

CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
JULY 19, 2018**

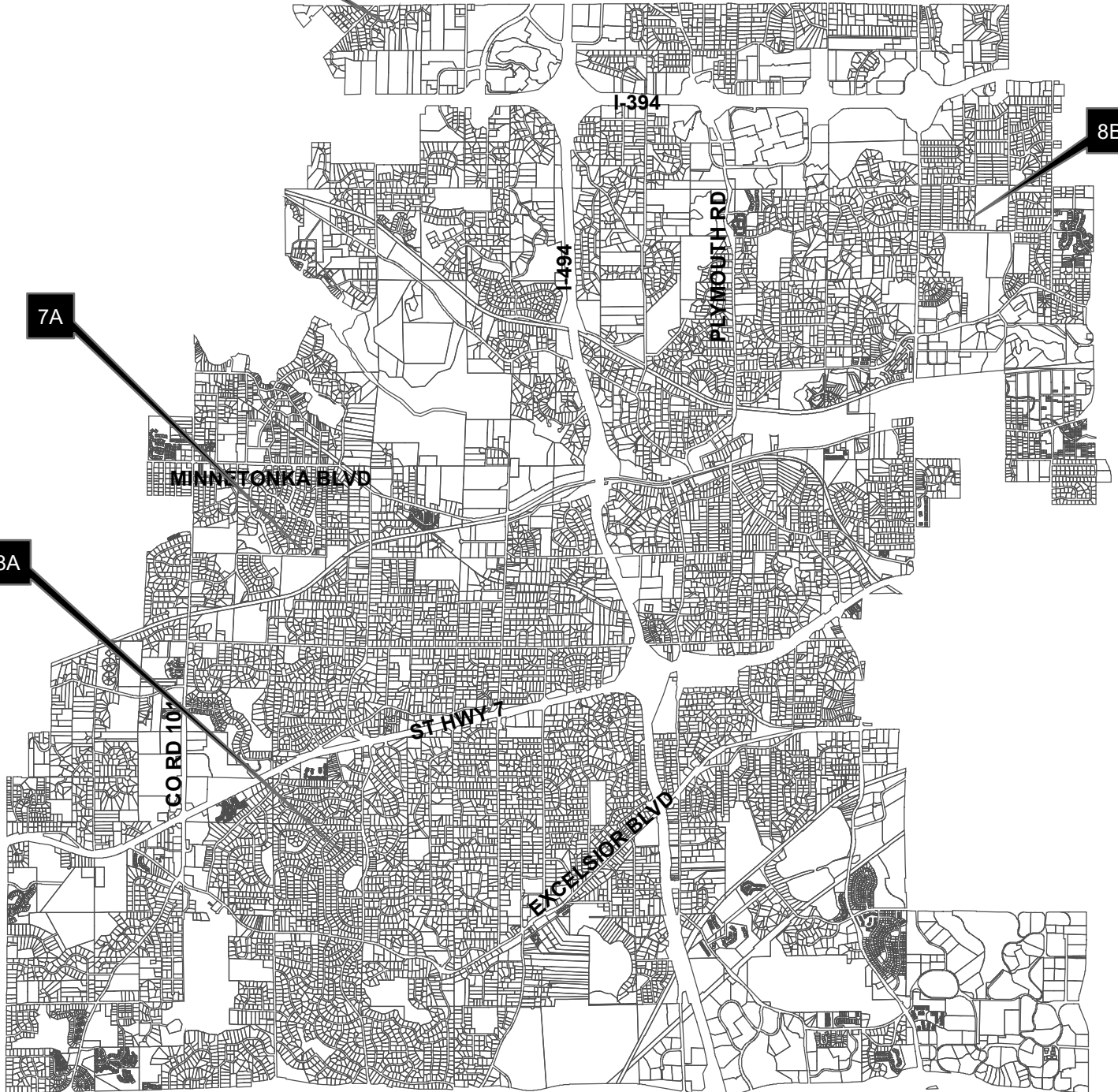
14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
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Planning Commission Agenda

July 19, 2018—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: June 28, 2018

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

- A. Resolution approving an expansion permit for the construction of an addition on the east side of the existing home at 3713 Elmwood Place.

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

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

- B. Expansion permit for an addition at the existing home at 206 Townes Lane.

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

- Final Decision Subject to Appeal
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

- A. Multiple variances to construct an attached garage addition at 5068 Belwood Lane.

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

- Final Decision Subject to Appeal
- Project Planner: Drew Ingvalson

Planning Commission Agenda

July 19, 2018

Page 2

B. Conditional use permit for an accessory apartment at 2201 Hillside Circle.

Recommendation: Recommend the city council approve the requests (4 votes)

- Recommendation to City Council (Tentative Date: August 6, 2018)
- Project Planner: Susan Thomas

9. 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 August 2, 2018 planning commission meeting:

Project Description: The applicant is proposing to redevelop the existing properties a 5517 and 5525 Eden Prairie Road. Existing structures would be removed and five new villa-style homes would be constructed. The proposal requires approval of: (1) rezoning; (2) site and building plans; and (3) preliminary and final plats.

Project No.: 17027.18a

Staff: Susan Thomas

Ward/Council Member: 1—Ellingson

Section: 33

Project Description: The applicant is proposing an amendment to the existing Crest Ridge Corporate Center sign plan to allow two mounted identification signs on the retaining wall.

Project No.: 16034.18a

Staff: Ashley Cauley

Ward/Council Member: 2—Open Seat

Section: 01

Project Description: The applicant is proposing to demolish an existing home and construct a new single-family home at 5500 Mayview Road. This request requires multiple variances.

Project No.: 99062.18a

Staff: Drew Ingvalson

Ward/Council Member: 1—Ellingson

Section: 34

Project Description: Newport Midwest, LLC is proposing to redevelop the properties at 10400, 10500, and 10550 Bren Road E. As proposed, the existing buildings would be removed and a new apartment building would be constructed. The new building would contain a total of 249 apartments, 55 of which would be considered affordable. The proposal requires approval of: (1) a rezoning; (2) a master development plan; and (3) final site and building plans.

Project No.: 18021.18a

Staff: Susan Thomas

Ward/Council Member: 1—Ellingson

Section: 36

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**

June 28, 2018

1. Call to Order

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

2. Roll Call

Commissioners Hanson, Knight, Powers, Schack and Sewell were present. Kirk was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, and Natural Resource Manager Jo Colleran.

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

4. Approval of Minutes: June 14, 2018

Powers moved, second by Sewall, to approve the June 14, 2018 meeting minutes as submitted.

Knight, Powers, Sewell, and Schack voted yes. Kirk was absent. Hanson abstained. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 18, 2018:

- Reviewed a concept plan for Glen Lake Villas on Eden Prairie Road.
- Introduced an ordinance for items related to a parking ramp at the Minnetonka Corporate Center.

A comprehensive guide plan steering committee meeting is scheduled for July 18, 2018.

The next planning commission meeting is scheduled for July 19, 2018.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

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

Sewall moved, second by Hanson, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Resolution approving an expansion permit for construction of a deck at 11624 Minnetonka Mills Road.

Adopt the resolution approving an expansion permit for construction of a deck at 11624 Minnetonka Mills Road.

Hanson, Knight, Powers, Sewell, and Schack voted yes. Kirk was absent. Motion carried and the item on the consent agenda was approved as submitted.

Acting Chair Schack stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

8. Public Hearings

A. Conditional use permit with a parking variance to expand an existing medical clinic at 10653 Wayzata Blvd.

Acting Chair Schack 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.

Jim Dahlberg, architect for the applicant, stated that Ingvalson did a great job explaining the project. He was available for questions. He did not foresee a parking issue because the applicant would utilize the proof of parking if it would be needed. The building is fully occupied.

Sewall asked if the use would increase the number of vehicle trips. Mr. Dahlberg answered in the negative.

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

Powers felt the use would be appropriate for the space. He supports the proposal.

Acting Chair Schack stated that the project is straight forward.

Hanson moved, second by Powers, to recommend that the city council adopt the resolution which approves a conditional use permit for a medical clinic with a parking variance at 10653 Wayzata Blvd.

Hanson, Knight, Powers, Sewell, and Schack voted yes. Kirk was absent. Motion carried.

Acting Chair Schack announced that this item is tentatively scheduled to be reviewed at the city council meeting on July 9, 2017.

B. Conditional use permit for an educational institution at 18707 Old Excelsior Blvd.

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

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

Sewall asked if there would be busing and a drop-off area. Thomas answered that the students would be high-school age, so students could drive themselves to the site. There would be a shuttle bus operating from the high school. Cross-parking agreements would be in place between the properties. The conditional use permit could be reviewed at any time an issue would become apparent. There would be an easement provision that would allow the city to step in if the property owners could not resolve a problem.

Acting Chair Schack asked how many students would participate in the program. Thomas answered that for the 2018-2019 academic year, 91 students are currently enrolled.

Powers asked if food would be prepared on site. Thomas explained that the program would not last a full day.

Paul Bourgeois, executive director of finance and operations for Minnetonka Public Schools, applicant, stated that the half-day program would not serve food. The students who complete the program would be able to be certified to work in health care positions at nursing homes and assisted-living care centers. Students would arrive after lunch and stay for three hours Monday through Thursday. Fridays would be spent doing labs in the back of the high school. Most students would drive themselves, but there would be a shuttle bus from the high school loading and dropping off at the driveway.

Acting Chair Schack asked for the ages of the students in the program. Mr. Bourgeois answered that only juniors and seniors would participate. Students would be required to dress professionally. There would be a lot of guest lecturers and mentors that meet with students.

Powers asked what the hands-on training would include. Mr. Bourgeois stated that medical mannequins and hospital beds would be used to practice procedures.

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

Powers thought it would be a great use of space and land use. He applauded the school district and Mr. Bourgeois for providing a needed program.

Knight supports the proposal. His biggest concern was the access for students to arrive at the site, but that question was answered. He was comfortable with the proposal.

Sewall suggested directing students to use the west entrance and exit as much as possible as a courtesy to the neighbors.

Acting Chair Schack noted that the school district has been a good neighbor.

Powers moved, second by Hanson, to recommend that the city council adopt the resolution approving a conditional use permit for an educational institution at 18707 Old Excelsior Blvd.

Hanson, Knight, Powers, Sewell, and Schack voted yes. Kirk was absent. Motion carried.

Acting Chair Schack announced that this item is tentatively scheduled to be reviewed at the city council meeting on July 9, 2017.

C. Items concerning the proposed parking ramp addition at 12700 Whitewater Drive.

Acting Chair Schack 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.

In response to Sewall's question, Gordon stated that the lite rail Opus Station would be approximately one mile away. Staff likes adding height to the ramp better than surface parking to decrease hard surface coverage.

In response to Acting Chair Schack's question, Ingvalson said that the entrance and exit would be the same. The area is expected to accommodate the increase in traffic.

Acting Chair Schack asked what type of trees would be removed. Colleran explained that nine significant trees and one high-priority tree, which is an 83-inch cottonwood, would be removed. Acting Chair Schack confirmed with Colleran that the priority is protecting the wetland.

Ed Farr, architect for the project, introduced himself and stated that staff did an excellent job presenting the project. He was available for questions.

Kyle Williams, representing RWR, the applicant, stated that RWR is a large asset-management company. He was available for questions.

Mr. Farr explained that sustainable features would be used. There would be a complete retrofit of the entire parking ramp to LED lighting. The additional parking space would be

added vertically and eliminate an increase in hard surface coverage. He appreciated the commission's consideration.

Powers drove the entire ramp. There were open spaces on the top. The stalls are narrow. The plan is a good idea.

Mr. Farr stated that the parking ramp addition is based on the Urban Land Institute's Dimensional Parking Manual.

Knight asked if the foundation would support the addition. Mr. Farr explained that the ramp was constructed to support one additional level. Geotechnical borings determined that the weight of the vehicles and additional levels would be well within safe levels. All building code requirements would be met.

Mr. Williams stated that all of their ramps are inspected annually.

Sewall confirmed with Mr. Farr that the current tenant would remain.

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

Powers supports the proposal. It seems to be well thought out. His safety concerns were satisfied.

Sewall liked the idea of building up instead of adding more hard-surface coverage. He understood the need since the number of employees would be increasing by nearly 50 percent. He supports the proposal.

Acting Chair Schack thought the proposal would be the best way to provide more parking. It is a good plan.

Knight moved, second by Hanson, to recommend that the city council adopt the resolution approving the master development plan amendment and site and building plan review.

Hanson, Knight, Powers, Sewell, and Schack voted yes. Kirk was absent.

Acting Chair Schack announced that this item is tentatively scheduled to be reviewed at the city council meeting on July 9, 2017.

9. Adjournment

Sewall moved, second by Powers, to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

July 19, 2018

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
July 19, 2018

Brief Description	Resolution approving an expansion permit for the construction of an addition on the east side of the existing home at 3713 Elmwood Place.
Recommendation	Adopt the resolution approving the request

Background

The subject property is platted in the STARLING'S TONKA WOOD-CROFT subdivision, which was platted in 1927. The existing house was constructed in 1958, which predates the adoption of the city's first zoning ordinance, and has a front yard setback of 31.5 feet.

Several additions have been constructed onto the existing home since its original construction. Most recently a kitchen and master bedroom addition onto the rear of the house in 2017.

Proposal

The property owner is proposing to construct a foyer addition on the east – or front – side of the existing home. The addition would be roughly 100 square feet in size and would have a setback of 32.5 feet.

By City Code §300.29 Subd. 3(g), an expansion permit is required for an expansion permit of a non-conforming structure when the expansion *would not* intrude into a setback area beyond the distance of the existing structure. A variance is required when the expansion *would* intrude further into the setback area. Since the existing home has a nonconforming front yard setback, and the proposed addition would not intrude further into this setback, an expansion permit is required.

Staff Analysis

Staff finds the applicant's request reasonable and that it meets the expansion permit standards as outlined in city code:

1. The proposed addition would not encroach further into the required setback than the existing house.
2. The front property line is curved. If the property was rectangular in shape, the existing structure and proposed addition would comply with the required 35-foot setback.
3. The proposed addition would be roughly 50 feet from the paved edge of Elmwood Place. Therefore, the addition would visually maintain the required setback from the street.

Staff Recommendation

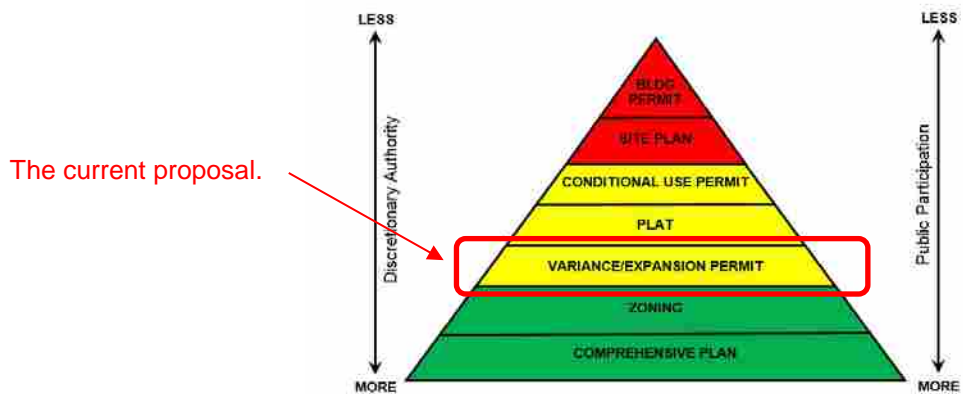
Adopt the resolution approving an expansion permit for construction of an addition at 3713 Elmwood Place.

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

Supporting Information

Project No.	18024.18a
Surrounding Land Uses	All surrounding properties are zoned R-1, low density residential, and improved with a single family residential home.
Planning	Guide Plan designation: low density residential Zoning: R-1, low density residential
Expansion Permit	By City Code §300.29 Subd. 7(c), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that: <ol style="list-style-type: none">1. The proposed expansion is reasonable use of the property, considering such things as:<ul style="list-style-type: none">• 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; and3. The expansion would not adversely affect or alter the essential character of the neighborhood.
Neighborhood Comments	The city sent notices to 38 area property owners and received no comments to date.

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

Voting and Appeals

By City Code §300.29 Subd.7(c)(2), the planning commission has authority to approve expansion permits. Approval requires the affirmative vote of five commissioners. Any person aggrieved by the planning commission's decision about the request 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.

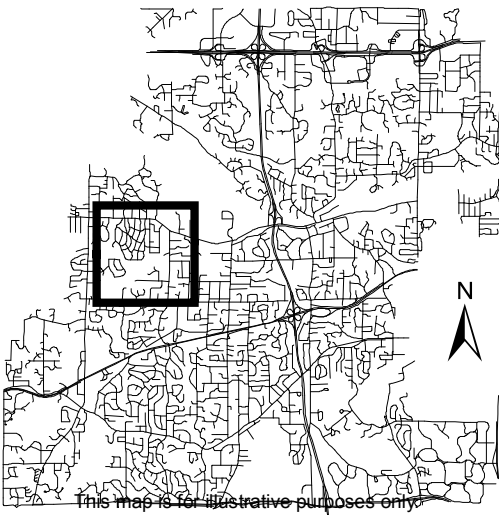
**Deadline for
Decision**

October 22, 2018



Location Map

Project: McBain Residence
Address: 3713 Elmwood Pl



This map is for illustrative purposes only.

ELMWOOD PLACE

EDGE OF BITUMINOUS

FOUND IRON

GARAGE

N 90°00'00" E
--204.06--

CONCRETE DRIVE

GARAGE

107.5

L=77.81 R=141.60

Proposed
Fence

EXISTING
DWELLING

L=53.33 R=212.17

FOUND IRON

ROCK WALL ON PROPERTY LINE

GARAGE

SHED

--188.19--
S 89°51'51" W

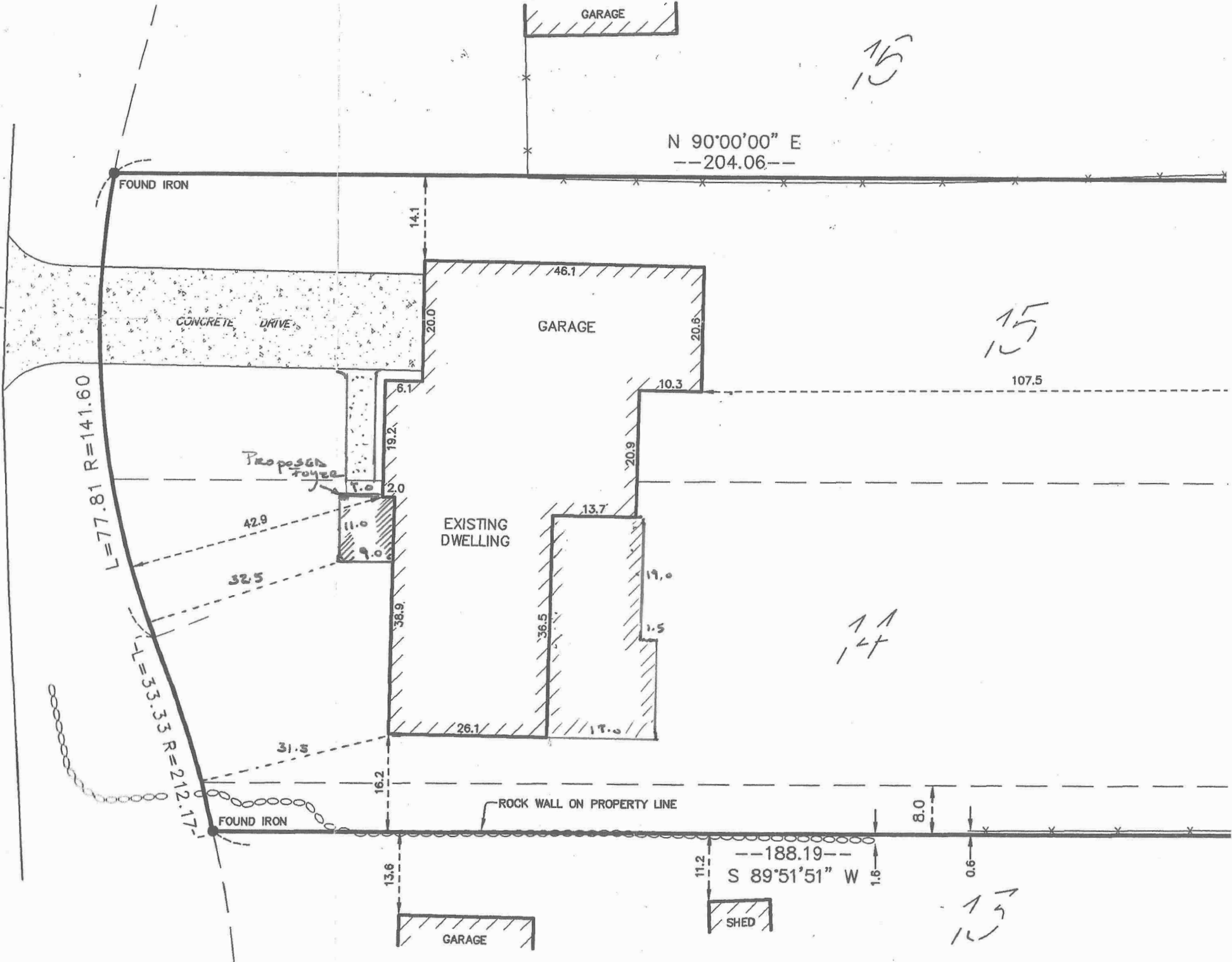
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15

15

11
14



Joe & Lisa McBain
 3713 ELWOOD PLACE
 MINNETONKA MN, 55345
 952-449-3116

8x12' FOYER ADDITION

WEST ELEVATION 1/8" = 1' SCALE

Extg. Home

PROPOSED FOYER ADDN

RAMP
(HANDICAP)

WEST ELEVATION 1/4" = 1' SCALE

SECTION 1/4" = 1'

Extg. Home

ALTERNATE GABLE DESIGN

8 1/2" Asphalt Shingles
 30 yr. Asphalt Shingles
 1/2" MIN ICE & WATER
 #15 LB FELT
 1/2" OSB
 MTD TRUSSES 24" OC. TYP.

PROPOSED FOYER ADDN

TRANSOM WINDOWS

R49 INSULATION
 PROVIDE VENTILATION
 4 MIL POLY
 1/2" DRYWALL
 R21 INSULATION
 1/2" OSB
 TYVEK HOUSE WRAP
 HARDI SIDING
 MINERAL TRIM
 2x6 - 16" OC. TYP WALL CONST
 2x10 - 16" OC. TYP. FLOOR CONST
 3/4" T&G PLYWOOD
 TREATED PLATE
 SILL SEAL
 ANCHOR BOLTS
 12" CONC. BLOCK
 2. 1/2" RE. ROD Tied To Extg.
 8" x 20" CONC. Tty.

H.C. Ramp

48"

12'

Jeff McCall Const. Co.
 3603 CRAFTVIEW TERRACE
 MINNETONKA, MN. 55345
 612.718.4345. MN. LIC 5858
 MCCAII@MNSN.COM
 MCCAII-CONSTRUCTION.COM

Job: Lisa McBain
3713 Elmwood Place
Minnetonka, MN 55345
952.449.3116

FLOOR PLAN 1/4" = 1' SCALE

Foyer Addition

Extg. Wall

NEW WALL

Existing Home

Extg. Door (REMOVE)

Proposed Addition
(Foyer)

locks

9'

Ext. CONC. SIDEWALK

12'

Jeff McCall Const. Co. Inc.
3603 Croftview Terrace
Minnetonka, MN 55345
612.718.4345 Lic # 5858
mccallinc@msn.com
mccall - construction.com

Planning Commission Resolution No. 2018-
Resolution approving an expansion permit for
an addition onto the existing home 3713 Elmwood Place

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 3713 Elmwood Place. It is legally described as:

Lots 14, 15 and the North 8.0 feet of Lot 13, Block 4, Starings Tonka wood-Croft, Hennepin County, Minnesota.
- 1.02 The existing house on the property was built in 1958 prior to the adoption of the city's first zoning ordinance.
- 1.03 By City Code §300.10 Subd.5(b), structures must maintain a 35-foot setback from the front property line. The existing home has a non-conforming setback of 31.5 feet.
- 1.04 Jeff McCall on behalf of the property owners, Joe and Lisa McBain, is proposing to construct a foyer addition onto the west – or front – side of the existing house. The proposed addition would have a front yard setback of 32.5 feet. (Project 18042.18a).
- 1.05 Minnesota Statute §462.357 Subd.1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
- 1.06 City Code §300.29 Subd.3(g) allows expansion of a nonconformity only by variance or expansion permit.
- 1.07 City Code §300.29 Subd.7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

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

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

1. Reasonableness and Neighborhood Character: The proposed setback is reasonable and would not negatively impact the character of the surrounding neighborhood. The proposed addition would:
 - a) Not encroach further into the required setback than the existing house.
 - b) Be located roughly located 50 feet from the paved edge of Elmwood Place. Therefore, the addition would visually maintain the required setback as viewed from the street.
2. Unique Circumstance: The property's front property line is curved. If the property were more rectangular in shape the existing structure and proposed addition would comply with the required setback. This is a unique circumstance not common to other similarly zoned properties.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
 - Survey with document date June 27, 2018.
 - Floor plan and elevations with document date June 27, 2018.

2. Prior to issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County.
 - b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction
3. This expansion permit approval will end on December 31, 2019, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on July 19, 2018.

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 July 19, 2018.

Kathy Leervig, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
July 19, 2018

Brief Description	Expansion permit for an addition at the existing home at 206 Townes Lane
Recommendation	Adopt the resolution approving the expansion permit

Background

The subject property is located in the AFTONGREEN ADDITION subdivision, which was platted in 1957. The existing home was constructed in 1965, prior to adoption of the city's first zoning ordinance. The home has a non-conforming front yard setback of 27 feet.

Proposal

Jeff McCall, on behalf of the property owners Chris and Stephanie Adams, is proposing to construct a mudroom addition off of the existing garage. The addition, which would complement the existing home in materials and design, would have a footprint of 50 square feet. The addition would maintain the home's non-conforming, 27-foot setback.

By City Code §300.29 Subd.3(g), an expansion permit is required for an expansion of a non-conforming structure when the expansion would not intrude into a setback area beyond the distance of the existing structure. A variance is required when the expansion would intrude further into the setback area. As the existing home has a non-conforming setback, and the proposed addition would not intrude further into this setback, an expansion permit is required.

Staff Analysis

The applicant's proposal meets the expansion permit standard as outlined in city code.

- **Reasonable Use and Neighborhood Character:** The proposed setback is reasonable and would not negatively impact the character of the surrounding neighborhood. The addition would:
 1. Be located to provide a functional expansion and transition from the existing garage;
 2. Not encroach further into the required setback than the existing structure.
- **Unique Circumstance:** Though the home has a non-conforming front yard setback, it significantly exceeds setback requirements from all other property lines. This is a unique circumstance not common to every similarly-zoned, non-conforming structure.

Staff Recommendation

Adopt the resolution approving an expansion permit for an addition to the existing home at 206 Townes Lane.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

The subject property is surrounded by single-family homes.

Planning

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

McMansion Policy

The city's McMansion policy regulates the floor area ratio (FAR) on properties when either the property or the home on the property requires a variance. The policy restricts FAR on such properties/homes to no more than the highest FAR within 400 feet of the subject property and within 1,000 feet along the same roadway. The policy applies only to variances, not to expansion permits.

Burden of Proof

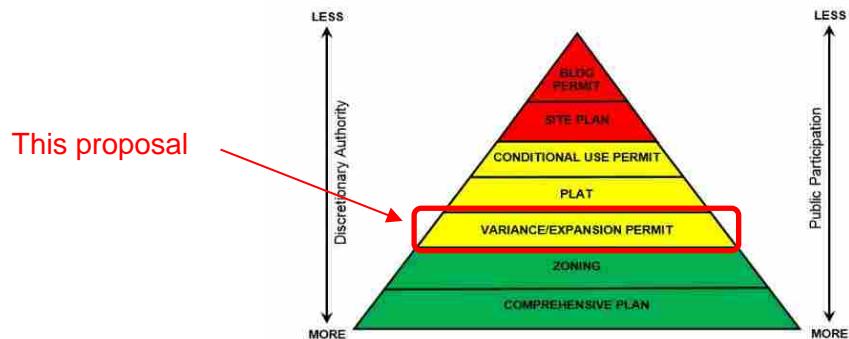
By City Code §300.29 Subd.7(c), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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 35 area property owners and received no comments to date.

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

Voting and Appeals

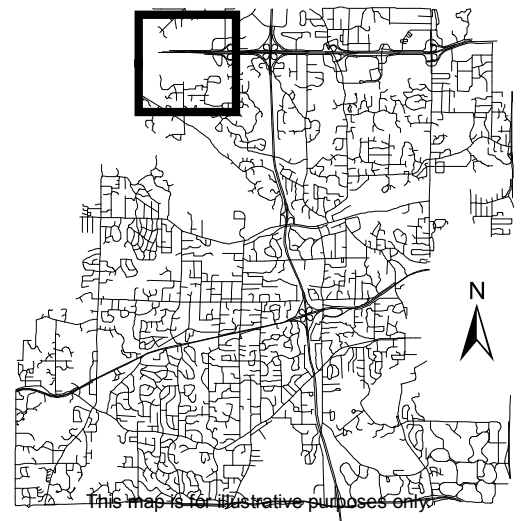
By City Code §300.29 Subd.7(c), the planning commission has authority to approve expansion permits. Approval requires the affirmative vote five commissioners. Any person aggrieved by the planning commission's decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Deadline for Decision October 22, 2018



Location Map

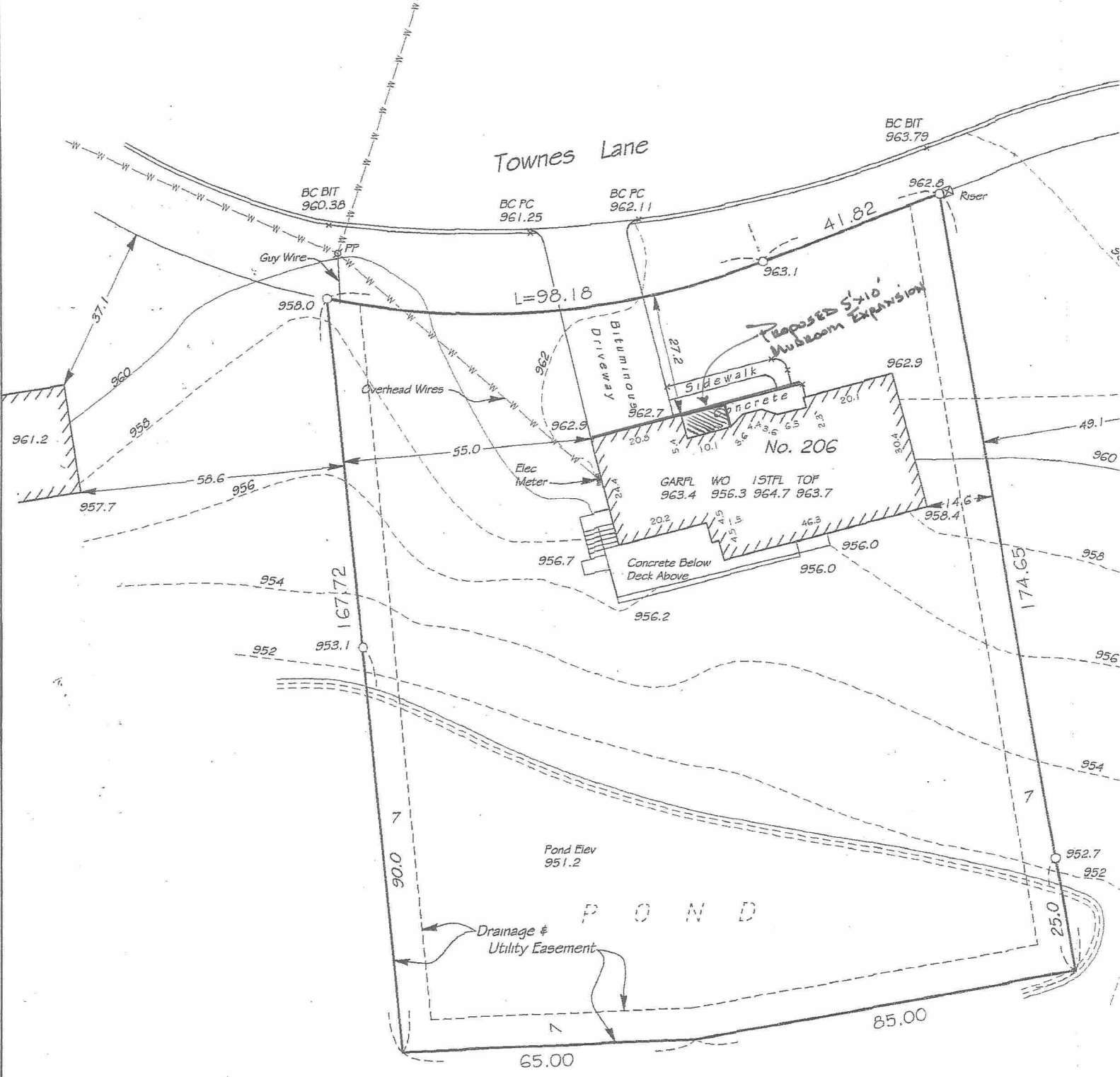
Project: Adams Residence
Address: 206 Townes Ln



This map is for illustrative purposes only.



Property falls in Flood Zone X per FEMA Community Panel No. 27053 C 0326 E Dated 9-02-04.



CHRIS & STEPHANIE ADAMS
 206 TOWNES LANE, WAYZATA, MN 55391
 S.CEL (612) 718-7734 C.CEL (612) 242-7738

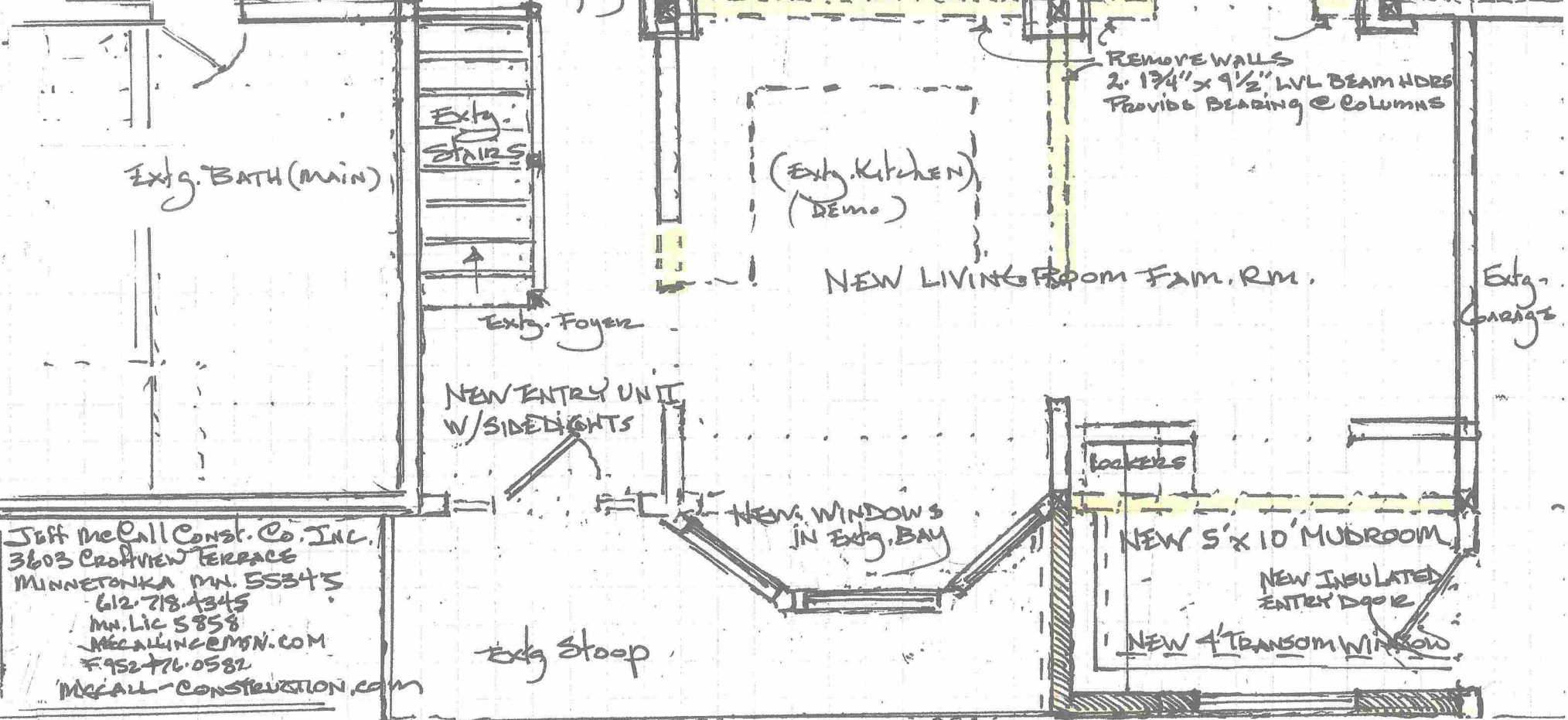
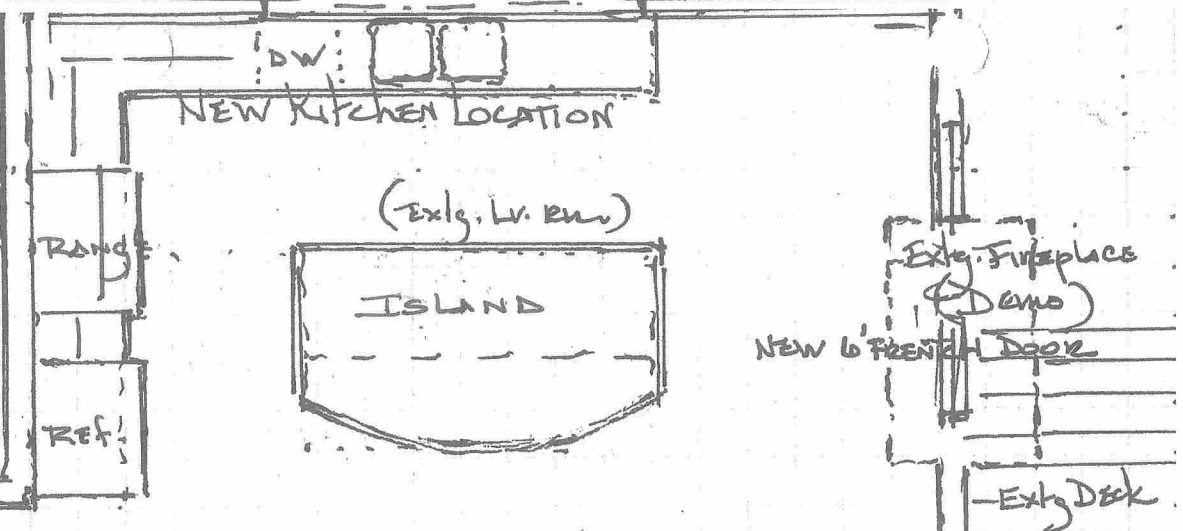
MAIN FLOOR REMODEL & MUDROOM ADDN.

1/4" = 1' SCALE

- FLOOR PLAN -
- EXISTING WALL
 - DEMO WALL
 - NEW WALL

Project Scope/Specifications

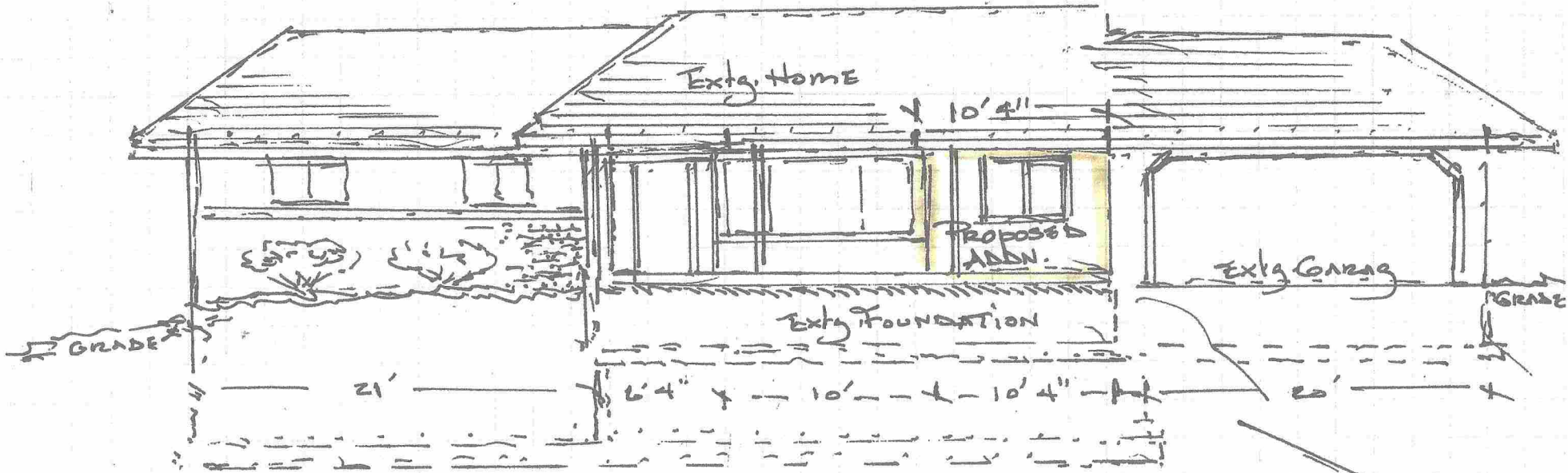
- RELOCATE KITCHEN TO BACK OF HOME
- REMODEL MAIN LEVEL L.V./FAM. RM. AREAS
- REMOVE 1 STORY MASONRY FIREPLACE
- ADD 6' FRENCH DOOR TO EXTY. DECK
- ADD 5' X 10' MUDROOM ADDITION
- NEW WINDOWS THROUGHOUT HOUSE



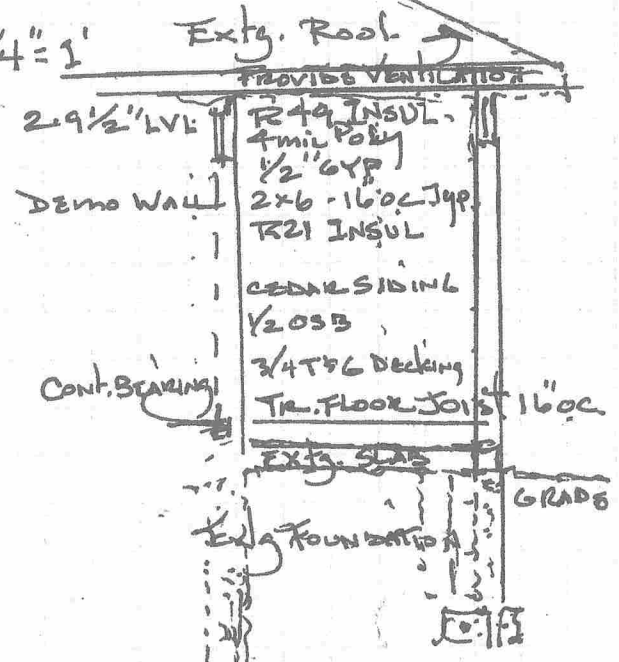
JEFF McCALL CONST. CO. INC.
 3803 CROFTVIEW TERRACE
 MINNETONKA MN. 55345
 612-718-4345
 MN. LIC 5858
 JMCALLINC@MNN.COM
 763-952-7760
 JMCALL-CONSTRUCTION.COM

Chris & Stephanie Adams
 206 Townes Lane, Wayzata, MN 55391
 S. Cel. 612.718.7134; C. Cel. 612.247.7138
 MAIN FLOOR REMODEL & MUDROOM ADDITION

FRONT ELEVATION (1/8" = 1' SCALE)



SECTION 1/4" = 1'



Jed McCall Const. Co., Inc.
 3603 CROFTVIEW TERRACE
 MINNETONKA, MN. 55345
 612.718.4345
 MN. Lic 5858
 MCCALLINC@MNSN.COM
 MCCALL-CONSTRUCTION.COM
 F. 952.476.0582

Planning Commission Resolution No. 2018-

**Resolution approving an expansion permit for an addition to the existing
at 206 Townes Lane**

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

Section 1. Background.

- 1.01 Chris and Carley Campbell own the property located at 14622 Karyl Drive. The property is legally described as: LOT 4, BLOCK 2, HIGHWAY TERRACE.
- 1.02 While a 35-foot front yard setback is required by city code, the existing home is set back 27 feet from the front property line.
- 1.03 As the existing home was constructed in 1965, prior to adoption of the city's first zoning ordinance, the existing setback is considered non-conforming.
- 1.04 The property owners are proposing to construct a mudroom addition adjacent to an existing garage. The addition would maintain the home's non-conforming setback.
- 1.05 Minnesota Statute §462.357 Subd.1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
- 1.06 City Code §300.29 Subd.3(g) allows expansion of a nonconformity only by variance or expansion permit.
- 1.07 City Code §300.29 Subd.7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

- 2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:
 - 1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; 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 application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonableness and Neighborhood Character: The proposed 5-foot setback is reasonable and would not negatively impact the character of the surrounding neighborhood. The addition would:
 - a) Be located to provide a functional expansion and transition from the existing garage;
 - b) Not encroach further into the required setback than the existing structure.
2. Unique Circumstance: Though the home has a non-conforming front yard setbacks, it significantly exceeds setback requirements from all other property lines. This is a unique circumstance not common to every similarly-zoned, non-conforming structure.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
 - Floor plan with document date June 27, 2018
 - Building elevations with document date June 27, 2018
2. Prior to issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County.
 - b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.

3. This expansion permit approval will end on December 31, 2019, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on July 19, 2018.

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 City Council of the City of Minnetonka, Minnesota, at a meeting held on July 19, 2018.

Kathy Leervig, Deputy City Clerk

Minnetonka Planning Commission Meeting

July 19, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
July 19, 2018

Brief Description Multiple variances to construct an attached garage addition at 5068 Belwood Lane

Recommendation Adopt the resolution approving the variance

Proposal The applicant, Paul Swanson, is proposing to demolish an existing detached garage and build an attached garage addition on the side of an existing home at 5068 Belwood Lane. The proposed garage would be 22.6 feet by 27 feet in size.

This proposal requires:

- Variances: The garage addition would encroach into the required front yard, side yard and aggregate setback.

	Required	Existing	Proposed
Front Yard Setback	35 ft.	31.2 ft.	31.3 ft.*
Side Yard Setback	10 ft.	5.4 ft.	5.1 ft.*
Aggregate Side Yard Setback	30 ft.	20.4 ft.	20.1*

* requires variance

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

1. Reasonableness: The proposed construction of a 22.6-foot by 27-foot (610 square foot) attached garage is reasonable.
 - The proposed addition would enhance the existing property.
 - The proposed garage addition would maintain the same front yard setback as the existing detached garage and would encroach only slightly closer to the side property line.
2. Circumstance Unique to the Property: The existing detached garage has non-conforming setbacks and the subject lot is undersized.
 - The existing detached garage has non-conforming front, side and aggregate side yard setbacks. The proposed attached garage would be located in the same general location as the detached garage. The proposed structure would maintain the front yard setback and would encroach only 0.3 feet closer to the side property line, due to extending the existing

building lines of the garage towards the rear property line.

- The subject lot is narrower than what is permitted for R-1 properties. Per city code, R-1 properties must be at least 110 feet in width at setback. However, the subject lot is only 92 feet at setback.
3. Neighborhood Character: If approved, the proposed project would not alter the essential character of the neighborhood.
- The two homes located to the north and south of the subject property have non-conforming front yard setbacks.
 - The city has approved 10 front or side yard setback variances within 400 feet of the subject property and an additional seven properties appear to be non-conforming, based on aerial photography.
 - The proposed addition would be located approximately 40 feet from Belwood Lane. This distance is consistent with other homes within the area.

Staff Recommendation

Adopt the resolution approving the variances to construct an attached garage addition to the single-family home at 5068 Belwood Lane.

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

Supporting Information

Project No.	18020.18a
Property	5068 Belwood Lane
Applicant	Paul Swanson
Surrounding Land Uses	All of the properties to the north, south, east, and west are zoned R-1, single family residential, and guided for low density residential.
Planning	Guide Plan designation: Low Density Residential Zoning: R-1 Single Family Residential
Property	The Woodland Hills 2 nd Addition was platted in 1956. The subject property is 17,100 square feet in area. The site has a high elevation on the front side of the property and generally slopes downward as you travel towards the rear.
Existing Structures	<p>The subject home was constructed in 1957. The subject property has a 1,140 square foot, rambler home. The home currently meets all setback requirements, with the exception of the front yard setback.</p> <p>The subject property also has a 356 square foot detached garage. The existing detached garage is approximately 16 feet by 22 feet. It is staff's assumption that it was built concurrently with the subject home, as it is visible in 1962 aerial images. The existing detached garage encroaches into the front and side yard setbacks.</p>
Non-conforming Properties	There are several properties within 400 feet of the subject home that do not conform to the required front yard setback. Specifically, 10 properties have received approval for front or side yard setback variances. Seven additional properties appear to have non-conforming front or side yard setbacks (without variance approvals), based on aerial photography. (See attached.)
McMansion Policy	<p>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.</p> <p>As proposed, the property would comply with the McMansion Policy. Currently, the property's FAR is 0.11. The proposed attached garage addition would increase the property's FAR to 0.15. This is still below the largest FAR within 400 feet, which is 0.18. (See attached).</p>

**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.

Though the proposed detached structure has legal non-conforming status and the proposed garage addition would partially maintain the same setback as the existing detached garage, it cannot be considered for an expansion permit. It is not considered for an expansion permit because the request is for a different structure (detached vs. attached garage). If the applicant had submitted a request to build a detached garage with the same setbacks, staff would have reviewed a portion of the request for an expansion permit (front yard setback). As the applicant has submitted a request for an attached garage (differing from the existing detached structure), it has been reviewed as a variance request.

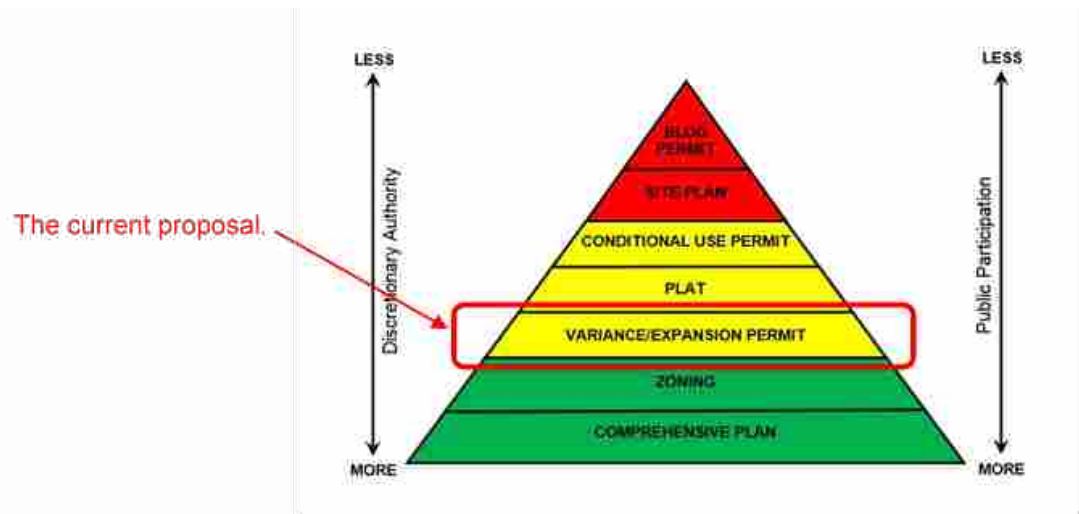
Variance Standard

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)

**Neighborhood
Comments**

The city sent notices to 61 area property owners and received no comments.

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the request.
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.

Voting Requirement and Appeals

The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners. Any person aggrieved by the planning commission's decision about the requested variance may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

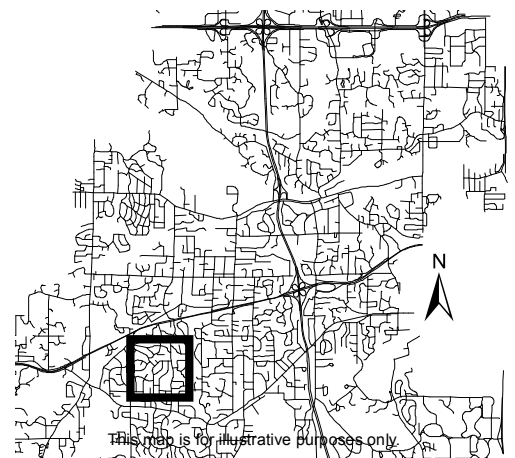
Deadline for Decision

Sept. 17, 2018



Location Map

Project: Swanson Residence
Address: 5068 Belwood Ln



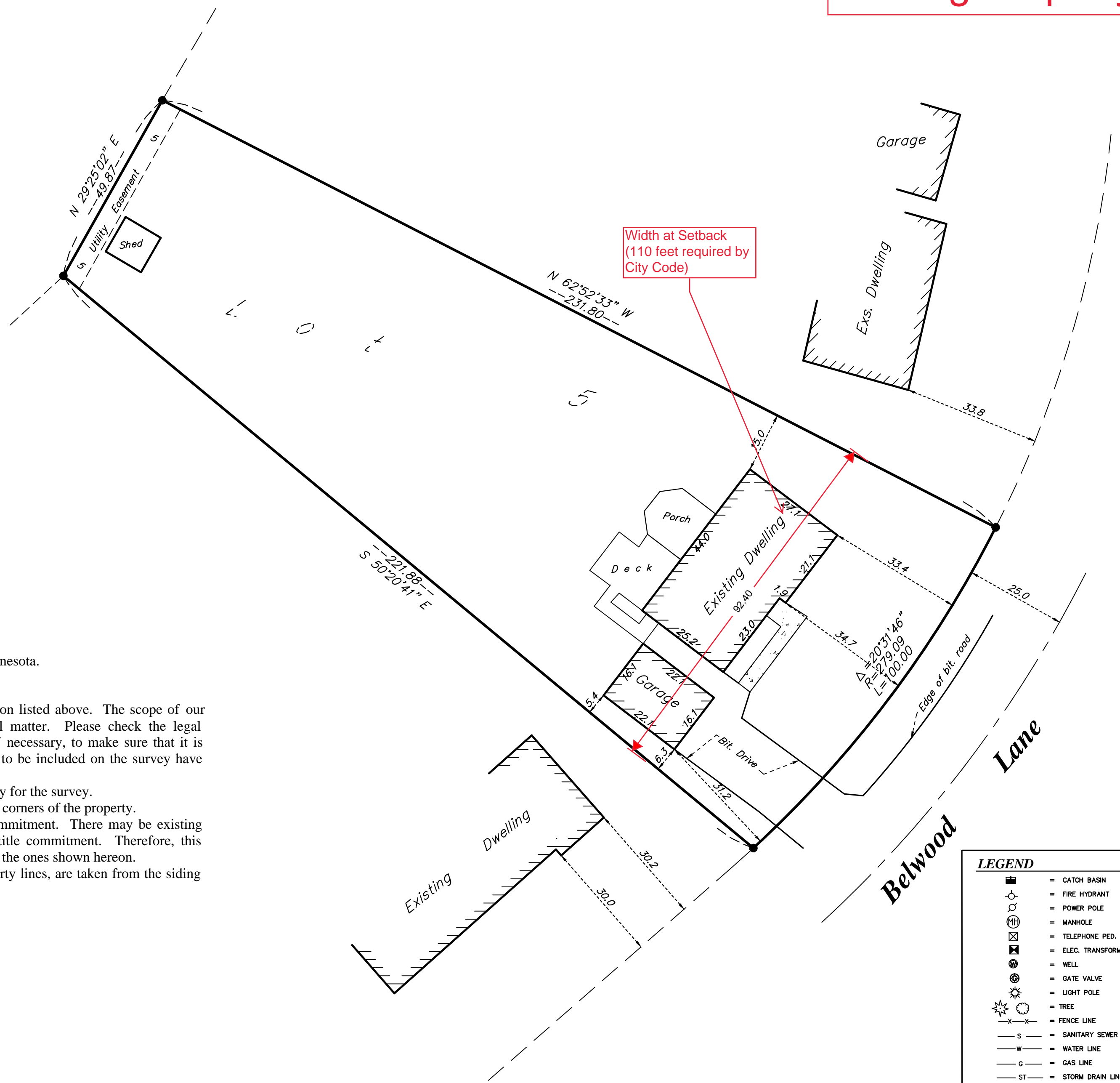
Existing Home



Existing Home



Existing Property



LEGAL DESCRIPTION:

Lot 5, Block 4, WOODLAND HILLS 2ND ADDITION, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

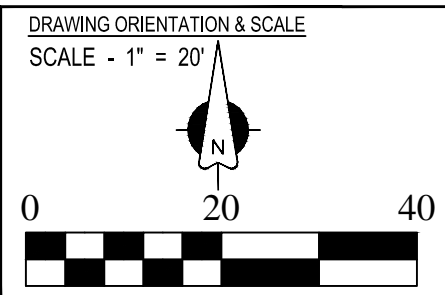
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

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

LEGEND	
	= CATCH BASIN
	= FIRE HYDRANT
	= POWER POLE
	= MANHOLE
	= TELEPHONE PED.
	= ELEC. TRANSFORMER
	= WELL
	= GATE VALVE
	= LIGHT POLE
	= TREE
	= FENCE LINE
	= SANITARY SEWER LINE
	= WATER LINE
	= GAS LINE
	= STORM DRAIN LINE
	= OVERHEAD UTILITY LINE
	= CONCRETE SURFACE

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

PAUL SWANSON
5068 BELWOOD LANE
MINNETOKA, MN

Advance
Surveying & Engineering, Co.

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

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

Thomas M. Bloom
42379
LICENSE NO.
MAY 2, 2018
DATE

DATE SURVEYED: MAY 2, 2018

DATE DRAFTED: MAY 2, 2018

SHEET TITLE
EXISTING CONDITIONS SURVEY

DRAWING NUMBER
180257 TB

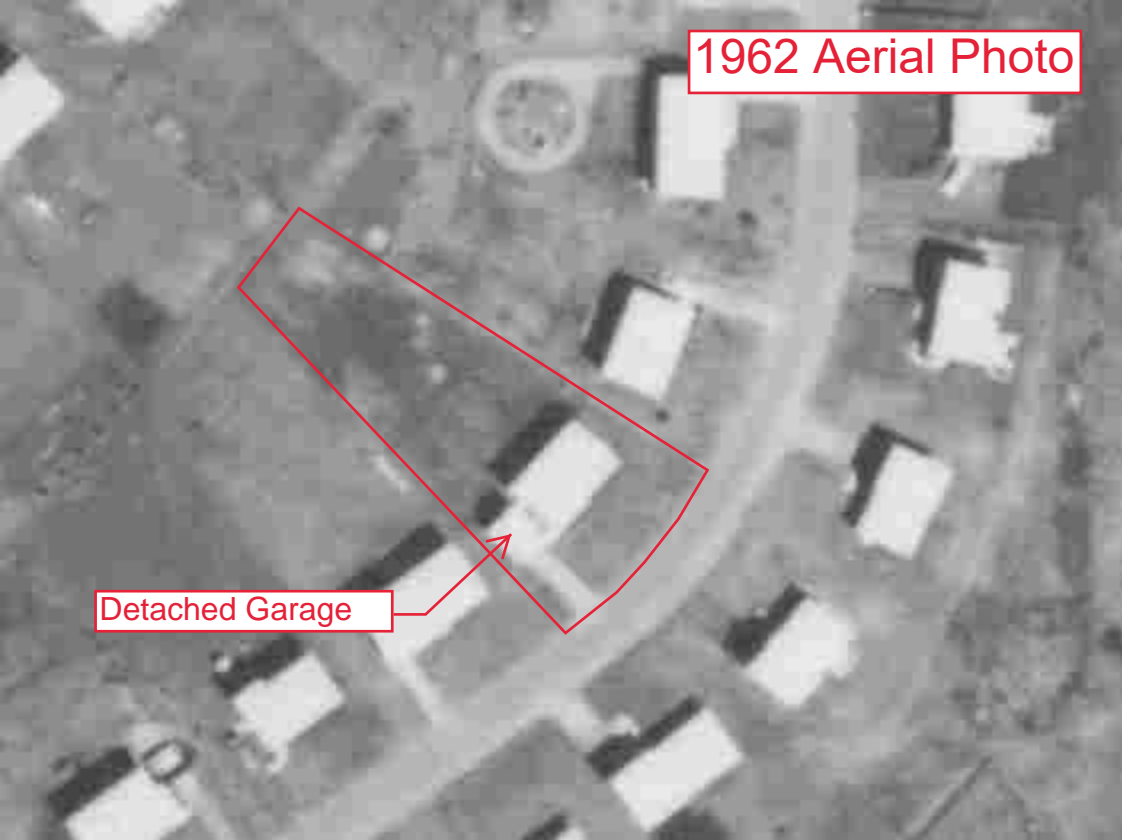
SHEET SIZE 17 X 22

SHEET NO.
S1

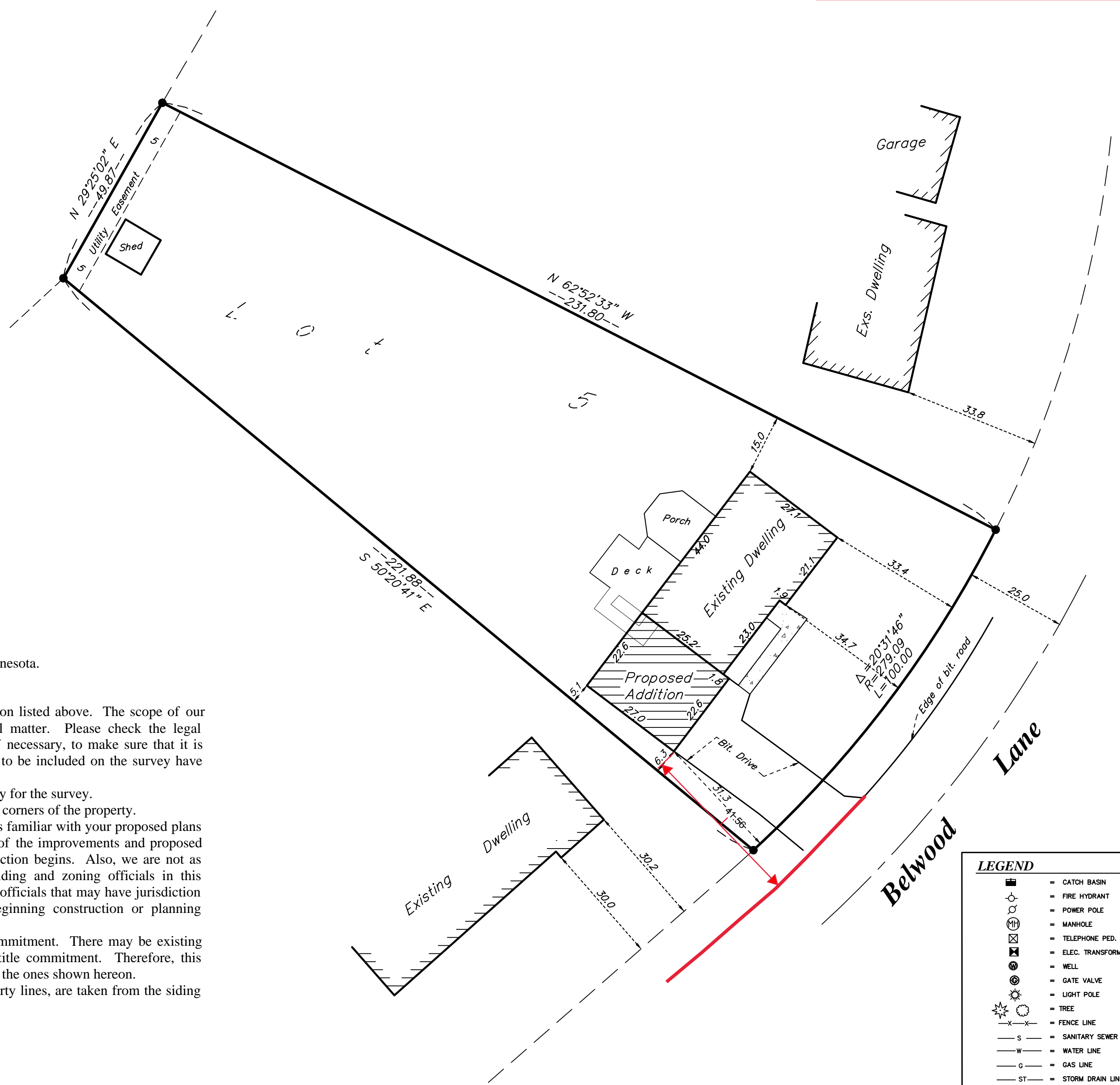
SHEET 1 OF 1

1962 Aerial Photo

Detached Garage



Proposed Addition



LEGAL DESCRIPTION:

Lot 5, Block 4, WOODLAND HILLS 2ND ADDITION, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

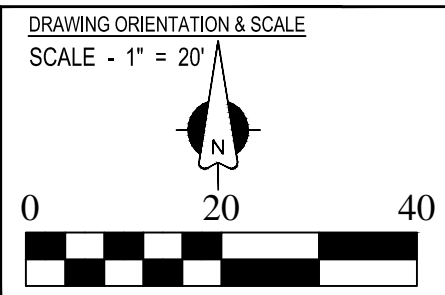
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
5. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

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

LEGEND	
	= CATCH BASIN
	= FIRE HYDRANT
	= POWER POLE
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	= WELL
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	= LIGHT POLE
	= TREE
	= FENCE LINE
	= SANITARY SEWER LINE
	= WATER LINE
	= GAS LINE
	= STORM DRAIN LINE
	= OVERHEAD UTILITY LINE
	= CONCRETE SURFACE

DATE	REVISION DESCRIPTION
5/29/18	SHOW PROPOSED ADDITION



CLIENT NAME / JOB ADDRESS

PAUL SWANSON
5068 BELWOOD LANE
MINNETOKA, MN

Advance
Surveying & Engineering, Co.

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

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

Thomas M. Bloom
42379
LICENSE NO.
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DATE

DATE SURVEYED: MAY 2, 2018

DATE DRAFTED: MAY 2, 2018

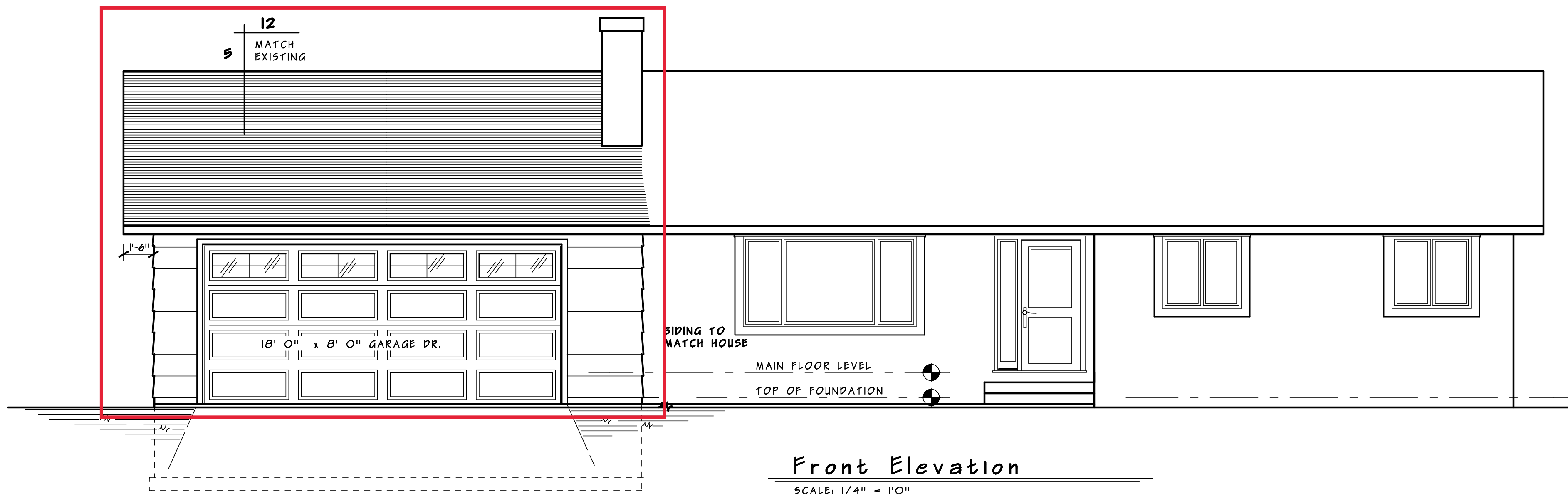
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EXISTING CONDITIONS SURVEY

DRAWING NUMBER
180257 TB
REV 5 - 29

SHEET SIZE 17 X 22

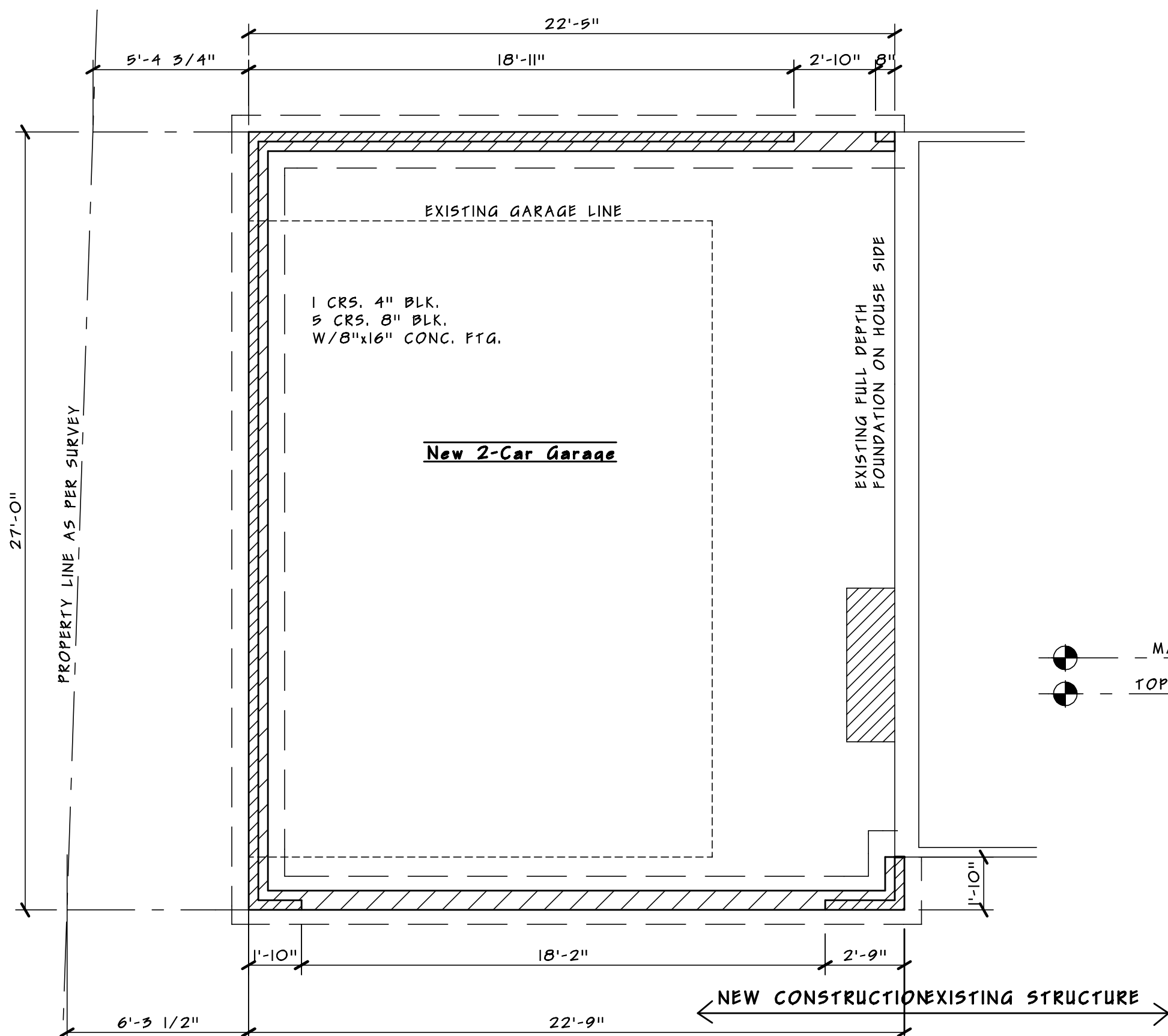
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S1

SHEET 1 OF 1



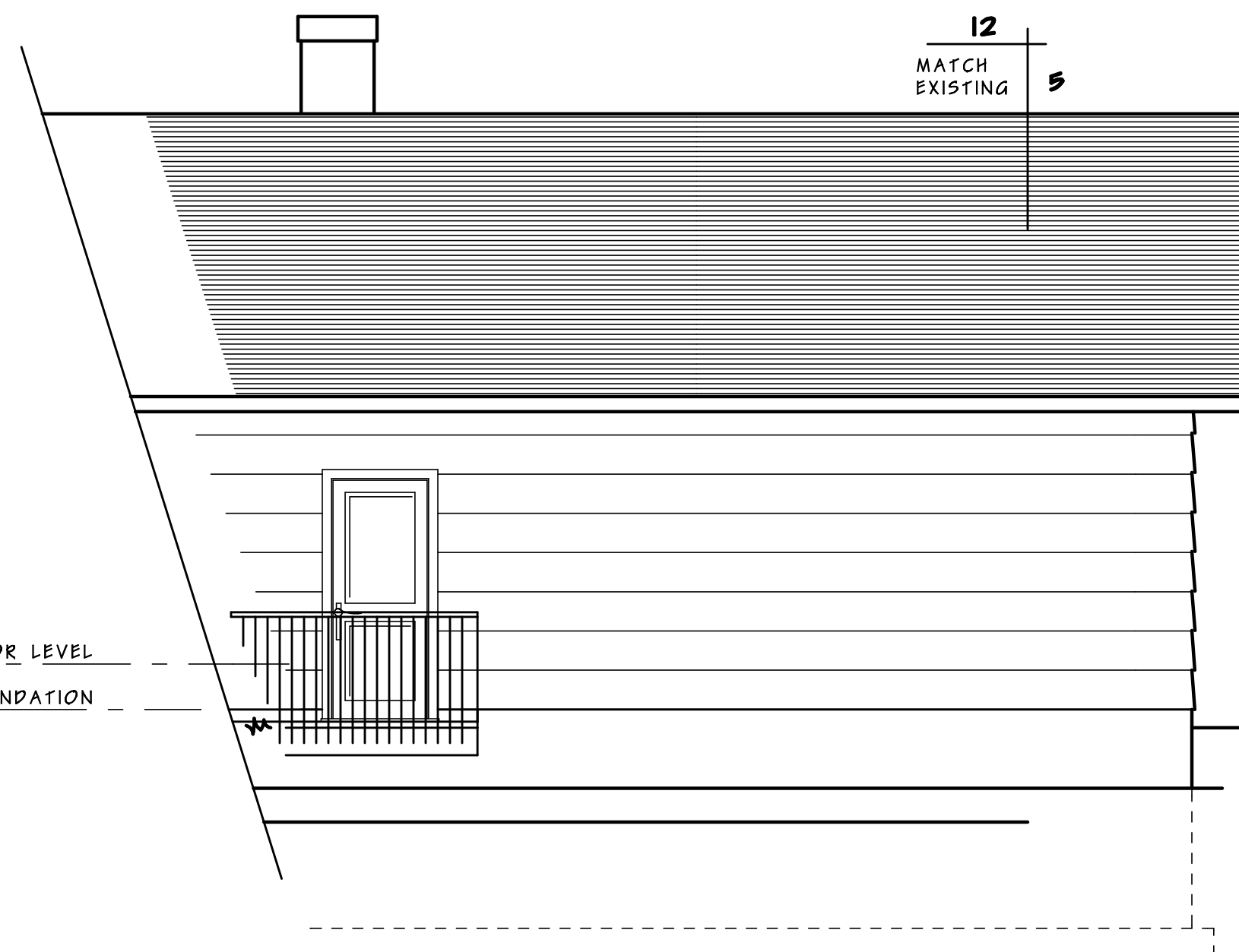
Front Elevation

SCALE: 1/4" = 1'0"



Garage Foundation Plan

SCALE: 1/4" = 1'0"



Rear Elevation

SCALE: 1/4" = 1'0"

Paul Swanson Home
5068 Belwood Ln.
Minnetonka, MN

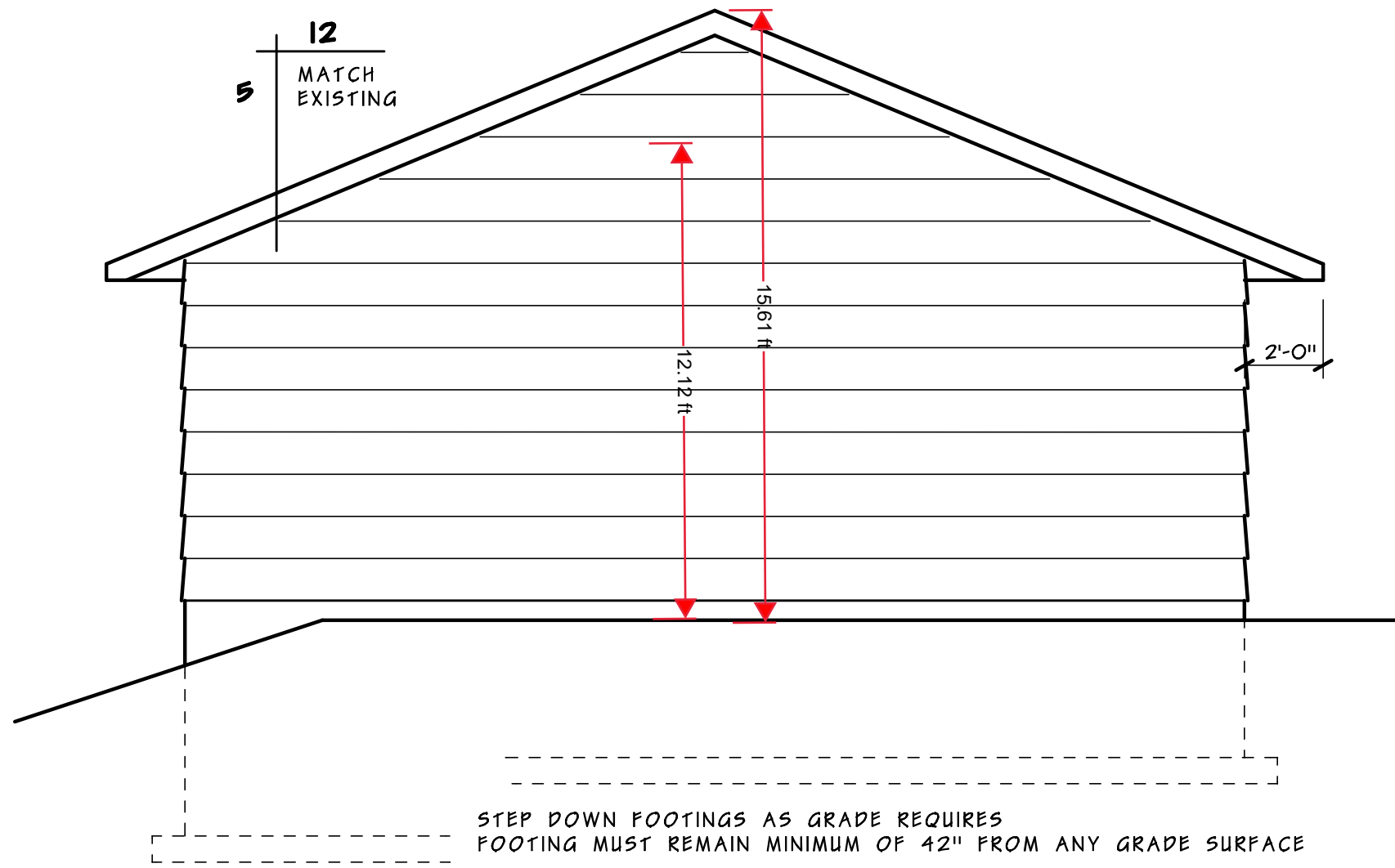
Residence/
Homeowner

Contractor/
Builder

Hart's Design
New Home & Remodeling Design
Robert Hartman 952-828-9906
Eden Prairie, MN 55346
HartsDesign@Comcast.net
HartsDesign.com

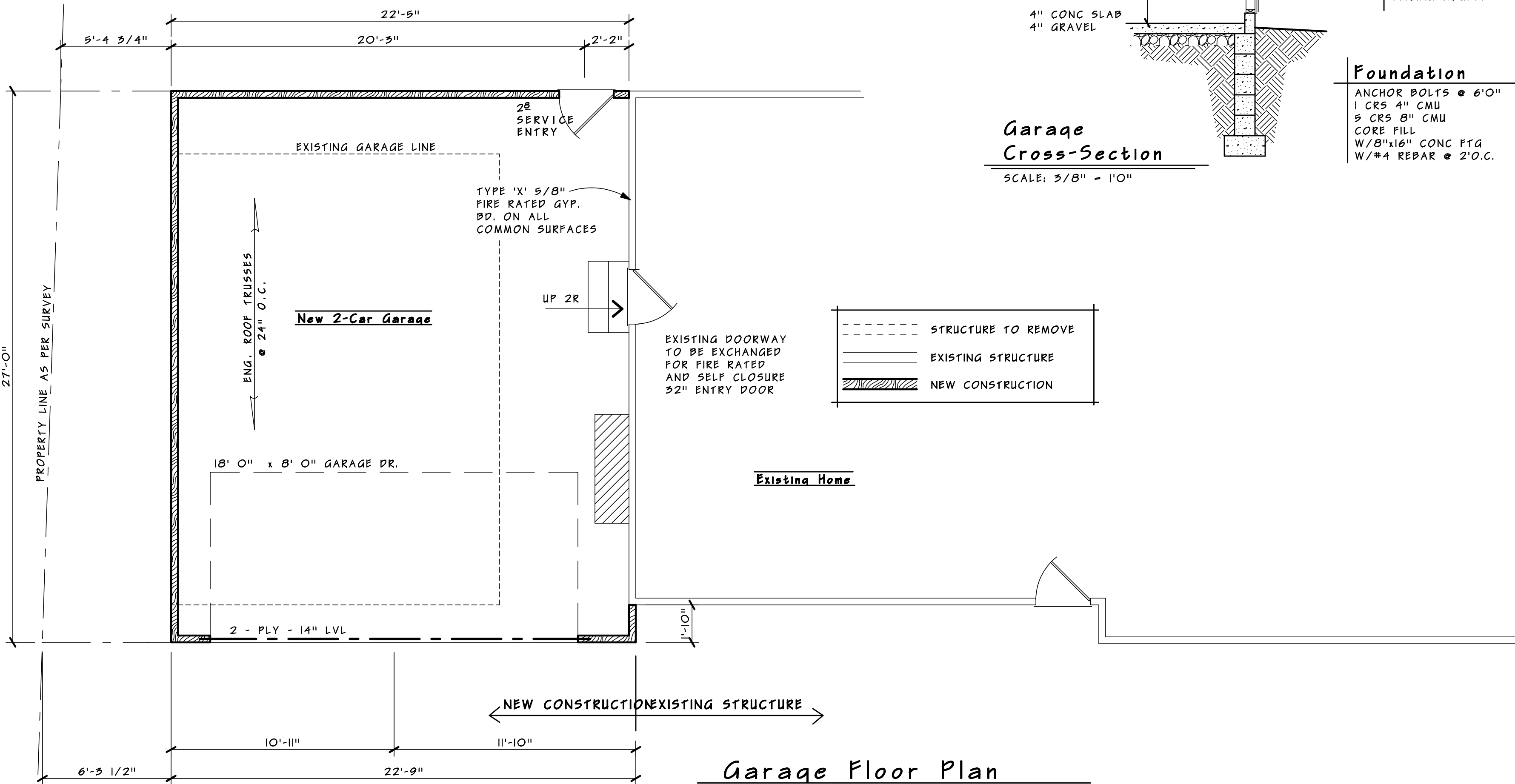
Date:
5-20-2018

SCALE:
1/4" = 1'0"
SHEET 1
of 2



Left Elevation

SCALE: 1/4" = 1'-0"

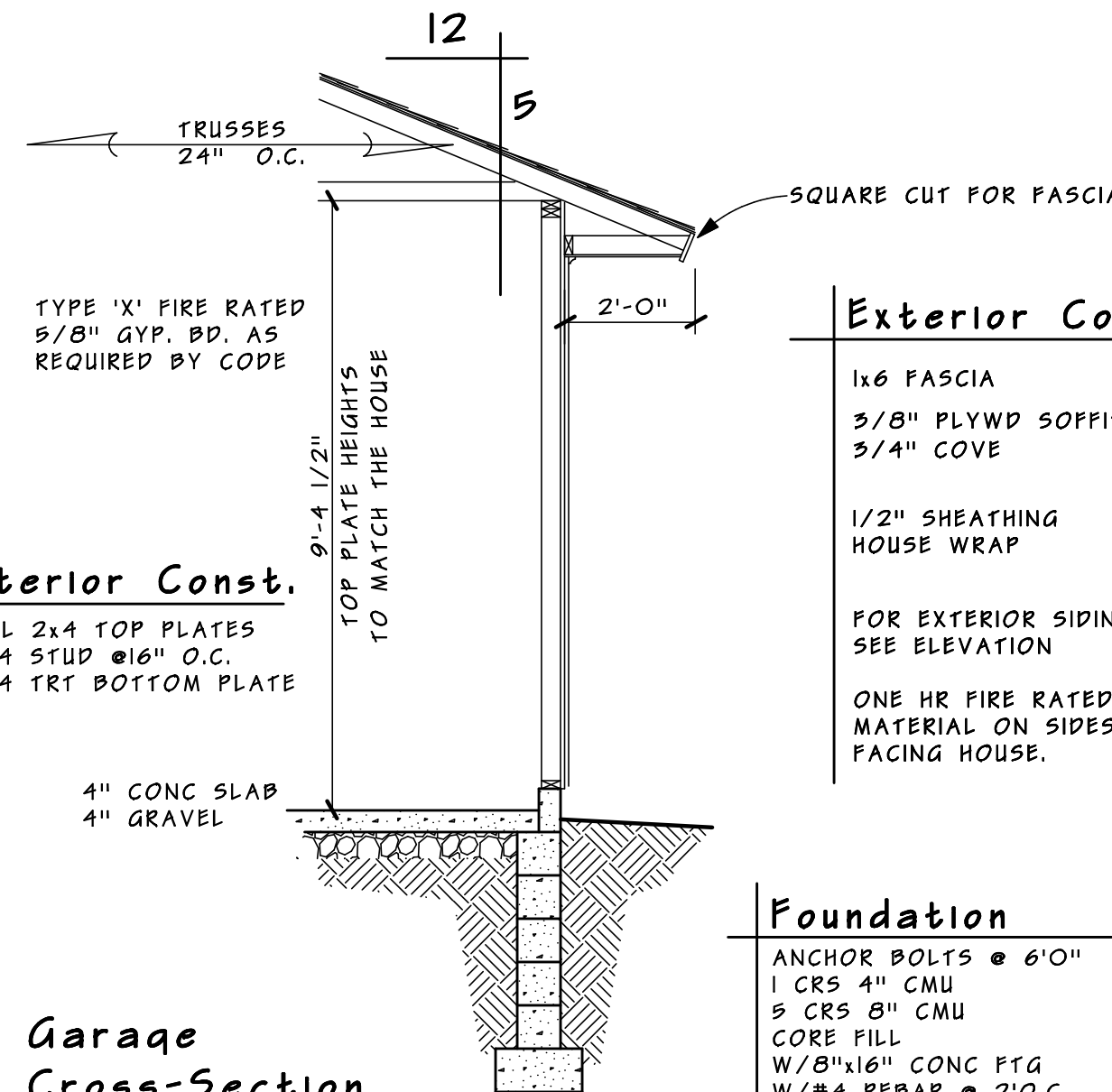


Garage Floor Plan

SCALE: 1/4" = 1'-0"

Roof Const.

ASPHALT SHINGLE
15# FELT
1/2" OSB W/CLIPS
ICE SHIELD TO
24" ABOVE TOP PLATE



Garage Cross-Section

SCALE: 3/8" = 1'-0"

Exterior Const.

1x6 FASCIA
3/8" PLYWD SOFFIT
3/4" COVE

1/2" SHEATHING
HOUSE WRAP

FOR EXTERIOR SIDING
SEE ELEVATION

ONE HR FIRE RATED
MATERIAL ON SIDES
FACING HOUSE.

Foundation

ANCHOR BOLTS @ 6'-0"
1 CRS 4" CMU
5 CRS 8" CMU
CORE FILL
W/8"x16" CONC FTG
W/#4 REBAR @ 2'-0"

Paul Swanson Home
5068 Belwood Ln.
Minnetonka, MN

Residence/
Homeowner

Contractor/
Builder

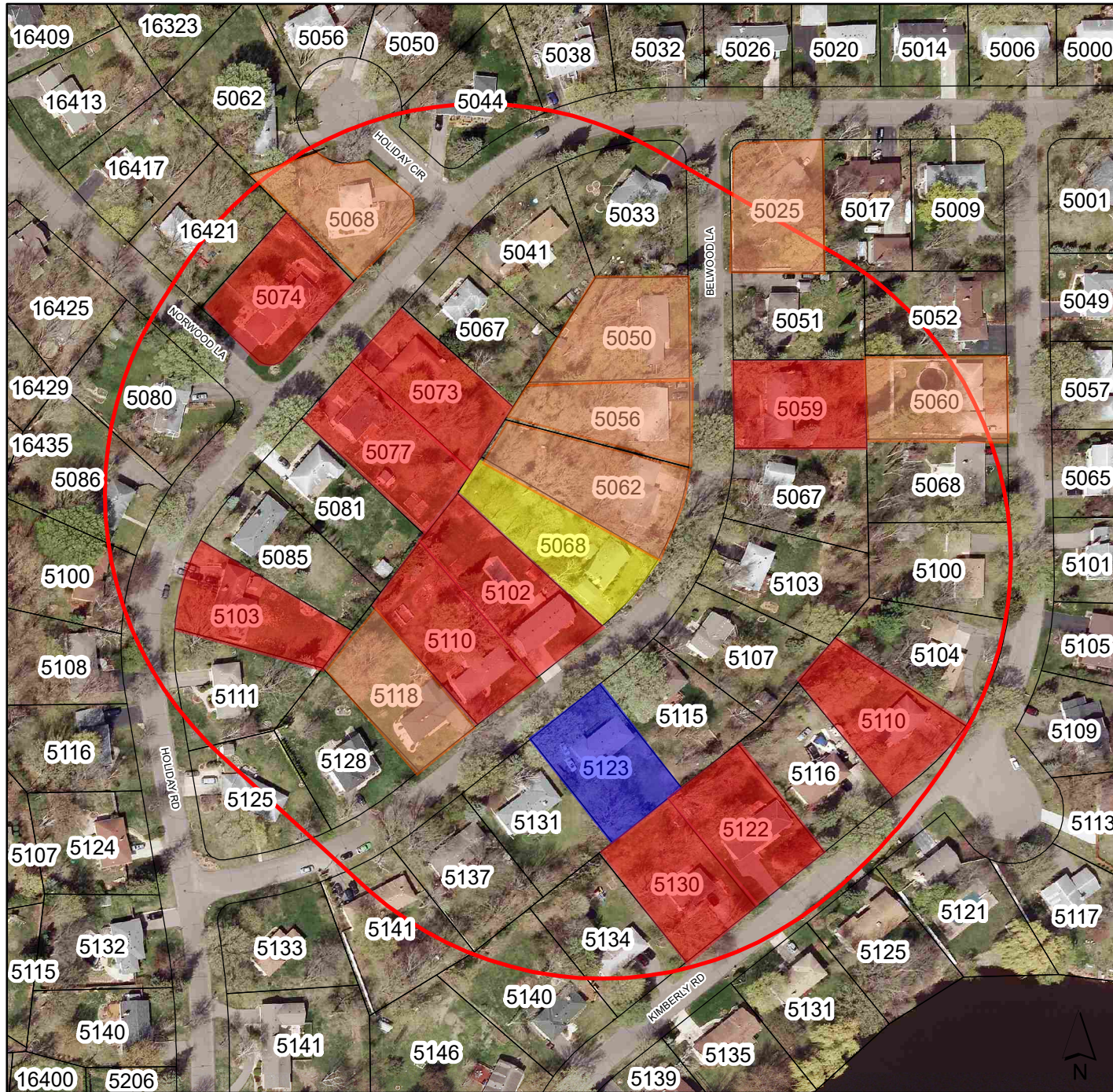
Hart's Design
New Home & Remodeling Design
Robert Hartcraft 952-828-9906
Eden Prairie, MN 55346
HartsDesign@comcast.net
HartsDesign.com

Date:
5-20-2018

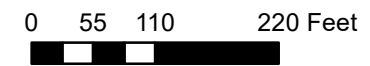
SCALE:
1/4" = 1'-0"

SHEET 2
of 2

Variations within 400 feet of the Subject Property

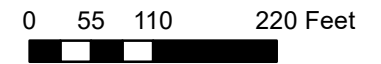
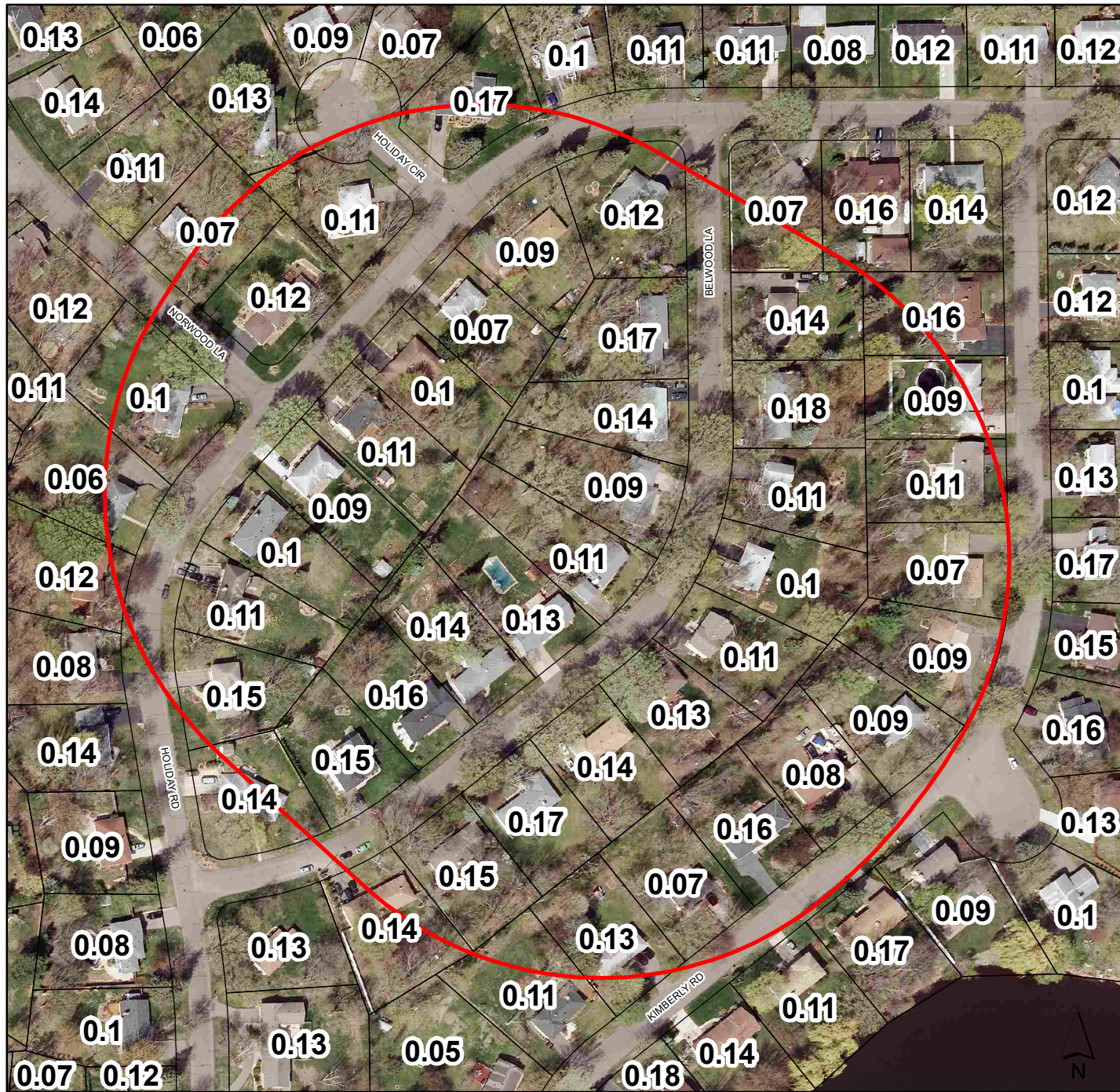


- Subject Property
- Approved Variance
- Denied Variance
- Non-conforming Property
- 400-foot Line



Not a Survey. Not to Scale

**Floor Area Ratio of
Properties within
400 feet of the
Subject Property**



Not a Survey. Not to Scale

Map prepared by: City of Minnetonka

Planning Commission Resolution No. 2018-

**Resolution approving variances to construct an attached garage addition
at 5068 Belwood Lane**

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 5068 Belwood Lane. It is legally described as:

Lot 5, Block 4, Woodland Hills 2nd Addition, Hennepin County, Minnesota.

The applicant, Paul Swanson, is proposing to demolish an existing detached garage and build an attached garage addition on to the side of an existing home at 5068 Belwood Lane. The proposed garage would be 22.6 feet by 27 feet.

1.02 The proposed addition would encroach into the required front, side, and aggregate yard setbacks.

	Required	Existing	Proposed
Front Yard Setback	35 ft.	31.2 ft.	31.3 ft.*
Side Yard Setback	10 ft.	5.4 ft.	5.1 ft.*
Aggregate Side Yard Setback	30 ft.	20.4 ft.	20.1*

* requires variance

1.03 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

1.04 On July 19, 2018, 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 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means:

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

Section 3. Findings

3.01 The proposal would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. **INTENT OF THE ORDINANCE.** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard, side yard, and aggregate side yard setback requirements are to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes. Multiple homes within 400 feet of the subject property do not meet the required front and side yard setback requirements due to being constructed prior to the adoption of city ordinance or being granted a variance by the city. The proposed addition would be generally consistent with the property line setbacks of the other existing homes within the neighborhood.
2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide an investment into a property to enhance its use.
3. **PRACTICAL DIFFICULTIES.** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS:** The proposed construction of a 22.6-foot by 27-foot (610 square foot) attached garage is reasonable.
 - 1) The proposed addition would enhance the existing property.
 - 2) The proposed garage addition would maintain the same front yard setback as the existing detached garage and would be located only slightly closer to the side property line.
 - b) **UNIQUE CIRCUMSTANCE:** The existing detached garage has non-conforming setbacks and the subject lot is undersized.
 - 1) The existing detached garage has non-conforming front, side and aggregate side yard setbacks. The proposed attached garage would be located in the same general location as the detached garage. The proposed structure

would maintain the front yard setback and would encroach only 0.3 feet closer to the side property line, due to extending the existing building lines of the garage towards the rear property line.

- 2) The subject lot is smaller and narrower than what is permitted for R-1 properties. Per city code, R-1 properties must be at least:
 - a. 22,000 square feet in area. The subject lot is only 17,100 square feet in area; and
 - b. 110 feet in width at setback. The subject lot is only 92 feet at setback.
- c) CHARACTER OF THE LOCALITY: If approved, the proposed project would not alter the essential character of the neighborhood.
 - 1) The two homes located to the north and south of the subject property have non-conforming front yard setbacks.
 - 2) The city has approved 10 front or side yard setback variances within 400 feet of the subject property and an additional seven properties appear to be non-conforming, based on aerial photography.
 - 3) The subject garage addition would be located approximately 40 feet from Belwood Lane. This distance is consistent with other homes within the area.

Section 4. Planning Commission Action

4.01 The above-described expansion permit is 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 May 29, 2018
 - Building elevations date stamped May 29, 2018
 - Floor plans date stamped May 29, 2018
2. This resolution must be recorded with the county prior to issuance of a building permit.

3. A building permit must be issued prior to any work being completed on the property.
4. 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.
5. The applicant must install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
6. This variance approval will end on December 31, 2019, unless the city has issued a building permit for the project covered by this approval or the city has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on July 19, 2018.

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 July 19, 2018.

Kathy Leervig, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
July 19, 2018

Brief Description	Conditional use permit for an accessory apartment at 2201 Hillside Circle
Recommendation	Recommend the city council adopt the resolution approving the permit

Proposal

JDA Design Architects, on behalf of the property owners, is proposing to construct an accessory apartment at 2201 Hillside Circle. The proposed apartment would be constructed in the northeast corner of the home. The roughly 680 square foot apartment would include kitchen, living room, one bedroom, and bath. A new garage addition – which would serve the apartment – would be constructed adjacent to the existing garage.

The proposed apartment requires the following:

- **Conditional Use Permit.** By City Code §300.10 Subd.4(d), accessory apartments are conditionally-permitted uses in single-family residential zoning districts. By code, “an accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.” Based on the submitted plans, the proposed apartment would occupy roughly 15 percent of the living area of the home.
- **Wetland Setback Variance.** By City Code §300.23 Sub.8(b)(1), principal structures must maintain a 35-foot setback from wetland wedge. The proposed apartment would be set back 29 feet.

Staff Analysis

Staff finds that the proposed accessory apartment is reasonable.

- 1) The proposed apartment would meet the intent of the accessory apartment ordinance. It would provide a housing type which affords privacy and independence, while maintaining the character of existing single-family neighborhoods.
- 2) The apartment has been well designed. From the street, it would appear simply to be a third-stall garage addition. Given this, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.
- 3) The proposed apartment would meet all conditional use permit standards. These standards are outlined in the supporting information section of this report.
- 4) The proposed apartment would meet setback variance standards:

- Though technically classified as a wetland, the area in question functionally serves as a ditch for conveyance of stormwater.
- The proposed apartment would not impact the function or aesthetic of the wetland.
- Just 80 square feet of the proposed apartment would encroach into the required setback.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 2201 Hillside Circle.

Originator: Susan Thomas, Principal Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

All properties surrounding the subject lot are zoned and guided low density residential.

Planning

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

CUP Standards

The proposed accessory apartment would meet the general conditional use permit standards as outlined in City Code 300.16 Subd.2.

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal apartment would also meet the specific conditional use permit standards as outlined in City Code 300.16 Subd.3.

1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;

Finding: The subject property is zoned R-1 and does not currently contain an accessory apartment. The proposed accessory unit would be the only apartment on the property.

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

Finding: The property owners currently reside in the home and would continue to do so once the apartment is constructed. As a condition of approval, the property owner must live in one of the dwelling units.

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;

Finding: The existing garage and new garage addition would provide adequate off-street parking for both housing units.

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;

Finding: The accessory apartment would be new construction. It would not impact garage space.

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

Finding: Based on the submitted plans, the accessory apartment would have roughly 680 square feet of living area; this would be 15 percent of the gross living area of the home.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

Finding: The apartment has been well designed. From the street, it would appear to simply be a third-stall garage addition. Given this, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

Finding: The accessory apartment would be required to meet all codes at the time that a certificate of occupancy is issued.

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

Finding: The apartment has been well designed. From the street, it would appear to simply be a third-stall garage addition. Given this, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.

9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

Finding: The accessory apartment would comply with all other ordinance standards.

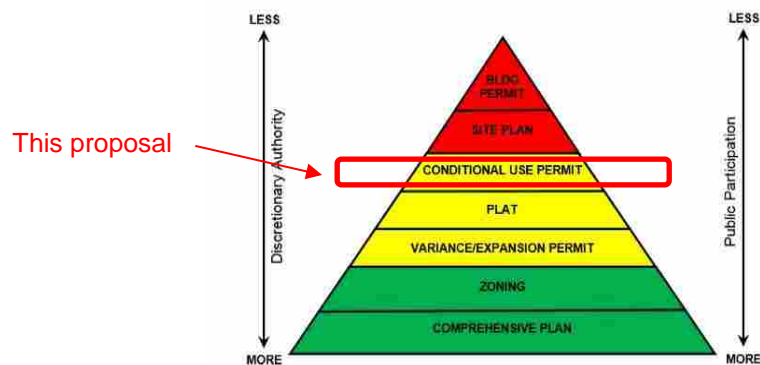
Variance Standard

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)

Neighborhood Comments

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

Pyramid of Discretion



Motion Options

The planning commission has three options:

- 1) Concur with staff's recommendation. In this case a motion should be made recommending the city council approve the CUP.
- 2) Disagree with staff's recommendation. In this case a motion should be made recommending denial of the request. This motion must include a statement as to why the request is denied.
- 3) Table the request. In this case a motion should be made to table the item. The motion should be made include a statement as to why the request is being tabled with direction to staff, the applicant or both.

Voting

The planning commission will make a recommendation to the city council, which has final authority on the applicant's request. Approval of the requested CUP requires the affirmative vote of a simple majority of councilmembers.

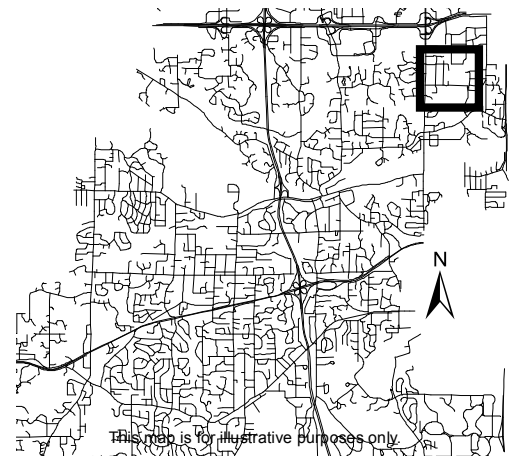
Deadline for Decision

October 8, 2018



Location Map

Project: Alvero Residence
Address: 2201 Hillside Cir



Written Statement

Rebecca Alvero is listed as an owner on this property located at 2201 Hillside Circle, Minnetonka Mn.

Mrs Alvero and her husband currently commute from Jackson Minnesota to live and care for their grade school aged granddaughter. Chris & Trina Ijama, (Co-Owners) the daughters parents travel for work extensively, and they would like to develop an accessory apartment as part of the existing home.

The concept is a small addition off of the east side of the home, which would incorporate an additional 1 car garage, a bedroom, bathroom and full kitchen.

It is the intent that this new accessory use is solely for the use of these family members, and shall conform to Chapter 3 Of the Zoning Regulations as it relates to housekeeping, living space, and as a unit of housing.

And in conformance with the following City of Minnetonka City Code Section 300.16.

Preservation of property values and maintenance of the character of existing single family neighborhood.

Be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;

Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;

May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;

An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living

area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

Exterior changes to the house must not substantially alter the single family character of the structure;

No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood;

Respectfully Submitted.

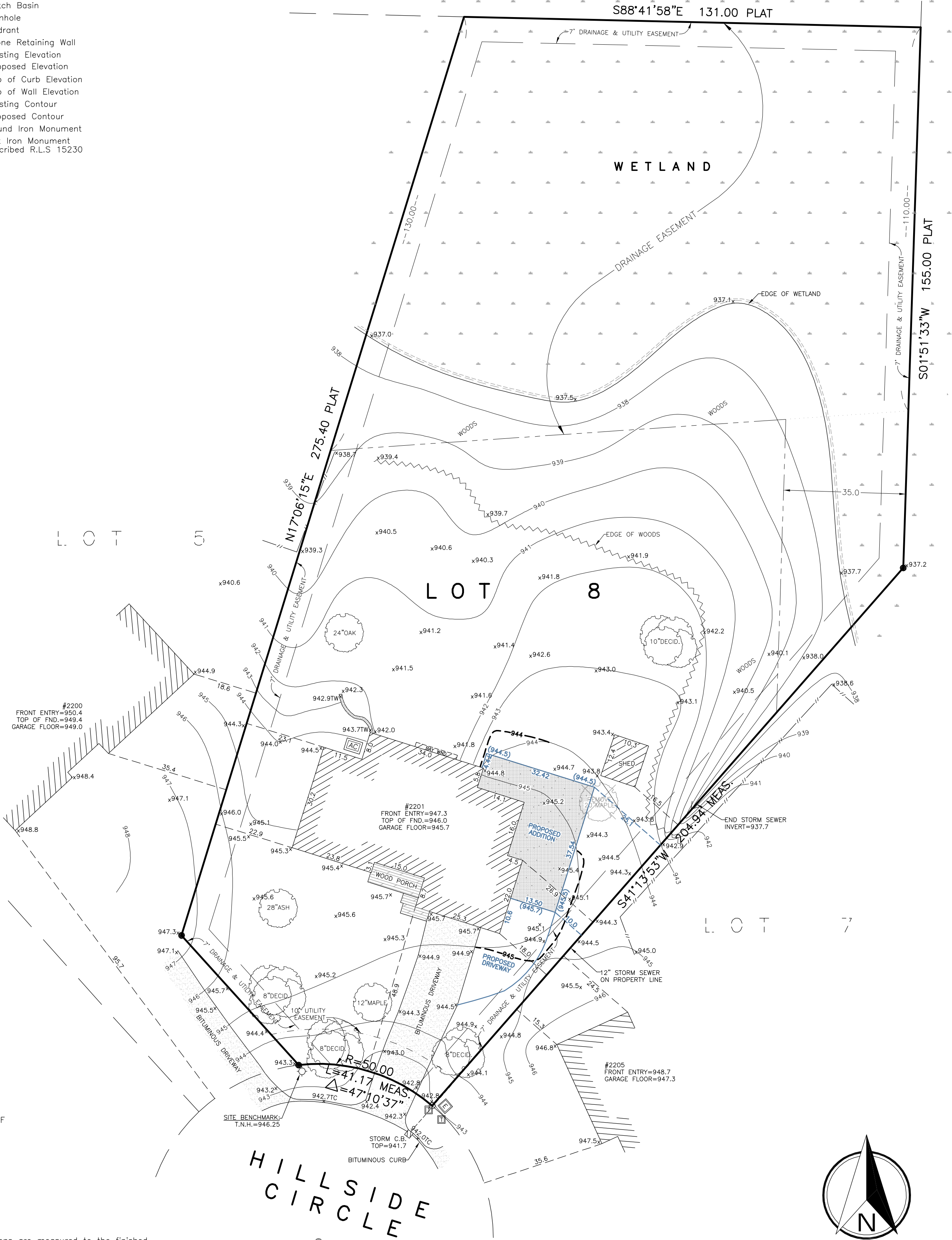
JohnD Anderson, R.A., NCARB, applicant
JDA Design Architects.



CERTIFICATE OF SURVEY AND PROPOSED ADDITION FOR: JDA DESIGN

LEGEND

	Edge of Woods
	Fence
	Telephone Pedestal
	Electric Transformer
	Catch Basin
	Manhole
	Hydrant
	Stone Retaining Wall
	Existing Elevation
	Proposed Elevation
	Top of Curb Elevation
	Top of Wall Elevation
	Existing Contour
	Proposed Contour
	Found Iron Monument
	Set Iron Monument
	Inscribed R.L.S 15230



LOT COVERAGE CALCULATION:

Lot Area = 42,358 SF

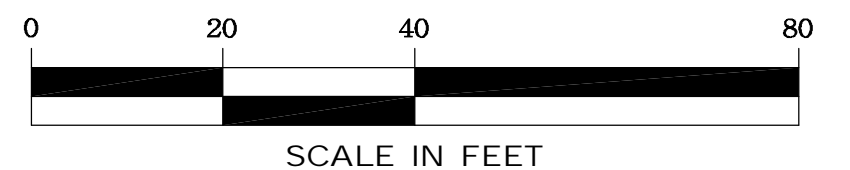
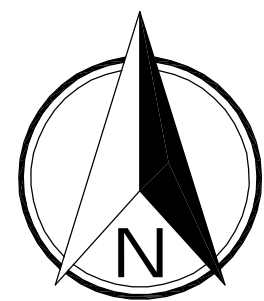
COVERAGE:

House = 2,288 SF
 Wood Porch = 125 SF
 Bituminous Driveway = 729 SF
 Shed = 128 SF
 Proposed Addition = 766 SF
 Proposed Driveway = 437 SF

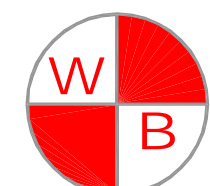
Total = 4,473 SF
 = 10.6%

NOTES:

- All existing building dimensions are measured to the finished siding and not the building foundation.
- No search was made for any easements.
- The location of all utilities shown are from either observed evidence in the field and/or from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.



JOB NO. 119-18A	SCALE 1" = 20'	SITE ADDRESS 2201 Hillside Cir. Minnetonka, MN 55305	I hereby certify that this survey, plan, 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. W. BROWN LAND SURVEYING, INC. Dated: <u>06-19-2018</u> Woodrow A. Brown, R.L.S. MN REG 15230
BOOK/PAGE 161/9	DRAWN CME	PROPERTY DESCRIPTION Lot 8, Block 3, RUNNYMEADE ESTATES, Hennepin County, Minnesota.	
SHEET 1 of 1	REFERENCE	BENCHMARK T.N.H. at the Southwest Corner of #2201 Hillside Cir. Elevation = 946.25.	



W. BROWN LAND SURVEYING, INC.
 8030 Cedar Avenue So., Suite 228.
 Blomington, MN 55425
 Bus: (952) 854-4055
 Fax: (952) 854-4268
 EMAIL: INFO@WBROWNLANDSURVEYING.COM

L O T

LOT 8

#2200
FRONT ENTRY=950.4
TOP OF FND.=949.4
GARAGE FLOOR=949.0

#2201
FRONT ENTRY=947.3
TOP OF FND.=946.0
GARAGE FLOOR=945.7

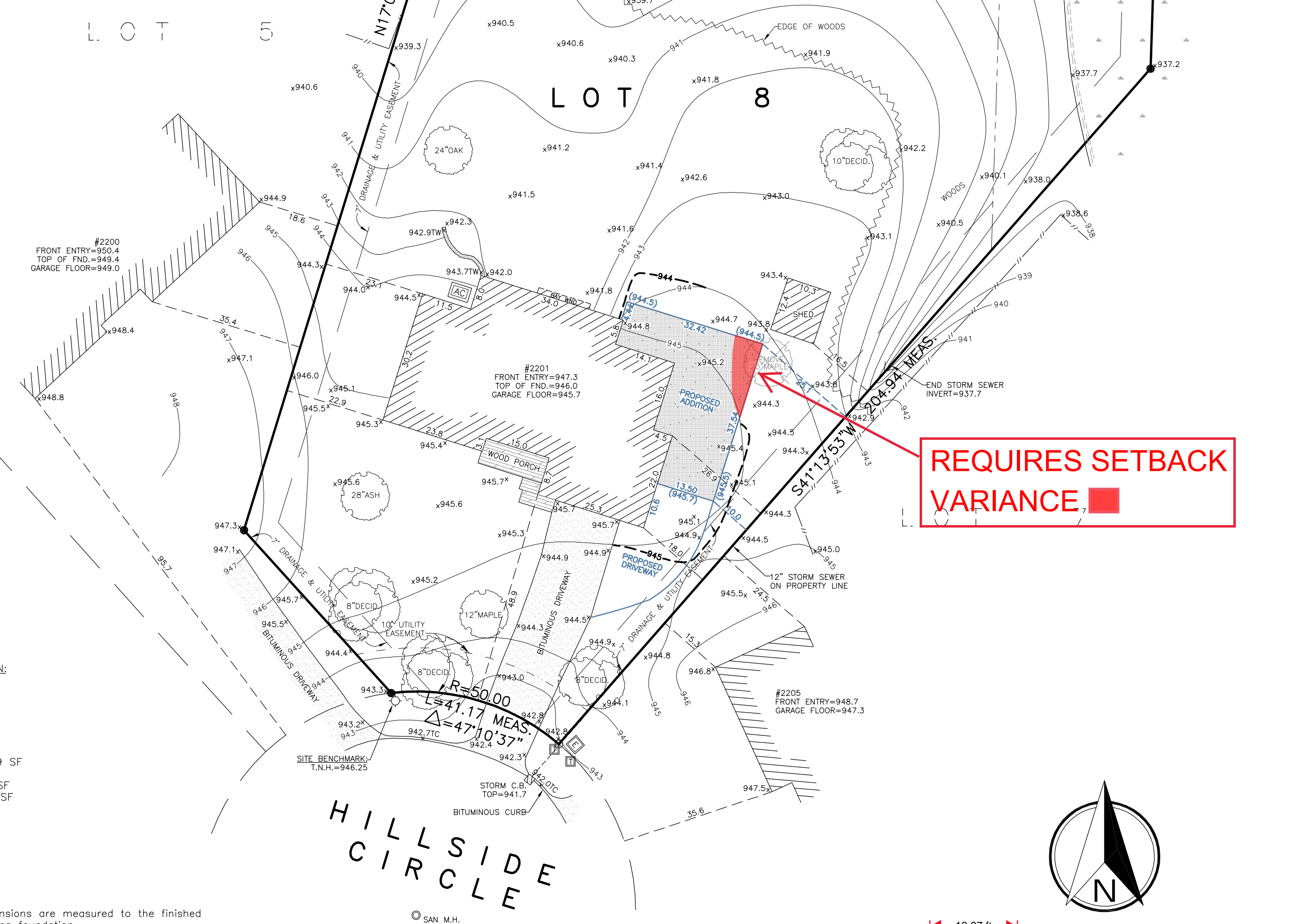
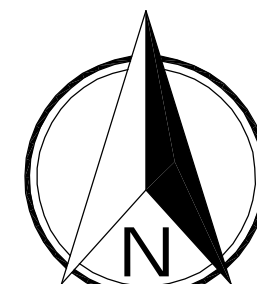
#2205
FRONT ENTRY=948.7
GARAGE FLOOR=947.3

SITE BENCHMARK:
T.N.H.=946.25

STORM C.B.
TOP=941.7

**REQUIRES SETBACK
VARIANCE**

HILLSIDE
CIRCLE



CONSULTANTS:

**ADDITION &
REMODELING**

2201 HILLSIDE CIRCLE
MINNETONKA, MINNESOTA

CERTIFICATION:
I hereby certify that this plan, specification or report was prepared
by me or under my direct supervision and that I am a duly

under the laws of the State of Minnesota.

signature _____ date _____

name _____ registration number _____

REVISION HISTORY:
description _____ date _____

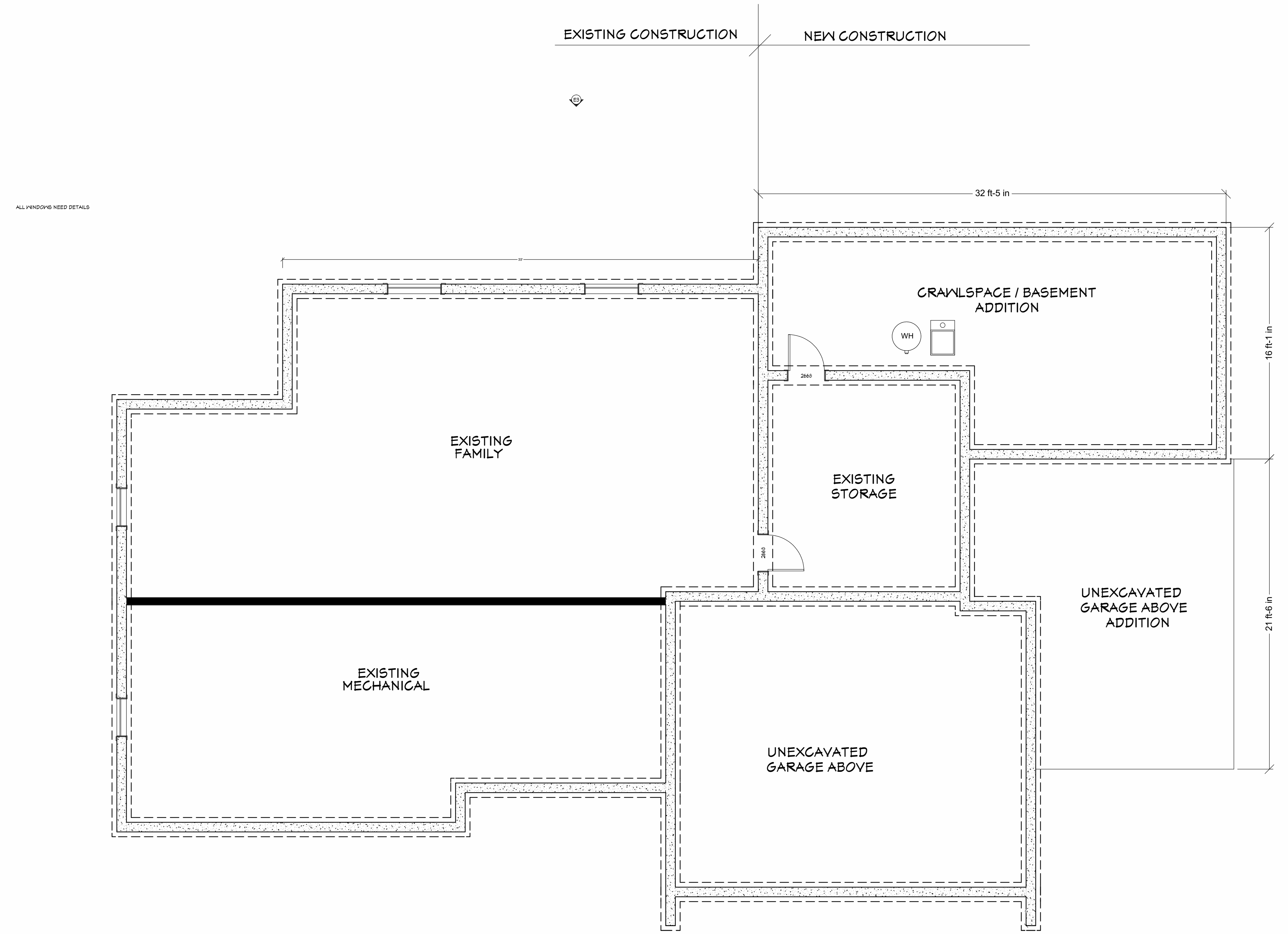
description	date

ISSUED FOR:
CONDITIONAL USE PERMIT

ISSUE DATE:
JUNE 15, 2018
DRAWN BY: _____ CHECKED BY: _____

SHEET TITLE:
**LOWER LEVEL
FLOOR PLAN**

SHEET NUMBER:
A1.0



1st Floor

CONSULTANTS:

**ADDITION &
REMODELING**

2201 HILLSIDE CIRCLE
MINNETONKA, MINNESOTA

CERTIFICATION:
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by me or under my direct supervision and that I am a duly

under the laws of the State of Minnesota.

signature _____ date _____

name _____ registration number _____

REVISION HISTORY:
description _____ date _____

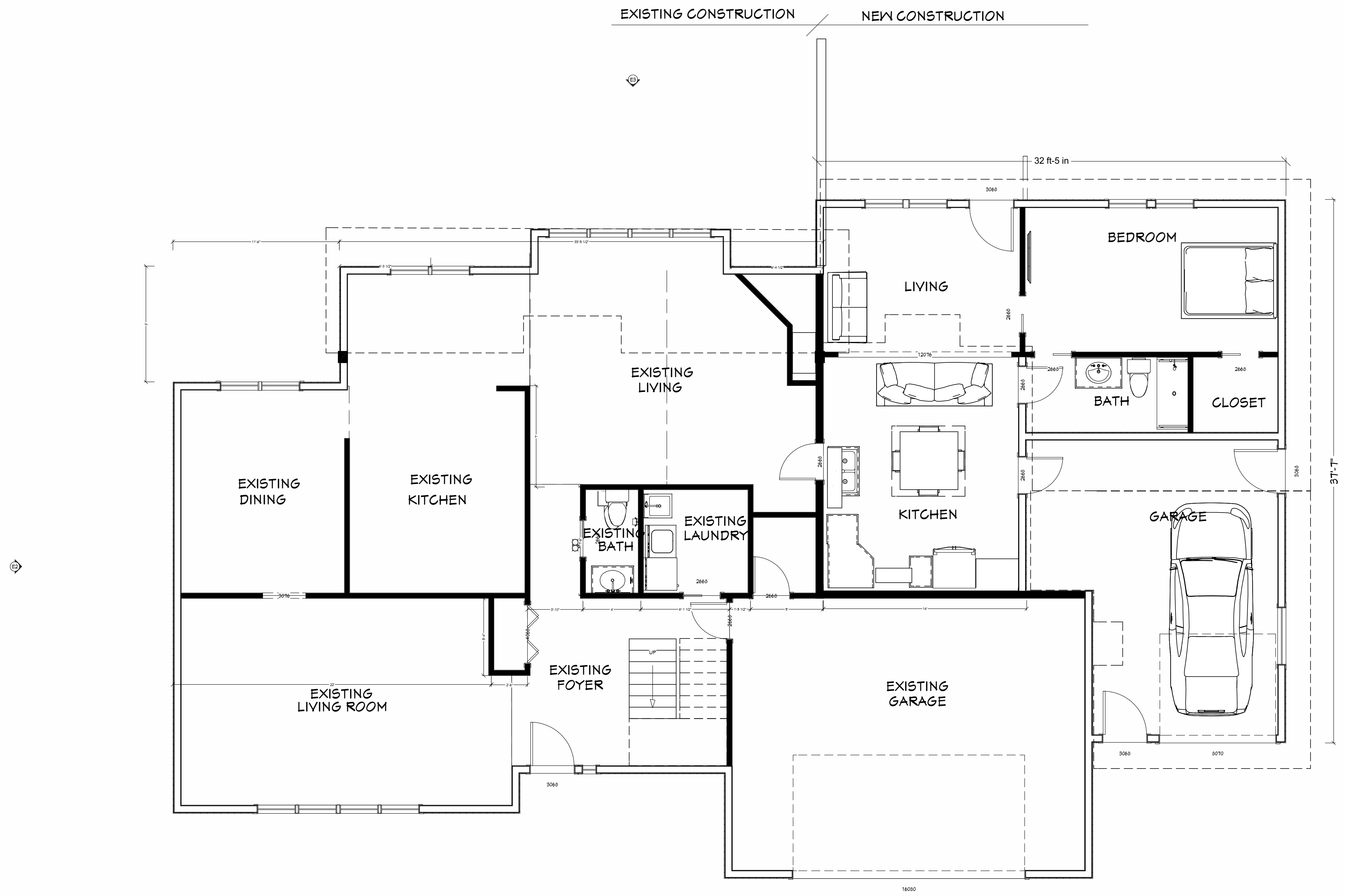
description	date

ISSUED FOR:
CONDITIONAL USE PERMIT

ISSUE DATE:
JUNE 15, 2018
DRAWN BY: _____ CHECKED BY: _____

SHEET TITLE:
**MAIN LEVEL
FLOOR PLAN**

SHEET NUMBER:
A1.1



CONSULTANTS:

**ADDITION &
REMODELING**

2201 HILLSIDE CIRCLE
MINNETONKA, MINNESOTA

CERTIFICATION:
I hereby certify that this plan, specification or report was prepared
by me or under my direct supervision and that I am a duly

under the laws of the State of Minnesota.

signature _____ date _____

name _____ registration number _____

REVISION HISTORY:
description _____ date _____

ISSUED FOR:

CONDITIONAL USE PERMIT

ISSUE DATE:
JUNE 15, 2018

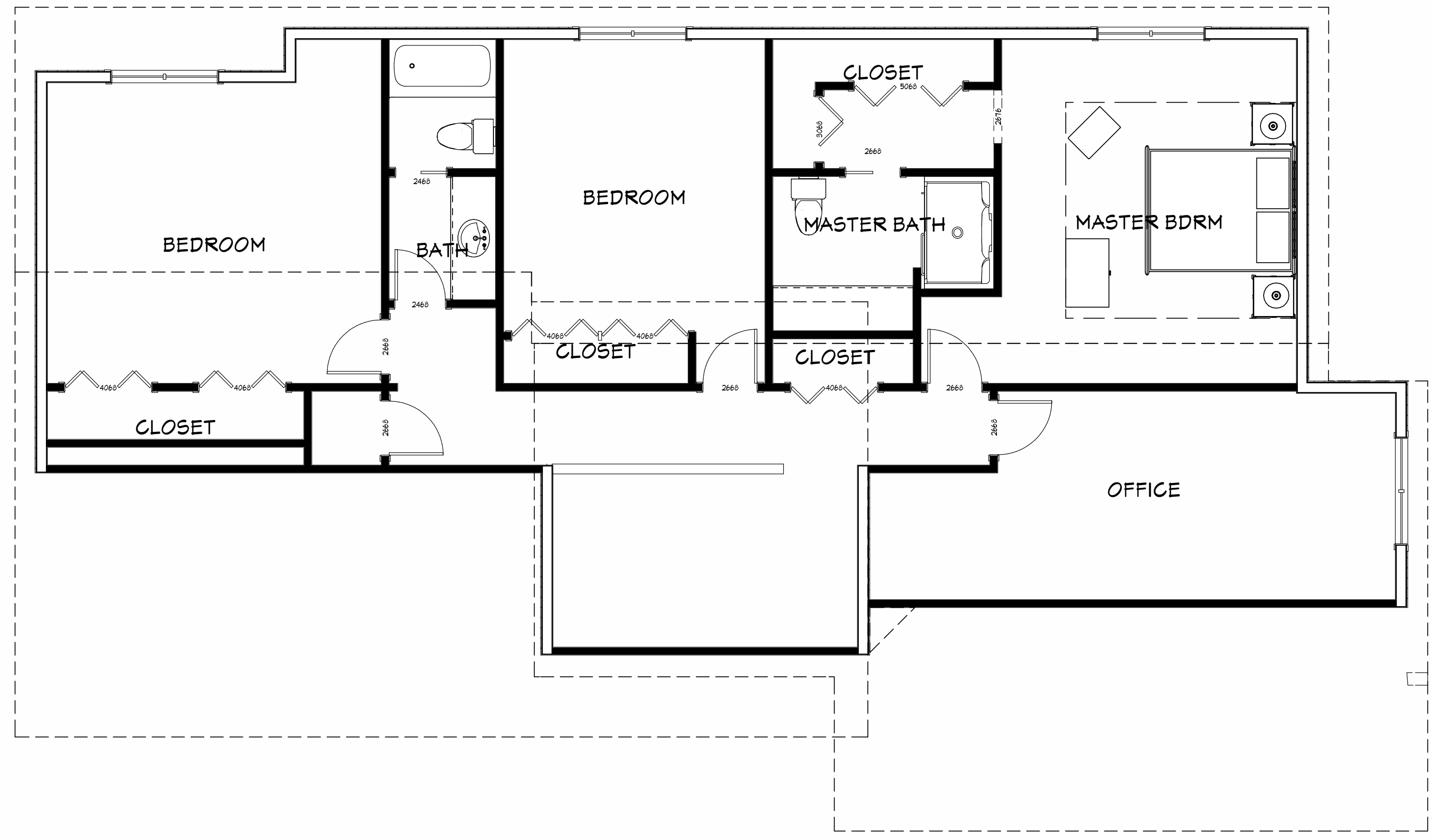
DRAWN BY: _____ CHECKED BY: _____

SHEET TITLE:

**UPPER LEVEL
FLOOR PLAN**

SHEET NUMBER:

A1.2



3rd Floor

CONSULTANTS:

ADDITION &
REMODELING

2201 HILLSIDE CIRCLE
MINNETONKA, MINNESOTA

CERTIFICATION:
I hereby certify that this plan, specification or report was prepared
by me or under my direct supervision and that I am a duly

under the laws of the State of Minnesota.

signature _____ date _____

name _____ registration number _____

REVISION HISTORY:
description _____ date _____

ISSUED FOR:
CONDITIONAL USE PERMIT

ISSUE DATE:
JUNE 15, 2018

DRAWN BY: _____ CHECKED BY: _____

SHEET TITLE:
EXTERIOR
ELEVATIONS

SHEET NUMBER:
A2.0



FRONT ELEVATION



REAR ELEVATION

CONSULTANTS:

ADDITION &
REMODELING

2201 HILLSIDE CIRCLE
MINNETONKA, MINNESOTA

CERTIFICATION:
I hereby certify that this plan, specification or report was prepared
by me or under my direct supervision and that I am a duly

under the laws of the State of Minnesota.

signature

date

name

registration number

REVISION HISTORY:

description date

ISSUED FOR:

CONDITIONAL USE PERMIT

ISSUE DATE:
JUNE 15, 2018

DRAWN BY:

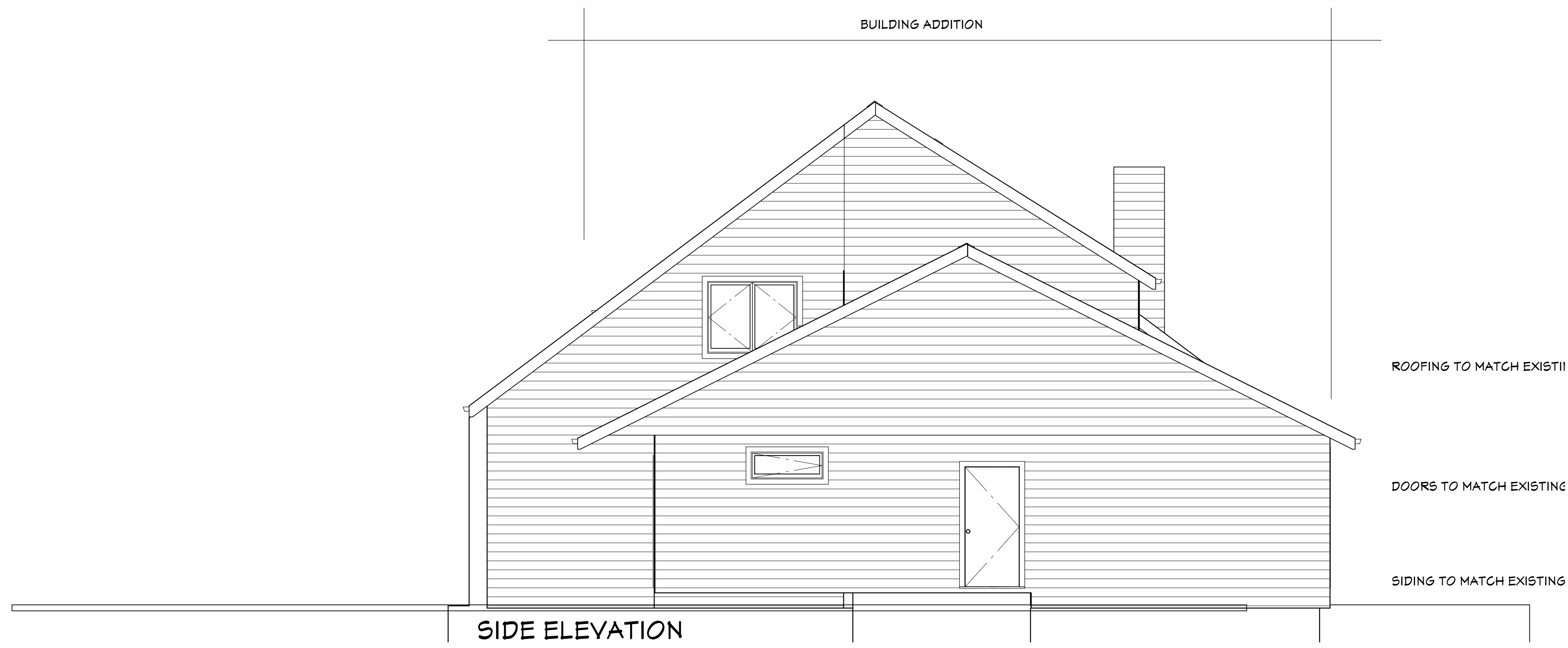
CHECKED BY:

SHEET TITLE:

EXTERIOR
ELEVATIONS

SHEET NUMBER:

A2.1



Resolution 2018-

Resolution approving a condition use permit, with wetland setback variance, for an accessory apartment at 2201 Hillside Lane

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

Section 1. Background.

1.01 JDA Design Architects, on behalf of the property owners, is proposing to construct an accessory apartment at 2201 Hillside Lane. The apartment requires:

1. A conditional use permit; and
2. A wetland setback variance from 35 feet to 29 feet.

1.02 The property at 2201 Hillside Lane is legally described as:

Lot 8, Block 3, RUNNYMEADE ESTATES, Hennepin County, Minnesota

1.03 On July 19, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Conditional Use Permit Standards.

2.01 City Code §300.16, Subd.2, lists the following general standards that must be met for granting of a conditional use permit:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

- 2.02 City Code §300.16, Subd.3(d) lists the following specific standards that must be met for granting of a conditional use permit for an accessory apartment:
1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;
 2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
 3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;
 4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;
 5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.
 6. Exterior changes to the house must not substantially alter the single family character of the structure;
 7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;
 8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and
 9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

Section 3. Variance Standard

- 3.01 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 4. Findings.

4.01 The proposed apartment would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2.

4.02 The proposed apartment would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(d).

1. The subject property is zoned R-1 and does not currently contain an accessory apartment. The proposed accessory unit would be the only apartment on the property.
2. As a condition of this resolution, the property owners must live in one of the dwelling units.
3. The existing garage and proposed garage addition would provide adequate off-street parking for both housing units.
4. The accessory apartment would be new construction. It would not impact garage space.
5. Based on the submitted plans, the accessory apartment would have roughly 680 square feet of living area. This would be 15 percent of the gross living area of the home.
6. The apartment has been well designed. From the street, it would appear to simply be a third-stall garage addition. Given this, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.
7. A building permit is required. As such, the apartment must comply with all applicable building, housing, electrical, plumbing, heating and related codes of the city.
8. The accessory apartment would comply with all other ordinance standards.

4.03 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Purpose and Intent of the Ordinance. The intent of wetland setback requirement is to protect the function and aesthetic of the natural resource. The proposed 29 foot setback would meet this intent.
2. Consistent with Comprehensive Plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and

enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide an investment into a property to enhance its use.

3. Practical Difficulties. There are practical difficulties in complying with the ordinance:
 - a) Reasonableness and Character of Locality. The proposed 29-foot setback is reasonable and would not impact the function or aesthetic of the wetland. Just 80 square feet of the proposed apartment would encroach into the required setback and this area would be further from the wetland than an existing shed on the property.
 - b) Unique Circumstance. Though technically classified as a wetland, the area in question functionally serves as a ditch for conveyance of stormwater. This is a unique circumstance not common to all wetland areas within the city.

Section 5. City Council Action.

- 5.01 The above-described conditional use permit is approved, subject to the following conditions:
1. The accessory apartment must be constructed and maintained in substantial compliance with the floor plans and building elevations attached to the planning commission staff report, dated May 24, 2018.
 2. Prior to issuance of building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) A conservation easement over the wetland and required 16.5 foot wetland buffer must be submitted for review and approval of the city attorney. This easement must be recorded with Hennepin County.
 3. The addition, including crawl space, must have a minimum floor elevation of 940.0.
 4. The structure must be owner occupied. The property owners must reside in either living unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
 5. All other provisions of the ordinance relating to single family dwelling units must be met, unless specifically amended by this resolution.
 6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

7. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 6, 2018.

Brad Wiersum, Mayor

ATTEST:

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 August 8, 2018.

David E. Maeda, City Clerk