



PLANNING COMMISSION MEETING AGENDA

August 28, 2023

7:00pm

1) Call to Order

- a) Approval of Agenda
- b) Approval of Minutes – June 26, 2023

2) Business Items

- a) **Concept/Sketch Plan:** Application from David Lau on behalf of Woodland Cove LLC for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove; PUD – Planned Unit Development Zoning District; PID# 34-117-24-33-0052.

3) Public Hearings

- a) **VARIANCE:** Application from Sharon Pelletier-Thaler for a lakeshore setback variance from the required 75 feet to 64.1 feet to allow for a screen porch addition at 3316 Williams Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 27-117-24-21-0029.
- b) **CONDITIONAL USE PERMIT:** Application from Tyler and Amanda Holmer for a conditional use permit to keep the existing dwelling as a guest home over 1,000 sq. ft. at 400 North Branch Road; A – Agriculture Zoning District; PID# 03-117-24-13-0005. The applicants are proposing to build a new single family dwelling which will become the principle structure on the property.
- c) **VARIANCE:** Application from Nathan Fair on behalf of Harriet A Ellis Trust for a lakeshore setback variance from the required 75 feet to 41 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6.1 feet and 10.1 feet to allow for a new single family home at 3790 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0003.
- d) **VARIANCE:** Application from Nathan Fair on behalf of Harriet A Ellis Trust for a lakeshore setback variance from the required 75 feet to 39.1 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6 feet and 6.3 feet to allow for a new single family home at 3800 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0005.
- e) **CONDITIONAL USE PERMIT:** Application from Crystal Brummer for a conditional use permit for an accessory building over 1,000 sq. ft. at 400 North Branch Road; A – Agriculture Zoning District; PID# 12-117-24-21-0059.

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- f) **INTERIM USE PERMIT:** Application from Frank Weigel and Esther Nazarov to extend an interim use permit for Agricultural Entertainment Activities at the properties of 6480 County Road 26 and 6530 County Road 26; A – Agriculture Zoning District; PID# 03-117-24-11-0004 and PID# 03-117-24-12-0004.

4) Informational Items

a) Staff Reports

b) Council Reports

5) Adjournment

- *The agenda packet with all background material is located at the back table for viewing by the public.*
- *Published agenda subject to change without notice.*
- *Information and materials relating to the above items are available for review at city hall by appointment.*



PLANNING COMMISSION MEETING MINUTES June 26, 2023

1) Call to Order

Chair Sandholm called the meeting to order at 7:00 pm.

In attendance: Commissioners: Chair Lora Sandholm, Michael Kirkwood, Damian Young, Sarah Hussain and Heather Charles
Council Liaison: Claudia Lacy; Staff: Senior City Planner, Nickolas Olson
Absent: Steve Livermore and Tricia Taylor

a) Approval of Agenda

Motion by Young, seconded by Kirkwood to approve the agenda as presented.
Motion passed 5-0. Absent: Steve Livermore and Tricia Taylor

b) Approval of Minutes – May 22, 2023

Motion by Hussain, seconded by Charles to approve the minutes from May 22, 2023.
Motion passed 5-0. Absent: Steve Livermore and Tricia Taylor

2) Public Hearings

a) **VARIANCE: Application from Joseph and Megan Webster for a rear yard setback variance to reduce the required setback from 50 feet to 41 feet to allow for a home addition at 8280 County Road 15; AP – Agriculture Preserve Zoning District; PID# 08-117-24-43-0003.**

Senior City Planner Olson presented information for overview.

Highlights included:

- Joseph and Megan Webster (the “Applicants”) have owned the Property since 2008, which contains a single family dwelling built in 1972.
- Seeking to renovate the dated dwelling, the Applicants applied for a building permit to add a 2 car attached garage with living space above. The existing home does not currently have an attached garage.
- The existing home is located 28 feet from the rear property line. The Applicants have placed the proposed addition as far from the rear property line as they can while maintaining functionality.
- In addition to complying with the future land use plan, the proposed addition preserves the neighboring property views and does not further crowd the adjacent properties because the existing home already sits closer to the rear property line than the proposed addition.
- Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not spoken with any neighboring property owners and received one written comment in support regarding this request as a result of sending the public notice.

Chair Sandholm opened the public hearing at 7:04 pm.
No one was present to speak.
Chair Sandholm closed the public hearing at 7:04 pm.

Motion by Hussain, seconded by Kirkwood to recommend City Council approve the rear yard setback variance from 50 feet to 41 feet to allow for a home addition at 8280 County Road 15 with conditions 1-5.

Motion passed 5-0. Absent: Steve Livermore and Tricia Taylor

3) Informational Items

a) Staff Reports

- May Planning Commission meeting update
- July Planning Commission meeting

b) Council Reports

- Holiday Tree Lighting

4) Adjournment

Motion by Charles, seconded by Hussain to adjourn the meeting.
Motion passed 5-0. Absent: Steve Livermore and Tricia Taylor

Chari Sandholm adjourned the meeting at 7:25 pm.

Respectfully submitted,

Dawn Motzko
City Clerk

CITY OF MINNETRISTA



BUSINESS ITEM

Subject: Application from David Lau on behalf of Woodland Cove LLC for a concept/sketch plan review of a possible commercial development on property located within the Woodland Cove Master Planned Unit Development.

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: August 28, 2023

Overview: David Lau on behalf of Woodland Cove, LLC (the “Applicant”) has submitted an application for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove; PUD – Planned Unit Development Zoning District; PID# 34-117-24-33-0052 (the “Property”). The proposed development site is located within the Woodland Cove Master Planned Unit Development (“Woodland Cove”).

Background: Woodland Cove is a 1,071 unit, 490 acre mixed use development located off of Highway 7 and Kings Point Road. To date, a total of 11 phases (3 lake and 8 non-lake) have been approved and roughly 616 homes have either received a permit or been completed. The framework for Woodland Cove was developed through a Master Development Agreement with, among other things, goals and objectives for the development. When it came to commercial and multi-family portion of the development, the Master Development Agreement laid out a very conceptual idea for what might ultimately be developed. This was intentionally done this way to provide the City and the developer with flexibilities to consider a wide array of options given the relative unknown of what the market might support given the limited existing commercial located within Minnetrista.

The Applicant approached City staff with a concept for Outlot C that included space for 3 separate business and wanted to get some feedback. Staff provided the Applicant with some initial feedback, but suggested the Applicant put together a concept plan application for the City, including Planning Commission and City Council, to provide comments on and give direction on future submittals. The information prepared by the Applicant has been attached for the Planning Commission to review and comment on.

Discussion: The concept plan is an initial presentation of the applicant’s intention and serves as the basis for conceptual discussion between the city and the applicant. The purpose of the review is to allow staff, the Planning Commission, and the City Council an opportunity to guide the applicant as to what is generally expected by the city, and to alert an applicant to potential problems with the proposal. This feedback can then be

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used by an applicant to make an informed decision on whether to proceed with a formal application. The concept plan review does not require any formal approval or denial from the Planning Commission or City Council.

Recommended Action: Since a concept plan does not require any formal action from the City, the Planning Commission should review the materials and information provided within this staff report and provide the Applicant with guidance on a future application submittal. When providing guidance, the Planning Commission should work to develop a consensus amongst themselves.

Attachments:

1. Location Map
2. Applicant Narrative
3. Concept Plan Set
4. Review Memo from City Engineer




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Woodland Cove Outlot C



1 in = 92 Ft

-  City Boundary
-  Address Labels
-  Parcels





Woodland Cove Outlot C Project Narrative

We are excited at the possibility of creating a space for retail, dining, and local businesses to flourish right at the edge of the growing Woodland Cove neighborhood. As the area continues to grow into a local hub, we are hoping to play a part of making Woodland Cove into a neighborhood that provides a great experience a safe and thriving community in line with the developer's visions.

The above rendering is how we envision our development. The goal is a building with an 'old town' feel that is warm and inviting with traditional brick and large windows, along with a touch of modern and industrial finishes to feel fresh and novel to families and consumers coming from the cities. We are hoping the final design will feel similar to successful retail and commercial blocks in North Loop, Edina, Excelsior, and Wayzata.

The proposed building will be anchored by a modestly sized Quick Serve Restaurant with a drive through, along with a retail business and an artisan focused Commercial Kitchen by Honey and Milk to serve the needs of the growing community.

Kaley and Shanan Lau, who have lived just down the road in the neighborhood since 2020, run a local family operated specialty baking business called Honey and Milk since 2019. They have quickly grown their following and are looking to host and manage a commissary commercial kitchen space to be shared with other local artisanal food businesses. Honey and Milk's vision and background are detailed further at the end of this Narrative

We envision this project as a local hub for the Woodland Cove residents. Vehicular traffic will enter and exit from Kings Point Road and Woodland Cove Blvd via Aster Lane, as a natural and safe extension of the existing traffic flow. Local foot, dog walking, bicycle and scooter traffic from the community will be welcomed by a "parket" at the corner of Woodland Cove and Huckleberry Dr.



Examples of "Parklets"

By creating a hub for local food businesses to thrive and collaborate, we will deliver an artistic and creative interest to the community, that benefits small businesses and livability with minimal additional traffic.

PROJECT SUMMARY

Lot area 47,414

Parking Required

Area(sf)	psf	Parking Required	
2,000	75	26.7	Restaurant
1,500	100	15.0	Shopping ctr
1,100	300	3.7	All other commercial
400	200	2.0	Office
5,000		47.3	Total Parking Required

Parking Provided: 49



Rental Kitchen Mission Statement

Our mission for a commercial rental kitchen is to grow the local food community by creating a space for creative, unique, and artisanal culinary businesses to get off the ground and thrive. We will offer a thoughtfully designed premium commercial kitchen space at a fair rate, with opportunities for collaboration and cross-promotion.

We've grown our own baking business from farmers markets to catering 60+ private events and sold out pop-up sales a year along with features on Good Morning America and Twin Cities Live. Up until now we've done this entirely out of similar kitchens that are only available closer to Minneapolis. We see a large opportunity and need in this area for creatives in the food industry to have an inspiring and practical space to produce and learn how to scale their own businesses.

More about honey + milk baking co.

We are a dessert catering business run by husband and wife, Shanan and Kaley Lau. We launched in 2019 with a full-service ice cream sandwich cart and have expanded over the years to include mini dessert catering as well as pop up sales. Over the last five years we have been featured in Good Morning America, Twin Cities Live, and Minnesota Bride, and had the opportunity to work with many amazing clients - including PwC, Popular Mechanics, Evereve, Ballard Spahr, Folds of Honor, Artful Living, and David Yurman.

Along with our two daughters (Ava, 3, and Sophie, 1) and two dogs, we have lived in Woodland Cove since 2020. We love living in this neighborhood and see a real opportunity for the incredible food scene in the twin cities to expand further into the Western suburbs. As many more young families like ours move in this direction, we also foresee a growing demand for more creative food businesses. We have worked out of 3 different rental commercial kitchens since we opened in 2019, and have plenty of experiences and notes to inform what our ideal shared kitchen space would look like to empower other local makers.

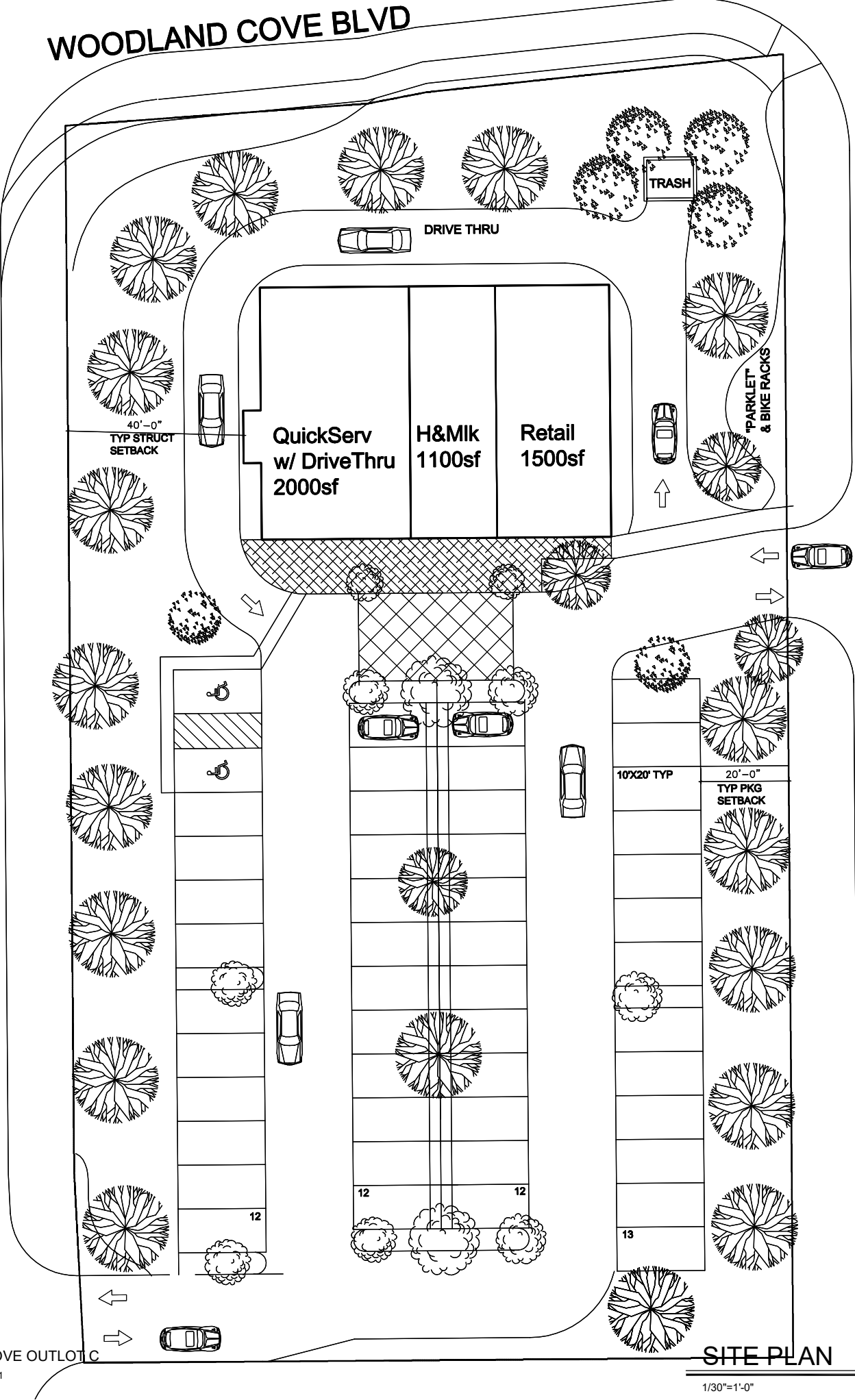
- [Good Morning America link](#)
- [Twin Cities Live link](#)
- [Google Business page & reviews](#)
- Instagram: [@honeyandmilkmn](#)
- Website: honeyandmilkmn.com



WOODLAND COVE BLVD

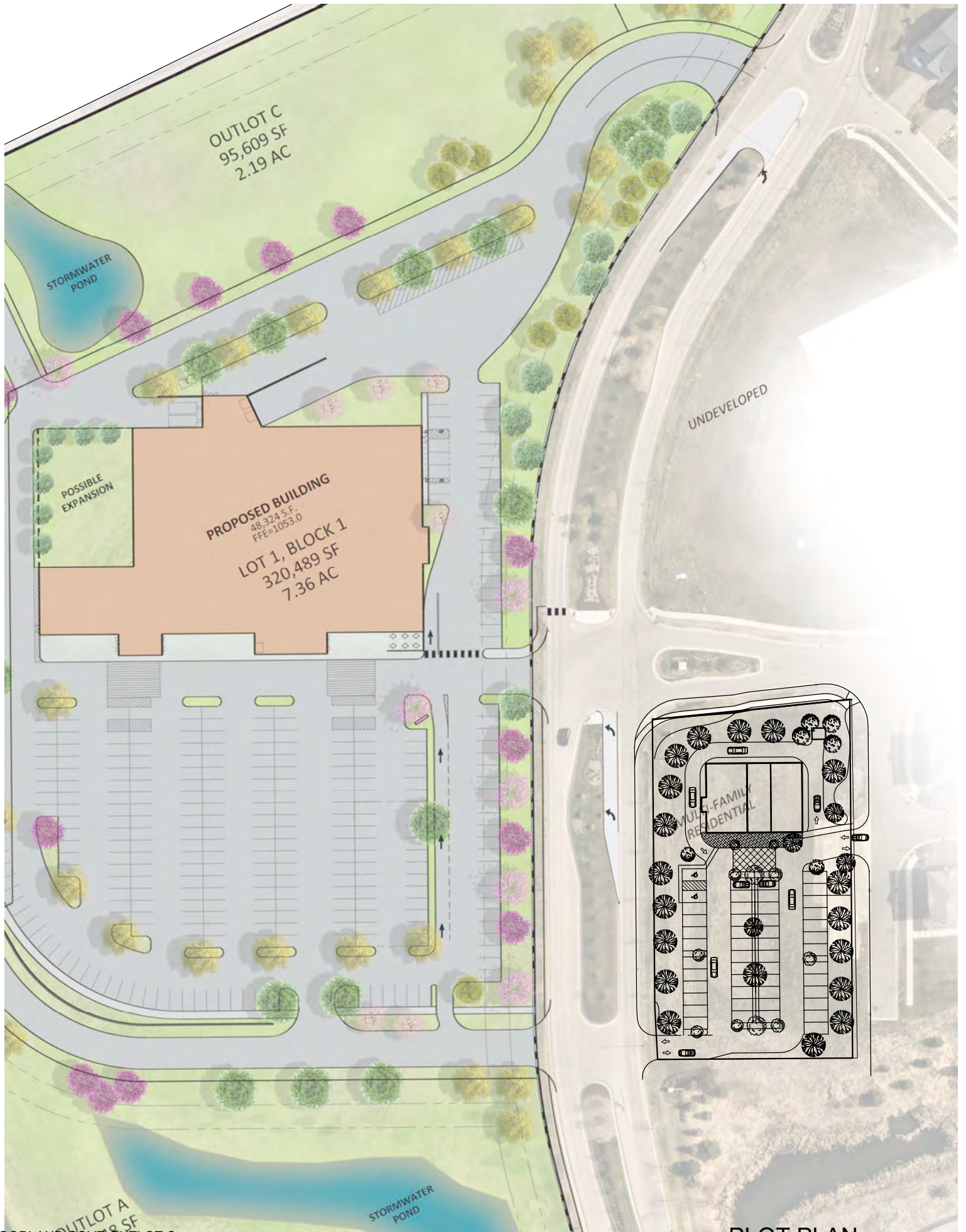
KINGS POINT RD

ASTER LN



SITE PLAN





WOODLAND COVE OUTLOT C

DAVID LAU 626.441.0411
6.22.23

PLOT PLAN

1/100"=1'-0"





August 23, 2023

Mr. Nickolas Olson
City Planner
City of Minnetrista
7701 County Road 110 West
Minnetrista, MN 55364

Re: Woodland Cove Commercial Development
Concept Plan Review
ML No. 23017

Dear Mr. Olson:

We have completed our initial review of the application submittal for the proposed Woodland Cove Commercial Development project. The project involves grading, parking lot paving, storm sewer and stormwater BMP construction, watermain and sanitary sewer construction, and appurtenant work. The application materials were reviewed against the City's design requirements. The following items were submitted for review:

- Woodland Cove - Sketch Plan Application - Narrative, Dated 6/22/2023
- Woodland Cove - Sketch Plan Application - Plot Plan, Dated 6/22/2023
- Woodland Cove - Sketch Plan Application - Site Plan, Dated 6/22/2023
- Woodland Cove - Sketch Plan Application – Grading/Utility Information
- Woodland Cove - Sketch Plan Application - Rendering, Dated 3/22/2023

The following review comments represent recommendations from an engineering standpoint appropriate for this concept plan review.

General

1. The proposed improvements include construction of a new commercial building that could serve 3 businesses.
2. Access to the site is proposed from both Kings Point Road via Trunk Highway 7 and Aster Lane.

Grading and Elevations

1. No grading or elevation information was provided with this submittal

Layout, Traffic and Parking

1. The design appears to allow for adequate circulation of vehicles through the parking lot and drive-through.
2. 48 parking spaces are required per City Code for the restaurant/retail area, and 49 are provided. Two spaces are dedicated as Americans with Disabilities Act (ADA) compliant, which meets the required amount of two for lots with a total of 26-50 parking spaces. Accessible parking spaces and aisles must meet all ADA requirements.
3. Provide the expected trip generation for the proposed site in comparison to planned land use, along with any expected traffic impacts if the proposed use generates a higher number of peak hour and daily trips.

4. Verify intersection sight distance requirements are met at the new site access along Kings Point Road.

Sanitary Sewer and Watermain

1. The proposed site will be served from an existing 8" sanitary sewer stub and an existing 8" watermain stub located near the entrance on Aster Lane.
2. There is an existing 12" watermain stub near the southwest corner of the site that will not be utilized at this time however, the City will require the applicant provide a 20' easement along the southern property line to be able to extend the 12" watermain to Aster Lane in the future if necessary.
3. Water and sanitary sewer shall be constructed in accordance with the City of Minnetrista General Specifications and Standard Detail Plates (<https://evogov.s3.us-west-2.amazonaws.com/29/media/363300.pdf>), and in accordance with the latest edition of CEAM.

Stormwater Management

1. Storm sewer, stormwater ponds, and/or best management practices (BMPs) shall be constructed in accordance with the City of Minnetrista's General Specifications and Standard Detail Plates (2022), Surface Water Management Plan (2018), and Design Requirements (2009).
2. Ensure that the proposed impervious coverage is 80% or less of the site area or provide onsite stormwater management to treat any additional proposed impervious surface.
 - a. The City can provide the most recent HydroCAD model of this area, if necessary.
3. The proposed site will be served from an existing 15" storm sewer stub located south of the entrance on Aster Lane.

It is recommended that Public Works review the proposed concept plan and provide any relevant comments. Please reach out with any questions regarding this review.

Sincerely,
WSB



Alyson Fauske, P.E.
(612) 263-1736
afauske@wsbeng.com

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: Application from Sharon Pelletier-Thaler for a lakeshore setback variance at 3316 Williams Lane

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: August 28, 2023

Overview: Sharon Pelletier-Thaler (the “Applicant”) has made a request for a lakeshore setback variance from the required 75 feet to 64.1 feet to allow for a screen porch addition at 3316 Williams Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 27-117-24-21-0029 (the “Property”).

Background: The Applicant has owned the Property since 1992 and is currently remodeling the existing single family home. As part of the remodel process, the Applicant has been exploring options for enhancing the portion of the home that faces the lake. However, the existing home is non-conforming with respect to the lakeshore setback, which makes this challenging. It was also noted that the Property exceeds the maximum allowed lot coverage, further complicating matters. The Applicant owns the adjacent property to the east, which will afford them options to mitigate the hardcover concern but does not address the lakeshore setback. Realizing a variance request was inevitable, the Applicant has put together a proposal that combines functionality of the space and minimizes the extent of the variance request. In fact, the proposed addition does not extend closer to the lake than the existing structure. Through preapplication discussions, City staff has outlined the variance process and submittal requirements to the Applicant. The Applicant has put together the necessary documents attached hereto for the Planning Commission to consider.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

a. The variance is in harmony with the general purposes and intent of this ordinance.

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

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The Applicant has designed an addition that does not extend any closer to property lines or the lake than either already exist or City code allows. Thus, it should not impact the neighboring property owner's enjoyment of their lakeshore properties.

b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future use of the Property and thus remains consistent with the long term goals for the area. In addition to simply complying with the future land use plan, the proposed addition preserves the neighboring riparian views and does not further crowd the lake because the existing home already sits closer to the lakeshore than the proposed porch addition.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

Given the location of the existing home, the Applicant is restricted on the lakeshore side of the home. The proposed addition is of reasonable size and its use as a porch provides reasonable enjoyment of the lakeshore yard and views. Furthermore, the proposed addition does not extend closer to the lake than existing and the removal of a portion of the existing deck helps to decrease the non-conformity. There is also no further encroachment into the neighboring properties riparian view.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or

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preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

The existing home was already built in its current location when the Applicant purchased the Property. The current location is non-conforming with respect to the lakeshore setback. This makes it challenging for the Applicant to make the lakeshore improvements without a variance.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

As previously mentioned, the proposed porch addition is reasonably sized and does not result in a home that is too large compared to others in the neighborhood. The proposed addition does not extend further towards the lake, so there will be no change with the relationship between the home and the lake.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not spoken with any neighboring property owners nor received any written comments or concerns regarding this request as a result of sending the public notice.

Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be established which support the recommendation. Findings of fact based on the information submitted by the Applicant may be as follows:

1. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because the proposed addition does not extend closer to the lakeshore than the existing dwelling and does not impede upon neighboring property owner's enjoyment of their lakeshore properties;
2. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with this long term goal as single family residential is an allowed use and the proposed addition preserves the neighboring riparian views and does not further crowd the lake because the existing home already sits closer to the lakeshore than the proposed addition;
3. The Applicant proposes to use the Property in a reasonable manner because the proposed addition is of reasonable size and it's use as a porch provides reasonable enjoyment of the lakeshore yard and views;

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4. The requested variance is the result of unique circumstances not created by the landowner because the Applicant did not build the home in its current location when the Applicant purchased the Property and the current location is non-conforming with respect to the lakeshore setback; and
5. The requested variance will not alter the character of the locality because the proposed addition does not result in a home that is too large compared to others in the neighborhood and the proposed addition does not extend further towards the lake, so there will be no change with the relationship between the home and the lake.

Recommended Action: Motion to recommend the City Council approve the requested lake shore setback variance at 3316 Williams Lane based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The Applicant shall comply with the maximum allowed hardcover of 25% through lot combination, lot line adjustment, or removal of existing excess hardcover;
2. The construction shall be consistent with the plan and survey documents submitted with this variance application;
3. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
4. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
5. The Applicant is responsible for all fees incurred by the City in review of this application; and
6. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Attachments:

1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans

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3316 Williams Lane



1 in = 50 Ft

-  City Boundary
-  Address Labels
-  Parcels

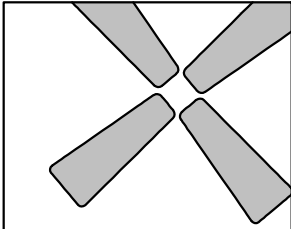
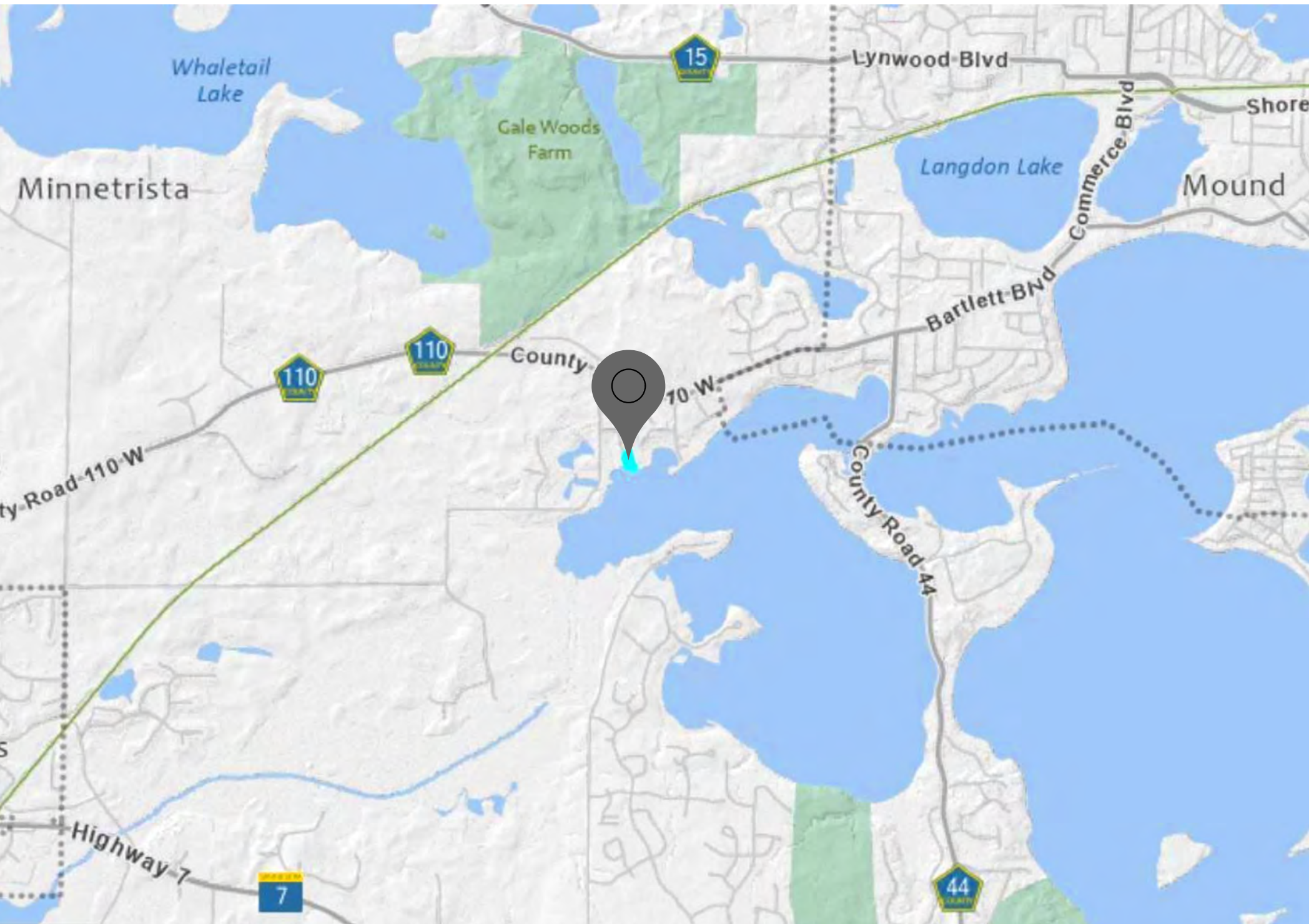
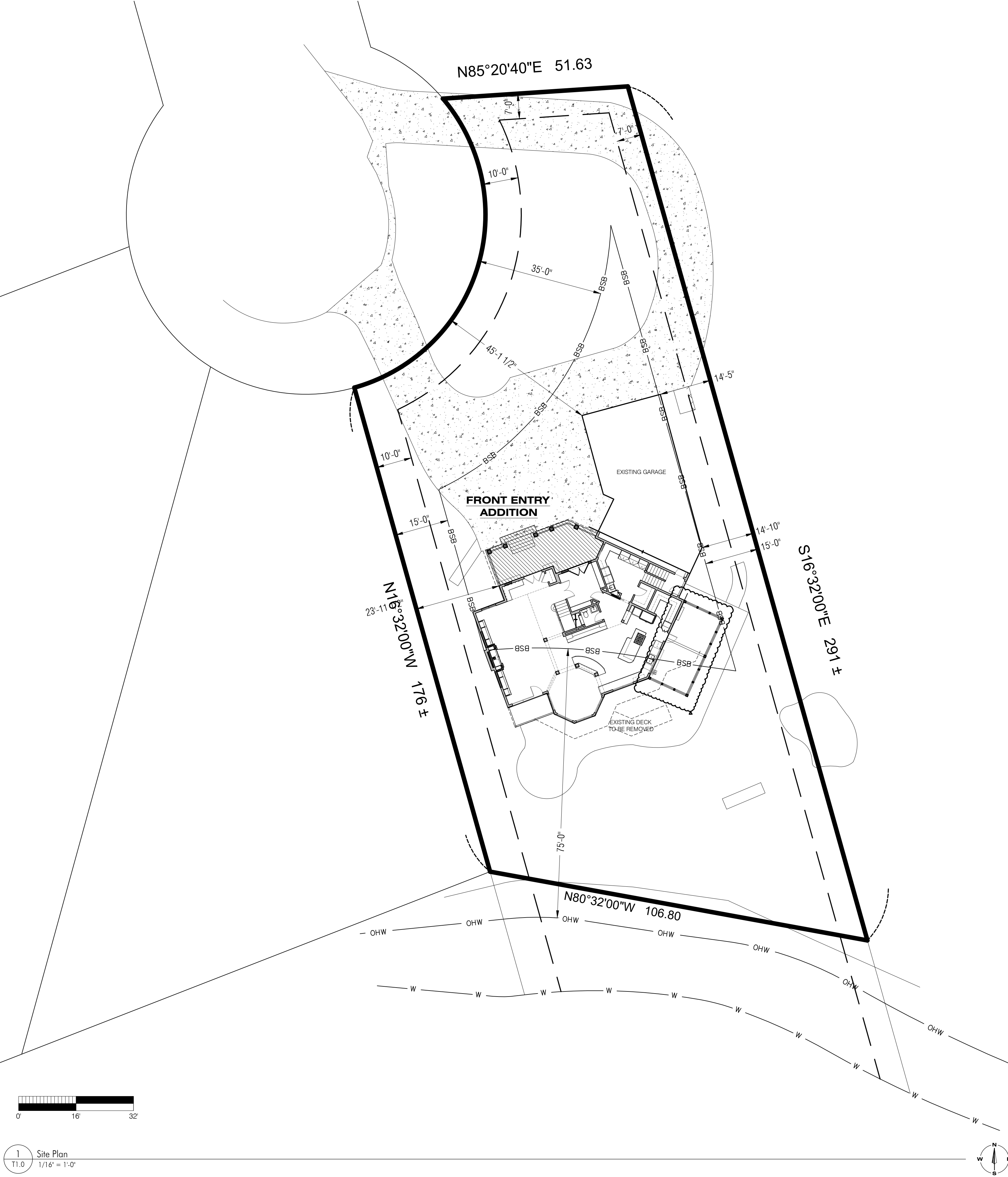


“Written Statement” concerning variance application for 3316 Williams Ln

- a. Sole property owner is Sharon R Pelletier-Thaler.
- b. See the following site data:
 - Legal Description: Lot 1, Block 1, J. Williams Second Addition, Hennepin County, Minnesota. PID: 27-117-24-21-0029.
 - Parcel size: 22,339 sq ft or .51 Acres.
 - Existing use: Residential.
 - Zoning: R-1
- c. Minnetrista City Code section 505.49, Subd 8. – Lot area, width, setbacks, coverage.
- d. The homeowner wishes to expand her existing screen porch while diminishing the size of her existing deck to have a more functional outdoor space in view of the lake. A portion of the new screen porch will encroach upon the rear lakeshore set back. The furthestmost encroaching portion would sit 64.1 ft from the ordinary high water line, thus we are proposing a variance from the 75 ft rear lakeshore set back by 10.9 ft. However, also proposed is the removal of an existing deck which currently is non-conforming within the rear yard lakeshore setback. The result is an estimated net 130 sq ft of non-conforming structure that is being removed. Additionally, in lieu of seeking a hardcover variance or side yard setback variance, we are proposing a combination with the unbuilt neighboring lot (3320 Williams Ln), also owned by the homeowner, to reduce hardcover on the home lot from 38.7% to 15.5%.
- e. We have had many conversations with the city planner, Nickolas Olsen, leading up to our submittal for this variance. He advised the complications with the 38.7% existing hardcover being above the previously approved 33.75% on the last variance application for this property. He advised that a reduction in hardcover was necessary or there would be another variance needed for hardcover in addition to the lakeshore setback. He also advised that reduction to 25% hardcover or lower was favorable. Additionally, we worked with him in developing the proposed combination of lots to reduce the home-lot's (3316 Williams Ln) hardcover.
- f. The proposed variance and lot combination allows the current non-conforming lot to *increase* in compliance with the Minnesota City Code in two regards:
 1. It reduces the area of non-conforming structure in the rear lakeshore setback by an estimated 130 sq ft.
 2. It reduces the non-conforming hardcover of the property to fall back within code requirements.
- g. The homeowner wishes to expand her existing screen porch to have a better view of the lake. However, the existing home is non-conforming and the lake facing side encroaches within the lakeshore set back. As a result there is very little available conforming square footage to build a screen porch with a desirable view of the lake. Thus, the homeowner is also proposing to reduce the deck in order to reduce the overall area of non-conforming structure. The proposed screen porch keeps with the essential character of the existing house and of the locality.
- h. The intent of the variance application is to provide the homeowner with a larger functional outdoor space with a better view of the lake. There is little expectation that the expansion of the screen porch will significantly impact the value of the home as the home already has a screen porch, especially with the deck being removed.
- i. The proposed expansion of the screen porch will have little to no effect on the neighboring properties. It will not impede any sightlines nor impair air or light to adjacent properties.

Construction will be non-intrusive to neighboring lots and not increase congestion on the street as home is located at the end of a cul-de-sac and the homeowner has a substantial driveway to fit dumpsters, work trucks, etc. Homeowner also owns adjacent lot (3320 Williams Ln) which is unbuilt. As we are just proposing to expand an existing screen porch, there will not be any significant impact on surrounding property values.

T H A L E R R E S I D E N C E



932.250.1941
WINKLER DESIGN STUDIO



T H A L E R R E S I D E N C E
3316 WILLIAMS LANE, MINNETRISTA, MN 55364

NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

ISSUE DATE
1.26.23
2.15.23
2.20.23
2.22.23
2.24.23 - REVISION

T1.0
TITLE SHEET
AND SITE PLAN

NOT FOR CONSTRUCTION

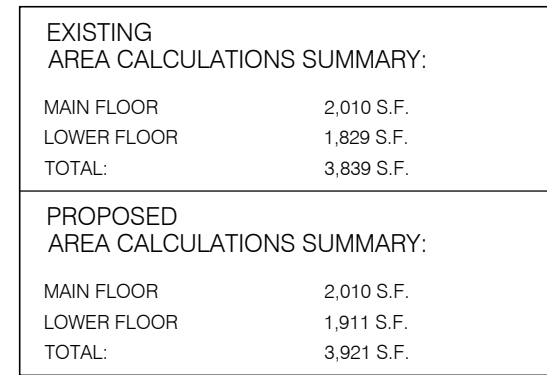







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A1.0

FOUNDATION
PLAN

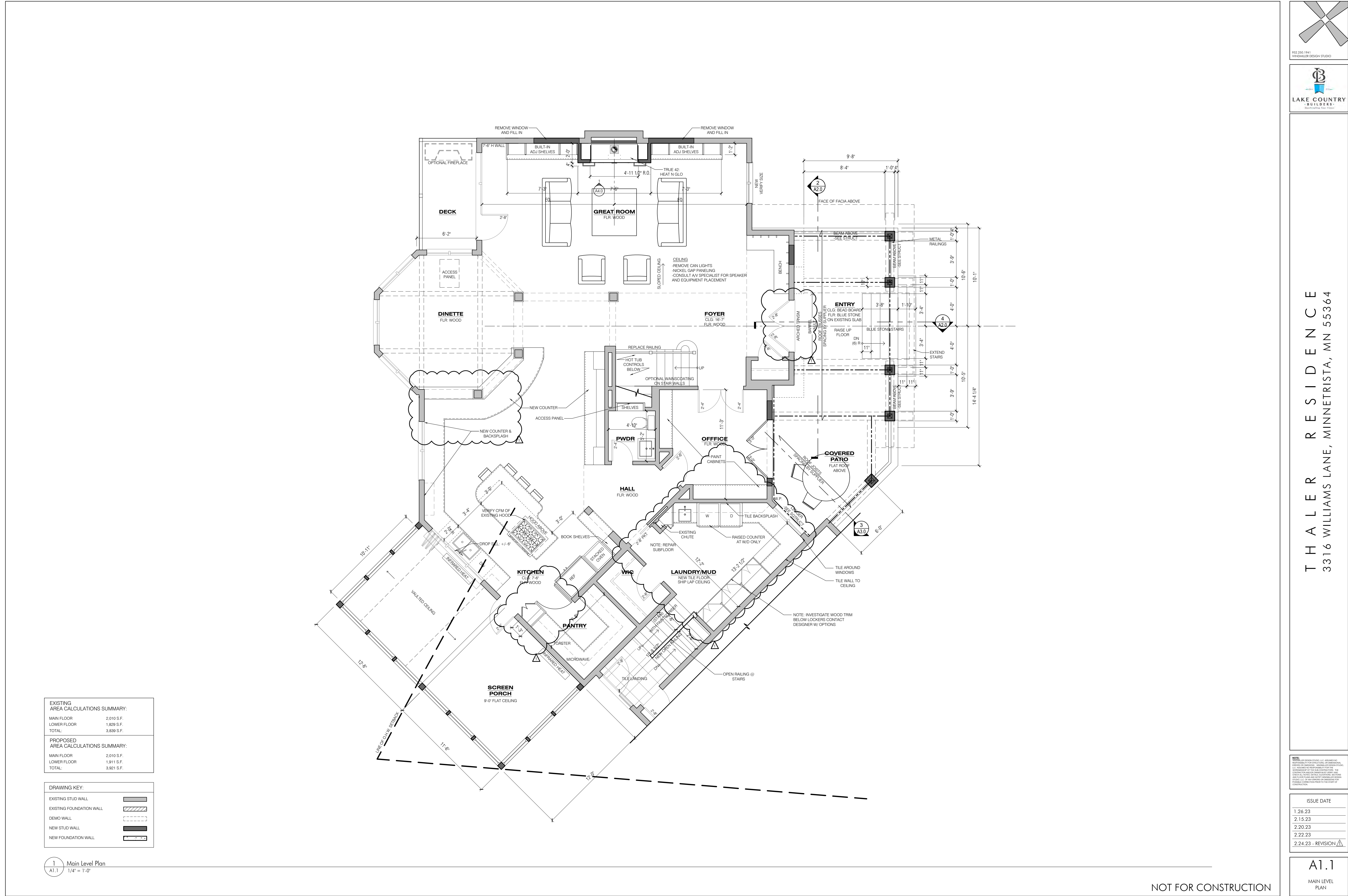
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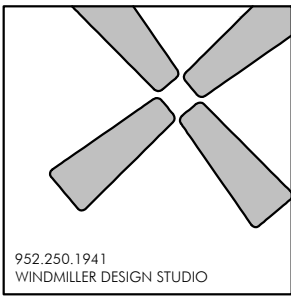


DRAWING KEY:	
EXISTING STUD WALL	
EXISTING FOUNDATION WALL	
DEMO WALL	
NEW STUD WALL	
NEW FOUNDATION WALL	

1 Foundation Plan
A1.0 1/4" = 1'-0"

NOT FOR CONSTRUCTION





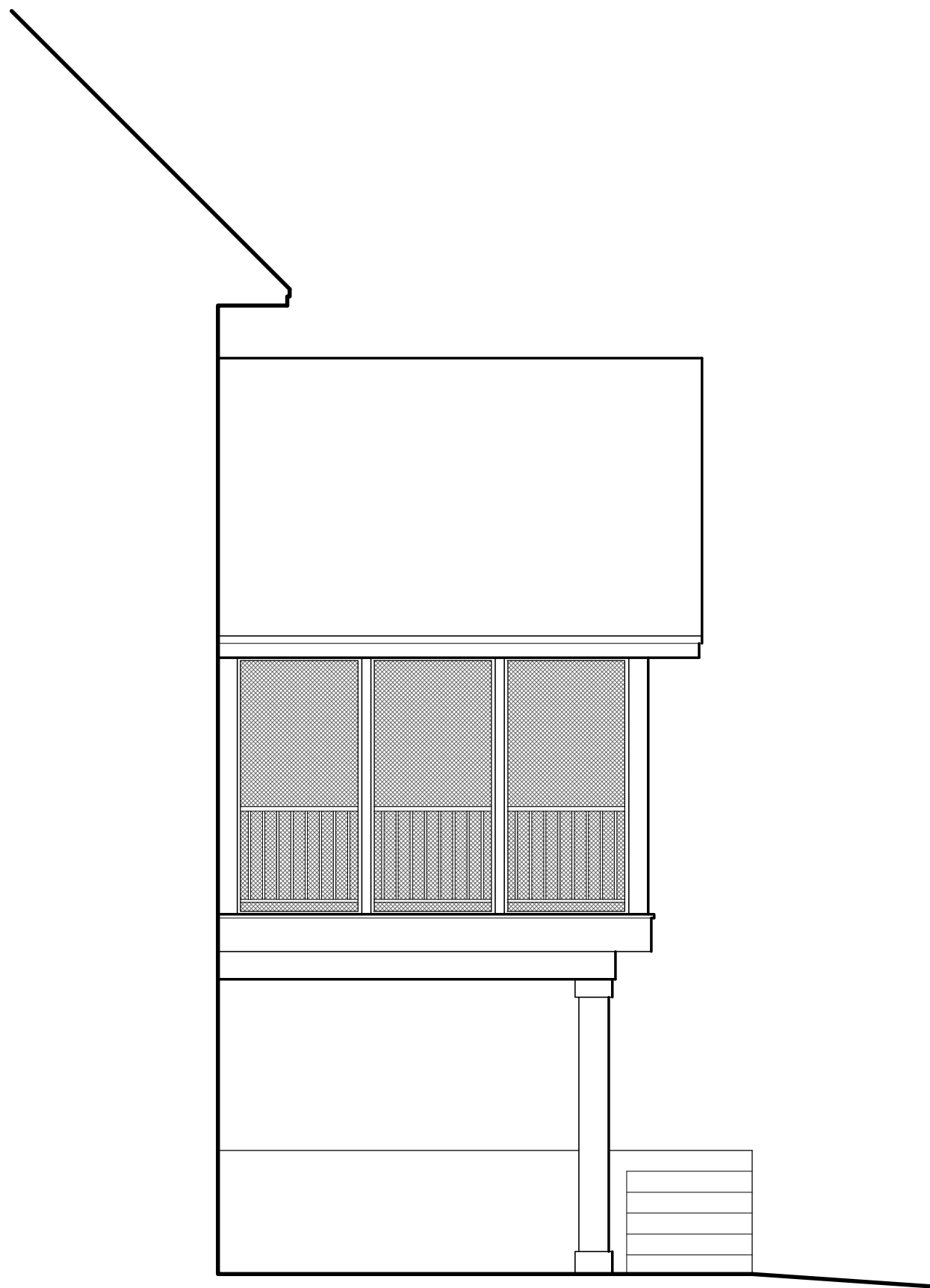
THALER RESIDENCE
3316 WILLIAMS LANE, MINNETRISTA, MN 55364

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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ISSUE DATE	
1.26.23	
2.15.23	
2.20.23	
2.22.23	
2.24.23 - REVISION	A

A2.1
REAR PORCH
ELEVATION

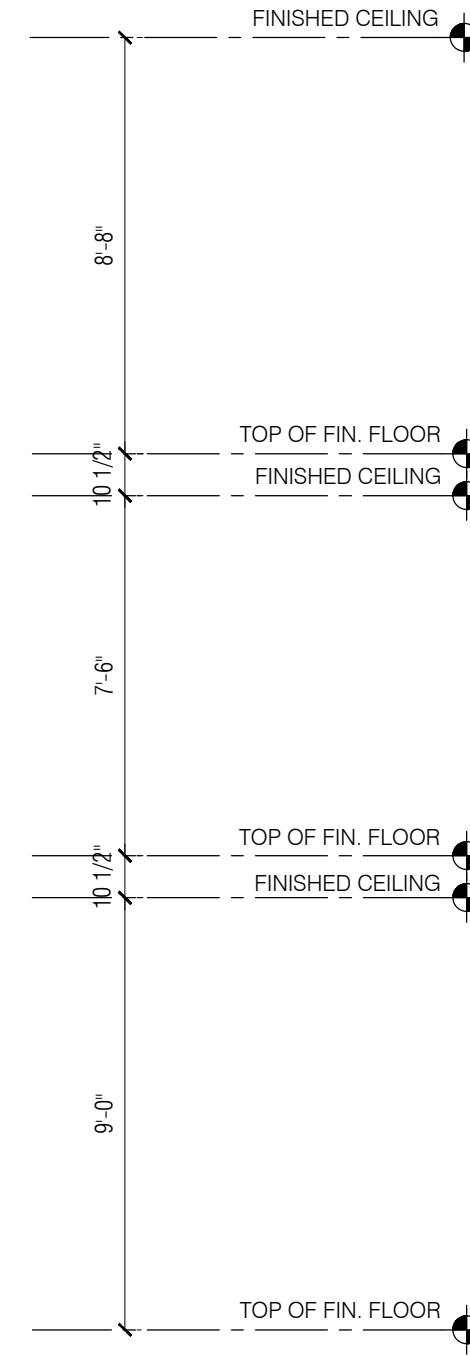
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1
A2.1
Rear Porch Elevation
1/4" = 1'-0"



2
A2.1
Rear Porch Elevation
1/4" = 1'-0"

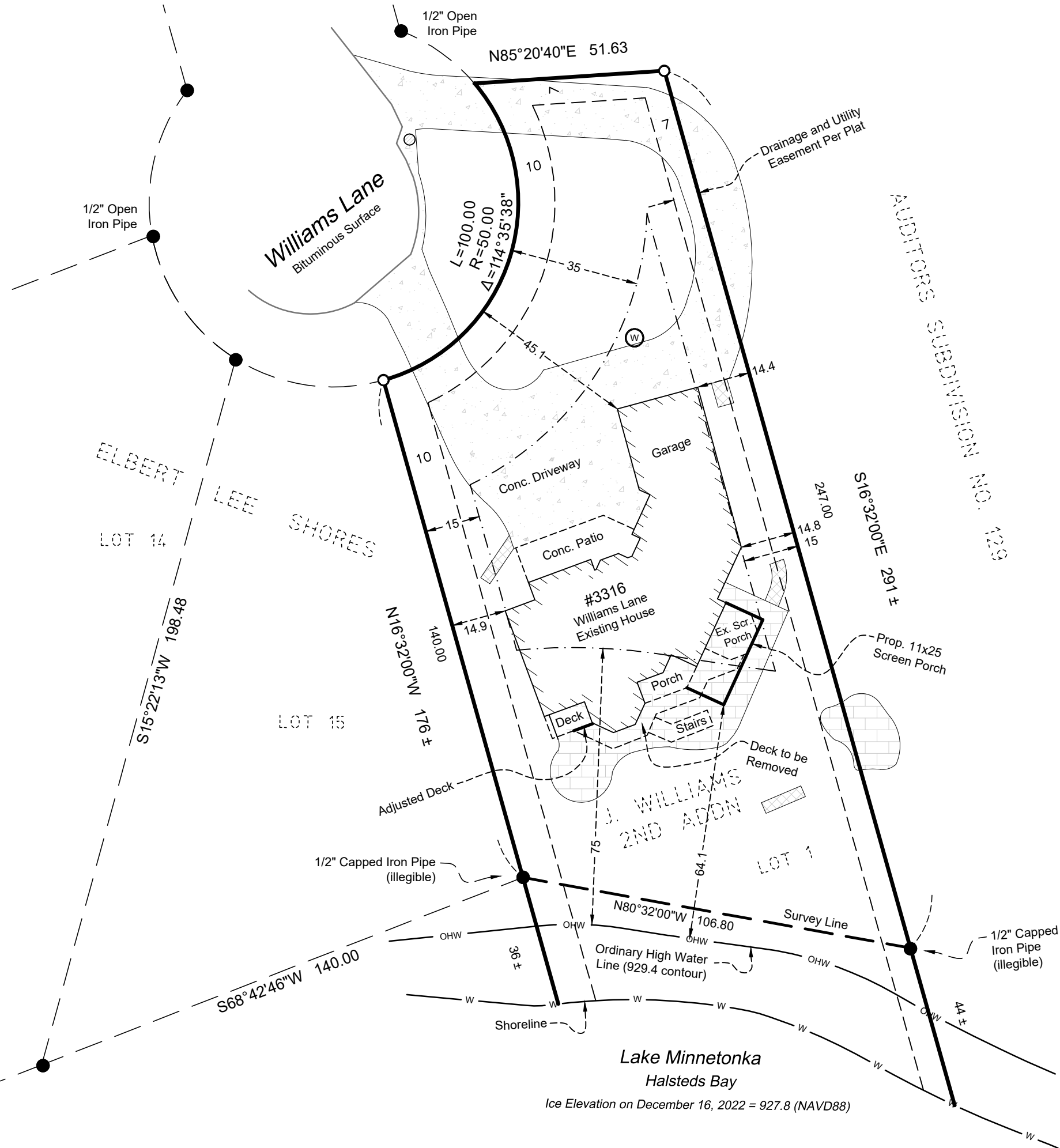


3
A2.1
Rear Porch Elevation
1/4" = 1'-0"

NOT FOR CONSTRUCTION

Certificate of Survey

Survey Prepared For: Lake Country Builders // Sharon Thaler
Property Description: Lot 1, Block 1, J. WILLIAMS SECOND ADDITION, Hennepin County, Minnesota



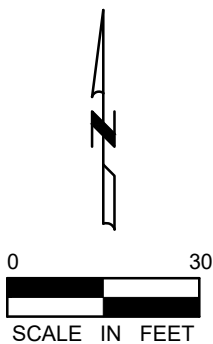
Notes

1. This Survey intends to show the boundaries of the above described property and the location of certain existing and proposed improvements thereon. It does not purport to show all improvements or encroachments. A Title Report was not furnished to the Surveyor in preparation of this survey. Additional encumbrances on the property may be disclosed by such a report.
2. The basis of bearings for this survey is based on the plat of J. WILLIAMS SECOND ADDITION.
3. Benchmark: Hennepin County Geodetic Control Point "ACKMAN". NAVD88 Elevation = 969.56.
4. Impervious Surface Measurements (Parcel Area 22,339 Sq. Ft.):
Existing Coverage: 8,653 Sq. Ft., 38.7% (does not include features built off the property)
Proposed Coverage: 8,653 Sq. Ft., 38.7% (Adjusted deck and screen porch fall within extents of paver patio)
5. Building footprint is shown per measurements taken at breast height on the outside of the siding/fascia and may not reflect dimensions of the foundation.
6. The site conditions shown on this survey are representative of the existing conditions on the date of last fieldwork: December 16, 2022. Snow cover was present at time of survey and some site features may not be shown on this survey due to this coverage.

Legend

- Found 2" Iron Pipe (unless otherwise noted)
- Set 1/2" x 14" Capped Iron Pipe marked "MN LS 48176"
- Survey Control Point
- Well
- Catch Basin

- Setback Line
- Existing Building Line
- Stone Slab Stairs
- Pavers



LINDGREN
Land Surveying

PO Box 217
Chanhassen, MN 55317
(952) 223-0063

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

Signed: Eric B. Lindgren, Land Surveyor
Minnesota License Number 48176

Date: January 4, 2023
Revised July 26, 2023

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PROJ. NO.
15022R

SHEET
1 of 1

BOOK/PAGE
003/087

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: **CONDITIONAL USE PERMIT: Application from Tyler and Amanda Holmer for a guest home over 1,000 sq. ft. at 400 North Branch Road.**

Prepared By: **Nickolas Olson, Senior City Planner**

Meeting Date: **August 28, 2023**

Overview: Tyler and Amanda Holmer (the “Applicants”) have made an application for a conditional use permit to keep the existing dwelling as a guest home over 1,000 sq. ft. at 400 North Branch Road; A – Agriculture Zoning District; PID# 03-117-24-13-0005 (the “Property”).

Background: It is the intent of the city in establishing general and specific criteria for conditional uses that such uses, by subject to careful evaluation to ensure that their location, size, and design, are consistent with the standards, purposes, and procedures of the city code and the comprehensive plan. The city may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the city or other governmental bodies having jurisdiction over the city.

The city may grant conditional use permits when such permits are authorized by this section and may impose conditions and safeguards in such permits to protect the health, safety and welfare of the community and assure harmony with the comprehensive plan of the city.

Discussion: When acting upon an application for a conditional use permit, the city will consider the effect of the proposed use upon the health, safety, and general welfare of the city. When considering the effect, the city should look at the following:

- (1) The factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land.**

In regards to nuisances, a guest home should operate in a very similar manner as any other accessory building, which means no discernable nuisances tied to its presence. It also will not present any additional fire or safety concerns. Since the guest home is intended for the Applicants and their family, the traffic conditions should not change and with the size of the Property, there should be ample off-street parking for the use.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

(2) The effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood.

The proposed primary home has been carefully designed to match the existing farm house, which will become the guest home, and the other detached accessory buildings on the Property. Taking these circumstances into consideration, there should not be a negative impact to the surrounding properties or the character of the neighborhood.

(3) Consistency with the city's comprehensive plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire.

The City's comprehensive plan and zoning code allow for a guest home over 1,000 square feet by conditional use permit. The Applicants have appropriately applied for a conditional use permit and, as the Commission will see later in the staff report, the criteria for a guest home are being complied with as proposed and conditioned. As the guest home is intended for family and non-paying guests of the Applicants, the property use will remain single family residential, which is consistent with the future land use map. Therefore, the proposed guest home is consistent with the comprehensive plan. The guest home will also have no negative impacts on governmental facilities and services as there should be no additional traffic as a result of the proposed guest home and the guest home will be served by a private sewer and water system. It is also anticipated that the need for police and fire services will not change with a guest home.

(4) The effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains and soils.

The proposed location of the primary home is in the middle of a farm field, which won't require the removal of any trees. Any required grading will be looked at during the new home permit review process. There shouldn't other impacts to any sensitive environmental features on or near the Property.

(5) Any other factors as found relevant by the city.

Based on the request, the information submitted with this land use application, and the lack of neighborhood concerns, there appears to be no other relevant factors to consider.

Where permitted by city code, guest homes shall be subject to the following requirements:

(1) The lot must contain an existing conforming single-family dwelling unit.

The Applicants plan to build a conforming single family home. This requirement will be met.

(2) The guest home must be completely detached from the primary residence.

The proposed primary home is completely detached from the guest home. This requirement will be met.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- (3) **The guest home must conform to accessory structure setbacks, lot coverage and all other requirements set forth by the city code that are applicable to primary residential dwellings in the zoning district in which the property is located.**

The existing home does not conform to all the zoning requirements for an accessory structure. This Planning Commission will need to determine if a variance has been satisfied as part of this approval.

- (4) **The height of the guest home must not exceed 25 feet.**

The existing home is less than 25' from the average grade to the mean of the highest peak of the roof. This requirement will be met.

- (5) **The roof pitch, architectural design, and exterior materials and colors of the guest home shall be consistent with the primary residence, and the appearance of the guest home shall be that of a single-family dwelling unit.**

Based on the information included with the application, the proposed primary home will be consistent with the existing residence, which will become the guest home, and has the appearance of a residential structure. The Applicants will need to look at siding and color when finalizing the new single family home so it's consistent with the guest home. They could also opt to paint or reside the guest home to make the new home. This requirement will be met.

- (6) **The driveway to the primary residence must be used to access the guest home. No additional driveway or curb cut will be permitted.**

The primary and guest home are proposed to access off of the existing driveway. There are no additional curb cuts being proposed. This requirement will be met.

- (7) **A guest home may have an attached garage. The attached garage shall count towards the total allowed square footage of the guest home with the exception for guest homes that are located in agricultural zoning districts.**

There is not attached garage on the existing home. The Property is also zoned Agriculture. This requirement will be met.

- (8) **The guest home shall have a separate address from the primary residence.**

The guest home shall be used by the occupants residing in the primary residence on the Property, their nonpaying guests or their domestic service employees that work on the premises. There is no reason at this time to assign a separate address. This requirement will be met.

- (9) **The guest home must be served by the same electrical, water, and gas meters that serve the primary residence. A separate individual sewage treatment system is permitted if required by the county or other permitting authority.**

This has been included as a condition of approval. As conditioned, this requirement will be met.

Mission Statement:

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- (10) Any riparian rights belong to the primary residence on the property. No additional boat slips will be permitted for the guest home.**

The Property is not a riparian lot. This requirement will be met.

- (11) No guest home shall be sold or conveyed separate from the primary residence.**

This has been included as a condition of approval. As conditioned, this requirement will be met.

- (12) A conditional use permit is required for guest homes that have a gross floor area of more than 1,000 square feet or square footage that is 30 percent or more of the primary residence's footprint, whichever is less.**

The Applicants have appropriately applied for a conditional use permit. This requirement is being met.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City's zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

The existing home, which will become the guest home, has existed in its current location for several decades. Its use will not change, but its designation as an accessory building requires different setbacks. It maintains a reasonable setback and there will be no changes to the surrounding area with respect to its remaining in place.

- b. The variance is consistent with the comprehensive plan.**

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property and surrounding area are guided for long term Rural per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future

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The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

use of the Property and thus remains consistent with the long term goals for the area.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

The Applicants are proposing to build a new single family home, but want to keep the existing structure as a guest home. City code allows for guest homes, but when the exceed 1,000 square feet, a conditional use permit is required. The Applicants have appropriately applied for a conditional use permit and keeping the existing home for use as a guest home is a reasonable request.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

The existing home was already built in its current location when the Applicant purchased the Property. Its location close to the southern property line was not chosen by them and is the reason for the variance request.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The existing home the Applicants are proposing to keep has existed in its location for several decades and there won't be alterations to the locality by keeping it in place while building a new single family home.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with one neighboring property owner who submitted a written comment. It has been attached for Planning Commission review.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be established which support the recommendation. Findings of fact based on the information submitted by the Applicants may be as follows:

1. The proposed conversion of the existing home to a guest home over 1,000 square feet is allowed with a Conditional Use Permit;
2. The proposed use does not pose any discernable concerns to the general public health, safety, morals, comfort or general welfare of the inhabitants of the city;
3. The request is consistent with the Minnetrista Comprehensive Plan;
4. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because the existing home, which will become the guest home, has existed in its current location for several decades and its use will not change, but its designation as an accessory building requires different setbacks. It maintains a reasonable setback and there will be no changes to the surrounding area with respect to its remaining in place;
5. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Rural per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with this long term goal as single family residential is an allowed use;
6. The Applicant proposes to use the Property in a reasonable manner because City code allows for guest homes, but when the exceed 1,000 square feet, a conditional use permit is required. The Applicants have appropriately applied for a conditional use permit and keeping the existing home for use as a guest home is a reasonable request;
7. The requested variance is the result of unique circumstances not created by the landowner because the existing home was already built in its current location when the Applicant purchased the Property. Its location close to the southern property line was not chosen by them and is the reason for the variance request.; and
8. The requested variance will not alter the character of the locality because the existing home the Applicants are proposing to keep has existed in its location for several decades and there won't be alterations to the locality by keeping it in place while building a new single family home..

Recommended Action: Motion to recommend the City Council approve the requested conditional use permit for a guest home over 1,000 square feet and variance to the side yard setback requirement at 400 North Branch Road, based on the findings of fact outlined in the staff report and subject to the following conditions:

1. The guest home shall not be sold or conveyed separate from the primary residence;
2. The guest home must be served by the same electrical, water, and gas meters that serve the primary residence;

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

3. No additional driveway or curb cut shall be permitted for the guest home;
4. No additional boat slips shall be permitted for the guest home;
5. The Property shall be developed in accordance with the plans submitted with this land use application;
6. The Applicants shall obtain all necessary permits and approvals from the City and other applicable agencies with jurisdiction over the Property prior to any construction;
7. The Applicants are responsible for all fees incurred by the City in the review of this application;
8. This approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the Property; and
9. Any other conditions as required by the Planning Commission.

Attachments:

1. Location Map
2. Applicant Narrative
3. Property Survey
4. Building Plans
5. Neighborhood Comments


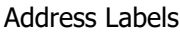

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

400 North Branch Road



1 in = 92 Ft

-  City Boundary
-  Address Labels
-  Parcels





Written Statement for Conditional Use Permit & Variance Request

A. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates:

- Tyler & Amanda Holmer
400 North Branch Road
Minnetrista, MN 55359
Tyler (cell) – 763/442-1048
Amanda (cell) – 612/868-9255
- Northland Lumber & Supply
Contact: Joseph Vos
48227 State Highway 19
Fairfax, MN 55332
Office – 507/426-6132
Cell – 320/493-8195
- Otto Associates
9 West Division Street
Buffalo, MN 55313
Office – 763-682-4727

B. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s):

- Address: 400 North Branch Road
Minnetrista, MN 55359
- Zoning: Residential
- Parcel Size: 2.74 acres
- Square Feet: 119,207 sq ft
- Property ID: 0311724130005
- Legal Description: That part of the Northeast Quarter of Section 3, Township 117, Range 24 described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North along West line of said quarter section 20 rods; thence East parallel with the South line of said quarter section 24 rods; thence South parallel

with the West line of said quarter section 20 rods to the South line of said quarter section; thence West along said South line to the point of beginning, Hennepin County, Minnesota

- C. A narrative regarding the history of the property (current and past uses) and any pre-application discussions with staff
- The current landowners are Tyler & Amanda Holmer. They purchased the property from David Johnson on May 9, 2022. The only discussions with staff prior to application were by phone and email conversations with Nicholas Olson and David Abel regarding the application process and forms to be completed.
- D. A specific written description of the proposed use(s). Incorporate information describing how the use will work on the proposed site including proposed site changes, existing open spaces, landscaping, traffic circulation, transition areas to adjacent properties, individual uses for existing and proposed structures, and effects on natural areas (wetlands, forests, etc.) both on-site and in the general vicinity of the project.
- The proposed site changes will be the addition of a new home less a garage. The driveway will stay the same. There will be modifications to the septic as required. All existing open spaces and landscaping will stay the same, less the space for the house. There will be no impact on existing traffic or adjacent properties. The proposed structure will be residential dwelling for the current landowners and the residential dwelling will become an infrequently used family guest suite. There will be no additional impact on any onsite or adjacent properties natural areas (wetlands, forests, etc) and all drainage and watershed will remain on the property.
- E. Address how the proposed use would affect the health, safety, and general welfare of the city—including but not limited to the factors listed below. For all potential adverse effects, please address how the conflict(s) and/or disturbance(s) would be avoided or mitigated.
- a) Noise, glare, odor, electrical interference, vibration, dust, etc;
 - b) Possible fire and safety hazards;
 - c) Existing and anticipated traffic control;
 - d) Parking facilities on adjacent streets and land;
 - e) The effect on surrounding properties including valuation, aesthetics, scenic views, current and possible land uses, character, and integrity of the neighborhood;

- f) Impact on governmental facilities and services including roads, parks, schools, sanitary sewer system, water facilities & supply, and police & fire protection;
- g) Effect on sensitive environmental features including lakes, surface and underground water supply, wetlands, slopes, floor plains and soils; and
- h) Any other factors as found relevant by the City.

- Since the current landowners are proposing to build a new residential home for themselves, the use of the property will not be changing or impacting the health, safety, and general welfare of the City. There will be no additional noise, glare, odor, electrical interference, vibration, dust, fire, safety hazard, existing and anticipated traffic control nor parking facilities on adjacent streets and land. The effect on surrounding properties including valuation, aesthetics, scenic views, current and possible land uses, character, and integrity of the neighborhood will increase the value with a single-family home that fits the character of a rural area. There will be no additional impact on governmental facilities and services including roads, parks, schools, sanitary sewer system, water facilities & supply, and police & fire protection even though there is a guest suite, the same amount of usage will occur whether in the same dwelling or split between the home and guest suite. There will not be any effect on sensitive environmental features including lakes, surface and underground water supply, wetlands, slopes, floor plains and soils.

F. Describe how the proposed use meets the objectives outlined within the Minnetrista Comprehensive Plan;

- The proposed home will increase growth in single family residence while keeping the characteristics of the rural community. At the same time, adding value to the land and protecting the natural sources of the area.

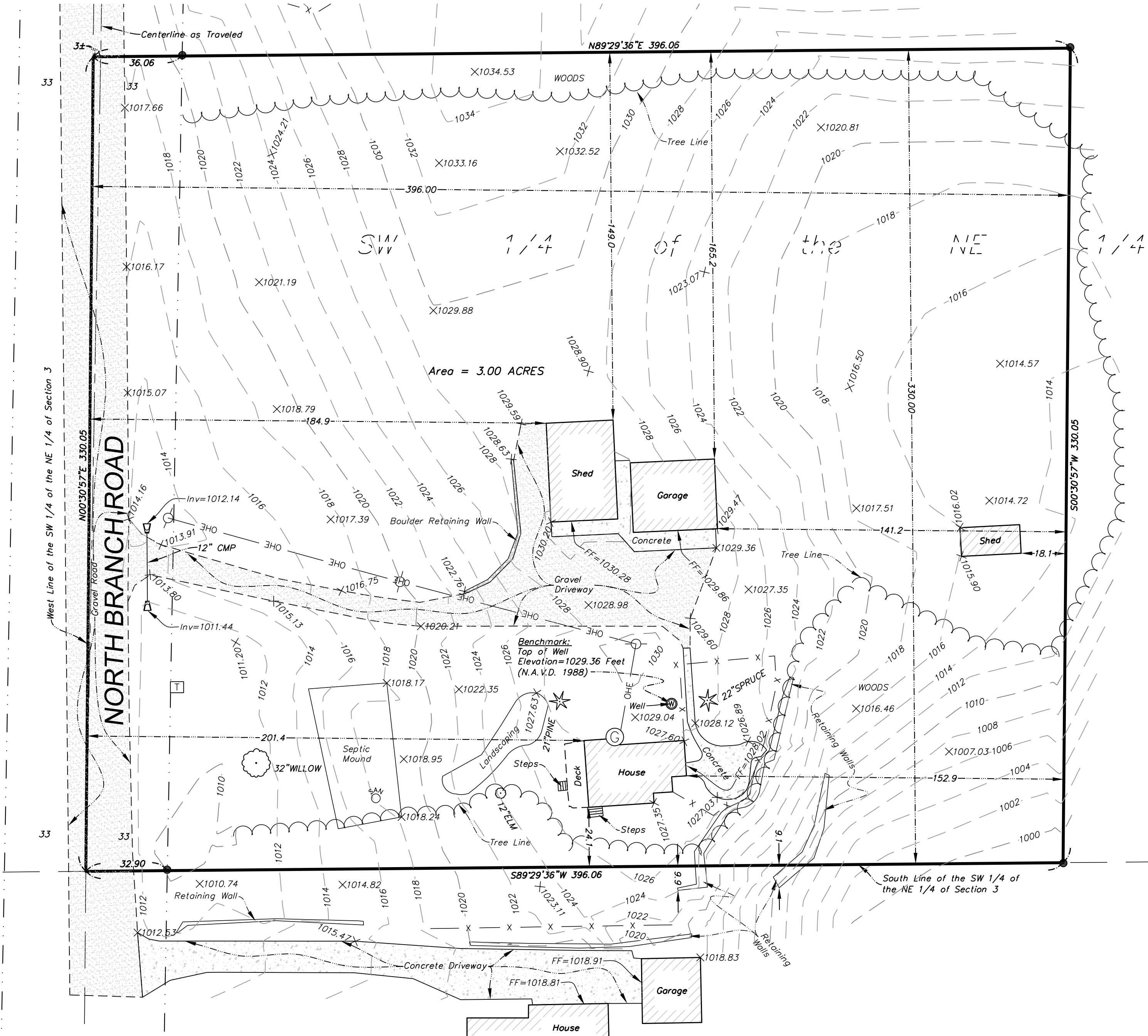
G. Provide a narrative addressing concerns/issues raised by neighboring properties (staff always suggests discussing your proposal with the neighboring landowners to get a sense of what issues may arise as your application is processed);

- Current landowners have spoken to the landowners to the south of the property and they are supportive to make improvements to the neighborhood.

H. Describe how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated;

- Standard practice of erosion control around wetlands and disturbed areas will be used during construction.
- I. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area;
- There will be no excessive burden on roads, sewage, water supply, parks, schools, fire, police, or other public facilities/services in the area since a residential home is being proposed in a residential area.
- J. Outline a proposed development/operating schedule (when will the use begin, hours of operation, etc). If new construction is proposed, provide a development schedule indicating the approximate date when construction of the project—or stages of the same—can be expected to begin and be completed.
- New residential home construction standard work hours are from 7 am to 6 pm depending on the weather. Construction is to commence in the Fall of 2023 and hope to be completed in the Spring of 2024.

Certificate of Survey and Topographic Survey



LEGEND

- 988 — denotes Existing Contour
- 988.00 X denotes Existing Spot Elevation
- FF=989.36 denotes Finished Floor Elevation
- ⊙ denotes Gas Meter
- ⊞ denotes Telephone Pedestal
- ⊕ denotes Power Pole
- denotes Deciduous Tree
- ★ denotes Coniferous Tree
- OHE — denotes Overhead Electric Line
- x — denotes Fence Line
- ▽ — denotes Existing Culvert
- ⊕ denotes Sanitary Cleanout

EXISTING HARDCOVER CALCULATIONS:		
Area of Lot =	130,700.80	S.F.
	AREA	
Existing House	934	S.F.
Garage	966	S.F.
Sheds	1,369	S.F.
Gravel (Not in R/W)	4,867	S.F.
Concrete	1,251	S.F.
Deck	213	S.F.
Retaining Walls	494	S.F.
TOTAL	10,094	S.F.
% HARDCOVER	7.7	%

PROPERTY DESCRIPTION:

The South 330.00 feet of the West 396.00 feet of the Southwest Quarter of the Northeast Quarter of Section 3, Township 117, Range 24, Hennepin County.

Certificate of Survey and Topographic Survey on the S 330.00 feet of the W 396.00 feet of the SW 1/4 of the NE 1/4 of Section 3, Hennepin County, Minnesota

Revised:

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

Paul E. Otto
Paul E. Otto
License # 40062 Date: 7-24-23

Requested By:

Northland Lumber Supply

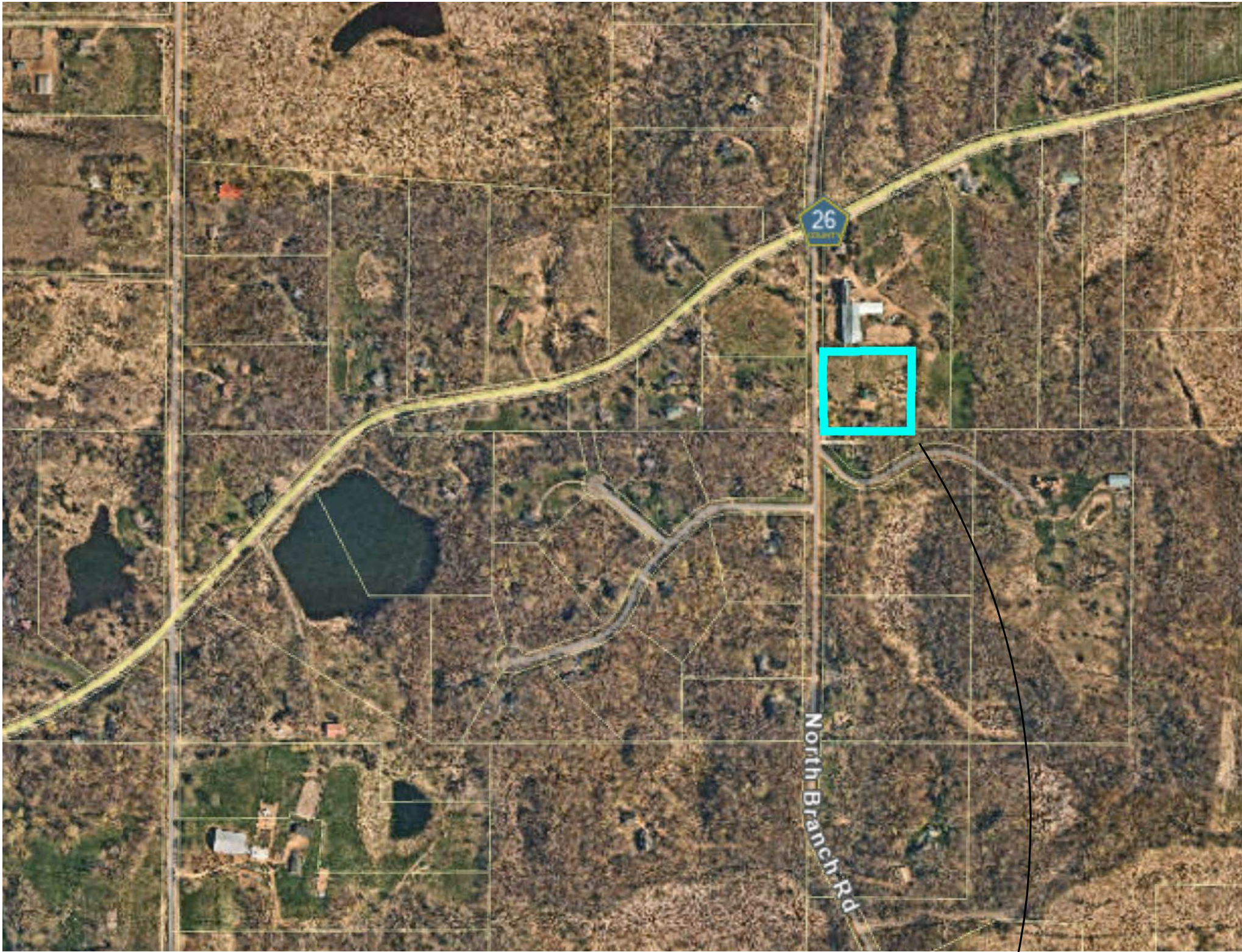
Date: 7-20-23 Drawn By: N.N.B. Scale: 1"=30' Checked By: P.E.O.



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No. 23-0318



SITE LOCATION MAP

SCALE: NTS

Hennepin County Property Map



PARCEL ID: 0311724130005

OWNER NAME: A M Holmer & T B Holmer

PARCEL ADDRESS: 400 North Branch Rd,
Minnetrista MN 55359

PARCEL AREA: 2.74 acres, 119,207 sq ft

A-T-B: Abstract

PROPERTY BOUNDARIES

PROPOSED IMPERVIOUS

EXISTING TO REMAIN		
AREA OF LOT =	130,700	S.F.
EXISTING =	10,094	S.F.
% OF HARD COVER	7.7 %	
.....PER SURVEY by OTTO ASSOCIATES.....		
PROPOSED IMPERVIOUS		
HOUSE =	2,118	S.F.
PORCH =	722	S.F.
DECK =	420	S.F.
GRAVEL WALK =	243	S.F.
TOTAL NEW =	3,503	S.F.
TOTAL EXISTING + NEW IMPERVIOUS		
EXISTING =	10,094	S.F.
NEW =	3,503	S.F.
TOTAL OF SITE =	13,597	S.F.
TOTAL % OF HARDCOVER =	10.4%	



PROPOSED SITE PLAN & LANDSCAPE PLAN

SCALE: 1" = 20'-0"

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Ty & Mandy Holmer

RESIDENCE

400 North Branch Road
Minnetrista, MN 55359

Page: 1 of 3

Date: 7-26-23

Revised: _____

Revised: _____

Dwg by: JAV

Northland LUMBER & SUPPLY

48227 State Hwy. 19
Fairfax, MN 55332

office: 507.426.6132
www.Northlands.com



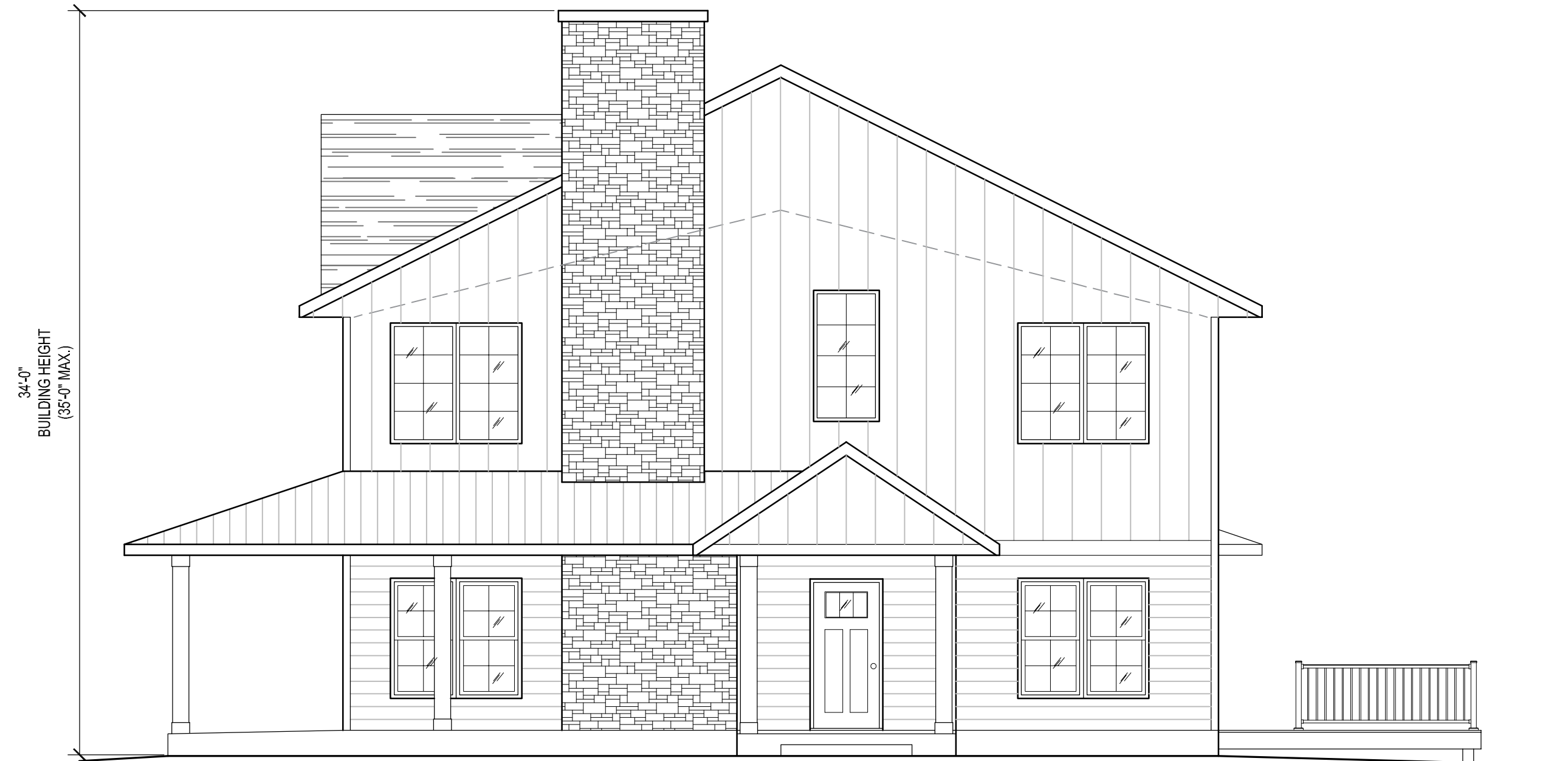
WEST ELEVATION

SCALE: 3/16" = 1'-0"



NORTH ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



EAST ELEVATION

SCALE: 3/16" = 1'-0"

DISCLAIMER OF WARRANTIES

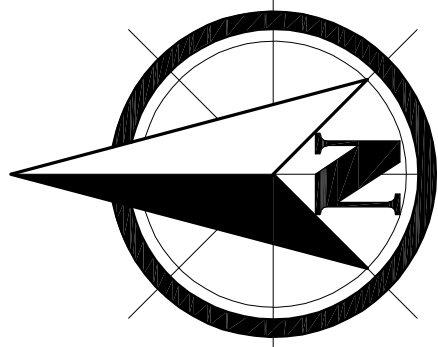
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Page: 2 of 3

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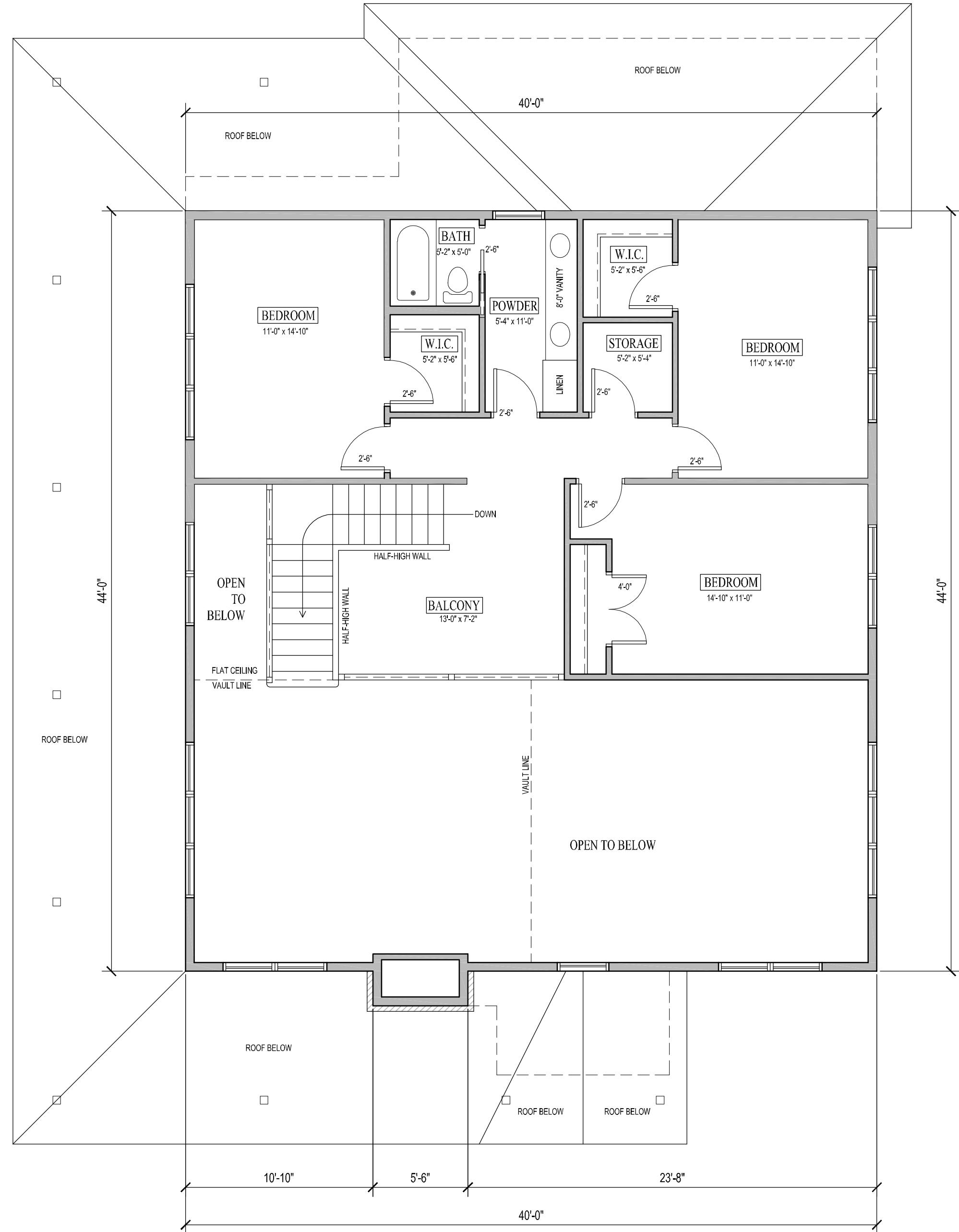
Page: 3 of 3

Date: 7-26-23

Revised:

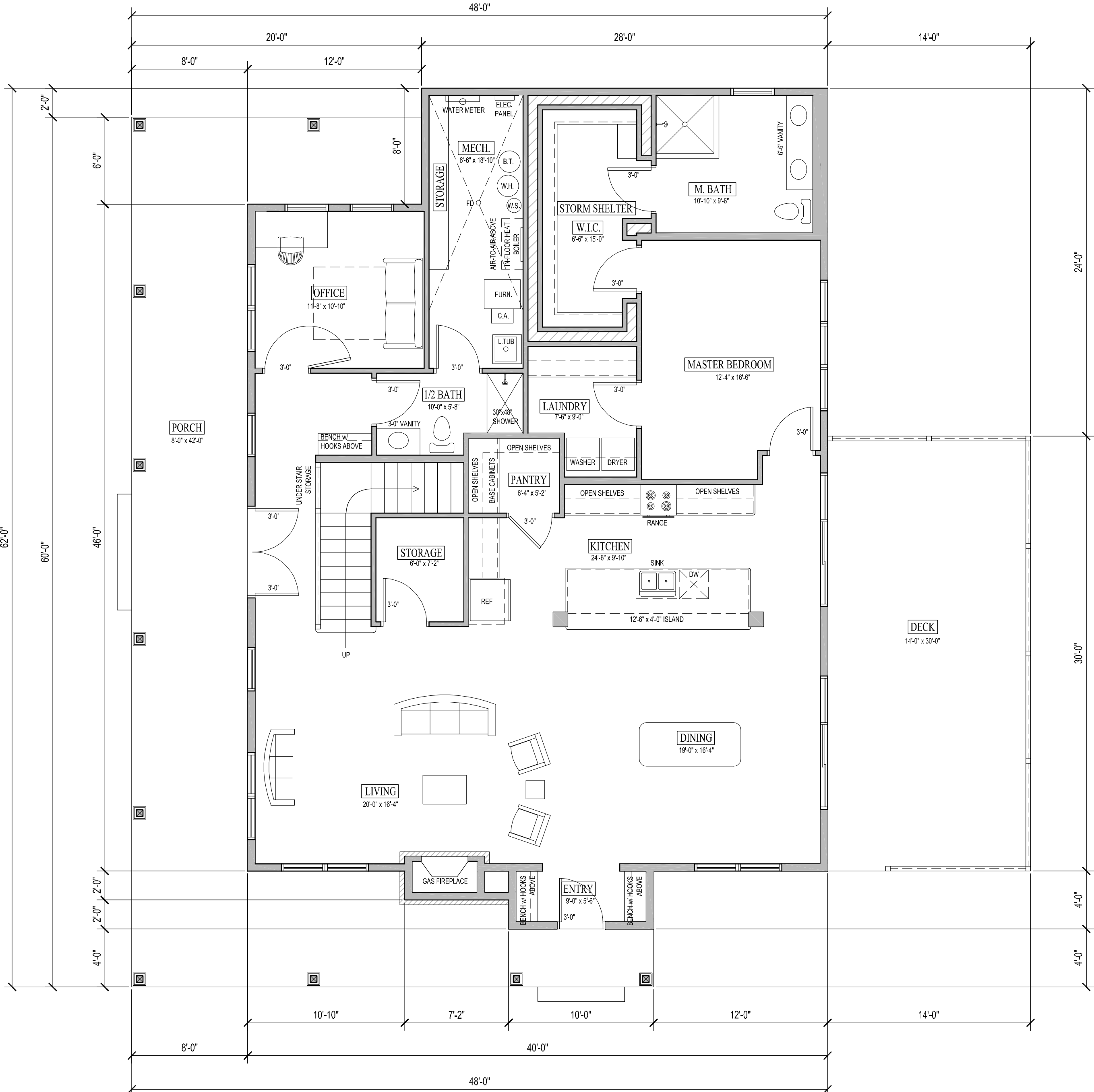
Revised:

Dwg by: JAV



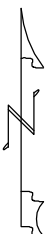
UPPER FLOOR PLAN
SCALE: 3/16" = 1'-0"

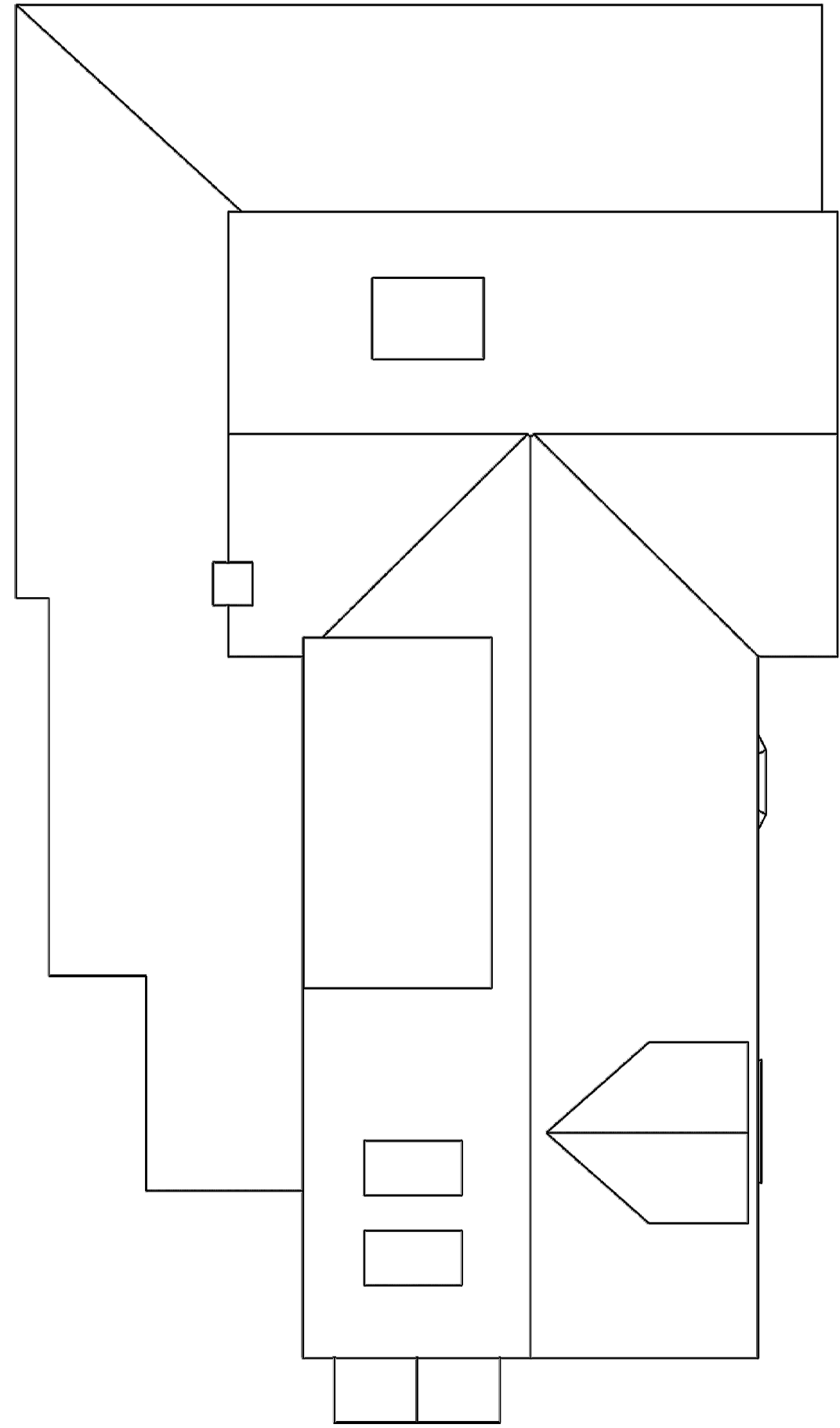
FLOOR 1,011 S.F.



MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"

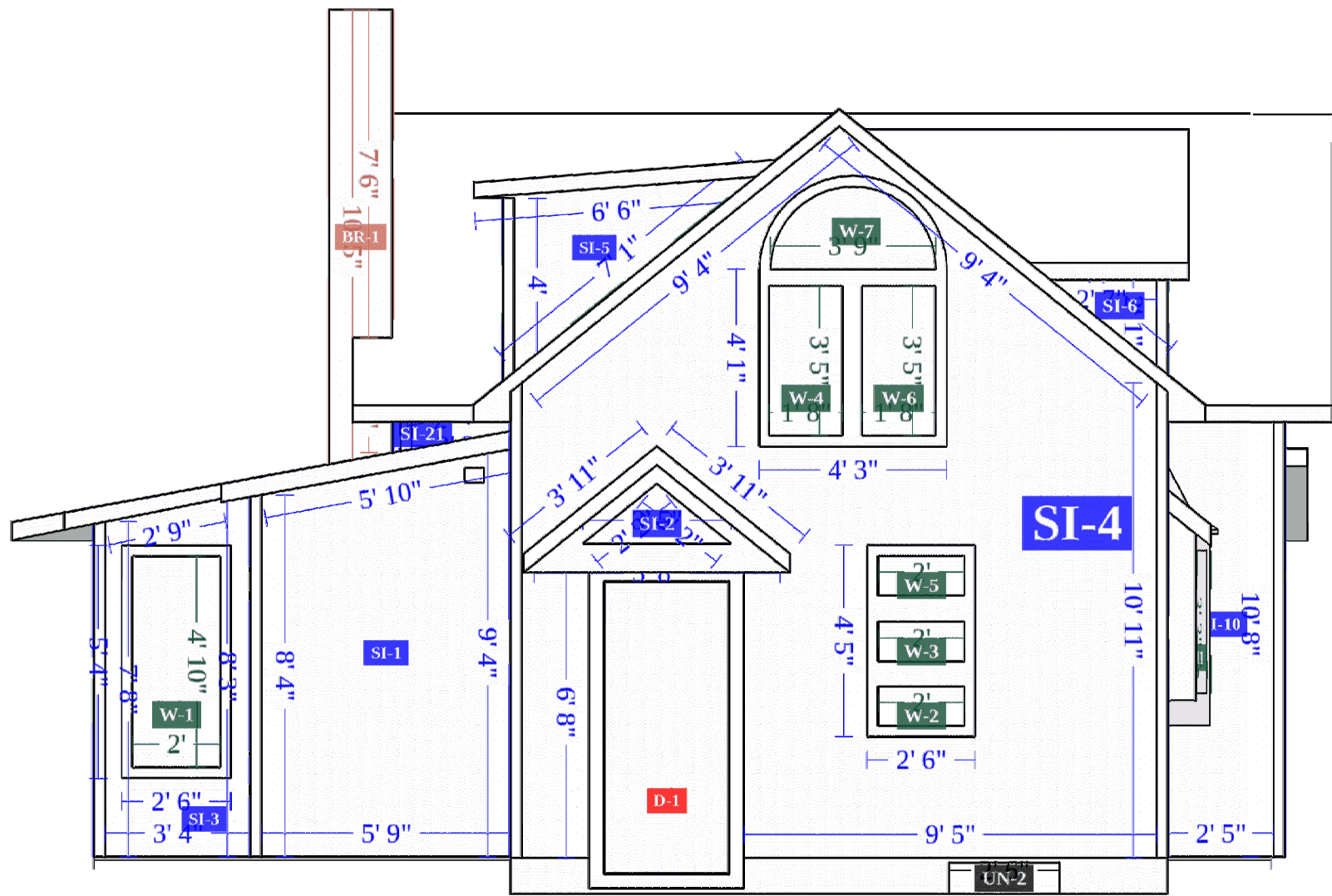
FLOOR 2,118 S.F.
PORCH 722 S.F.
DECK 420 S.F.
TOTAL 3,260 S.F.



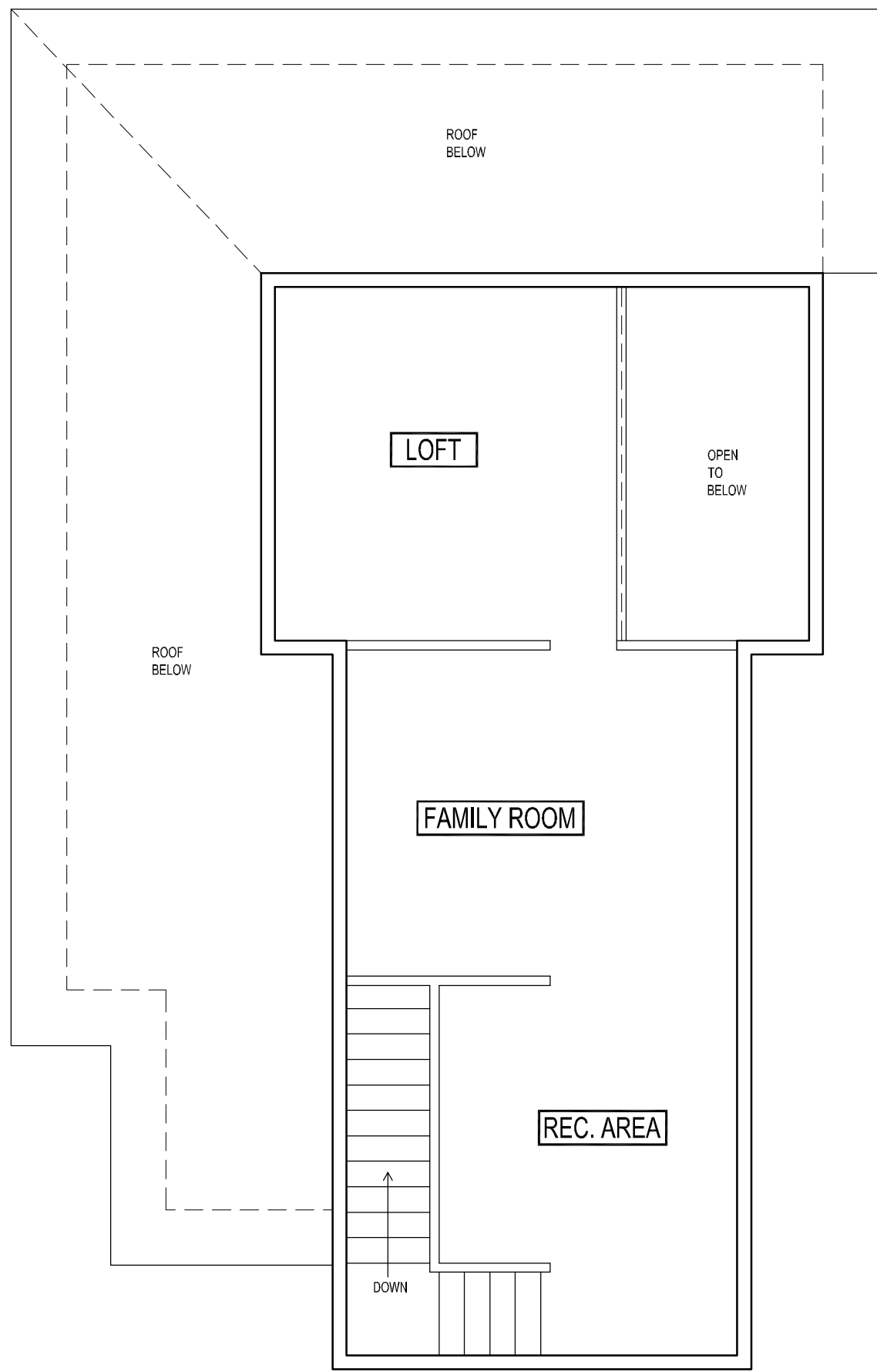


EXISTING HOME ROOF PLAN

SCALE: 3/16" = 1'-0"

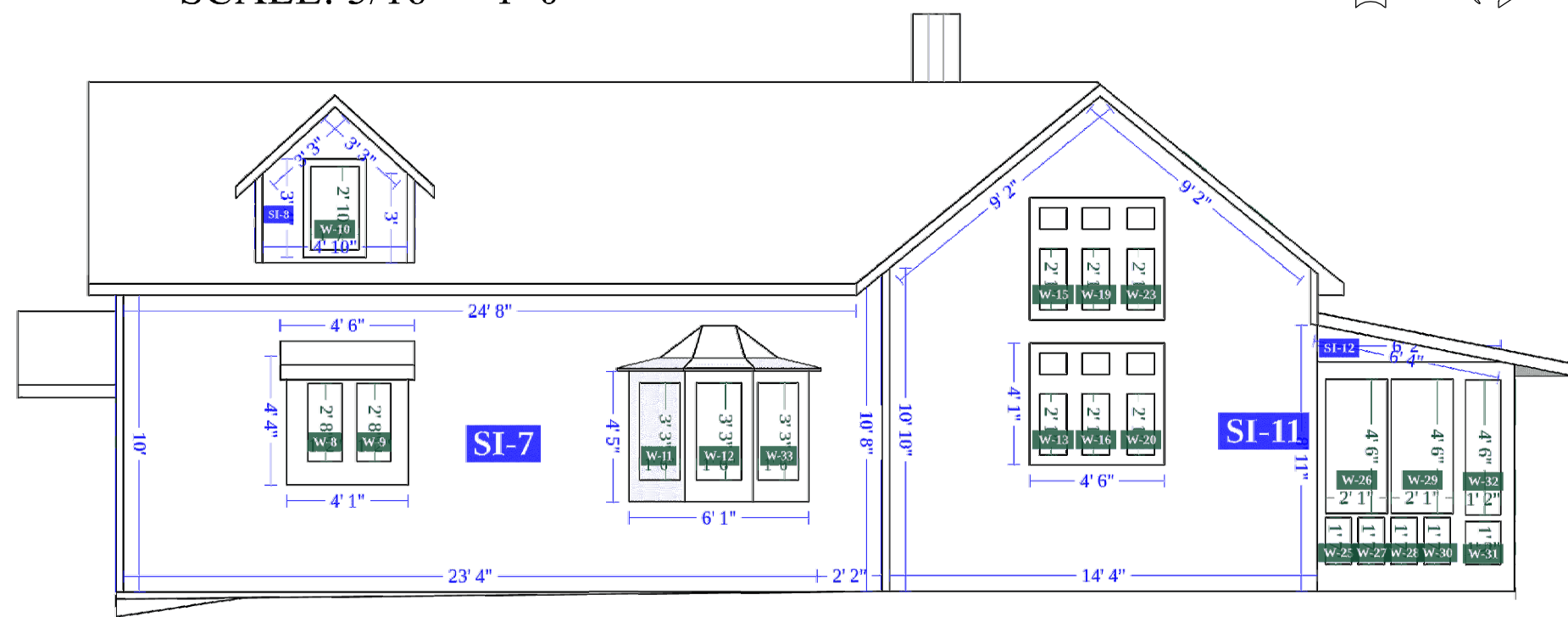


EAST ELEVATION

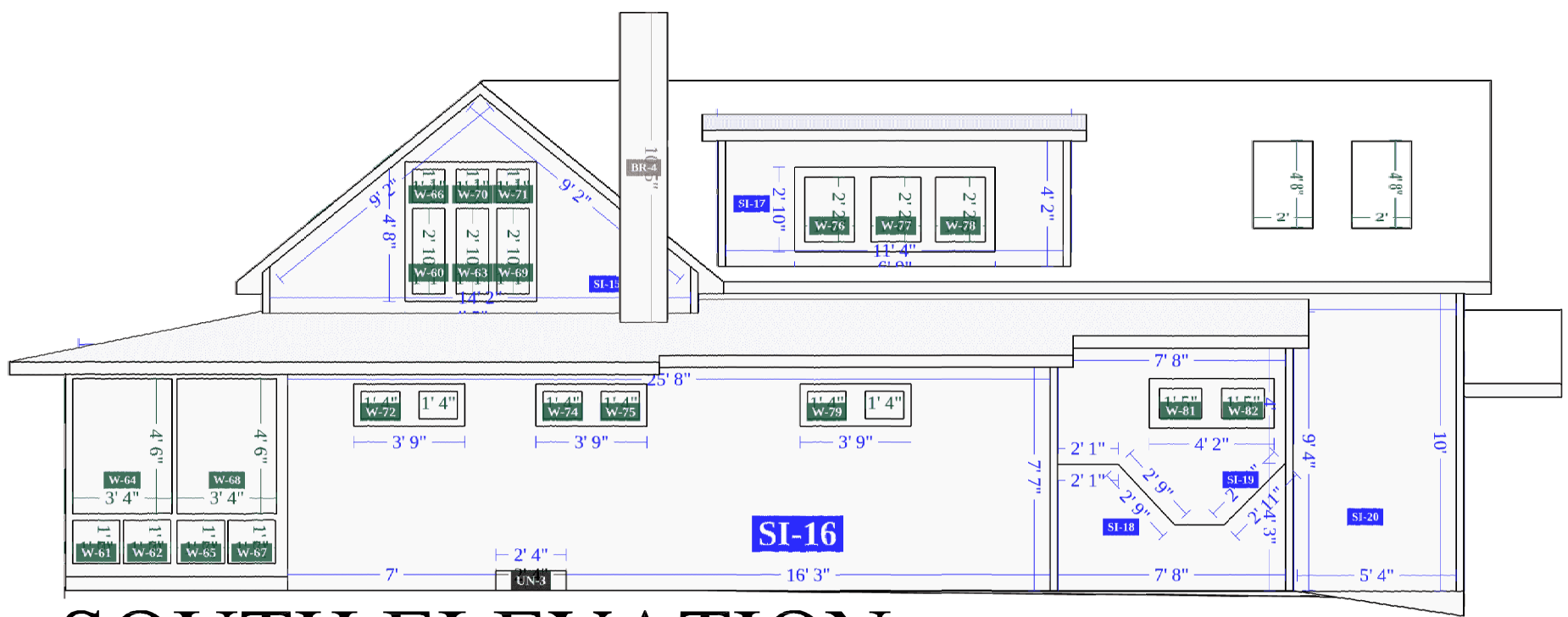


EXISTING HOME UPPER FLOOR

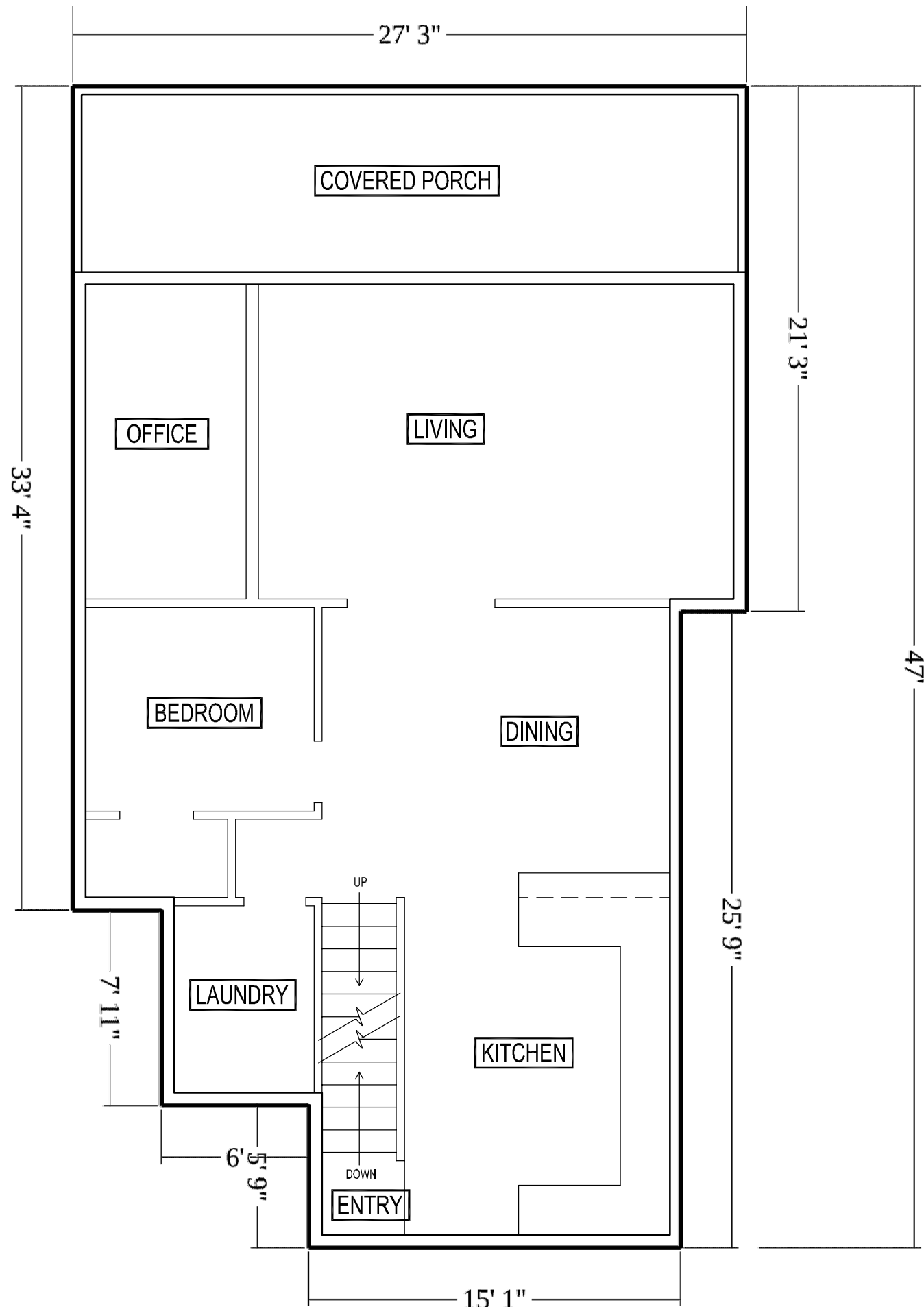
SCALE: 3/16" = 1'-0"



NORTH ELEVATION

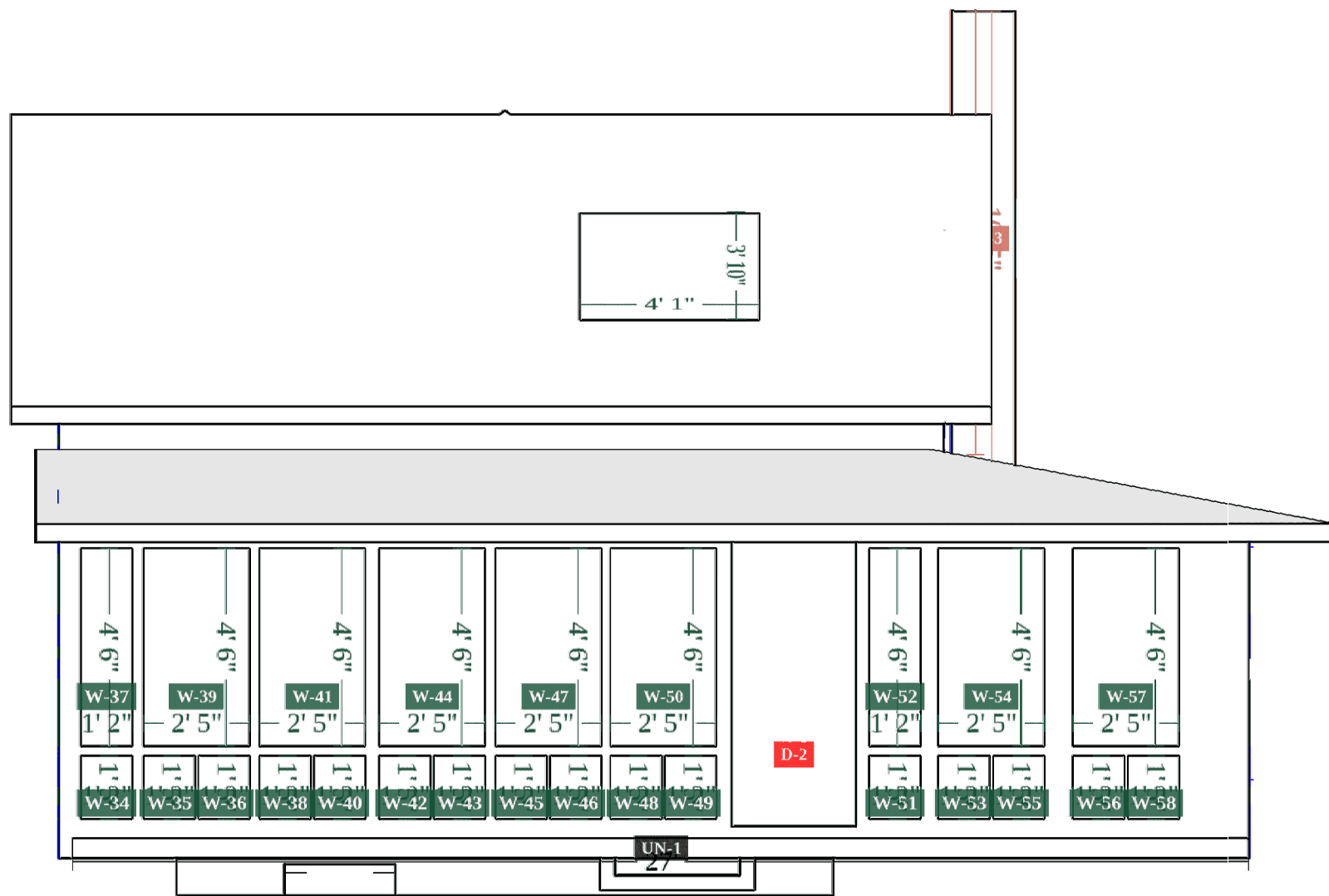


SOUTH ELEVATION



EXISTING HOME MAIN FLOOR

SCALE: 3/16" = 1'-0"



WEST ELEVATION

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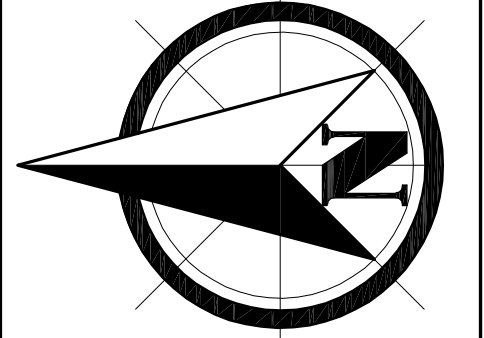
Ty & Mandy Holmer
RESIDENCE
400 North Branch Road
Minnetrista, MN 55359

Page: 1a of 2a
Date: 7-26-23
Revised:
Revised:
Dwg by: JAV

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CURRENT PHOTOS OF:
EXISTING HOME
- - PROPOSED TO BECOME
A FAMILY GUEST SUITE - -



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Ty & Mandy Holmer
RESIDENCE
400 North Branch Road
Minnetrista, MN 55359

Page: 2a of 2a
Date: 7-26-23
Revised:
Revised:
Dwg by: JAV

August 24, 2023



Nickolas Olson
Senior City Planner
City of Minnetrista
Municipal Offices
7701 County Road 110 West
Minnetrista, MN 55364-9552

Re: Conditional Use Permit Application from Tyler and Amanda Holmer - proposing to build a new single-family home and keep existing dwelling as a guest home.

Dear Nickolas,

Thank you for asking for our comments regarding the Holmer's new home construction. We are happy for them and do not have any objections. We apologize, but we will not be able to attend the meeting of the Minnetrista Planning Commission.

We do want to point out the new dwelling will be positioned very close to our outdoor riding arena, which raises a couple of areas that deserve some attention.

1) Safety.

The outdoor riding arena is regularly used, especially on weekends, for riding instructions and training of our clients' horses and their riders for showing Hunters and Jumpers. This involves the horse and rider riding through a course of a series of jumps. Most of the riders taking lessons on their horses are minors, with their parents watching at the side of the ring. The placement of the new dwelling will be just over fifty feet from the west end of our riding arena, with the back yard of the new dwelling running along the property line and just feet from the rest of the length of the south side of the arena. Activities that may occur out the back of a home located so close to the ring that could, however unintentional, spook a horse at a critical moment and cause an accident. It is important to beware, in a worst-case scenario, as such an accident could result in severe injury or even death of a rider and / or their horse. We are open to ideas to mitigate the increased risk to the riders and their horses. We thought that a solid wall might help.

2) Privacy

For the same reasons on location, the privacy for the Holmer's could be impacted by the home's placement. Some type of wall would be beneficial in that regard also. A wall of beautiful, tall evergreens, or a solid wall is a suggestion. We are proposing ideas but are also open to other ideas to ensure that the Holmers get their new home while mitigating the safety and privacy concerns.

If anyone on the planning commission, or Tyler and Amanda Holmer, have any questions, please feel free to contact us. We would be happy to work with you to make this a success.

Thank you for taking this into consideration,

Jon and Jane Martinson

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: Application from Nathan Fair on behalf of Harriet A. Ellis Trust for a lakeshore, street side, and side yard setback variances at 3790 Enchanted Lane

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: August 28, 2023

Overview: Nathan Fair on behalf of Harriet A. Ellis Trust (the “Applicant”) has made a request for a lakeshore setback variance from the required 75 feet to 41 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6.1 feet and 10.1 feet to allow for a new single family home at 3790 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0003 (the “Property”).

Background: The Applicant has a purchase agreement to purchase the Property, but among other things is contingent upon the review of their variance request. The Property previously contained a single family dwelling and a detached garage. Those structures did not comply with the current city code requirements for setbacks. They were torn down by the current owners while the lot was marketed for sale and the Property is now currently vacant. The Applicant contacted city staff to discuss the setback requirements and what they might be to build on the Property. After discussions, the Applicant felt the building pad was too small when the setbacks were applied and asked about a variance. City staff discussed the variance process and submittal requirements to the Applicant. The Applicant has put together the necessary documents attached hereto for the Planning Commission to consider. The Applicant also has a purchase agreement to buy the adjacent property at 3800 Enchanted Lane.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

The Applicant is proposing a new single family dwelling. They have taken in to consideration the street side and lakeshore setbacks are the nearby homes to be assimilate into the neighborhood. The side yard setbacks mimic that of the nearby Douglas Beach zoning district and are being requested due to the narrow nature of the Property.

b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future use of the Property and thus remains consistent with the long term goals for the area. In addition to simply complying with the future land use plan, the proposed new home preserves the neighboring riparian views because it does not extend in front of the existing home next door.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

The Applicant is proposing to build a single family home, which is a permitted use in the zoning district of the Property. It is a two story home, which is reasonable given there is not a basement in the proposed home due to problems with the soil and elevation.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to

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encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

The Property is a non-conforming lot of record, which was created before the current setback and lot size requirements were in place. When the current setbacks are applied, the building pad is rather small. Furthermore, Enchanted Lane does not travel within the platted right-of-way and is actually located in the middle of the Property which contributes to the small building pad.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The Property used to contain a single family dwelling and a two car detached garage, but those structures have since been torn down. The previous structures, which existed for decades, did not meet the current setback requirements. The Applicant is proposing similar setbacks to those that previously existed, although the proposed house is a bit larger and will be two stories. The proposed home is consistent in size to the home located to the south that was recently built and received a variance about 6 years ago. There are also other 2 story homes along Enchanted Lane, so this wouldn't be the only 2 story home.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with two neighboring property owners and both submitted written comments. Those comments have been attached for Planning Commission review. The concerns raised in conversation seems to be the side yard setback variance request. If the Planning Commission agrees with these concerns, it might look to limit the relief to the common, internal property line which could help alleviate concerns with adjacent property owners.

Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be established which support the recommendation. Findings of fact based on the information submitted by the Applicant may be as follows:

1. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because the proposed new home is located on the Property in a manner similar to nearby homes with respect to the lakeshore and street side setbacks and the side yard setbacks mimic that of the nearby Douglas Beach zoning district;
2. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with this long term

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- goal as single family residential is an allowed use and the proposed new home preserves the neighboring riparian views by not extending further towards the lake than the existing adjacent home;
3. The Applicant proposes to use the Property in a reasonable manner because the proposed new home is consistent with the zoning district and having a second story makes sense given the lack of a basement;
 4. The requested variance is the result of unique circumstances not created by the landowner because the Property is an existing non-conforming lot and Enchanted Lane is not located in the right-of-way due to wetlands and bisects the Property which restricts the buildable area; and
 5. The requested variance will not alter the character of the locality because the proposed new home maintains similar setbacks to the previously existing structures which had been in place for decades. The proposed home is also consistent in size to the nearby home that was built recently and there are other two story home in the area.

Recommended Action: Motion to recommend the City Council approve the requested lakeshore, street side, and side yard setback variance at 3790 Enchanted Lane based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The Applicant shall enter in to a maintenance agreement and provide an easement for any permeable paver surface in order to receive a 50% credit on hardcover for that surface;
2. The construction shall be consistent with the plan and survey documents submitted with this variance application;
3. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
4. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
5. The Applicant is responsible for all fees incurred by the City in review of this application; and
6. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Attachments:




1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans

Mission Statement:

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3790 Enchanted Lane



-  City Boundary
-  Address Labels
-  Parcels



7/28/2023

3790 Variance Written Statement

a. Current property owners

Harriet A Ellis Trust

Andrew & Harriet Ellis

b. Site data

Legal Description

3790 Enchanted Lane, Minnetrista MN 55364

PID: 25-117-24-43-0003

The South 57.65 feet of Lot Twelve (12), ENCHANTED ISLAND PARK, according to the recorded plat thereof, measured at right angles from the South line of said lot, except the North Forty (40) feet front and rear thereof, and:

All the part of Lots Twelve (12) and Thirteen (13) in ENCHANTED ISLAND PARK according to the recorded plat thereof, described as follows: Beginning at a point on the shore of Lake Minnetonka, which point is Ninety-Five (95) feet North from the Southwest corner of Lot Thirteen (13); thence Northerly along lakeshore Fifty (50) feet; thence Easterly and parallel with the South line of Lot Twelve (12) to the East line of Lot Twelve (12); thence Southerly along the East line of Lots Twelve (12) and Thirteen (13) to a point in the East line of Lot Thirteen (13) which point is Ninety-seven and fifty-eight hundredths (97.58) feet North from the Southeast corner of Lot Thirteen (13); thence Westerly to the place of beginning.

Parcel Size

0.401 acres, 17,464 square feet

Existing Land Use

Vacant lot

Current Zoning

R-1 (Residential – low density)

- c. Applicant is seeking a variance to City Code Section 505.15 Subd. 2. Lot area, depth, width, coverage, setbacks, height standards.
- d. The proposal seeks to turn a current non-conforming legal lot into buildable property, consistent with the setbacks of the recently built neighboring homes in the area. Given the front yard setback of 35 feet, the lakeshore setback of 75 feet and the side yard setbacks of 15 feet, the resulting building pad does not allow for a reasonable size home, with a buildable area of only 1,673 +/- sq ft. A significant portion of the property is occupied by Enchanted Lane running through the parcel versus in a platted right-of-way, creating a substantially reduced buildable area in relation to the 35-foot front yard setback. See the attached Exhibits A and B which depict the information above.

The proposal will meet the height requirement of 35 feet and the hardcover requirement of 25 percent of the lot area with the use of pervious pavers for a portion of the driveway. See lot survey for percent hardcover calculations.

The proposal seeks three setback variances as follows:

1. Street setback of 35 feet from edge of Enchanted Lane pavement to 26 feet
 - a. The proposed home will be no closer to the pavement edge than that of the garage that was removed from the property. In fact, the previous garage was 22 feet from the pavement edge. This is also consistent with the 26-foot setback variance granted to 3810 Enchanted Ln.
 2. Lake shoreline setback of 75 feet from ordinary high-water line to 38 feet
 - a. The proposed home will be no closer to the lakeshore than that of the home that was removed and the same distance from the lakeshore as the property to the north. The proposed home will be 5 feet further from the shoreline as that of the previous home.
 3. Side yard setback of 15 feet to 6 feet and 10 feet
 - a. To allow for enough buildable area in width, the proposed home will be 6 feet from the south property line and 10 feet from the north property line. This leaves 19 feet between the proposed home and the existing home to the north. The applicant is also building on the lot to the south. The allowable width of a new home with the 15-foot setbacks would only be 30 feet, which is impractical.
- e. The applicant has been working closely with City staff via phone calls and emails in preparation for our application.
 - f. The proposal is consistent with creating and enhancing single family dwelling development, consistent with those homes recently developed in the area.
 - g. The lot is unbuildable for a single-family dwelling given the setbacks and the fact that the road runs through the parcel. The proposed home is like those recently built in the area.
 - h. The variance request is simply to provide enough buildable area to construct a single-family home.
 - i. The proposal will not affect the safety or environment. No increase in traffic as only one single family home will be replacing the one that was torn down. Having a newly built home will only increase the surrounding property values.

BUILDABLE AREA PER
CURRENT R1 ZONING

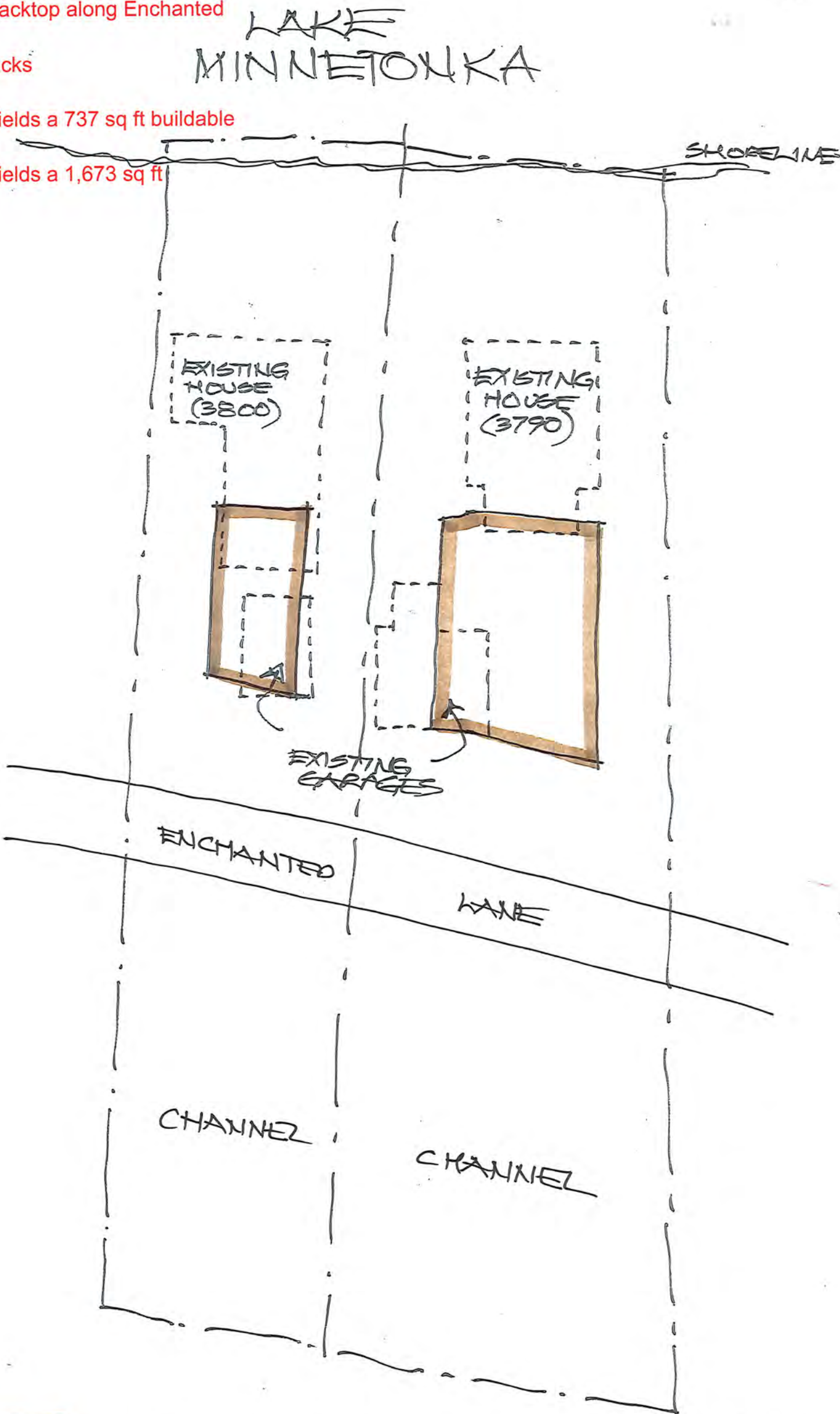
EXHIBIT A

R1 Setbacks

75' from OHW (ordinary high water of 924.4)
25' from edge of blacktop along Enchanted

Ln
15' side yard setbacks

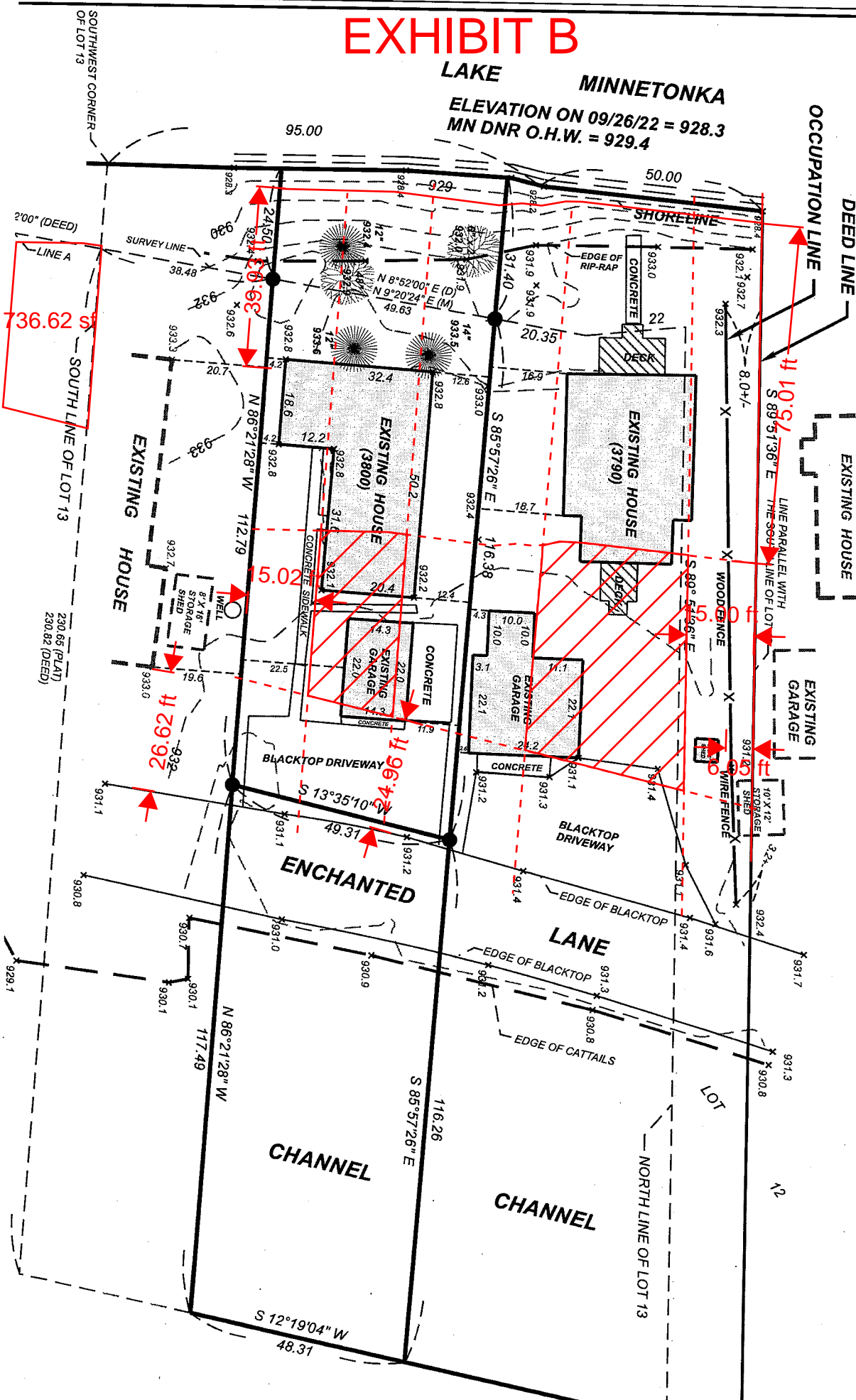
For lot 3800, this yields a 737 sq ft buildable
area
For lot 3790, this yields a 1,673 sq ft
buildable area



- BROWN BOXES ABOVE DEPICT
GREATLY-REDUCED BUILDABLE AREA
RESTRICTED BY MODERN SETBACKS
(EXISTING STRUCTURES DOTTED IN)

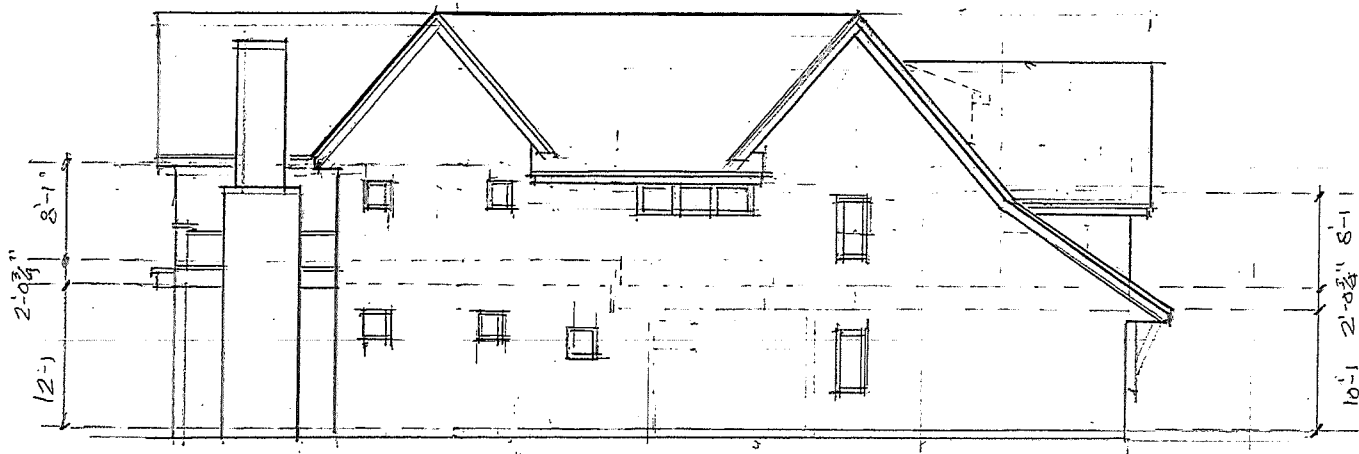
EXHIBIT B

LAKE MINNETONKA
ELEVATION ON 09/26/22 = 928.3
MN DNR O.H.W. = 929.4



1,673.29 sf

Certificate of Survey
~ for ~ Harriet A. Ellis Trust
3790 & 3800 Enchanted LN.
Minnetrista, MN



PRELIMINARY SOUTH ELEVATION
 $1/16" = 1'-0"$

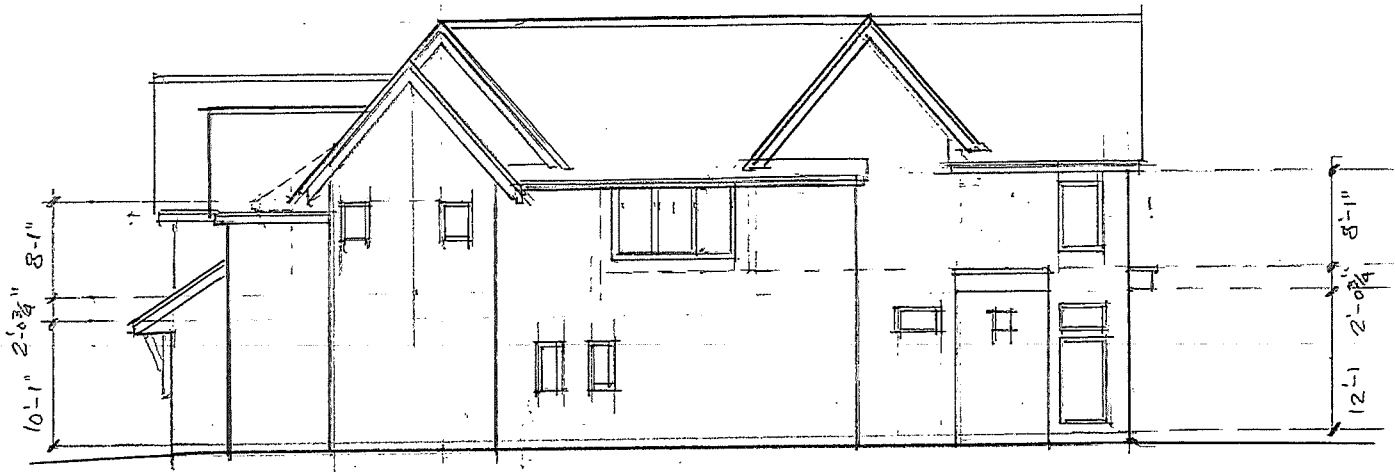


PRELIMINARY EAST/STREET ELEVATION
 $1/8" = 1'-0"$

3790 ENCHANTED LANE
 MINNETRISTA

FAIR RESIDENCE

NRDI



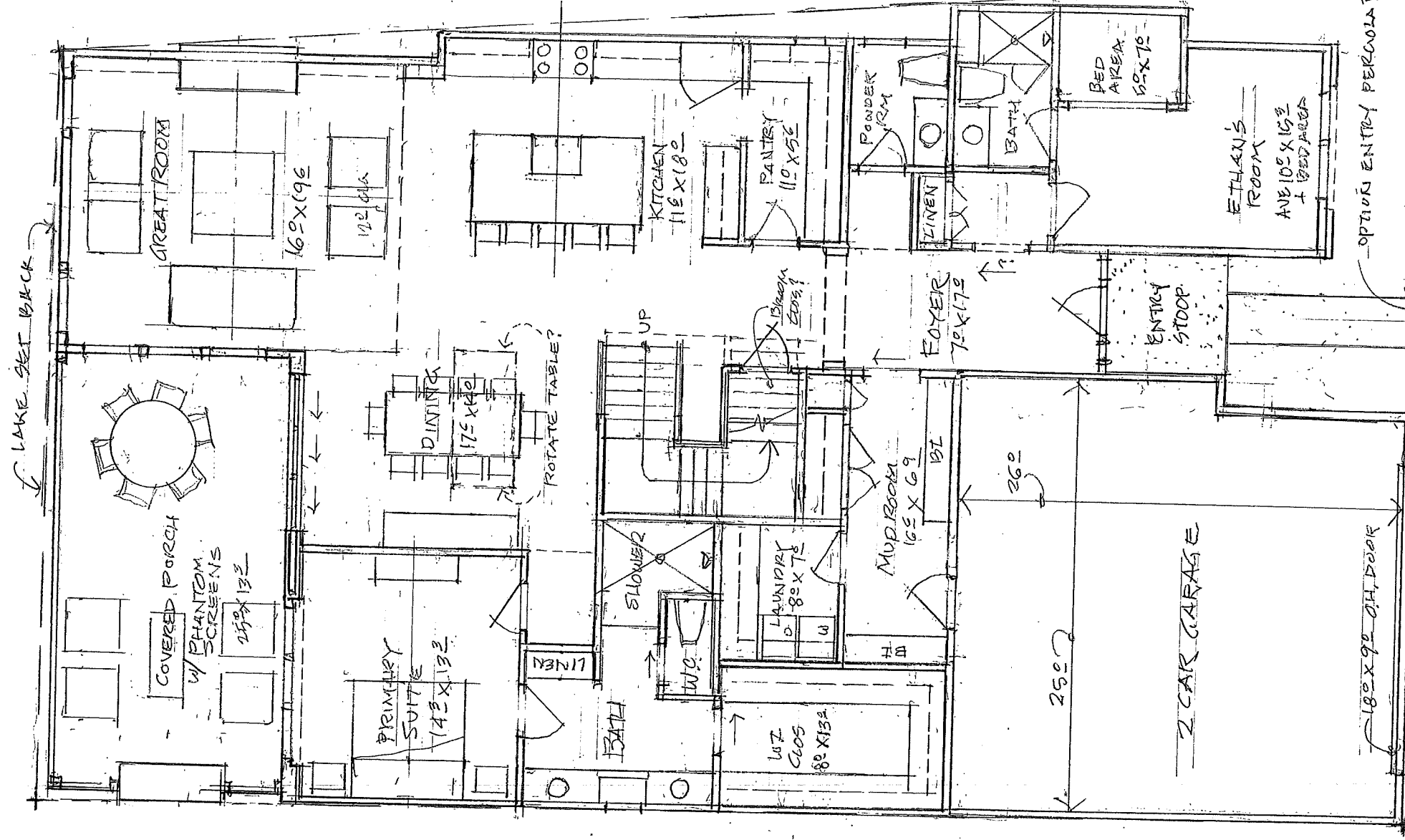
PRELIMINARY NORTH ELEVATION
 $1/16" = 1'-0"$



PRELIMINARY WEST/LAKE ELEVATION
 $1/8" = 1'-0"$

3790 ENCHANTED LANE
 MINNETRISTA
 FAIR RESIDENCE

NRDZ



HARD COVER REVIEW:

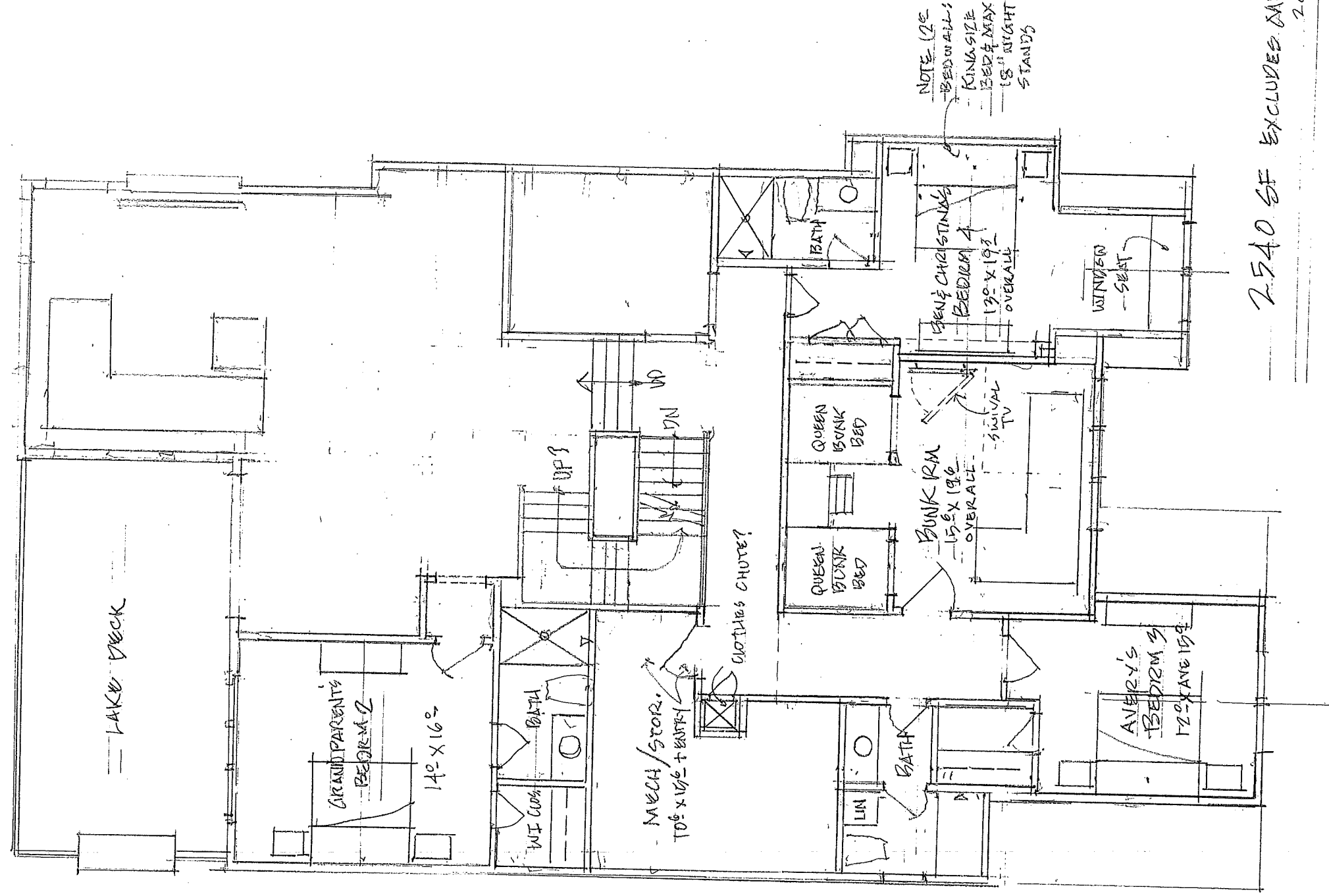
15,909 SF x .25 = 3977 SF MAX.

HOUSE	=	2546 SF
PORCH	=	351
ENTRY STAIR	=	19
GARAGE	=	660
ENTRY WALK	=	43 (86 SF x .50 PAVING)
DRIVE WAY	=	327 214 + (235 x .50 PAVING)
PREM. TIL	=	3976 SF

PRELIMINARY
1ST FLOOR PLAN 254 SF
1/8" = 1'-0"

3790 ENCHANTED LN / FAIR 8/21/23
MINNETRISTA / RESIDENCE NRD/L

3'0" WIDE
PAVER BORDER
ON DRIVEWAY
FOR 50% DIS-
COUNT ON HARD
COVER



2540 SF EXCLUDES MECH & STAIR SF
2025 9/1 SF

PRELIMINARY
2ND FLOOR PLAN
1/8" = 1'-0"

3790 ENCHANTED LN,
MINNETRISTA
FAIR RESIDENCE

NRDL

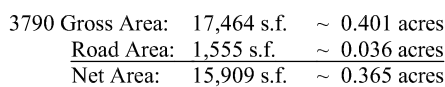
3790 Enchanted Lane: The South 57.65 feet of Lot Twelve (12), ENCHANTED ISLAND PARK, according to the recorded plat thereof, measured at right angles from the South line of said lot, except the North Forty (40) feet front and rear thereof, and:

STANDARD NOTES

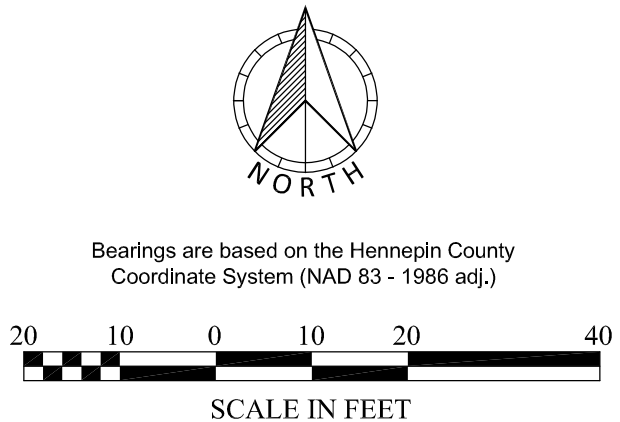
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Proposed Hardcover	
Lot Area	= 15,909 S.F.
House Area	= 2,932 S.F.
Driveway Area	= 486 S.F.
Stoop Area	= 46 S.F.
Sidewalk Area	= 85 S.F.
Porch Area	= 338 S.F.
Total Area	= 3,887 S.F.
Coverage =	24.43%



○	CAST IRON MONUMENT	⊙	PIEZOMETER	WFE	WALKOUT ELEVATION
○	IRON PIPE MONUMENT SET	⊙	POWER POLE	WF1	FIRST FLOOR ELEVATION
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				—	WETLAND BUFFER SIGN

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Wet Area:	6,212 s.f.	~ 0.143 acres	Wet Area:	4,177 s.f.	~ 0.096 acres
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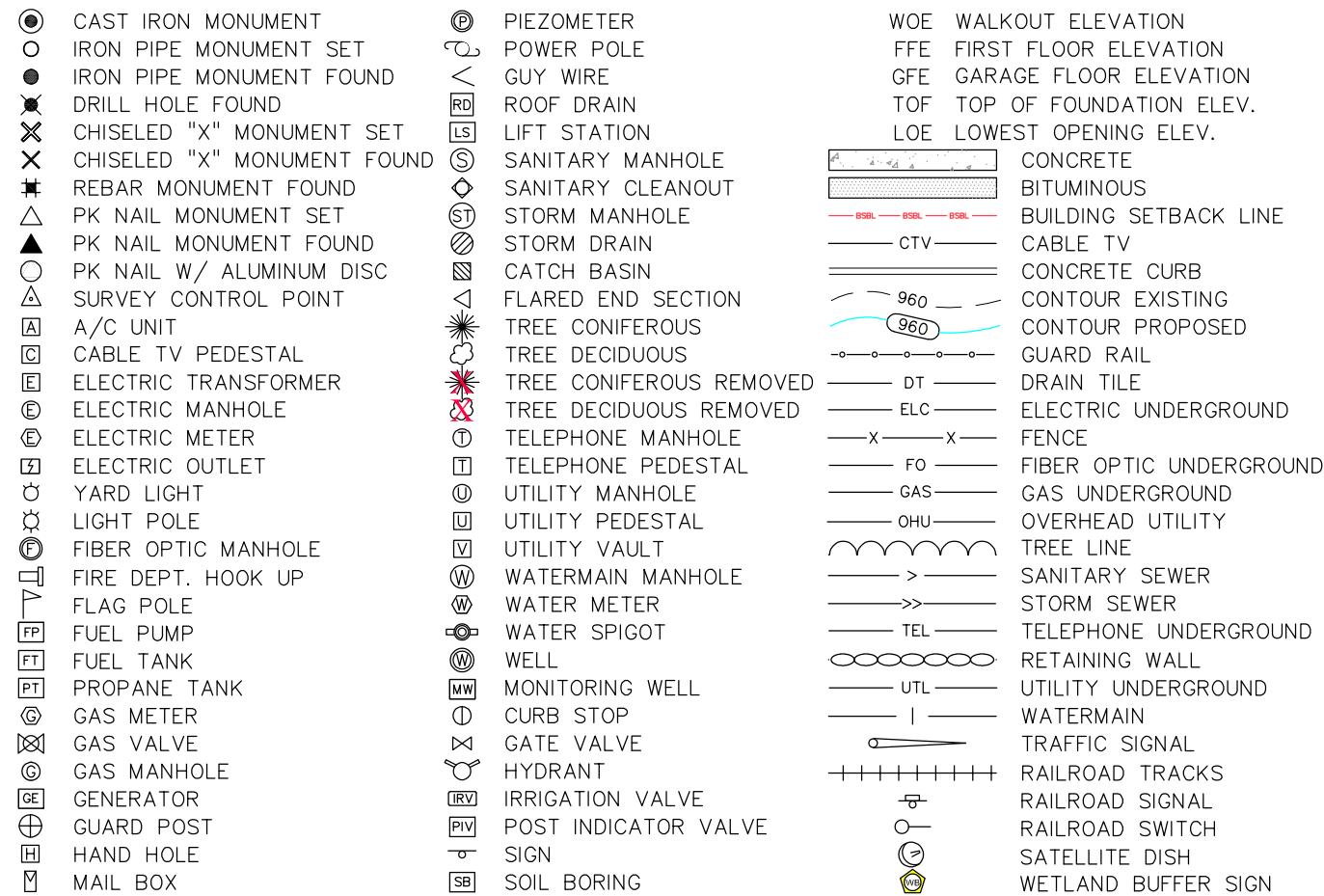
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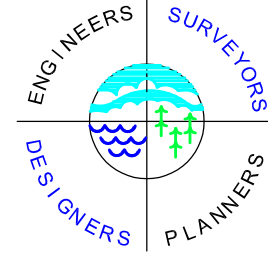
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Daniel L. Schmidt, PLS
schmidt@sattire.com

Minnesota License No. 26147



SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
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TWP:117-RGE.24-SEC.25
Hennepin County

MINNETRISTA,
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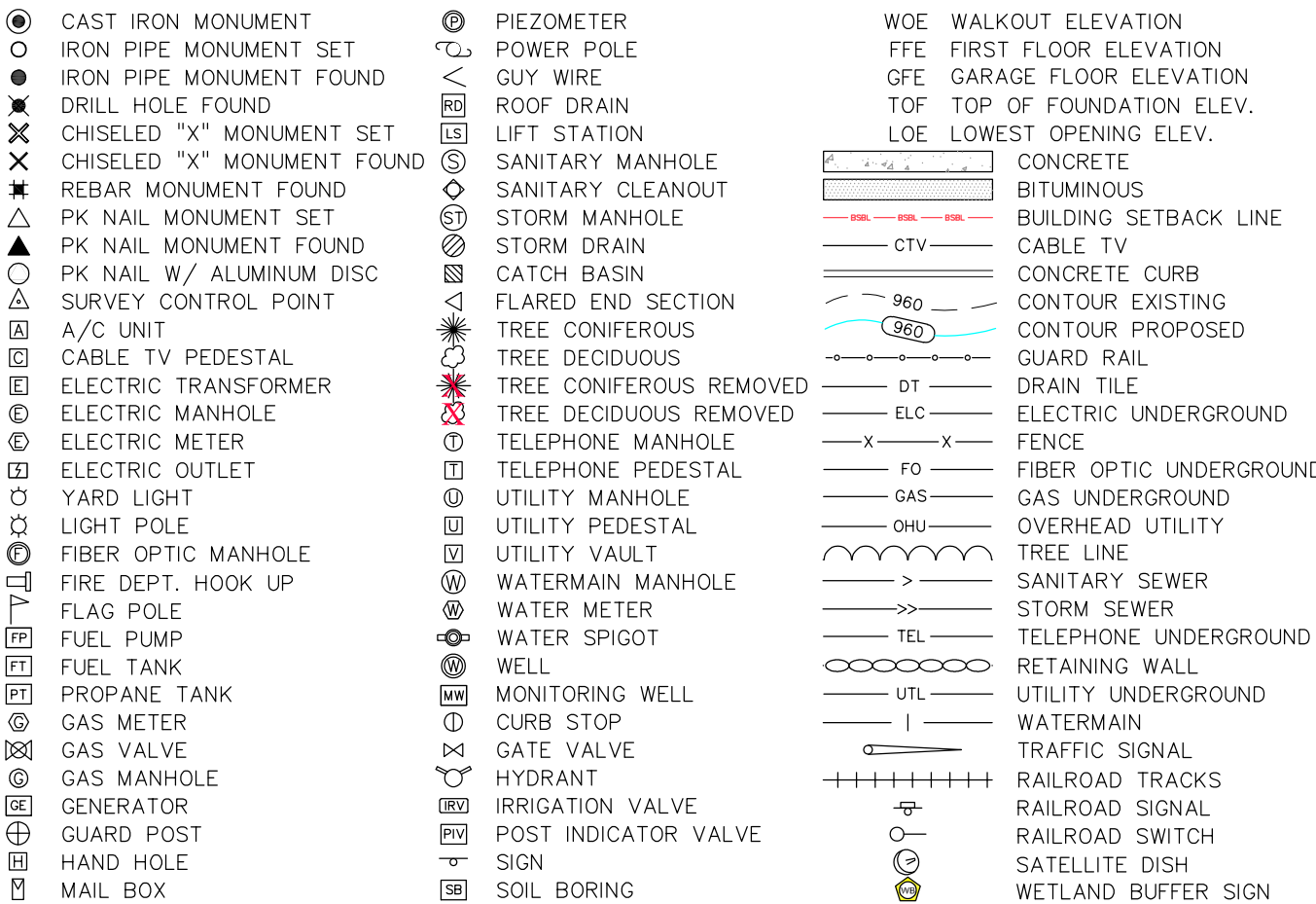
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[illegible]

From: [nancy.rhof](#)
To: [Nickolas Olson](#)
Cc: [steve](#)
Subject: 3790 and 3800 Enchanted Ln variance request(s)
Date: Thursday, August 24, 2023 2:02:05 PM

Hi Nick,

We have many concerns/issues with the proposal from Nathan Fair for the properties at 3790 and 3800 Enchanted Lane:

- This is a Residential Low Density neighborhood. The large footprint of the proposed homes on both properties is out of character for the lot sizes in our neighborhood, there are many lots similar in size in the neighborhood and none of those homes have such a large footprint
- We have a 55 foot wide lot with a nice 3 bedroom 25' wide home that meets the 15' setback requirement. Have the applicants stated as to the reason why they cannot conform to the existing code
- It's customary for the properties in our neighborhood to have a variance on the lake side, but not customary for 2 side yard setback variances. Visually there are no other properties in this neighborhood that have 2 significant side yard setbacks. Even the homes that were removed last fall from 3790 and 3800 meet the 15' side yard setback with the exception of 3800's old porch addition
- The three side yard setback variance requests to be 6' vs 15' is excessive, that's almost 1/3 of the actual code for these low density properties
- There is no drainage proposal that we can see on the survey and with all that hardcover between the lake and the road where will the water go, especially when the side yard setback is reduced so significantly. We have not seen house plans and have no idea what they are proposing for roof lines and especially if the roofs drain into the side yards it may/will cause flooding between and/or on all four properties. As many of you may remember in high water years, many of the properties on this stretch of road do hold water. These two lots have already had an increase in elevation change with the addition of much fill last fall after the two homes were removed. Is the builder planning to bring in more fill? If so, the risk of flooding in the older properties (like ours) will again increase (Please note we (3780) did NOT flood in 2014, but 3790 had standing water). A drainage plan should be required regardless of what if any variances are granted
- Because we have not seen the entire plans, it appears that the setback requests are based on the homes foundations and would not include any roof overhang making the homes feel even closer
- The survey for 3790 isn't complete, there are no markers on our shared property line (3780/3790)
- We have an easement for our fence and shed between 3780 and 3790, this easement is for up to 9' near the lake. There is NO agreement between us and the applicant to move

our fence to the 'proposed fence line' documented on the variance survey document

Unable to find the planning commission's email address', please pass this along to them.

Thank you,

Steve Shoop and Nancy Rigelhof, 3780 Enchanted Ln

From: [John Barlow](#)
To: [Nickolas Olson](#)
Cc: [Kathy Barlow](#)
Subject: Re: 3800 Enchantd Lane planing info
Date: Tuesday, August 22, 2023 1:56:09 PM

Hi Nick

Thanks for the complete info on the 3800/3790 Enchanted Lane properties. I can see the owner has put a lot of thought into the design.

My concern is with the density that the variances create. You can barely park a single car on each side of the driveway without being too close to the street. The set back from Lake Minnetonka is consistent with the neighbor but still is close to the shoreline. BTW this area including the street is susceptible to flooding.

Add an upper level on each home and you likely have six bedrooms total. It is too much in too little space. I hope one of these is not a rental.

Thanks for soliciting our opinions.

John & Kathy Barlow

3946 Enchanted L

Minnetrista MN 66364

612-759-7161

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: Application from Nathan Fair on behalf of Harriet A. Ellis Trust for a lakeshore, street side, and side yard setback variances at 3800 Enchanted Lane

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: August 28, 2023

Overview: Nathan Fair on behalf of Harriet A. Ellis Trust (the “Applicant”) has made a request for a lakeshore setback variance from the required 75 feet to 39.1 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6 feet and 6.3 feet to allow for a new single family home at 3800 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0005. (the “Property”).

Background: The Applicant has a purchase agreement to purchase the Property, but among other things is contingent upon the review of their variance request. The Property previously contained a single family dwelling and a detached garage. Those structures did not comply with the current city code requirements for setbacks. They were torn down by the current owners while the lot was marketed for sale and the Property is now currently vacant. The Applicant contacted city staff to discuss the setback requirements and what they might be to build on the Property. After discussions, the Applicant felt the building pad was too small when the setbacks were applied and asked about a variance. City staff discussed the variance process and submittal requirements to the Applicant. The Applicant has put together the necessary documents attached hereto for the Planning Commission to consider. The Applicant also has a purchase agreement to buy the adjacent property at 3790 Enchanted Lane.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

The Applicant is proposing a new single family dwelling. They have taken in to consideration the street side and lakeshore setbacks are the nearby homes to be assimilate into the neighborhood. The side yard setbacks mimic that of the nearby Douglas Beach zoning district and are being requested due to the narrow nature of the Property.

b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future use of the Property and thus remains consistent with the long term goals for the area. In addition to simply complying with the future land use plan, the proposed new home preserves the neighboring riparian views because it does not extend in front of the existing home next door.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

The Applicant is proposing to build a single family home, which is a permitted use in the zoning district of the Property. It is a two story home, which is reasonable given there is not a basement in the proposed home due to problems with the soil and elevation.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to

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encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

The Property is a non-conforming lot of record, which was created before the current setback and lot size requirements were in place. When the current setbacks are applied, the building pad is rather small. Furthermore, Enchanted Lane does not travel within the platted right-of-way and is actually located in the middle of the Property which contributes to the small building pad.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The Property used to contain a single family dwelling and a one car detached garage, but those structures have since been torn down. The previous structures, which existed for decades, did not meet the current setback requirements. The Applicant is proposing similar setbacks to those that previously existed, although the proposed house is a bit larger and will be two stories. The proposed home is consistent in size, in fact a little smaller, than the home to the south that was recently built and received a variance about 6 years ago. There are also other 2 story homes along Enchanted Lane, so this wouldn't be the only 2 story home.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with two neighboring property owners and both submitted written comments. Those comments have been attached for Planning Commission review. The concerns raised in conversation seems to be the side yard setback variance request. If the Planning Commission agrees with these concerns, it might look to limit the relief to the common, internal property line which could help alleviate concerns with adjacent property owners.

Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be established which support the recommendation. Findings of fact based on the information submitted by the Applicant may be as follows:

1. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because the proposed new home is located on the Property in a manner similar to nearby homes with respect to the lakeshore and street side setbacks and the side yard setbacks mimic that of the nearby Douglas Beach zoning district;
2. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with this long term

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- goal as single family residential is an allowed use and the proposed new home preserves the neighboring riparian views by not extending further towards the lake than the existing adjacent home;
3. The Applicant proposes to use the Property in a reasonable manner because the proposed new home is consistent with the zoning district and having a second story makes sense given the lack of a basement;
 4. The requested variance is the result of unique circumstances not created by the landowner because the Property is an existing non-conforming lot and Enchanted Lane is not located in the right-of-way due to wetlands and bisects the Property which restricts the buildable area; and
 5. The requested variance will not alter the character of the locality because the proposed new home maintains similar setbacks to the previously existing structures which had been in place for decades. The proposed home is also consistent in size to the nearby home that was built recently and there are other two story home in the area.

Recommended Action: Motion to recommend the City Council approve the requested lakeshore, street side, and side yard setback variance at 3800 Enchanted Lane based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The Applicant shall enter in to a maintenance agreement and provide an easement for any permeable paver surface in order to receive a 50% credit on hardcover for that surface;
2. The construction shall be consistent with the plan and survey documents submitted with this variance application;
3. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
4. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
5. The Applicant is responsible for all fees incurred by the City in review of this application; and
6. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Attachments:

1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans
5. Neighborhood Comments


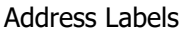

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3800 Enchanted Lane



1 in = 50 Ft

-  City Boundary
-  Address Labels
-  Parcels



7/28/2023

3800 Variance Written Statement

a. Current property owners

Harriet A Ellis Trust
Andrew & Harriet Ellis

b. Site data

Legal Description

3800 Enchanted Lane, Minnetrista MN 55364

PID: 25-117-24-43-0005

That part of Lot 13, ENCHANTED ISLAND PARK, lying southerly of the following described line and its westerly extension: Commencing at a point on the southerly line of Lot 15, ENCHANTED ISLAND PARK, distant 228.73 feet westerly from the southeasterly corner of said Lot 15; thence on an assumed bearing of North 08 degrees 52 minutes East along a line hereinafter referred to as "Line A" drawn to a point on the southerly line of said Lot 13, distant 230.83 feet westerly from the southeasterly corner of said Lot 13; thence continuing North 8 degrees 52 minutes East along said "Line A" a distance of 88.05 feet to the point of ending of said "Line A", said point of ending being the point of beginning of the line being described; thence South 89 degrees 07 minutes 30 seconds East to the easterly line of said Lot 13, and there ending, and lying northerly of the following described line and its easterly and westerly extensions: Commencing at the intersection of said "Line A" with the southerly line of said Lot 13; thence North 08 degrees 52 minutes East along said "Line A" a distance of 38.48 feet to the point of beginning of the line being described; thence South 87 degrees 45 minutes 40 seconds East to the easterly line of said Lot 13, and there ending, according to the plat thereof on file and of record in office of the Register of Deeds, in and for Hennepin County, Minnesota.

Parcel Size

0.285 acres, 12,417 square feet

Existing Land Use

Vacant lot

Current Zoning

R-1 (Residential – low density)

- c. Applicant is seeking a variance to City Code Section 505.15 Subd. 2. Lot area, depth, width, coverage, setbacks, height standards.
- d. The proposal seeks to turn a current non-conforming legal lot into buildable property, consistent with the setbacks of the recently built neighboring homes in the area. Given the front yard setback of 35 feet, the lakeshore setback of 75 feet and the side yard setbacks of 15 feet, the resulting building pad does not allow for a reasonable size home, with a buildable area of only 737 +/- sq ft. A significant portion of the property is occupied by Enchanted Lane running through the parcel versus in a platted right-of-way, creating a substantially reduced buildable area in relation to the 35-foot front yard setback. See the attached Exhibits A and B which depict the information above.

The proposal will meet the height requirement of 35 feet and the hardcover requirement of 25 percent of the lot area with the use of pervious pavers for a portion of the driveway. See lot survey for percent hardcover calculations.

The proposal seeks three setback variances as follows:

1. Street setback of 35 feet from edge of Enchanted Lane pavement to 26 feet
 - a. The proposed home will be no closer to the pavement edge than that of the garage that was removed from the property. This is also consistent with the home to the south (3810 Enchanted Ln) that was granted a variance for 26 feet.
 2. Lake shoreline setback of 75 feet from ordinary high-water line to 38 feet
 - a. The proposed home will be no closer to the lakeshore than that of the home that was removed and further from the lakeshore than the home to the south (3810 Enchanted Ln), which was granted a variance for 29 feet.
 3. Side yard setback of 15 feet to 6 feet
 - a. To allow for enough buildable area in width, the proposed home will be 6 feet from each lot line. This leaves 27 feet between the proposed home and the existing home to the south. The allowable width of a new home with the 15-foot setbacks would only be 20 feet, which is impractical.
- e. The applicant has been working closely with City staff via phone calls and emails in preparation for our application.
 - f. The proposal is consistent with creating and enhancing single family dwelling development, consistent with those homes recently developed in the area.
 - g. The lot is unbuildable for a single-family dwelling given the setbacks and the fact that the road runs through the parcel. The proposed home is like those recently built in the area.
 - h. The variance request is simply to provide enough buildable area to construct a single-family home.
 - i. The proposal will not affect the safety or environment. No increase in traffic as only one single family home will be replacing the one that was torn down. Having a newly built home will only increase the surrounding property values.

BUILDABLE AREA PER
CURRENT R1 ZONING

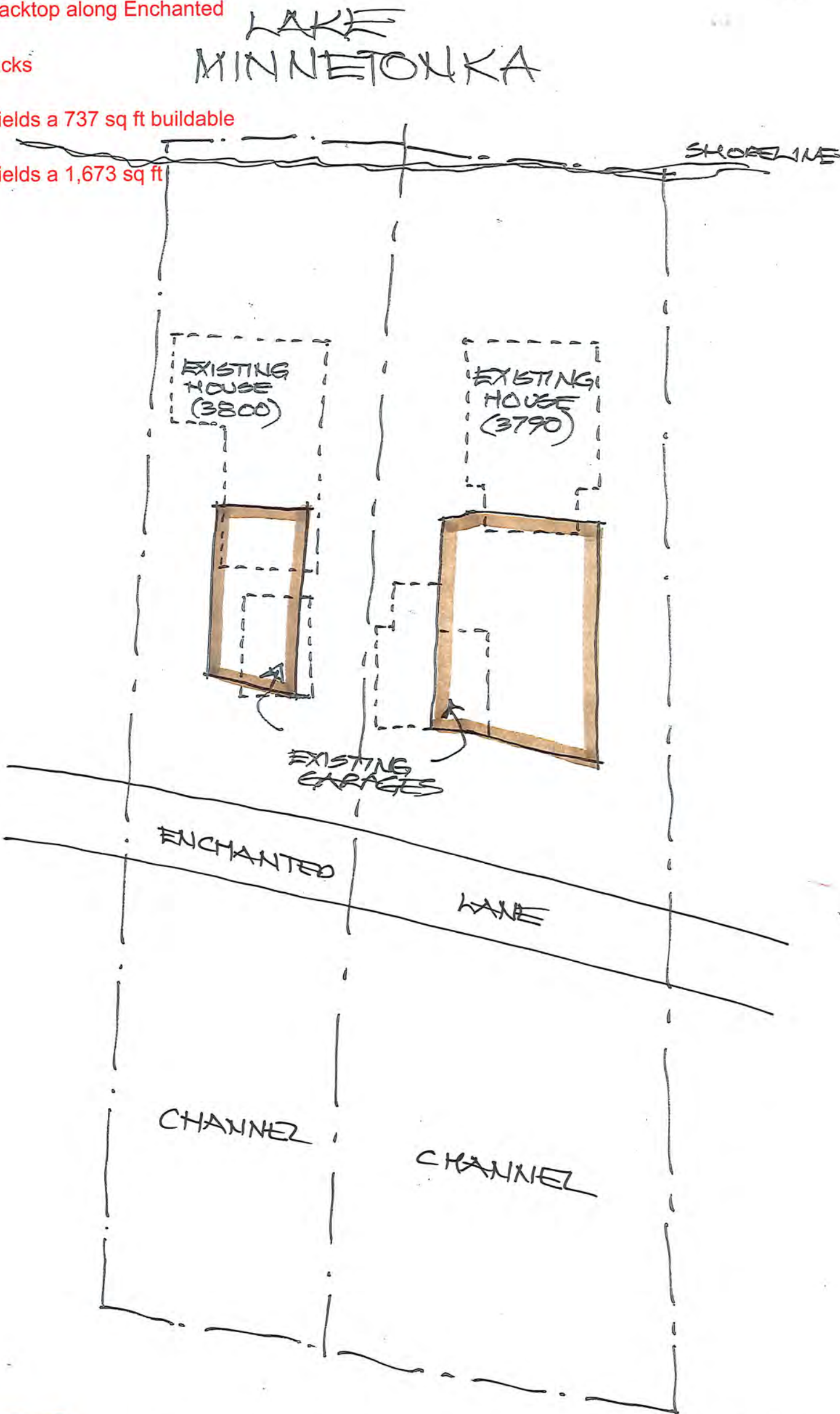
EXHIBIT A

R1 Setbacks

75' from OHW (ordinary high water of 924.4)
25' from edge of blacktop along Enchanted

Ln
15' side yard setbacks

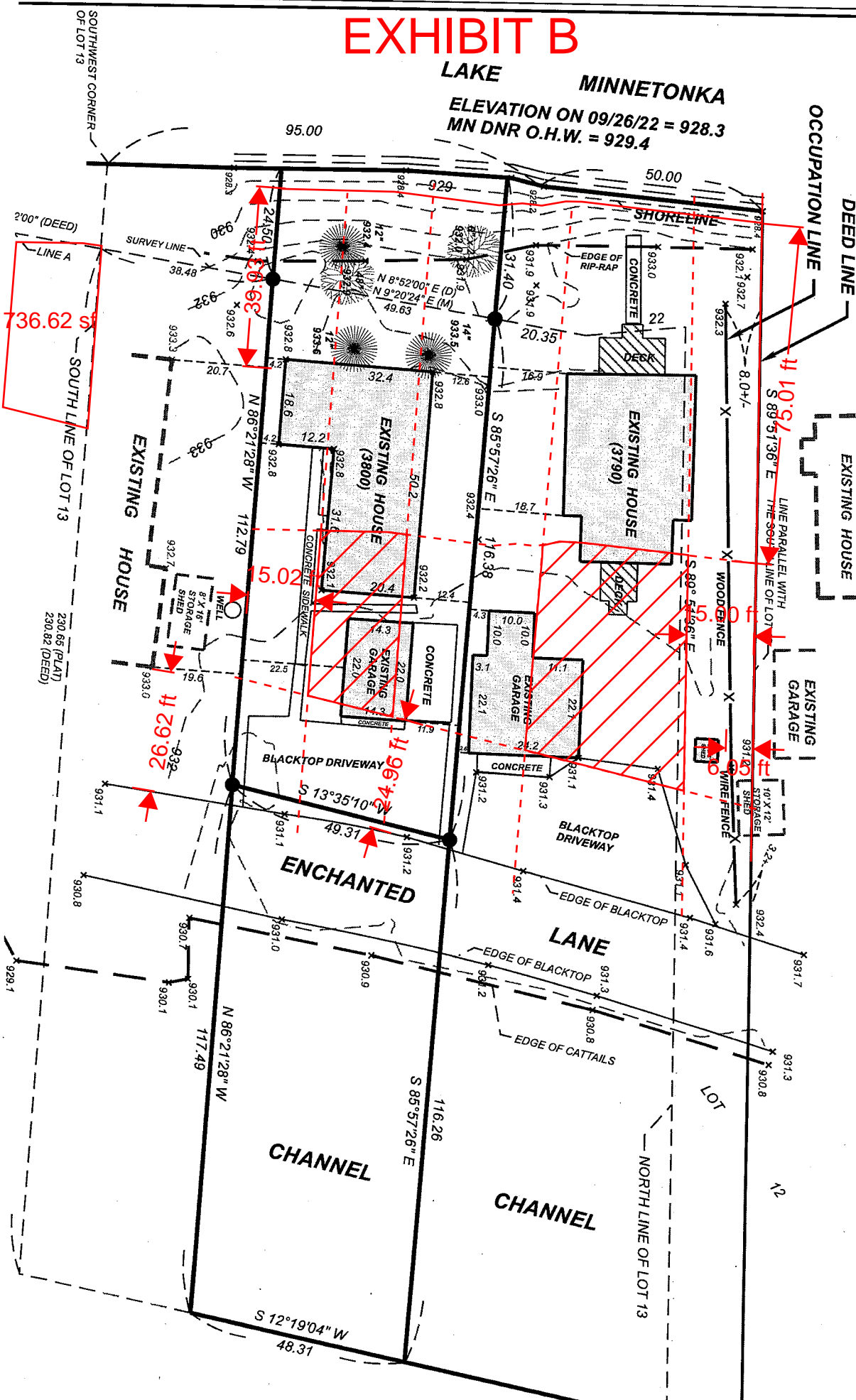
For lot 3800, this yields a 737 sq ft buildable
area
For lot 3790, this yields a 1,673 sq ft
buildable area



- BROWN BOXES ABOVE DEPICT
GREATLY-REDUCED BUILDABLE AREA
RESTRICTED BY MODERN SETBACKS
(EXISTING STRUCTURES DOTTED IN)

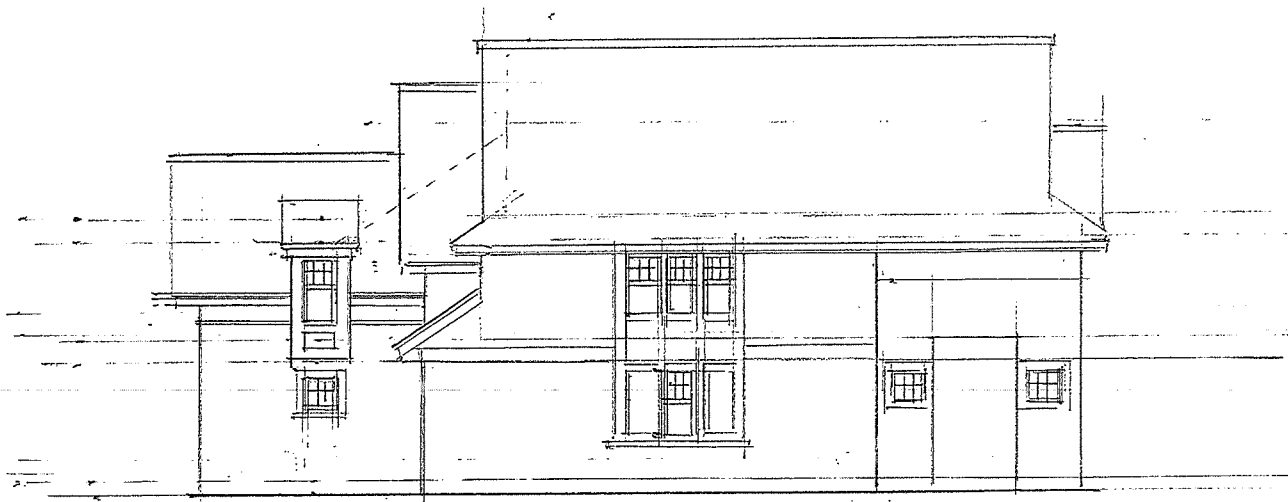
EXHIBIT B

LAKE MINNETONKA
ELEVATION ON 09/26/22 = 928.3
MN DNR O.H.W. = 929.4



1,673.29 sf

Certificate of Survey
~ for ~ Harriet A. Ellis Trust
3790 & 3800 Enchanted LN.
Minnetrista, MN



PRELIMINARY NORTH ELEVATION
 $\frac{1}{8}'' = 1'-0''$

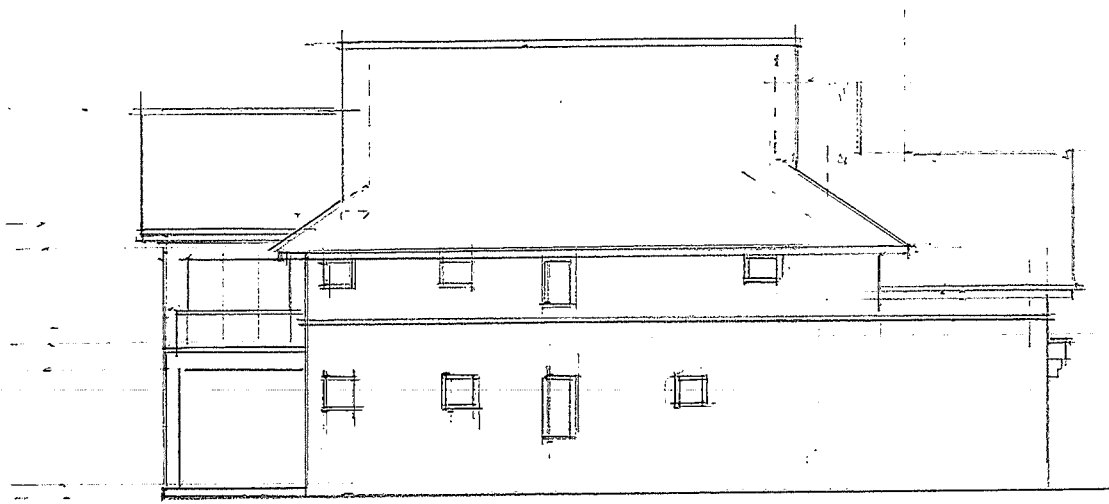


PRELIMINARY EAST/STREET ELEVATION

3800 ENCHANTED LANE
 MINNETRISTA

FAIR SPEC HOME

NRDI



PRELIMINARY SOUTH ELEVATION



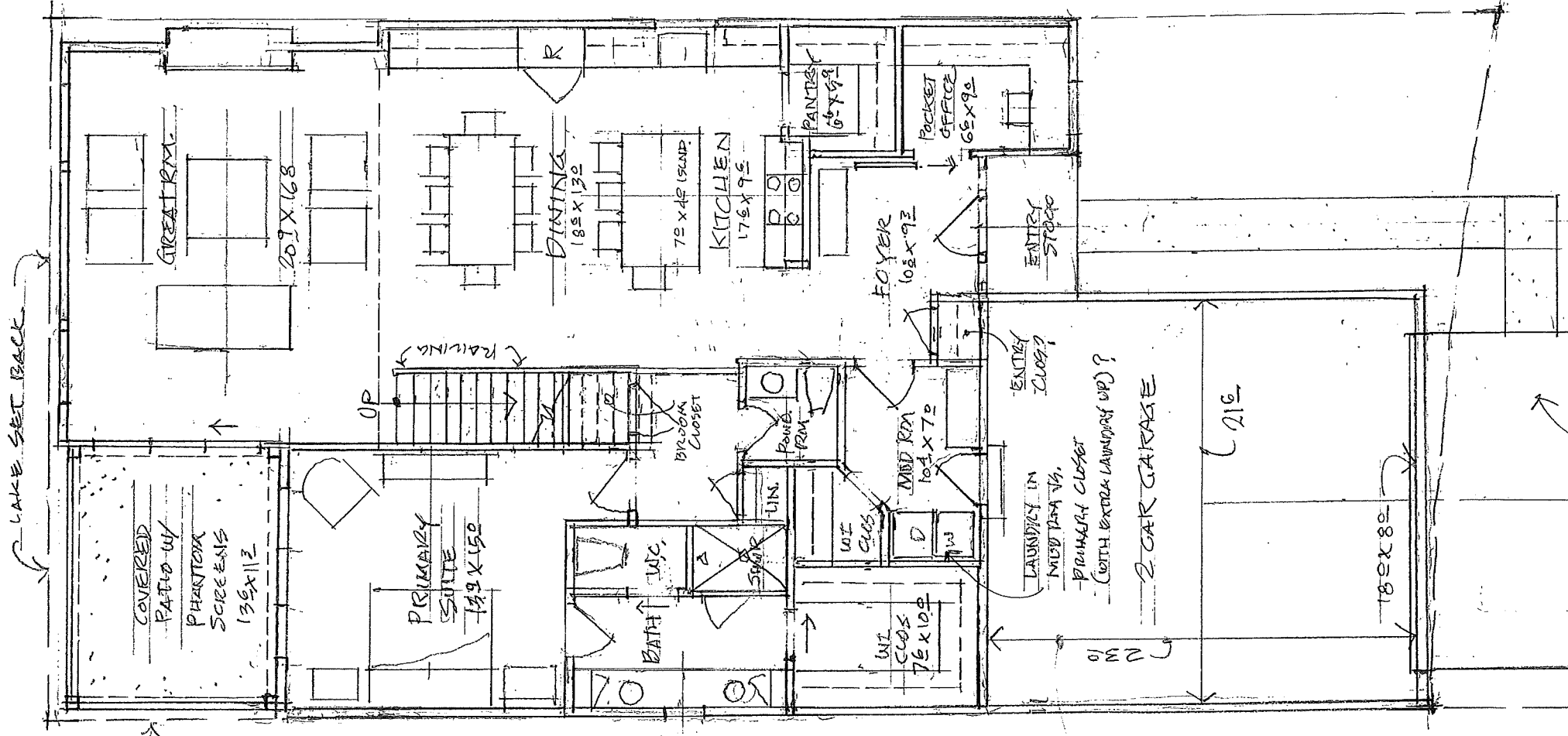
PRELIMINARY WEST/LAKE ELEVATION
 $\frac{1}{8}'' = 1'-0''$

3800 ENCHANTED LANE
 MINNETRISTA

FAIR SPEC HOME

NRDI

161-239.0
224 = 2518



NOTE:
NEW ADDITION
TO 1ST FLOOR
CONCEPT

NOTE:
EXTRA DEPTH
ADDED TO
GARAGE -
REVIEW STORAGE
ISSUES.

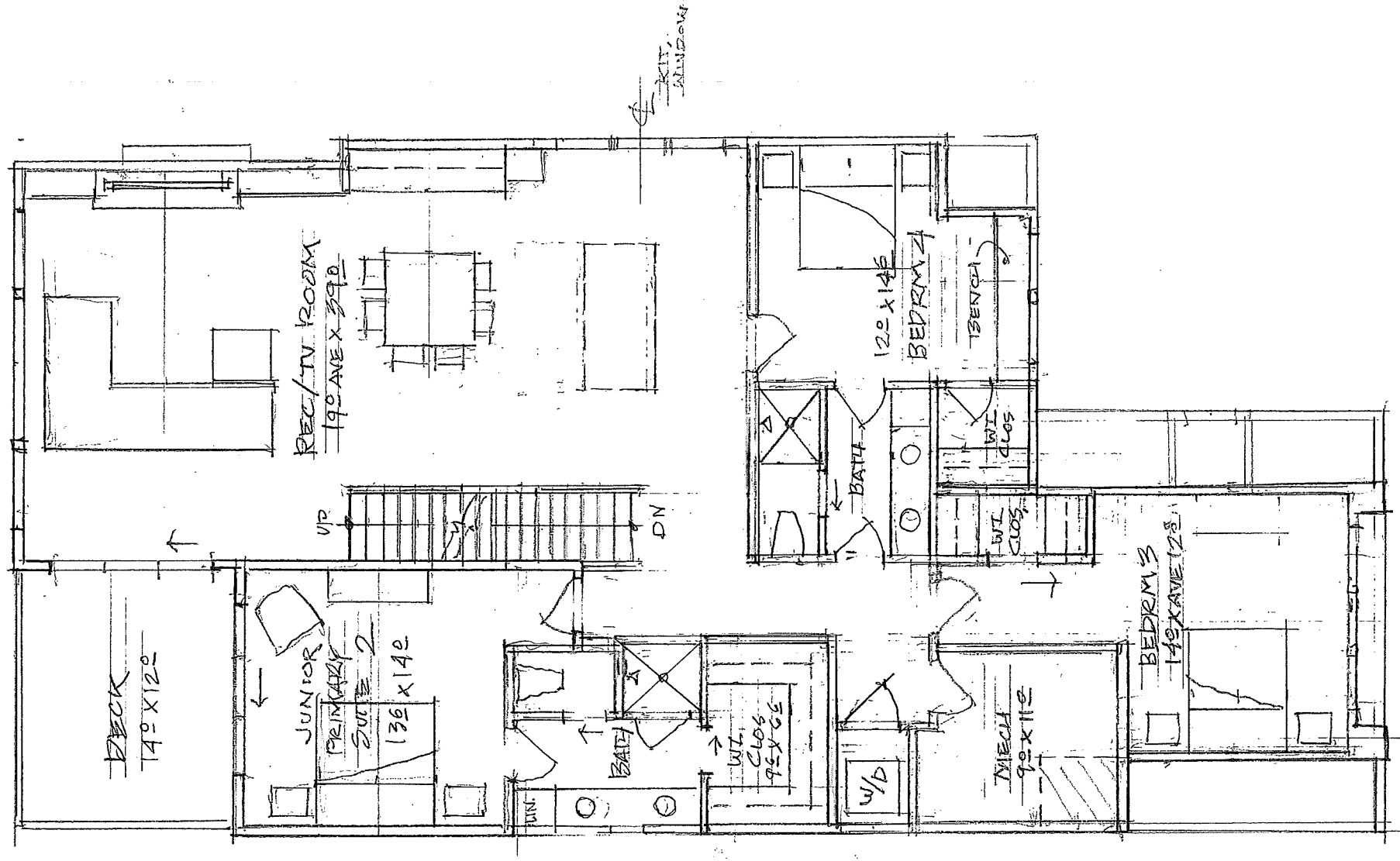
HARD COVER REVIEW:
11,287 SF X .25 = 2821 SF MAX

HOUSE	=	1730 SF
PORCH & LAKE	=	165
ENTRY STOOP	=	35
GARAGE	=	629
ENTRY WALK	=	92
DRIVEWAY	=	246
PRELIM. TIL.		= 2797 SF

ALL PAVED
DRIVEWAY
REQD FOR 50%
HARD COVER
DISCOUNT

PRELIMINARY 1ST FLOOR PLAN
1/8" = 1'-0"
3800 ENCHANTED LN,
MINNETRISTA
FAIR SPEC HOME

8/21/23
NRDL



PRELIMINARY
2ND FLOOR PLAN
1/8" = 1'-0"

3800 ENCHANTED LANE
MINNETRISTA

FAIR SPEC HOME

NRDL

DESCRIPTION OF PROPERTY SURVEYED

3800 Enchanted Lane: That part of Lot 13, ENCHANTED ISLAND PARK, lying southerly of the following described line and its westerly extension: Commencing at a point on the southerly line of Lot 15, ENCHANTED ISLAND PARK, distant 228.73 feet westerly from the southeasterly corner of said Lot 15; thence on an assumed bearing of North 08 degrees 52 minutes East along a line hereinafter referred to as "Line A" drawn to a point on the southerly line of said Lot 13, distant 230.83 feet westerly from the southeasterly corner of said Lot 13; thence continuing North 8 degrees 52 minutes East along said "Line A" a distance of 88.05 feet to the point of ending of said "Line A"; said point of ending being the point of beginning of the line being described; thence South 89 degrees 07 minutes 30 seconds East to the easterly line of said Lot 13, and there ending, and lying northerly of the following described line and its easterly and westerly extensions: Commencing at the intersection of said "Line A" with the southerly line of said Lot 13; thence North 08 degrees 52 minutes East along said "Line A" a distance of 38.48 feet to the point of beginning of the line being described; thence South 87 degrees 45 minutes 40 seconds East to the easterly line of said Lot 13, and there ending, according to the plat thereof on file and of record in office of the Register of Deeds, in and for Hennepin County, Minnesota.

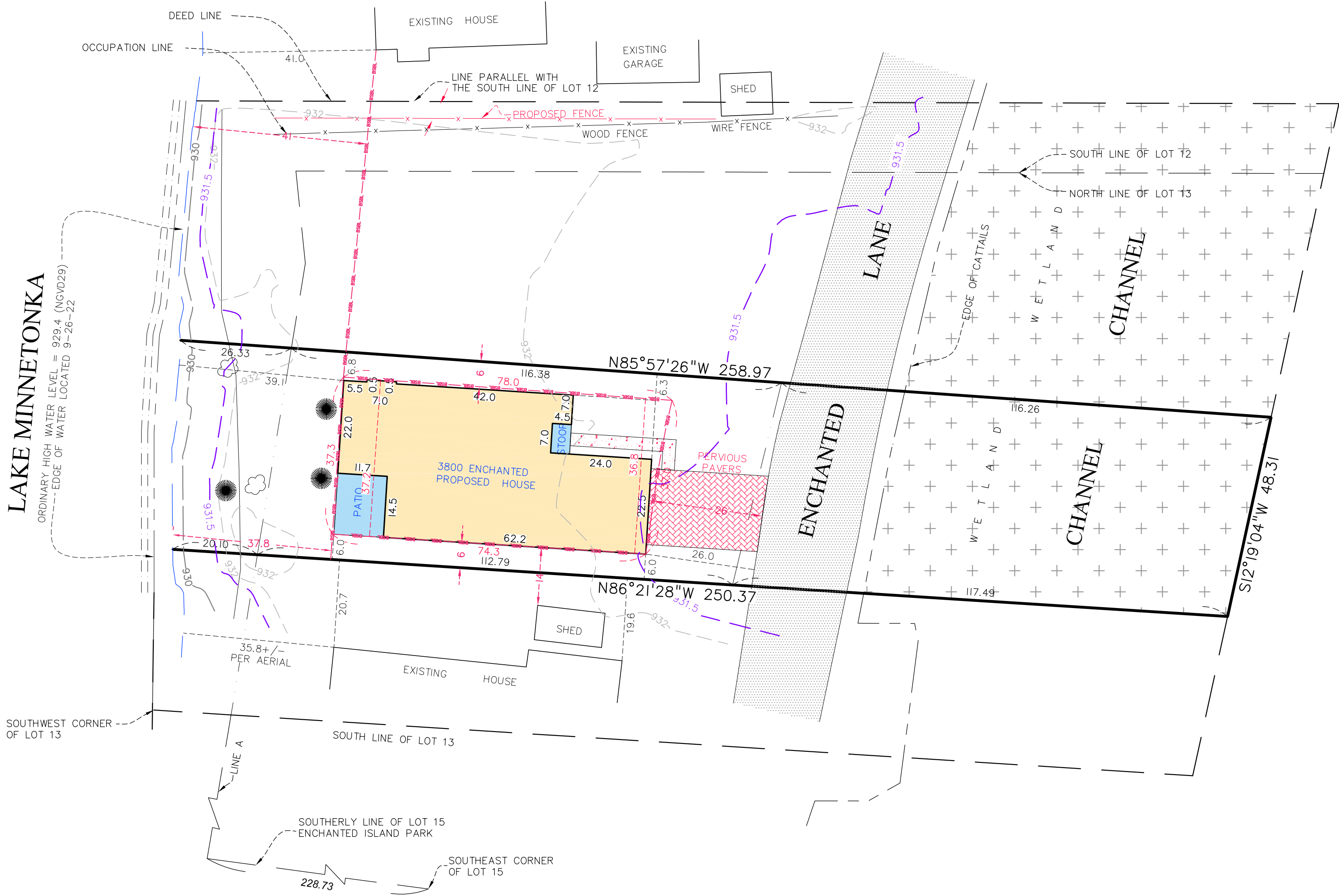
STANDARD NOTES

- 1) **Site Address:** 3800 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430005
- 2) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
- 3) **Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown at 931.5') per Flood Insurance Rate Map, Community Panel No. 27053C0292F, effective date of November 4th, 2016.
- 4) **Parcel Area Information:**
- | | | |
|------------------|-------------|---------------|
| 3800 Gross Area: | 12,417 s.f. | ~ 0.285 acres |
| R/W Area: | 1,130 s.f. | ~ 0.026 acres |
| Wet Area: | 4,177 s.f. | ~ 0.096 acres |
| Net Area: | 7,110 s.f. | ~ 0.163 acres |
- *We do not affirmatively insure the quantity of acreage set forth in the description
- 5) **Benchmark:** Elevations are based on the Lake Minnetonka Benchmark, Brass disk in concrete curb at the exit of Grays bay Dam area.
Benchmark elevation = 932.7 feet (NGVD 29)
- 6) **Zoning Information:** The current Zoning for the subject property is R-1 (Residential - low density) per the City of Minnetrista's zoning map dated 2022. The setback, height, and floor space area restrictions for said zoning designation per City Planner Nick Olson are as follows:
- Principal Structure Setbacks -**
- | | |
|------------|---|
| Street(s): | 35 feet from edge of bituminous (Enchanted Lane) - w/ variance 26 feet |
| Side: | 15 feet - w/ variance 6 feet and 6 feet |
| Lake: | 75 feet, or Average Lakeshore Setback with variance - w/ variance average lakeshore setback |
| Height: | 35 feet |
| Hardcover: | 25 percent of lot area |

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

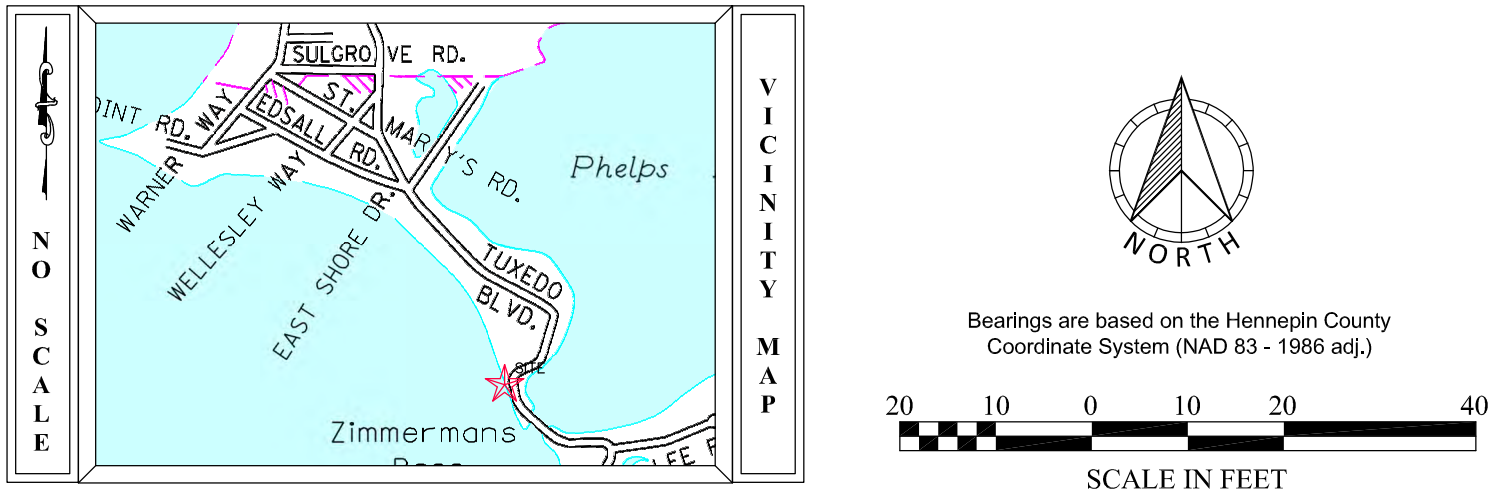
- 7) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground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



3800 Gross Area: 12,417 s.f. ~ 0.285 acres
Road Area: 1,130 s.f. ~ 0.026 acres
Net Area: 11,287 s.f. ~ 0.259 acres.

Proposed Hardcover

Lot Area	=	11,287 S.F.
House Area	=	2,230 S.F.
Driveway Area	=	244 S.F. Pavers 50% of 488 s.f.
Sloop Area	=	32 S.F.
Patio Area	=	170 S.F.
Sidewalk Area	=	88 S.F.
Total Area	=	2,764 S.F.
Coverage	=	24.49%



● CAST IRON MONUMENT	Ⓢ PIEZOMETER	WOE WALKOUT ELEVATION
○ IRON PIPE MONUMENT SET	Ⓣ POWER POLE	FFE FIRST FLOOR ELEVATION
● DRILL HOLE FOUND	< GUY WIRE	GFE GARAGE FLOOR ELEVATION
ⓧ CHISELED "X" MONUMENT SET	Ⓡ ROOF DRAIN	TOF TOP OF FOUNDATION ELEV.
ⓧ CHISELED "X" MONUMENT FOUND	Ⓢ LIFT STATION	LOE LOWEST OPENING ELEV.
ⓧ REBAR MONUMENT FOUND	Ⓢ SANITARY MANHOLE	CONCRETE
ⓧ PK NAIL MONUMENT SET	Ⓢ SANITARY CLEANOUT	BITUMINOUS
ⓧ PK NAIL MONUMENT FOUND	Ⓢ STORM MANHOLE	BUILDING SETBACK LINE
ⓧ PK NAIL W/ ALUMINUM DISC	Ⓢ STORM DRAIN	CTV CABLE TV
ⓧ SURVEY CONTROL POINT	Ⓢ CATCH BASIN	CONCRETE CURB
ⓧ A/C UNIT	Ⓢ FLARED END SECTION	CONTOUR EXISTING
Ⓢ CABLE TV PEDESTAL	Ⓢ TREE CONIFEROUS	CONTOUR PROPOSED
Ⓢ TREE DECIDUOUS	Ⓢ TREE CONIFEROUS REMOVED	GUARD RAIL
Ⓢ TREE DECIDUOUS REMOVED	Ⓢ TELEPHONE MANHOLE	DT DRAIN TILE
Ⓢ TELEPHONE MANHOLE	Ⓢ TELEPHONE PEDESTAL	ELC ELECTRIC UNDERGROUND
Ⓢ UTILITY MANHOLE	Ⓢ UTILITY MANHOLE	FENCE
Ⓢ UTILITY PEDESTAL	Ⓢ UTILITY VAULT	FIBER OPTIC UNDERGROUND
Ⓢ UTILITY VAULT	Ⓢ WATERMAIN MANHOLE	GAS UNDERGROUND
Ⓢ WATER METER	Ⓢ WATER METER	OHU OVERHEAD UTILITY
Ⓢ WATER SPIGOT	Ⓢ WELL	TREE LINE
Ⓢ WELL	Ⓢ MONITORING WELL	> SANITARY SEWER
Ⓢ CURB STOP	Ⓢ GATE VALVE	>> STORM SEWER
Ⓢ GATE VALVE	Ⓢ HYDRANT	TEL TELEPHONE UNDERGROUND
Ⓢ GENERATOR	Ⓢ IRRIGATION VALVE	RETAINING WALL
Ⓢ GUARD POST	Ⓢ POST INDICATOR VALVE	UTL UTILITY UNDERGROUND
Ⓢ HAND HOLE	Ⓢ SIGN	I WATERMAIN
Ⓢ MAIL BOX	Ⓢ SOIL BORING	TRAFFIC SIGNAL
		RAILROAD TRACKS
		RAILROAD SIGNAL
		RAILROAD SWITCH
		SATELLITE DISH
		WETLAND BUFFER SIGN

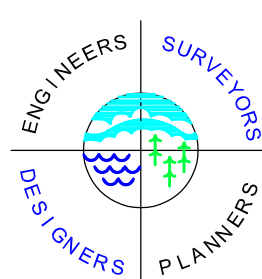
SETBACK VARIANCE EXHIBIT

PREPARED FOR:
LANDMARK

MINNETRISTA,
MINNESOTA

SATHRE-BERGQUIST, INC.

14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM



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

Dated this 18th day of July, 2023.

Daniel L. Schmidt

Daniel L. Schmidt, PLS
schmidt@sathre.com Minnesota License No. 26147

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FIELD CREW	NO.	BY	DATE	REVISION
NA	1	EJ	7/20/2023	HIGHLIGHT NWL AND HWL
DRAWN	2	EJ	7/27/2023	PROPOSED HOUSE
EJ	3	EJ	7/28/2023	NEW HOUSE
CHECKED	4	EJ	8/25/2023	NEW HOUSE
DLS				
DATE				
7-18-23				

3790 Enchanted Lane: The South 57.65 feet of Lot Twelve (12), ENCHANTED ISLAND PARK, according to the recorded plat thereof, measured at right angles from the South line of said lot, except the North Forty (40) feet front and rear thereof, and:

3800 Enchanted Lane: That part of Lot 13, ENCHANTED ISLAND PARK, lying southerly of the following described line and its westerly extension: Commencing at a point on the southerly line of Lot 15, ENCHANTED ISLAND PARK, distant 228.73 feet westerly from the southeasterly corner of said Lot 15; thence on an assumed bearing of North 08 degrees 52 minutes East along a line hereinafter referred to as "Line A" drawing to a point on the southerly line of said Lot 15, distant 100.00 feet westerly from the southeasterly corner of said Lot 15; thence southerly along said "Line A" a distance of 88.05 feet to the point of ending of said "Line A", said point of ending being the point of beginning of the line being described; thence South 89 degrees 07 minutes 30 seconds East to the easterly line of said Lot 13, and thence ending, and lying northerly of the following described line and its easterly and westerly extensions: Commencing at the intersection of said "Line A" with the southerly line of said Lot 13; thence North 08 degrees 52 minutes East along said "Line A" a distance of 104.84 feet to the point of beginning of said "Line A" distant 100.00 feet from the southeasterly corner of said Lot 15; thence southerly along said "Line A" and thence ending, according to the plat thereof on file and of record in office of the Register of Deeds, in and for Hennepin County, Minnesota.

3) **Site Address:** 3790 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430003
3800 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430005

4) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.

5) **Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown at 931.5' per Flood Insurance Rate Map, Community Panel No. 27053C0292F, effective date of November 4th, 2016.

6) **Parcel Area Information:**

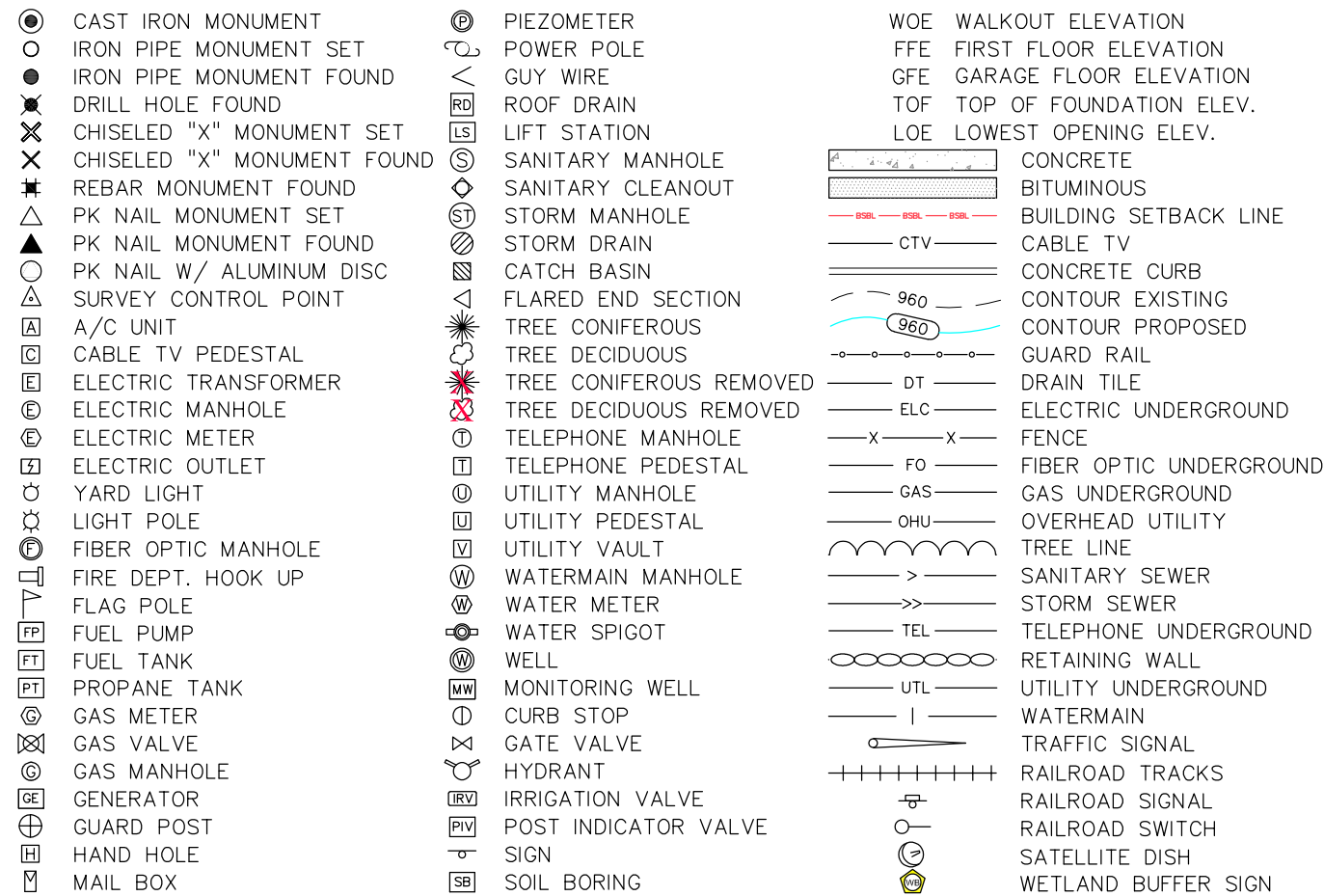
3790 Gross Area:	17,464 s.f.	~ 0.401 acres	3800 Gross Area:	12,417 s.f.	~ 0.285 acres
R/W Area:	1,555 s.f.	~ 0.036 acres	R/W Area:	1,130 s.f.	~ 0.026 acres
Wet Area:	6,212 s.f.	~ 0.143 acres	Wet Area:	4,177 s.f.	~ 0.096 acres
Net Area:	9,697 s.f.	~ 0.223 acres.	Net Area:	7,110 s.f.	~ 0.163 acres.



*We do not affirmatively insure the quantity of acreage set forth in the description

7) **Benchmark:** Elevations are based on the Lake Minnetonka Benchmark, Brass disk in concrete curb at the exit of Grays bay Dam area.
Benchmark elevation = 932.7 ft (NGVD 29)

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by a parties involved in the design and planning process prior to any planning or construction.

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



FIELD CREW		NO.	BY	DATE	REVISION	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Dated this 18th day of July, 2023.  Daniel L. Schmidt, PLS schmidt@sathre.com Minnesota License No. 26147	 SATHRE-BERGQUIST, INC. 14000 25TH AVENUE NORTH, SUITE 120 PLYMOUTH MN 55447 (952) 476-6000 WWW.SATHRE.COM	TWP:117-RGE,24-SEC.25 Hennepin County		SETBACK VARIANCE EXHIBIT	FILE NO. 49368-074
NA	1	EJ	7/20/2023	HIGHLIGHT NW/4 LAND HW/4	MINNETRISTA, MINNESOTA				PREPARED FOR: LANDMARK	1 1		
DRAWN	2	EJ	7/28/2023	NEW HOUSES								
EJ	3	EJ	8/25/2023	NEW HOUSES								
CHECKED												
DLS												
DATE												
7-18-23												



V I C I N I T Y M A P

SURVEY LEGEND

LEGEND:

- CAST IRON MONUMENT
- IRON PIPE MONUMENT SET
- IRON PIPE MONUMENT FOUND
- DRILL HOLE FOUND
- ✕ CHISELED "X" MONUMENT SET
- ✕ CHISELED "X" MONUMENT FOUND
- ✕ REBAR MONUMENT FOUND
- ▲ PK NAIL MONUMENT SET
- ▲ PK NAIL W/ ALUMINUM DISC
- △ SURVEY CONTROL POINT
- △ A/C UNIT
- ▭ CABLE TV PEDESTAL
- ▭ ELECTRIC TRANSFORMER
- ▭ ELECTRIC MANHOLE
- ⊙ ELECTRIC METER
- ⊙ ELECTRIC OUTLET
- ⊙ YARD LIGHT
- ⊙ LIGHT POLE
- ⊙ FIBER OPTIC MANHOLE
- ⊙ FIRE DEPT. HOOK UP
- ⊙ FLAG POLE
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- ⊙ FUEL TANK
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- ⊙ GENERATOR
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- ⊙ MAIL BOX
- ⊙ PIEZOMETER
- ⊙ POWER POLE
- ⊙ GUY WIRE
- ⊙ ROOF DRAIN
- ⊙ LIFT STATION
- ⊙ SANITARY MANHOLE
- ⊙ SANITARY CLEANOUT
- ⊙ STORM MANHOLE
- ⊙ STORM DRAIN
- ⊙ CATCH BASIN
- ⊙ FLARED END SECTION
- ⊙ TREE CONIFEROUS
- ⊙ TREE DECIDUOUS
- ⊙ TREE CONIFEROUS REMOVED
- ⊙ TREE DECIDUOUS REMOVED
- ⊙ TELEPHONE MANHOLE
- ⊙ TELEPHONE PEDESTAL
- ⊙ UTILITY MANHOLE
- ⊙ UTILITY PEDESTAL
- ⊙ UTILITY VAULT
- ⊙ WATERMAIN MANHOLE
- ⊙ WATER METER
- ⊙ WATER SPIGOT
- ⊙ WELL
- ⊙ MONITORING WELL
- ⊙ CURB STOP
- ⊙ GATE VALVE
- ⊙ HYDRANT
- ⊙ IRRIGATION VALVE
- ⊙ POST INDICATOR VALVE
- ⊙ SIGN
- ⊙ SOIL BORING
- WOE WALKOUT ELEVATION
- FFE FIRST FLOOR ELEVATION
- GFE GARAGE FLOOR ELEVATION
- TOF TOP OF FOUNDATION ELEV.
- LOE LOWEST OPENING ELEV.
- CONCRETE
- BITUMINOUS
- BUILDING SETBACK LINE
- CABLE TV
- CONCRETE CURB
- CONTOUR EXISTING
- CONTOUR PROPOSED
- GRAVEL
- GRASS
- DRAIN TILE
- ELECTRIC UNDERGROUND
- FENCE
- FIBER OPTIC UNDERGROUND
- GAS UNDERGROUND
- OVERHEAD UTILITY
- TREE LINE
- SANITARY SEWER
- STORM SEWER
- TELEPHONE UNDERGROUND
- RETAINING WALL
- UTILITY UNDERGROUND
- TRAFFIC SIGNAL
- RAILROAD TRACKS
- RAILROAD SIGNAL
- RAILROAD SWITCH
- SATELLITE DISH
- WETLAND BUFFER SIGN

The logo of the Institution of Civil Engineers (ICE) is a circular emblem. It is divided into four quadrants by a cross. The top-left quadrant is blue with white wavy lines representing water. The top-right quadrant is green with white wavy lines representing land. The bottom-left quadrant is blue with white wavy lines representing water. The bottom-right quadrant is green with white wavy lines representing land. The words "ENGINEERS", "SURVEYORS", "DESIGNERS", and "PLANNERS" are written in white capital letters around the perimeter of the circle, separated by the cross lines.

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

DESCRIPTION OF PROPERTY SURVEYED

3790 Enchanted Lane: The South 57.65 feet of Lot Twelve (12), ENCHANTED ISLAND PARK, according to the recorded plat thereof, measured at right angles from the South line of said lot, except the North Forty (40) feet front and rear thereof, and:

All the part of Lots Twelve (12) and Thirteen (13) in ENCHANTED ISLAND PARK according to the recorded plat thereof, described as follows: Beginning at a point on the shore of Lake Minnetonka, which point is Ninety-Five (95) feet North from the Southwest corner of Lot Thirteen (13); thence Northerly along lakeshore Fifty (50) feet; thence Easterly and parallel with the South line of Lot Twelve (12) to the East line of Lot Twelve (12); thence Southerly along the East line of Lots Twelve (12) and Thirteen (13) to a point in the East line of Lot Thirteen (13) which point is Ninety-seven and fifty-eight hundredths (97.58) feet North from the Southeast corner of Lot Thirteen (13); thence Westerly to the place of beginning.

3800 Enchanted Lane: That part of Lot 13, ENCHANTED ISLAND PARK, lying southerly of the following described line and its westerly extension: Commencing at a point on the southerly line of Lot 15, ENCHANTED ISLAND PARK, distant 228.73 feet westerly from the southeasterly corner of said Lot 15; thence on an assumed bearing of North 08 degrees 52 minutes East along a line hereinafter referred to as "Line A" drawn to a point on the southerly line of said Lot 13, distant 230.83 feet westerly from the southeasterly corner of said Lot 13; thence continuing North 8 degrees 52 minutes East along said "Line A" a distance of 88.05 feet to the point of ending of said "Line A"; said point of ending being the point of beginning of the line being described; thence South 89 degrees 07 minutes 30 seconds East to the easterly line of said Lot 13, and there ending, and lying northerly of the following described line and its easterly and westerly extensions: Commencing at the intersection of said "Line A" with the southerly line of said Lot 13; thence North 08 degrees 52 minutes East along said "Line A" a distance of 38.48 feet to the point of beginning of the line being described; thence South 87 degrees 45 minutes 40 seconds East to the easterly line of said Lot 13, and there ending, according to the plat thereof on file and of record in office of the Register of Deeds, in and for Hennepin County, Minnesota.

STANDARD NOTES

- Site Address:** 3790 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430003
3800 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430005
- A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
- Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown at 931.5) per Flood Insurance Rate Map, Community Panel No. 27053C0292F, effective date of November 4th, 2016.
- Parcel Area Information:**

3790 Gross Area:	17,464 s.f.	~ 0.401 acres	3800 Gross Area:	12,417 s.f.	~ 0.285 acres
R/W Area:	1,555 s.f.	~ 0.036 acres	R/W Area:	1,130 s.f.	~ 0.026 acres
Wet Area:	6,212 s.f.	~ 0.143 acres	Wet Area:	4,177 s.f.	~ 0.096 acres
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- Benchmark:** Elevations are based on the Lake Minnetonka Benchmark, Brass disk in concrete curb at the exit of Grays Bay Dam area.
Benchmark elevation = 932.7 feet (NGVD 29)

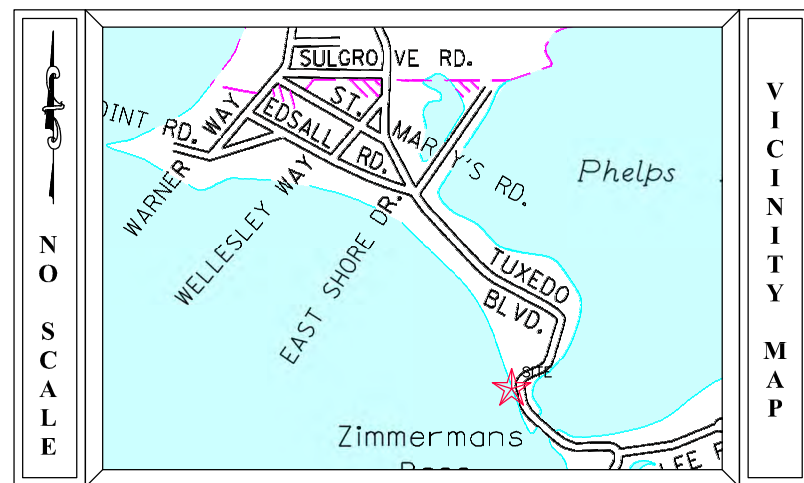
- Zoning Information:** The current Zoning for the subject property is R-1 (Residential - low density) per the City of Minnetrista's zoning map dated 2022. The setback, height, and floor space area restrictions for said zoning designation per City Planner Nick Olson are as follows:

Principal Structure Setbacks - Street(s): 35 feet from edge of bituminous (Enchanted Lane) - w/ variance 26 feet
Side: 15 feet - w/ variance 6 feet and 10 feet on north line of 3790
Lake: 75 feet, or Average Lakeshore Setback with variance - w/ variance average lakeshore setback
Height: 35 feet
Hardcover: 25 percent of lot area

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

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



SURVEY LEGEND

● CAST IRON MONUMENT	⊕ PIEZOMETER	WOE WALKOUT ELEVATION
○ IRON PIPE MONUMENT SET	⊖ POWER POLE	FFE FIRST FLOOR ELEVATION
● DRILL HOLE FOUND	< GUY WIRE	GFE GARAGE FLOOR ELEVATION
✕ CHISELED "X" MONUMENT SET	⊖ ROOF DRAIN	TOP TOP OF FOUNDATION ELEV.
✕ CHISELED "X" MONUMENT FOUND	⊖ LIFT STATION	LOE LOWEST OPENING ELEV.
✕ REBAR MONUMENT FOUND	⊖ SANITARY MANHOLE	CONCRETE
✕ PK NAIL MONUMENT SET	⊖ SANITARY CLEANOUT	BITUMINOUS
▲ PK NAIL MONUMENT FOUND	⊖ STORM MANHOLE	BUILDING SETBACK LINE
⊖ PK NAIL W/ ALUMINUM DISC	⊖ STORM DRAIN	CTV CABLE TV
⊖ SURVEY CONTROL POINT	⊖ CATCH BASIN	CONCRETE CURB
⊖ A/C UNIT	⊖ FLARED END SECTION	CONTOUR EXISTING
⊖ CABLE TV PEDESTAL	⊖ TREE CONIFEROUS	CONTOUR PROPOSED
⊖ ELECTRIC TRANSFORMER	⊖ TREE DECIDUOUS	GUARD RAIL
⊖ ELECTRIC MANHOLE	⊖ TREE CONIFEROUS REMOVED	DT DRAIN TILE
⊖ ELECTRIC METER	⊖ TREE DECIDUOUS REMOVED	ELC ELECTRIC UNDERGROUND
⊖ ELECTRIC OUTLET	⊖ TELEPHONE MANHOLE	—X—X— FENCE
⊖ YARD LIGHT	⊖ TELEPHONE PEDESTAL	—F— FIBER OPTIC UNDERGROUND
⊖ LIGHT POLE	⊖ UTILITY MANHOLE	—G— GAS UNDERGROUND
⊖ FIBER OPTIC MANHOLE	⊖ UTILITY PEDESTAL	—OHU— OVERHEAD UTILITY
⊖ FIRE DEPT. HOOK UP	⊖ UTILITY VAULT	—T— TREE LINE
⊖ FLAG POLE	⊖ WATERMAIN MANHOLE	> SANITARY SEWER
⊖ FUEL PUMP	⊖ WATER METER	>> STORM SEWER
⊖ FUEL TANK	⊖ WATER SPIGOT	—TEL— TELEPHONE UNDERGROUND
⊖ PROPANE TANK	⊖ WELL	—RET— RETAINING WALL
⊖ GAS METER	⊖ MONITORING WELL	—UTL— UTILITY UNDERGROUND
⊖ GAS VALVE	⊖ CURB STOP	—I— WATERMAIN
⊖ GAS MANHOLE	⊖ GATE VALVE	—T— TRAFFIC SIGNAL
⊖ GENERATOR	⊖ HYDRANT	—+— RAILROAD TRACKS
⊖ GUARD POST	⊖ IRRIGATION VALVE	—R— RAILROAD SIGNAL
⊖ HAND HOLE	⊖ POST INDICATOR VALVE	—S— RAILROAD SWITCH
⊖ MAIL BOX	⊖ SIGN	—O— SATELLITE DISH
	⊖ SOIL BORING	—W— WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
NA	1	EJ	7/20/2023	HIGHLIGHT NWL AND HWL
DRAWN	2	EJ	7/28/2023	NEW HOUSES
EJ	3	EJ	8/25/2023	NEW HOUSES
CHECKED	4	EJ	8/25/2023	ADDED PREVIOUS FOOTPRINTS
DLS				
DATE				
7-18-23				

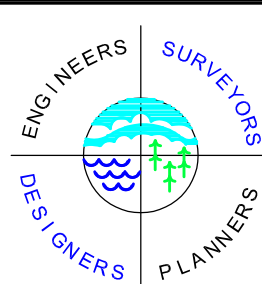
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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 18th day of July, 2023.

Daniel L. Schmidt

Daniel L. Schmidt, PLS
schmidt@sathre.com Minnesota License No. 26147



SATHRE-BERGQUIST, INC.

14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE,24-SEC.25 Hennepin County	SETBACK VARIANCE EXHIBIT	PREPARED FOR: LANDMARK	FILE NO. 49368-074
MINNETRISTA, MINNESOTA			1 1

From: [nancy.rhof](#)
To: [Nickolas Olson](#)
Cc: [steve](#)
Subject: 3790 and 3800 Enchanted Ln variance request(s)
Date: Thursday, August 24, 2023 2:02:05 PM

Hi Nick,

We have many concerns/issues with the proposal from Nathan Fair for the properties at 3790 and 3800 Enchanted Lane:

- This is a Residential Low Density neighborhood. The large footprint of the proposed homes on both properties is out of character for the lot sizes in our neighborhood, there are many lots similar in size in the neighborhood and none of those homes have such a large footprint
- We have a 55 foot wide lot with a nice 3 bedroom 25' wide home that meets the 15' setback requirement. Have the applicants stated as to the reason why they cannot conform to the existing code
- It's customary for the properties in our neighborhood to have a variance on the lake side, but not customary for 2 side yard setback variances. Visually there are no other properties in this neighborhood that have 2 significant side yard setbacks. Even the homes that were removed last fall from 3790 and 3800 meet the 15' side yard setback with the exception of 3800's old porch addition
- The three side yard setback variance requests to be 6' vs 15' is excessive, that's almost 1/3 of the actual code for these low density properties
- There is no drainage proposal that we can see on the survey and with all that hardcover between the lake and the road where will the water go, especially when the side yard setback is reduced so significantly. We have not seen house plans and have no idea what they are proposing for roof lines and especially if the roofs drain into the side yards it may/will cause flooding between and/or on all four properties. As many of you may remember in high water years, many of the properties on this stretch of road do hold water. These two lots have already had an increase in elevation change with the addition of much fill last fall after the two homes were removed. Is the builder planning to bring in more fill? If so, the risk of flooding in the older properties (like ours) will again increase (Please note we (3780) did NOT flood in 2014, but 3790 had standing water). A drainage plan should be required regardless of what if any variances are granted
- Because we have not seen the entire plans, it appears that the setback requests are based on the homes foundations and would not include any roof overhang making the homes feel even closer
- The survey for 3790 isn't complete, there are no markers on our shared property line (3780/3790)
- We have an easement for our fence and shed between 3780 and 3790, this easement is for up to 9' near the lake. There is NO agreement between us and the applicant to move

our fence to the 'proposed fence line' documented on the variance survey document

Unable to find the planning commission's email address', please pass this along to them.

Thank you,

Steve Shoop and Nancy Rigelhof, 3780 Enchanted Ln

From: [John Barlow](#)
To: [Nickolas Olson](#)
Cc: [Kathy Barlow](#)
Subject: Re: 3800 Enchantd Lane planing info
Date: Tuesday, August 22, 2023 1:56:09 PM

Hi Nick

Thanks for the complete info on the 3800/3790 Enchanted Lane properties. I can see the owner has put a lot of thought into the design.

My concern is with the density that the variances create. You can barely park a single car on each side of the driveway without being too close to the street. The set back from Lake Minnetonka is consistent with the neighbor but still is close to the shoreline. BTW this area including the street is susceptible to flooding.

Add an upper level on each home and you likely have six bedrooms total. It is too much in too little space. I hope one of these is not a rental.

Thanks for soliciting our opinions.

John & Kathy Barlow

3946 Enchanted L

Minnetrista MN 66364

612-759-7161

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: **CONDITIONAL USE PERMIT: Application from Crystal Brummer for a conditional use permit for an accessory building over 1,000 sq. ft. at 905 Maple Crest Drive**

Prepared By: **Nickolas Olson, Senior City Planner**

Meeting Date: **August 28, 2023**

Overview: Crystal Brummer (the “Applicant”) has made an application for a conditional use permit for an accessory building over 1,000 sq. ft. at 905 Maple Crest Drive; R-1 – Low Density Single Family Residence Zoning District; PID# 12-117-24-21-0059 (the “Property”).

Background: It is the intent of the city in establishing general and specific criteria for conditional uses that such uses, by subject to careful evaluation to ensure that their location, size, and design, are consistent with the standards, purposes, and procedures of the city code and the comprehensive plan. The city may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the city or other governmental bodies having jurisdiction over the city.

The city may grant conditional use permits when such permits are authorized by this section and may impose conditions and safeguards in such permits to protect the health, safety and welfare of the community and assure harmony with the comprehensive plan of the city.

Discussion: When acting upon an application for a conditional use permit, the city will consider the effect of the proposed use upon the health, safety, and general welfare of the city. When considering the effect, the city should look at the following:

- (1) The factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land.**

In regards to nuisances, the proposed accessory building should operate in a very similar manner as any other accessory building regardless of size, which means no discernable nuisances tied to its presence. There are no change in uses allowed just because it’s a larger building. The Applicant is cannot use the building for commercial storage or business per the zoning district. It also will not present any additional fire or safety concerns. Since the proposed accessory is intended for the Applicant only, there should be ample off-street parking for the use.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

(2) The effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood.

The Applicant has indicated they will match the colors of the existing home on the proposed accessory building, but since its pole building style, it won't quite match architecturally. It's not a requirement to match, but to the extent the Applicant can make them match should help lessen the impact on surrounding properties. The Commission could condition the approval in this manner, however, if it feels it's important to further lessen the impact. The Applicant is also locating the building almost 3 times the required setback from any adjacent property, which should help lessen the impact of the larger building on adjacent properties. Taking these circumstances into consideration, there should not be a negative impact to the surrounding properties or the character of the neighborhood.

(3) Consistency with the city's comprehensive plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire.

The City's comprehensive plan and zoning code allow for accessory buildings over 1,000 square feet by conditional use permit. The Applicant has appropriately applied for a conditional use permit. As the accessory building is intended for residential use and not commercial business or storage, the property use will remain single family residential, which is consistent with the future land use map. Therefore, the proposed accessory building is consistent with the comprehensive plan. The proposed accessory building will also have no negative impacts on governmental facilities. It's not clear from the submittals if the Applicant intends to have plumbing in the accessory building, but the property is served by a private well so no impact to the city water system. The home is connected to City sewer and the Applicant would need to tap in somewhere on their property if sewer is needed. It is also anticipated that the need for police and fire services will not change with a large accessory building.

(4) The effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains and soils.

The proposed location is an area that is relatively flat and open. The Applicant has indicated a few trees may need to be remove, but beyond that there shouldn't be impacts to any sensitive environmental features on or near the Property.

(5) Any other factors as found relevant by the city.

Based on the request, the information submitted with this land use application, and the lack of neighborhood concerns, there appears to be no other relevant factors to consider.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with two neighboring property owners,

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but has not received any written comments or concerns regarding this request as a result of sending the public notice.

Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be established which support the recommendation. Findings of fact based on the information submitted by the Applicants may be as follows:

1. The proposed accessory building over 1,000 square feet is allowed with a Conditional Use Permit;
2. The proposed use does not pose any discernable concerns to the general public health, safety, morals, comfort or general welfare of the inhabitants of the city; and
3. The request is consistent with the Minnetrista Comprehensive Plan.

Recommended Action: Motion to recommend the City Council approve the requested conditional use permit for an accessory over 1,000 square feet at 905 Maple Crest Drive, based on the findings of fact outlined in the staff report and subject to the following conditions:

1. The accessory building shall only be used residential use only and shall not be used for any commercial business or storage operations, unless separate approval is granted at a later date by the City Council;
2. The Property shall be developed in accordance with the plans submitted with this land use application;
3. The Applicant shall obtain all necessary permits and approvals from the City and other applicable agencies with jurisdiction over the Property prior to any construction;
4. The Applicant is responsible for all fees incurred by the City in the review of this application;
5. This approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the Property; and
6. Any other conditions as required by the Planning Commission.

Attachments:

1. Location Map
2. Applicant Narrative
3. Property Survey
4. Building Plans
5. Picture of Existing Home



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905 Maple Crest Drive



1 in = 192 Ft

-  City Boundary
-  Address Labels
-  Parcels



Crystal Brummer & Jon Byington
905 Maple Crest Dr
Minnetrista
612-999-5056
612-597-7775

Premiere Land Surveying
1600 Arboretum Blvd
Suite 203
Victoria
952-443-3010

Property
905 Maple Crest Dr
Minnetrista

205,985 SF

PID - 1211724211724210059
Legal - Lot 1 Block 1 Carls Addn

The property was previously used for horses and I believe at one point a previous owner was in process of developing the property.
We live at the property and will be for many years to come.

In the spot where the shed will go, its pretty open but a few trees will need to be removed.
I don't see how it would affect any wetlands or affect the city, peoples health welfare or general welfare.

I don't know what the comprehensive plan is for the city but this building is not going to affect almost anyone besides us.

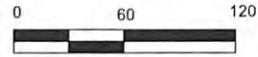
I'm not going to talk with my neighbors about this. It doesn't affect them and want to avoid any opportunities for them to ask us to store their stuff at my house. This building is for our personal use only. For our hobbies and storage of our personal items.
The property here is unique to where it is almost a 5 acre piece but is located in an area that is re-zoned for residential but we still are on 5 acres.

With the land, property, and proposed building it really makes more sense as a pole shed then a garage. I could see more where that is required for a lot or a smaller property. We have 5 acres and it happens to be in a residential zoned area. Building a pole shed on that size property makes more sense than trying to make it look like a garage.
With the photos included, you will see it will be beautiful. We like to keep our stuff nice and out of sight and that is the purpose of this building. To keep our stuff housed away and keep it nice for years to come.

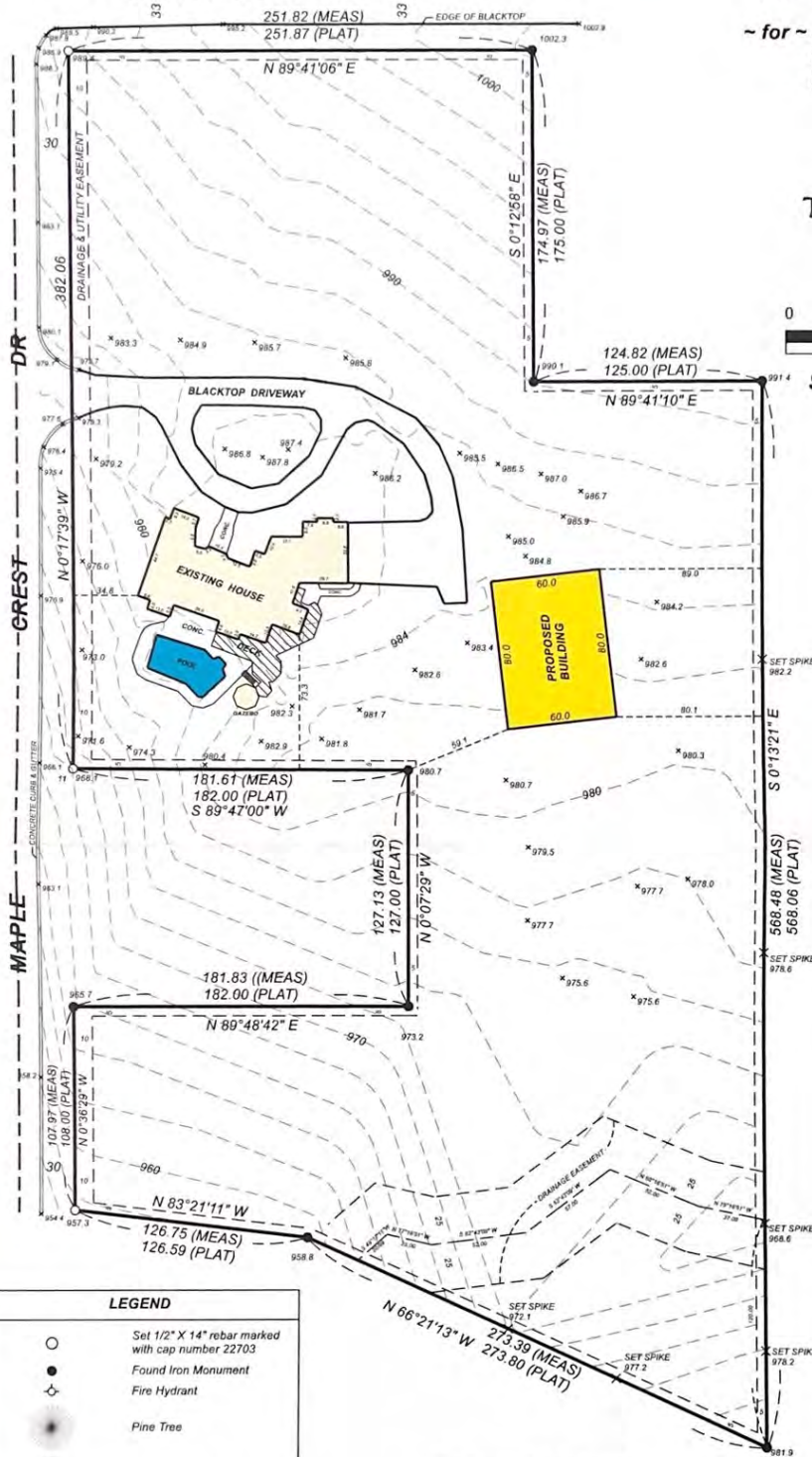
--- COUNTY ROAD NO. 151 ---

Certificate of Survey

~ for ~ John Brummer
905 Maple Crest Dr.
Minnetrista, MN 55365



SCALE IN FEET



LEGEND

- Set 1/2" X 14" rebar marked with cap number 22703
- Found Iron Monument
- ⊕ Fire Hydrant
- Pine Tree
- Deciduous Tree
- - - Contour Line
- X Spot Elevation

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische 22703 05/16/23
License No. Date

DESCRIPTION OF PROPERTY:

Lot 1, Block 1, CARLS ADDITION, Hennepin County, Minnesota. Subject to easements of record.

IMPERVIOUS SURFACE COVERAGE:

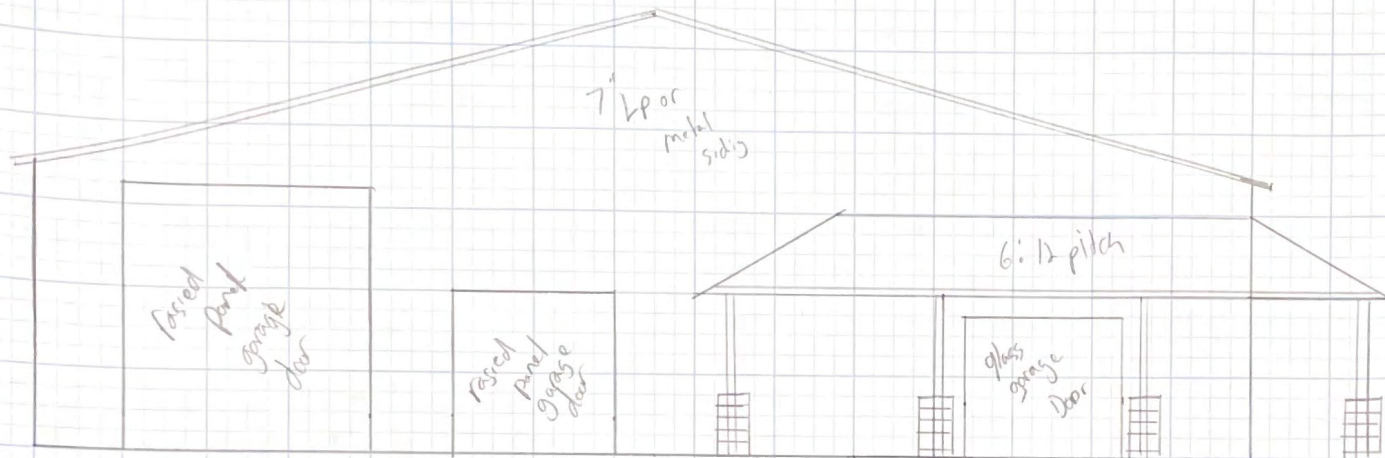
EXISTING HOUSE:	4,800 S.F.
DRIVEWAY:	7,870 S.F.
CONCRETE:	1,668 S.F.
GAZEBO:	142 S.F.
DECK:	931 S.F.
PROPOSED BUILDING:	4,800 S.F.
TOTAL IMPERVIOUS:	20,011 S.F.
LOT AREA:	205,985 S.F.
IMPERVIOUS COVERAGE:	9.7 %

PROJ #2221-00 NAVD88 VERTICAL DATUM

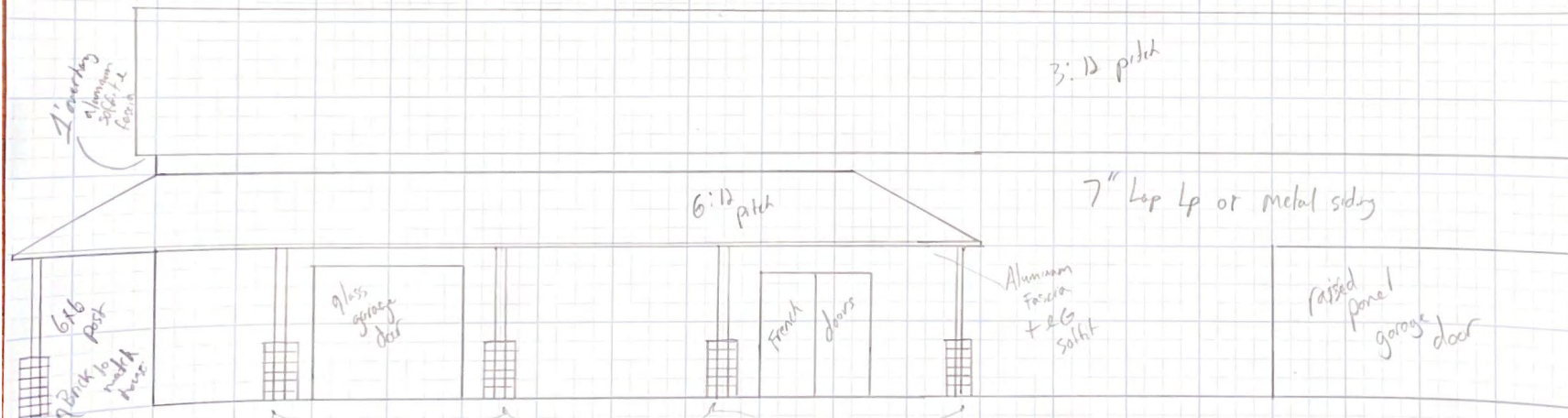
PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

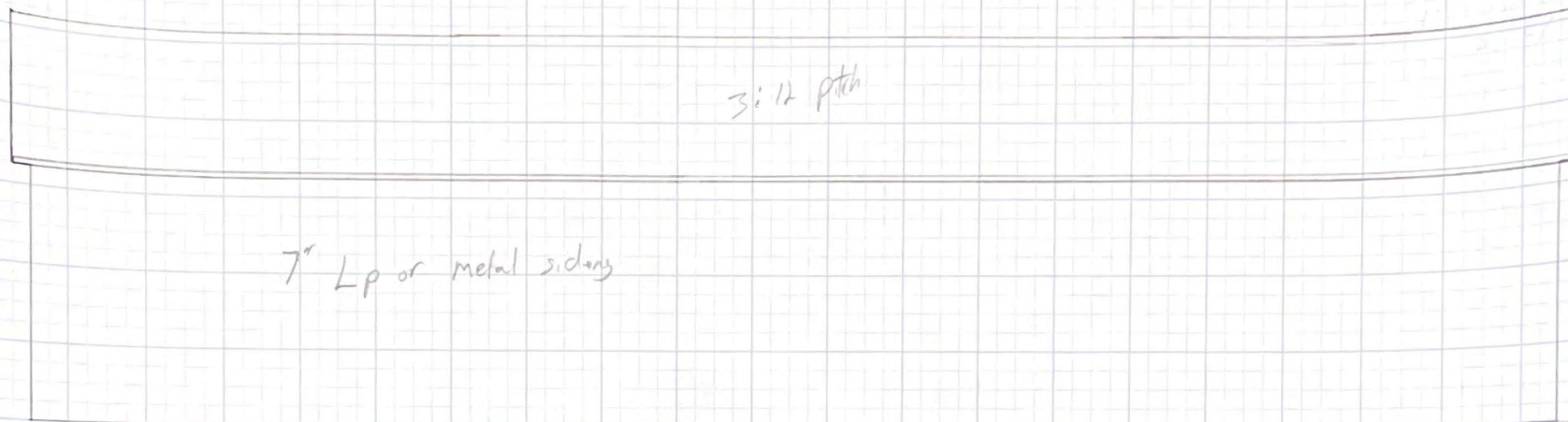
905 maple crest Dr
Minnetonka MN
55364



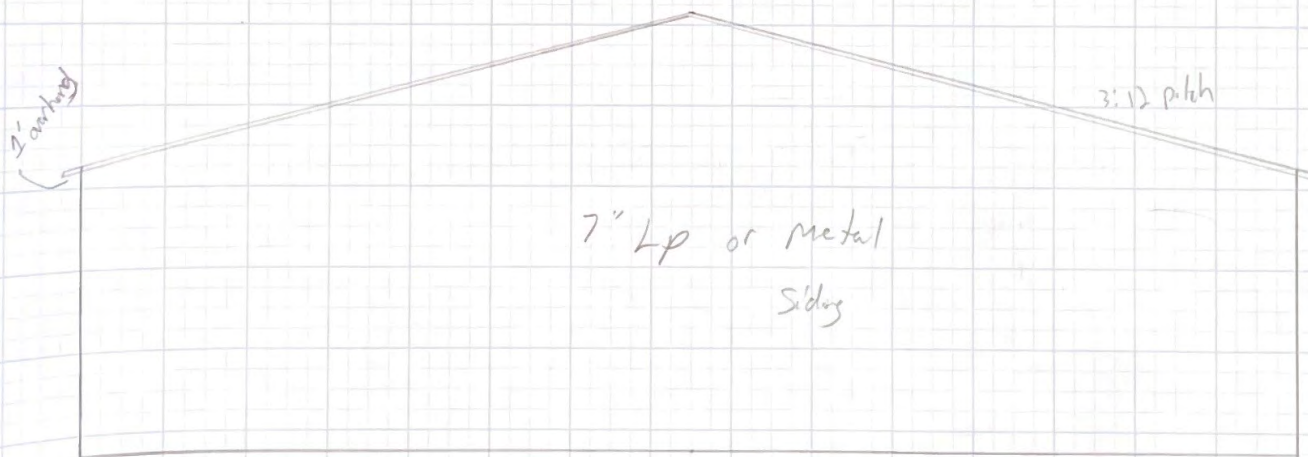
North side



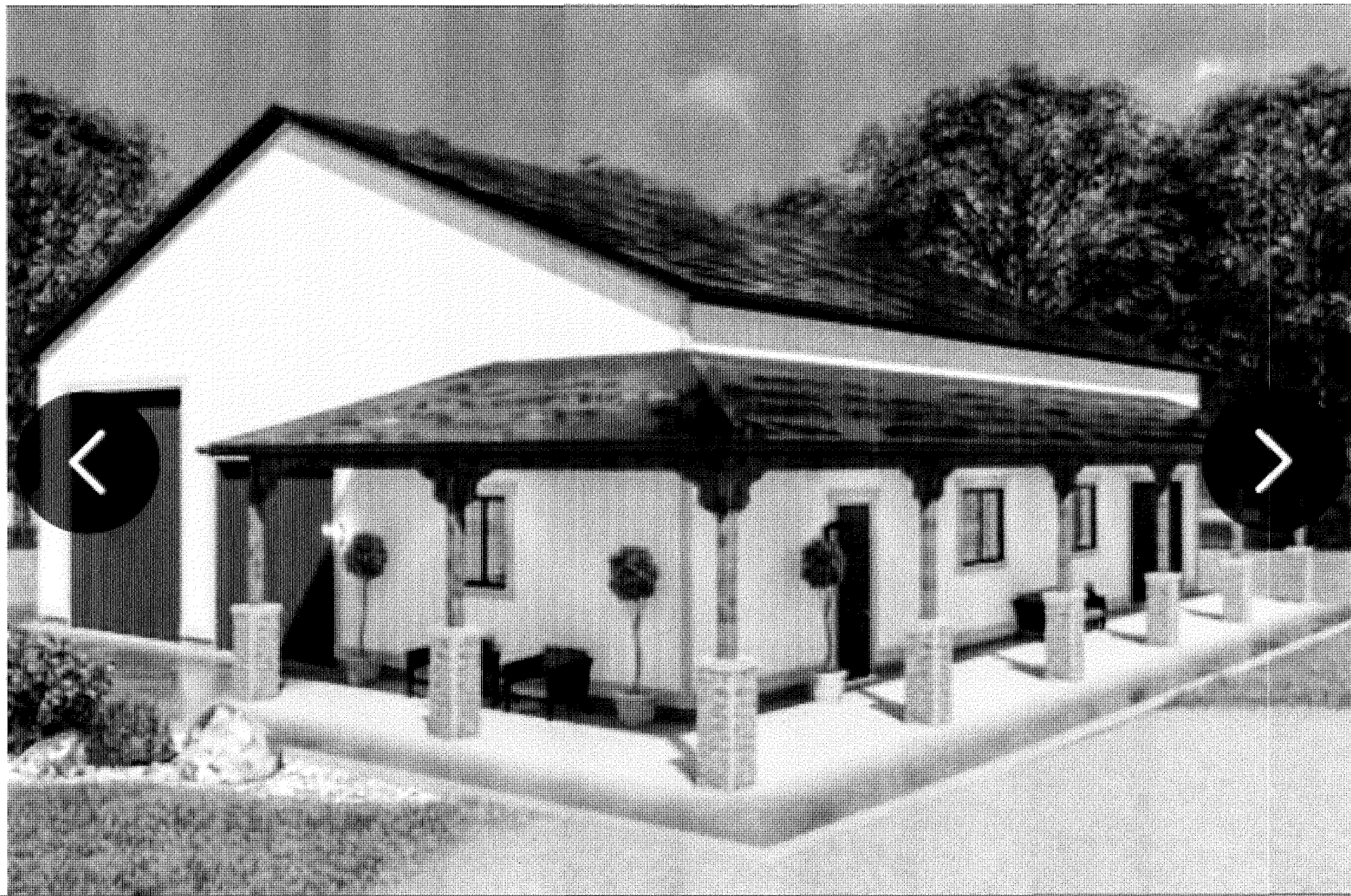
West side



East side



South side





CITY OF MINNETRISTA



PUBLIC HEARING

Subject: Application from Frank Weigel and Esther Nazarov to extend an interim use permit for Agricultural Entertainment Activities at the properties of 6480 County Road 26 and 6530 County Road 26

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: August 28, 2023

Issue: Frank Weigel and Esther Nazarov (the “Applicants”) have made an application to extend an interim use permit for Agricultural Entertainment Activities at the properties of 6480 County Road 26 and 6530 County Road 26; A – Agriculture Zoning District; PID# 03-117-24-11-0004 and PID# 03-117-24-12-0004 (collectively the “Properties”).

Background: The previous property owners originally received a Conditional Use Permit (CUP) back in 1980 to sell apples and honey on the Properties. That CUP was later amended in 1996 to allow for the operation known today as Minnetonka Orchards. City ordinances changed in 2007 to allow agricultural entertainment activities by interim use permit (IUP) rather than CUP. The difference between a CUP and IUP is that an IUP is a use that is allowed for a certain duration of time and is specific to a certain property owner. In 2013, the previous owners applied for a CUP for a farm winery. At that time, the City issued an IUP for the agricultural entertainment activities which was good for 10 years. The permit recently expired and the Applicants have applied to extend the previously approved permit. In the meantime, the City has approved a special events permit to cover the already scheduled events while this request is being reviewed.

Discussion: The Applicants are requesting to extend the existing IUP for an additional 10 years. This was the duration given to the previous owners when the IUP was first issued. No other changes to the existing IUP or its conditions are being requested at this time. For discussion, the criteria from City Code for reviewing an IUP have been included below:

Subd. 8. Interim Use Permit

- (a) Purpose. The purpose of this ordinance is to allow interim uses under specific and regulated conditions. Interim uses may be allowed by permit if the following conditions are met:
 - (1) The use conforms to the zoning regulations;
 - (2) The date or event that will terminate the use can be identified with certainty;

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- (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - (4) The user agrees to any conditions that the city council deems appropriate for permission of the use.
- (b) **Application.** The applicant shall submit an application for an interim use permit to the city planner. The application shall be accompanied by the following information and documentation:
 - (1) Legal description of the property;
 - (2) Identification of the owner and user, if different;
 - (3) Site plan, including location of all buildings, driveways, parking areas, restroom facilities, septic systems, drain fields, wetlands and easements;
 - (4) Sign plan;
 - (5) Lighting plan;
 - (6) Names of each owner of property situated wholly or partly within 1,500 feet of the property to which the interim use relates;
 - (7) Statement of the date or event terminating the use;
 - (8) Application fee as set forth in the city's fee schedule; and
 - (9) Such other information as the city deems necessary or desirable.
- (c) **City Staff Review.** Upon receipt of an application for an interim use permit, the city planner shall review the material submitted and determine whether the application is complete. If the application is not complete, the city planner shall notify the applicant in writing and shall specify the additional documentation or information that the applicant will be required to submit before the application will be considered complete. When the application is complete, the city planner shall refer the matter to the planning commission for review and public hearing.
- (d) **Planning Commission Review; Public Hearing.**
 - (1) The planning commission shall review the proposed interim use permit on the basis of the information and documentation submitted by the applicant and any other information available to it. The planning commission shall hold a public hearing on the proposed interim use. Notice of the time, place and purpose of the hearing shall be published in the city's official newspaper at least 10 days prior to the date of the hearing. Notice shall also be mailed at least 10 days prior to the hearing to each owner of affected property and property situated wholly or partly within 1500 feet of the property to which the interim use relates.

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- (2) The planning commission shall review the proposed interim use to determine whether it is consistent with the requirements of this ordinance. Following the public hearing, the planning commission shall recommend that the interim use be approved with conditions or denied. The planning commission shall forward its recommendation to the city council along with a list of suggested conditions if it recommends approval of the permit.
- (e) City Council Review; Amendment.
 - (1) The city council shall consider the report of the city planner and the recommendation of the planning commission and may consider any additional information or conduct such additional review as it determines would serve the public interest. The city council shall approve with conditions or deny the interim use permit. The city council shall condition its approval in any manner it deems reasonably necessary in order to promote public health, safety or welfare and to achieve compliance with this ordinance. The city council may require the applicant to enter into an agreement including such provisions as it deems reasonably required to ensure compliance with this ordinance and the terms and conditions of the city's approval.
 - (2) An application to amend an approved interim use permit shall be reviewed under this section in the same manner as an initial application for an interim use permit.
- (f) Termination. An interim use shall terminate upon the date or the occurrence of the event established in the permit or upon such other condition specified by the city. Notwithstanding anything herein to the contrary, an interim use may be terminated by a change in zoning regulations applicable to the use or land upon which it is located.

Specific to interim uses, the following language is found within the Agriculture Zoning District:

- (d) Interim use in A-agriculture district.
 - (1) Within the A-agriculture district, the following use shall be permitted by interim use permit:
 - a. Agricultural entertainment, which shall include events or activities conducted or held on private property by the property owner or the owner's lessee, either private or open to the general public, with an estimated attendance of 75 people or more.

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- b. For purposes of this section, “events” and “activities” have the following meanings:
 - i. Events: planned parties, celebrations, concerts, conferences, or similar occasions with reservation of a particular space at the property for a single-occurrence gathering, including but not limited to weddings, wedding receptions, private parties or similar family or social functions.
 - ii. Activities: ongoing occurrences at the property which are open to the general public, including but not limited to tractor pulled hayrides; guided nature walks, petting barn yards, school-age tour groups or similar family or social functions.
- (2) Standards. The following standards apply to interim use permits for agricultural entertainment:
- a. The property proposed to be used for agricultural entertainment must be located with direct access to a collector or arterial street as identified in the comprehensive plan;
 - b. The property owner may be required to improve the traffic intersection located nearest to the property with additional turning lanes, street lights, traffic controls, traffic signs and such other measures as the city deems necessary to safely control traffic traveling to and from the property;
 - c. The property must have at least two points of unobstructed emergency vehicle access to each building or permanent or temporary structure;
 - d. Minimum lot size and building setbacks for “other uses” in the A-agriculture zoning district must be met;
 - e. All parking must occur on-site but not on the primary or alternate septic sites or on any green area; must be on an improved surface, such as class five gravel or pavement; and must be set back at least 30 feet from all property lines;
 - f. No more than 25 percent of the site may be covered with impervious surface and the remainder shall be suitably landscaped;
 - g. All requirements of section 405 of the city code must be met;
 - h. Exterior lighting must be designed and installed so that the light source is recessed and enclosed on all sides except the bottom so that no light is cast directly or indirectly on any other property and so that the light source cannot be seen from adjacent property;

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- i. Roof top or outside mechanical equipment and any exterior storage must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s);
- j. Trash containers must be located inside or screened in an acceptable manner;
- k. No outdoor speakers may be used. All live music, including but not limited to bands and disc jockeys as well as stereos, juke boxes or other equipment, shall be conducted inside a permanent or temporary structure and the property owners shall take all necessary steps to contain the noise produced by all such devices within the permanent or temporary structure;
- l. The number of persons who may attend an event featuring live music shall be determined by the city council after considering the impact on adjacent properties;
- m. All requirements of the fire code and fire marshal must be met;
- n. All requirements of chapter 1200 of the city code must be met;
- o. Discharge of firearms, including blanks, shall not be allowed on the property;
- p. The hours of operation and the number of permitted employees will be determined by the city council after consideration of the impact on adjacent properties;
- q. Events are limited to twice weekly and only during the months of May through December;
- r. The city may require the property owner to utilize the services of a licensed security officer or peace officer at any event or activity;
- s. The city may require inspections of the property in order to investigate complaints;
- t. Food consumed on site must be prepared in accordance with all applicable state and county codes and regulations;
- u. The property owner must take reasonable steps to prevent trespassing on adjacent properties by employees, contractors or patrons;
- v. There must be identified and acceptable primary and alternate well and septic sites on the property which are sized for the maximum anticipated usage of the property;
- w. All animal feed and bedding must be stored within an enclosed building;
- x. Manure must be properly stored while on site. Manure must be disposed of at an off-site location at least every six months by means of a method approved by the city and the Minnesota Pollution Control Agency; and

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- y. The city council may require compliance with any other conditions, restrictions, or limitations it deems to be reasonably necessary to protect the health, safety or welfare of the surrounding properties and the community and may require the applicant to enter into an agreement to ensure compliance with the conditions.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with one neighboring property owner, but has not received any written comments or concerns regarding this request as a result of sending the public notice.

Conclusion: The Planning Commission should review the staff report and hold a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be made which support the recommendation. Findings of fact based on the information submitted by the Applicants may be as follows:

1. Agricultural entertainment is allowed within the Agriculture zoning district by Interim Use Permit; and
2. The proposed change in ownership is in harmony with the purpose and intent of the City's zoning ordinance and is consistent with the City's comprehensive plan.

Recommended Action: Motion to recommend the City Council approve the requested Interim Use Permit extension, based on certain findings of fact outlined in the staff report and subject to the addition of the following conditions:

1. The Interim Use Permit shall be issued for 10 years from the date of City Council approval;
2. Agricultural entertainment events shall be limited to two (2) events per week and only during the months of May – December;
3. The Applicants shall coordinate persons to provide traffic control for all activities and events during the month of October;
4. Additional on-site security officers shall be obtained by the Applicants;
5. Food and beverage sales to the scale with which were provided under the Conditional Use Permit are allowed with the Interim Use Permit;
6. No off-site parking for activities or events;
7. The Applicants shall provide documentation from Hennepin County stating that the existing septic and well systems are sized adequately;
8. Any and all changes to the lighting of the property shall be reviewed by City staff and shall be designed so as to not be obtrusive and shall register as zero foot-candles at the property lines;
9. Trash enclosures must be located inside a structure on the property or screened appropriately;
10. All noise pollution shall be defined and restricted by the Minnesota Pollution Control Agency under Minn. Rules 7030 – Noise Pollution.

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- Adoption of the Standard Definitions per 7030.0020 (page 15)
 - Uphold the Noise Standards per 7030.0040 (page 16)
 - Classify Minnetonka Orchards activities as Noise Area Classification #2 (page 17)
 - Subsection 3. Exceptions (page 18)
 - No outdoor speakers may be used
 - The property owners shall take all necessary steps to contain the noise produced by all such devices within the permanent or temporary structures.
11. The Applicants must conform to all applicable sections of City Code;
 12. If violations of the Interim Use Permit or the City's nuisance ordinance occur, the City Council reserves the right to review and to revise or revoke the Interim Use Permit;
 13. Wedding ceremony events located in the garden shall not occur past 6:00 p.m.; and
 14. The Applicants shall continue to work with adjacent property owners to determine appropriate decibel levels; and
 15. Any additional conditions as determined by the Planning Commission.

Attachments:

1. Location Map
2. Applicant Narrative
3. Site Plan
4. Lighting Plan
5. Resolution No. 083-13




Mission Statement:

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6480 & 6530 County Road 26



1 in = 375 Ft

-  City Boundary
-  City Mask
- Address Labels
-  Parcels



Written Answers

a. Property Owners:

- a. Frank Weigel, 4496 North Shore Dr., Mound, MN 55364. 605-400-7112.
fweigel@everlyfarmsmn.com
- b. Esther Nazarov, 4496 North Shore Dr., Mound, MN 55364. 408-656-1765.
esther@everlyfarmsmn.com

b. Site Data:

1. Address
 - a. 6480 County Road 26, Minnetrista, MN 55364
 - b. 6530 County Road 26, Minnetrista, MN 55364
2. Current Zoning:
 - a. A
 - b. A
3. Parcel Size in Acres & Square Ft.:
 - a. 5.95 Acres, 259,222 sq. ft.
 - b. 37.37 acres, 1,627,753 sq. ft.
4. PID:
 - a. 0311724110004
 - b. 0311724120004
5. Current Legal Descriptions:

Parcel A: The East 500 feet of that part of the Northeast Quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian, lying North of the Northerly right of way line of County Road No. 26

Parcel B: Commencing at a point in the North line of the Northeast Quarter a distance of 730 feet East from the Northwest corner thereof, thence South 810 feet, thence East 484 feet, thence South to the Northerly line of County Road No. 26, thence Easterly along said Northerly line to a point 903 feet West from East line of Northeast quarter thence North to North line thereof, thence West to beginning, Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian.

The West 403 feet of the East 903 feet of that part of the Northeast Quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian, lying North of the Northerly right of way line of County Road 26.

- c. Proposed Use: The address of 6530 CR. 26 & 6480 CR 26 are the properties of the existing Minnetonka Orchard & Everly Farms Winery. The intended use of said properties will remain as in the past, as agriculture entertainment at the orchard to include seasonal offerings such as U-pick apples, food huts, hay rides, petting zoo, retail

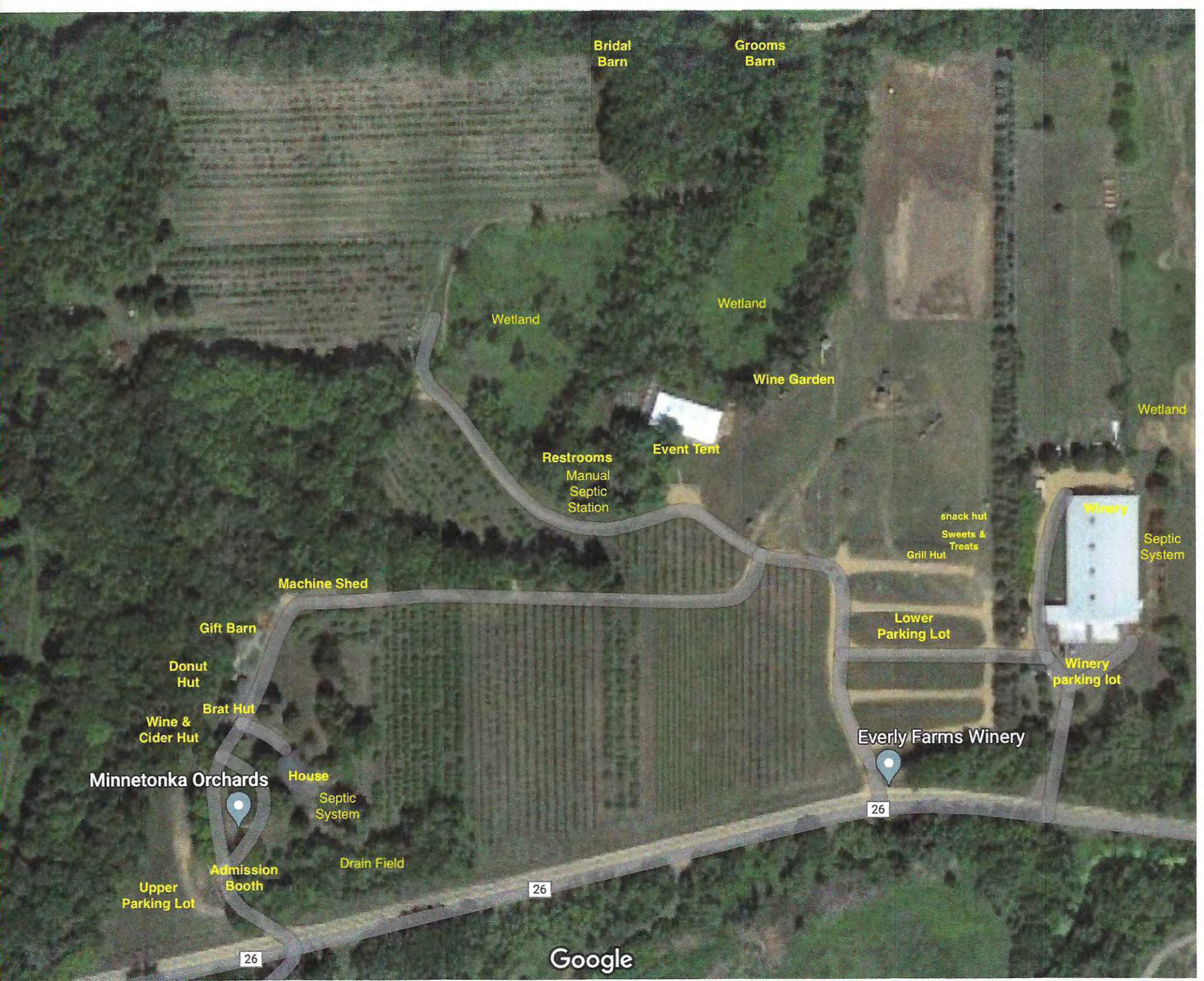
offerings, and outdoor entertainment amongst the property, such as weddings and/or corporate events. Use of the winery shall include accessibility to the Everly Farms Winery tasting room (currently pending construction/renovation), as well as outdoor entertainment use of the property. Existing structures on the properties will be used as the current intent, as housing for retail space, tasting room, food huts, and shelter. Landscaping at the properties shall be only for visual maintenance and upkeep. We accommodate for traffic to the properties with three separate parking lots, to reduce any overflow or hold up to traffic on adjoining roads or properties. It is our intent and goal to maintain the natural surroundings and beauty of the property, including the maintenance of the apple trees and vineyard on site.

- d. The properties are intended for the well-being of the community, to bring in guests and paying customers to the area. We have plans and rules put in place to abide by and control noise levels of events, by limiting music to 60 decibels, and requiring all music to follow county noise ordinances, being over by 10:00 PM. Any fires used for maintenance of the property are first approved by the county/city by obtaining a license to burn. It is our goal to monitor and control traffic by providing parking attendants at both entrances to safely and accurately maintain traffic flow, and to avoid disruption to neighbors, and other traffic in the area. Our water & septic supplies are regularly monitored & tested to ensure no contamination to the natural wetlands around us. We have Safety Plans put into place which includes fire, weather, and personal safety guidelines. It is our general objective to keep the beloved traditions of the orchard in the community, and to provide jobs, and bring in revenue to the area, in a respectful, structured, and mindful manner to the neighbors and general public around us.
- e. The properties have been operating as the same business for 40+ years and we only continue to take measures to ensure that excessive burden to the community around us, such as traffic, schools, emergency personnel, water, sewer, etc. will not be impacted.
- f. The current Interim Use Permit has expired, and we are seeking to extend the effectiveness without any changes for a time period of 10 years.

Minnetonka Orchards Business Plan:

We fell in love with the place a couple years ago when we first visited for apple picking. We would like to continue on with the orchard as currently used. Our plan over the next couple years would be to continue the operations while enhancing the facilities. Initially we would start by getting to know Lowell and Phyliss as well as the current employees and collaborate with them to figure out how to best manage the Orchard. We would also like to meet and get to know the neighbors to discuss any of their thoughts and concerns. Below is a list of items we would like to accomplish in the next few years.

- Refresh the paint of accessory buildings
- Enhance the gift shop area
- Enhance the production of Hard Ciders in the winery
- Establish an area for a garden to grow vegetables
- Build out the Pergola on the front of the wine room



Bridal
Barn

Grooms
Barn

Wetland

Wetland

Wine Garden

Restrooms
Manual
Septic
Station

Event Tent

Wetland

snack hut
Sweets &
Treats
Grill Hut

Winery

Septic
System

Machine Shed

Gift Barn

Donut
Hut

Brat Hut

Wine &
Cider Hut

Minnetonka Orchards

House

Septic
System

Admission
Booth

Upper
Parking Lot

Drain Field

Lower
Parking Lot

Winery
parking lot

Everly Farms Winery

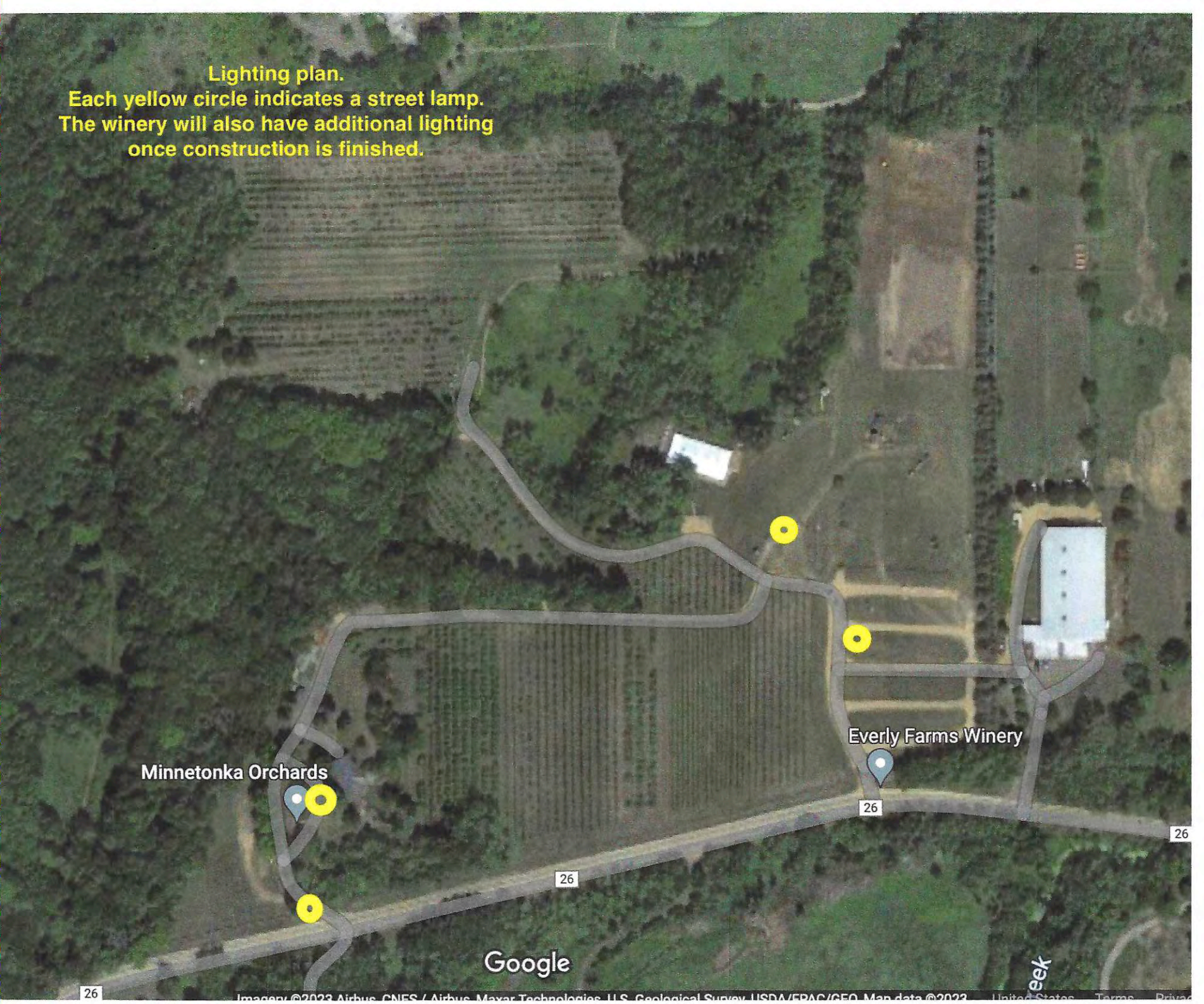
26

26

26

Google

Lighting plan.
Each yellow circle indicates a street lamp.
The winery will also have additional lighting
once construction is finished.



STATE OF MINNESOTA)

)ss.

COUNTY OF HENNEPIN)

The undersigned, duly qualified and acting City Clerk of the City of Minnetrista, hereby certifies that the attached hereto is a true and correct copy of the original:

**Resolution No. 83-13 Approving Amendments to the
Existing Interim Use Permit to Allow Agricultural
Entertainment Activities and Events at 6530 and 6480
County Road 26**

on file in the office of the City Clerk of the City of Minnetrista.



Terri Haarstad
City Clerk

Dated this 12th day of August 2013.

(City Seal)

RESOLUTION NO. 83-13

**RESOLUTION APPROVING AMENDMENTS TO THE EXISTING INTERIM USE PERMIT TO
ALLOW AGRICULTURAL ENTERTAINMENT ACTIVITIES AND EVENTS AT 6530 AND 6480
COUNTY ROAD 26**

WHEREAS, the City of Minnetrista is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Minnetrista has adopted zoning and subdivision regulations, per Chapter 5 of the Municipal Code, to promote the orderly, economic and safe development and utilization of land within the city; and

WHEREAS, Lowell Schaper and Phyllis Schaper have made application for amendments to the existing interim use permit (IUP) to allow agricultural entertainment activities and events at property legally described in Exhibit A attached hereto; and

WHEREAS, the Planning Commission and City Council reviewed the application, as submitted, and have made the following findings of fact:

1. Agricultural entertainment is a permitted use in the A – Agricultural zoning district with an IUP; and
2. The request is consistent with the Minnetrista Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the amendments to the existing interim use permit as requested, based on the findings of fact outlined above, with the following conditions:

1. The IUP shall be issued for a period of ten years from the date of this resolution (July 2023);
2. Craig & Michele Schaper are added to the IUP as co-owner/co-operators of Minnetonka Orchards, the IUP shall become void upon transfer of ownership of the property and any transfer of the IUP shall require City Council approval;
3. Agricultural entertainment events shall be limited to two (2) events per week and only during the months of May – December;
4. The applicant shall coordinate persons to provide traffic control for all activities and events during the month of October;
5. Additional on-site security officers shall be obtained by the applicant;
6. Food and beverage sales to the scale with which were provided under the CUP are allowed with the IUP;
7. No off-site parking for activities or events;
8. The applicant shall provide documentation from Hennepin County stating that the existing septic and well systems are sized adequately;
9. Any and all changes to the lighting of the property shall be reviewed by City staff and shall be designed so as to not be obtrusive and shall register as zero foot-candles at the property lines;

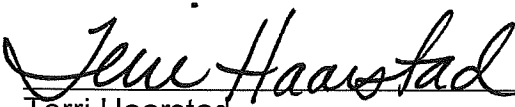
10. Trash enclosures must be located inside a structure on the property or screened appropriately;
11. All noise pollution be defined and restricted by the Minnesota Pollution Control Agency under Minn. Rules 7030 – Noise Pollution.
 - Adoption of the Standard Definitions per 7030.0020 (page 15)
 - Uphold the Noise Standards per 7030.0040 (page 16)
 - Classify Minnetonka Orchards activities as Noise Area Classification #2 (page 17)
 - Subsection 3. Exceptions (page 18)
 - No outdoor speakers may be used
 - The property owners shall take all necessary steps to contain the noise produced by all such devices within the permanent or temporary structures.
12. The applicants must conform to all applicable sections of our City Code;
13. If violations of the IUP or the City nuisance ordinance occur, the City Council reserves the right to review and to revise or revoke the IUP;
14. Wedding ceremony events located in the garden shall not occur past 6:00 p.m.;
15. The applicant shall continue to work with adjacent property owners to determine appropriate decibel levels;

This resolution was adopted by the City Council of the City of Minnetrista on the 15th day of July 2013, by a vote of 5 Ayes and 0 Nays.



Mayor Cheryl Fischer

ATTEST:



Terri Haarstad
City Clerk

(SEAL)