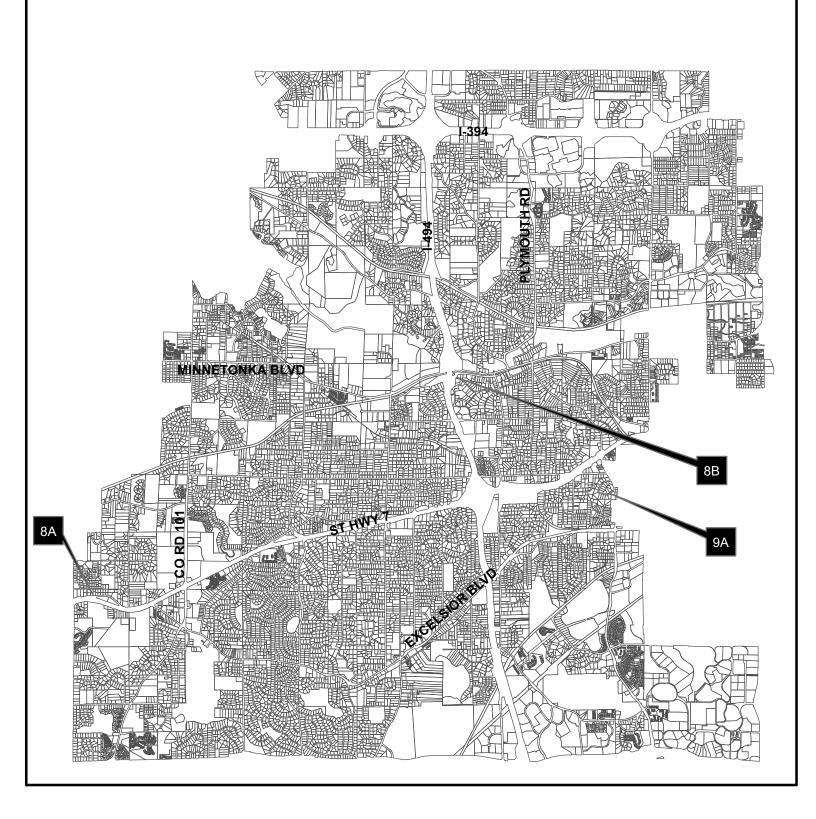


# CITY OF MINNETONKA PLANNING COMMISSION MAY 2, 2019

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





#### **Planning Commission Agenda**

May 2, 2019 – 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: March 21, 2019
- 5. Report from Staff
- 6. Report from Planning Commission Members
- 7. Public Hearings: Consent Agenda
- 8. Public Hearings: Non-Consent Agenda Items
  - A. Resolution approving a conditional use permit for an accessory apartment at 5000 Acorn Ridge Rd

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

- Recommendation to City Council (May 20, 2019)
- Project Planner: Drew Ingvalson
- B. Resolution approving the preliminary plat of PATRIOT ESTATES at 3515 Park Valley Rd.

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

- Recommendation to City Council (May 20, 2019)
- Project Planner: Ashley Cauley

#### 9. Other Business

A. Concept plan review for amendments to Shady Oak Crossing at 4312 Shady Oak Rd

Recommendation: Discussion only. No formal action required.

- To City Council (May 20, 2019)
- Project Planner: Loren Gordon

# **Notices**

- 1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
- 2. There are currently no applications or items scheduled for the May 16, 2019 planning commission meeting.

#### 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.

# Minnetonka Planning Commission Meeting May 2, 2019

# Agenda Item 4

**Previous Meeting Minutes** 

# Unapproved Minnetonka Planning Commission Minutes

# March 21, 2019

#### 1. Call to Order

Chair Kirk called the meeting to order at 7:45 p.m.

#### 2. Roll Call

Commissioners Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk were present.

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, and Planner Drew Ingvalson.

#### 3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with additions provided in the change memo dated March 21, 2019.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

#### **4. Approval of Minutes**: March 7, 2019

Knight moved, second by Powers, to approve the March 7, 2019 meeting minutes as submitted.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

#### 5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of March 18, 2019:

- Adopted a resolution approving a correction to the resolution for Inverness Estates.
- Introduced an ordinance for a site and building plan review for Walser Nissan Dealership.
- Adopted a resolution approving items for a brewery and taproom for Boom Island.
- Adopted a resolution approving items for Doran/Marsh Run.
- Adopted a resolution approving items for Chabad, a religious institution.
- Park dedication assignments related to the Ridgedale Center 10<sup>th</sup> Addition.

The third Opus Launch joint meeting will be held April 18, 2019.

#### 6. Report from Planning Commission Members

Sewall visited houses in the Parade of Homes tour located on Austrian Pine Lane in Minnetonka. He invited commissioners to visit the houses to see the result of the commission's approval for the project.

Henry is participating in the eight-week Minnetonka Police Academy program. The group visited the training facility in Edina where they participated in police officer virtual reality training scenarios. He found the program beneficial and invited others to try it next time.

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

# 8. Public Hearings

A. Resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height to add a garage/horse stable at 3000 Surry Lane.

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

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

Sandra Brown, 3000 Surry Lane, applicant, stated that Ingvalson did a great job with the report. She stated that there would be running water, but not sewer to the building. She described the drive through and hay loft.

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

Chair Kirk suggested the applicant try to prevent manure from draining into the wetland. Ingvalson noted that a community service officer would address that type of situation if it would become an issue.

Powers moved, second by Knight, to recommend that the city council approve the conditional use permit for the proposed accessory structure.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

Chair Kirk stated that the item is tentatively scheduled to be heard by the city council April 1, 2019.

B. Resolution approving site and building plan review for several improvements at Cargill at 15407 and 15421 McGinty Road West.

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

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

In response to Henry's question, Cauley explained that the applicant provided a detailed tree inventory to illustrate what tree mitigation would be required for the project.

Chair Kirk asked about stormwater management of the site. Cauley answered that the city's water resources engineering coordinator would review the calculations. The applicant would be required to treat water runoff for an increase in impervious surface and newly disturbed areas.

Chair Kirk asked if the private roundabout would accommodate emergency vehicles. Cauley stated that the resolution has a condition requiring a turning radius that would allow emergency vehicles to navigate the site. There is currently a private roundabout on Cargill's western property.

Jon Knutson, of Loucks and Associates, representing Cargill, the applicant, stated that:

- Cargill is very safety focused. The access would be made more perpendicular to McGinty Road West. The proposal would slow down drivers. Right now, the intersection is a weird "T" with a middle space in between two roads.
- There is typically one accident a month at the intersection. There are approximately 1,700 to 1,800 vehicles a day traveling to and from the campus. The roundabout would slow drivers down and hopefully eliminate collisions.
- The increase in the number of accidents at the intersection began after 1,000 employees were added to the site about a year ago.

Henry asked if utilizing a pervious parking surface or solar panels had been considered. Mr. Knutson stated that because of the high volume of traffic, the size of the trucks, and the way the surfaces would be treated in the winter, it would be difficult to maintain a pervious parking surface. Solar panels are not included in the plan.

Henry asked if Cargill had a plan to reduce its salt use. Mr. Knutson was not aware of one.

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

Sewall stated that the intersection is terrible. He was not surprised to hear that an accident occurs there every month. The Cargill site is the best piece of property in Minnetonka. He hoped that the applicant would protect the beauty of the property as much as possible.

Hanson moved, second by Powers, to adopt the attached resolution approving the site and building plans for Cargill at 15407 and 15421 McGinty Road West.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

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

#### 9. Elections

Sewall moved, second by Powers, to elect Brian Kirk to serve as the planning commission chair for the remainder of 2019.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

Powers moved, second by Hanson, to elect Josh Sewall to serve as the planning commission vice chair for the remainder of 2019.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

#### 10. Bylaws and Policies

Gordon reported. There are no changes to the bylaws or policies this year. He discussed the difference between ordinances and policies.

Luke suggested creating a policy regarding front porches. Gordon stated that examples of previously applied for front-yard setback variance requests to allow construction of a front porch could be researched and presented to the commission to consider creating a policy or ordinance amendment.

Henry moved, second by Sewall, to adopt the bylaws and policies of the Minnetonka Planning Commission.

Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

#### 11. Adjournment

Powers moved, second by Knight, to adjourn the meeting at 8:43 p.m. Motion carried unanimously.

By:		
•	Lois T. Mason	
	Planning Secretary	

# Minnetonka Planning Commission Meeting May 2, 2019

# Agenda Item 7

Public Hearing: Consent Agenda

None

# Minnetonka Planning Commission Meeting May 2, 2019

# Agenda Item 8

Public Hearing: Non-Consent Agenda

# MINNETONKA PLANNING COMMISSION May 2, 2019

**Brief Description** Conditional use permit for an accessory apartment with a front yard

setback variance at 5000 Acorn Ridge Rd.

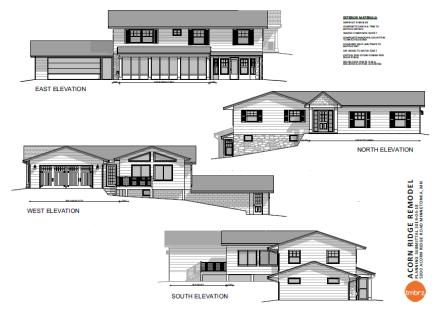
**Recommendation** Recommend the city council approve the request

# **Proposal**

The applicant, John Snyder, has proposed to add a two-car garage, entryway, and porch onto an existing single-family home. These additions, along with interior remodeling, would create an accessory apartment.

### **Proposal requirements:**

Conditional Use Permit (CUP): Accessory apartments are conditionally-permitted uses within residential districts. The applicant proposes an accessory apartment that is 1,615 square feet, or 42.5%



of the entire building. The proposed accessory apartment area exceeds the maximum apartment area permitted by city code (35 percent of the grossing living area or 950 square feet, whichever is less). However, the ordinance allows the city council to approve a larger apartment.

<u>Variance:</u> The subject property has two non-conforming front yard setbacks. The proposal would increase the non-conformity for the northern front yard setback.

	Existing	Proposed	Required
Front Yard Setback (North)	18.5 ft.	13.5 ft.*	25 ft.
Front Yard Setback (South)	31.5 ft.	31.5 ft.	35 ft.

\*requires variance

4CORN RIDGE RD.

### **Existing Property**

- Lot Size: 19,170 square feet
- Use: Residential Single-Family Home
- Subdivision: The subject property was created by a 1971 subdivision.
- Buildings (shown in blue):
  - o Home: 3,036 total square feet
  - o Shed: 171 square feet.
- Frontage: The subject lot is a corner lot with frontage onto Acorn Ridge Rd. (East) and South Ln. (North).
  - Rd. (East) and South Ln. (North).

    Access: Acorn Ridge Rd.
- Right-of-Way Easements: The subject lot has two road easements in addition to the original right-of-way (shown in yellow).

Proposed

Access

SOUTH LANE

Retaining Wall

- o The northern road easement is 20 feet wide.
- The eastern road easement is 5 feet wide.
- Public Improvements: There is a retaining wall that is only a few feet off South Lane and runs parallel with the road (shown as a blue line). The retaining wall varies in height from 3 feet to 4.5 feet.

#### **Staff Analysis**

Staff finds that the proposed accessory apartment is reasonable as:

- 1. The proposed apartment would comply with the intent of the accessory apartment ordinance. It would provide a housing type that affords privacy and independence while maintaining the character of existing single-family neighborhoods. As such, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.
- 2. The proposed apartment would meet all CUP standards with the exception of the size requirement. Staff supports the proposed size, as it would not substantially impact the surrounding neighborhood. The accessory apartment is utilizing existing space in the lower level of the home. The CUP standards are outlined in the "Supporting Information" section of this report.

Staff also finds the front yard setback variance is reasonable as:

- 1. The proposal would add a new garage accessed by a second driveway, entryway, and porch. These additions are common to all residential properties and a second driveway is permitted by city code for any corner lot. The garage addition would not face the public street, but instead would be side-loaded and would face the western property line. The new garage location would make it difficult for someone to see the garage doors from the street.
- 2. While the subject additions require a variance, the proposed additions would visually appear to have an appropriate setback from South Lane. (38 feet). The subject home has two non-conforming front yard setbacks due to the additional road easements on the property. However, the proposed additions and subject building would be conforming if these additional road easements were not in place.
- 3. If approved, the subject addition would not alter the essential character of the neighborhood. There are 12 homes within 400 feet of the subject property that are positioned 38 feet or closer to the curb of the road (the proposed distance). Seven of these homes are located on the same street as the subject property, South Lane.

#### **Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit, with a front yard setback variance, for an accessory apartment at 5000 Acorn Ridge Rd.

Originator: Drew Ingvalson, Planner

Through: Loren Gordon, AICP, City Planner

# **Supporting Information**

**Project No.** 19007.19a

**Property** 5000 Acorn Ridge Rd.

**Applicant** John Snyder, property owner

Surrounding Land Uses

Properties to the north, southeast, and west are single family

residential homes zoned R-1.

**Planning** Guide Plan designation: Low density residential

Zoning: R-1

Structure Setbacks From Roads

Twelve of the 34 homes within 400 feet of the subject property are located 38 feet or closer to the curb of an adjacent road (the proposed

distance from South Lane).

Right-of-Way Easements

The subject site has exceptionally wide right-of-way easements in comparison to other homes within the area. Specifically, in addition to the original rights-of-way planned for the area, there is also a 20-foot road easement on the north side of the subject property (adjacent to South Lane.) and a 5-foot road easement to the east of the subject

property (adjacent to Acorn Ridge Rd.).

Staff assumes that these road easements were put in place at the time of the subject property's subdivision, in 1971. However, additional research at Hennepin County would be needed to verify this assumption and to understand better how the city obtained the

easements.

**Retaining Wall** 

There is a retaining wall located on the north side of the property, within the South Lane right-of-way easement. The retaining wall height varies from three to 4.5 feet.

As proposed, the new garage would gain access from South Lane, and a portion of the retaining wall would need to be removed. A condition of approval has been included requiring that any wall modifications are reviewed and designed by a structural engineer.

**CUP Standards** 

The proposal 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;

- 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 public health, safety or welfare.

The proposal would meet all but one of the specific conditional use permit standards as outlined in City Code §300.16 Subd.3(d):

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

**Finding:** The property is zoned R-1, low-density residential. Only one apartment is proposed for the home/property.

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

**Finding:** The property owners currently reside in the home and intend to continue to live in the home in the future. However, this has been included as a condition of approval.

 Adequate off-street parking must 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 proposed plans show two, two-stall garages with driveways. This would allow for adequate parking for both the principal dwelling unit and the accessory apartment.

4. The accessory apartment 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 majority of living space would be accommodated by remodeling the existing interior living space of the home. If approved, the existing garage would remain, and the applicant would add a second entryway, porch, and two-car garage.

 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:** The subject accessory apartment would be 1,615 square feet or 42.5% of the house. The existing home is nearly evenly split between the first level (1,615 square feet) and the second level (1,421 square feet). The applicant has requested to split the home between these two levels to create the two dwelling units within the structure, with the addition of the entryway and garage for the second level, increasing the second level to 2,181 square feet.

The increased size for the accessory unit, on the first floor, would not substantially impact the surrounding neighborhoods as:

- The addition of a second driveway and entryway would be a typical addition that is permitted for a corner lot home;
- The home would still appear as a single-family home because the garage would be side-loaded, facing the western property line, and the garage doors would not be easily seen from public view; and
- The proposed mass of the building (FAR of 0.14) is appropriate when compared to other homes within the neighborhood.
- 6. Exterior changes to the house must not substantially alter the single-family character of the structure.

**Finding:** The second garage and entryway would be sideloaded, and the garage doors would not be easily seen from public view. As such, the proposed additions would 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;

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

8. Accessory apartments may 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.

**Finding:** The apartment would not have an undue adverse impact on adjacent properties.

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

**Finding:** The addition would require variances. Please see variance section.

#### **Variance Standard**

The proposal would meet all of the variance standards as outlined in City Code §300.07:

1. It is in harmony with the general purposes and intent of the ordinance;

**Finding:** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. The proposed home would encroach approximately five feet closer to the property line than the existing structure. However, the subject structure would have a similar distance to South Lane. As such, if approved, the structure's front building line would be consistent with other homes within the area.

2. It is consistent with the comprehensive plan; and

**Finding:** 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. There are practical difficulties in complying with the ordinance. Practical difficulties mean that:
  - Reasonableness. The applicant proposes to use a property in a reasonable manner not permitted by the ordinance;

**Finding:** The front yard setback variance request is reasonable as the subject garage would be located approximately 38 feet from South Lane, a common structure to curb distance for single-family homes in the neighborhood.

 Unique Circumstance. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

**Finding:** The property is subject to a 20-foot road easement in addition to the original right-of-way north of the property. The additional road easement, plus the 25-foot setback requirement creates a 45-foot front yard setback from a neighborhood street. The combination of these circumstances creates a practical difficulty for the property owner to add an attached two-car garage onto their home and meet the front yard setback requirements.

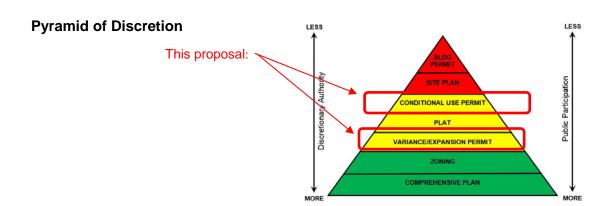
c. Character of Locality. The variance if granted, would not alter the essential character of the locality.

**Finding**: If approved, the proposed garage, entryway and porch addition would not alter the essential character of the neighborhood. There are 12 homes within 400 feet of the subject property that are located 38 feet or closer to the curb of the road (the proposed distance). Seven of these homes are located on the same street as the subject property, South Lane.

#### McMansion Policy

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

As proposed, the property would comply with the McMansion Policy. Currently, the property's FAR is 0.12. The proposed attached garage and entryway addition would increase the property's FAR to 0.14. This is still below the largest FAR within 400 feet, which is 0.21.



# **Voting Requirement**

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's approval requires an affirmative vote of five members, due to the setback variance.

# **Motion Options**

The planning commission has three options:

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

# Neighborhood Comments

The city sent notices to 43 area property owners and received no comments.

# Deadline for Decision

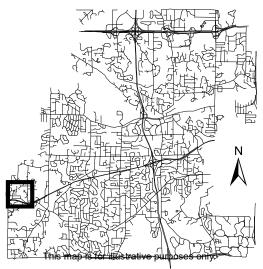
August 5, 2019





# **Location Map**

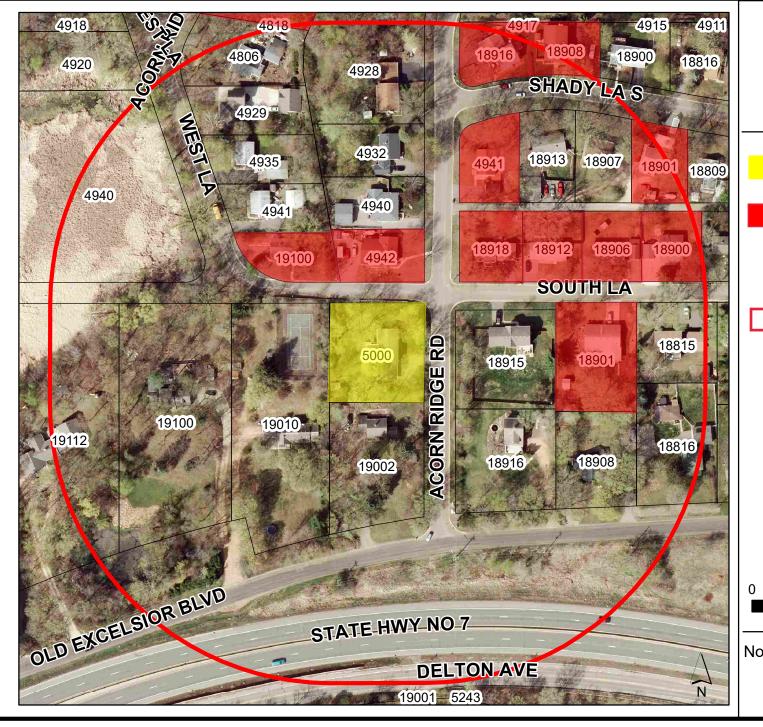
Project: Snyder Residence Address: 5000 Acorn Ridge Rd











Subject Property

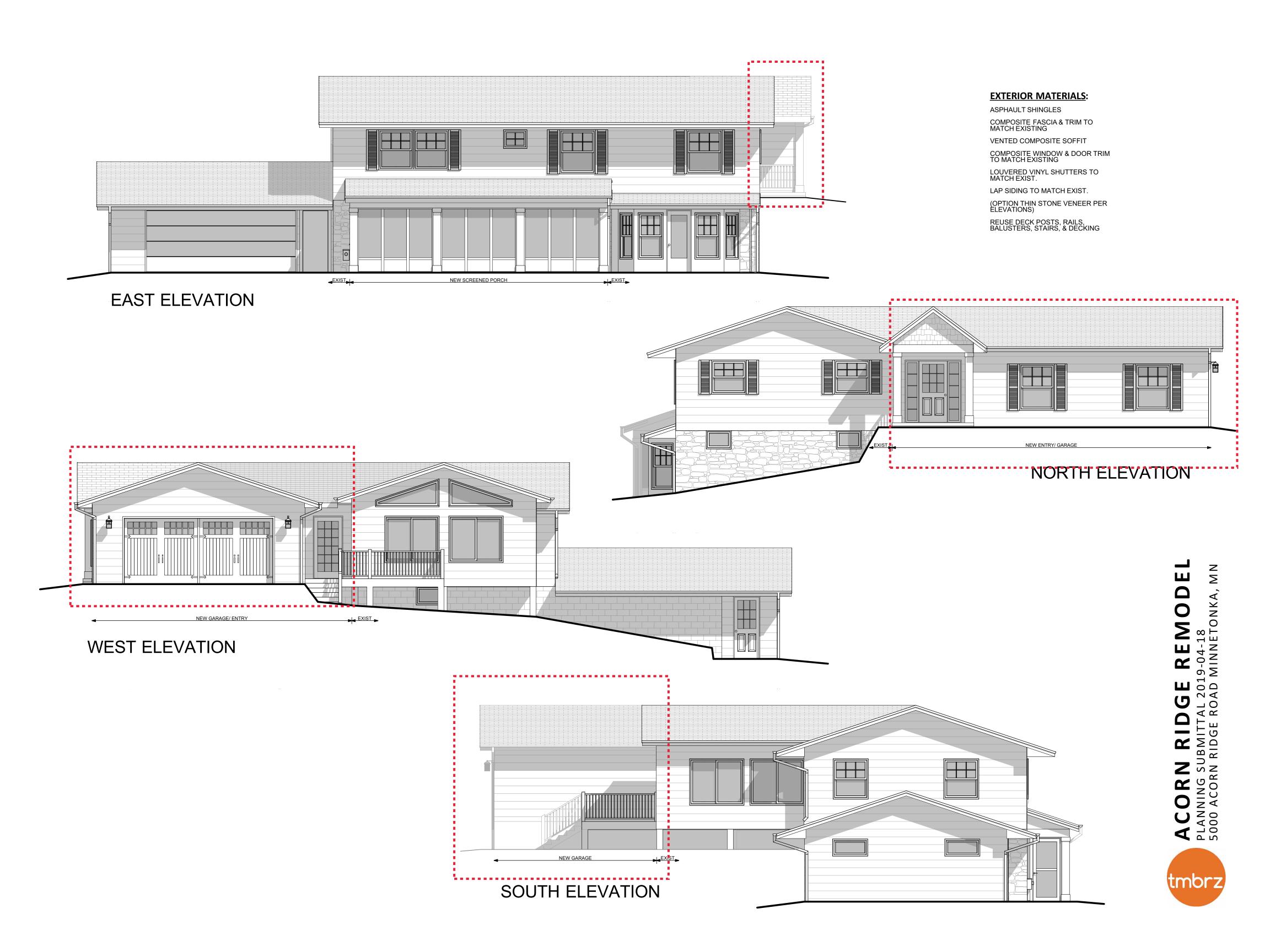
Properties with homes located 38 feet or less from road curb

400 feet from the subject property



Not a Survey. Not to Scale

Map prepared by: City of Minnetonka



#### LEGAL DESCRIPTION:

The North 142 feet of Lot 4, Auditor's Subdivision No. 334, 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. Existing building dimensions and setbacks measured to outside of siding or stucco.
- 5. 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 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.
- 6. 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.

#### STANDARD SYMBOLS & CONVENTIONS:

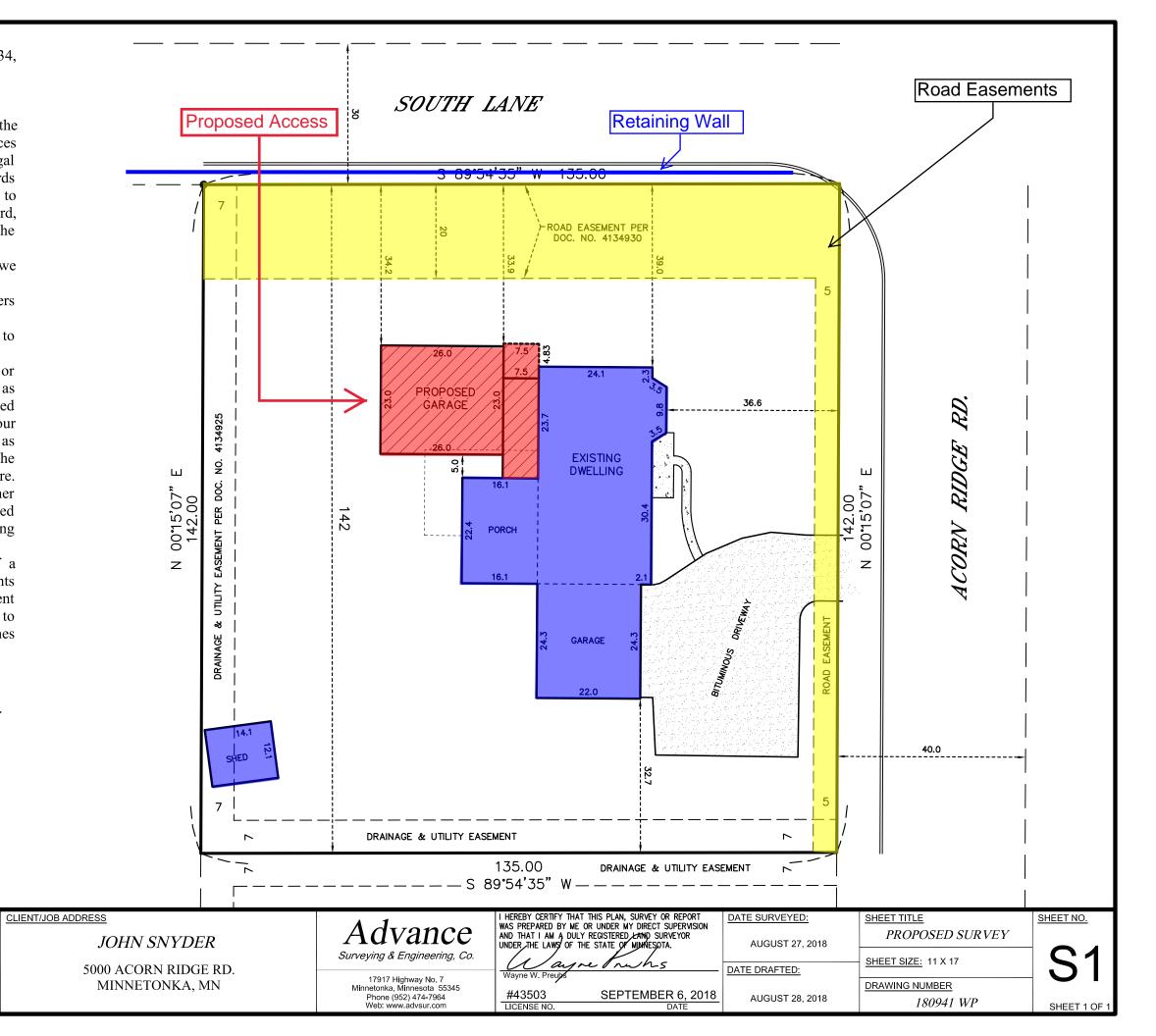
REVISION DESCRIPTION

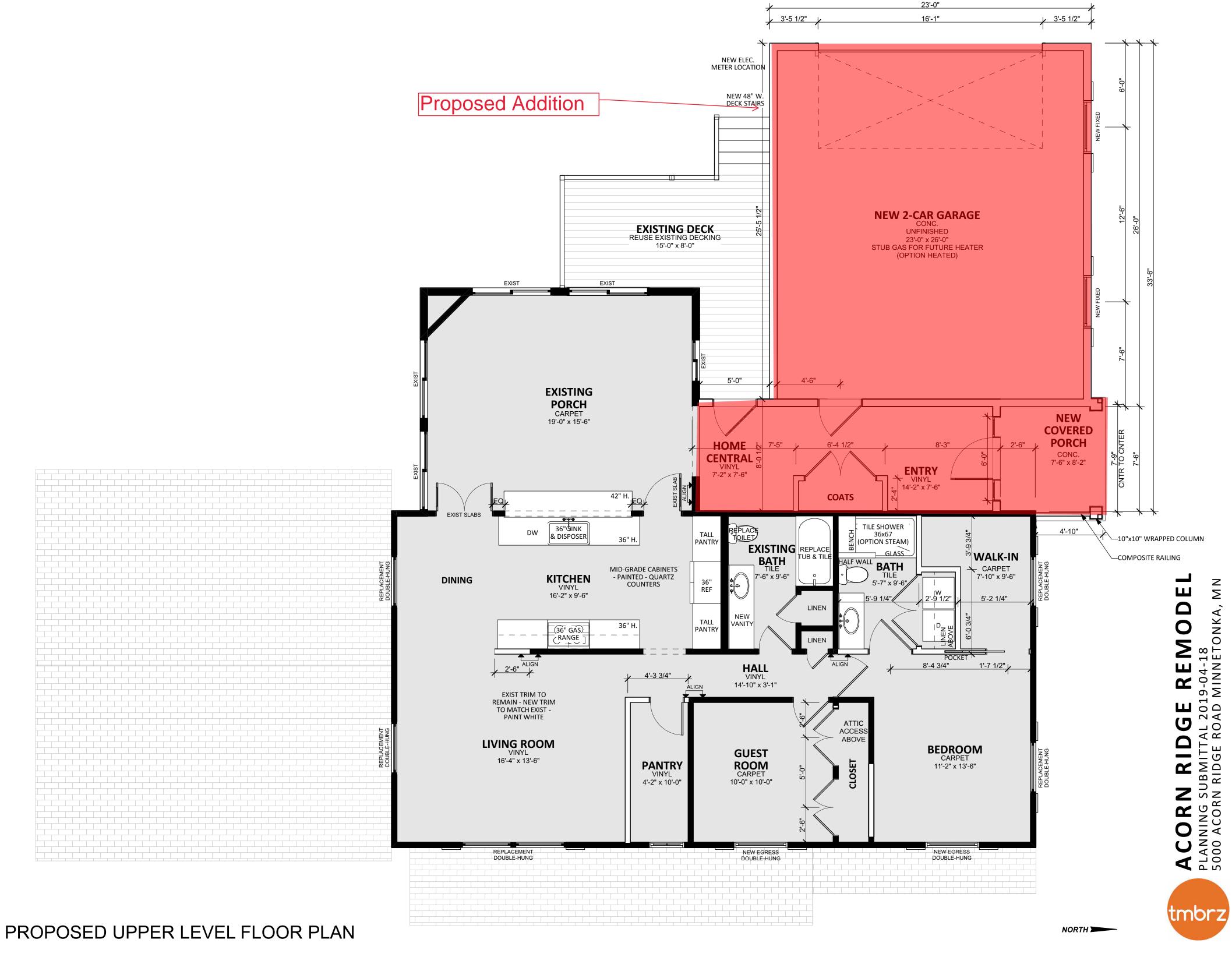
TO SHOW EASEMENTS PER CITY

TO SHOW UPDATED PROPOSED ADDITIONS

"•" Denotes iron survey marker, found, unless otherwise noted.

DRAWING ORIENTATION & SCALE





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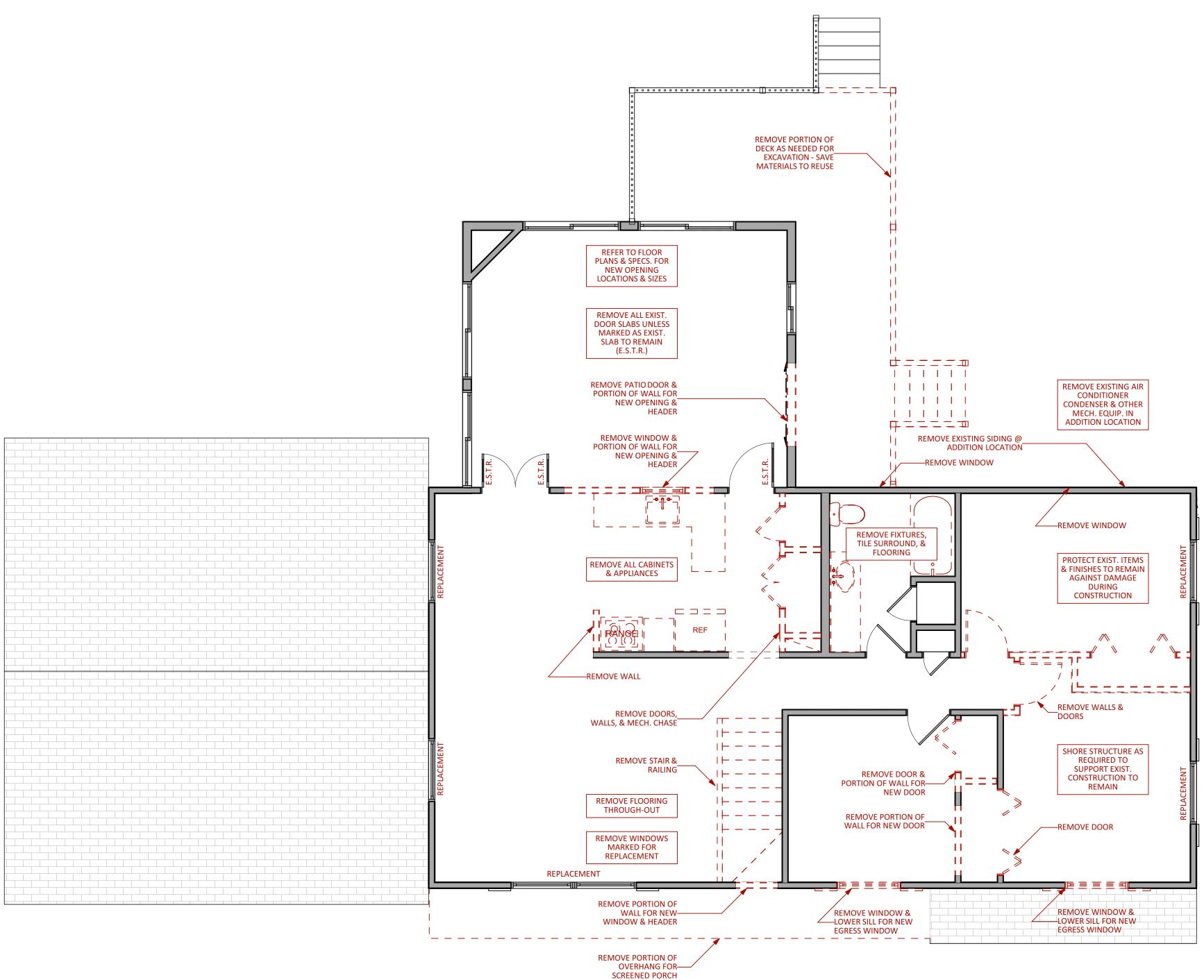
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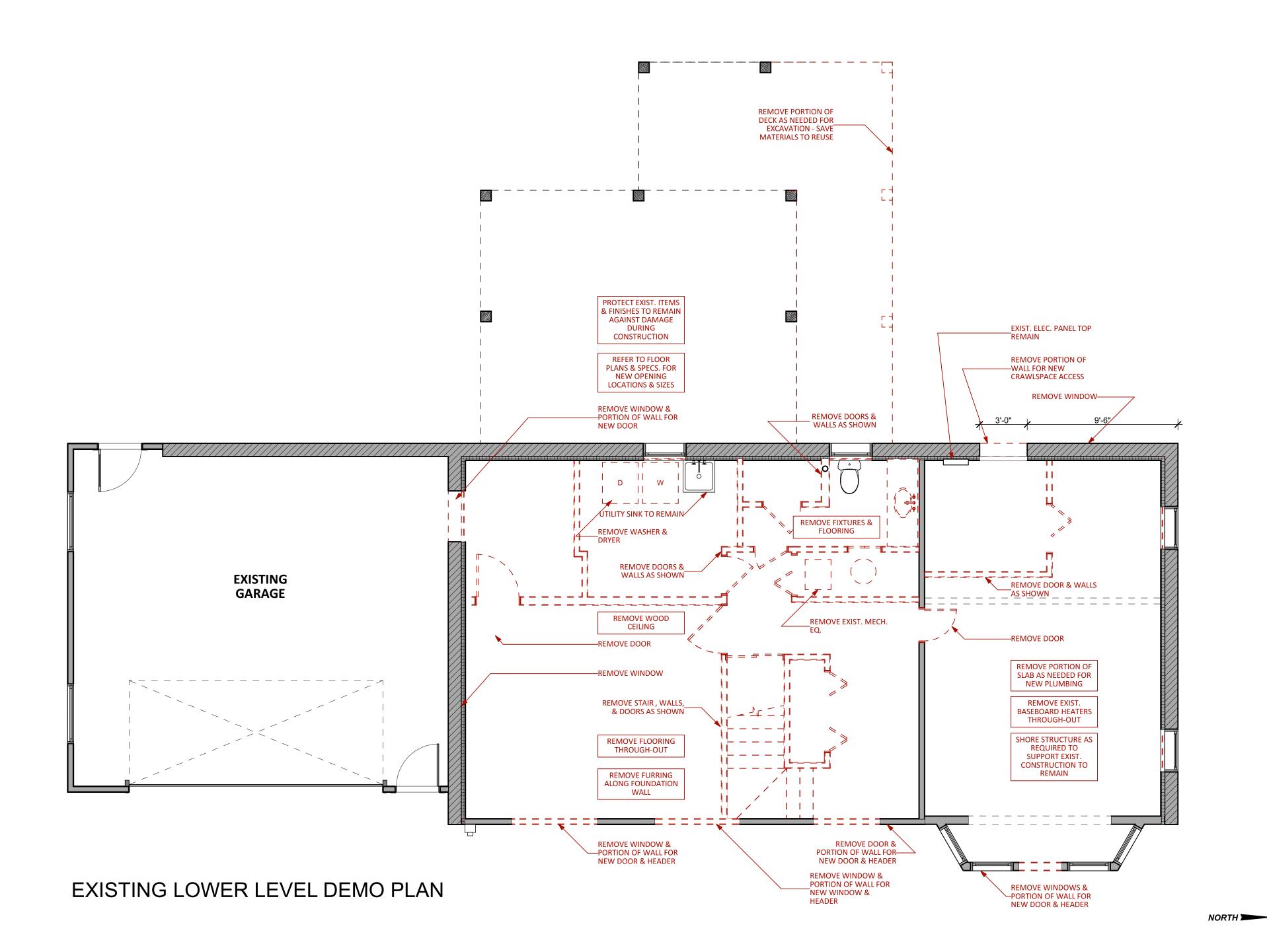
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PLANNING SUE 5000 ACORN R





#### Resolution No. 2019-

# Resolution approving a conditional use permit for an accessory apartment, with front yard setback variance, at 5000 Acorn Ridge Rd.

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

#### Section 1. Background.

- 1.01 The property owner, John Snyder, is requesting a conditional use permit for an accessory apartment and a front yard setback variance.
- 1.02 The property is located at 5000 Acorn Ridge Rd. It is legally described as:

The North 142 feet of Lot 4, Auditor's Subdivision No. 334, Hennepin County, Minnesota.

1.03 On May 2, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

#### Section 2. Standards.

- 2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 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;
  - Structures in which an accessory apartment is created to be owneroccupied, with the owner residing in either unit continuously 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.
- 2.03 Minnesota Statute §462.357 Subd.1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
- 2.04 City Code §300.29 Subd.3(g) allows expansion of a nonconformity only by variance or expansion permit.
- 2.05 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.

The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

The proposal meets all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(d).

- 1. The property is zoned R-1, low-density residential. Only one apartment is proposed for the home/property.
- 2. The property owners currently reside in the home and intend to continue to live in the home in the future. However, this has been included as a condition of this resolution.
- 3. The proposed plans show two, two-stall garages with driveways. This would allow for adequate parking for both the principal dwelling unit and the accessory apartment.
- 4. The majority of the living space would be accommodated by remodeling the existing interior living space of the home. If approved, the existing garage would remain, and the applicant would add a second entryway, porch, and two-car garage.
- 5. The subject accessory apartment would be 1,615 square feet or 42.5% of the house. The existing home is nearly evenly split between the first level (1,615 square feet) and the second level (1,421 square feet). The applicant has requested to split the home between these two levels to create the two dwelling units within the structure, with the addition of the entryway and garage for the second level, increasing the second level to 2,181 square feet.

The increased size for the accessory unit, on the first floor, would not substantially impact the surrounding neighborhoods as:

- The addition of a second driveway and entryway would be a typical home modification that is permitted for a corner lot home;
- The home will still appear as a single-family home because the garage would be side-loaded, facing the western property line, and the garage doors would not be easily seen from public view; and
- The proposed mass of the building (FAR of 0.14) is appropriate when compared to other homes within the neighborhood.
- 6. The second garage would be sideloaded, and the garage doors would not be easily seen from public view. As such, the proposed additions would not substantially alter the single-family character of the structure.
- 7. Appropriate building permits are required and have been included as a condition of this resolution.

8. The apartment would not have an undue adverse impact on adjacent properties.

- 9. The proposed addition would require variances.
- 3.03 The proposal would meet all of the variance standards as outlined in City Code §300.07:
  - 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 setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. The proposed home would encroach approximately five feet closer to the property line than the existing structure. However, the addition would be located a similar distance from South Lane as other homes within the area. As such, if approved, the front building line would be consistent with other homes within the area.
  - 2. Consistent with the 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:
    - Reasonableness. The front yard setback variance request is reasonable as the subject garage would be located approximately 38 feet from South Lane, a common structure to curb distance for single-family homes.
    - b) The property is subject to a 20-foot road easement in addition to the original rights-of-way easement north of the property. The additional road easement, plus the 25-foot setback requirement creates a 45-foot front yard setback from a neighborhood street right-of-way. The combination of these circumstances creates a practical difficulty for the property owner to add an attached two-car garage onto their home and meet the front yard setback requirements.
    - c) If approved, the proposed garage, entryway and porch addition would not alter the essential character of the neighborhood. There are 12 homes within 400 feet of the subject property that are located 38 feet or closer to the curb of the road. In addition, seven of these homes are located on the same street as the subject property, South Lane.

# Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

- 1. A copy of this resolution must be recorded with Hennepin County prior to the issuance of a permit.
- 2. The accessory apartment must be constructed and maintained in substantial conformance with the floor plans and building elevations attached to the planning commission staff report, dated May 2, 2019.
- 3. The structure must be owner-occupied. The property owners must reside in either living unit continuously except for temporary absences throughout the period in which the permit is valid.
- 4. All other provisions of the ordinance relating to single-family dwelling units must be met unless specifically amended by this resolution.
- 5. Prior to issuance of a building permit:
  - a) Submit a topographic survey and grading plan for review and approval of city staff. The plan must show the proposed driveway, adjacent grading work, retaining wall detail, and proposed tree removal, and drainage. This plan must be submitted prior to issuance of a building permit and must be reviewed and approved by city staff.
  - b) Submit a driveway permit application for the new driveway to South. Structural engineering design for the retaining wall modification must be included with the application. Maximum driveway grade is 10%. The proposed driveway must be constructed from an improved material as defined by the City's Engineering Department.
- 6. Install a temporary rock driveway, erosion control, and tree protection fencing and any other measure as identified as the SWPPP for staff inspection. Erosion control and tree protection will need to be installed and inspected prior to issuance of the building permit. These items must be maintained through the course of construction.
- 7. The applicant must obtain all applicable permits for the work completed for the accessory apartment.
- 8. The property is subject to all home occupation requirements as outlined in city code.

9. The city council may reasonably add or revise conditions to address any future unforeseen problems.

- 10. 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.
- 11. The variance approval will end on December 31, 2020, 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 City Council of the City of Minnetonka, Minnesota, on May 20, 2019.
Brad Wiersum, Mayor
Attest:
Becky Koosman, Acting 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 May 20, 2019.
Becky Koosman, Acting City Clerk

#### MINNETONKA PLANNING COMMISSION May 2, 2019

**Brief Description** Items concerning, Patriot Estates, a 2-lot subdivision of the property at

3515 Park Valley Rd

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

### **Background**

In 1967, the Minnesota Department of Transportation (MnDOT) acquired the right-of-way for Highway 494 (presently known as I494). Excess right-of-way was conveyed back to the city in 1981.

In 1988, the city approved LYNEIS ADDITION, a 2-lot subdivision. This subdivision created the subject property and 3579 Park Valley Rd to the south.

The subject property is roughly 0.9 acres in size. Any subdivision of the property would result in substandard lots. To create a property large enough to be subdivided into compliant parcels, the applicant began working with the

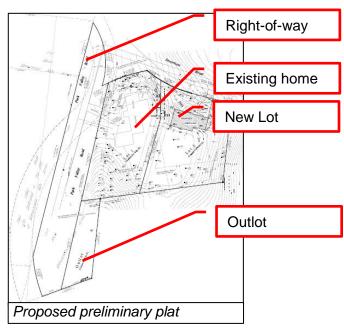
city in 2016 to purchase a portion of the excess right-of-way. This area is also referred to as the turnback parcel. The city's Land Committee reviewed and recommended approval of the sale of part of the turnback parcel. The ordinance authorizing the final sale is scheduled for May 6, 2019 and May 20, 2019, city council meeting.



#### **Proposal**

For the purposes of this report, "subject property" or "site" includes the portion of the turnback parcel to be sold to the applicant described above.

The site is just over one-acre in size and is located at the intersection of Park Valley Rd and Inverness Rd. The highest part of the property is along the east and south property lines. The property generally slopes downwards towards the northwest corner of the property. The property contains 16 high priority trees. The property also contains a single-family home, originally constructed in 1942, on the west side of the property and a detached garage on the east side of the property.



The applicant is proposing to subdivide the property into two lots. The existing home and attached garage would remain on the western lot and the detached garage would be removed in order to construct the new home.

#### **Primary Questions and Analysis**

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

#### • Are the proposed lot sizes and configurations appropriate?

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

	Area		Width			
	Total	Buildable	At right-of- way	At setback	Depth	
Required	22,000 sf	3,500 sf	80 ft	110 ft	125 ft	
Lot 1	22,120 sf	7,420 sf	100 ft	110 ft	215 ft	
Lot 2	22,050 sf	8,869 sf	135 ft	125 ft	170 ft	
Outlot A	n/a	6,288 sf		n/a		

The additional area west of the property at 3579 Park Valley Rd is being included in the plat as an outlot. By ordinance, outlots are lot remnants that are below the minimum lot sizes. No building permits or grading permits can be issued for a parcel designated as an outlot unless specifically authorized by the city council.

#### Would the proposal meet the tree ordinance?

Yes. Based on the submitted grading plans, three of the site's 16 high-priority trees would be removed or considered removed based on the amount of impact. This would result in the removal of 19 percent of the high-priority trees and would be allowed under the city's tree protection ordinance.

#### Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary plat of PATRIOT ESTATES, a two-lot subdivision at 3515 Park Valley Rd.

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

#### **Supporting Information**

**Project No.** 87047.19a

**Property** 3515 Park Valley Rd

Applicant Andy Freeland, on behalf of The Patriot Business Group LLC

Surrounding Land Uses

Properties to the north, south and east are single family homes, zoned R-1 and guided for low-density residential. Park Valley Rd and I494

are to the west.

**Planning** Guide Plan designation: Low density residential

Zoning: R-1, low density residential

**Grading** To evaluate the impacts of anticipated grading, the city requires that

all subdivision applications illustrate general home footprints and an associated grading plan. If a subdivision is approved, final grading plans for each of the homes must occur in substantial conformance

with the general plan.

The general grading plan submitted illustrates that grading would occur on the front portion of proposed lot 2 for the construction of a home and portions of the Inverness Rd. side of the existing home for

drainage purposes.

Tree removal and mitigation

By city code, no more than 35-percent of the site's high priority trees maybe removed to accommodate a subdivisions. Based on the submitted plans, the tree removal would meet this standard:

	Total Number	Removed
High priority	16	3
Significant	41	4

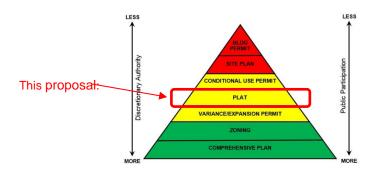
Stormwater

The proposal does not trigger the city's stormwater management rule. As such, stormwater management would be required at the time of a building permit for the new home.

#### Approval

The planning commission makes a recommendation to the city council, which has the final authority to approve or deny the request.

#### **Pyramid of Discretion**



### **Motion Options**

The planning commission has the following options:

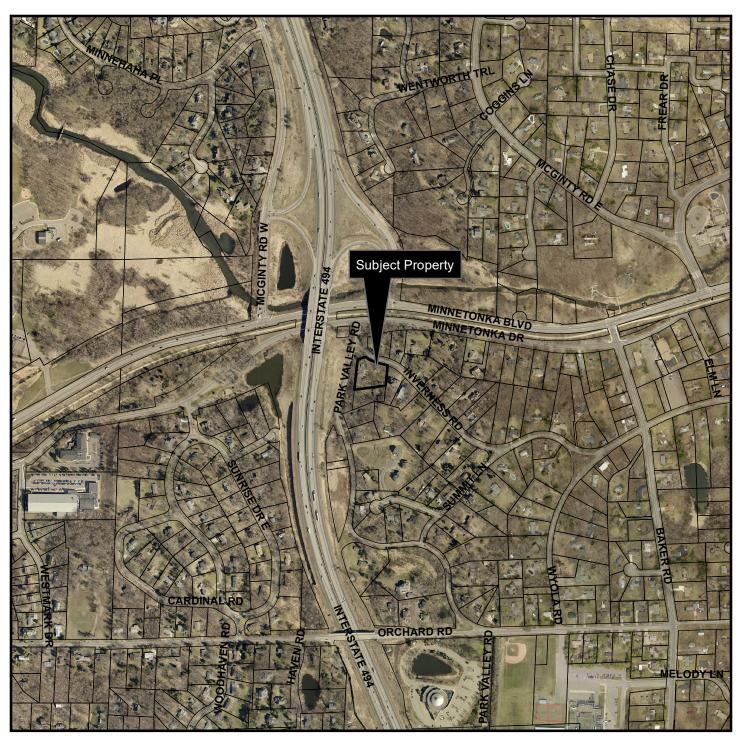
- 1. Concur with staff's recommendation. In this case, a motion should be recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.
- 2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the proposal. The motion should include findings for denial.
- 3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction staff, the applicant or both.

#### Neighborhood Comments

The city sent notices to 22 area property owners and received one comment. That comment is attached.

# Deadline for Decision

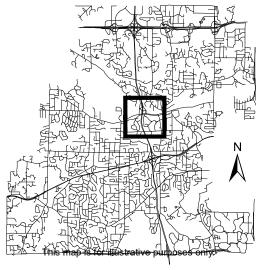
July 6, 2019





## **Location Map**

Project: Patriot Estates Address: 3515 Park Valley Rd



Andrew Freeland (Member of Patriot Business Group/Buyer/Applicant)
Property Owners David and Amanda Eustice
3515 Park Valley Road
Minnetonka MN 55305

City of Minnetonka Planning Division Attention Ashley

Dear Planning Division,

As part of the preliminary plat application I am writing a statement to describe the indeed use of the property. The first option that I am considering is building a home on the new lot for my family. We currently live in Minnetonka and I look forward to an option to build a new home. If for some reason my wife and I would not build. The second option would be for my company (The Patriot Business Group LLC) to build a spec home on the new lot. The third option we would consider would be to sell the lot to be build on by another owner or builder.

Sincerely,

Andrew Freeland

The Patriot Business Group LLC

David Eustre

MAR - 8 2019

Submitted by Applicant

## LEGAL DESCRIPTION:

Lot 1, Block 1, LYNEIS ADDITION, Hennepin County, Minnesota.

## PROPSOED LEGAL DESCRIPTION OF VACATED PARK VALLEY ROAD:

Beginning at the southwest corner of Lot 1, Block 1, LYNEIS ADDITION, Hennepin County, Minnesota; thence on an assumed bearing of South 82 degrees 50 minutes 59 seconds West along the southwesterly extension of the southerly line of said Lot 1, a distance of 34.00 feet; thence North 13 degrees 02 minutes 53 seconds East a distance of 215.11 feet to a point on the extension southwesterly of the northerly line of said Lot 1, said point being 13.00 feet southwest of the northwest corner of said Lot 1; thence northeasterly along the southwesterly extension of the northerly line of said Lot 1 a distance of 13.00 feet to the northwest corner of said Lot 1; thence southwesterly along the westerly line of said Lot 1 to the point of beginning.

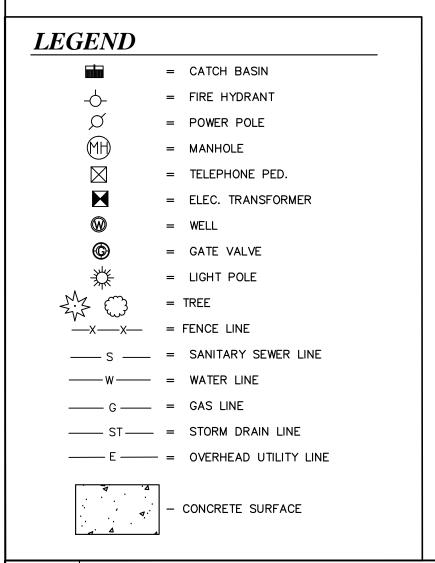
Contains 4,360 Sq. Ft.

## 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
- 4. The subject property contains 39,799 Sq. Ft.
- 5. Showing elevations on the site at selected locations to give some indication of the topography of the site. These contours were derived using LIDAR only.
- 6. 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.
- 7. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- 8. We show a proposed division of the property. Please review the proposal to see that it is what you intend and submit to those governmental agencies that have jurisdiction to obtain their approvals, if you can, before making any decisions regarding the property.

## STANDARD SYMBOLS & CONVENTIONS:

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



DRAWING ORIENTATION & SCALE REVISION DESCRIPTION 3/30/18 TO SHOW A PROPOSED VACATION OF PARK VALLEY ROAD 7/19/18 TO SHOW LINES 1 AND 2 PER TURNBACK DOCUMENT SCALE - 1" = 20'

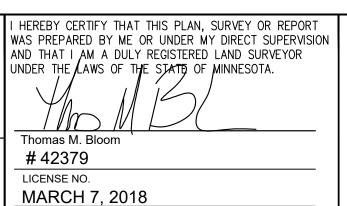
CLIENT NAME / JOB ADDRESS

ANDY FREELUND

3515 PARK VALLEY ROAD MINNETONKA, MN



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



DATE SURVEYED: MARCH 6, 2018

DATE DRAFTED: MARCH 7, 2018

SHEET TITLE EXISTING CONDITIONS **SURVEY** 

DRAWING NUMBER 180103 TB REV 7-19 SHEET SIZE 22 X 34 SHEET NO.

SHEET 1 OF 1

	Approximate Drive	ing Dwelling	950 6	952	
Park	13.02.53" E 215.17 Park Whey Road		1		1430 64 100 4 456 4 100 10 10 10 10 10 10 10 10 10 10 10 10
lpproximate edge of bit. road	DOG! NO.89438691,		}		
	958 958 959 959 1 Position of the southwest three is a southwest three i	orner of Lot'1.			
	961 The southwesterly extension of Lot 1, Block 1, Lyneithe southerly line of Lot 1, Block 1, Lyneithe southerl		220.63 V 82°50'59" E		

## LEGAL DESCRIPTION:

Lot 1, Block 1, LYNEIS ADDITION, Hennepin County, Minnesota.

## AND

Those parts of Lot 2, Block 4, "Minnetonka Mills Acres", except that part thereof embraced within the plat of Lyneis Addition, and Lot 1, Block 3, "Minnetonka Mills Acres", which lie easterly of Line 2 described below:

Line 2: Beginning at a point on the east line of Lot 2, Block 3, "Minnetonka Mills Acres", distant 300 feet northerly of the southeast corner of said Lot 2, Block 3 (when measured along the east line of said Lot 2); thence northerly to a point distant 160 feet easterly (measured at right angles) of a point on Line 3, described below, distant 449.72 feet southerly of its point of termination; thence northerly to a point distant 210 feet easterly (measured at right angles) of a point on said Line 3 distant 100 feet southerly of its point of termination; thence northerly to a point distant 225 feet easterly (measured at right angles) of the point of termination of said Line 3 and there terminating.

Line 3: Beginning at a point on the south line of Section 15, Township 117 North, Range 22 West, distant 913.8 feet west of the south quarter corner thereof; thence northwesterly at an angle of 68 degrees 54 minutes 04 seconds from said south section line (measured from west to north) for 90.26 feet to a tangent spiral point; thence deflect to the right on a spiral curve of decreasing radius (spiral angle 03 degrees 00 minutes 00 seconds) for 300 feet to a spiral curve point; thence deflect to the right on a 02 degree 00 minutes 00 seconds circular curve (delta angle 23 degrees 24 minutes 45 seconds) for 1170.6 feet to a curve spiral point; thence deflect to the right on a spiral curve of increasing radius (spiral angle 03 degrees 00 minutes 00 seconds) for 300 feet to a spiral tangent point; thence on tangent to said curve for 244.32 feet and there terminating.

## PROPOSED LEGAL DESCRIPTION OF VACATED PARK VALLEY ROAD:

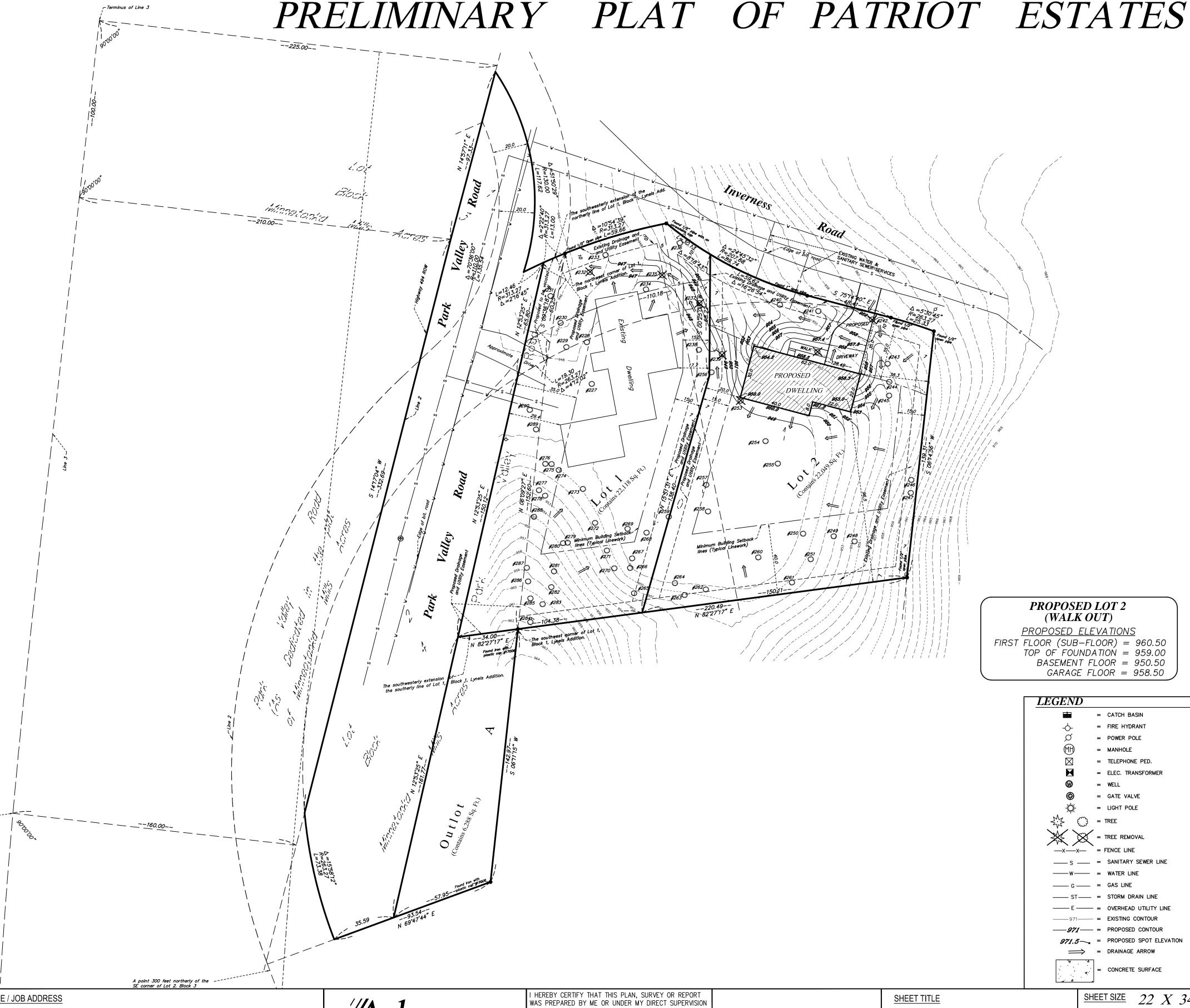
Commencing at the southwest corner of Lot 1, Block 1, LYNEIS ADDITION, Hennepin County, Minnesota; thence on an assumed bearing of South 82 degrees 27 minutes 17 seconds West along the southwesterly extension of the southerly line of said Lot 1, a distance of 34.00 feet; thence North 12 degrees 53 minutes 25 seconds East a distance of 150.12 feet to the point of beginning of the tract to be described; thence continuing North 12 degrees 53 minutes 25 seconds East a distance of 65.80 feet to a point on the extension southwesterly of the northerly line of said Lot 1, said point being 13.00 feet southwest of the northwest corner of said Lot 1; thence northeasterly along the southwesterly extension of the northerly line of said Lot 1 a distance of 13.00 feet to the northwest corner of said Lot 1; thence southwesterly along the westerly line of said Lot 1 a distance of 60.25; thence on a non tangential curve concave to the South having a radius of 263.27, a central angle of 4 degrees 12 minutes 02 seconds, a distance of 19.30 feet to the point of beginning.

## SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- 4. The subject property contains 39,799 Sq. Ft.
- 5. Showing elevations on the site at selected locations to give some indication of the topography of the site. These contours were derived using LIDAR only.
- 6. 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.
- 7. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- 8. We show a proposed division of the property. Please review the proposal to see that it is what you intend and submit to those governmental agencies that have jurisdiction to obtain their approvals, if you can, before making any decisions regarding the property.

## STANDARD SYMBOLS & CONVENTIONS:

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



**DRAWING ORIENTATION & SCALE** REVISION DESCRIPTION 4/15/19 | ADD 2 TURNBACK PARCELS FOR DEDICATION SCALE - 1" = 30'

CLIENT NAME / JOB ADDRESS

A point 449.72 southerly of the terminus of Line 3

ANDY FREELAND

3515 PARK VALLEY ROAD MINNETONKA, MN

**Advance** Surveying & Engineering, Co.

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

AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE, OF MINNESOTA. # 42379 DATE DRAFTED: JANUARY 17, 2018 LICENSE NO.

JANUARY 17, 2018

DATE SURVEYED: MARCH 6, 2018

PRELIMINARY PLAT

DRAWING NUMBER

190297 TB

SHEET SIZE 22 X 34 SHEET NO.

SHEET 1 OF 1

## FIELD TREE INVENTORY LOG

I NOSLOT NAIVIE.	PROJECT NAME: Tree Survey at 3515 Park Valley Road, Minnetonka, MN			
DATE:	11/26/2018	Lot Condition:	Developed	
TIME:	12:15 PM	Cloudy	21 Degrees F.	
TAG NO.	TREE DIA. (IN)	SPECIES	CONDITION	NOTES
227	17 17	Box Elder	Fair	NOTES
228	14	Box Elder	Fair	
229	8	Blue Spruce	Good	Some Limb Loss
230	12	Box Elder	Fair	Come Limb Loss
231	11	Ash	Good	
232	18	Blue Spruce	Poor	Extensive Limb Loss
233	22	Blue Spruce	Poor	Extensive Limb Loss
234	7	Ash	Poor	
235	12	Blue Spruce	Poor	Extensive Limb Loss
236	7	Box Elder	Poor	
237	12	Box Elder	Fair	
238	22	Red Oak	Good	
239	13	Elm	Fair	
240	11	Elm	Poor	
241	5	Elm	Poor	
242	13	Elm	Fair	
243	18	Ash	Good	
244	5	Ash	Fair	
245	5	Ash	Fair	
246	10	Black Walnut	Good	
247	17	Black Walnut	Good	
248	4	Ash	Fair	
249	4	Ash	Fair	
250	12	Ash	Fair	
251	12	Box Elder	Fair	
252	13	Box Elder	Fair	
253	7	Blue Spruce	Good	
254	22	Red Oak	Good	
255	26	Red Oak	Good	
256	4	Ponderosa Pine	Good	
257	9	Pin Oak	Fair	
258	10	Ash	Good	
259	18	Red Oak	Good	
260	6	Red Oak	Good	
261	12	Box Elder	Fair	
262	13	Box Elder	Fair	
263	17	Red Oak	Good	
264	11	Box Elder	Fair	
265	4	Red Oak	Fair	
266 267	6 8	Red Oak	Fair	
268	6	Red Oak Red Oak	Good Good	
269	10	Red Oak Red Oak	Good	
270	16	Poplar	Good	
271	8	Poplar	Good	
272	16	Black Cherry	Good	
273	17	Black Cherry	Fair	Several Dead Limbs
274	13	Black Cherry	Fair	Several Dead Limbs
275	18	Red Oak	Good	Soveral Bodd Littles
276	12	Red Oak	Good	
277	9	Red Oak	Good	
278	12	Bur Oak	Good	

279	4	Bur Oak	Good	
280	5	Bur Oak	Good	
281	14	Bur Oak	Good	
282	11	Red Oak	Good	
283	26	Red Oak	Good	
284	6	Red Oak	Good	
285	6	Bur Oak	Good	
286	5	Bur Oak	Fair	
287	14	Red Oak	Good	
288	7	Red Oak	Good	
289	6	Blue Spruce	Fair	Some Limb Loss
290	9	Blue Spruce	Fair	Some Limb Loss
	64	NO. OF TREES TAG	GED	
	727	TOTAL INCHES INVE	NTORIED	

**ADDITIONAL TREE NOTES:** 

Dead trees observed but not tagged include:

6", 13", & 16" Blue Spruce

13" Box Elder 4" & 5" Elm



**Landscape Architecture + Planning** calyxdesigngroup.com | 651.788.9018

### Minnetonka Tree Inventory Criteria:

All Overstory Trees 4" dia.+ All Understory Trees 2" dia.+

Non-Woodland Forest Areas: Trees 8" dia.+ Excluded Species: Buckthorn & Honeysuckle

**Condition Rating:** 

Good = Full Canopy, No Signs of Stress or Injury

Fair = Most of the Canopy, Some Stress or Minor Injury

**Poor** = Significant Canopy Loss, Extensive Damage or Disease, Short Life Expectancy



#### **Ashley Cauley**

**To:** Julie Wischnack

**Subject:** RE: Patriot Estates & Miscellaneous

From: Brian Burke < brianmtburke@gmail.com >

Sent: Monday, April 22, 2019 4:20 PM

To: Julie Wischnack < jwischnack@eminnetonka.com>

Subject: RE: Patriot Estates & Miscellaneous

Hey Julie – Thank you again for providing these details. We appreciate it.

Unfortunately we are out of town on the 2<sup>nd</sup>, but I will check back to the website for updates.

Have a nice week.

Brian

Brian Burke | brianmtburke@gmail.com | (612)327-8356 (Cell) | brian.mt.burke (SKYPE)

From: Julie Wischnack < jwischnack@eminnetonka.com >

Sent: Friday, April 19, 2019 10:30 AM

To: brianmtburke@gmail.com

Subject: FW: Patriot Estates & Miscellaneous

Sorry, Brian, Ashley had sent this email to me and there was a mix up in that I was supposed to forward. The information below is intended for you and we are sorry for the delay in responding to your questions.

As an update, this is likely to switch from next Thursday's meeting, to the following meeting, May 2.

If you have more questions, let us know.

Julie



**Julie Wischnack, AICP** | Community Development Director City of Minnetonka | eminnetonka.com

14600 Minnetonka Blvd. | Minnetonka, MN 55345

Office: 952-939-8282 | Cell: 612-221-9530

From: Ashley Cauley <acauley@eminnetonka.com>

Sent: Friday, April 5, 2019 1:50 PM

To: Julie Wischnack < jwischnack@eminnetonka.com >

Subject: RE: Patriot Estates & Miscellaneous

#### Brian -

Those are all great questions. To make it easier to follow my responses, I've broken them up below:

• Lot area: Currently the existing property at 3515 is 39,785 square feet (0.91 acres). As you can see from the image below, there is a substantial amount of right of way along Park Valley Road when compared to Inverness Road. This right of way was turned back to the city in the 1980s after being acquired by MnDot in the 1960s. The applicant approached the city a few years ago about subdividing the property and since that time he has worked with the city to purchase some of the right of way in order to create two conforming lots that both exceed 22,000 square feet. Staff is supportive of the right of way purchase as the city have no current or future plans for the right of way.



- Trees. By ordinance, no more than 35-percent of the site's high priroity trees can be removed as a result of the subdivision. Staff is still reviewing the tree plan but detailed information will be outlined in the staff report, when available. While the city is unable to require the fence, I will pass your request for a fence along to the property owner and applicant.
- Noise wall. Unfortunatley, the city does not have any influence on getting a sound wall erected along I494 as the
  walls are constructed by MnDOT. Several years ago, MnDOT analyzed the corridor and built walls where they
  would be beneficial. That said, I am aware that MnDOT has continued to monitor the sound levels throughout
  the corridor every 3-5 years. You could contant them directly to discuss any changes in sound levels. The MnDOT
  contact would be:

Andrew Lutaya, P.E. West Area Engineer 651-234-7563

#### Regards, Ashley

Ashley Cauley | Senior Planner

City of Minnetonka | eminnetonka.com

Direct: 952-939-8298 | General: 952-939-8200

From: Brian Burke < brianmtburke@gmail.com >

**Sent:** Thursday, April 4, 2019 4:13 PM

To: Ashley Cauley <acauley@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>

Subject: Patriot Estates & Miscellaneous

Hello Ashley & Bob – My family and I live on Inverness Road, close to this proposed development. We noticed the sign in the yard today, so I reviewed the information on the eminnetonka website. I didn't see on there the size of the current lot, as well as the size of the proposed two lots (one new, one existing). Could you please let me know.

When we moved into this neighborhood, the understanding was that all lots had to be a minimum of .5 acres. That is what was required when they built the houses in front of us (we live at 13709). At first glance, we are okay with the new development, just as long as the new lot sizes are .5 acres each. If that is not the case, we would like to understand why Minnetonka is deviating from this requirement.

In addition, we would like to see as many mature trees as possible retained. Unfortunately that area has not been well-maintained and it is full of buckthorn, which we would love to see go. Would be nice to see some of the nice mature trees stay. If the lot is clear-cut (like what was done on Park Valley Estates), we would like to see a fence on the back of the property to maintain some of the buffer.

Separately, as the housing density increases in this neighborhood, both through the 5 houses added by the Park Valley Estates project, and by this potential new one, what is the chances of getting a noise reduction wall added on the East side of 494? There is already one on the West side. This is a great neighborhood – you can walk to DQ, People's Organic or Station, and you can get downtown in 15 minutes. Major downfall is the road noise from 494, particularly the semi-trucks. A noise reduction wall would greatly reduce.

Thank you in advance for the feedback.

Brian

Brian Burke | brianmtburke@gmail.com | (612)327-8356 (Cell) | brian.mt.burke (SKYPE)

### **Ashley Cauley**

**To:** John Knight

**Subject:** RE: Comments - 3515 Park Valley

Ashley Cauley | Senior Planner City of Minnetonka | eminnetonka.com

Direct: 952-939-8298 | General: 952-939-8200

----Original Message-----

From: John Knight <jtknight20@hotmail.com>

Sent: Tuesday, April 23, 2019 6:38 PM

To: Ashley Cauley <acauley@eminnetonka.com>

Subject: Comments - 3515 Park Valley

Will not be able to attend meeting.

My Comments: this looks like a reasonable proposal and effectively uses the land in a plan-full way, and we support it.

13511 Minnetonka Dr.

John Knight

**Employee Benefits Professional** 

JD | MBA Certificate | Certified Project Manager HIPAA Professional (CHP) | SHRM-CP john@johnknightllc.com | 612-382-5345 www.LinkedIn.com/in/johnknightllc

#### Resolution No. 2019-

# Resolution approving the preliminary plat of PATRIOT ESTATES at 3515 Park Valley Rd

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

Section 1	. Bac	kground.
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- 1.01 Andy Freeland, on behalf of The Patriot Business Group LLC, has requested preliminary plat approval for PATRIOT ESTATES. (Project 87047.19a)
- 1.02 The subject property is located at 3515 Park Valley Rd. The property is legally described in Exhibit A.
- 1.03 On May 2, 2019, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The Commission recommended that the city council grant preliminary plat approval.
- Section 2. General Standards.
- 2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.
- Section 3. Findings.
- 3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.
- Section 4. Council Action.
- 4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received. Submit a final plat drawing that clearly illustrates:

- a) Minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
- b) Drainage and utility easements over the entire area to be acquired from the city and Outlot A.
- Utility easements over any existing or proposed public utilities, as determined by the city engineer unless dedicated by an easement document.
- d) Any changes to the final plat drawing as required by the Minnesota Department of Transportation.
- 2. Prior to final plat approval:
  - a) This resolution must be recorded with Hennepin County.
  - b) The turnback parcel must be acquired from the city.
  - c) Outstanding utility bills must be paid.
- 3. Prior to the release of the final plat for recording, submit the following:
  - Two sets of mylars for city signatures.
  - b) An electronic CAD file of the plat in microstation or DXF.
  - c) Park dedication fee of \$5,000.
  - d) Title evidence for all property described on Exhibit A current within thirty days before the release of the final plat.
- 4. Subject to staff approval, PATRIOT ESTATES, must be developed and maintained in substantial conformance with the preliminary plat plans, except as modified by the conditions below.
- 5. Prior to issuance of a building permit:
  - a) Evidence of filing the final plat at Hennepin County.
  - b) Submit the following:
    - 1) Utility easement over public utilities unless determined by

- the city engineer that it is no longer required or dedicated as part of the final plat.
- 2) Final utility plan. The plan must clearly illustrate the connection to the sanitary sewer.
- 3) Final grading plan and tree preservation plans.
  - a. The plans must be in general compliance with the overall grading and tree removal and preservation plan referenced above. All site improvements should be located to minimize tree impacts.
     Specifically, the grading should reduce impacts to the critical root zone of tree #238.
  - b. No more than five high priority trees can be removed across both lots.
  - c. The tree mitigation plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.

Unless specifically approved by staff, no grading or tree removal is allowed prior to the issuance of a building permit.

- 4) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.`
- 5) If applicable, evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
- c) Prior to issuance of a permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
- d) Permits may be required from other outside agencies including, Hennepin County, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- 6. During construction, the streets must be kept free of debris and sediment.

7. The property owner is responsible for replacing any required landscaping that dies.

8. The city must approve the final plat within one year of the preliminary approval or receive a written application for a time extension, or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka	, Minnesota, on May 20, 2019.
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 Council of the City of Minnetonka, Minnesota, at a du 2019.	
Becky Koosman, City Clerk	

#### Exhibit A

Lot 1, Block 1, LYNEIS ADDITION, Hennepin County, Minnesota.

#### AND

Those parts of Lot 2, Block 4, "Minnetonka Mills Acres," except that part thereof embraced within the plat of Lyneis Addition, and Lot 1, Block 3, "Minnetonka Mills Acres," which lie easterly of Line 2 described below:

Line 2: Beginning at a point on the east line of Lot 2, Block 3, "Minnetonka Mills Acres" distant 300 feet northerly of the southeast corner of said Lot 2, Block 3 (when measured along the east line of said Lot 2); thence northerly to a point distant 160 feet easterly (measured at right angles) of a point on Line 3, described below, distant 449.72 feet southerly of its point of termination; thence northerly to a point distant 210 feet easterly (measured at right angles) of a point on said Line 3 distant 100 feet southerly of its point of termination; thence northerly to a point distant 225 feet easterly (measured at right angles) of the point of termination of said Line 3 and there terminating.

Line 3: Beginning at a point on the south line of Section 15, Township 117 North, Range 22 West, distant 913.8 feet west of the south quarter corner thereof; thence northwesterly at an angle of 68 degrees 54 minutes 04 seconds from said south section line (measured from west to north) for 90.26 feet to a tangent spiral point; thence deflect to the right on a spiral curve of decreasing radius (spiral angle 03 degrees 00 minutes 00 seconds) for 300 feet to a spiral curve point; thence deflect to the right on a 02 degree 00 minutes 00 seconds circular curve (delta angle 23 degrees 24 minutes 45 seconds) for 1170.6 feet to a curve spiral point; thence deflect to the right on a spiral curve of increasing radius (spiral angle 03 degrees 00 minutes 00 seconds) for 300 feet to a spiral tangent point; thence on a tangent to said curve for 244.32 feet and there terminating.

# Minnetonka Planning Commission Meeting May 2, 2019

Agenda Item 9

**Other Business** 

#### MINNETONKA PLANNING COMMISSION May 2, 2019

Brief Description Concept plan review for the Shady Oak Redevelopment located at

4312 Shady Oak Road.

Action Requested Discuss concept plan with the applicant. No formal action

required.

#### **Background**

On September 25, 2017, the city council approved the Shady Oak Crossings redevelopment project. The project, as approved, is a two and three-story, 49-unit apartment building with underground parking, resident community room, exercise room, on-site manager's office, and an outdoor play area. The building would have a mix of 1, 2 and 3 bedroom apartments with rents expected to be between \$800 and \$1200 per month.

Since the 2017 approval, the developer is working towards tax credit financing for the project (through the state). In Nov. of 2018, the developer was notified that they were not awarded tax credits. It is anticipated another application for tax credits will be submitted in 2019.

Complete information on the project's history is posted on the city's website here: <a href="http://eminnetonka.com/current-projects/planning-projects/1490-shady-oak-rd-redevelopment">http://eminnetonka.com/current-projects/planning-projects/1490-shady-oak-rd-redevelopment</a>

#### **Proposed Concept Plan**

Recently the developer submitted a new concept plan for the city to consider. The updated concept plan includes 67 units and a new entrance to the building's primary underground parking area at Shady Oak Road and Main Street. The building is approximately 120 feet longer than the 2017 approved plan yet maintains the same 2 and 3 story building design. The revised plan narrows, but elongates the parking area in the rear of the building. The new plan is the result of the developer securing a purchase agreement for a portion of adjacent property to the south, which expands the site from 1.58 to two acres, and is located in the City of Hopkins.







Approved 49-unit plan (2017)

At this time, the developer is seeking city input on the new concept plan. If the developer were to secure tax credit financing and the city were to approve formal development plans, the developer would proceed with the 67-unit building. If the developer is unsuccessful in securing city formal development approval for the 67-unit building, the developer will continue to pursue tax credit financing for the approved 49-unit building.

#### **Key Issues**

City staff has identified the following considerations for any development of the subject properties:

- **Density:** The 49-unit approved plan rezoned the property from commercial to planned unit development and guided the property from commercial to high-density residential. As proposed, the 67-unit plan would be consistent with the planned unit development zoning and the high-density residential density of 33 units/acre. If the additional property to the south is added to the project, agreements would need to be made with the City of Hopkins and also to guide and rezone, just that portion of the property.
- Building Design: The proposed 2 and 3 story building reflects the previously approved design. The building increases in length by 120 feet. The applicant is developing conceptual building elevations for presentation at the planning commission meeting.
- **Site Design:** Much like the approved project, the proposal would site the apartment building toward Shady Oak Road while providing green space to separate the building from the sidewalk. Surface parking and a tot lot are provided on the west side of the building. Underground parking is accessed from a private driveway at the intersection of Shady Oak Road and Main Street.
- Traffic and Circulation: All of the sites generated traffic in the 2017 plan accessed Oak
  Drive Lane. The proposed 2019 plan relocated the driveway for underbuilding parking
  access to the Shady Oak Road and Main Street intersection. This is a desirable
  improvement as an overall traffic flow and safety improvement.

#### **Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting**. A neighborhood meeting was held on Wednesday, April 24, 2019. Approximately 11 neighbors attended the meeting. Topics of discussion included:
  - Surface parking too many surface spaces
  - Sidewalk is there is a need for a sidewalk on Oak Drive Ln.?
  - o Buffering what is the plan?
  - Stormwater pond what changes on the residential lot?
  - o Tax credits what is the timing?
  - Landscaping will there be a maintenance contract with a company?
  - o Playground where is it located?
  - Traffic concerns about the Oak Drive Ln. and Shady Oak Rd. intersection.
  - Policing will the city increase its patrolling?
- Planning Commission Concept Plan Review. The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.
- City Council Concept Plan Review. The city council Concept Plan Review is intended
  as a follow-up to the planning commission meeting and would follow the same format as
  the planning commission Concept Plan Review. No staff recommendations are provided,
  the public is invited to offer comments, and council members are allowed to ask
  questions and provide feedback without any formal motions or votes.

#### **Staff Recommendation**

Staff recommends the planning commission provide comment and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Originator: Loren Gordon, AICP, City Planner

#### ADDITIONAL INFORMATION

#### **Next Steps**

- Formal Application. If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting would be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.
- Council Introduction. The proposal would be introduced at a city council meeting. At
  that time, the council would be provided another opportunity to review the issues
  identified during the initial concept plan review meeting and to give direction on any
  refinements or additional issues they wish to be researched, and for which staff
  recommendations should be prepared.
- Planning Commission Review. The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.
- **City Council Action**. Based on input from the planning commission, professional staff and the general public, the city council would take final action.

#### **Roles and Responsibilities**

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public and to respect the integrity of the public process.
- Public. Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.
- Planning Commission. The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and

concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.

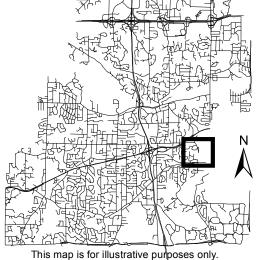
- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants, and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to participate in the process effectively.
- City Staff. City staff is neither an advocate for the public nor the applicant. Rather, staff
  provides professional advice and recommendations to all interested parties, including
  the city council, planning commission, applicant and residents. Staff advocates for its
  professional position, not a project. Staff recommendations consider neighborhood
  concerns but necessarily reflect professional standards, legal requirements and broader
  community interests.

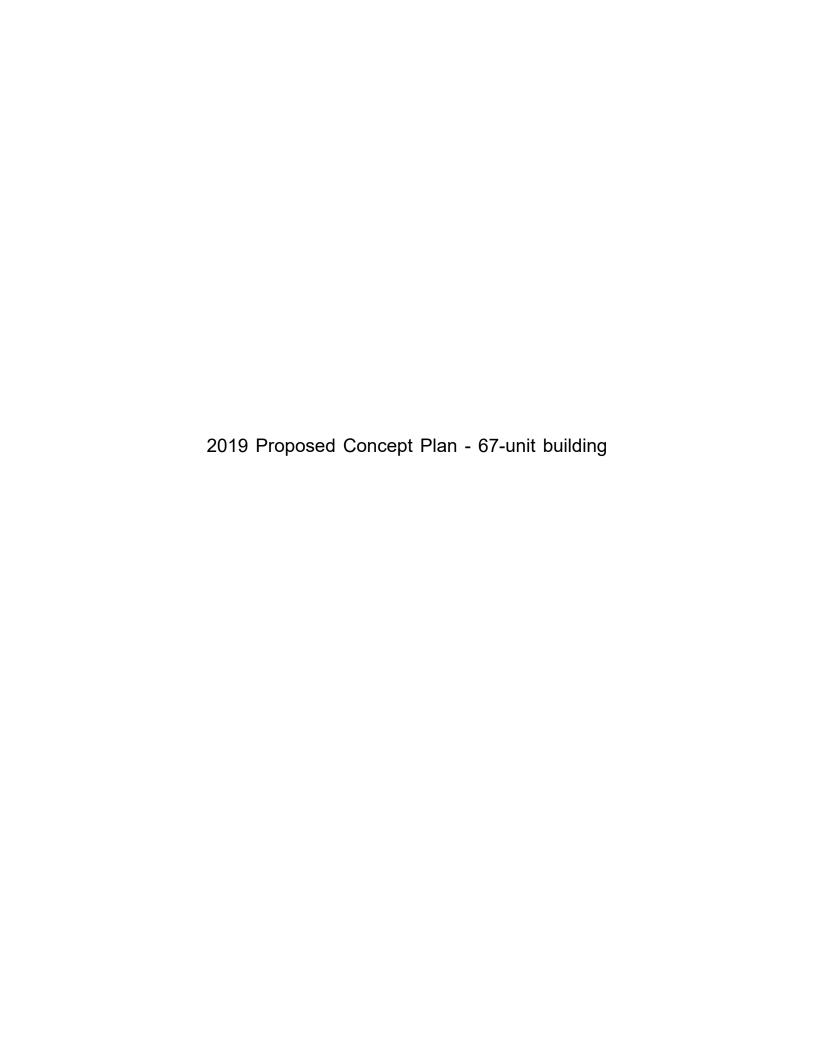


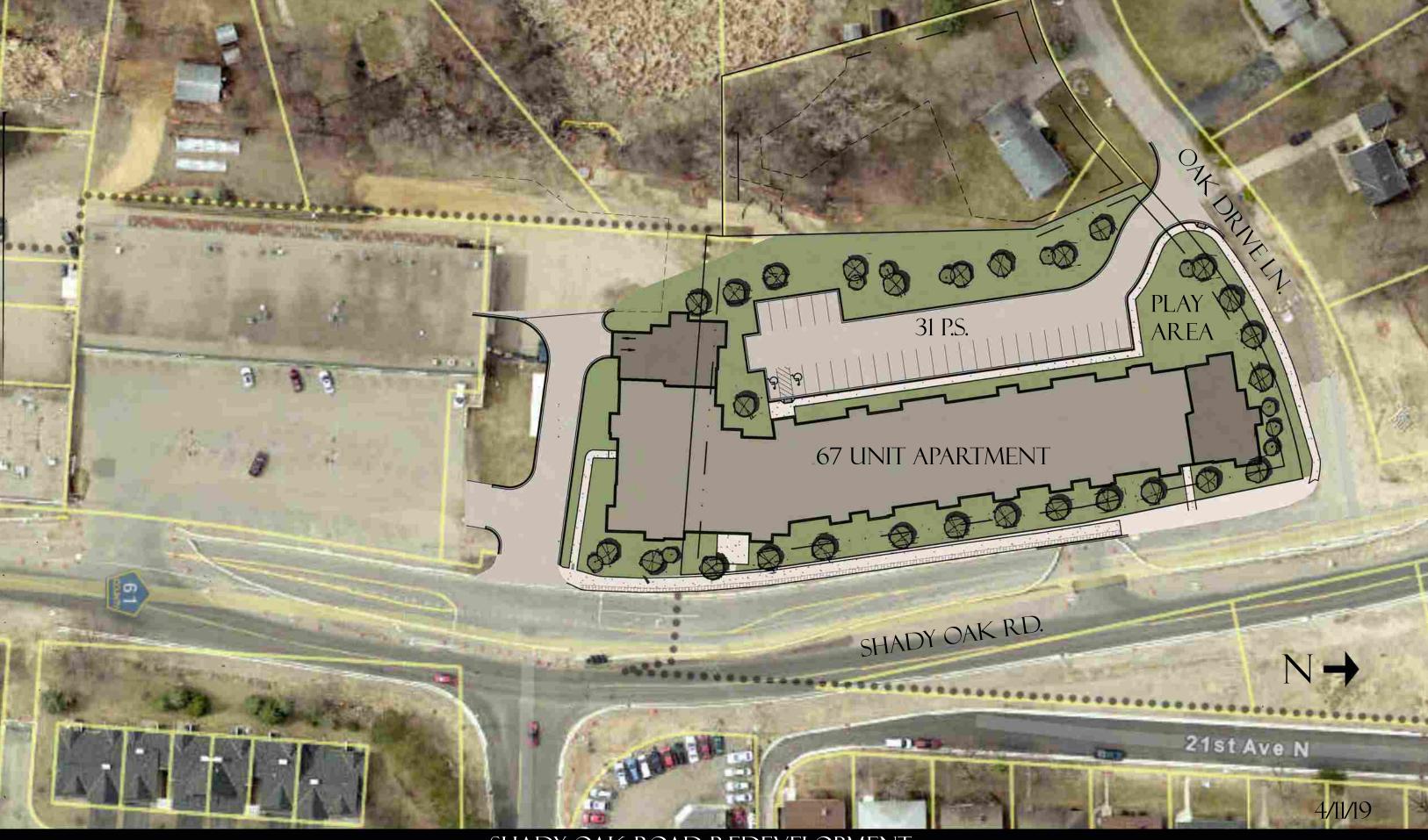
## **LOCATION MAP**

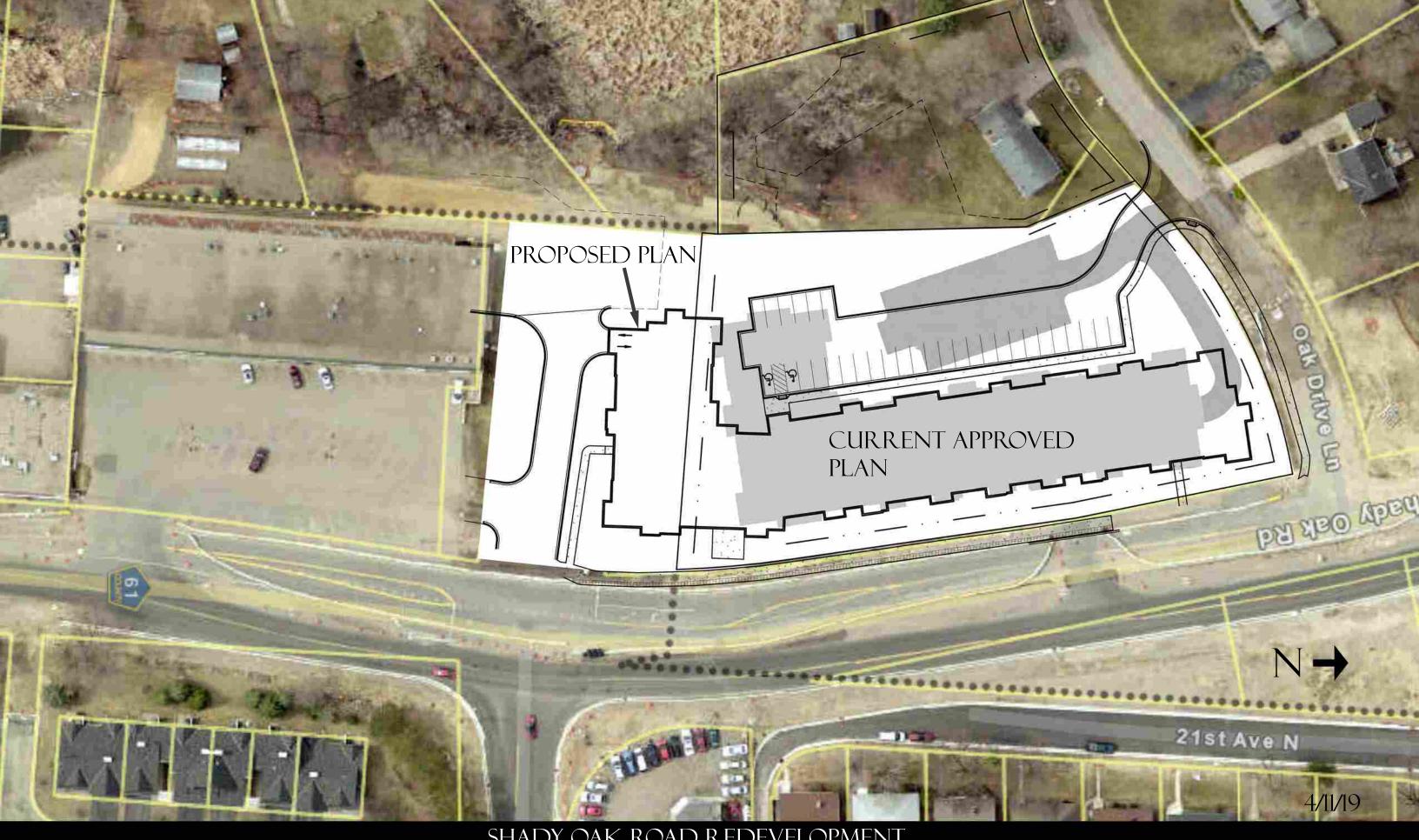
Project: Shady Oak Redevelopment Address: 4312 Shady Oak Rd.

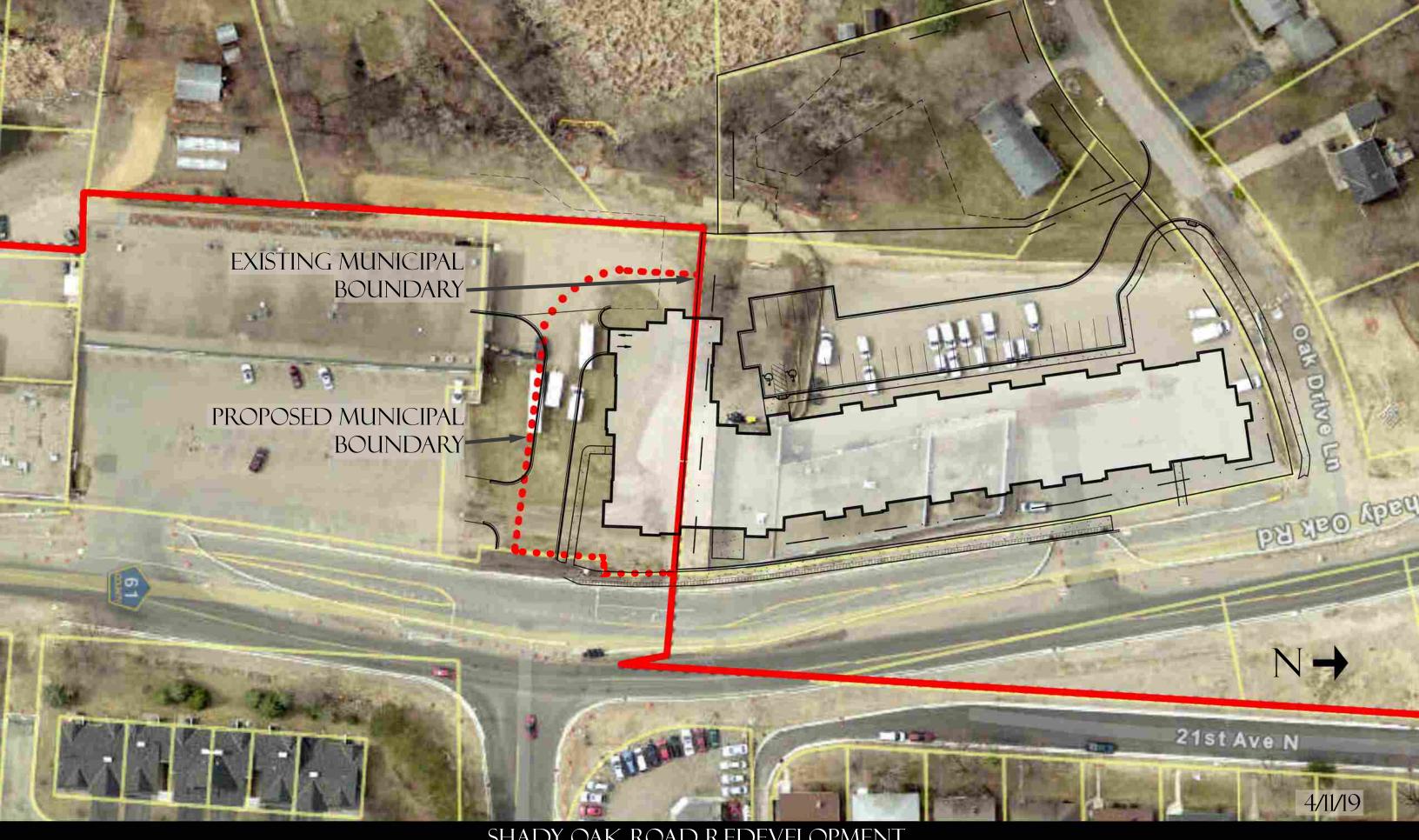


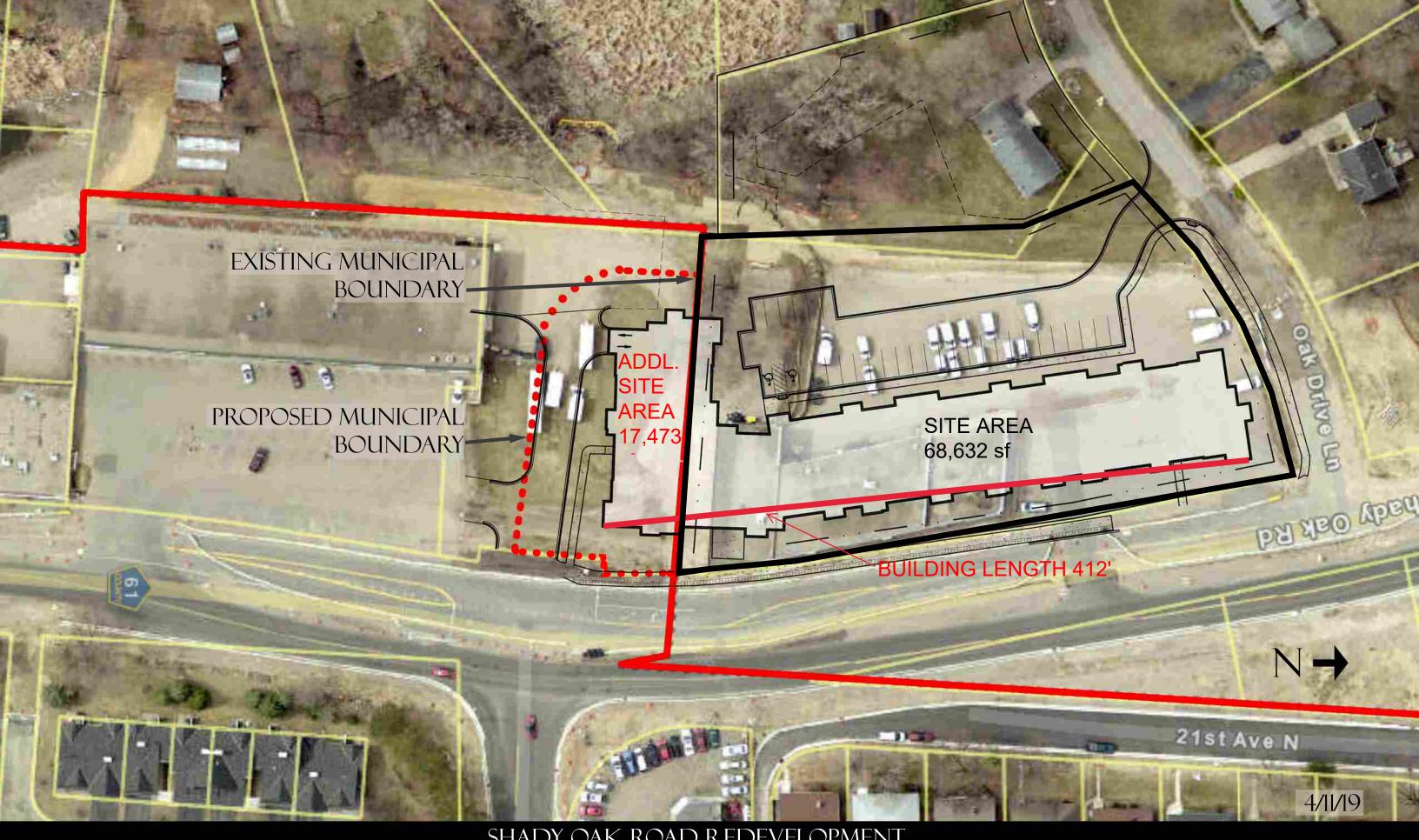
















7/24/17







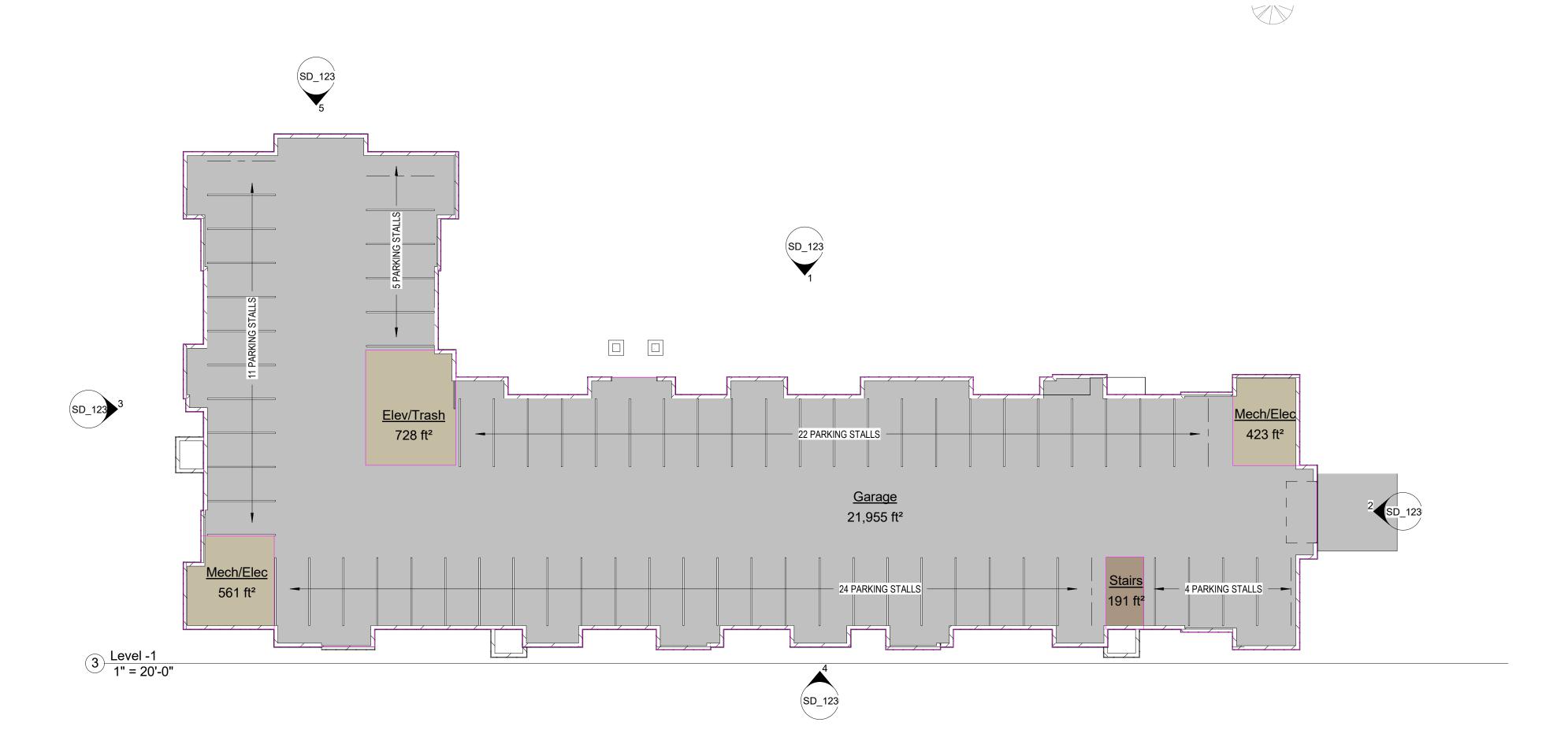




Area Schedule (Gross Units)					
Name	Count	Gross Area	Unit Type		
Unit A1	10	818 ft²	1BR		
Unit A2 Type A	2	801 ft <sup>2</sup>	1BR		
	12				
Unit C1	13	1,015 ft²	2BR		
Unit C2	10	1,038 ft <sup>2</sup>	2BR		
	23				
Unit D3b	10	1,367 ft²	3BR		
Unit D4	2	1,328 ft <sup>2</sup>	3BR		
Unit D4 2	2	1,337 ft <sup>2</sup>	3BR		
	14				
Grand total: 49	49				

Parking Schedule			
Type Count			
Level -1			
Garage	66		
Level 1			
Surface	21		
Surface ADA	2		
	89		

Total Gross Area				
Level	Area			
Level 3	17,268 ft <sup>2</sup>			
Level 2	23,410 ft <sup>2</sup>			
Level 1	23,461 ft <sup>2</sup>			
Level -1	23,857 ft <sup>2</sup>			
Grand total	87,996 ft <sup>2</sup>			







1301 American Blvd. E. Suite 100 Bloomington, MN 55425 tel: (612) 879-6000 fax: (612) 879-6666 www.kaaswilson.com

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Floor Plans

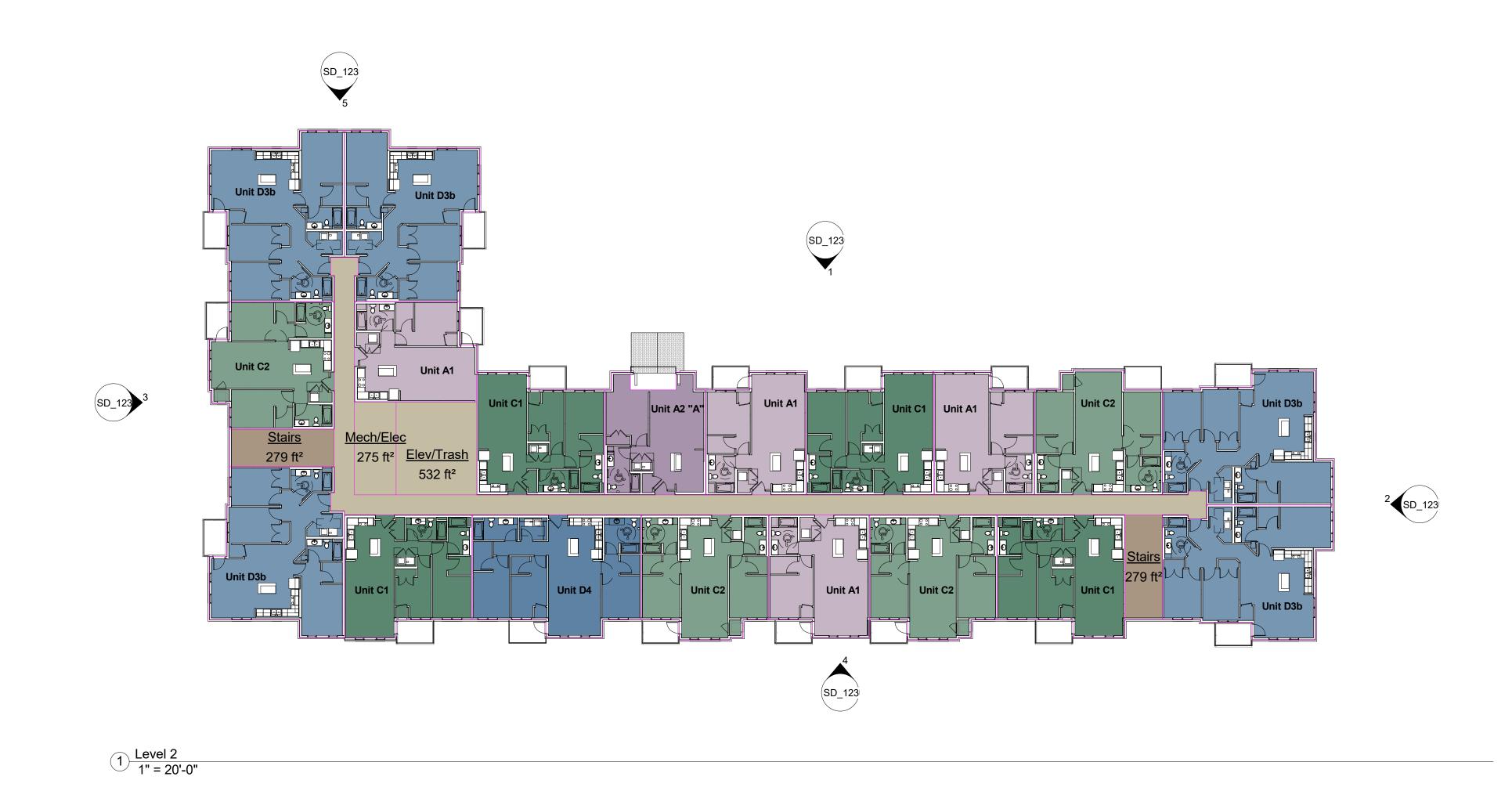
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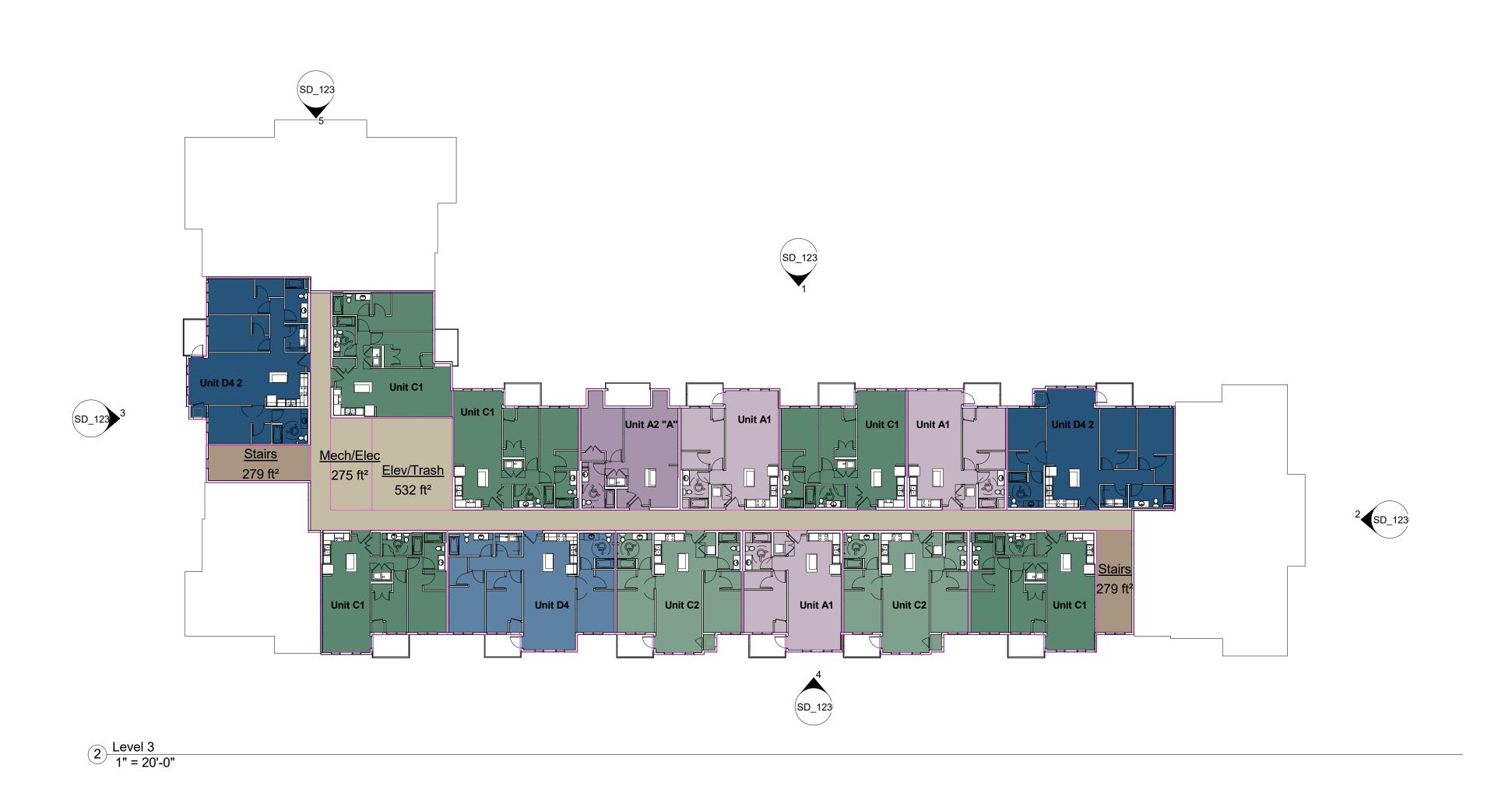
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Area Schedule (Gross Units)										
Name	Count	Gross Area	Unit Type							
Unit A1	10	818 ft²	1BR							
Unit A2 Type A	2	801 ft²	1BR							
	12									
Unit C1	13	1,015 ft <sup>2</sup>	2BR 2BR							
Unit C2	10	1,038 ft <sup>2</sup>								
	23									
Unit D3b	10	1,367 ft²	3BR							
Unit D4	2	1,328 ft <sup>2</sup>	3BR							
Unit D4 2	2	1,337 ft <sup>2</sup>	3BR							
	14									
Grand total: 49	49									

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www.kaaswilson.com

Project Number

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Checked By Checker

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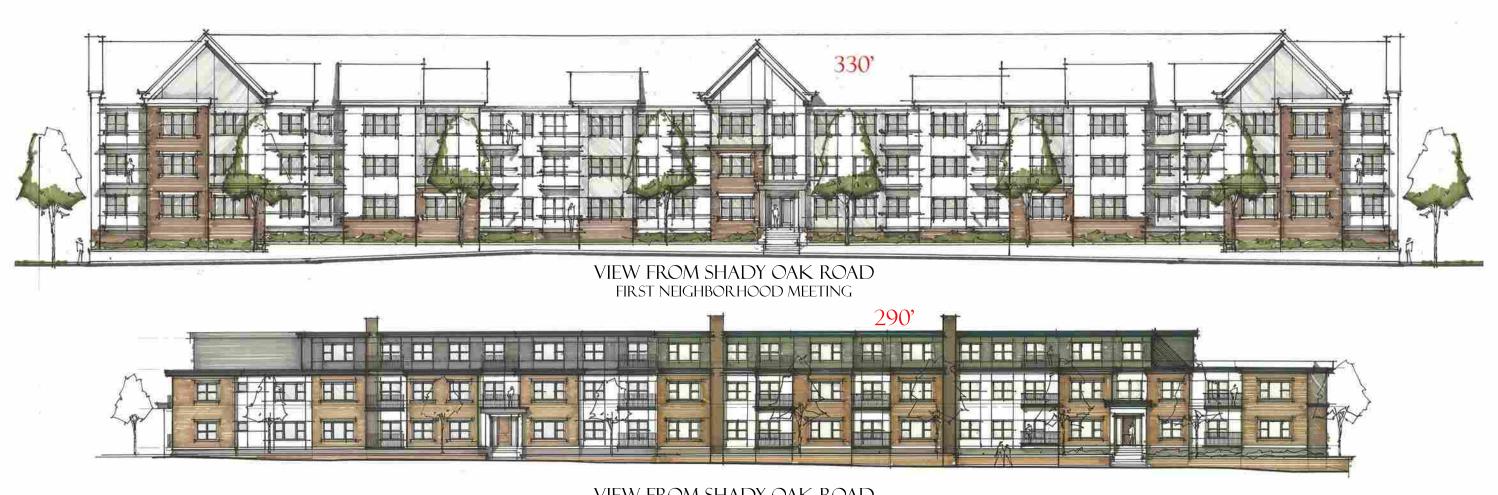
Floor Plans

1" = 20'-0"

SD 122



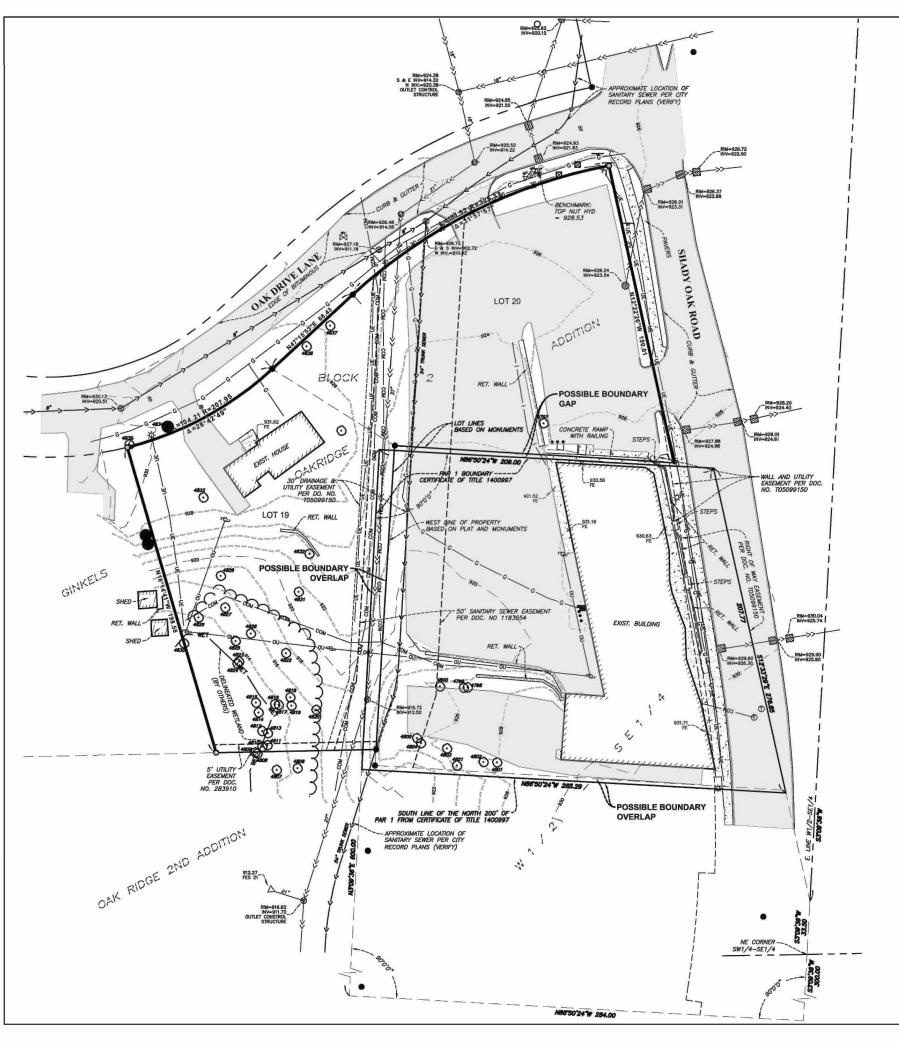
## BUILDING HEIGHT COMPARISON



VIEW FROM SHADY OAK ROAD PROPOSED ELEVATION

BUILDING WIDTH COMPARISON

8/1/17



# **CERTIFICATE OF SURVEY**

MINNETONKA, MN

O SET 3/4"ODx14" IRON PIPE WITH PLASTIC CAP 43055 OR MAG NAIL W/WASHER

PROPERTY MARKER FOUND BY HENNEPIN COUNTY SURVEYOR FOUND MONUMENT SANITARY SEWER MANHOLI

STORM SEWER MANHOLE STORM SEWER INLET TELEPHONE MANHOLE GAS METER

IF COMMUNICATIONS PEDESTAL E ELECTRIC MANHOLE

STORM SEWER SANITARY SEWER UNDERGROUND COMMUNICATION LINE OVERHEAD UTILITY LINE  $\sim$ TREE LINE

BUILDING

CONCRETE SURFACE

ASPHALT SURFACE

PROPERTY DESCRIPTION:

Certificate of Title 1400998

Lot 19 Block 2, Ginkels Oakridge Addition AND

All that portion of the tract or parcel of land described at paragraph "A" below, which lies Northerly of a line drawn parallel to and 200 feet Southerly of the North line thereof and the same extended, to—wit:

Paragraph "A". That portion of the West Half of the Southeast Quarter of Section 23, Township 117, Range 22, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section; thence South along the East line of the West Half of the Southeast Quarter of said Section, a distance of 300 feet; thence Westerly at right angles to said East line for a distance of 284 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line at right angles to said East line 209 feet to the center line of McGinty Road; thence Southeasterly along the center line of McGinty Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Par 2: Lot 20, Block 2, Ginkels Oakridge Addition

- 1. Utility lines shown hereon are based on field markings and maps provided to us as a result of Gopher State One Call private utility locate
- 2. Horizontal Datum: Hennepin County Coordinate System NAD83(11)

TRAFFIC SIGN

CO UTILITY POLE

BOLLARD/POST

LIGHT POLE

O DECIDUOUS TREE

WATER VALVE

HYDRANT

- 4. Date of fieldwork: 2/3/2017
- 5. Gross area = 2.38 acres.
- 6. Portions of the subject property were covered by snow and ice at the time of survey, the surveyor does not guarantee that all impro

#### SURVEYORS CERTIFICATION:

I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.



Responsive partner. Exceptional outcomes. 1802 WOODDALE DRIVE WOODBURY, MN 55125 Ph: 651-395-5212

CLIEN	CLIENT NAME			PROJECT TITLE				
RON CLARK CONSTRUCTION & DESIGN			CERTIFICATE SURVEY					
				- March 1977	(m) 0,000 (m) (m)	APP'D	DWG DATE 6-FEB-2017	
					MLH	CNA	CNA	SCALE 1" = 30'
#		XXX	XXX	XX/XX/XX	PROJECT NO. 1531-0009		SHEET NO.	
REV	REVISION DESCRIPTION	DWN	APP	REV DATE				2 OF 11