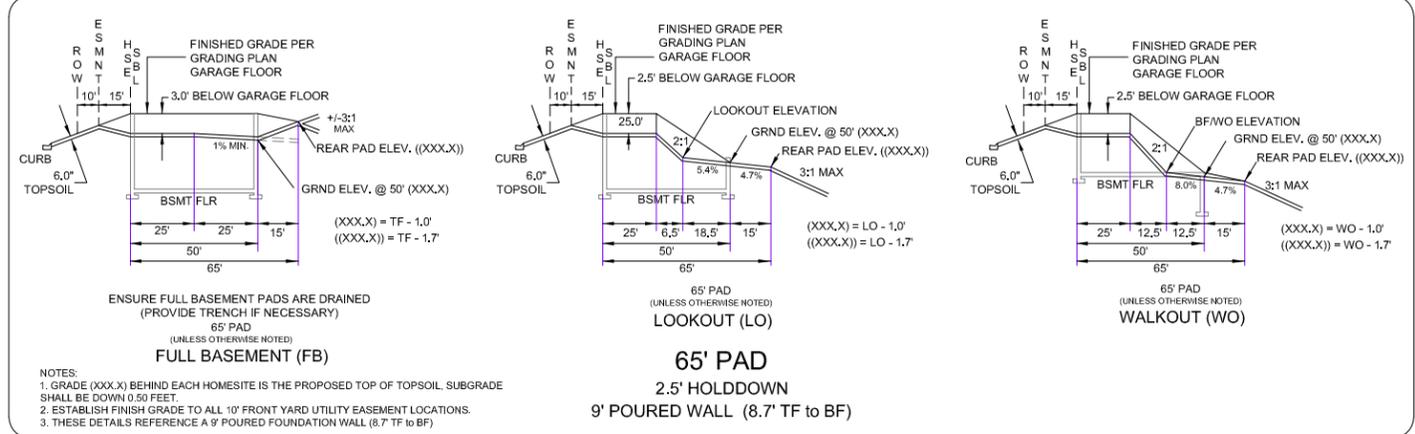
**MINNETONKA, MINNESOTA**

**PRELIMINARY SANITARY SEWER & WATERMAIN PLAN**  
**LINNER ROAD ESTATES**  
**ZEHNDER HOMES**

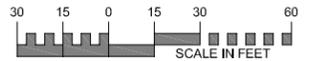
FILE NO.	99595-065
2	5



- GENERAL NOTES:**
1. THE GRADING CONTRACTOR IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE MPCA STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE EMAILED TO THE ENGINEER AND DEVELOPER ON A WEEKLY BASIS.
  2. THE CONTRACTOR SHALL PLACE INLET PROTECTION DEVICES IN ACCORDANCE WITH THE CITY OF MINNETONKA DETAIL FOR ALL STORM SEWER INLETS AND MAINTAIN THEM AS AN EFFECTIVE SILT CONTROL DEVICE. INLET PROTECTION SHALL BE REMOVED WHEN RESTORATION HAS BEEN ESTABLISHED.
  3. ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
  4. A 1"-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL)
  5. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
  6. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
  7. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
  8. BUILDING PADS ARE 6' DEEP, UNLESS OTHERWISE NOTED. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS. REAR PAD ELEVATIONS SHOULD BE ESTABLISHED BASED OFF THE 2:1 SLOPE FROM THE 20' FLAT BENCH, OR AT MOST 5' BEHIND FRONT OF PAD.



- CONSTRUCTION NOTES**
1. LOTS SHALL BE CUSTOM GRADED AT TIME OF HOME CONSTRUCTION. PRESERVE ALL TREES POSSIBLE.
  2. RAIN GARDENS SHALL BE CONSTRUCTED INDIVIDUALLY AT TIME OF HOME BUILDING ON EACH LOT.
  3. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF MINNETONKA OR DIRECTED BY THE ENGINEER.
  4. INSPECT SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
  5. WO PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
  6. RESTORATION - 1.6 ACRES
    - A. RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC MTRL.
    - B. SEED POND SLOPES AND DETENTION AREAS WITH MNDOT 310 OR BWSR P8 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-10 AT 100 LBS./ACRE. SEED WETLAND BUFFER AREAS WITH MNDOT 350-MESIC PRAIRIE (36.5 PLS LBS./AC) OR BWSR 35-241 SEED MIX AND FERTILIZE WITH 20-10 AT 100 LBS./ACRE. (REFER TO WETLAND CREATION/BANKING PLAN FOR WETLAND SEED MIX REQUIREMENTS).
    - C. SEED ALL OTHER DISTURBED AREAS WITH MNDOT 250 AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
    - D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
    - E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET (ON ALL SLOPES 3:1 (FT) OR GREATER).
    - F. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
    - G. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
  7. GRADE BACK 3' FROM FACE OF ALL RETAINING WALLS
  8. SILT FENCE - BEFORE GRADING - 1325 LF  
AFTER GRADING - 474 LF
  9. PROPOSED WETLAND IMPACT - 0 SF



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_LINER	01	CAW	01/31/17	ADJUST ROW WIDTH
DRAWN BY	02	CAW	02/08/17	ADJUST GRADING TO AVOID TREES
CHECKED BY				
DATE				

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*Charles A. Wilmerslage*  
 Charles A. Wilmerslage, P.E.  
 Date: 12/15/16 Lic. No. 49180

**ENGINEERS SURVEYORS DESIGNERS PLANNERS**

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

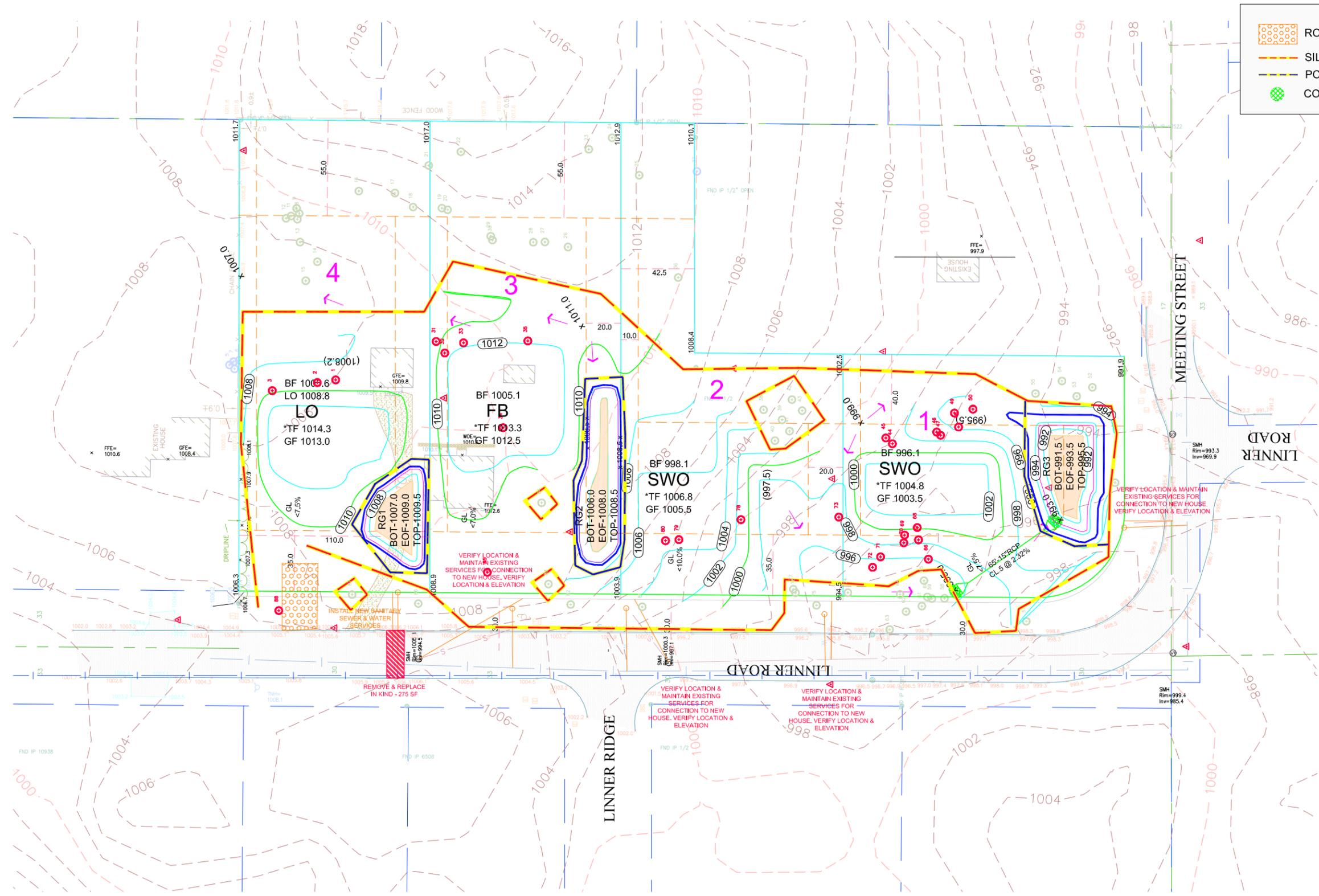
CITY PROJECT NO. ---

**FINAL GRADING PLAN**  
**LINNER ROAD ESTATES**  
**ZEHNDER HOMES**

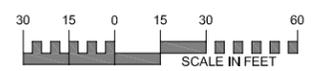
FILE NO. 99595-065

**3**

**5**



	ROCK ENTRANCE BERM
	SILT FENCE
	POST GRADING SILT FENCE
	CONCRETE WASHOUT



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_LINNER	01	CAW	01/31/17	ADJUST ROW WIDTH
DRAWN BY	02	CAW	02/08/17	ADJUST GRADING TO AVOID TREES
CAW				
CHECKED BY				
RSM				
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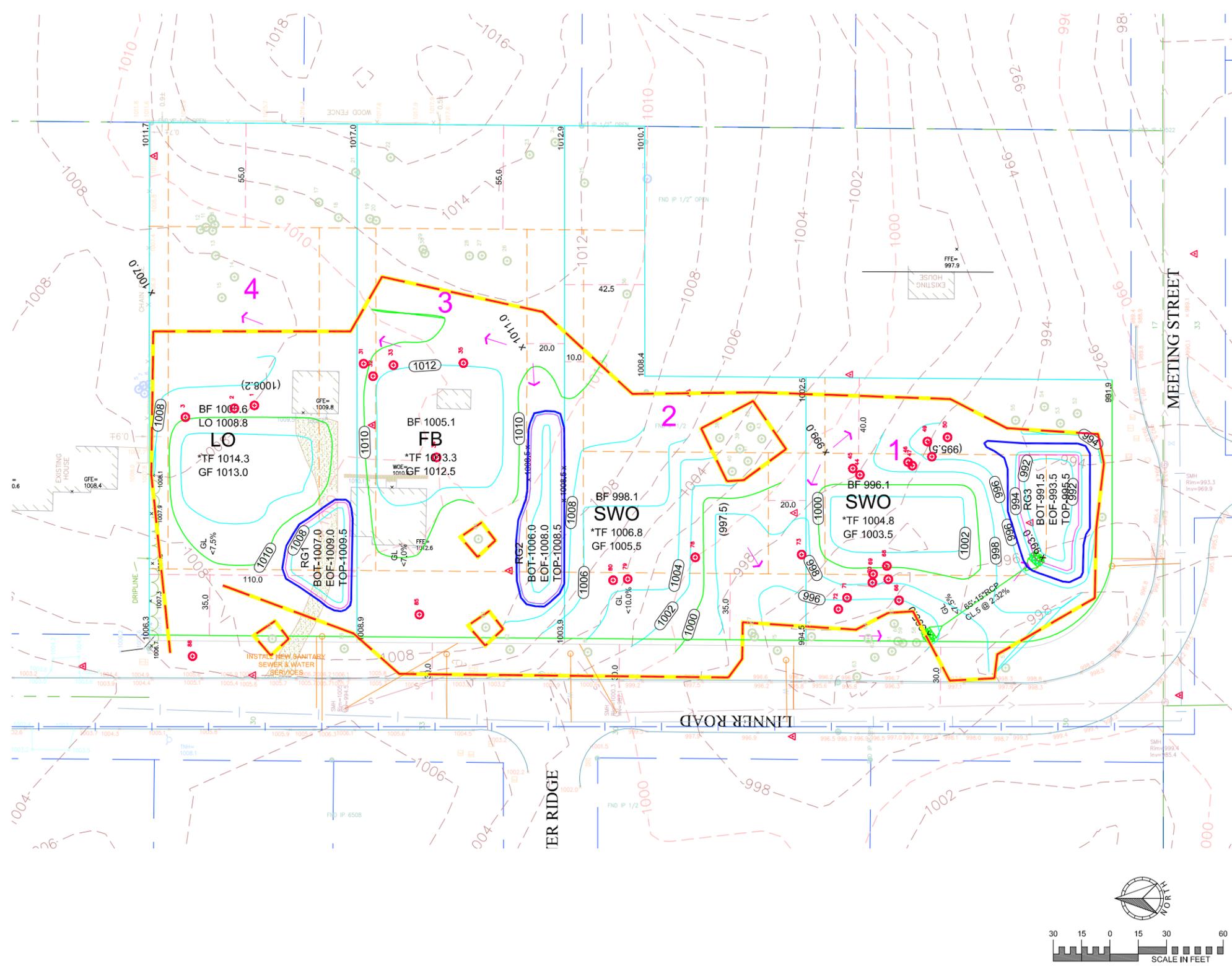
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ENGINEERS SURVEYORS  
 DESIGNERS PLANNERS

CITY PROJECT NO.  
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**MINNETONKA, MINNESOTA**

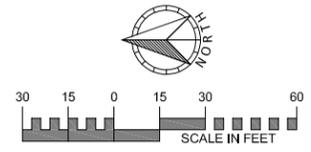
**FINAL EROSION CONTROL PLAN**  
**LINNER ROAD ESTATES**  
**ZEHNDER HOMES**

FILE NO.  
 99595-065  
**4**  
**5**



Tree #	Species	DBH	SAVED	REMOVED	High Priority	High Priority Removed
1	Maple, sugar	26.0		26.0	26.00	26
2	Boxelder	28.0		28.0		
3	Maple, sugar	22.0		22.0	22.00	22
8	Elm, American	38.0	38.0			
9	Elm, American	30.0	30.0			
10	Boxelder	13.5	13.5			
11	Ash, green	10.0	10.0			
12	Ash, green	25.5	25.5			
13	Boxelder	10.0	10.0			
14	Elm, red	13.0	13.0			
15	Boxelder	20.0	20.0			
16	Boxelder	10.5	10.5			
17	Boxelder	8.0	8.0			
18	Ash, green	17.5	17.5			
19	Ash, green	17.0	17.0			
20	Boxelder	20.0	20.0			
21	Ash, green	9.0	9.0			
22	Boxelder	17.5	17.5			
23	Boxelder	19.5	19.5			
24	Boxelder	57.0	57.0			
25	Ash, green	9.5	9.5			
26	Boxelder	15.5	15.5			
27	Boxelder	19.5	19.5			
28	Boxelder	19.0	19.0			
29	Boxelder	16.5	16.5			
30	Boxelder	23.0	23.0			
31	Spruce, white	10.0	10.0			
32	Spruce, blue	16.0		16.0	16.00	16.0
33	Spruce, white	9.0		9.0		
34	Ash, green	25.0	25.0			
35	Boxelder	30.0	30.0			
36	Elm, Siberian	24.1	24.1			
38	Boxelder	12.0	12.0			
39	Cherry, black	16.5	16.5		16.50	
40	Boxelder	14.0	14.0			
41	Boxelder	11.5	11.5			
42	Boxelder	9.5	9.5			
43	Ash, green	29.0	29.0			
44	Elm, American	14.5		14.5		
45	Ash, green	11.5	11.5			
46	Ash, green	11.0	11.0			
47	Boxelder	19.0	19.0			
48	Ash, green	16.0	16.0			
49	Boxelder	13.0	13.0			
50	Boxelder	18.5	18.5			
51	Spruce, blue	8.0	8.0			
52	Pine, white	2.0	2.0			
53	Spruce, blue	10.0	10.0			
54	Spruce, blue	9.0	9.0			
55	Spruce, blue	6.0	6.0			
56	Oak, swamp white	10.0	10.0			
57	Locust, black	31.0	31.0			
58	Hackberry	10.5	10.5			
59	Ash, green	8.5	8.5			
60	Ash, green	8.0	8.0			
61	Elm, American	11.0	11.0			
62	Ash, green	19.0	19.0			
63	Ash, green	8.5	8.5			
64	Boxelder	12.5	12.5			
65	Boxelder	9.0	9.0		9.00	
66	Ash, black	12.5		12.5		
67	Ash, green	14.0	14.0			
68	Boxelder	27.0	27.0			
69	Boxelder	17.0	17.0			
70	Ash, green	10.0	10.0			
71	Ash, green	10.5	10.5			
72	Boxelder	9.5	9.5			
73	Ash, green	12.5	12.5			
74	Ash, green	9.5	9.5			
75	Boxelder	9.0	9.0			
76	Boxelder	28.0	28.0			
77	Boxelder	9.0	9.0			
78	Boxelder	19.5	19.5			
79	Boxelder	28.0	28.0			
80	Boxelder	28.0	28.0			
81	Basswood	9.0	9.0			
82	Locust, black	19.0	19.0			
83	Maple, sugar	19.5	19.5		19.50	
84	Maple, sugar	23.5	23.5		23.50	
85	Maple, sugar	27.5	27.5		27.50	27.5
86	Oak, swamp white	9.5	9.5			
87	Pine, red	15.5	15.5		15.50	
88	Oak, swamp white	12.0	12.0			
		1368	935.1	432.5	185.5	91.5

Total (in)	1367.6
Total Saved (in)	935.1
Total Removed (in)	432.5
Percent Saved	68.4%
Percent Removed	31.6%
High Priority (in)	194.5
High Priority Removed	91.5
Percent Removed	47.0%
High Priority (#)	15.0
High Priority removed	4.0
Percent Removed	26.7%

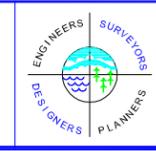


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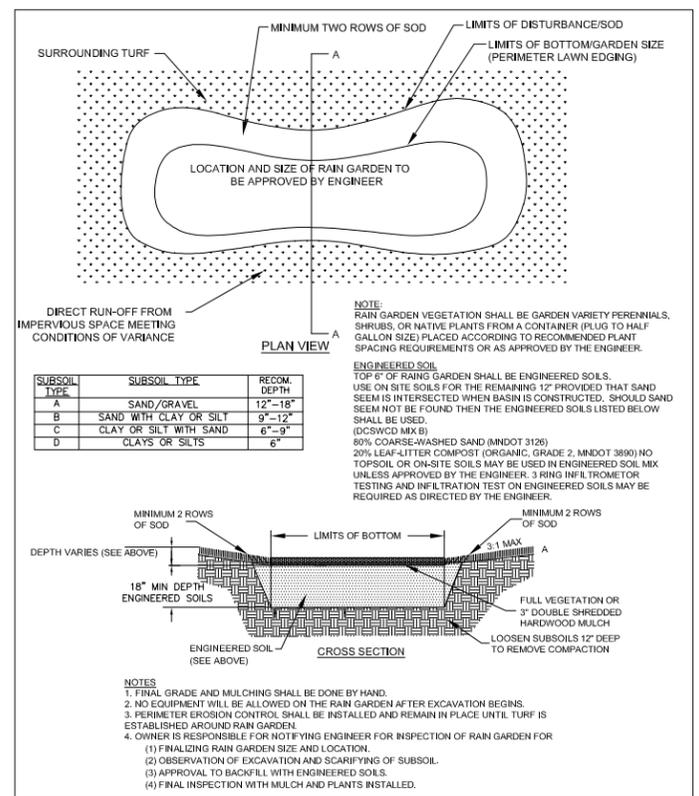
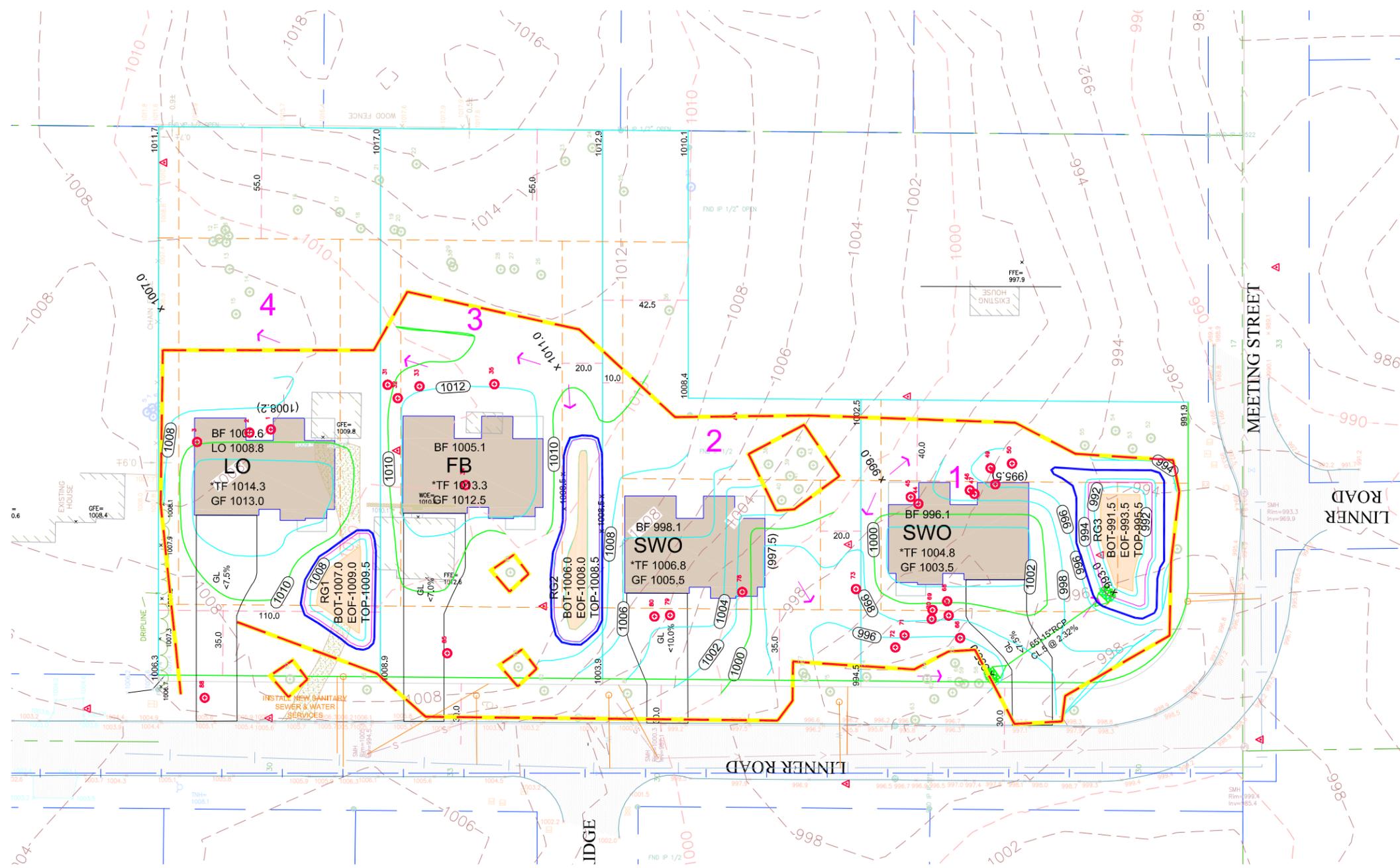


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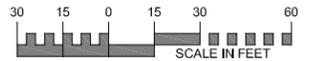
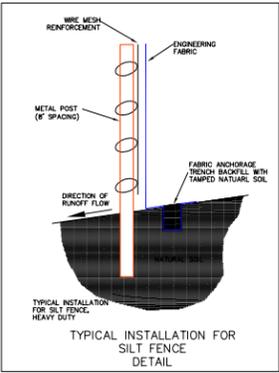
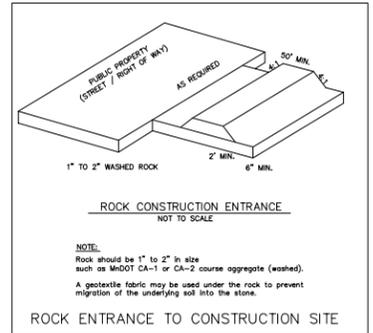
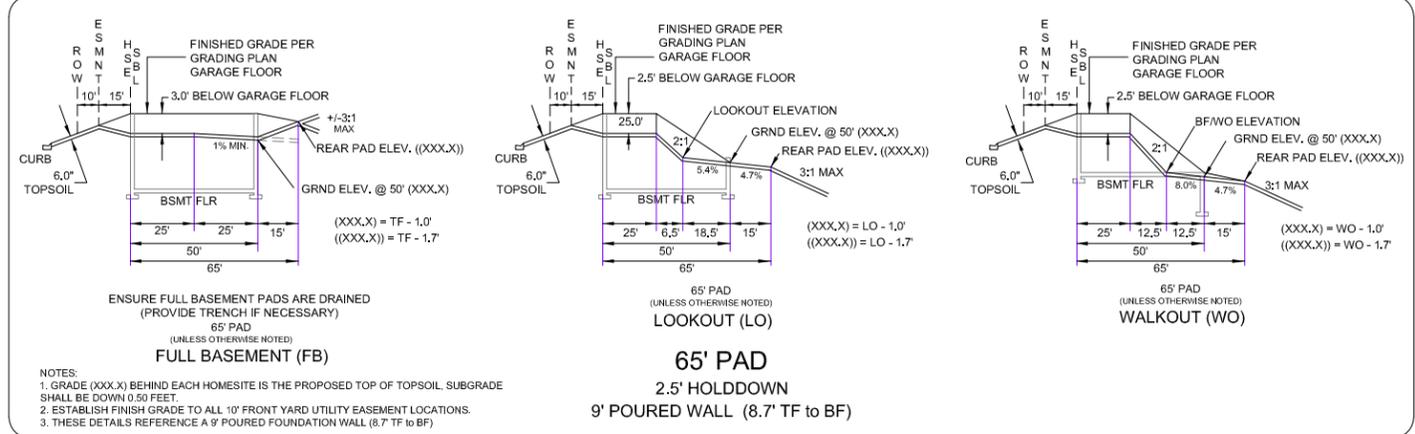
CITY PROJECT NO.  
 ---  
**MINNETONKA, MINNESOTA**

**TREE SURVEY**  
**LINNER ROAD ESTATES**  
**ZEHNDER HOMES**

FILE NO.  
 99595-065  
**TS1**  
**TS1**



- GENERAL NOTES:**
1. THE GRADING CONTRACTOR IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE MPCA STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE EMAILED TO THE ENGINEER AND DEVELOPER ON A WEEKLY BASIS.
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  3. ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
  4. A 1"-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL.)
  5. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
  6. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
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  8. BUILDING PADS ARE 6' DEEP, UNLESS OTHERWISE NOTED. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS. REAR PAD ELEVATIONS SHOULD BE ESTABLISHED BASED OFF THE 2:1 SLOPE FROM THE 20' FLAT BENCH, OR AT MOST 50' BEHIND FRONT OF PAD.
- CONSTRUCTION NOTES**
1. LOTS SHALL BE CUSTOM GRADED AT TIME OF HOME CONSTRUCTION. PRESERVE ALL TREES POSSIBLE.
  2. RAIN GARDENS SHALL BE CONSTRUCTED INDIVIDUALLY AT TIME OF HOME BUILDING ON EACH LOT.
  3. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF MINNETONKA OR DIRECTED BY THE ENGINEER.
  4. INSPECT SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
  5. WAD PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
  6. RESTORATION - 1.6 ACRES
    - A. RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC MTRL.
    - B. SEED POND SLOPES AND DETENTION AREAS WITH MNDOT 310 OR BWSR P8 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. SEED WETLAND BUFFER AREAS WITH MNDOT 350-MESIC PRAIRIE (36.5 PLS LBS./AC) OR BWSR 35-241 SEED MIX AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (REFER TO WETLAND CREATION/BANKING PLAN FOR WETLAND SEED MIX REQUIREMENTS).
    - C. SEED ALL OTHER DISTURBED AREAS WITH MNDOT 250 AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
    - D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
    - E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET (ON ALL SLOPES 3:1 (FT) OR GREATER).
    - F. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
    - G. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
  7. GRADE BACK 3' FROM FACE OF ALL RETAINING WALLS
  8. SILT FENCE - BEFORE GRADING - 1325 LF  
AFTER GRADING - 474 LF
  9. PROPOSED WETLAND IMPACT - 0 SF



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_LINER	01	CAW	01/31/17	ADJUST ROW WIDTH
DRAWN BY	02	CAW	02/08/17	ADJUST GRADING TO AVOID TREES
CHECKED BY				
DATE				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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

*Charles A. Wilmerslage*  
 Charles A. Wilmerslage, P.E.  
 Date: 12/15/16 Lic. No. 49180



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

CITY PROJECT NO. ---  
**MINNETONKA, MINNESOTA**

**GRADING, TREE & HOUSE PLACEMENT PLAN**  
**LINNER ROAD ESTATES**  
**ZEHNDER HOMES**

FILE NO. 99595-065  
 1  
 1

# LINNER ROAD ESTATES

## PRELIMINARY PLAT

### DESCRIPTION OF PROPERTY SURVEYED

Parcel 1: That part of the West 304.0 feet of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 117 North, Range 22, West of the 5th Principal Meridian, lying Northerly of the Southerly 274.64 feet and lying Southerly of the Northerly 132.0 feet thereof, Hennepin County, Minnesota.

Parcel 2: That part of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 117 North, Range 22, West of the 5th Principal Meridian, Hennepin County, Minnesota described as follows: Beginning at the Southwesterly corner of said Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; thence Easterly along the Southerly line thereof a distance of 172.00 feet; thence Northerly, parallel with the Westerly line of said Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4, a distance of 274.64 feet; thence Westerly, parallel with said Southerly line, a distance of 172.00 feet to said Westerly line; thence Southerly along said Westerly line, a distance of 274.64 feet to the point of beginning, EXCEPT that part transferred to the Village of Minnetonka in Warranty Deed filed as Document No. 3212643.

Abstract Property.

1) **Site Address:** Parcel 1: 1911 Linner Road, Minnetonka, Minnesota 55391  
Parcel 2: 1935 Linner Road, Minnetonka, Minnesota 55391

2) **Flood Zone Information:** This property appears to lie in Zone X (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) per Flood Insurance Rate Map, Community Panel No. 27053C0328E, effective date of September 2nd, 2004.

3) **Parcel Area Information:**

Parcel 1:	Gross Area: 79,807 s.f. ~ 1.832 acres
	R/W Area: 8,667 s.f. ~ 0.199 acres
	Net Area: 71,140 s.f. ~ 1.633 acres
Parcel 2:	Gross Area: 44,593 s.f. ~ 1.024 acres
	R/W Area: 11,007 s.f. ~ 0.253 acres
	Net Area: 33,586 s.f. ~ 0.771 acres
Total Areas:	Gross Area: 124,400 s.f. ~ 2.856 acres
	R/W Area: 19,674 s.f. ~ 0.452 acres
	Net Area: 104,726 s.f. ~ 2.404 acres

4) **Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: ROGER which has an elevation of: 993.88 feet (NAVD88).

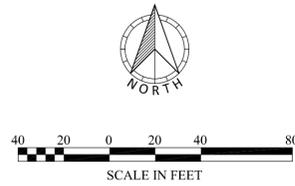
5) **Zoning Information:** The current Zoning for the subject property is R-1 (Low Density Residential) per the City of Minnetonka's zoning map dated March 26, 2008. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Minnetonka found on their web site on the date of October 7th, 2016 and are as follows:

**Principal Structure Setbacks - Front:** 35 feet (Linner Road)  
**Side:** 10 feet min. 30 feet total  
**Rear:** 40 feet or 20% of lot depth, whichever is less  
**Height:** 35 feet

**Accessory Structure Setbacks - Front:** 35 feet  
**Side:** 10 feet  
**Rear:** 10 feet

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

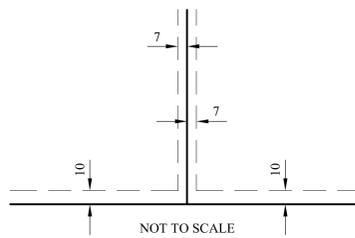
6) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.



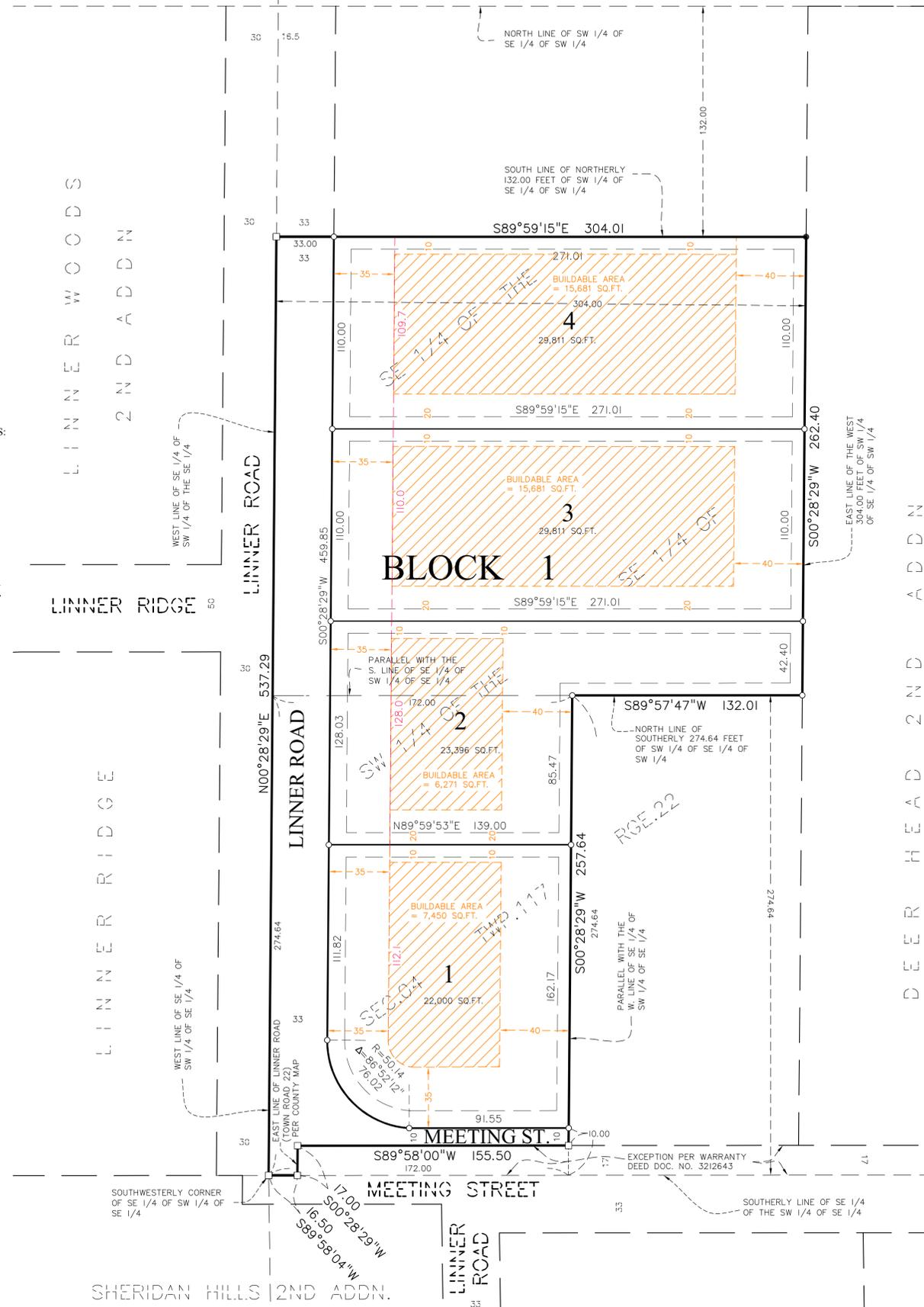
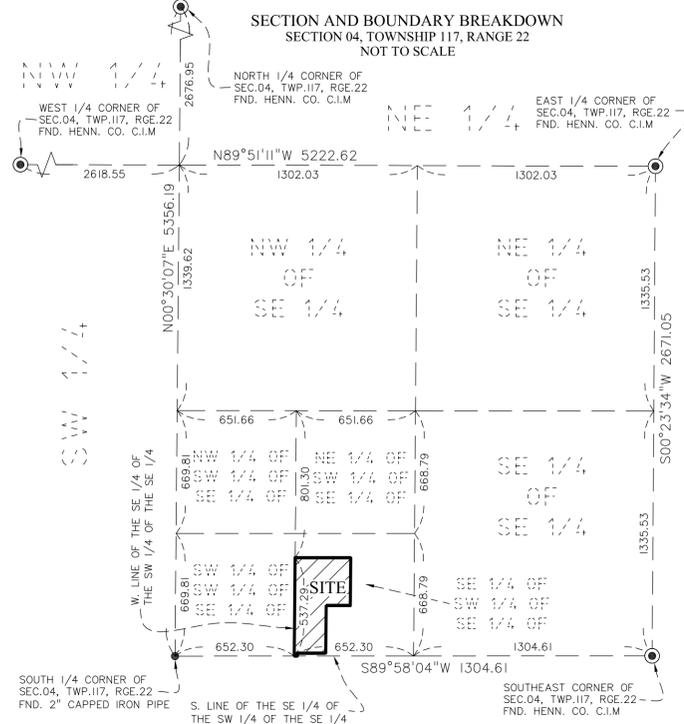
The basis for the bearing system is the south line of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 04, Township 117, Range 22 and is assumed to bear South 89 degrees 58 minutes 04 seconds West.

- Denotes a 1/2 inch by 14 inch iron pipe set in the ground and marked by License No. 40344
- Denotes a Found Iron Monument

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 7 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



PLAN:  
1911 & 1935 Linner Road

Lots 1-4  
Proposed Zoning: R-1  
Min Width: 110 ft  
Min Area: 22,000 sf  
Fysb: 35 ft  
Sysb: 30 ft total/ 10 ft min  
Rysb: 40 ft or 20%

PREPARED BY	PREPARED FOR
SURVEYOR <b>SATHRE-BERGQUIST, INC.</b> 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: DAVID PEMBERTON, PLS. EMAIL: PEMBERTON@SATHRE.COM	DEVELOPER <b>ZEHNDER HOMES, INC.</b> 2780 ALAMO CIRCLE NE BLAINE, MN 55448 PHONE: (651) 303-5745 CONTACT: ERIC ZEHNDER EMAIL: ericzehnder@zehnderhomes.com



**SATHRE-BERGQUIST, INC.**

# LINNER ROAD ESTATES

C.R. DOC. NO. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That Zehnder Homes Incorporated, a Minnesota corporation, owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

That part of the West 304.0 feet of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 117 North, Range 22, West of the 5th Principal Meridian, lying Northerly of the Southerly 274.64 feet and lying Southerly of the Northerly 132.0 feet thereof, Hennepin County, Minnesota.

AND

That part of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 117 North, Range 22, West of the 5th Principal Meridian, Hennepin County, Minnesota described as follows: Beginning at the Southwesterly corner of said Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; thence Easterly along the Southerly line thereof a distance of 172.00 feet; thence Northerly, parallel with the Westerly line of said Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4, a distance of 274.64 feet, thence Westerly, parallel with said Southerly line, a distance of 172.00 feet to said Westerly line; thence Southerly along said Westerly line, a distance of 274.64 feet to the point of beginning, EXCEPT that part transferred to the Village of Minnetonka in Warranty Deed filed as Document No. 3212643.

Has caused the same to be surveyed and platted as LINNER ROAD ESTATES and does hereby dedicate to the public for public use forever the public ways and the drainage and utility easements as shown on this plat.

In witness whereof said Zehnder Homes Incorporated, a Minnesota corporation, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 2017

Eric Zehnder, President

STATE OF MINNESOTA, COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Eric Zehnder, President of Zehnder Homes Incorporated, a Minnesota corporation.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires

I, David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

David B. Pemberton, Licensed Land Surveyor  
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by David B. Pemberton.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires

MINNETONKA, MINNESOTA

This plat of LINNER ROAD ESTATES was approved and accepted by the City Council of Minnetonka, Minnesota at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2017. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

By: \_\_\_\_\_, Mayor By: \_\_\_\_\_, City Clerk

RESIDENT AND REAL ESTATE SERVICES  
Hennepin County, Minnesota

I hereby certify that taxes payable in \_\_\_\_\_ and prior years have been paid for land described on this plat. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Mark V. Chapin, Hennepin County Auditor

By: \_\_\_\_\_, Deputy

SURVEY DIVISION  
Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Chris F. Mavis, Hennepin County Surveyor

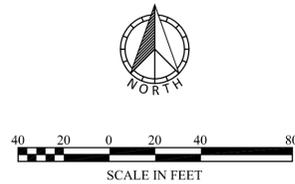
By: \_\_\_\_\_

COUNTY RECORDER  
Hennepin County, Minnesota

I hereby certify that the within plat of LINNER ROAD ESTATES was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Martin McCormick, Registrar of Titles

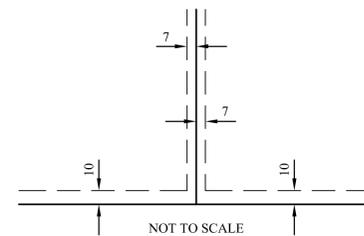
By: \_\_\_\_\_, Deputy



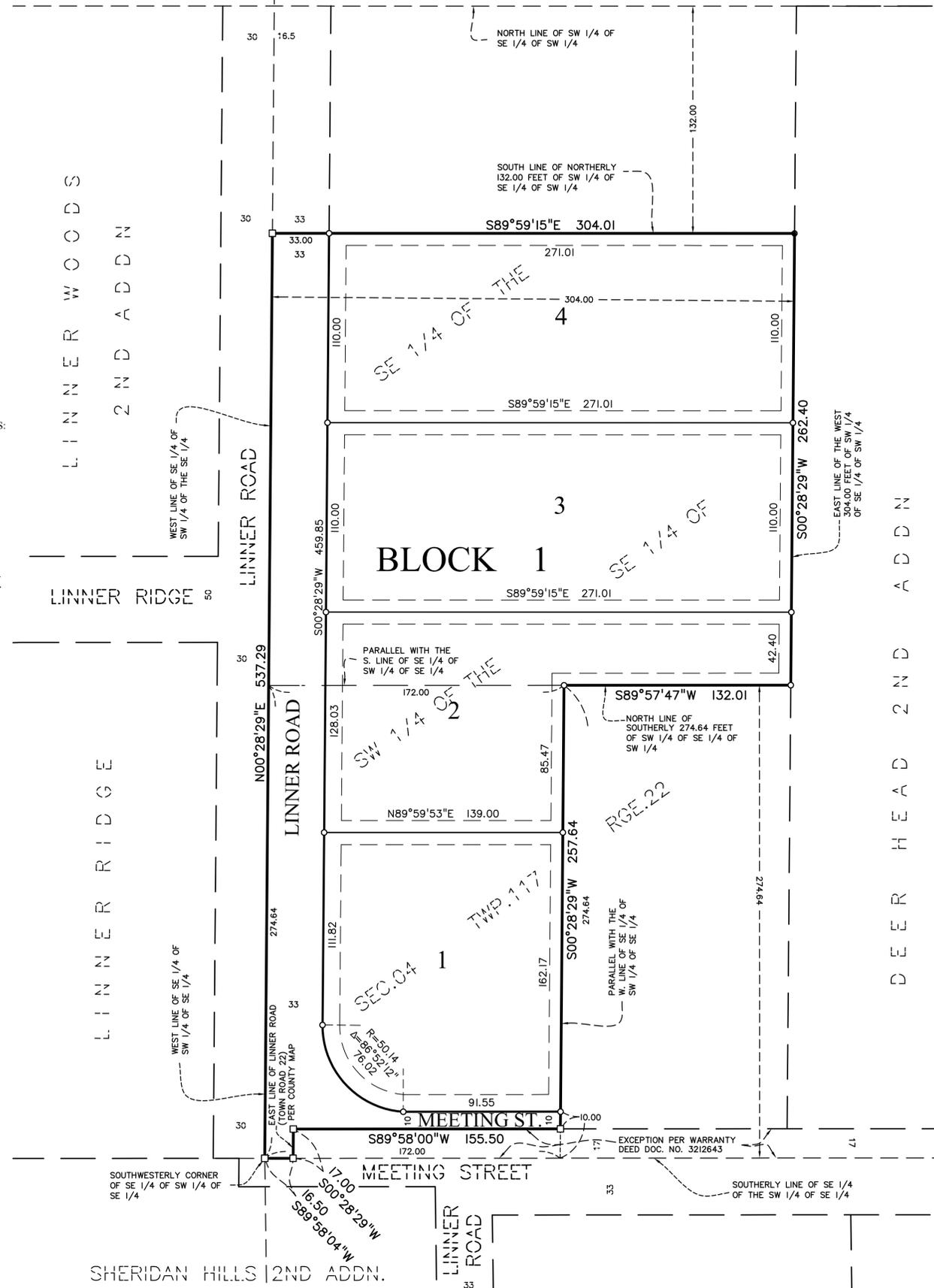
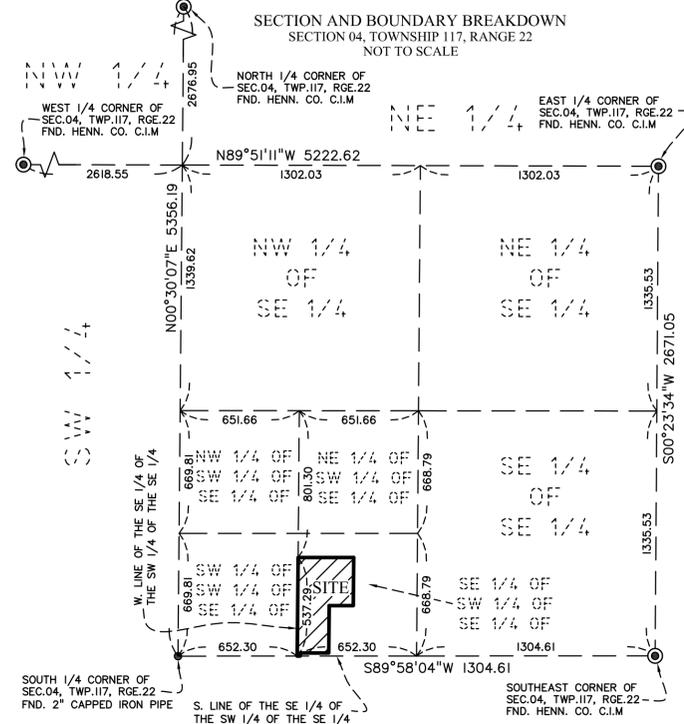
The basis for the bearing system is the south line of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 04, Township 117, Range 22 and is assumed to bear South 89 degrees 58 minutes 04 seconds West.

- Denotes a 1/2 inch by 14 inch iron pipe set in the ground and marked by License No. 40344
- Denotes a Found Iron Monument
- Denotes a PK Nail with disk set in the ground and marked by License No. 40344
- ⊙ Denotes Hennepin County Monument as labelled

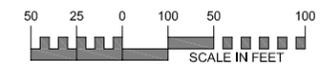
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 7 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



# R-1A CONCEPT PLAN

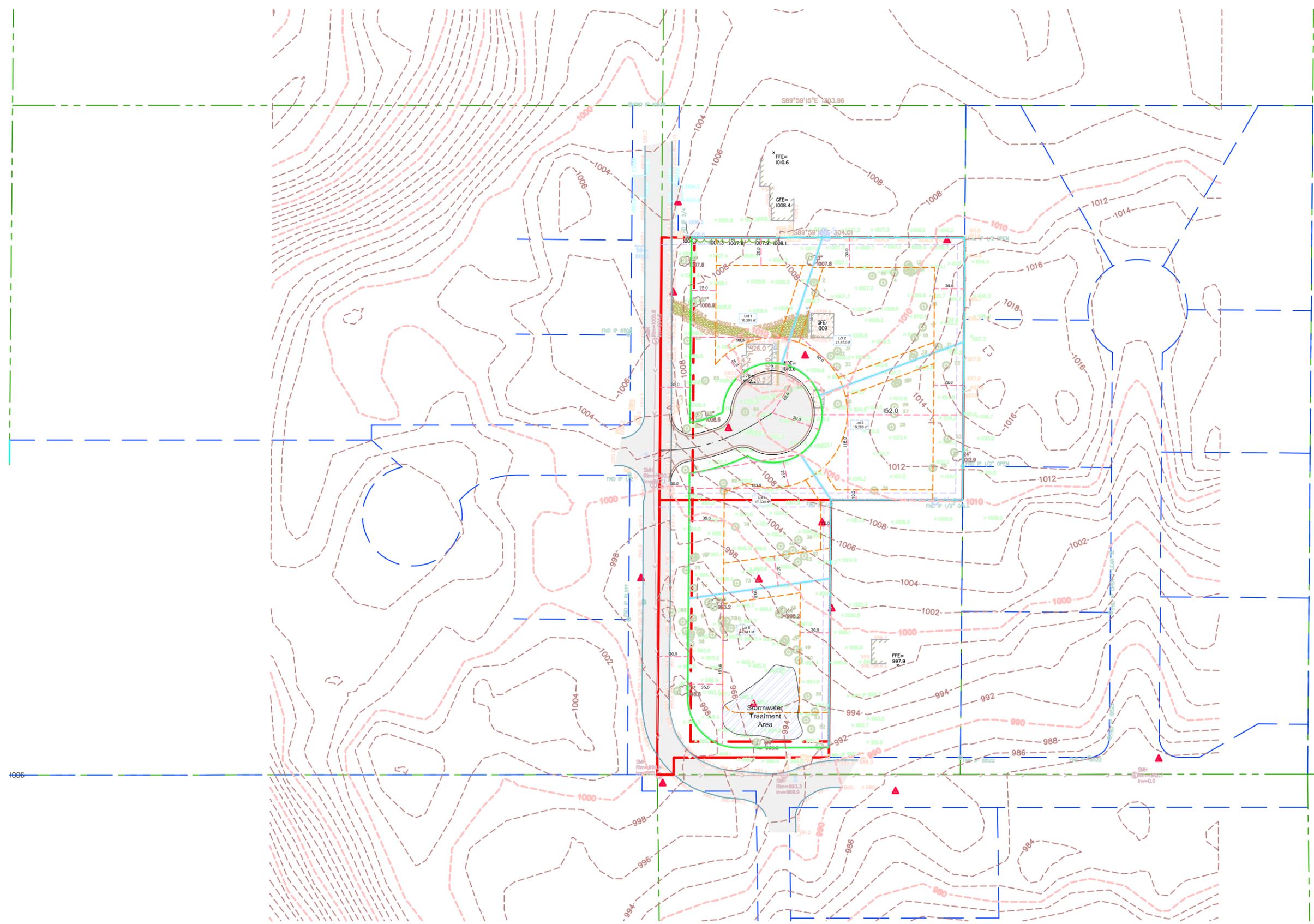


**CONCEPT PLAN:  
1911 & 1935 Linner Road**

**Lots 1-4**  
Proposed Zoning: R-1A  
Min Width: 75 ft  
Min Area: 15,000 sf  
Fysb: 25 ft  
Sysb: 10 ft / 10 ft  
Rysb: 30 ft or 20%

**Lot 5**  
Proposed Zoning: R-1  
Min Width: 110 ft  
Min Area: 22,000 sf  
Fysb: 35 ft  
Sysb: 30 ft toal/ 10 ft min  
Rysb: 30 ft or 20%

PREPARED BY	PREPARED FOR
<b>ENGINEER</b> <b>SATHRE-BERGQUIST, INC.</b> 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	<b>DEVELOPER</b> <b>ZEHNDER HOMES</b> 2780 ALAMO CIRCLE NE BLAINE, MN 55449 PHONE: (651) 303-5745 CONTACT: ERIC ZEHNDER EMAIL: ericzehnder@zehnderhomes.com



<b>DRAWING NAME</b>	<b>NO.</b>	<b>BY</b>	<b>DATE</b>	<b>REVISIONS</b>	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  Name, P.E. _____ Date: _____ Lic. No. _____		CITY PROJECT NO. ---	<b>CONCEPT PLAN 100716</b> <b>1911 &amp; 1935 LINNER RD</b> <b>ZEHNDER HOMES</b>	FILE NO. 99595-065 X X
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**9. Other Business**

**A. Concept plan for development of the properties at 1911 and 1935 Linner Road.**

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

Thomas reported. Staff recommends that commissioners provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

In response to Chair Kirk's questions, Thomas explained the exhibit that provides the square footage of lots in the area. R-1A is a zoning classification that allows for lots smaller than 22,000 square feet in size in order to promote construction of new, smaller-than-usual-sized houses. The ordinance states that R-1A zoning would be appropriate if more than 60 percent of surrounding properties are less than 22,000 square feet in size and a new, public street would be built to create its own neighborhood. The city has broad discretion when considering a rezoning application. There is a restriction on the size and height of the house and on the amount of impervious surface.

Eric Zehnder, Zehnder Homes, applicant, stated that the cul-de-sac would provide a nice feel for a neighborhood. Rezoning the property to R-1A would allow a cul-de-sac for four houses. Linner Road is a busy road and a cul-de-sac would be safer than 4 driveways accessing Linner Road. There are 12 lots less than 22,000 square feet within a close proximity. The average lot size for the proposed lots would be 18,624 square feet in size. The houses would be limited by the floor area ratio (FAR) requirement. There would be minimal tree impact. Most of the trees on the property are boxelder trees. There are 13 high-priority trees. All ordinance requirements would be met in regard to tree removal. A cul-de-sac would be a better approach. The area is more served by cul-de-sacs. The financial implications are a wash. He did not anticipate the need for any variances.

Chair Kirk invited those present to speak.

Jocelyn Anderson, 1901 Linner Road, stated that:

- She was concerned with the neighborhood character and change from R-1 to R-1A. R-1 zoning would keep the character of the neighborhood.

- The front and side yard setbacks are greatly reduced in R-1A zoning. The proposed house could be 10 feet from the property line.
- She was concerned how it would impact her property.
- She and her neighbor Harriet Carlson, who resides at 1939 Linner Road, advocate for the R-1, four-house plan or a cul-de-sac with three houses that conform to R-1 zoning to allow for a larger front setback.

Chris Dylan, 1902 Deerhill Court, stated that:

- Five houses would be too many in this neighborhood. Three or four would fit beautifully.
- The main problem would be the way houses would be set. The houses on the cul-de-sac would be pushed back much further than they would if four houses would have driveways on Linner Road.
- He would prefer something more straight forward without a stubby cul-de-sac.
- There would be the same amount of traffic with a cul-de-sac or driveways on Linner Road.

Dennis Mcfadden, 1813 Linner Road, stated that:

- The density would increase from three to eight or nine. Traffic is already problematic.
- He is a proponent of three or four houses without the cul-de-sac.

Susan Dubbs, 1910 Deerhill Court, stated that:

- The applicant said that it would be easier to sell houses located on a cul-de-sac. She did not think a cul-de-sac should be done to make the seller's job easier.

Powers felt that five houses would be too many. The area has large lots with houses setback further from the road. He thought four houses on a cul-de-sac would be a mistake.

Mr. Zehnder explained that the front setback would be 25 feet from the property line which would be 50 feet from the paved street. Thomas explained that, legally, a front yard is one that abuts a public right of way independent of the orientation of the house. A corner lot, technically, has 2 fronts.

Mr. Zehnder clarified that it would be three to six or seven houses, instead of three to eight or nine houses. Across the street at Linner Ridge is a cul-de-sac with the exact situation. There are two houses with similar front setbacks facing Linner Road. There are a lot of cul-de-sacs in the area and lots that have side yards adjacent to Linner Road. He provided the four-lot concept. The lots would be larger and conform to all ordinance requirements, but the third lot would look kind of strange. The five-lot subdivision looks like it makes sense. It would not make a difference financially. The houses in both proposals would be easy to sell. The five-lot subdivision is a better product and would be more aesthetically pleasing.

Powers left the meeting.

Odland felt that four houses would fit better than five.

Hanson thought that houses lined up on Linner Road would look denser than setting a couple back further. The neighborhood has character. He liked the five-house proposal.

Chair Kirk agreed with Hanson. The cul-de-sac on the west has narrow, deep lots. The front-yard setbacks would be similar to the proposal. He is concerned about the two smaller lots. The other layout that meets R-1 zoning requirements does not seem very attractive. The street is not very wide. Linner Road acts as a collector street for the cul-de-sacs. The more driveways added to Linner Road would complicate that. It would be better for the vehicles to access Linner Road from a cul-de-sac than separate driveways. He was on the fence.

O'Connell was also on the fence. He thought that R-1A subdivisions are generally located near a busier street. He asked if an R-1A housing subdivision had ever been approved in a similar neighborhood. Thomas stated that only two other R-1A subdivisions have been approved. One is located near County Road 101 and Excelsior Boulevard and the other is located on Highview Place, near Interstate 494 and Highway 7. Chair Kirk noted that similar subdivisions had previously been approved as planned unit developments (PUD). Thomas explained that a seven-lot proposal would have located four lots on Linner Road. The area has different vegetation, but is a steep, wooded slope. The area was put into a conservation easement to concentrate development near Linner Road and preserve the wooded area.

Knight asked how large a house could be built on the lot 16,300 square feet in size. Thomas answered that there would be a floor area ratio (FAR) restriction of

.24. Knight noted that the house across the street at 15002 Linner Ridge is huge. He confirmed with Thomas that the house at 15002 Linner Ridge would not have been built if the site had been zoned R-1A. Under the old PUD ordinance, the FAR applied to the entire development area which often resulted in large houses on small lots and small houses on large lots. Knight stated that the R-1A zoning would create lots and houses that would fit each other and look more appropriate.

Knight prefers the five-lot with a cul-de-sac plan better than the long, four lots on Linner Road. The cul-de-sac would hide the other houses.

Chair Kirk stated that it is obvious that the area is ready to be redeveloped. The 1930 stucco seems out of place with the character.

Knight felt that the cul-de-sac would fit better and create a nice neighborhood rather than just driveways on Linner Road.

Hanson suggested keeping five lots, but somehow pulling the fifth house back.

O'Connell thought knowing the house placement would be helpful. He was also on the fence.

Chair Kirk stated that the concept plan is schedule to be reviewed by the city council December 1, 2017.

**B. Concept plan for development of a 110-unit senior care facility at 17710 and 17724 Old Excelsior Boulevard.**

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

Thomson reported. Staff recommends that commissioners provide comments and feedback on the identified key issues. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Chair Kirk confirmed with Thomas that the side setbacks would be equal to one and a half times the height of the building.

Della Kolpin, with Mesaba Capital Development, applicant, stated that:

- The site is 2.54 acres. The applicant plans on purchasing both parcels and selling .38 acres, for a result of 2.24 acres. The .38

## **Resolution No. 2017-**

### **Resolution approving the preliminary and final plats of LINNER ROAD ESTATES at 1911 and 1935 Linner Road**

---

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

#### Section 1. Background.

- 1.01 Eric Zehnder is requesting approval of the preliminary and final plats of LINNER ROAD ESTATES, a four-lot residential subdivision.
- 1.02 The subject properties are located at 1911 and 1935 Linner Road. They are legally described on Exhibit A of this resolution.
- 1.03 On March 2, 2017, the planning commission held a hearing on the proposed plats. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the preliminary and final plats.

#### Section 2. General Standards.

- 2.01 City Code §400.030 outlines general design standards for residential subdivisions. These standards are incorporated by reference into this resolution.

#### Section 3. Findings.

- 3.01 The proposed preliminary and final plats would meet the design requirements as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary and final plats are hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording, submit the following:
  - a) A final plat drawing that clearly illustrates the following:
    - 1) Minimum 10-foot wide drainage and utility easements adjacent to the public rights-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.
    - 2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
  - b) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
    - 1) Title evidence that is current within thirty days before release of the final plat.
    - 2) Private utility easements for any private utilities crossing properties lines.
  - c) Two sets of mylars for city signatures.
  - d) An electronic CAD file of the plat in microstation or DXF.
  - e) Park dedication fee of \$10,000.
2. Subject to staff approval, LINNERS ROAD ESTATES must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Grading, Tree and House Placement Plan, dated, February 8, 2017
  - Site Plan, dated February 8, 2017
  - Preliminary Sanitary Sewer and Watermain Plan, dated February 8, 2017
  - Final Grading Plan, February 8, 2017

3. Prior to issuance of a building permit for the first new house within the development, submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
4. Prior to issuance of a building permit for a home on either Lot 1 or Lot 2, the raingarden on Lot 1 must be constructed. A grading permit is required for this work. The grading permit application must include:
  - a) Final grading plan for the raingarden.
  - b) Stormwater narrative and calculations illustrating conformance with the following stormwater rule, for both Lots 1 and 2:
    - 1) Volume Control. One inch of retention over the site's impervious surface must be retained on-site.
    - 2) Rate Control. Peak flow rates must be limited to that of existing conditions at all points where stormwater leaves the site.
    - 3) Water Quality. 60% total phosphorus and 90% total suspended solids must be removed.
  - c) A stormwater maintenance easement agreement.
  - d) A private stormwater agreement for the city attorney's review and approval. This agreement must be prepared by an attorney knowledgeable in the area of real estate. It must outline that grading, landscaping, or constructed improvement cannot impede drainage from Lot 2 across Lot 1. It must further outline how disputes regarding drainage will be resolved. The agreement must be filed against Lots 1 and 2 prior to issuance of certificates of occupancy for either lot.
5. Prior to issuance of a building permit for any lot within LINNER ROAD ESTATES:
  - a) Submit the following items for staff review and approval:
    - 1) Final utility plan. The plan must:

- a. Note whether the water service connection is by corporation or saddle connection.
  - b. If the water service taps are by saddle, all taps must be made at the same time and by the same contractor to limit the number of required shutdowns.
  - c. On Lot 2, the unused water service must be removed to the main and the corporation stop turned off. If it is a saddle connection, the saddle must be removed and the hole plugged by repair band or other city-approved method.
  - d. On Lot 2, the unused sanitary sewer services must be removed to the main and the wye must be cut out and sleeved.
  - e. Note that all unused water and sanitary services identified to be abandoned must be removed.
- 2) Stormwater narrative and calculations illustrating conformance with the following stormwater rule:
- a. Volume Control. One inch of retention over the site's impervious surface must be retained on-site.
  - b. Rate Control. Peak flow rates must be limited to that of existing conditions at all points where stormwater leaves the site.
  - c. Water Quality. 60% total phosphorus and 90% total suspended solids must be removed.
- 3) A stormwater easement agreement.
- 4) Final grading and tree preservation plan for the lot. The plan must:
- a. Be in substantial conformance with Grading Plan dated August 19, 2016. No more than 5 high-priority trees may be removed from the combined site. High-priority trees shown to be

- preserved must be protected during all grading and construction activity.
- b. Show houses, drives, utilities, and other improvements located to minimize tree impacts.
  - c. For Lot 1, allow for appropriate drainage from Lot 2 to the raingarden on Lot 1.
- 5) 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.
- 6) A construction management plan. The plan must be in a city approved format and must:
- a. Specifically note that all construction vehicles will be parked onsite and not on Linner Road.
  - b. Outline minimum site management practices and penalties for non-compliance.
- 7) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
- a. 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
  - b. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- b) Install a temporary rock driveway, 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.

- c) Submit all required hook-up fees.
6. Unless otherwise approved by city staff, no grading, tree removal, or other site work is permitted until a building permit has been issued.
  7. All lots and structures within the development are subject to all R-1 zoning standards. In addition:
    - a. Based the general grading plan, and to ensure compliance with the tree protection ordinance, home design allowed on each lot is as follows:
      - Lot 1: Side walkout, lookout, or full basement.
      - Lot 2: Side walkout, lookout, or full basement.
      - Lot 3: Full basement
      - Lot 4: Lookout or full basement
    - b. if a new home cannot be encompassed by 150 feet of fire hose coverage, either: (1) the home must be protected by a 13D automatic fire sprinkler system or an approved alternative system; or (2) the driveway must be 20 feet wide of paved surface at less than 10% grade.
  8. Prior to issuance of certificates of occupancy for any home within LINNEN ROAD ESTATES, a full width patch of Linnen Road in the area of utility connections must be made and inspected by city staff. Depending on the proximity of the patches to each other, a full width, full length overly may be required upon completion of all connections.
  9. During construction, the streets must be kept free of debris and sediment.
  10. The property owner is responsible for replacing any required landscaping that dies.
  11. This approval will be void on March 27, 2018 if: (1) the final plat has not recorded with the county; and (2) the city has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 27, 2017.

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Terry Schneider, Mayor

Attest:

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David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 27, 2017.

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David E. Maeda, City Clerk

## EXHIBIT A

- Parcel 1: That part of the West 304.0 feet of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 117 North, Range 22, West of the 5th Principal Meridian, lying Northerly of the Southerly 274.64 feet and lying Southerly of the Northerly 132.0 feet thereof, Hennepin County, Minnesota.
- Parcel 2: That part of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 117 North, Range 22, West of the 5th Principal Meridian, Hennepin County, Minnesota described as follows: Beginning at the Southwesterly corner of said Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; thence Easterly along the Southerly line thereof a distance of 172.00 feet; thence Northerly, parallel with the Westerly line of said Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4, a distance of 274.64 feet, thence Westerly, parallel with said Southerly line, a distance of 172.00 feet to said Westerly line; thence Southerly along said Westerly line, a distance of 274.64 feet to the point of beginning, EXCEPT that part transferred to the Village of Minnetonka in Warranty Deed filed as Document No. 3212643.

**MINNETONKA PLANNING COMMISSION**  
**March 2, 2017**

<b>Brief Description</b>	Election of Planning Commission Officers
<b>Recommendation</b>	Hold an election for the positions of Chair and Vice Chair

**Background**

The Planning Commission Bylaws state that the commission shall have officers consisting of a chair and a vice chair. The officers shall be elected for a one-year period at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum. Officer roles are:

- Chair: The chair shall preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present shall designate one of themselves to serve as chair.
- Vice Chair: The vice chair shall perform all the duties of the chair in the absence of the chair.

Planning commission officers for 2016 were Brian Kirk, who served as chair and Heather Odland, who served as vice chair. Heather Odland resigned from the commission in January. The planning commission roster for 2017 includes:

- Brian Kirk
- David Knight
- Deb Calvert
- John Powers
- Sean O'Connell
- Rebecca Schack (newly appointed)
- Josh Sewell (newly appointed)

**Staff Recommendation**

Hold an election for the positions of Chair and Vice Chair

Originator: Loren Gordon, AICP, City Planner

**MINNETONKA PLANNING COMMISSION**  
**March 2, 2017**

<b>Brief Description</b>	Review of the Planning Commission's Bylaws and Policies
<b>Recommendation</b>	Readopt the bylaws and policies

**Introduction**

The Planning Commission's Bylaws require that the Commission review its bylaws and policies each year. The current bylaws and policies are attached.

**Comments**

Staff has no changes to recommend; however, commissioners should review the bylaws and policies. Please review the bylaws and policies and advise staff before the meeting of any suggested changes.

**Staff Recommendation**

Readopt the attached bylaws and policies, with any suggested changes.

Originator: Loren Gordon, AICP, City Planner

# CITY OF MINNETONKA PLANNING COMMISSION BYLAWS

## **ARTICLE I - GENERAL**

The Minnetonka Planning Commission is established under City Code section 300.04 and Minnesota State Statutes Annotated section 462.354, subdivision 1(2).

## **ARTICLE II - PURPOSE**

The commission is appointed by the City Council to assist and advise the City Council in the administration of the City Zoning Ordinance, Guide Plan and Subdivision Ordinance: to conduct public hearings upon matters as required by the provisions of City Code, section 300, and on any other matters referred by the City Council.

## **ARTICLE III - MEETINGS**

### **Section I. Regular Meetings**

The regular meetings of the commission will be held at the offices of the City of Minnetonka, located at 14600 Minnetonka Boulevard. The meeting schedule will be as designated on the official city calendar. All meetings will be open to the public, except as otherwise provided by law.

The planning commission meeting will convene at 6:30 P.M. and conclude no later than 11:00 P.M. unless a majority of the members present vote to continue the meeting beyond 11:00 P.M. for a single item. Items not covered by 11:00 P.M. will be automatically continued to the next planning commission meeting and given priority placement on the agenda.

Before opening a public hearing, the chair will ask for a presentation from the applicant. The chair will then open the public hearing. At larger public hearings, the chair will request a presentation from any neighborhood representatives. Following that, the chair will ask for comments from any other members of the public. The chair will encourage the applicant and neighborhood representatives to limit their presentations to about fifteen minutes each. The chair will encourage other public speakers to limit their time to about eight minutes, so everyone has time to speak at least once. However, time limits will be at the discretion of the chair. Once everyone has spoken, the chair may allow speakers to return for additional comments. The public hearing will remain open until the chair determines that all information and statements have been heard. The chair may then close the public hearing and limit discussion to members of the commission.

The voting order shall be alphabetical according to the last name of each commissioner. The voting order shall rotate alphabetically at each planning commission meeting. The presiding officer shall always vote last.

## **Section II. Special Meetings**

A special meeting may be held when deemed necessary by four members of the commission or by the request of the city council.

## **Section III. Quorums**

At any duly called meeting of the commission, a majority of the active members shall constitute a quorum.

## **Section IV. Agendas**

An agenda for each meeting shall be prepared by the Planning Department for the City in cooperation with the chair. The agenda shall be delivered to all members of the commission along with supporting data on the Friday before the next regular meeting.

The commission may continue consideration of any scheduled item when supportive material for that item has not been delivered to the members five (5) full business days before the meeting at which it is considered.

The city planner shall add items to the consent agenda that he or she considers to be routine. The planning commission shall hold one public hearing and then approve all such items with one motion. Before voting on the consent agenda, the chair will open the hearing, announce each item and ask if anyone wishes to have a separate discussion or vote on that item. If so, the commission will then remove that item from the consent agenda and hold a separate hearing on it after voting on the consent agenda items. There will be no staff presentation or discussion by the public or commission on the items remaining on the consent agenda. However, the chair may allow informational questions without removing an item from the consent agenda. Items approved under the consent agenda are approved subject to the staff recommendations.

## **Section V. Voting**

Any vote that requires a two-thirds majority shall be based on the current planning commission membership, excluding any vacant positions. Members present must vote on all agenda items, unless disqualified because of a conflict of interest under the City's Code of Ethics or State law.

## **ARTICLE IV - OFFICERS**

Officers of the commission shall consist of the chair and a vice chair. The officers shall be elected for a one-year period at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum.

A. Chair: The chair shall preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present shall designate one of themselves to serve as chair.

- B. Vice Chair: The vice chair shall perform all the duties of the chair in the absence of the chair.
- C. Secretary: The Secretary is a non-elected member of the Planning Department staff. The secretary shall keep an accurate account of meetings and proceedings of meetings, send written notices and agendas of all meetings to members, keep a policy file of all commission records and documents, and notify the city council in writing of all commission conclusions and recommendations.

## **ARTICLE V - CODE OF ETHICS**

The planning commission members shall abide by the Code of Ethics established in Section 115 of the Minnetonka Code as amended from time to time. Additionally, no planning commissioner shall act as a representative for someone else for any planning or zoning item that comes before the Minnetonka Commission or Council. A planning commissioner may represent a planning or zoning item for their own property or property in which they have a real interest.

## **ARTICLE VI - PARLIAMENTARY PROCEDURE**

The proceedings of the commission shall be governed by and conducted according to the latest rules of Roberts Rules of Order, as revised.

## **ARTICLE VII - AMENDMENTS**

The commission shall review its bylaws and policies at the first meeting in March of each year. These bylaws may be amended or altered by a majority vote of the members of the commission at any regular or special meeting, having a quorum, provided the amendment was mailed or delivered to the commission members at least five days before the meeting.

Revised February 2008;  
Readopted with changes March 3, 2011

## CITY OF MINNETONKA PLANNING COMMISSION POLICIES

### General Policies regarding specific types of variance requests:

The following policies are not intended to be hard and fast rules, since each variance request is unique unto itself. The policies have evolved from past decisions of the City along with administrative interpretation of the zoning ordinance. The primary purpose of the following sections is to establish a framework whereby reasonable use of single-family residential property is outlined and fair treatment can be applied to all properties.

#### A. Garages

1. A two-car garage on single-family residential property and a one-car garage on a double dwelling property is generally considered to be a reasonable use. Larger garages may be approved if consistent with neighborhood characteristics and the findings for a variance.
2. Maximum standard two-car garage dimensions are 24' x 24'. Maximum standard one-car garage dimensions are 13' x 24'.
3. Garages that require variances should minimize setback intrusion to the greatest extent possible.
4. Conversion of garage area to living space does not justify a variance for new garage space.
5. Neighborhood characteristics may dictate the size and setbacks of a garage considered to be a reasonable use.
6. Variances are considered in light of mature tree location and preservation opportunities.

#### B. House Additions

1. Reasonable use of property is considered in light of general City-wide development standards.
2. Variances to allow setback intrusion are considered in light of reasonable use as long as variances are limited to the greatest extent practicable.
3. Variances are considered in light of providing room additions of functional size with adequate internal circulation.
4. The configuration and position of the existing house is considered when reviewing variance requests.
5. The proposed addition should be designed to conform to development constraints

of the property.

6. Variances are considered in light of mature tree location and preservation opportunities.

#### C. Accessory Attached Structures

1. Decks, screen porches, and bay windows are by definition accessory uses or uses incidental to the principal use.
2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent in the property.
3. Variances are considered in light of the size and configuration of the structure so that variances are limited to the greatest extent possible.
4. Variances are considered in light of impacts to adjoining properties.
5. Neighborhood characteristics may be considered for review of accessory attached structures.
6. Deck variances will be reviewed in light of ordinance provisions that permit encroachment into required setbacks.

#### D. Accessory Detached Structures Other Than Garages

1. Sheds, barns, utility buildings, and recreational facilities are by definition accessory uses or uses incidental to a principal use.
2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent to the property.
3. In light of the above policy to allow two-car garages, accessory structures are, in most cases, above and beyond the reasonable use of the property.
4. Mitigating circumstances may exist whereby accessory structure variances may be considered. These circumstances primarily relate to unique conditions resulting from extraordinarily burdensome regulations applied to a property.
5. Where mitigating circumstance exists, neighborhood characteristics can be considered.

#### E. Undersized Lots

1. Undersized lots of record not meeting the minimum dimensional requirements, may be considered for variances to apply a buildable status.
2. Buildable status will be applied only if a reasonable development opportunity will result.

3. The size of the lot should be consistent with the average neighborhood lot area.
4. Efforts to obtain additional property should be exhausted.
5. The house should be designed to fit the dimensional constraints of the lot and conform to all setback requirements.
6. If the property is and has been assessed and taxed as a buildable lot, strong consideration will be given to dimensional and setback variances.
7. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, then no hardship exists.
8. If an undersized lot was purchased after adoption of the zoning ordinance, then the hardship is self-created.

Revised March 2, 2001  
Readopted with changes March 3, 2011