

MINNETONKA PLANNING COMMISSION
Oct. 18, 2018

Brief Description	Aggregate side yard setback variance to construct a new single-family home at 13228 Orchard Rd.
Recommendation	Adopt the resolution approving the requested variance

Background

The applicant is proposing to construct a new house at 13228 Orchard Rd. The zoning ordinance requires that the sum of the side yard setbacks must be at least 30 feet. The proposed house would have an aggregate side yard setback of 25 feet, which requires a variance.

Proposed Building and Site Plan

The subject lot is 7,500 square feet in size and the new house would be two stories in height with a gross floor area of 2,790 square feet, which includes the basement. The footprint of the house meets all setback requirements, including the aggregate side yard setback requirement. However, the second floor includes a cantilevered area on the east side. This building area extends five feet closer to the property line than the footprint of the building. The cantilevered building area meets the 10-foot minimum property line setback, but does not meet the 30-foot minimum aggregate side yard requirement. The proposed house would also have a 660-square foot detached garage which would meet all zoning requirements.

McMansion Policy

The city's McMansion policy applies to homes constructed in existing neighborhoods that require a variance. The McMansion policy is one tool to analyze neighborhood character. The McMansion policy states that a new home which requires a variance must have a floor area ratio (FAR) that is no more than the highest FAR of the homes within 400 feet of the lot and within 1,000 feet of the lot on both sides of the same street.

The city may waive or modify the floor area requirement where the applicant submits a specific home design and site plan and the city determines that the proposed house would not adversely impact the neighborhood character because of specific setbacks, building orientation, building height, or massing. The architectural design of the home is not considered in making this determination. The condition of approval of the variance is on the specific site and building plans that are proposed.

The proposed house would have 1,830 square feet of above-grade floor area and an FAR of 0.24. The maximum FAR in the neighborhood is 0.17. The proposed house would therefore exceed the maximum FAR suggested by the McMansion policy. However, the subject property is the smallest lot in the neighborhood and is significantly smaller than the surrounding lots. The median lot size in the neighborhood is 21,800 square feet, and there is only one other lot that is less than 15,000 square feet. Although the proposed house is less than the average house size in the neighborhood, the FAR is larger because of the small lot size.

As a policy, the city has flexibility in applying the McMansion policy in specific circumstances. In 2014, staff recommended that the planning commission approve the proposed site and building plans, based on the following:

- The variance does not result in a larger home being constructed on the lot than could be built with meeting all setback requirements. The lot has 1,500 square feet of buildable area. The proposed house occupies 960 square feet of the buildable area. The 112.5-square foot cantilevered area on the second floor is the only part of the proposed house that requires a variance. If this area were removed and the house footprint were expanded within the buildable area, a house could be constructed with 3,000 square foot of above-grade floor area. This would be larger than the proposed house which has an above-grade floor area of 1,830 square feet.

2014 Decision

The planning commission approved this same variance requested in the 2014, finding:

- It is reasonable to include a cantilevered building area that extends into the setback requirement because of the reduced lot width. The lot is only 50 feet in width, which is substantially less than the 110-foot width required by the ordinance. There is only 20 feet of buildable width on the lot, which presents a practical difficulty in constructing a new house on the property.
- The reduced lot width is a circumstance unique to the property. The subject lot does not meet the current minimum lot width requirement and this circumstance is not common to single-family residential properties.
- The proposed house would not adversely impact the character of the locality. The majority of the new house complies with all setback requirements. The variance is only required for a 112.5-square foot area of the second floor which is cantilevered closer to the side property line. This setback intrusion maintains separation from the adjacent house and does not adversely impact the character of the neighborhood.

The variance expired on December 31, 2015.

Staff Recommendation

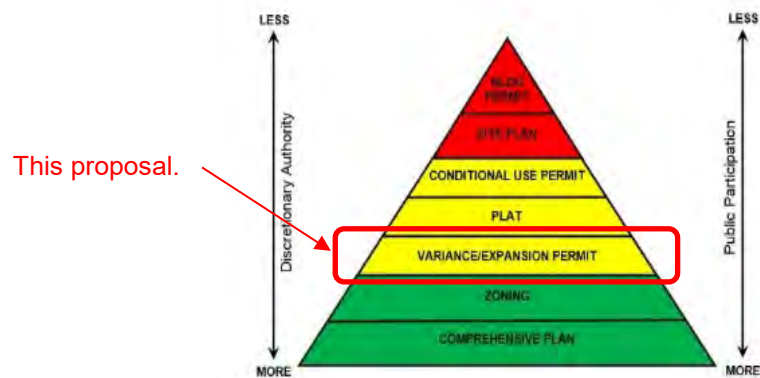
Adopt the resolution approving the aggregate side yard setback variance for a new home at 13228 Orchard Road.

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

Supporting Information

Property	13228 Orchard Road
Owner	Rodney Miller
Surrounding Land Uses	Northerly: Low density residential Easterly: Low density residential Southerly: Low density residential Westerly: Low density residential
Planning	Guide Plan designation: Low Density Residential Zoning: R-1 Single Family Residential
Variance Standard	A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)
Natural Resources	Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.

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 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 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.

**Neighborhood
Comments**

The city sent notices to 40 area property owners and has received no comments.

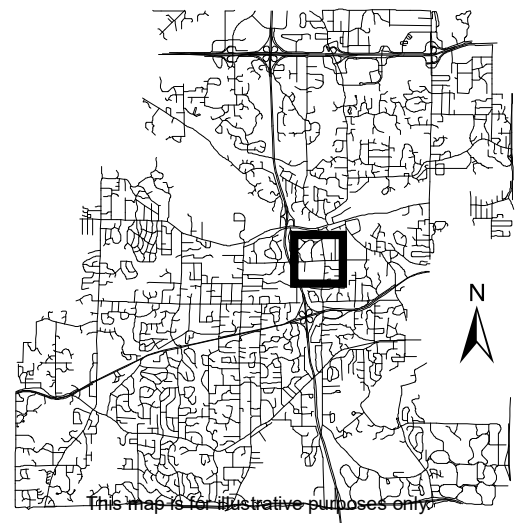
**Deadline for
Decision**

November 5, 2018

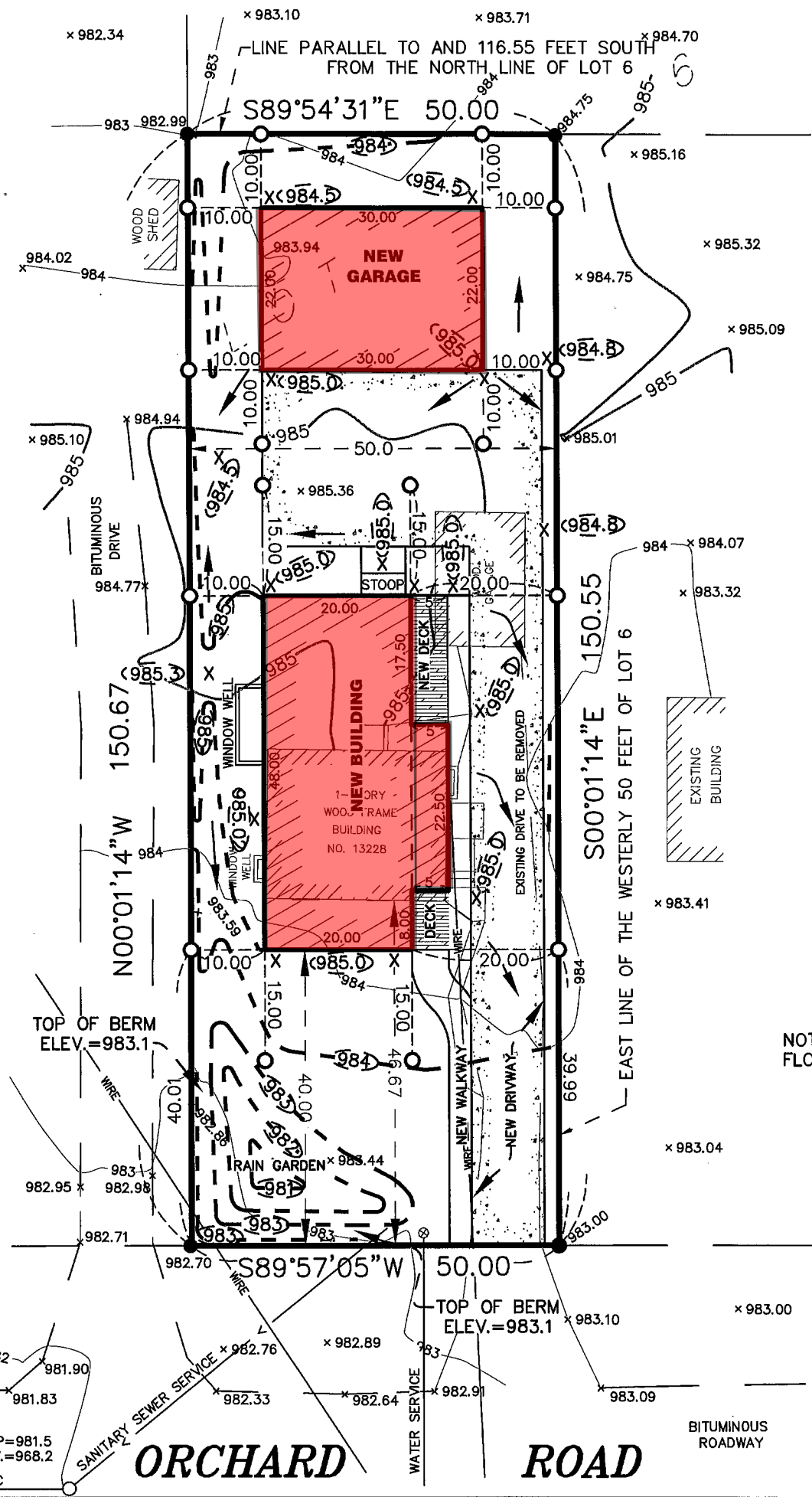


Location Map

Project: Ram Construction
Address: 13228 Orchard Rd



This map is for illustrative purposes only.



SURVEY FOR: RAM CONSTRUCTION

PROPERTY ADDRESS: 13228 Orchard Road, Minnetonka, Minnesota.

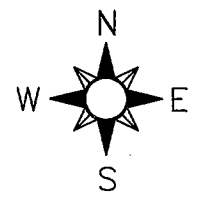
LEGAL DESCRIPTION:
 The Westerly 50 feet of that part of Lot 6, "Minnetonka Mills Acres", lying South of a line drawn parallel to the North line of said Lot 6 and 116.55 feet South of said North line measured at right angles thereto, Hennepin County, Minnesota.

CERTIFICATION:
 I hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

Dated: July 28, 2014

Anderson Engineering of Minnesota, LLC

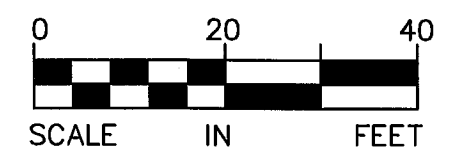
by: *Jack Bolke*
 Jack Bolke
 Minnesota License No. 20281



1. The orientation of this bearing system is the south line of Lot 6, Block 7, MINNETONKA MILLS ACRES, which is assumed to bear South 89 degrees 57 minutes 05 seconds West.
2. No title work was furnished for the preparation of this survey to verify the legal description or the existence of any easements or encumbrances.
3. The location and extent of underground utilities, if shown, are based upon existing drawings provided by the utility companies, city asbuult plans and/or by above ground evidence. There is no guarantee as to the accuracy or the completeness of this information. The size and location should be considered approximate. Additional underground utilities may be present. Verification of the existence and location of all utilities should be obtained from the utility owners prior to any planning or design. In accordance with Minnesota Statute, the location of utilities shall be confirmed prior to any demolition or construction.
4. The project benchmark is the top nut of hydrant located on the north side of Orchard Road approximately 100 feet east from the southeast corner of Lot 6. Elevation = 984.25
5. The area of the property described hereon is 7,530 square feet or 0.1728 acres.

LEGEND

- ⊙ POWER POLE
- MANHOLE
- ⊙ GATE VALVE
- WIRE — OVERHEAD WIRES
- - - - PROPOSED CONTOURS
- ⊙ CONTOUR ELEVATION
- [Hatched Box] NEW DECK
- [Dotted Box] NEW CONCRETE DRIVE



NOTE! THE RELATIONSHIP BETWEEN PROPOSED FLOOR ELEVATIONS TO BE VERIFIED BY BUILDER.

PROPOSED ELEVATIONS
 BASEMENT FLOOR = 975.55
 FIRST FLOOR = 985.55
 GARAGE FLOOR = 985.0

BENCHMARK — TOP NUT OF FIRE HYDRANT ELEV.=984.25

- FOUND MONUMENTATION
- SET 1/2" IRON PIPE MARKED WITH R.L.S. CAP NO. 20281

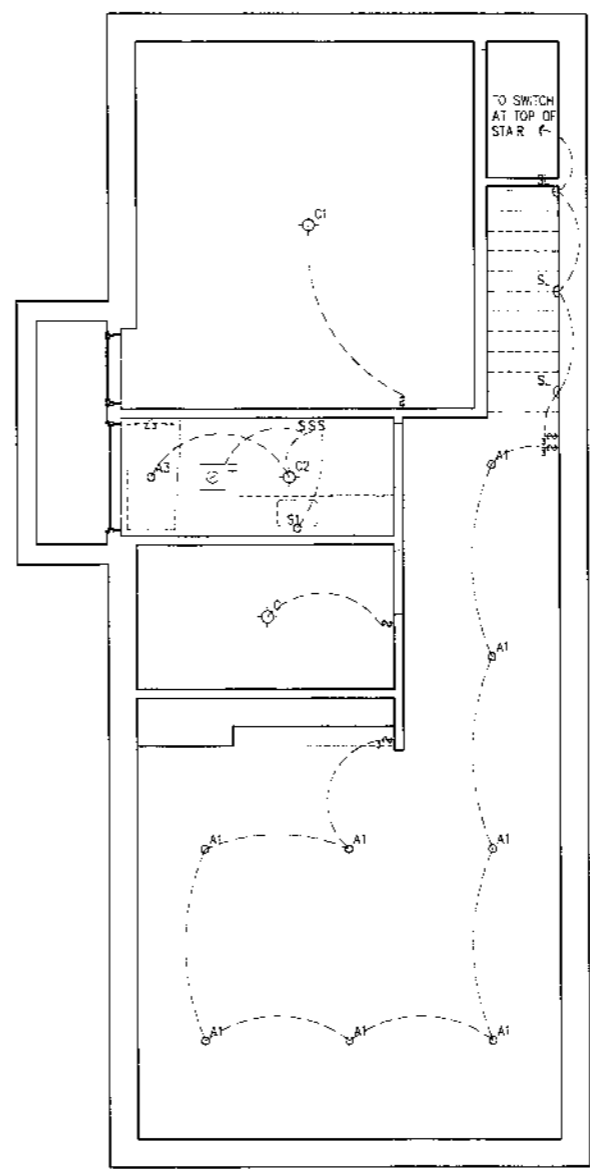
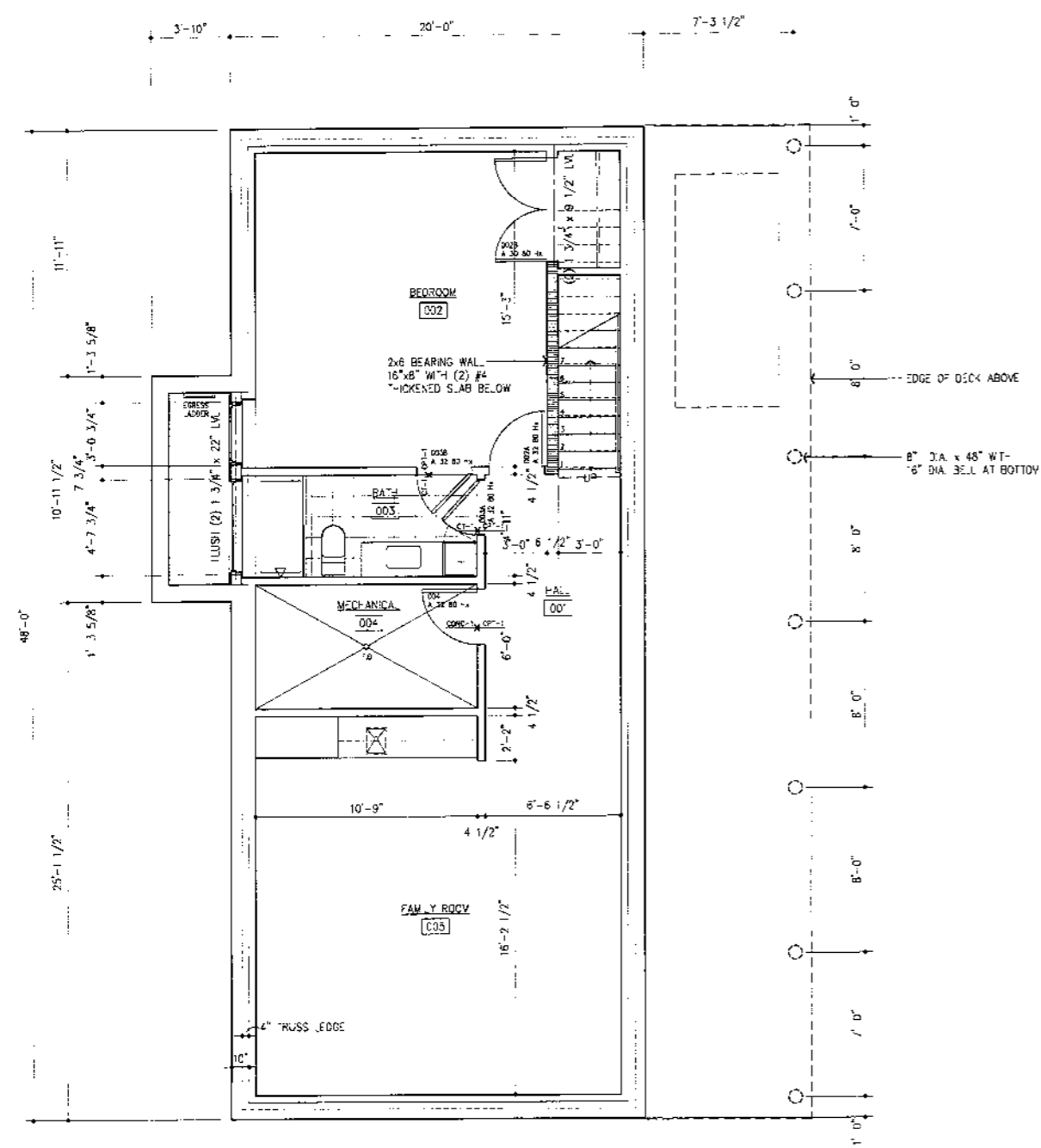


Anderson Engineering of Minnesota, LLC
 10365 1st Avenue North
 Suite 100
 Plymouth, MN 55441
 763-412-4000 (o) 763-412-4090 (f)
 www.ae-mn.com
 Ram Homes
 13228 Orchard Rd

13651 S-1
 8" P.V.C.

ORCHARD ROAD

BITUMINOUS ROADWAY



1 LOWER LEVEL FLOOR PLAN
 A1.1 1/4" = 1'-0"

2 LOWER LEVEL REFLECTED CEILING PLAN
 A1.1 1/4" = 1'-0"

ORCHARD ROAD HOUSE
 MINNETONKA, MN

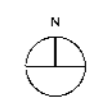
NOTICE: The design shown and described herein including all technical drawings, graphics, and specifications thereof, are proprietary and cannot be copied, duplicated or otherwise used, in whole or in part, without the express written permission of ALTUS Architecture Ltd. These are available for limited review and evaluation by clients, consultants, contractors, government agencies, and vendors only in accordance with this Notice.

Copyright ALTUS Architecture Ltd. 2013. All rights reserved.

Date:	12.12.2013	In Charge:	TAA
Comm. No.:		Drawn By:	CRH
Revisions:		Date:	No.
ISSUED FOR PERMIT		12.12.2013	

LOWER LEVEL
 PLANS

A1.1 Ram Homes



ORCHARD ROAD HOUSE
 MINNETONKA, MN

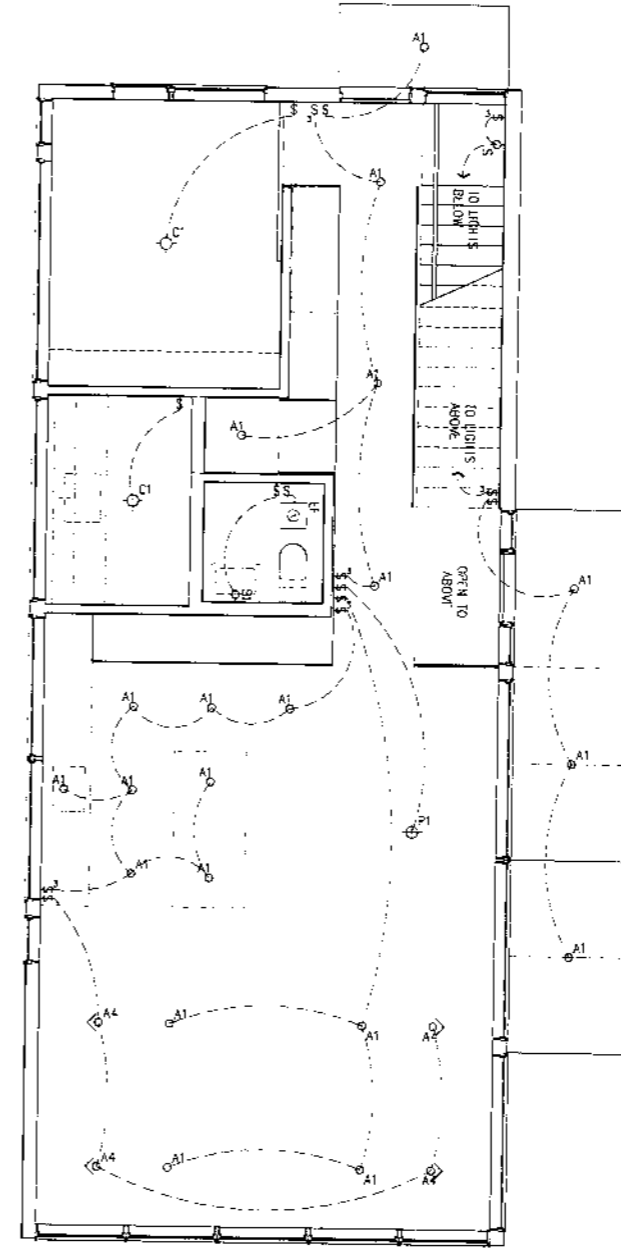
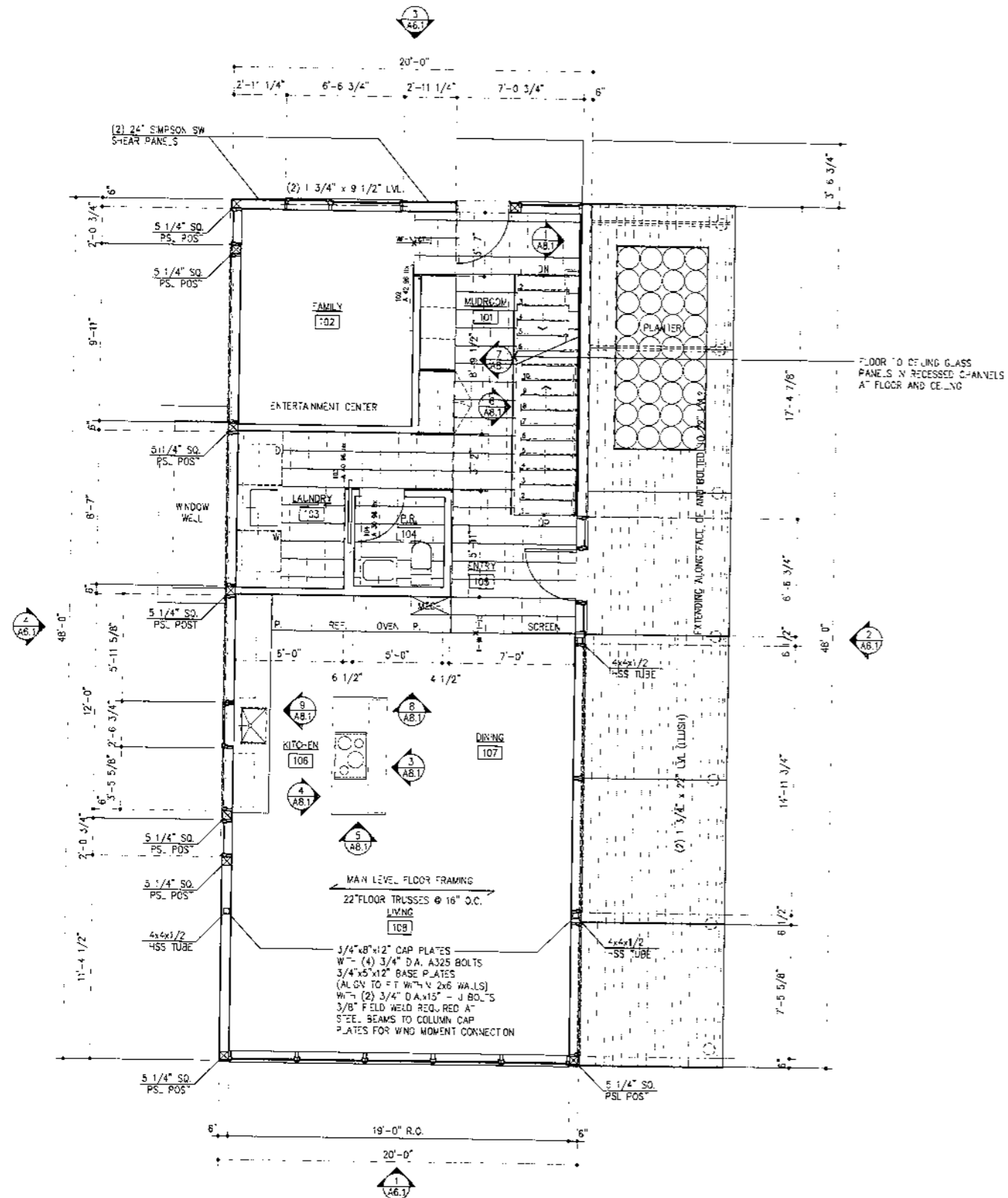
NOTICE: The designs shown and described herein, including all technical drawings, graphics and specifications thereof, are proprietary and shall not be copied, duplicated or commercially exploited, in whole or in part, without the express written permission of ALTUS Architecture Ltd. There are available for limited review and evaluation by clients, consultants, contractors, government agencies, and vendors only in accordance with the Notice.

Copyright ALTUS Architecture Ltd. 2013. All rights reserved.

Date:	12.12.2013	In Charge:	TAA
Comm. No.		Drawn By:	CRH
Revisions:		Date:	No.
ISSUED FOR PERMIT		12.12.2013	

MAIN LEVEL
 PLANS

A2.1 Ram Homes
 10220 Orchard Rd



1 MAIN LEVEL FLOOR PLAN
 1/4" = 1'-0"

2 MAIN LEVEL REFLECTED CEILING PLAN
 1/4" = 1'-0"

ORCHARD ROAD HOUSE MINNETONKA, MN

NOTICE: The design shown and described herein including all technical drawings, graphics, and specifications hereof, are proprietary and cannot be copied, duplicated or commercially exploited, in whole or in part, without the express written permission of ALTUS Architecture Ltd. These are not to be used for review and approval by clients, consultants, contractors, government agencies, and vendors only in accordance with this Notice.

Copyright ALTUS Architecture Ltd. 2013. All rights reserved.

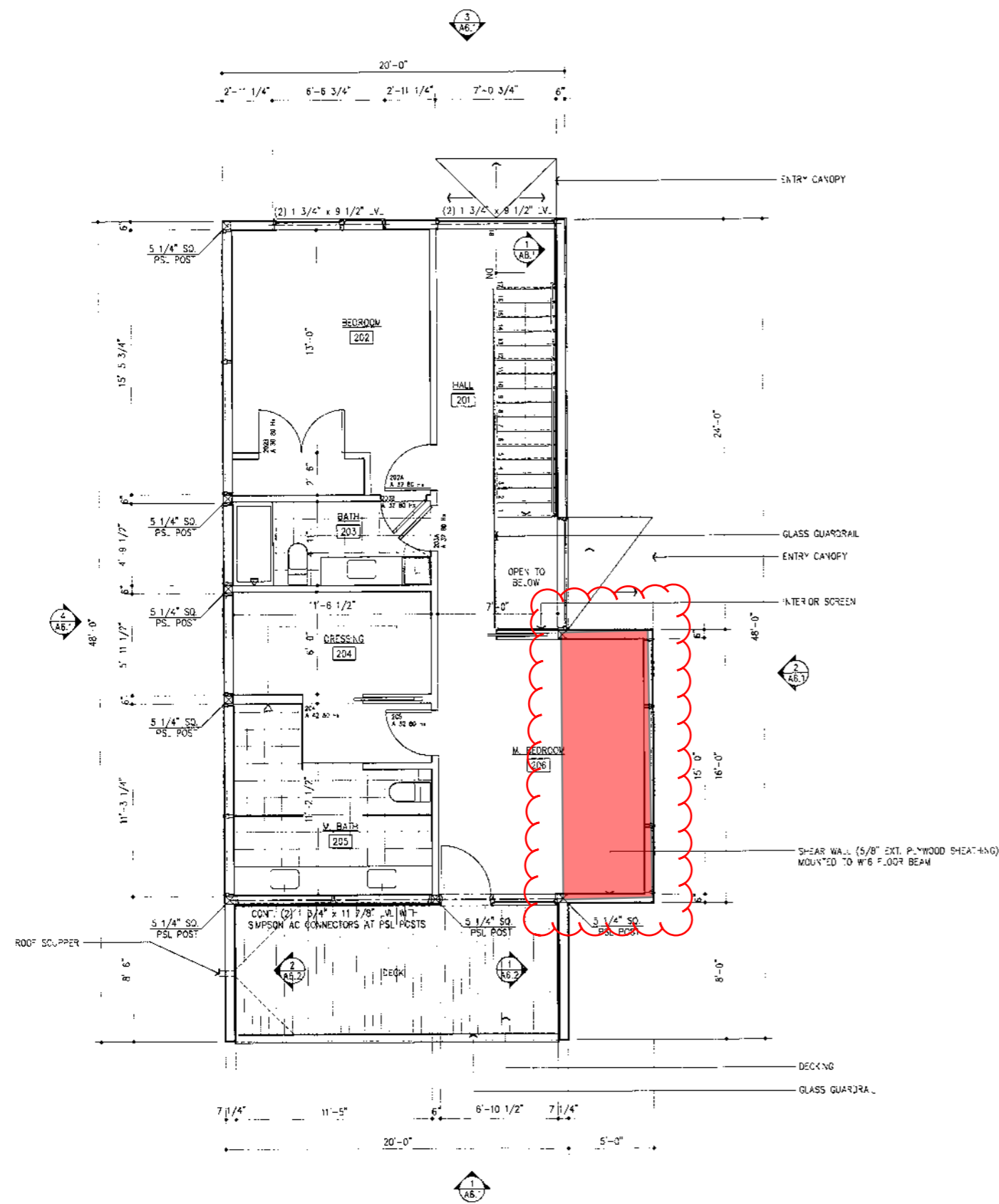
Date:	12.12.2013	In Charge:	TAA
Comm. No.		Drawn By:	CRH
Revisions:		Date:	No.
ISSUED FOR PERMIT		12.12.2013	

UPPER LEVEL
PLANS

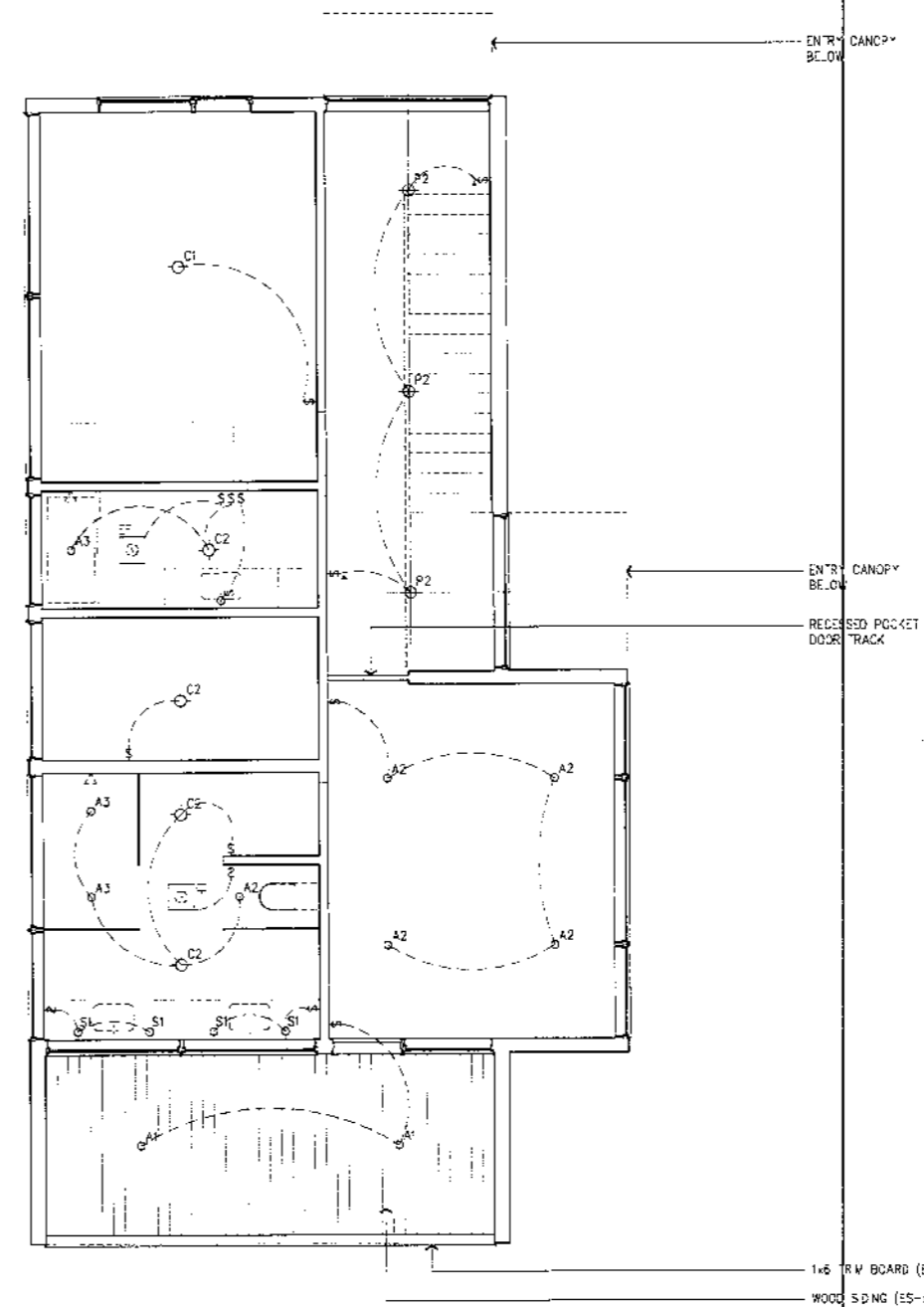
A3.1

Ram Homes

13228 Orchard Rd



1 UPPER LEVEL FLOOR PLAN
A3.1 1/4" = 1'-0"



2 UPPER LEVEL REFLECTED CEILING PLAN
A3.2 1/4" = 1'-0"

ORCHARD ROAD HOUSE
 MINNETONKA, MN

NOTICE: The designs shown and described herein including all technical drawings, graphics, and specifications thereof, are proprietary and cannot be copied, duplicated or transmitted in any form or by any means without the express written permission of ALTUS Architecture Ltd. These are available for limited review and evaluation by clients, consultants, contractors, government agencies, and vendors only in accordance with its Notice.

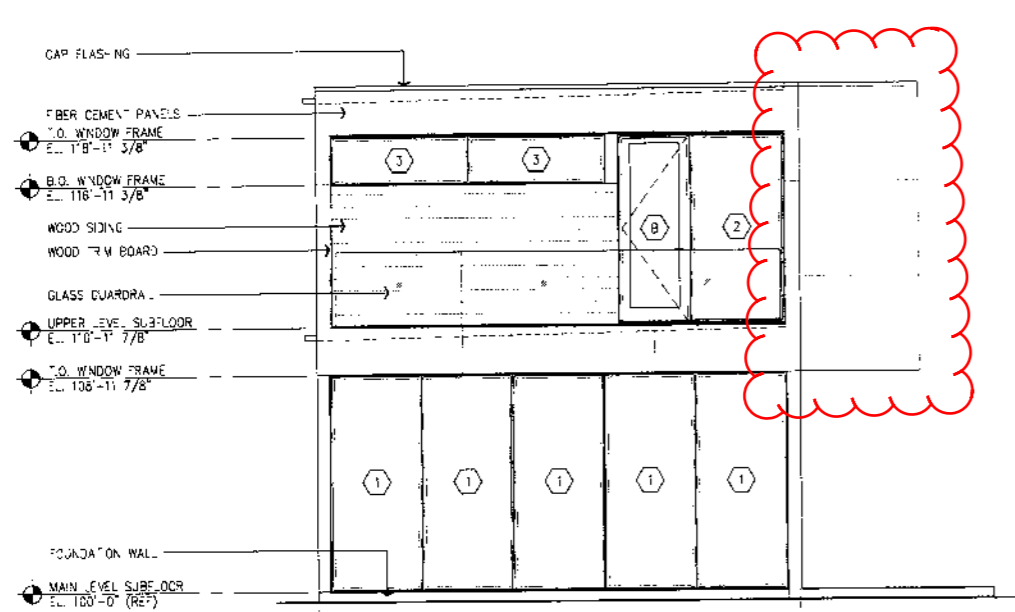
Copyright ALTUS Architecture Ltd. 2013. All rights reserved.

Date:	12.12.2013	In Charge:	TAA
Comm. No.		Drawn By:	CRH
Revisions:		Date:	No.
ISSUED FOR PERMIT		12.12.2013	

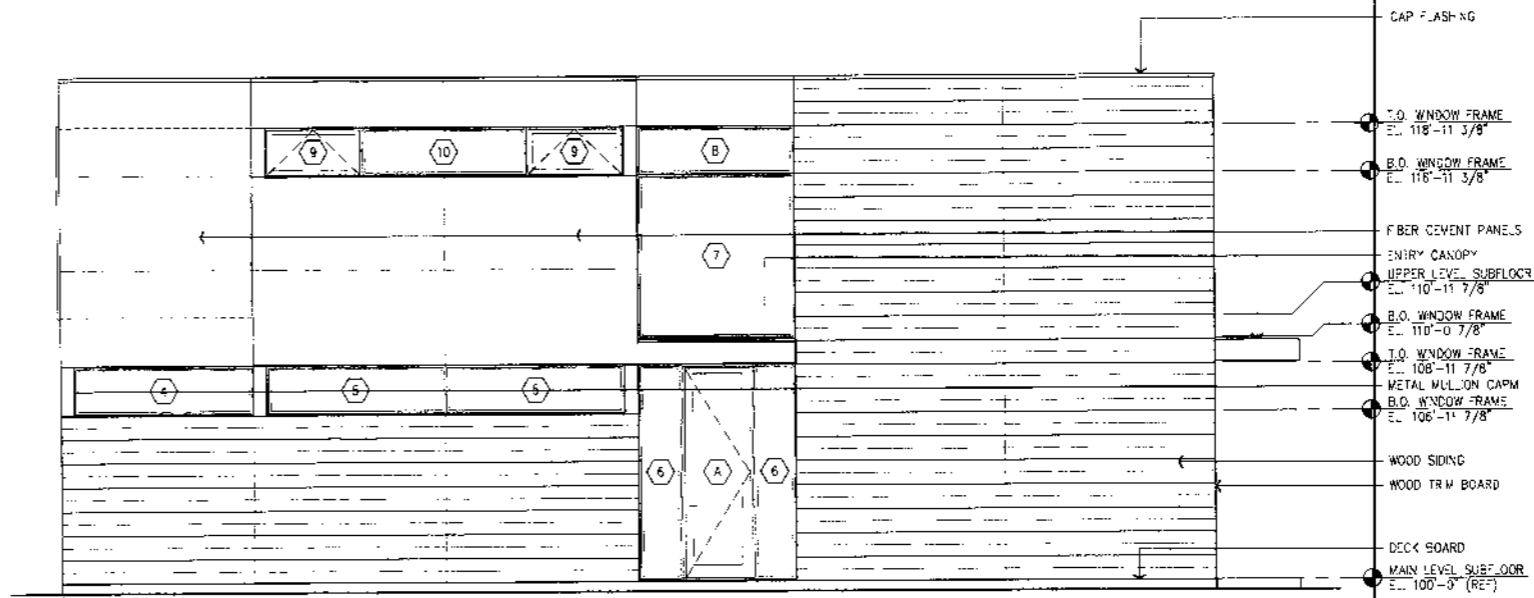
EXTERIOR ELEVATIONS

A6.1

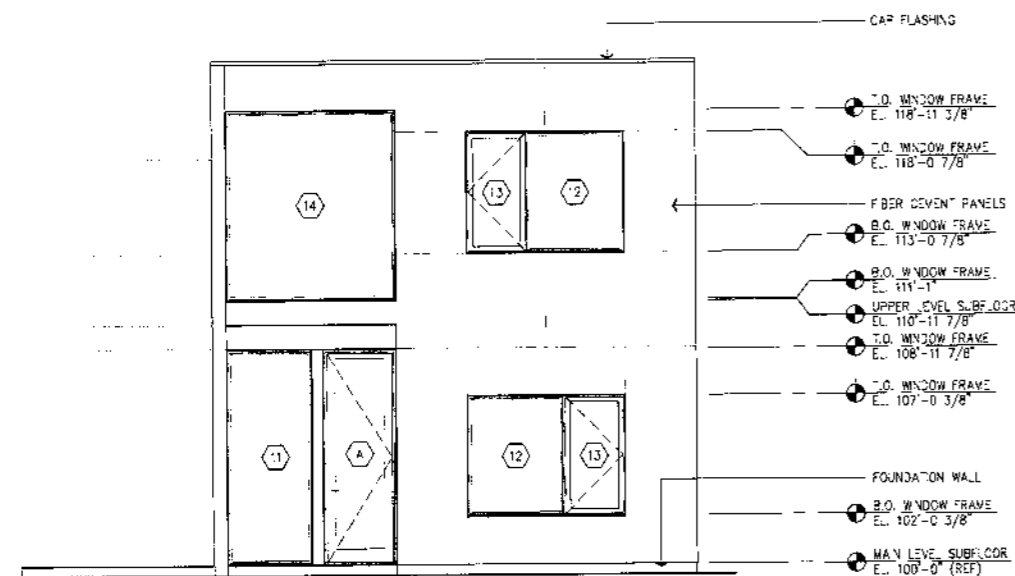
Ram Homes
 13228 Orchard Rd



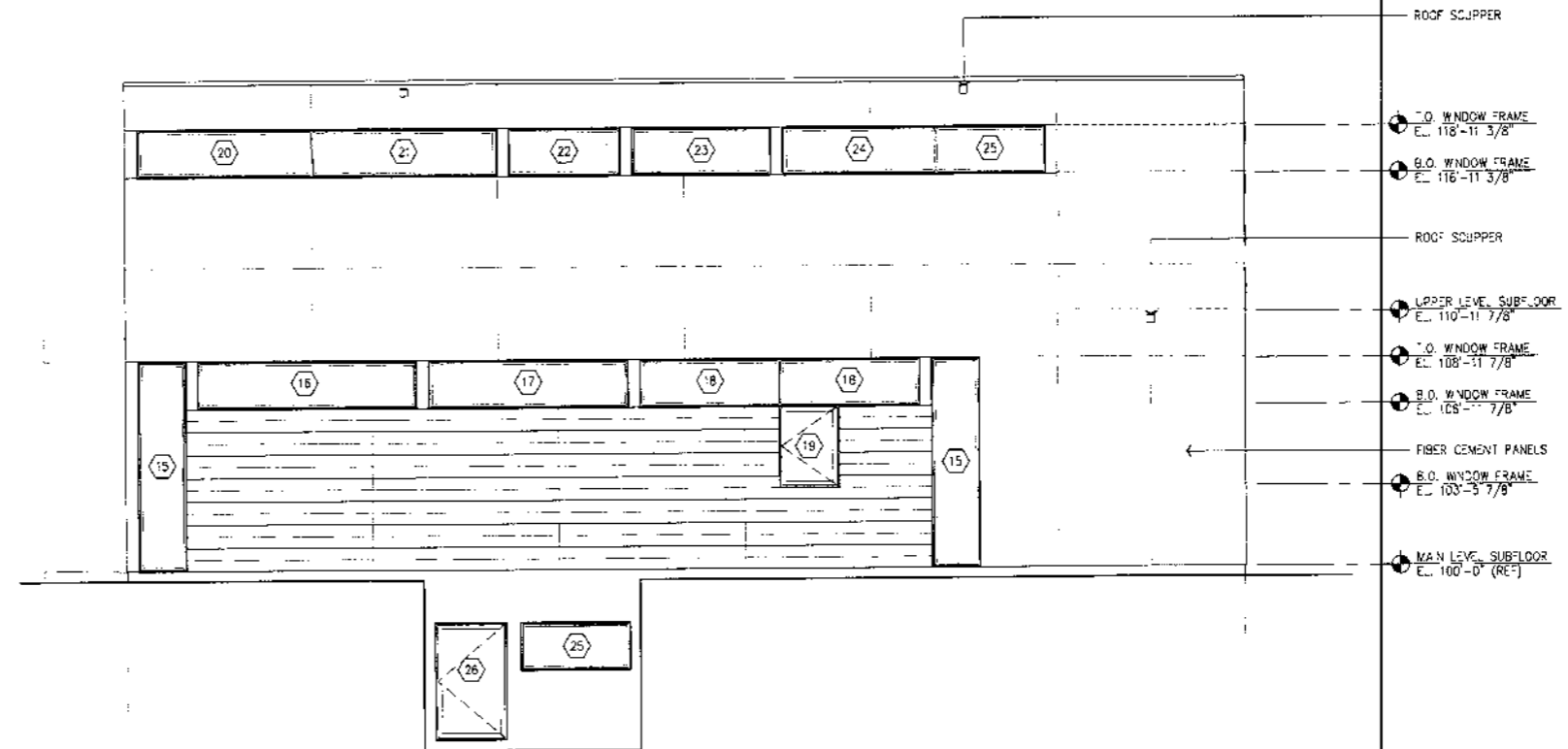
1 SOUTH ELEVATION
 A6.1 1/4" = 1'-0"



2 EAST ELEVATION
 A6.1 1/4" = 1'-0"



3 NORTH ELEVATION
 A6.1 1/4" = 1'-0"



4 WEST ELEVATION
 A6.1 1/4" = 1'-0"

ORCHARD ROAD HOUSE
MINNETONKA, MN

NOTICE: The design shown and described herein including all technical drawings, graphics, and specifications thereof, are proprietary and cannot be copied, duplicated or commercially exploited, in whole or in part, without the express written permission of ALTUS Architecture Ltd. These are available for the use and evaluation by a client, consultant, contractor, government agencies, and vendors only in accordance with this Notice.

Copyright © ALTUS Architecture Ltd 2013. All rights reserved.

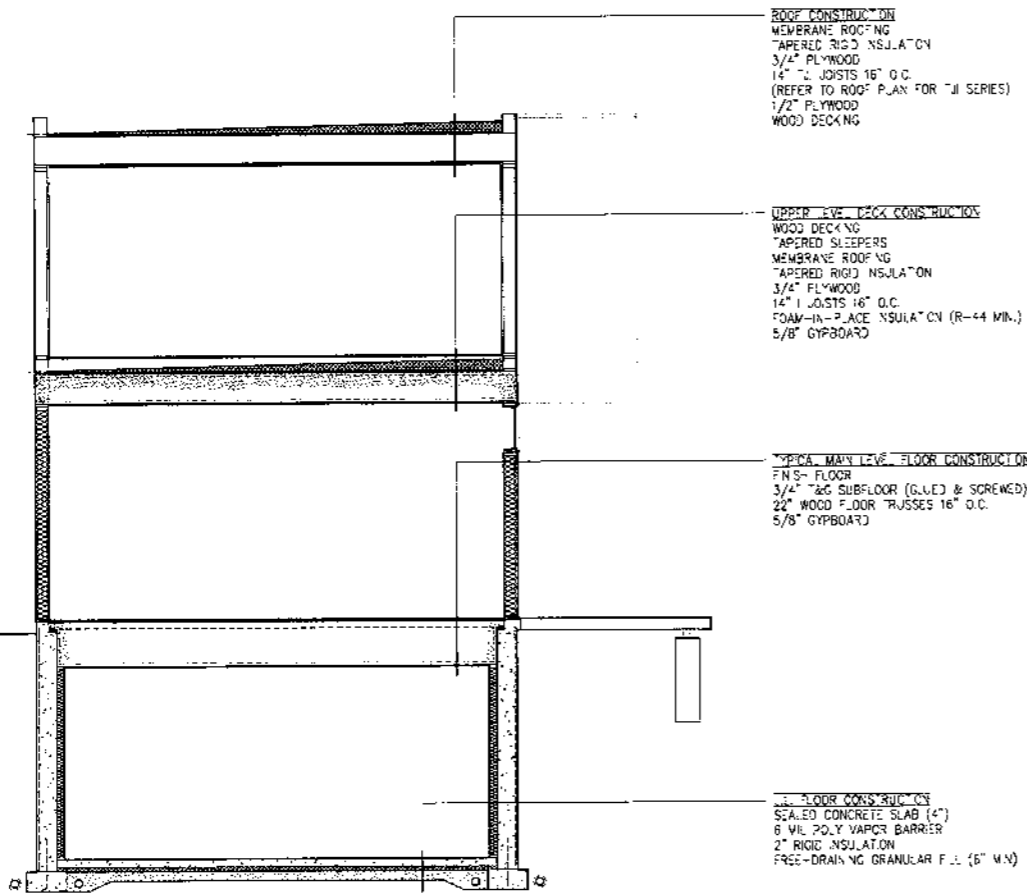
Date:	12.12.2013	In Charge:	TAA
Comm. No.		Drawn By:	CRH
Revisions:		Date:	No.
ISSUED FOR PERMIT		12.12.2013	

SECTIONS

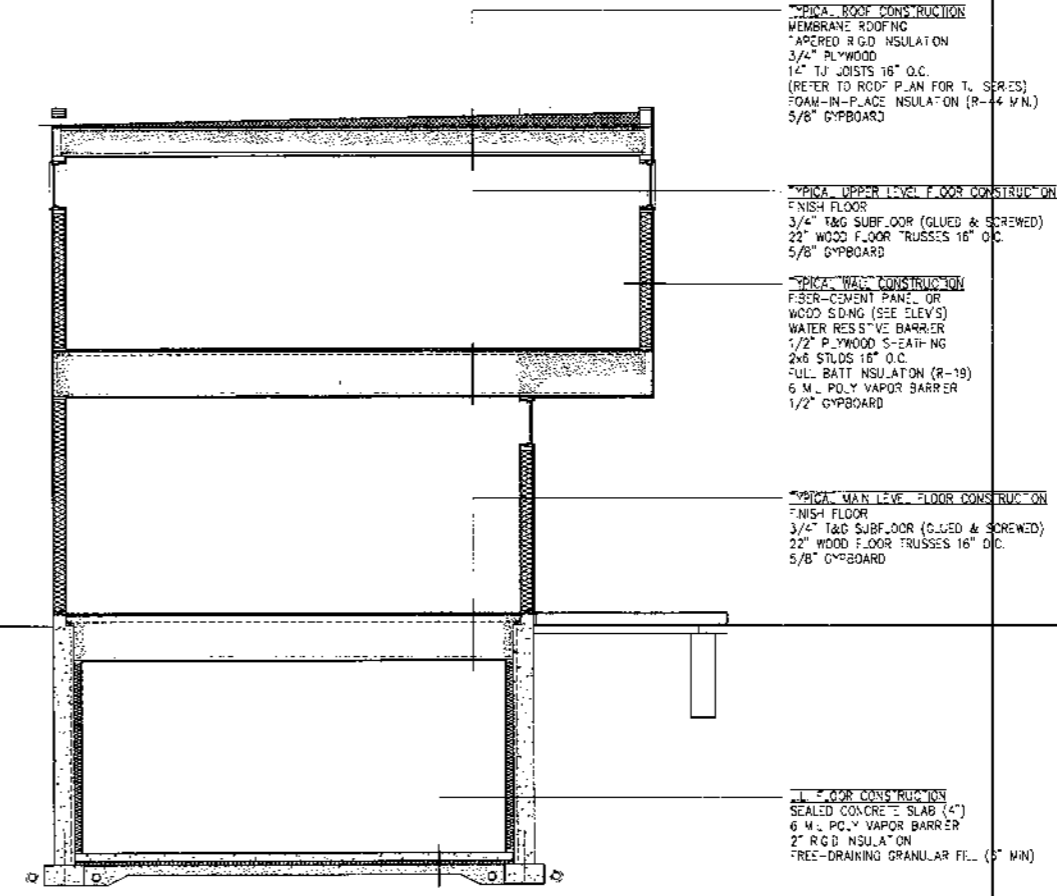
A7.1

Ram Homes

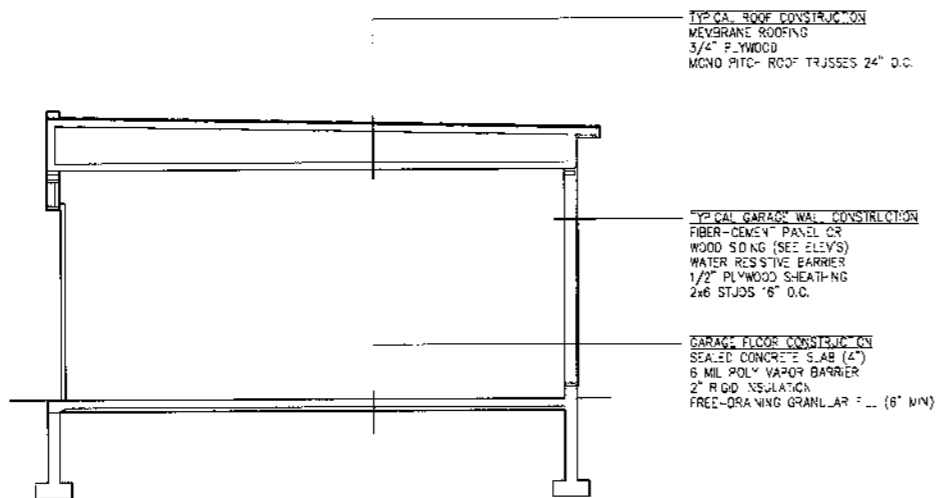
13228 Orchard Rd



1 HOUSE SECTION
A7.1 1/4" = 1'-0"



2 HOUSE SECTION
A7.1 1/4" = 1'-0"



3 GARAGE SECTION
A7.1 1/4" = 1'-0"

4 NOT USED
Ax.1 1/4" = 1'-0"

ORCHARD ROAD HOUSE
MINNETONKA, MN

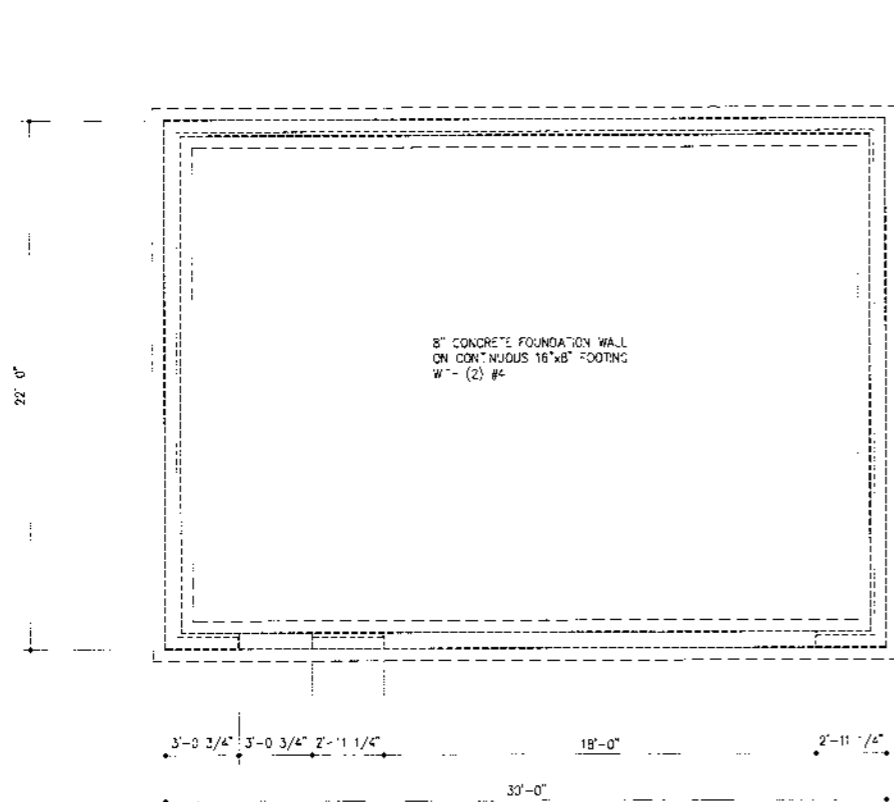
NOTICE: The designs shown and described herein including all technical drawings, graphics, and specifications thereof, are proprietary and cannot be copied, published or commercially exported, in whole or in part, without the express written permission of ALTUS Architecture Ltd. These are available for limited review and evaluation by clients, consultants, contractors, government agencies, and vendors only in accordance with this Notice.
Copyright © ALTUS Architecture Ltd. 2013. All rights reserved.

Date:	12.12.2013	In Charge:	TAA
Comm. No.		Drawn By:	CRH
Revisions:		Date:	No.
ISSUED FOR PERMIT		12.12.2013	

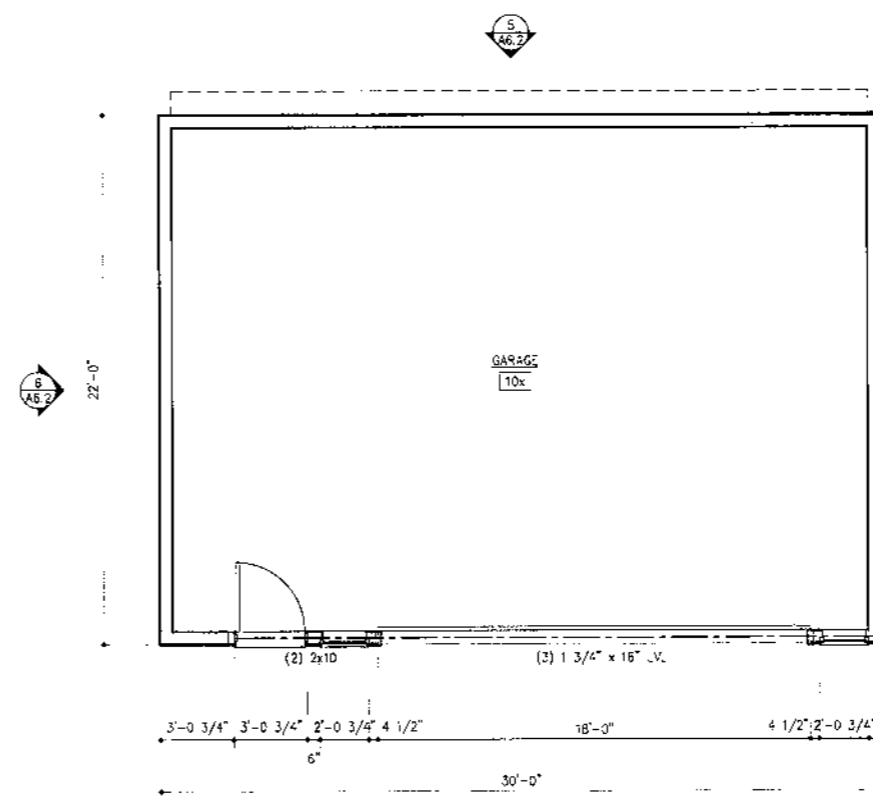
GARAGE PLANS

A5.1
Ram Homes

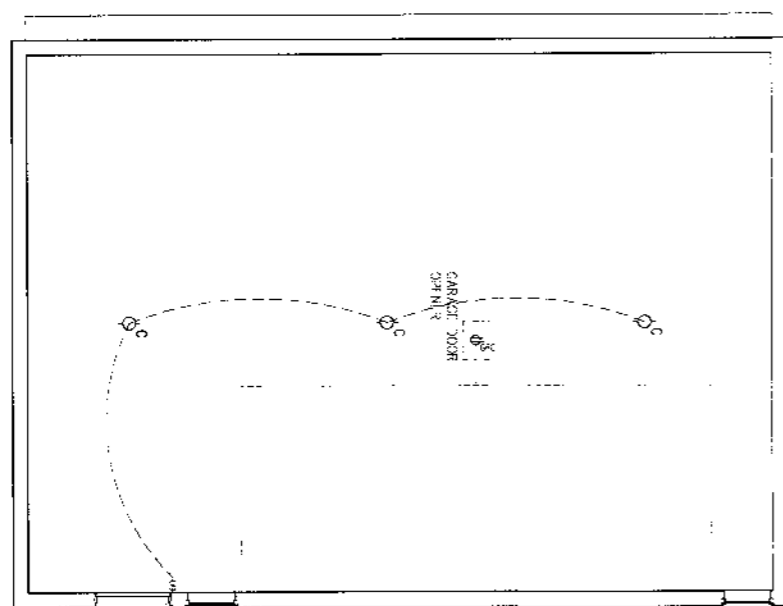
13228 Orchard Rd



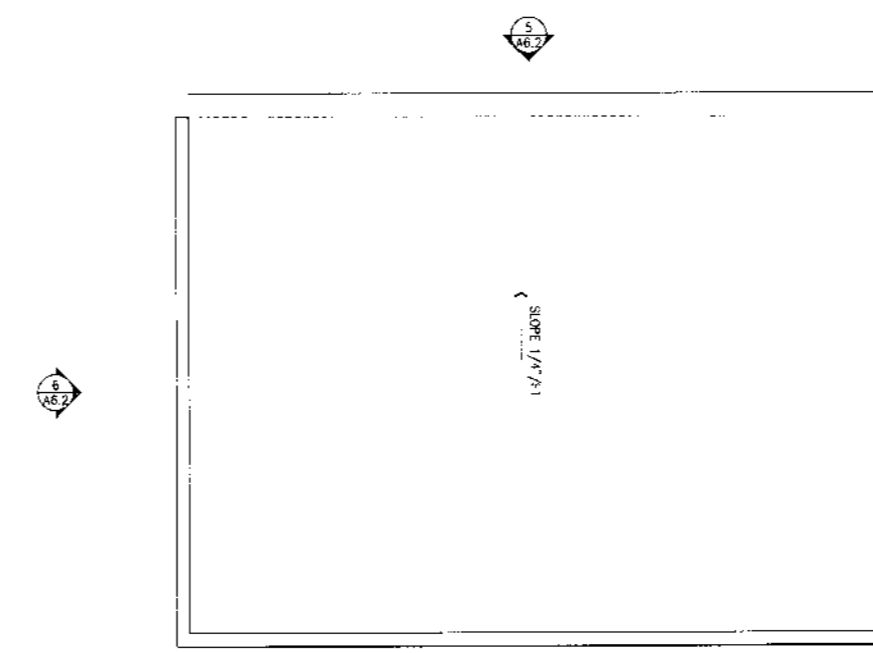
1 GARAGE FOUNDATION PLAN
A5.1 1/4" = 1'-0"



2 GARAGE MAIN LEVEL FLOOR PLAN
A5.1 1/4" = 1'-0"



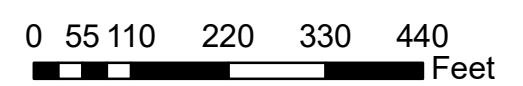
3 GARAGE REFLECTED CEILING PLAN
A5.1 1/4" = 1'-0"



4 GARAGE ROOF PLAN
A5.1 1/4" = 1'-0"



- Legend**
- McMansion Area
 - Parcels



McMansion Map

MINNETONKA PLANNING COMMISSION
August 14, 2013

Brief Description Setback variance for a new house at 13228 Orchard Road

Recommendation Adopt the resolution approving the request

Project No. 14016.14a

Property 13228 Orchard Road

Applicant Ram Homes, Inc.

Proposal The applicant is proposing to tear down the existing house and construct a new house on the property. The zoning ordinance requires that the sum of the side yard setbacks must be at least 30 feet. The proposed house would have an aggregate side yard setback of 25 feet, which requires a variance.

Approving Body

The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4)

Site Features The lot is 7,500 square feet in size and currently contains a single family home that was constructed in 1954. The existing house is 960 square feet in size and is in very poor condition.

Proposed The applicant is proposing to demolish the existing house and construct a new house. The new house would be two stories in height with a gross floor area of 2,790 square feet, which includes the basement. The footprint of the house meets all setback requirements, including the aggregate side yard setback requirement. However, the second floor includes a cantilevered area on the east side. This building area extends five feet closer to the property line. The cantilevered building area meets the 10-foot minimum property line setback, but does not meet the 30-foot minimum aggregate side yard requirement. The proposed house would also have a 660-square foot detached garage which would meet all zoning requirements.

McMansion Policy The city's McMansion policy applies to homes constructed in existing neighborhoods that require a variance. The McMansion policy is one tool to analyze neighborhood character. The McMansion policy states that a new home which requires a

variance must have a floor area ratio (FAR) that is no more than the highest FAR of the homes within 400 feet of the lot and within 1,000 feet of the lot on both sides of the same street.

The city may waive or modify the floor area requirement where the applicant submits a specific home design and site plan and the city determines that the proposed house would not adversely impact the neighborhood character because of specific setbacks, building orientation, building height, or massing. The architectural design of the home is not considered in making this determination. The condition of approval of the variance is on the specific site and building plans that are proposed.

The proposed house would have 1,830 square feet of above-grade floor area and an FAR of 0.24. The maximum FAR in the neighborhood is 0.17. The proposed house would therefore exceed the maximum FAR allowed by the McMansion policy. The subject property is the smallest lot in the neighborhood and is significantly smaller than the surrounding lots. The median lot size in the neighborhood is 21,800 square feet, and there is only one other lot that is less than 15,000 square feet. Although the proposed house is less than the average house size in the neighborhood, the FAR is larger because of the small lot size.

As a policy, the city has flexibility in applying the McMansion policy in specific circumstances. In this case, staff recommends that the planning commission approve the proposed site and building plans, based on the following:

- The variance does not result in a larger home being constructed on the lot than could be built with meeting all setback requirements. The lot has 1,500 square feet of buildable area. The proposed house occupies 960 square feet of the buildable area. The 80-square foot cantilevered area on the second floor is the only part of the proposed house that requires a variance. If this area were removed and the house footprint were expanded within the buildable area, a house could be constructed with 3,000 square foot of above-grade floor area. This would be larger than the proposed house which has an above-grade floor area of 1,830 square feet.
- The maximum 0.17 FAR allowed by the McMansion policy does not allow for a reasonable size house. Given the much smaller lot size compared to the surrounding neighborhood, the FAR only allows a house size with 1,280 square feet of above-grade floor area.

- The proposed house design reduces the mass of the house, which is the goal of the McMansion policy. The house has full basement rather than a walk-out or look-out basement, and the garage is detached rather than attached to the house. This reduces the mass of the house as viewed from surrounding properties.
- The size of the proposed house is consistent with the size of the other homes in the neighborhood. The proposed house would have 1,830 square feet of above-grade floor area and the neighborhood average is 1,930 square feet. The proposed house would therefore have a floor area that is less than the average floor area of homes in the neighborhood.
- The proposed house would have a floor area ratio of 0.24. This is less than the 0.25 maximum FAR currently being considered by the planning commission and city council for the R-1A ordinance pertaining to small lots in the community.

Staff Analysis

Staff finds that the applicant's proposal meets the variance standard outlined in city code. There are practical difficulties in complying with the ordinance:

- **REASONABLENESS:** It is reasonable to include a cantilevered building area that extends into the setback requirement because of the reduced lot width. The lot is only 50 feet in width, which is substantially less than the 110-foot width required by the ordinance. There is only 20 feet of buildable width on the lot, which presents a practical difficulty in constructing a new house on the property.
- **UNIQUE CIRCUMSTANCE:** The reduced lot width is a circumstance unique to the property. This does not meet the current minimum lot width requirement, and is not common to single family residential properties.
- **CHARACTER OF LOCALITY:** The proposed house would not adversely impact the character of the locality. The majority of the new house complies with all setback requirements. The variance is only required for an 80-square foot area of the second floor which is cantilevered closer to the side property line. This setback intrusion maintains separation from the adjacent house and does not adversely impact the character of the neighborhood.

Staff Recommendation

Adopt the resolution on pages A10-A13 which approves a setback variance for a new house at 13228 Orchard Road.

Originator: Jeff Thomson, Associate Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

All surrounding land uses are single-family homes zoned R-1 and guided for low density residential uses in the comprehensive plan.

Planning

Guide Plan designation: Low density residential
Zoning: R-1/Low density residential

Variance Standard

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

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing

Appeals

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

Neighborhood Comments

The city sent notices to 54 area property owners and received no comments.

Deadline for Decision

September 12, 2014

Planning Commission Resolution No. 2018-
Resolution approving an aggregate side yard setback variance for
a new house at 13228 Orchard Road

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

Section 1. Background.

1.01 The property is located at 13228 Orchard Road. It is legally described as:

The Westerly 50 feet of that part of Lot 6, "Minnetonka Mills Acres", lying South of a line drawn parallel to the North line of said Lot 6 and 116.55 feet South of said North line measured at right angles thereto, Hennepin County, Minnesota

1.02 The applicant, Rodney Miller, is proposing to construct a two-story home that does not meet the 30-foot aggregate side yard setback requirement.

1.03 The applicant received approval for this aggregate side yard setback in 2014 (Resolution No. 2014-09). However, this approval expired on December 31, 2015 and the applicant has submitted for the reaffirmation of the variance.

1.04 The proposed new home would have the following setbacks:

	Required	Proposed
Front Yard (South)	35 ft.	40 ft.
Side Yard (West)	10 ft.	10 ft.
Side Yard (East)	10 ft.	15 ft.
Aggregate Side Yard Setback	30 ft.	25 ft.*
Rear Yard (North)	30 ft.	63 ft.

* requires variance

1.05 City Code §300.10 Subd. 5(c) requires the sum of the side yard setbacks must be at least 30 feet. The applicant is proposing an aggregate side yard setback of 25 feet.

1.06 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorize 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 intent of the setback requirement is to provide adequate separation between surrounding properties. The proposed house meets the side yard setback requirement, except for the small cantilevered area on the second floor, which would still be located 25 feet from the house to the east. This meets the intent of the setback requirement.
2. Consistent with Comprehensive Plan: The new house is consistent with the low density land use designation for the property.
3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonableness: It is reasonable to include a cantilevered building area that extends into the setback requirement because of the reduced lot width. The lot is only 50 feet in width, which is substantially less than the 110-foot width required by the ordinance. There is only 20 feet of buildable width on the lot, which presents a practical difficulty in constructing a new house on the property.
 - b) Unique Circumstance: The reduced lot width is a circumstance unique to the property. The lot does not meet the current minimum width requirement, and is not common to single-family residential properties.

- c) Character of locality: The proposed house would not adversely impact the character of the locality. The majority of the new house complies with all setback requirements. The variance is only required for a small portion of the second floor area which is cantilevered closer to the side property line. This setback intrusion maintains separation from the adjacent house and does not adversely impact the character of the neighborhood.

Section 4. Planning Commission Action.

4.01 The Planning Commission approves the above-described variance based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
 - Survey dated July 28, 2014
 - Floor plans and building elevations dated December 12, 2013
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
3. This variance will end on December 31, 2019, 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 Oct. 18, 2018.

Brian Kirk, Chairperson

Attest:

, 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 Oct. 18, 2018.

_____, Deputy City Clerk