



CITY COUNCIL MEETING AGENDA
September 6, 2023
7:00pm

1) Call to Order

a) Pledge of Allegiance

b) Introductions: City Council: Mayor Lisa Whalen, Cathleen Reffkin, Ann MacGregor; Peter Vickery and Claudia Lacy Staff: City Administrator Jasper Kruggel, Finance Director Brian Grimm, Community Development Director David Abel, Director of Public Safety Paul Falls, Director of Administration Allie Polsfuss, Director of Public Works Gary Peters and Deputy City Clerk Angie Boll Consultants: City Attorney Sarah Sonsalla, Kennedy & Graven and City Engineer Alyson Fauske, WSB Engineering

c) Approval of Agenda

2) Special Presentations

a) Representative Andrew Myers Legislative Update

3) Persons to Be Heard

The City Council invites residents to share new ideas or concerns related to city business not already on the agenda; however, individual question and remarks are limited to three (3) minutes per speaker. No City Council action will be taken, although the Council may refer issues to staff for follow up or for consideration at a future meeting. The Mayor may use discretion if speakers are repeating views already expressed or ask for a spokesperson for groups of individuals with similar views. Speakers should state their name and home address at the podium before speaking.

4) Consent Agenda

- a) Approve Work Session Meeting Minutes from August 21, 2023
- b) City Council Regular Meeting Minutes from August 21, 2023
- c) Res. No. 75-23 Approve Claims
- d) Approve Conditional Offer of Employment to Ann Meyerhoff for the City Clerk Position
- e) Res. No. 76-23 Approve Lakeshore Setback Variance at 3316 Williams Lane
- f) Res. No. 77-23 Approve Guest Home Conditional Use Permit at 400 North Branch Road
- g) Res. No. 78-23 Approve Conditional Use Permit for Accessory Building over 1,000 sq. ft. at 905 Maple Crest Drive

5) Public Hearings

6) Business Items

a) 2024 Budget Process Approvals

- i) Res. No. 79-23 Approve 2024 Preliminary Tax Levy
- ii) Res. No. 80-23 Approve Debt Levy at 100% of 2024 Bond Payments
- iii) Approve 2023 Date for Public Comments on 2024 Levy and Budget

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, maintaining a rural character, while effectively managing growth.

- b) Review Concept/Sketch Plan for Outlot C, Woodland Cove Commercial Development
- c) 3790 Enchanted Lane Variance Discussion
- d) 3800 Enchanted Lane Variance Discussion

7) Administrative Items

a) Staff Reports

- i) Street Project Update

b) Council Reports

i) Mayor Lisa Whalen – *Economic Development Authority; Personnel Committee; Planning Commission (rotating); Parks Commission (rotating); Public Safety Advisory Committee; Northwest Hennepin League of Municipalities; Regional Council of Mayors; Minnehaha Creek Watershed District; Mound Fire Advisory Committee (alternate)*

ii) Cathleen Reffkin – *Acting Mayor; Economic Development Authority; Personnel Committee; Planning Commission (rotating); Parks Commission (rotating); St. Bonifacius Fire Advisory Committee; Mound Fire Advisory Committee*

iii) Ann MacGregor – *Economic Development Authority; Planning Commission (rotating); Parks Commission (rotating); Gillespie Center Advisory Council*

iv) Peter Vickery – *Economic Development Authority; Planning Commission (rotating); Parks Commission (rotating); Pioneer-Sarah Creek Watershed Management Commission*

v) Claudia Lacy - *Economic Development Authority; Planning Commission (rotating); Parks Commission (rotating); Westonka Community & Commerce*

8) Adjournment

The agenda packet with all background material will be available on the City's website for viewing by the public. Published agenda is subject to change without notice. Information and materials relating to the above items are available for review at city hall by appointment.



**CITY COUNCIL
WORK SESSION MEETING MINUTES
August 21, 2023**

1) Call to Order

Mayor Whalen called the meeting to order at 5:30 pm.

Roll Call of Attendees:

Present – Council: Mayor Lisa Whalen, Cathleen Reffkin, Ann MacGregor and Peter Vickery; Staff: City Administrator Jasper Kruggel, Finance Director Brian Grimm, Community Development Director, David Abel, Director of Public Safety Paul Falls, Director of Public Works Gary Peters, and Deputy City Clerk Angela Boll Consultants: City Engineer Alyson Fauske, WSB Engineering

Absent: Council: Claudia Lacy

Mayor Whalen requested to remove Item 4 Employment Wellness Policy and bring back at a later time.

Mayor Whalen stated if there is time, the Council will continue to Item 5 St. Bonifacius Watermain Interconnect Update. If not it will move to Council Meeting under staff reports.

2) 2024 Budget Discussion

Finance Director, Grimm said from the discussion on the August 7th, 2023 Worksession Meeting there was a consensus to further discuss 14.60% as a preliminary levy to adopt for 2024.

- Potential Draft Levy Options
- Proposed Debt
- Proposed Timeline of Upcoming Budget Meeting/Actions Steps

Finance Director, Grimm also discussed how to utilize the \$372,000 one-time Public Safety money funded by the State. There was also discussion about how to improve the general fund balance and the impact that has on the general fund levy.

Grimm stated the City could experience a surplus with building permit revenue and Drug Task Force money in 2023.

Mayor Whalen asked about the additional capital improvement projects for the Police. Future Police CIP projects were discussed.

City Administrator Kruggel commented on options for gun range and other capital expenditures.

Vickery had a question about the public use requirement of the gun range. Falls

clarified that if the space is funded with taxpayer dollars, there is a requirement that a public use associated with the gun range.

Director of Public Safety Paul Falls discussed the ongoing gun range project and the potential costs and requirements associated with this project. Falls also discussed alternate uses for the space such as various law enforcement training. The training use does not have the same public use requirement as the gun range.

The consensus of the Council was that the most beneficial use investment for the gun range space would be to utilize it as a training facility for our officers.

Reffkin asked what other expenditures are on the Police CIP. Falls clarified that the majority of those costs are associated with squad car purchases and equipment for the SWAT team.

Whalen clarified that even after the preliminary general fund levy is certified by the end of September, the Council is able to make changes to the budget before final approval in December.

There was discussion about the property tax base and how it is distributed amongst properties.

Vickery asked if there had been discussion about what to expect in 2025. Grimm stated that the salary adjustments in 2025 will be much more manageable, as the union contracts are settled. The remaining large impact items would be road projects and various equipment, and the Council's direction on the general fund balance based on surplus.

Council directed staff to bring back the preliminary levy at 14.6% as presented to the September 6, 2023 meeting.

3) 10-Year CIP Review

Director of Public Works, Peters gave an overview of the 10-year CIP Plan. Highlights included:

- The purpose of the CIP is to help look at future road needs, monetary amounts, and cost estimates for the projects.
- This will be funded by the General Fund.
- In 2024, there are planned maintenance projects for mill and overlays.
- In 2025, there are plans for full depth reclamation, which are assessable projects.
- In 2026, there are plans for large road projects which would require bonding.
- Staff is seeking Council's input and direction for future road projects and maintenance projects included in the CIP.

Peters discussed the consequences of waiting to do maintenance projects to extend the life of the roads before it requires a full depth reconstruction or reclamation.

Whalen stated that there should be discussion about the assessment policy prior to the 2025 proposed road projects. It was also requested that the process for the 2025 road projects begin in spring 2024.

Kruggel discussed Water Fund and the impact of the future project costs. There was discussion about the future water treatment facility.

There was discussion about road eligibility for MSA funding.

Council directed Peters to proceed with the proposed 2024-2025 projects in the 10-Year road CIP.

4) ~~Employment Wellness Policy~~

5) St Bonifacius Watermain Interconnect Update

Kruggel provided an update on the St. Bonifacius Watermain Interconnect:
Highlights included:

- St. Bonifacius is proceeding with the water interconnect meter.
- The cost estimate is \$44,000 for one meter, and with the additional costs for engineering, the total would be approximately \$55,000.
- There will be an agreement between parties which will include the terms and conditions of the interconnect uses.
- The City's portion would be 50% funded by the water fund.

Kruggel provided two additional updates:

- Many cities are passing ordinances regarding use of cannabis in public spaces.

The Council directed staff to bring this back for discussion at a future meeting.

- The Mediacom Franchise Agreement will be ready for discussion and approval in September. The majority of the revisions are to clean up the old agreement and remove provisions that are no longer relevant.

6) Adjourn

Motion by Reffkin, seconded by Vickery to adjourn the meeting.
Motion passed 4-0. Absent: Lacy

Mayor Whalen adjourned the meeting at 6:31 pm.

Respectfully submitted,

Angela Boll
Deputy, City Clerk



CITY COUNCIL MEETING MINUTES August 21, 2023

1) Call to Order

Mayor Whalen called the meeting to order at 7:00 pm.

a) Pledge of Allegiance

b) Introductions: City Council: Mayor Lisa Whalen, Cathleen Reffkin, Ann MacGregor and Peter Vickery Staff: City Administrator Jasper Kruggel, Finance Director Brian Grimm, Director of Public Safety Paul Falls, Community Development Director David Abel, Director of Public Works Gary Peters and Deputy City Clerk Angela Boll Consultants: City Attorney Ron Batty, Kennedy & Graven and City Engineer Alyson Fauske, WSB Engineering
Absent: City Council: Claudia Lacy

c) Approval of Agenda

Mayor Whalen requested to move item 5a to business item 6a, as it does not require a Public Hearing.

Motion by Reffkin, seconded by MacGregor to approve agenda as amended.
Motion passed 4-0. Absent: Lacy

2) Special Presentations

- a) Swearing in of Police Officer Chase Dwinell
 - i) Chase Dwinell was sworn in as an officer.
- b) Three Rivers Park District- Marge Beard
 - i) Marge Beard spoke and provided information on the Three Rivers Park District

3) Persons to Be Heard

Jodi Anderson, 6501 West Branch Road, spoke regarding concerns about the Dog Ordinance
Jon Anderson, 6501 West Branch Road, spoke regarding concerns about the Dog Ordinance

4) Consent Agenda

- a) Approve Work Session Meeting Minutes from August 7, 2023
- b) Approve City Council Regular Meeting Minutes from August 7, 2023
- c) Res. No. 70-23 Approve Claims
- d) Res. No. 71-23 Approve Agreement with Westonka School District #277 for Lease of Election Equipment for 2023 School Board Elections
- e) Approve Interim Pay for Deputy City Clerk, Angie Boll
- f) Res No. 72-23 Approving Supplemental Agreement for Professional Services for the 2023 Pavement Forensics Study

Motion by Vickery, seconded by Reffkin to approve the consent agenda as presented.
Motion passed 4-0. Absent: Lacy.

5) Public Hearings

- a) Woodland Cove 10th Addition

Res No 73-23 Vacating Certain Drainage and Utility Easements in the plats of Woodland Cove 4th Addition and Woodland Cove 8th Addition Community Development Director Abel gave an overview.

Highlights included:

- M/I homes has submitted an application to replat portions of Woodland Cove 4th and 8th addition with the final plat known as Woodland Cove 10th Addition
- The general purpose of the replat is to accommodate a different townhome product.
- As a part of the replat, the Council will need to consider the vacation of certain drainage and utility easements.

i) ~~Res No 74-23 Approve Final Plat of Woodland Cove 10th Addition~~

Whalen opened the public hearing at 7:22pm

No one spoke regarding the Public Hearing.

Whalen closed the public hearing at 7:22pm

Reffkin asked a question about pricing of the townhomes. Emily Becker, representative from M/I, stated that the townhomes will be a little bit less than the original planned homes.

Motion by MacGregor, seconded by Vickery to approve Res. No. 73-22 Vacating Certain Drainage and Utility Easement sin the plats of Woodland Cove 4th Addition and Woodland Cove 8th Addition.as presented.

Motion passed 4-0. Absent Lacy

6) Business Items

a) Res No 74-23 Approve Final Plat of Woodland Cove 10th Addition

Motion by Reffkin, seconded by MacGregor to approve Final Plat of Woodland Cove 10th Addition as presented.

Motion passed 4-0. Absent: Lacy

7) Administrative Items

a) Staff Reports

i) City Engineer

- Road Project Updates

b) Council Reports

i) Mayor Lisa Whalen

- Mound Fire Donation. City attorney will follow up to see if this is possible.

ii) Cathleen Reffkin

- Personnel Committee

iii) Ann MacGregor

- Gillespie Center
- North Arm Project

iv) Peter Vickery

- Watershed District

8) Adjournment

Motion by Vickery, seconded by MacGregor to adjourn the meeting.
Motion passed 4-0. Absent: Lacy

Mayor Whalen adjourned the meeting at 7:36 pm.

Respectfully submitted,

Angie Boll
Deputy City Clerk

DRAFT

RESOLUTION NO. 75-23

**RESOLUTION APPROVING JUST AND CORRECT
CLAIMS AGAINST CITY FUNDS**

WHEREAS, the City Council of the City of Minnetrista, pursuant to MS 412.241, shall have the full authority over the financial affairs of the City; and

WHEREAS, the City Council reviewed the Claims for payment, with checks numbered 70195 through 70236; electronic checks E1002761 through E1002775; Claims batch includes an electronic transfer for payroll in the amount of \$91,263.21.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINNETRISTA, that the attached list of claims in the amount of \$814,553.97 is hereby approved.

ADOPTED this 6th day of September 2023 by a vote of ____ Ayes
____ Nays.

Lisa Whalen, Mayor

ATTEST:

Deputy City Clerk

(seal)

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Batch: 8-15-23 Bridge,Tasc082123,Tasc082223,PR08172023,09062023 2023 MandO,Tasc08242023,Xcel082523,08232023
 POSTAGE,Tasc082923,090623AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
1010 1ST BK OF THE LAKES					
70195	09/06/23	ACORN PARTNERS			
R 601-400-37120		UNDISTRIBUTED UTILITI	\$110.43		Rfd Overpmt of Utility-6470 Co Road 110W
		Total	\$110.43		
70196	09/06/23	ALDEN POOL & MUNICIPAL SUPPLY			
E 601-49440-227		UTILITY SYSTEM MAINT	\$117.00	23-1362	Permaganate Pump Parts
		Total	\$117.00		
70197	09/06/23	ASPEN MILLS			
E 101-42110-418		RECRUITING	\$1,799.41	317954	Uniform
E 101-42110-417		UNIFORMS	\$989.00	318335	Body Armor
E 101-42110-417		UNIFORMS	\$117.61	318458	Uniform
E 101-42110-417		UNIFORMS	\$38.50	43513	Zipper Replacement
E 101-42110-417		UNIFORMS	(\$169.50)	CM4927	Credit
		Total	\$2,775.02		
70198	09/06/23	BETTS, THOMAS & GRETCHEN			
R 601-400-37120		UNDISTRIBUTED UTILITI	\$36.41		Rfd of Overpmt on Utility -6640 Bracken Drive
		Total	\$36.41		
70199	09/06/23	CANON FINANCIAL SERVICES INC			
E 101-42110-202		COPY & PRINTING SUPP	\$95.49	31075118	Copier
		Total	\$95.49		
70200	09/06/23	CANTEEN REFRESHMENT SVCS			
E 101-43121-211		CLEANING & MAINT SUP	\$113.95	MSP77436	Coffee
E 101-42110-211		CLEANING & MAINT SUP	\$99.00	MSP77437	Coffee
		Total	\$212.95		
70201	09/06/23	Center Point Energy			
E 601-49440-383		NATURAL GAS	\$18.11	10654144-4	Gas Utility
E 601-49440-383		NATURAL GAS	\$101.59	10658039-2	Gas Utility
E 601-49440-383		NATURAL GAS	\$16.13	10658041-8	Gas Utility
E 601-49440-383		NATURAL GAS	\$21.03	11144790-0	Gas Utility
E 601-49440-383		NATURAL GAS	\$18.11	11431330-7	Gas Utility
E 601-49440-383		NATURAL GAS	\$17.11	11553312-7	Gas Utility
E 601-49440-383		NATURAL GAS	\$16.13	11833736-9	Gas Utility
E 101-41940-383		NATURAL GAS	\$65.00	5651357-5	Gas Utility - Gov't Bldg
E 601-49440-383		NATURAL GAS	\$15.00	5659223-1	Gas - Well #5
E 601-49440-383		NATURAL GAS	\$75.30	6401076054-	Gas Utility
E 101-43121-383		NATURAL GAS	\$29.92	6744979-3	Gas Utility - PW
E 101-42110-383		NATURAL GAS	\$70.02	8486433-9	Gas Utility - PD
E 101-43121-383		NATURAL GAS	\$26.00	8486442-0	Gas Utility - PW
		Total	\$489.45		
70202	09/06/23	CINTAS			
E 101-43121-417		UNIFORMS	\$118.57	4165265793	Uniforms
		Total	\$118.57		
70203	09/06/23	City of St Bonifacius			

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 602-49490-390		SEWER SERVICE TO OT	\$719.91	2023-15a	Hunters Crest Sanitary Sewer Flows-Revised Billing
		Total	\$719.91		
70204	09/06/23	CLASSIC CLEANING COMPANY			
E 101-42110-211		CLEANING & MAINT SUP	\$775.00	35191	Monthly Cleaning PD Aug 2023
E 101-43121-221		EQUIPMENT PARTS, TIR	\$485.50	35192	Monthly Cleaning PW Aug 2023
E 101-41940-211		CLEANING & MAINT SUP	\$485.50	35192	Monthly Cleaning City Hall Aug 2023
		Total	\$1,746.00		
70205	09/06/23	CORE AND MAIN			
E 601-49440-227		UTILITY SYSTEM MAINT	\$4,422.30	T307680	Hydrant Repair Parts
		Total	\$4,422.30		
70206	09/06/23	CORRECTIVE ASPHALT MATERIALS, LLC			
E 406-43121-224		STREET MAINTENANCE	\$43,387.12	Pay Voucher	2023 Pavement Maintenance Project Reclamite
		Total	\$43,387.12		
70207	09/06/23	EHLERS AND ASSOCIATES, INC.			
E 601-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 526-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 527-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 528-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 529-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 501-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 532-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
E 602-47000-620		FISCAL AGENT FEES	\$531.25	94413	2023 Annual Continuing Disclosure Reporting
		Total	\$4,250.00		
70208	09/06/23	Ess Brothers & Sons			
E 602-49490-227		UTILITY SYSTEM MAINT	\$228.80	DD6246	Manhole lid for ARV on KPR
		Total	\$228.80		
70209	09/06/23	FASTENAL COMPANY			
E 602-49490-227		UTILITY SYSTEM MAINT	\$159.64	MNWAC7591	Hand Wipes
E 101-43121-240		SMALL TOOLS AND MIN	\$28.11	MNWAC7591	Tape Measures for Truck Tool Boxes
		Total	\$187.75		
70210	09/06/23	FRONTIER OH			
E 601-49440-381		ELECTRIC UTILITIES	\$390.00	952-196-1926	South Treatment Plant
E 101-43121-321		TELEPHONE	\$104.74	952-472-1082	Fire Alarm-PW
		Total	\$494.74		
70211	09/06/23	GONYEA HOMES			
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22029 R1 Rtn Temp Co-4616	Meadowview Lane
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22042 R1 Trn Temp Co-4587	Meadowview Lane
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22165 R1 Rtn Templ Co-4590	Sunset Lane
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22229 R1 Rtn Temp Co -4582	Sunset Lane
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22237 R1 Rtn Temp Co-4626	Wolfberry Curve
		Total	\$25,000.00		
70212	09/06/23	Grimm, Brian			

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-41320-435		COUNCIL TRAIN/RETRE	\$23.58		MNGFOA Meeting-Mileage Reimbursement
		Total	\$23.58		
70213	09/06/23	HOTSY MINNESOTA			
E 101-43121-401		BLDG/STRUCT MAINTEN	\$545.07	CM21532a	Pressure Washer Soap Fill and repair
		Total	\$545.07		
70214	09/06/23	ICC			
E 101-42401-433		DUES & SUBSRIPT & TR	\$383.00	Q15.0000123	Government Member-Goodman
		Total	\$383.00		
70215	09/06/23	ISHKOVA, NATALIYA			
G 101-1170		LAND USE RECEIVABLE	\$760.00	ML-21035	Rfd of Overpmt of Land Use Deposit
		Total	\$760.00		
70216	09/06/23	KENNEDY & GRAVEN, CHARTERED			
E 101-41610-304		LEGAL FEES - ATTORNE	\$3,000.00	176207	General
E 101-41610-304		LEGAL FEES - ATTORNE	\$170.00	MN415-0014	Administration
E 101-41610-304		LEGAL FEES - ATTORNE	\$273.00	MN415-0036	Mediacom Franchise Renewal
G 801-1170		LAND USE RECEIVABLE	\$465.00	MN415-0037	* Sunnyfield Simple Subdivision
G 801-1170		LAND USE RECEIVABLE	\$77.50	MN415-0037	* Woodland Cove 10th Addition
		Total	\$3,985.50		
70217	09/06/23	LANO EQUIPMENT, INC.			
E 401-43126-560		EQUIP AND FURNISHIN	\$22,805.76	01-1019273	Felling Deckover Trailer
		Total	\$22,805.76		
70218	09/06/23	M/I HOMES OF MPLS			
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-21317 R1	Rtn Temp Co-4787 Foxtail Lane
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-21330 R1	Rtn Temp Co-4782 Foxtail Lane
G 101-2025		DEPOSITS PAYABLE	\$10,000.00	MB-21344 R1	Rtn Temp Co-6753 Bellflower Dr
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22036 R1	Rtn Temp Co-6732 Bellflower Dr
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22043 R1	Rtn Temp Co-6780 Bellflower Dr
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22059 R1	Rtn Temp Co-6785 Bellflower Dr
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22110 R1	Rtn Temp Co-6728 Bellflower Dr
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22121 R1	Rtn Temp Co-6662 Wildflower Dr
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22135 R1	Rtn Temp Co-4621 Carnation Ct
		Total	\$50,000.00		
70219	09/06/23	MID COUNTY			
E 601-49440-212		MOTOR FUELS AND LUB	\$400.26	58171	Dyed Diesel Fuel
E 602-49490-212		MOTOR FUELS AND LUB	\$400.26	58171	Dyed Diesel Fuel
E 101-43121-212		MOTOR FUELS AND LUB	\$1,000.64	58171	Dyed Diesel Fuel
E 101-43125-212		MOTOR FUELS AND LUB	\$200.12	58171	Dyed Diesel Fuel
		Total	\$2,001.28		
70220	09/06/23	MISSION CONSTRUCTION			
R 101-200-32210		BUILDING PERMITS	\$8,563.07	MB-22413 R1	Permit Cancel-Refund 6480 Co Road 26
G 101-2103		BLDG VAL BSD - STATE	\$937.19	MB-22413 R1	Permit Cancel-Refund 6480 Co Road 26
		Total	\$9,500.26		

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
70221	09/06/23	MN Dept. Of Transportation			
E 433-43122-530		IMPROVEMENTS	\$1,171.50	P00017559	2023 Overlay Project
		Total	\$1,171.50		
70222	09/06/23	MN DEPT OF HEALTH			
R 601-400-37158		WATER TEST SURCHAR	\$4,721.00	07/23-09/23	Community Water Supply Service Connection Fee
		Total	\$4,721.00		
70223	09/06/23	MN DEPT OF HUMAN SERVICES			
E 101-42110-201		OFFICE SUPPLIES	\$33.95	S0000001672	Signage
		Total	\$33.95		
70224	09/06/23	MORRIES Parts and Service Group			
E 101-43121-404		VEHICLE & EQUIP MAIN	\$3,078.41	43496	Repair of Truck 9
		Total	\$3,078.41		
70225	09/06/23	NCPERS MINNESOTA - 632400			
G 101-2380		PAYROLL CLEARING LIF	\$240.00	63240009202	*PERA life Ins Employer Paid
		Total	\$240.00		
70226	09/06/23	NORTHLAND BUSINESS SYSTEMS			
E 401-42110-560		EQUIP AND FURNISHIN	\$852.98	IN106849	Recorders
		Total	\$852.98		
70227	09/06/23	OFFICE DEPOT			
E 101-42110-201		OFFICE SUPPLIES	\$104.66	32563901700	Paper, Folders, Cups
E 101-41320-201		OFFICE SUPPLIES	\$41.33	32647655400	Toner
E 101-41320-201		OFFICE SUPPLIES	\$10.19	32647695300	Paper, Folders
E 101-41910-201		OFFICE SUPPLIES	\$20.00	32647695300	Paper, Folders
E 101-42401-201		OFFICE SUPPLIES	\$20.00	32647695300	Paper, Folders
		Total	\$196.18		
70228	09/06/23	Per Mar Security Services			
E 101-41940-401		BLDG/STRUCT MAINTEN	\$44.10	3109593	Monitoring
		Total	\$44.10		
70229	09/06/23	POLSFUSS, ALLIE			
E 101-41320-435		COUNCIL TRAIN/RETRE	\$87.77		MPELRA Conference-Mileage Reimbursement
		Total	\$87.77		
70230	09/06/23	SEBOLD HEATING AND COOLING			
E 101-41940-401		BLDG/STRUCT MAINTEN	\$170.00	5592	Repair of AC #2-City Hall
		Total	\$170.00		
70231	09/06/23	STREICHER'S			
E 101-42110-417		UNIFORMS	\$139.99	I1647110	Uniform
E 101-42110-418		RECRUITING	\$184.99	I1647632	Uniform
E 101-42110-418		RECRUITING	\$521.00	I1649973	Uniform
		Total	\$845.98		
70232	09/06/23	US BANK EQUIPMENT FINANCE			

CITY OF MINNETRISTA

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Batch: 8-15-23 Bridge,Tasc082123,Tasc082223,PR08172023,09062023 2023 MandO,Tasc08242023,Xcel082523,08232023
 POSTAGE,Tasc082923,090623AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-41320-307		PROFESSIONAL SERVIC	\$41.86	509083721	Copier
E 101-41910-307		PROFESSIONAL SERVIC	\$41.86	509083721	Copier
E 101-43121-307		PROFESSIONAL SERVIC	\$41.86	509083721	Copier
E 601-49440-307		PROFESSIONAL SERVIC	\$41.87	509083721	Copier
E 602-49490-307		PROFESSIONAL SERVIC	\$41.87	509083721	Copier
		Total	\$209.32		
70233	09/06/23	USA BLUEBOOK			
E 601-49440-227		UTILITY SYSTEM MAINT	\$2,468.52	INV00109484	Water testing chemicals
		Total	\$2,468.52		
70234	09/06/23	WEGNER, RYAN			
E 101-42110-417		UNIFORMS	\$25.08		Uniform
		Total	\$25.08		
70235	09/06/23	WOODCRAFT DESIGN			
G 101-2025		DEPOSITS PAYABLE	\$5,000.00	MB-22099 R1 Rtn Temp Co	-8500 Highland Road W
		Total	\$5,000.00		
70236	09/06/23	XCEL ENERGY			
E 101-43160-381		ELECTRIC UTILITIES	\$2,682.26	51.6565411-9	Electricity-Street Lights
E 101-42110-381		ELECTRIC UTILITIES	\$3,177.80	51-9597547-2	Electricity-Police
		Total	\$5,860.06		
1002761 e	08/18/23	BRIDGEWATER BANK			
E 101-41320-437		MISCELLANEOUS EXPE	\$95.00	08/21/2023	REMOTE DEPOSIT AND POSITIVE PAY MONTHLY FEE
		Total	\$95.00		
1002762 e	08/21/23	TASC			
G 101-2345		PR CLEARING HEALTH F	\$50.00		* Health FSA
		Total	\$50.00		
1002763 e	08/22/23	TASC			
G 101-2345		PR CLEARING HEALTH F	\$225.49		* Health FSA
		Total	\$225.49		
1002764 e	08/22/23	Internal Revenue Service			
G 101-2300		PAYROLL CLEARING FE	\$13,781.75		* PR - Fed w/h
G 101-2320		PAYROLL CLEARING FIC	\$14,111.60		* PR - SS/Medicare w/h
		Total	\$27,893.35		
1002765 e	08/22/23	MINNESOTA DEPT. OF REV.			
G 101-2310		PAYROLL CLEARING ST	\$6,405.27		* State w/h
		Total	\$6,405.27		
1002766 e	08/22/23	Public Employees Retirement			
G 101-2330		PAYROLL CLEARING PE	\$26,467.54		* Pera w/h
		Total	\$26,467.54		
1002767 e	08/22/23	EDWARD JONES			
G 101-2370		PAYROLL CLEARING DE	\$2,307.46		* Deferred Comp w/h

CITY OF MINNETRISTA

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Batch: 8-15-23 Bridge,Tasc082123,Tasc082223,PR08172023,09062023 2023 MandO,Tasc08242023,Xcel082523,08232023
 POSTAGE,Tasc082923,090623AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$2,307.46		
1002768 e	08/22/23	Optum			
G 101-2347		HSA CLEARING ACCT	\$5,028.55		HSA Employer and Employee Cont
Total			\$5,028.55		
1002769 e	08/22/23	ICMA			
G 101-2370		PAYROLL CLEARING DE	\$400.00		* Roth IRA Contributions
Total			\$400.00		
1002770 e	08/22/23	HCSP			
G 101-2370		PAYROLL CLEARING DE	\$225.00		* HCSP Retirement
Total			\$225.00		
1002771 e	09/06/23	GMH ASPHALT CORP			
E 433-43122-530		IMPROVEMENTS	\$429,237.56	08/21/23	PAY 3 ON 2023 MILL & OVERLAY PROJECT
E 601-43241-530		IMPROVEMENTS	\$4,518.29	08/21/23	PAY 3 ON 2023 MILL & OVERLAY PROJECT
E 602-43251-530		IMPROVEMENTS	\$18,073.16	08/21/23	PAY 3 ON 2023 MILL & OVERLAY PROJECT
Total			\$451,829.01		
1002772 e	08/24/23	TASC			
G 101-2346		PR CLEARING DAYCARE	\$416.66		* Dependent Care
Total			\$416.66		
1002773 e	08/24/23	XCEL ENERGY			
E 101-41940-381		ELECTRIC UTILITIES	\$1,396.48	51-6565407-3	Electricity-City Hall
E 101-43121-381		ELECTRIC UTILITIES	\$65.07	51-6565407-3	Electricity-PW
E 101-43160-381		ELECTRIC UTILITIES	\$50.87	51-6565407-3	Electricity-Signal Sunnyfield
E 101-43160-381		ELECTRIC UTILITIES	\$51.68	51-6565407-3	Electricity-MNDOT Signals
E 101-45202-401		BLDG/STRUCT MAINTEN	\$16.67	51-6565407-3	Electricity-Hunters Trail
E 101-43121-381		ELECTRIC UTILITIES	\$365.42	51-6565407-3	Electricity-PW
Total			\$1,946.19		
1002774 e	08/25/23	Postmaster			
E 101-41320-322		POSTAGE	\$500.00	09/06/23	POSTAGE ADDED TO POSTAGE MACHINE (E-CHECK)
Total			\$500.00		
1002775 e	08/29/23	TASC			
G 101-2345		PR CLEARING HEALTH F	\$100.00		* Healthcare FSA
Total			\$100.00		
1010 1ST BK OF THE LAKES			\$723,290.76		

CITY OF MINNETRISTA

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Batch: 8-15-23 Bridge,Tasc082123,Tasc082223,PR08172023,09062023 2023 MandO,Tasc08242023,Xcel082523,08232023
POSTAGE,Tasc082923,090623AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
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Fund Summary**1010 1ST BK OF THE LAKES**

101 GENERAL FUND	\$183,895.11
401 CAPITAL IMPROVEMENT PROGRAM	\$23,658.74
406 ROAD MAINTENANCE FUND	\$43,387.12
433 2023 STREET PROJECTS	\$430,409.06
501 CIP EQUIPMENT CERTIFICATES	\$531.25
526 MAPLE CREST IMP DEBT	\$531.25
527 CIP BONDS (WAS EDA) DEBT FUND	\$531.25
528 GAME FARM/SOUTH BAY DEBT	\$531.25
529 HIGHLAND ROAD DEBT	\$531.25
532 2017 A STREET PROJECTS DEBT	\$531.25
601 WATER FUND	\$18,055.84
602 SEWER FUND	\$20,154.89
801 LANDUSE AGENCY	\$542.50
	<hr/>
	\$723,290.76

CITY OF MINNETRISTA

CITY COUNCIL AGENDA ITEM 4D



Subject: Request to Approve a Conditional Offer of Employment to Ann Meyerhoff for City Clerk

Prepared By: Allie Polsfuss, Director of Administration, on behalf of the Personnel Committee: Mayor Lisa Whalen, Councilmember Cathleen Reffkin, City Administrator Jasper Kruggel, and Finance Director Brian Grimm

Meeting Date: September 6, 2023

Issue

The City Council is being asked to approve an offer of employment for Ann Meyerhoff, filling the vacancy due to Dawn Motzko's resignation.

Overview

With the resignation of Dawn Motzko, the City Clerk position was posted from July 27-August 11, 2023. We received 31 completed applications and conducted five first round interviews. Jasper Kruggel and Allie Polsfuss conducted two second round interviews.

Ann Meyerhoff emerged as the final candidate for the City Clerk position. The Personnel Committee provided direction to the Director of Administration to continue the contingent offer segment of the process.

At tonight's City Council meeting, we are asking the City Council to approve this conditional offer of employment (Attachment A,) contingent upon Mrs. Meyerhoff successfully completing a background investigation, credit check, and reference check. The background investigation is currently underway.

A little more information Ann's background: She graduated with her Bachelor' Degree in Education and was a teacher at Waconia School District for four years. Since 2014, Ann has been employed at the City of Waconia as their Administrative Assistant. Ann has experience in elections, business licensing, preparing Council packets, and all necessary clerk duties. In addition, Ann is a MCFOA member. Once employed, she will attend the Minnesota Municipal Clerks Institute (MMCI) and work towards obtaining her certification.

Due to her experience and qualifications, the Personnel Committee recommends entering Mrs. Meyerhoff into the 2023 Pay Plan at grade 7, step 1 at \$38.32/ hour. She will also be placed into the paid time off schedule at the three years of service threshold.

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.

Summary

On behalf of the Personnel Committee, we are asking for approval of this conditional offer of employment at tonight's City Council meeting. We expect Ann to join our staff early October.

Recommended City Council Action: The Personnel Committee recommends approval of the full offer of employment for Ann Meyherhoff as City Clerk with the City of Minnetrista, based on successfully completing all aspects of the conditional offer of employment.

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.



Municipal Offices
7701 County Road 110 West
Minnetrista, MN 55364-9552
Email: minnetrista@ci.minnetrista.mn.us

August 22, 2023

Ann Meyerhoff
<Address>

Dear Ann:

This is a conditional offer of employment for the City Clerk position with the City of Minnetrista. Final approval of your hiring will be granted by the Minnetrista City Council at a future City Council meeting, but this conditional offer allows us to continue with the final steps of the hiring process.

A few additional items need to be successfully completed, including a complete background investigation to our satisfaction, reference check, and a credit check.

City of Minnetrista is offering you starting rate of \$38.32 per hour (\$79,703.24 annually) which is a grade 7 step 1 of the 2023 Pay Plan, plus a full benefit package that begins on the first day of employment. You will accrue paid time off at the three years of service threshold (180 hours per year.) The position is an exempt, non-union position.

In accordance with the City of Minnetrista's personnel policy, you will undergo a performance review annually and be eligible for step increases in accordance to the approved pay plan.

We look forward to you completing these final steps and joining our staff at the City of Minnetrista.


Sincerely,

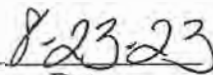
Allie Polsfuss

Allie Polsfuss
Director of Administration

Ann Meyerhoff
<Address>

I accept all the terms and conditions as set forth in this conditional offer of employment for the City Clerk position with the City of Minnetrista.


Ann Meyerhoff


Date

cc: Personnel File

CITY OF MINNETRISTA



CITY COUNCIL AGENDA ITEM 4E

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

Prepared By: Nickolas Olson, Senior City Planner
Through: David Abel, Community Development Director

Meeting Date: September 6, 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.

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 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.

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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. 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.

Planning Commission Recommendation: The Applicant's request was presented to the Planning Commission at their August 28, 2023 meeting. At that meeting, the Planning Commission discussed the Applicant's request and held the required public hearing. Two persons chose to speak at the hearing, one in favor of the request and the other asking clarifying questions. After hearing the testimony at the public hearing and after considering the entire record before them, the Planning Commission made a motion to recommend the City Council approve the requested setback variance, based on certain findings of fact and subject to conditions. Motion passed 6-0. Absent: Hussain, Charles, and Gangestad (Alternate 1).

Conclusion: The City Council should review the staff report and the recommendation of the Planning Commission. After review, the City Council should consider the entire record before it prior to making a motion. Along with making a motion, findings of fact should be established which support the motion. 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

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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;
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 adopt a resolution approving the requested lakeshore 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
5. Res. No. 76-23 Approving Lakeshore Setback Variance at 3316 Williams Lane


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.

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.

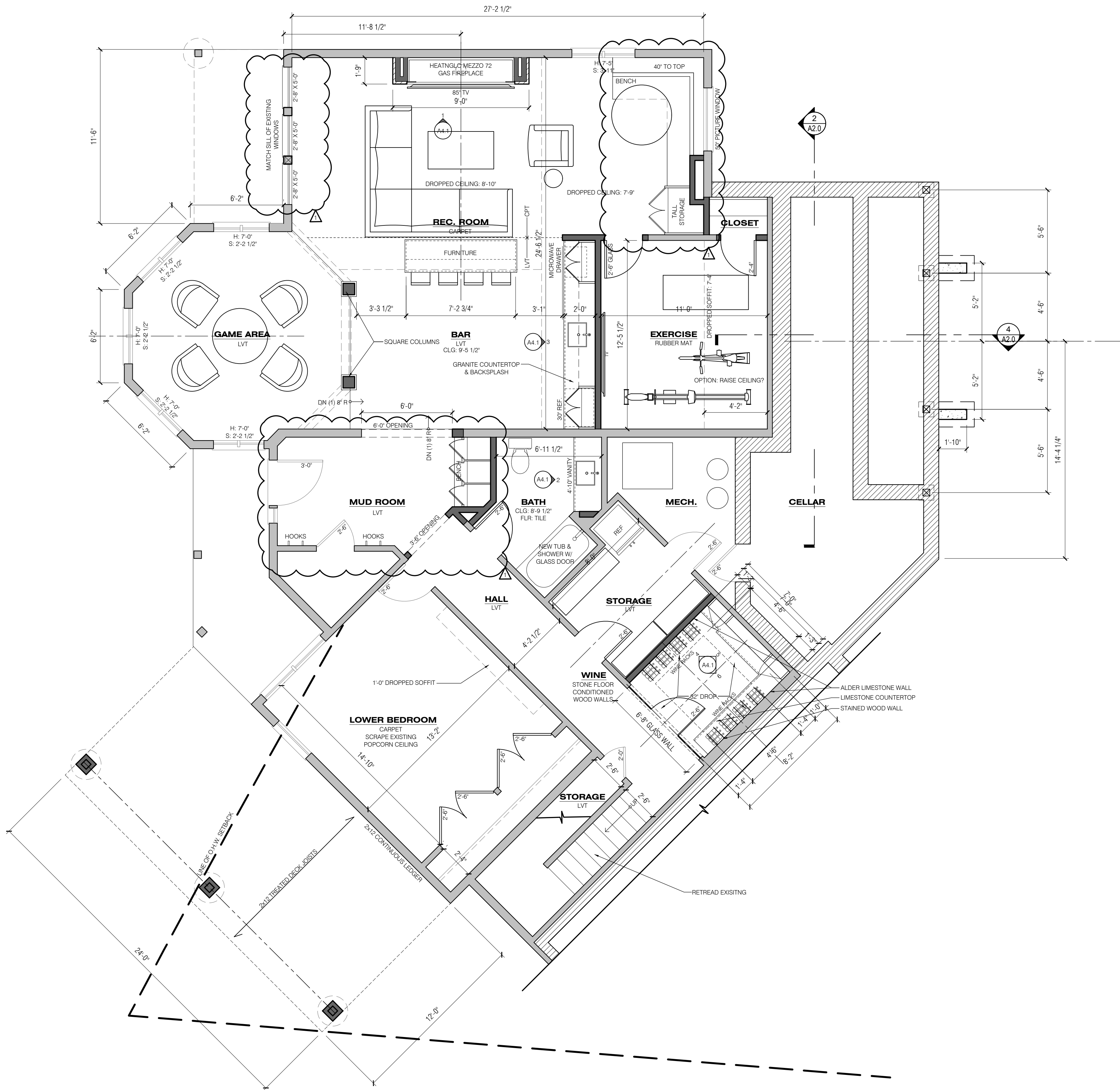
Construction will be non-intrusive to neighboring lots and not increase congestion on the street as home is located at the end of a cul-de-sac and the homeowner has a substantial driveway to fit dumpsters, work trucks, etc. Homeowner also owns adjacent lot (3320 Williams Ln) which is unbuilt. As we are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

EXISTING AREA CALCULATIONS SUMMARY:	
MAIN FLOOR	2,010 S.F.
LOWER FLOOR	1,829 S.F.
TOTAL	3,839 S.F.

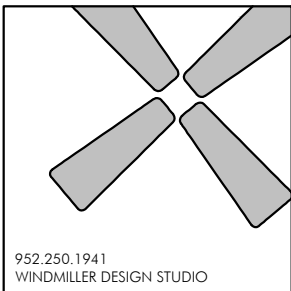
PROPOSED AREA CALCULATIONS SUMMARY:	
MAIN FLOOR	2,010 S.F.
LOWER FLOOR	1,911 S.F.
TOTAL	3,921 S.F.

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



932.250.1941
WINDHAM DESIGN STUDIO



LAKE COUNTRY
BUILDERS
Residential Fine Finish

THALER RESIDENCE
3316 WILLIAMS LANE, MINNETRISTA, MN 55364

NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MINNESOTA BUILDING CODE, AS AMENDED.
2. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE REGULATIONS.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO ANY EXCAVATION WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.

ISSUE DATE	
1.26.23	
2.15.23	
2.20.23	
2.22.23	
2.24.23 - REVISION	

A1.0
FOUNDATION
PLAN

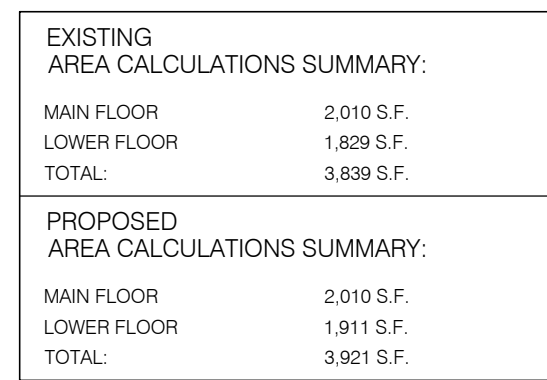
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A1.1
MAIN LEVEL
PLAN

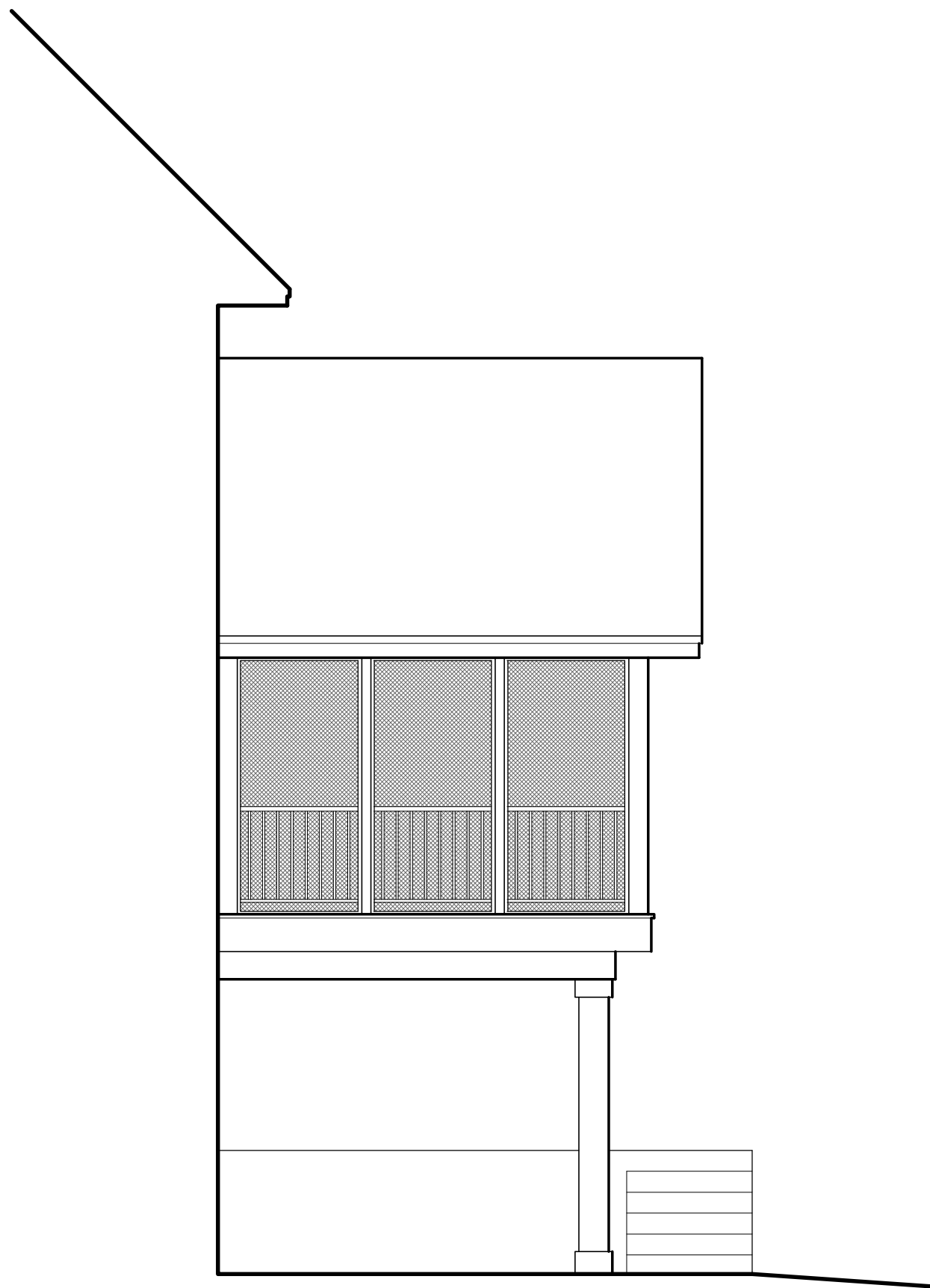
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DRAWING KEY:	
EXISTING STUD WALL	
EXISTING FOUNDATION WALL	
DEMO WALL	
NEW STUD WALL	
NEW FOUNDATION WALL	

1 Main Level Plan
A1.1 1/4" = 1'-0"

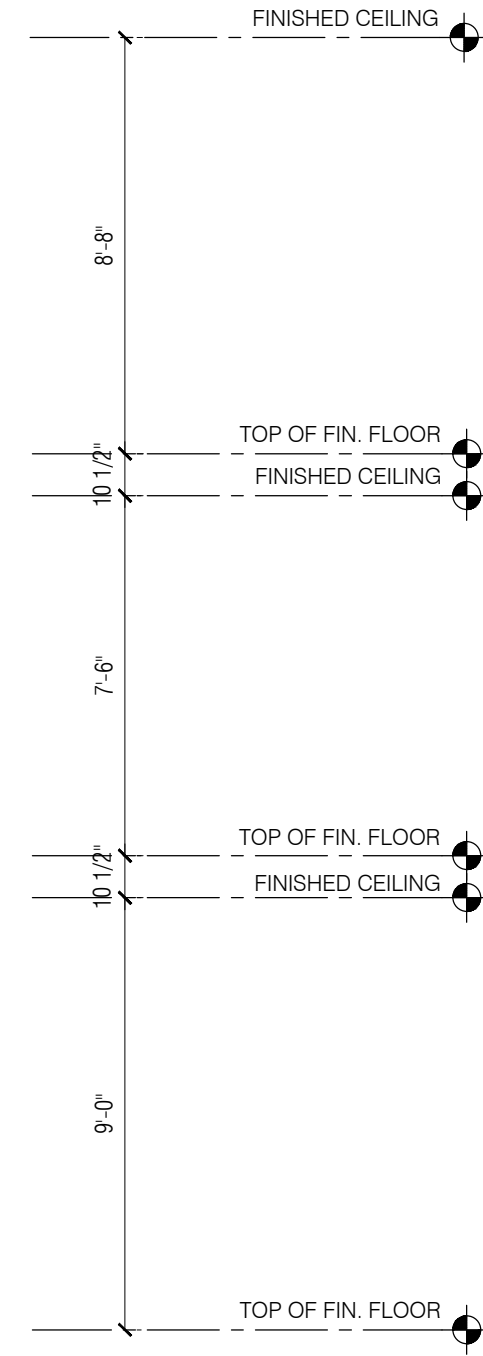
NOT FOR CONSTRUCTION



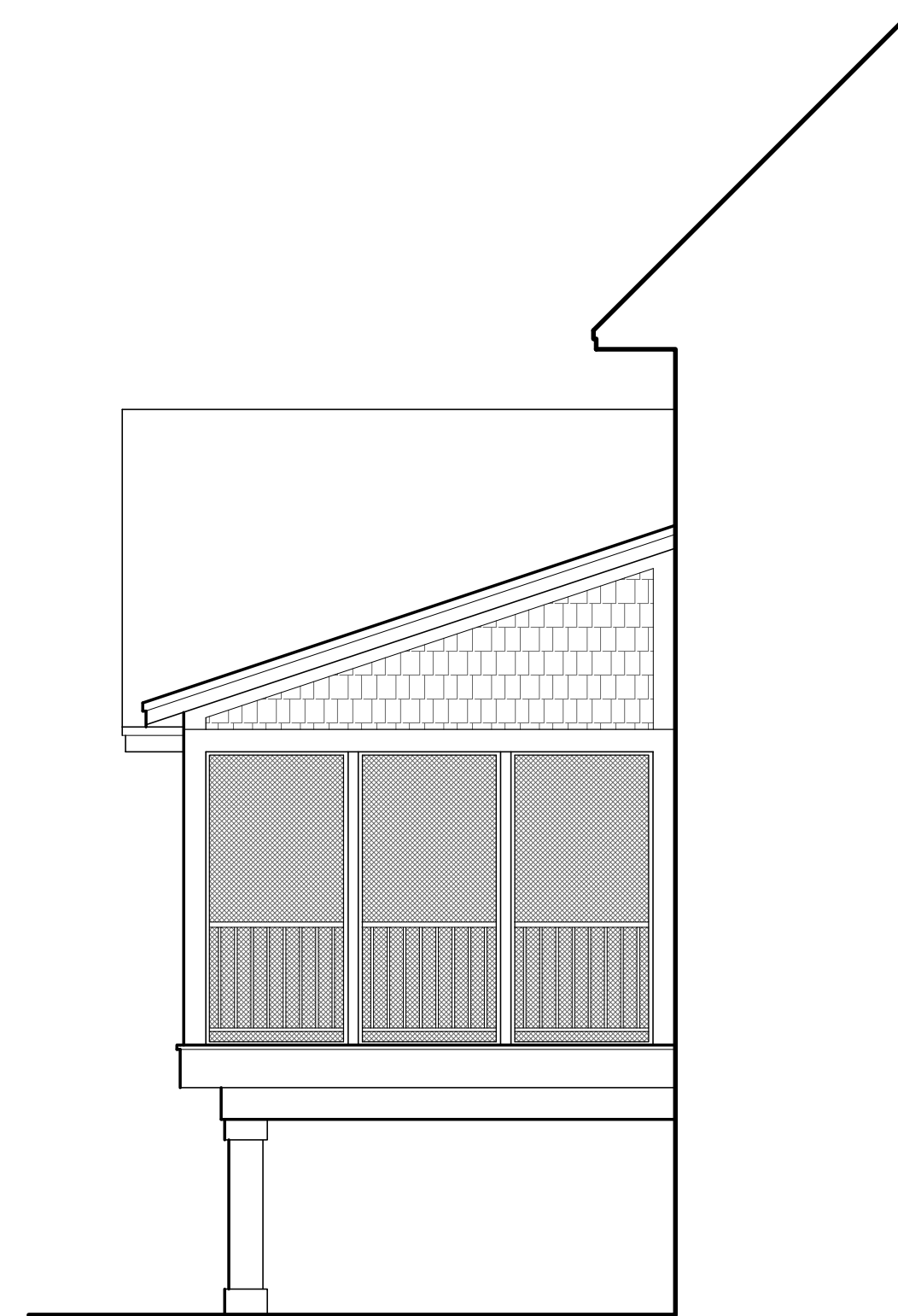
1
A2.1 Rear Porch Elevation
1/4" = 1'-0"



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



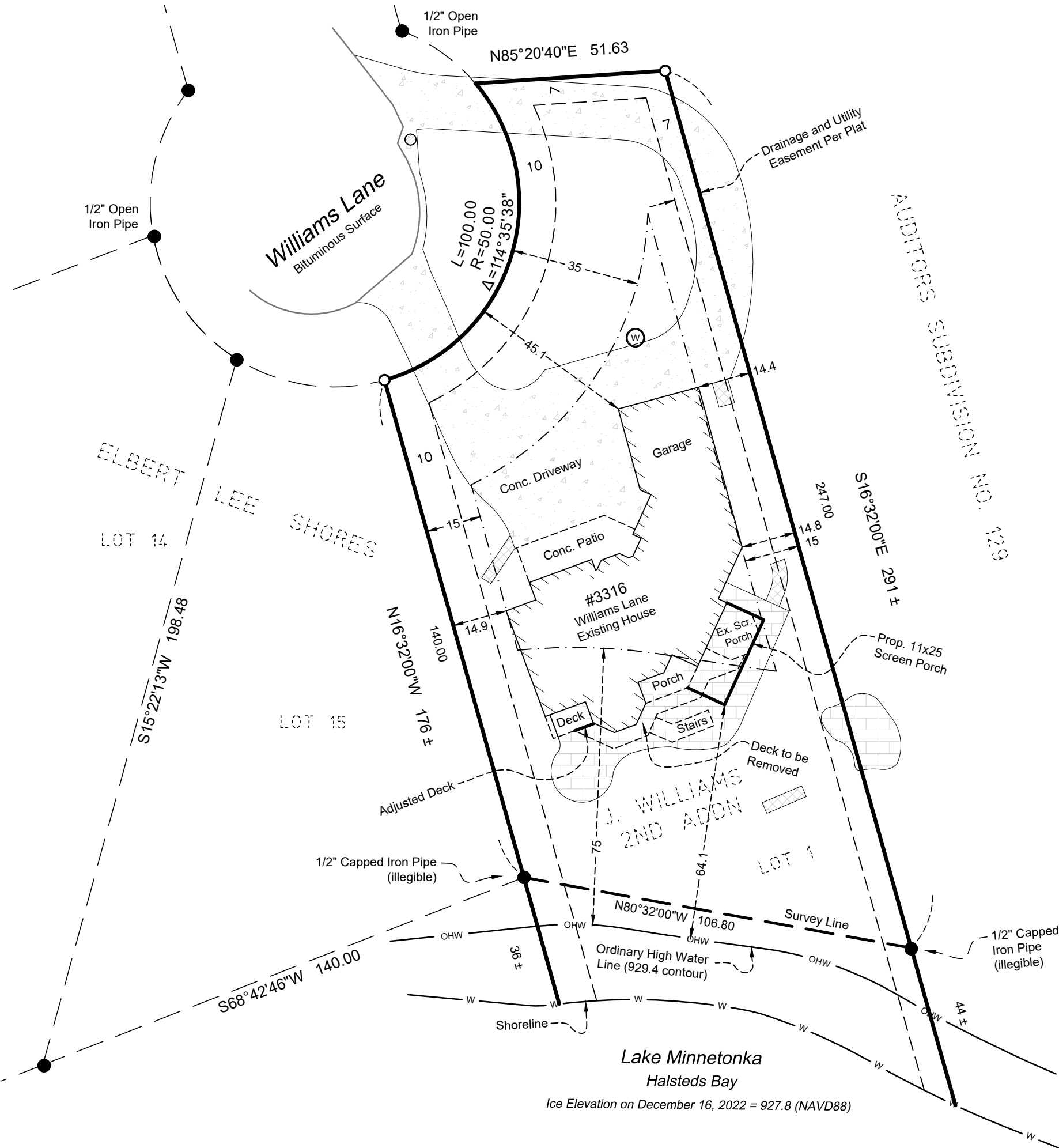
3
A2.1 Rear Porch Elevation
1/4" = 1'-0"



Certificate of Survey

Survey Prepared For: Lake Country Builders // Sharon Thaler

Property Description: Lot 1, Block 1, J. WILLIAMS SECOND ADDITION, Hennepin County, Minnesota



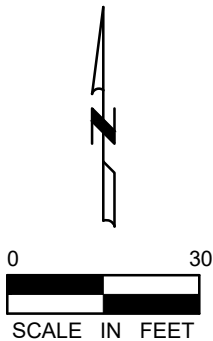
Notes

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

RESOLUTION NO. 76-23

CITY OF MINNETRISTA

**RESOLUTION APPROVING A LAKESHORE SETBACK VARIANCE FOR A PORCH
ADDITION AT 3316 WILLIAMS LANE**

WHEREAS, the City of Minnetrista (the “City”) 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, Sharon Pelletier-Thaler (the “Applicant”) has made an application for a variance from the required lakeshore setback to reduce the required setback from 75 feet to 64.1 feet to allow for a porch addition at 3316 Williams Lane (the “Property”) and which is legally as:

Lot 1, Block 1, J Williams 2nd Addition, Hennepin County, Minnesota; and

WHEREAS, on August 28, 2023, the Minnetrista Planning Commission considered the requested lakeshore setback variance, held a public hearing and, after consideration of the entire record before it, voted 6-0 in favor of recommending approval of the requested setback variance; and

WHEREAS, the Minnetrista City Council has reviewed the application, as submitted, and has made the following findings of fact:

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;
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.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the requested lakeshore setback variance to allow for a porch addition on the property generally located at 3316 Williams Lane, 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.

This resolution was adopted by the City Council of the City of Minnetrista on the 6th day of September, 2023 by a vote of ____ Ayes and ____ Nays.

Lisa Whalen, Mayor

ATTEST:

Angela Boll, Deputy City Clerk
(SEAL)

CITY OF MINNETRISTA



CITY COUNCIL AGENDA ITEM 4F

Subject: Application from Tyler and Amanda Holmer for a conditional use permit for a guest home over 1,000 sq. ft. at 400 North Branch Road.

Prepared By: Nickolas Olson, Senior City Planner
Through: David Abel, Community Development Director

Meeting Date: September 6, 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.

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- (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. The City Council 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.

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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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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 City Council review.

Planning Commission Recommendation: The Applicants' request was presented to the Planning Commission at their August 28, 2023 meeting. At that meeting, the Planning

Mission Statement:

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Commission discussed the Applicants' request and held the required public hearing. Only the Applicants and their contractor spoke. After hearing the testimony at the public hearing and after considering the entire record before them, the Planning Commission made a motion to recommend the City Council approve the requested conditional use permit and setback variance, based on certain findings of fact and subject to conditions. Motion passed 6-0. Absent: Hussain, Charles, and Gangestad (Alternate 1).

Conclusion: The City Council should review the staff report and the recommendation of the Planning Commission. After review, the City Council should consider the entire record before it prior to making a motion. Along with making a motion, findings of fact should be established which support the motion. 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 adopt a resolution approving 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:

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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;
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; and
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.

Attachments:

1. Location Map
2. Applicant Narrative
3. Property Survey
4. Building Plans
5. Neighborhood Comments
6. Res. No. 77-23 Approving Guest Home CUP and Side Yard Setback Variance at 400 North Branch Road


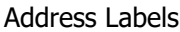

Mission Statement:

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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.

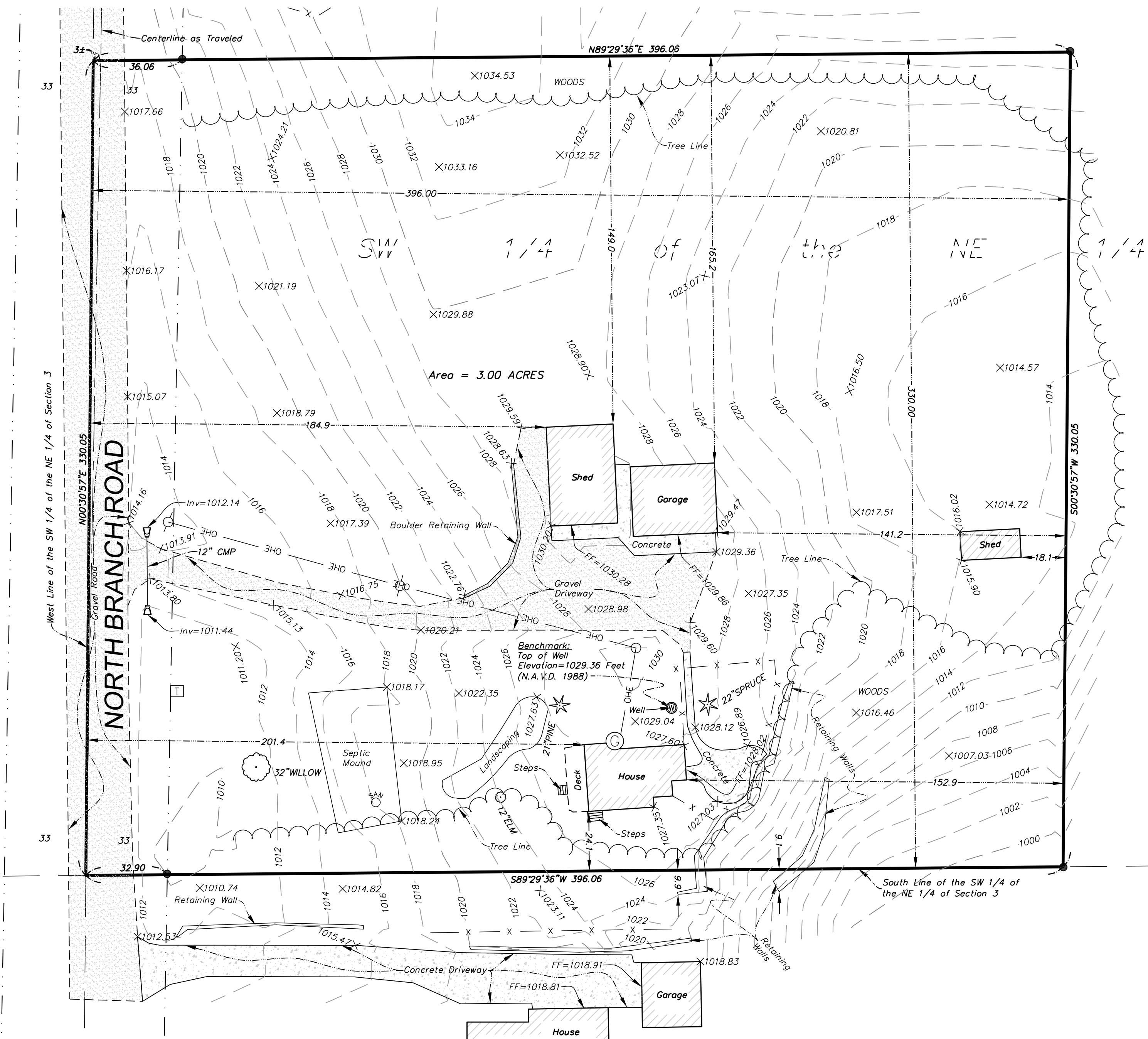
G. Provide a narrative addressing concerns/issues raised by neighboring properties (staff always suggests discussing your proposal with the neighboring landowners to get a sense of what issues may arise as your application is processed);

- 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
 - Δ — 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
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.

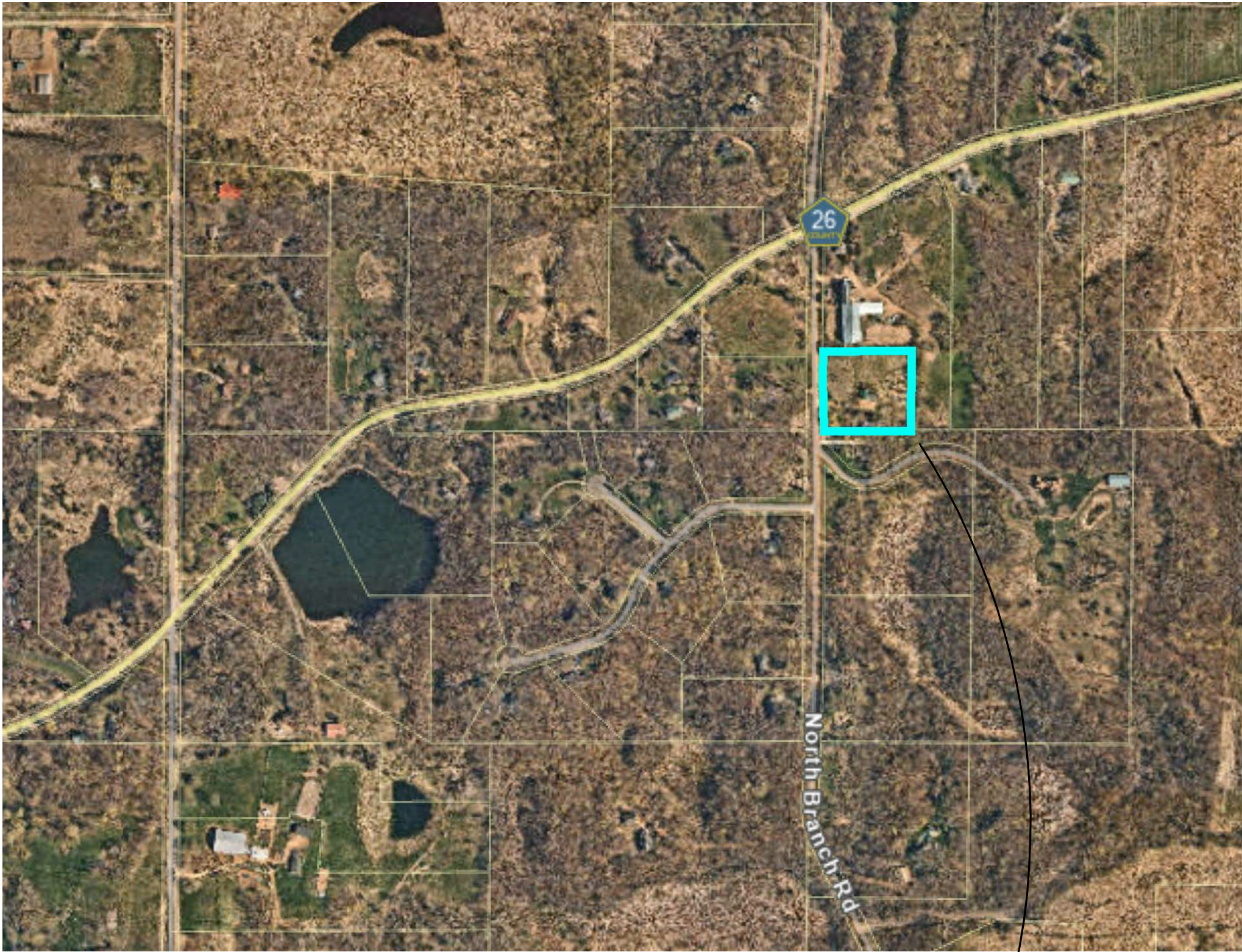


www.ottoassociates.com

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





WEST ELEVATION

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



SOUTH ELEVATION

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



NORTH ELEVATION

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



EAST ELEVATION

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

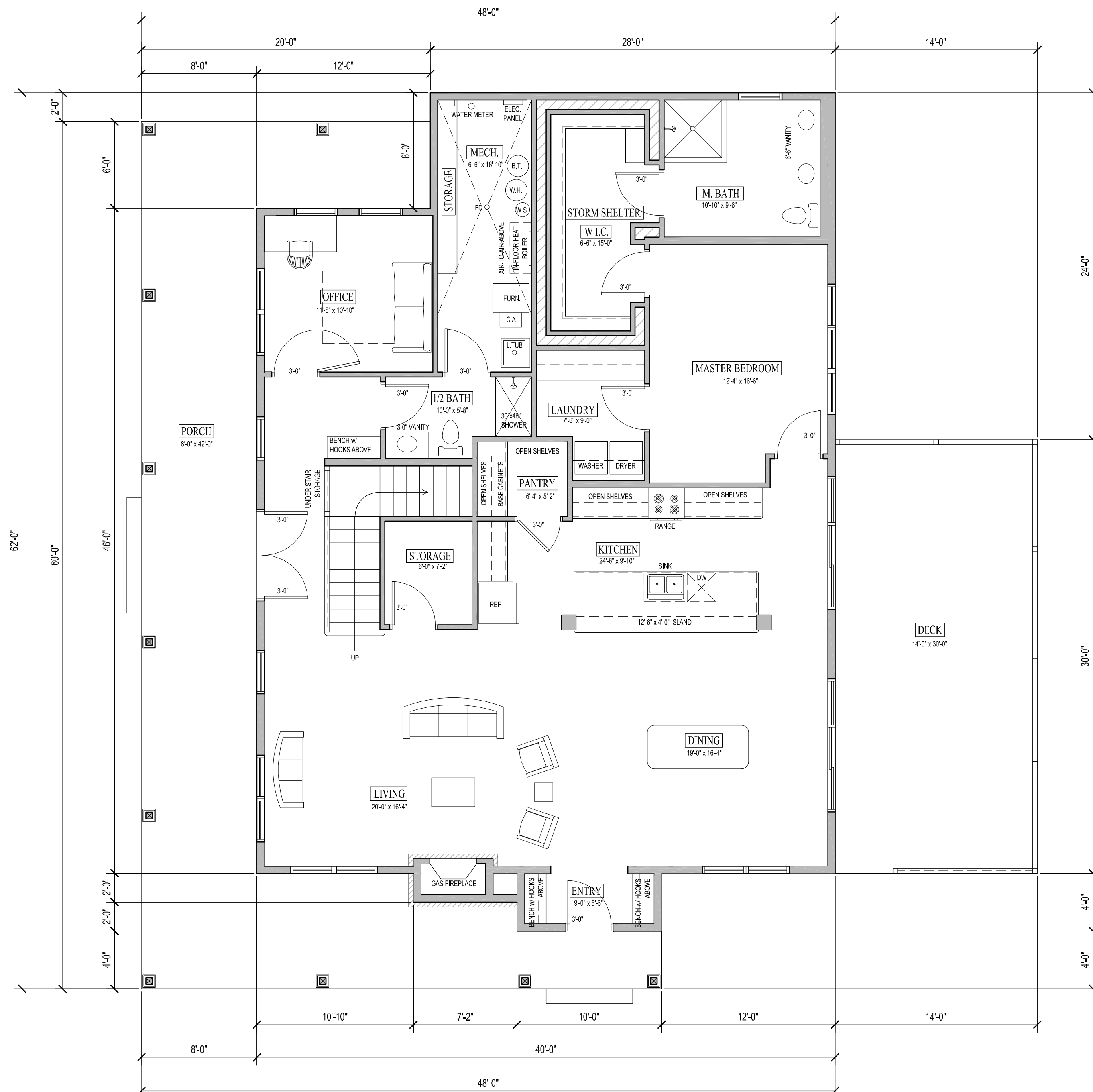
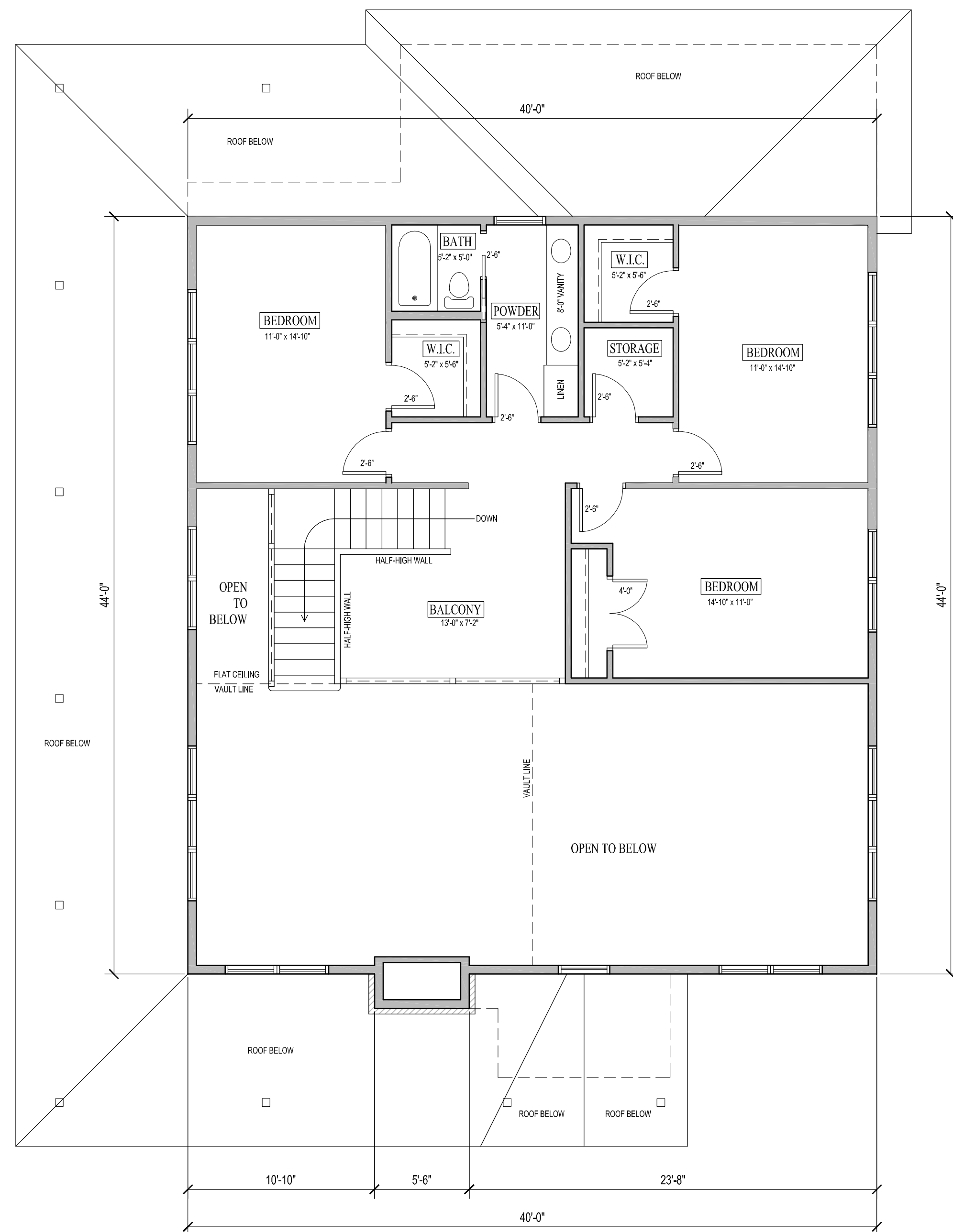
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Ty & Mandy Holmer
RESIDENCE
400 North Branch Road
Minnetrista, MN 55359

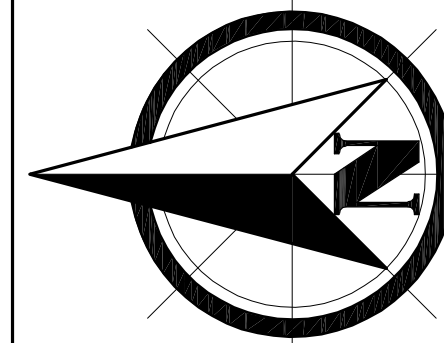
Page: 2 of 3
Date: 7-26-23
Revised: _____
Revised: _____
Revised: _____
Dwg by: JAV

Northland
LUMBER & SUPPLY
48227 State Hwy. 19
Fairfax, MN 55332
office: 507.426.6132
www.northlands.com



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Ty & Mandy Holmer

RESIDENCE

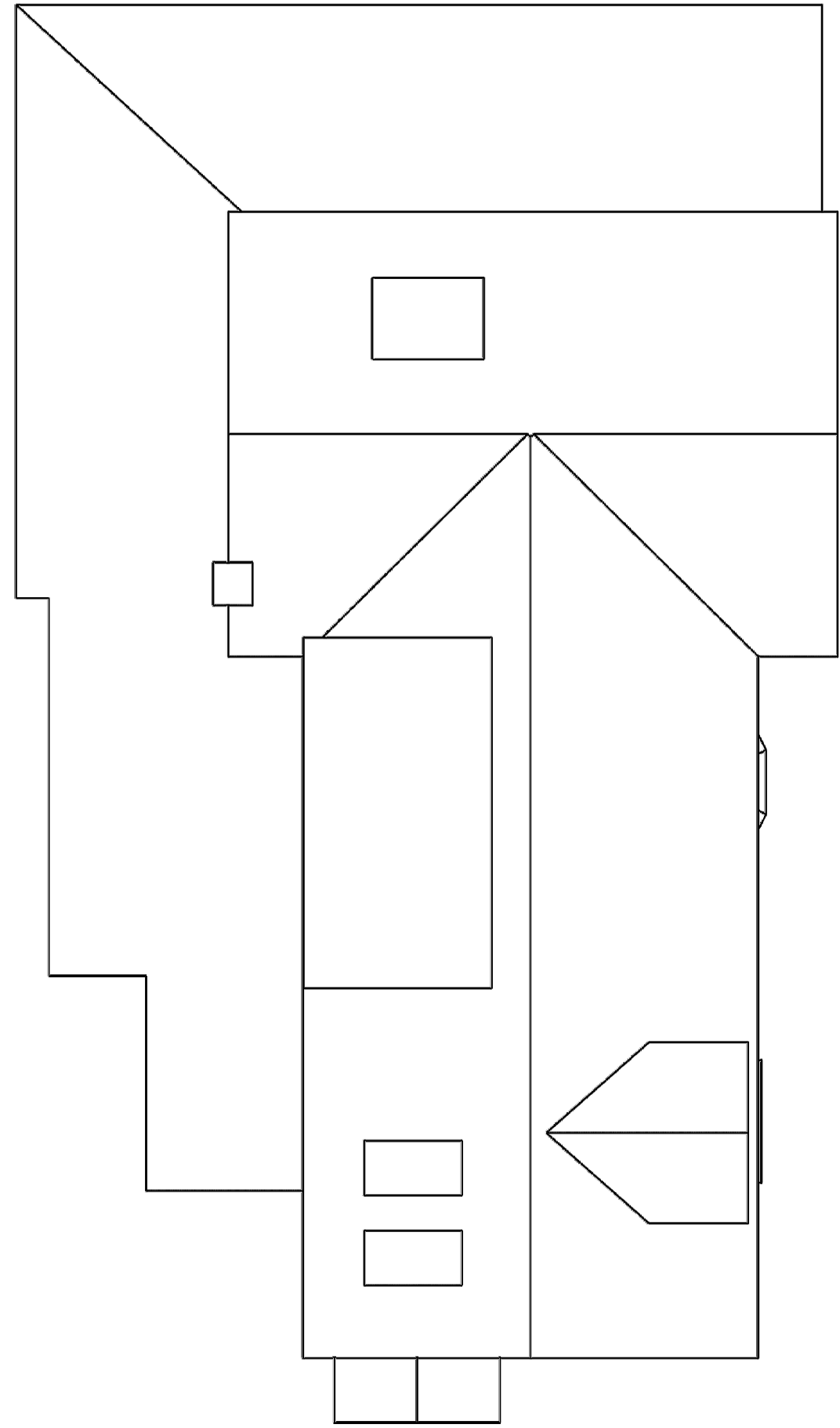
400 North Branch Road
Minnetrista, MN 55359

Page: 3 of 3

Date: 7-26-23

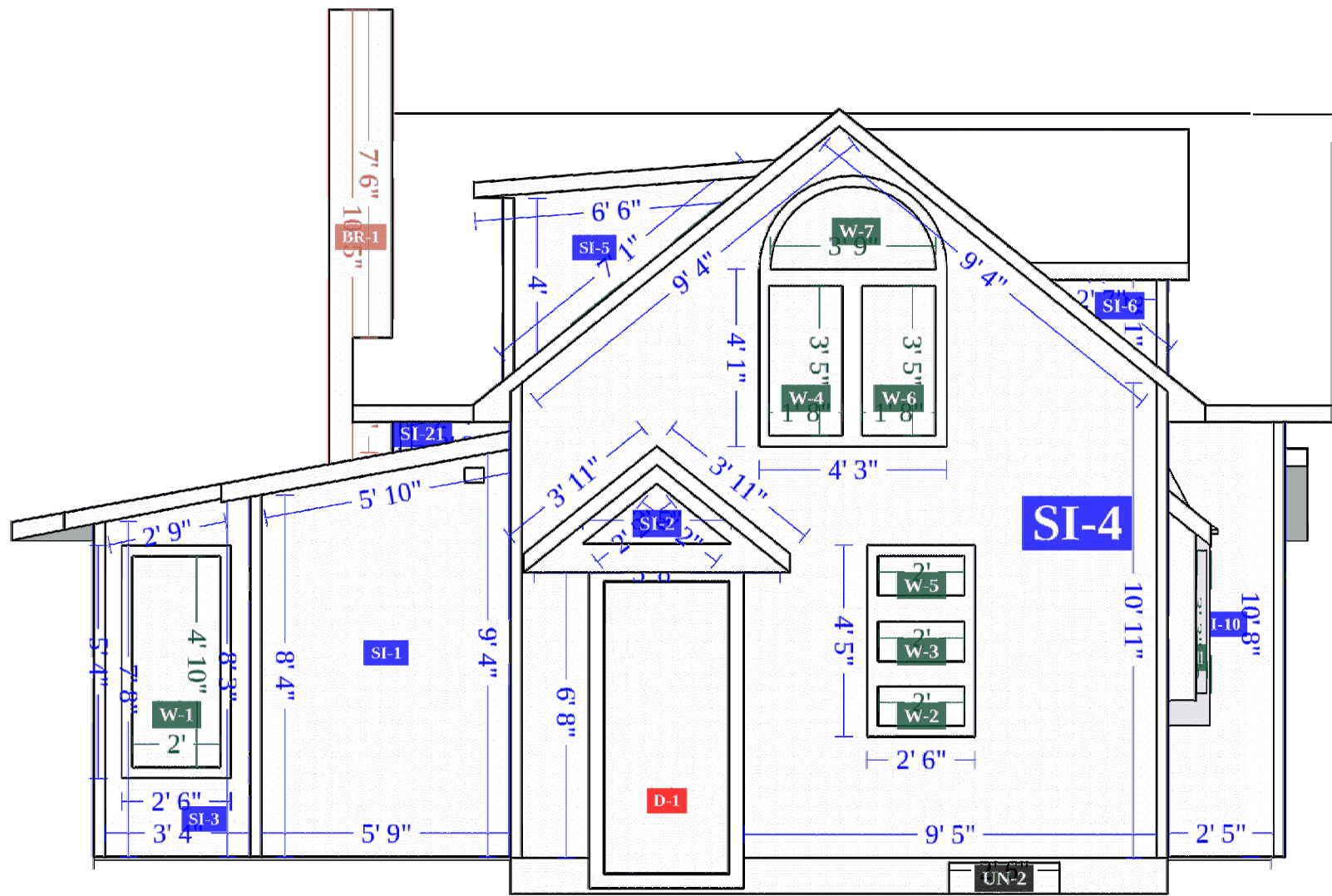
Revised:

Revised:
Revised:Dwg by: JAV

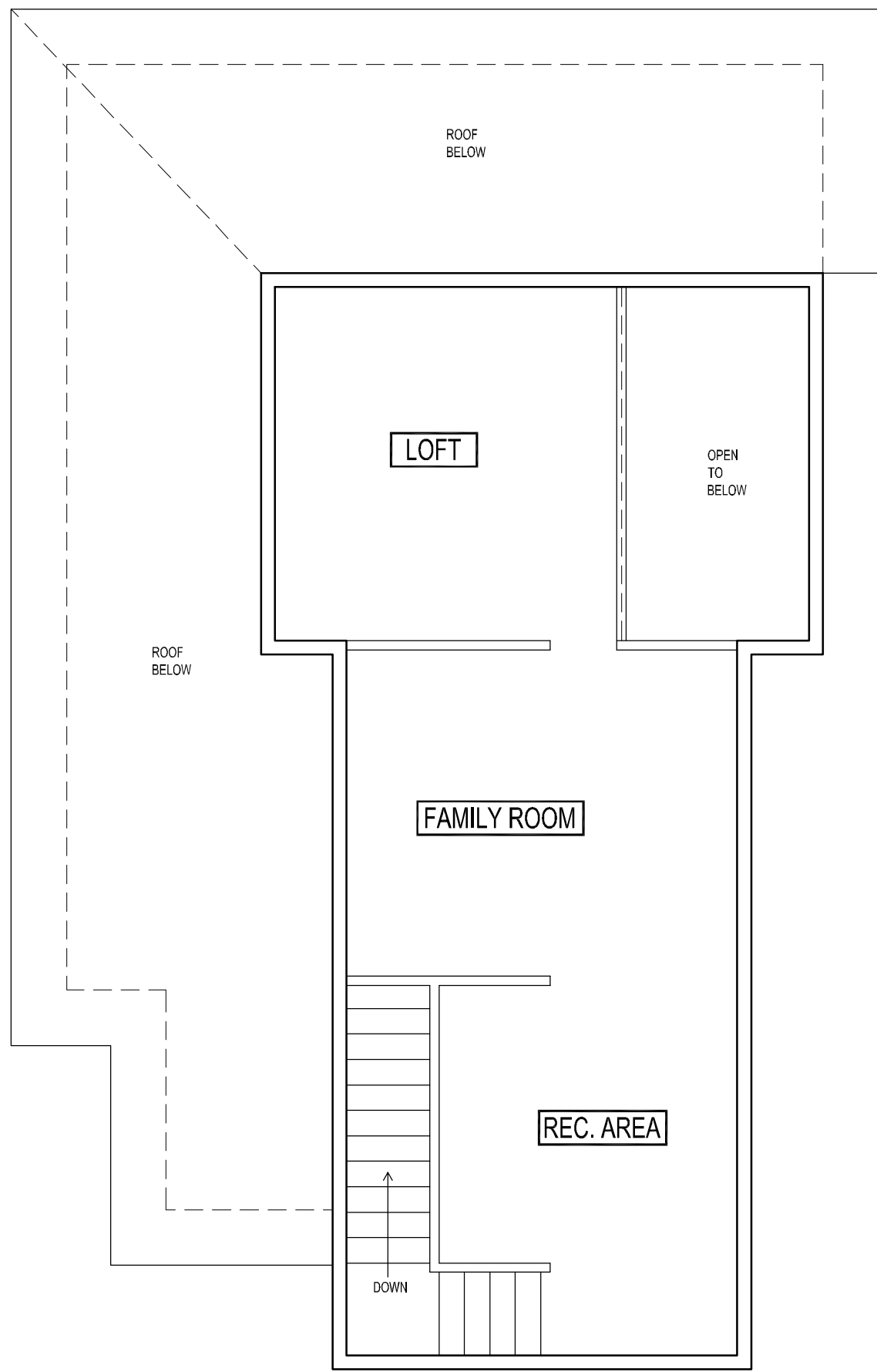


EXISTING HOME ROOF PLAN

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

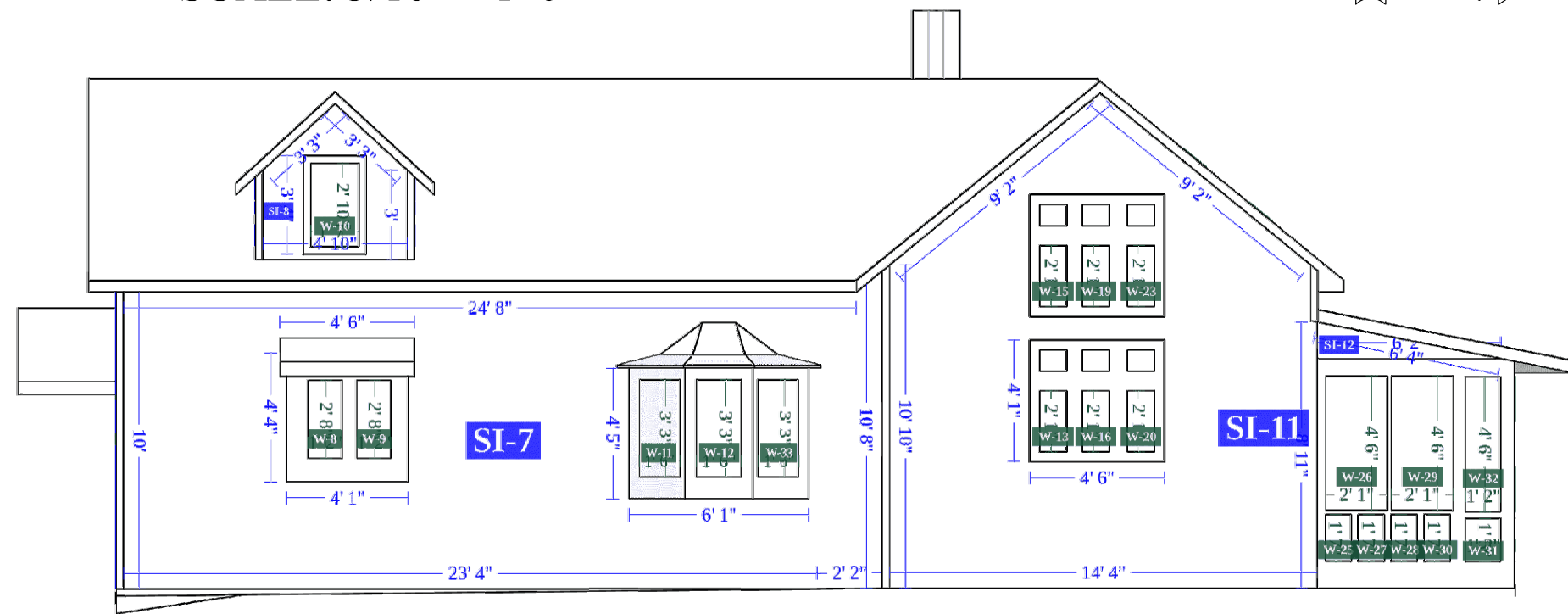


EAST ELEVATION

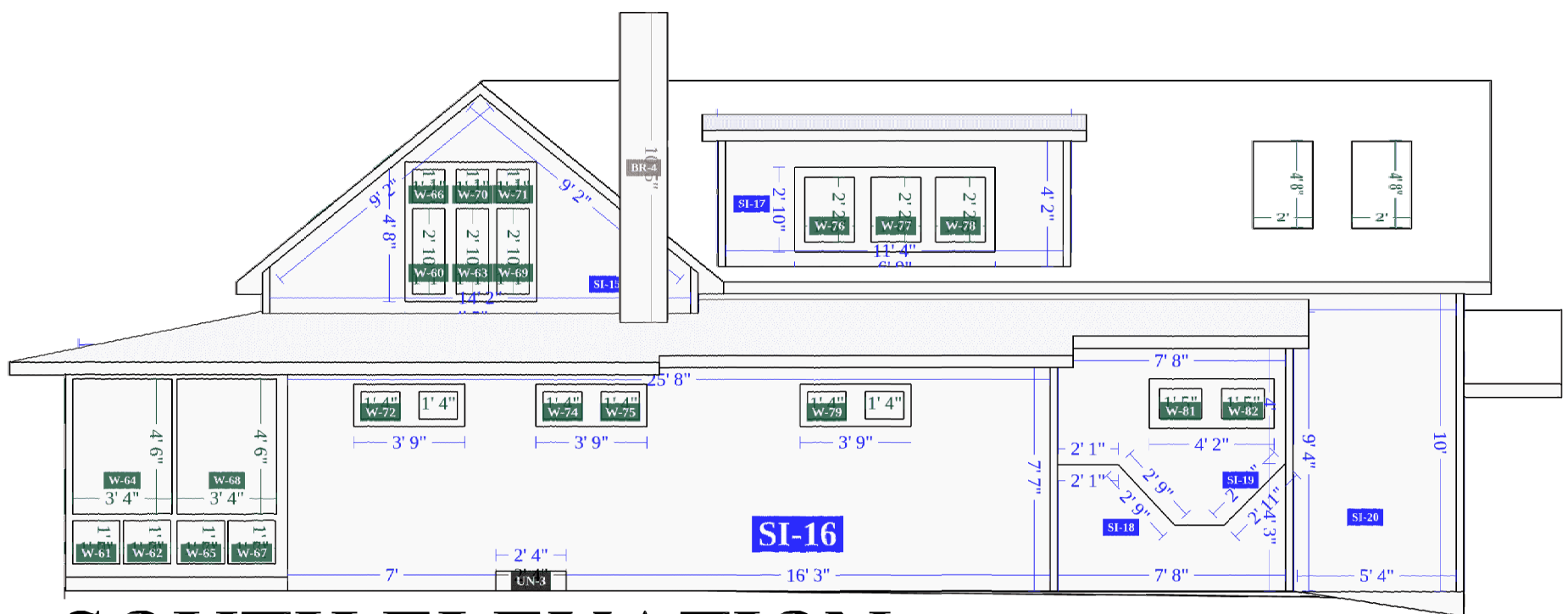


EXISTING HOME UPPER FLOOR

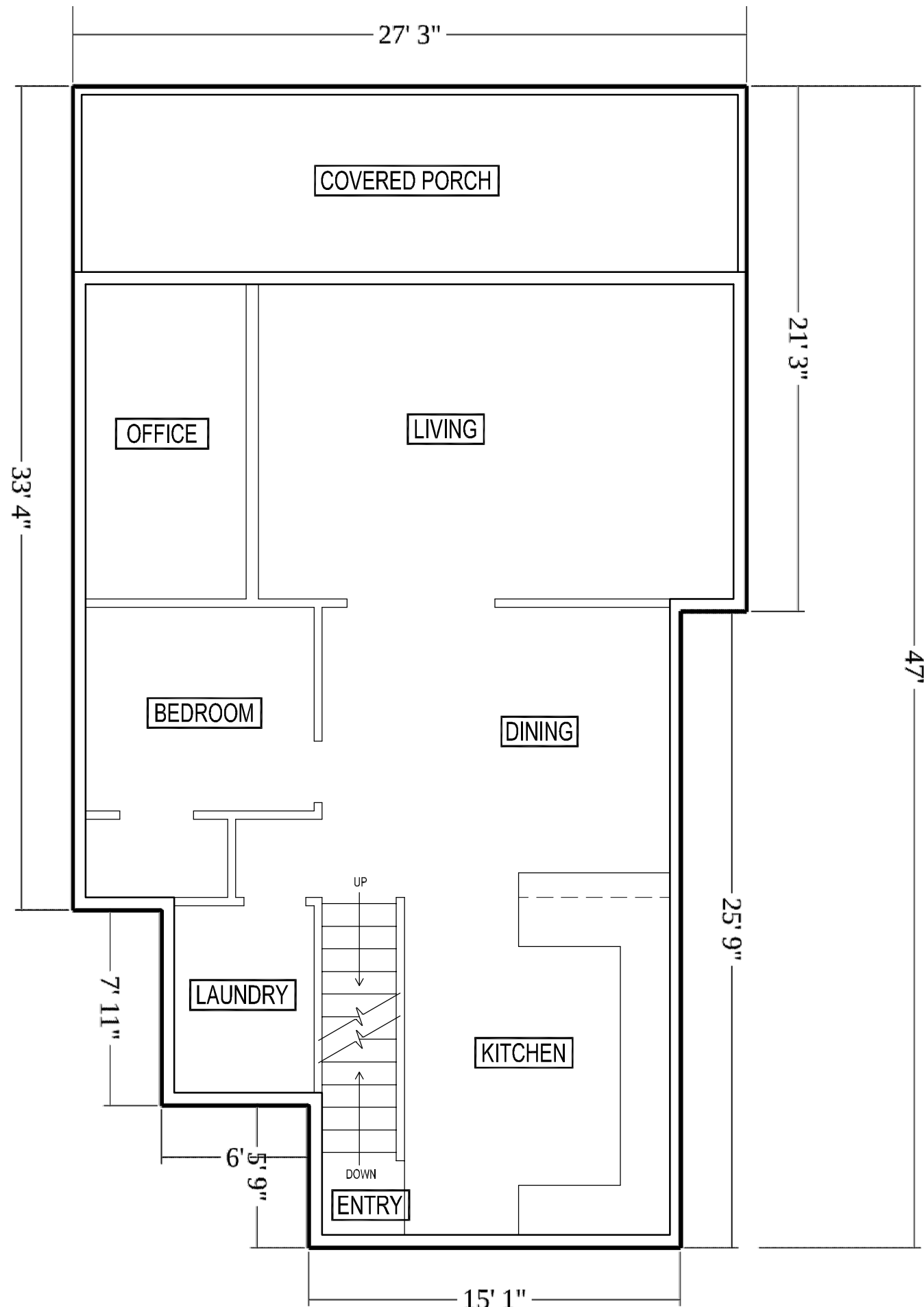
SCALE: 3/16" = 1'-0"



NORTH ELEVATION

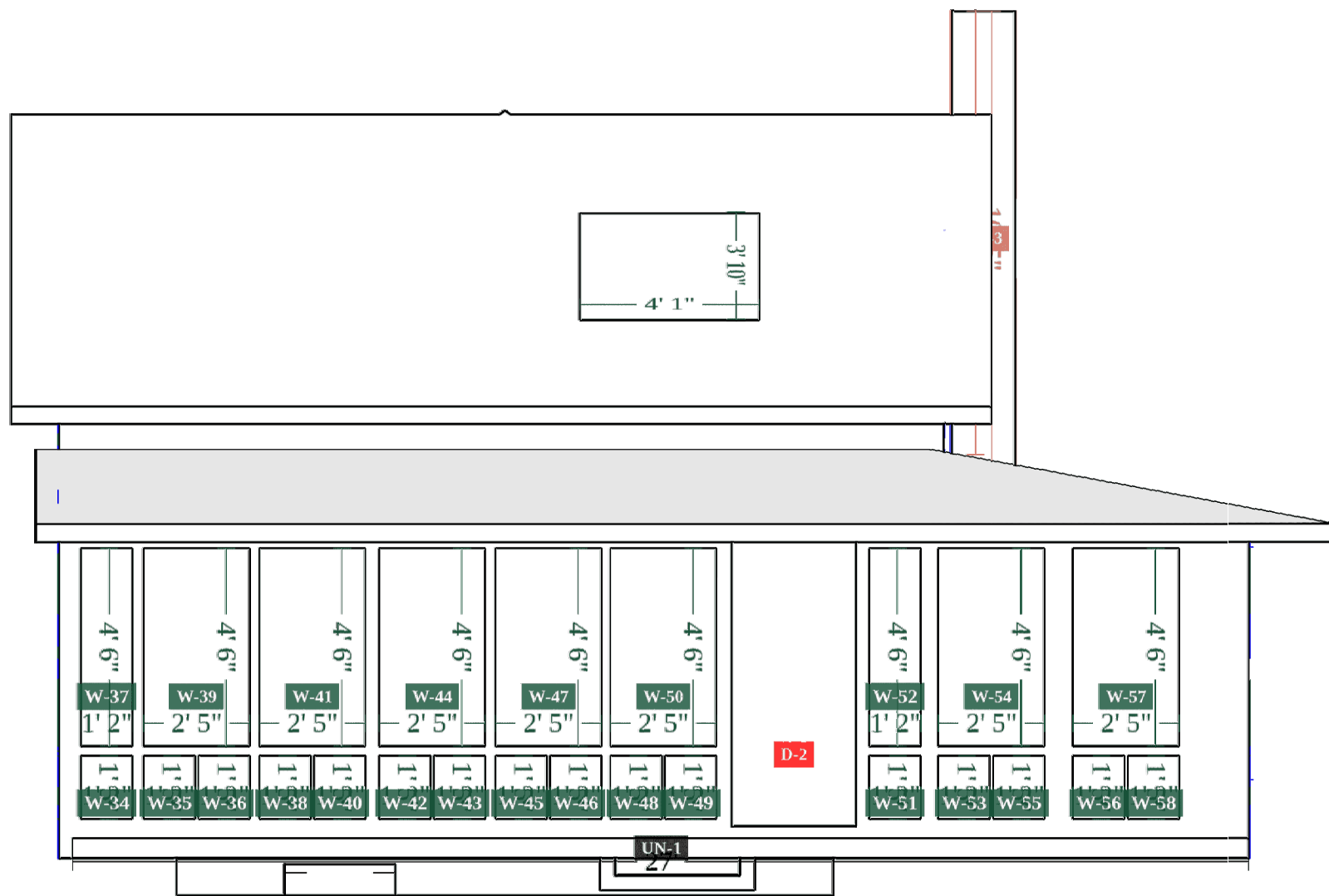


SOUTH ELEVATION



EXISTING HOME MAIN FLOOR

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



WEST ELEVATION

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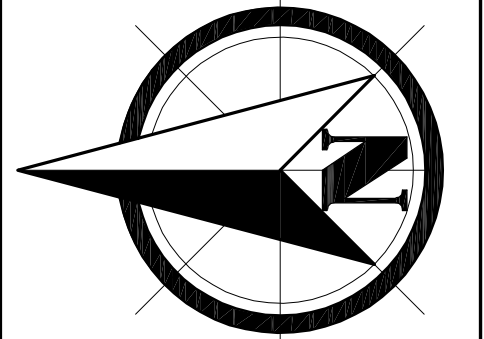
Ty & Mandy Holmer
RESIDENCE
400 North Branch Road
Minnetrista, MN 55359

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

Northland
LUMBER & SUPPLY
48227 State Hwy. 19
Fairfax, MN 55332
office: 507.426.6132
www.northlands.com



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



**Northland
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Fairfax, MN 55332

office: 507 426 6132
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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

RESOLUTION NO. 77-23

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR TYLER AND AMANDA HOLMER FOR A GUEST HOME OVER 1,000 SQUARE FEET AND A SIDE YARD SETBACK VARIANCE AT 400 NORTH BRANCH ROAD

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, Tyler and Amanda Holmer (the “Applicants”) have made an application for a conditional use permit for a guest home over 1,000 square feet and a side yard setback variance to reduce the required setback from 30 to 24.1 feet at the property located generally at 400 North Branch Road (the “Property”), and which is legally described on Exhibit A attached hereto; and

WHEREAS, on August 28, 2023, the Minnetrista Planning Commission considered the requested conditional use permit and setback variance, held a public hearing, and, after consideration of the record before it, voted 6-0 in favor of recommending approval of the conditional use permit and setback variance request; and

WHEREAS, the Minnetrista City Council has reviewed the application, as submitted, and has made the following findings of fact:

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.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the guest home conditional use permit and side yard setback variance, as requested by the Applicants, based on the findings of fact outlined above, with 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;
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; and
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.

This resolution was adopted by the City Council of the City of Minnetrista on the 6th day of September 2023, by a vote of ____ Ayes and ____ Nays.

Lisa Whalen, Mayor

ATTEST:

Angela Boll, Deputy City Clerk
(SEAL)

EXHIBIT A

Legal Description of 400 North Branch Road:

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

CITY OF MINNETRISTA



CITY COUNCIL AGENDA ITEM 4G

Subject: 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
Through: David Abel, Community Development Director

Meeting Date: September 6, 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 City Council should review the staff report and the recommendation of the Planning Commission. After review, the City Council should consider the entire record before it prior to making a motion. Along with making a motion, findings of fact should be established which support the motion. 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.

Planning Commission Recommendation: The Applicant's request was presented to the Planning Commission at their August 28, 2023 meeting. At that meeting, the Planning Commission discussed the Applicant's request and held the required public hearing. No one wished to speak. After hearing no testimony at the public hearing and after considering the entire record before them, the Planning Commission made a motion to recommend the City Council approve the requested conditional use permit, based on certain findings of fact and subject to conditions. Motion passed 6-0. Absent: Hussain, Charles, and Gangestad (Alternate 1).

Recommended Action: Motion to adopt a resolution approving the requested conditional use permit for an accessory building 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; and
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.

Attachments:

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

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.

5. Picture of Existing Home
6. Res. No. 78-23 Approving Conditional Use Permit at 905 Maple Crest Drive




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.

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.

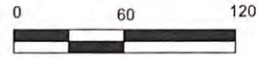
I'm not going to talk with my neighbors about this. It doesn't affect them and want to avoid any opportunities for them to ask us to store their stuff at my house. This building is for our personal use only. For our hobbies and storage of our personal items.
The property here is unique to where it is 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.

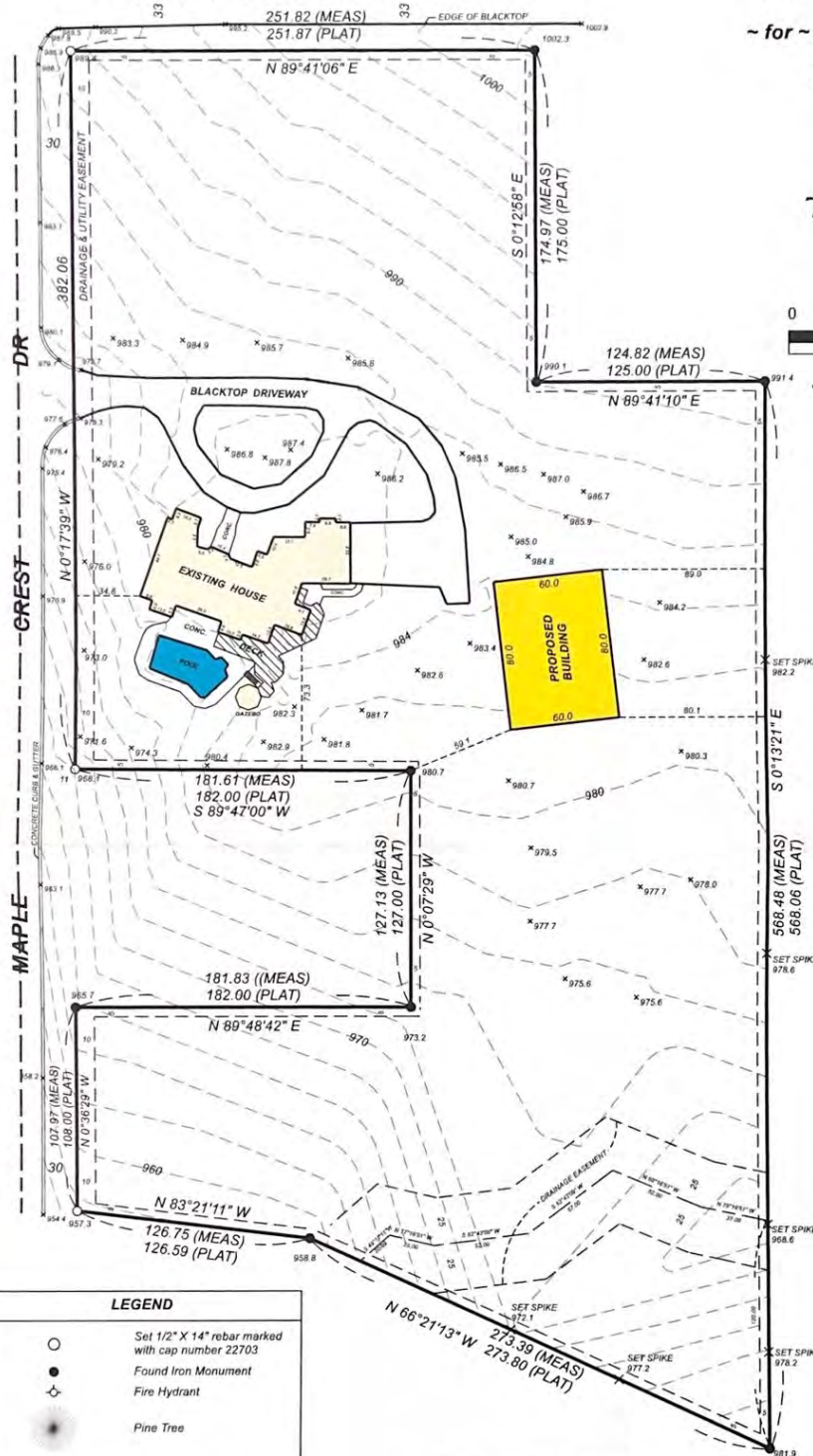
--- COUNTY ROAD NO. 151 ---

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:

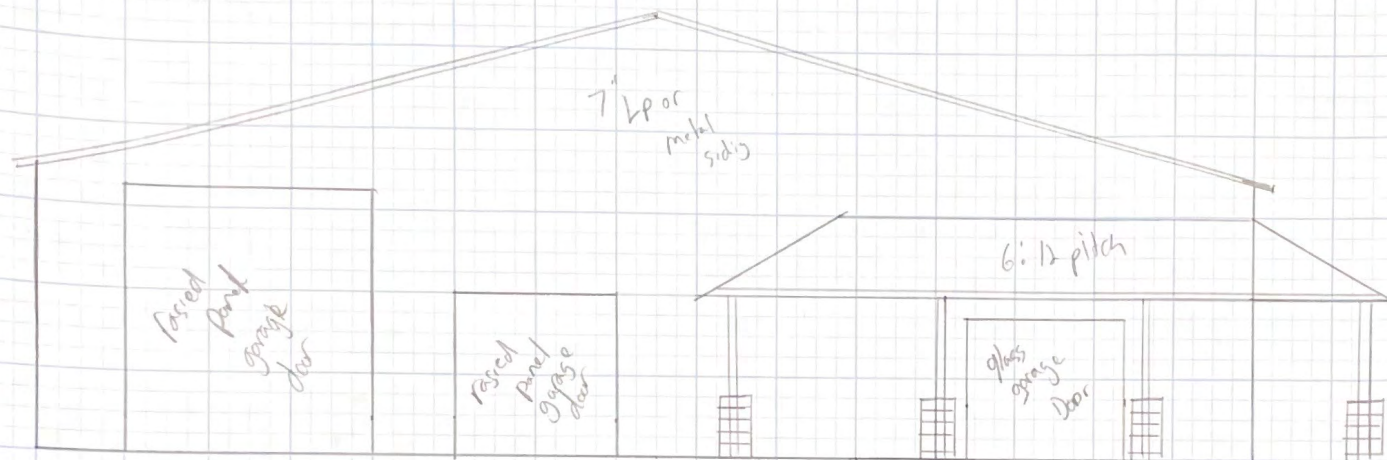
EXISTING HOUSE:	4,800 S.F.
DRIVEWAY:	7,870 S.F.
CONCRETE:	1,668 S.F.
GAZEBO:	142 S.F.
DECK:	931 S.F.
PROPOSED BUILDING:	4,800 S.F.
TOTAL IMPERVIOUS:	20,011 S.F.
LOT AREA:	205,985 S.F.
IMPERVIOUS COVERAGE:	9.7 %

PROJ #2221-00 NAVD88 VERTICAL DATUM

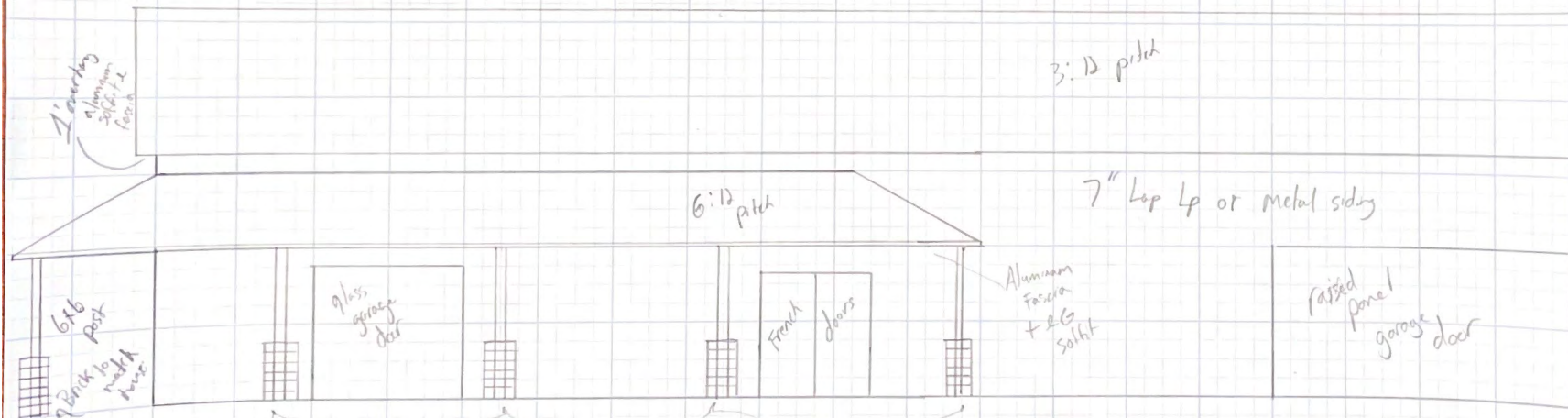
PREMIER
LAND SURVEYING, LLC

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

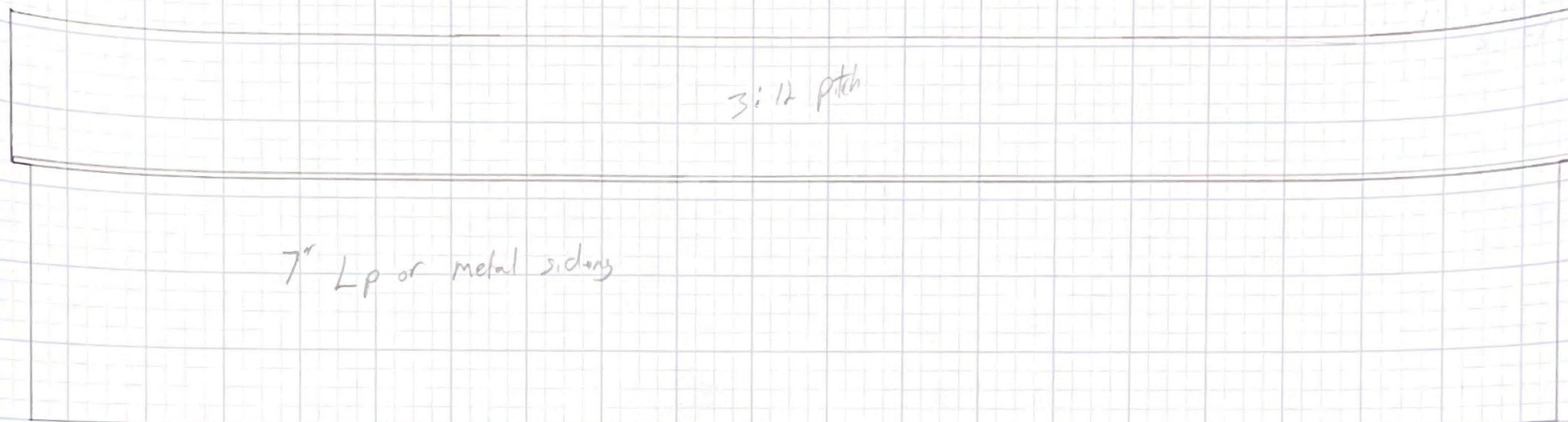
905 maple crest Dr
Minnetonka MN
55364



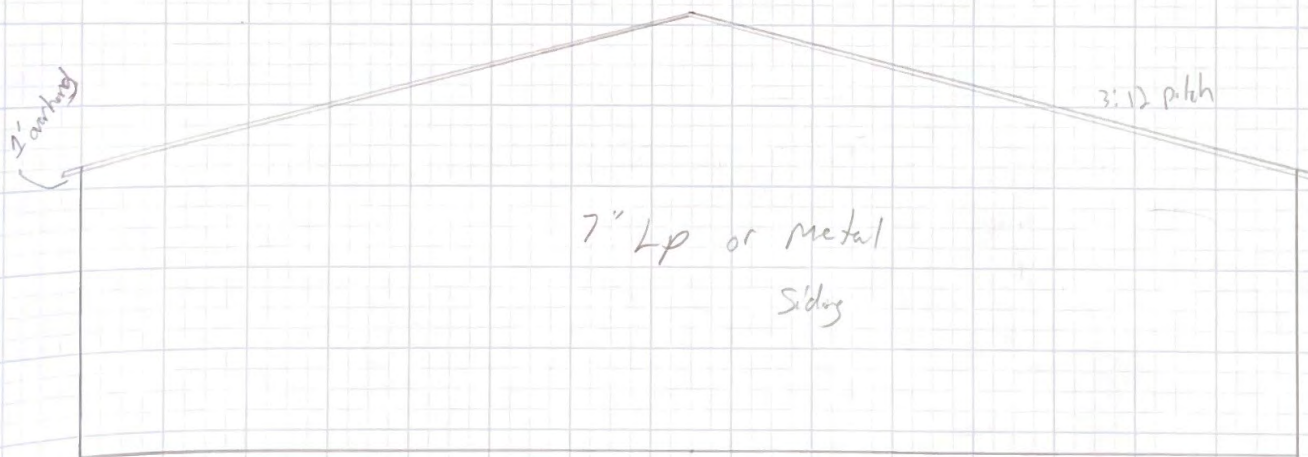
North side



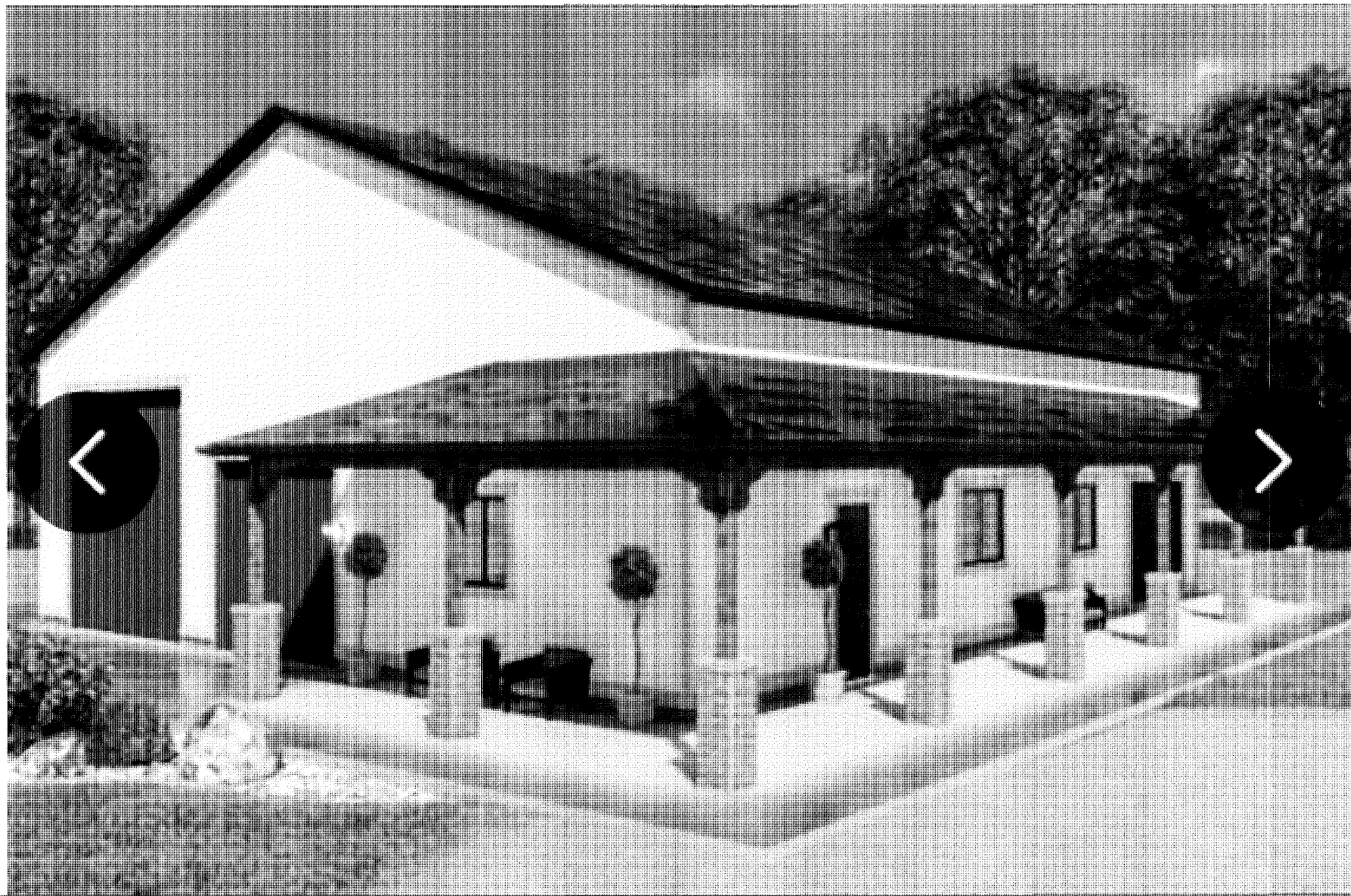
West side



East side



South side





RESOLUTION NO. 78-23

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR CRYSTAL BRUMMER FOR AN ACCESSORY BUILDING OVER 1,000 SQUARE FEET AT 905 MAPLE CREST DRIVE

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, Crystal Brummer (the “Applicant”) has made an application for a conditional use permit for an accessory building over 1,000 square feet at the property located generally at 905 Maple Crest Drive (the “Property”), and which is legally described as:

Lot 1, Block 1, Carls Addition, Hennepin County, Minnesota; and

WHEREAS, on August 28, 2023, the Minnetrista Planning Commission considered the requested conditional use permit, held a public hearing, and, after consideration of the record before it, voted 6-0 in favor of recommending approval of the conditional use permit request; and

WHEREAS, the Minnetrista City Council has reviewed the application, as submitted, and has made the following findings of fact:

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.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the conditional use permit for an accessory building over 1,000 square feet, as requested by the Applicants, based on the findings of fact outlined above, with 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; and
 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.

This resolution was adopted by the City Council of the City of Minnetrista on the 6th day of September 2023, by a vote of ____ Ayes and ____ Nays.

Lisa Whalen, Mayor

ATTEST:

Angela Boll, Deputy City Clerk
(SEAL)



CITY OF MINNETRISTA

REQUEST FOR CITY COUNCIL ACTION/DISCUSSION

Subject: Res No 79-23 Adoption of 2024 Preliminary Levy

**Prepared By: Brian Grimm, Finance Director – on behalf of Department Manager
Budget Working Group**

Meeting Date: September 6, 2023

City Council and the Department Manager Budget Working Group had a full presentation and discussion on August 7th regarding the setting of the Preliminary Tax Levy for 2024. There was a follow-up meeting on August 21st where some further information was discussed. A consensus to bring back a preliminary gross tax levy of \$6,693,104 (14.33% increase to the gross tax levy) was come to at the meeting. Our fiscal disparities number that was projected came in less than expected and our net levy % would now be a 15.1% levy increase. Instead of the original projection of 14.6%.

The preliminary option presented is one that captures growth that has continued to occur within the City. It would have an estimated \$18 per month impact on the median value home that had the average property valuation increase. The option presented also takes into effect the needs of the City as far as operations, roads and capital while balancing that with fiscal impacts for the City and its residents.

The attached preliminary levy amounts to a gross levy of \$6,693,104 as mentioned above. And once fiscal disparities are calculated into the gross levy it amounts to a net levy increase of \$859,890 from 2023 .

An updated general fund summary sheet has also been attached with this packet item. It takes into account the updated fire department numbers received from the City of Saint Bonifacius and City of Mound per their preliminary 2024 fire budgets. The general fund summary sheet attached will be used to complete the new statutory requirement that started in 2023 of submitting summary budget information to the County in conjunction with the preliminary levy adoption. It also shows a slightly lower projected year end general fund fund balance and % at the end of 2024 based on this updated information.

As in previous years, the City's preliminary levy will have to be certified to the County by the end of September deadline. A factor to consider is the preliminary levy, once set, can only stay the same or be reduced at the time of final certification in December. It cannot be increased from the preliminary levy that is certified to the County.

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.

Recommended City Council Action: The goal of this agenda item is to adopt the attached 2024 preliminary tax levy by resolution to certify to the County by the above-mentioned September 29th, 2023, deadline.

Does Recommended Action meet City Mission Statement? x Yes No

Does Recommended Action meet City Goals/Priorities? x Yes No

Explain: This item is a discussion on the 2024 preliminary levy for funding 2024 services, operations, and capital needs.

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.

Tax Calculations using Proposed 2024 Budget

	2023	Draft 2024	Dollars Inc/Dec 23-24	Percentage Inc/Dec 23-24	
General	4,155,000	4,874,375	719,375	17.31%	General levy increase to try to get back to balanced budget
Capital	150,000	150,000	-	0.00%	leave same - maybe reduce if add equip cert
Debt	674,229	1,093,729	419,500	62.22%	debt effects would start in 2024 for 2023 roads (\$350K new debt le
Roads	875,000	575,000	(300,000)	-34.29%	see above - still spending more money on roads
Fiscal Disparities	(158,390)	(137,375)	21,015	-13.27%	Received Updated fiscal Disparities Numbers
Total Net levy	5,695,839	6,555,729	859,890	15.10%	
Gross levy	5,854,229	6,693,104	838,875	14.33%	
Current Tax Rate		Projected Tax Rate			
19.17%		19.91%			

**City of Minnetrista
2024 Draft Budget
General Fund Summary**

9-6-23 version

GENERAL FUND SUMMARY

	2020 Actuals	2021 Actuals	2022 Actuals	2023 Final Budget	2024 Draft Budget	2023-2024 % change
GENERAL FUND REVENUE						
Property Tax	\$ 3,412,349	\$ 3,500,659	\$ 3,589,974	\$ 4,155,000	\$ 4,874,375	17.3%
Licenses & Permits	\$ 956,557	\$ 812,506	\$ 834,638	\$ 809,000	\$ 829,000	2.5%
Intergovernmental	\$ 766,665	\$ 182,264	\$ 190,211	\$ 190,500	\$ 212,000	11.3%
Fines	\$ 22,743	\$ 31,180	\$ 30,315	\$ 35,000	\$ 30,000	-14.3%
Other/Charges for services	\$ 498,539	\$ 495,735	\$ 258,945	\$ 714,259	\$ 700,585	-1.9%
TOTAL G.F. REVENUES	\$ 5,656,853	\$ 5,022,344	\$ 4,904,083	\$ 5,903,759	\$ 6,645,960	12.6%
GENERAL FUND EXPEND.						
Legislative	\$ 26,629	\$ 27,521	\$ 30,580	\$ 38,857	\$ 39,517	1.7%
Administrative	\$ 466,086	\$ 475,368	\$ 423,633	\$ 572,556	\$ 630,222	10.1%
Elections	\$ 27,971	\$ 613	\$ 13,409	\$ 630	\$ 18,300	2804.8%
Auditing	\$ 26,300	\$ 26,700	\$ 27,500	\$ 33,600	\$ 37,000	10.1%
Assessor	\$ 153,000	\$ 158,000	\$ 178,000	\$ 198,000	\$ 205,000	3.5%
Planning	\$ 216,793	\$ 218,955	\$ 262,352	\$ 299,977	\$ 315,125	5.0%
Legal	\$ 111,915	\$ 108,358	\$ 99,381	\$ 106,400	\$ 105,000	-1.3%
Buildings	\$ 68,223	\$ 72,506	\$ 84,884	\$ 83,350	\$ 85,850	3.0%
Police	\$ 2,125,833	\$ 2,230,917	\$ 2,385,758	\$ 2,544,631	\$ 2,913,138	14.5%
Fire	\$ 455,117	\$ 467,487	\$ 513,235	\$ 627,836	\$ 717,015	14.2%
Inspections	\$ 226,808	\$ 225,962	\$ 242,988	\$ 261,522	\$ 275,205	5.2%
Engineering	\$ 13,167	\$ 12,768	\$ 12,000	\$ 13,500	\$ 12,000	-11.1%
Streets	\$ 810,187	\$ 824,974	\$ 835,032	\$ 936,395	\$ 1,042,218	11.3%
Snow and Ice Removal	\$ 79,996	\$ 97,902	\$ 161,775	\$ 121,507	\$ 170,217	40.1%
Street Lighting	\$ 22,922	\$ 25,979	\$ 32,909	\$ 27,000	\$ 33,000	22.2%
Park Areas	\$ 113,270	\$ 138,437	\$ 147,225	\$ 151,063	\$ 159,676	5.7%
Culture and Recreation - Gillespie	\$ 34,000	\$ 34,000	\$ -	\$ -	\$ -	#DIV/0!
Misc. Expense	\$ 45,472	\$ 14,097	\$ 17,161	\$ 25,000	\$ 25,000	0.0%
Insurance	\$ 8,508	\$ 10,474	\$ 7,658	\$ 11,000	\$ 11,000	0.0%
Transfers - Capital Fund/Roads	\$ -			\$ -	\$ -	#DIV/0!
TOTAL G. F. EXPENDITURES	\$ 5,032,197	\$ 5,171,018	\$ 5,475,480	\$ 6,052,823	\$ 6,794,484	12.3%
Projected 2023 Surplus				\$ 100,000		
One time police Funds in December 2023				\$ 172,000		
G.F. SURPLUS/(DEFICIT)	\$ 624,656	\$ (148,674)	\$ (571,397)	\$ 122,936	\$ (148,524)	
Transfers to CIP Fund			\$ (225,398)			
Transfers - Administrative charges on p	\$ 50,000.00					
Year End Fund Balance	\$ 3,480,982	\$ 3,332,308	\$ 2,535,513	\$ 2,658,449	\$ 2,509,926	
	69.17%	64.44%	46.31%	43.92%	36.94%	

2024 General Fund Summary

9-6-23

RESOLUTION NO. 79-23

CITY OF MINNETRISTA
COUNTY OF HENNEPIN
STATE OF MINNESOTA
**ADOPTING PROPOSED 2023 TAX LEVY,
COLLECTIBLE IN 2024**

Be it resolved by the City Council of the City of Minnetrista, County of Hennepin, Minnesota, that the following sums of money be levied for the current year, collectible in 2024, upon the taxable property in the City of Minnetrista, for the following purposes:

GENERAL FUND	\$ 4,874,375
ROADS	\$ 575,000
CIP (Capital Equipment Plan)	\$ 150,000
BOND RETIREMENT EQUIPMENT CERTIFICATES 2020 A	\$ 100,000
BOND RETIREMENT EQUIPMENT CERTIFICATES 2023 A	\$ 54,500
2023 STREET PROJECTS (2023 A)	\$ 350,000
GAME FARM ROAD/SOUTH BAY (2019A)	\$ 89,729
MAPLECREST PROJECT (2014A REFUNDING)	\$ 35,500
2017 STREET PROJECTS (2017A)	\$ 118,000
PUBLIC FACILITIES PROJECT (2014 B)	\$ <u>346,000</u>
TOTAL PROPOSED 2023 PAY 2024 LEVY	\$ 6,693,104

Operations Levy

Gross Levy	Fiscal Disparities	Net Levy
\$5,599,375	(\$137,375)	\$5,462,000

Special Levies

Game Farm/South Bay Bond	Equipment Certs	2017 Street Projects Bond	Maple Crest 2014A Bond	Pub Facil (2014 B) Project	2023 Street Projects (2023 A)	Total Special Levies
\$89,729	\$154,500	\$118,000	\$35,500	\$346,000	\$350,000	1,093,729

Special levy notes – A portion of the debt service tax levy as established in the bond documents for the 2014 B bond is being reduced as it is being reimbursed/paid by the City of Saint Bonifacius. The debt service tax levy as established in the bond documents for the 2012A Bond is being cancelled as the debt obligation will be paid through MSA dollars in lieu of tax levy. The principal and interest payments as established in the bond documents for the 2020A General Obligation Revenue bonds are being paid for with sufficient funds being collected through water fund revenues to pay the required debt service. The debt service tax levy for 2024 for the 2020A Equipment Certificates and 2023A Equipment Certificates is being approved at the amount listed above to cover those principal and interest payments. The small difference is covered by levies from previous years. A portion of the debt service tax levy as established in the bond documents for the 2017A bond is being reduced by fund balance on hand.

A certified copy of this resolution shall be submitted to the County Auditor of Hennepin County, Minnesota, by Friday, September 29, 2023.

This resolution was adopted on the 6th day of September 2023, by a vote of _____ Ayes
and _____ Nays.

Mayor

ATTEST:

City Clerk (SEAL)

State of Minnesota
County of Hennepin

HENNEPIN COUNTY
MINNESOTA

Taxing Jurisdiction of **City of Minnetrista**

2024 PROPOSED LEVY CERTIFICATION

I, **Angie Boll** Clerk of **City of Minnetrista** hereby certify that a resolution establishing the levy upon taxable property in said Taxing Jurisdiction was passed by the governing body at a duly convened meeting held on **6-Sep**, 2023.

On motion it was resolved that the following sums of money be raised by tax upon the taxable property in said Taxing Jurisdiction for the following purposes for the current year:

LEVY ITEM	CERTIFIED LEVY*
1. General Revenue	5,599,375.00
2. Bonded Indebtedness**	1,093,729.00
3. Sewer District	
A. TOTAL TAX CAPACITY BASED LEVY	6,693,104.00
B. MARKET VALUE BASED REFERENDUM LEVY***	
TOTAL TAX CAPACITY AND MARKET VALUE BASED LEVIES	\$ 6,693,104.00

* The levy amount by line item should already be reduced by Local Government Aid (LGA) and other resources used to finance your taxing jurisdiction's budget.

** Provide a breakdown of the certified levy by individual bond on page 2.

*** Per M.S. 275.61, Levies for the payment of debt obligations that are approved by voters after June 30, 2008 must be levied on net tax capacity.

I further certify that I have compared the foregoing with the original entry of the minutes of the meeting so held on **9/6/2023**, 2023 as the same are recorded in the Book of Records of said Taxing Jurisdiction, and that the same is a correct transcript therefrom.

Given under my hand on this **7th** day of **September**, 2023.

Taxing Jurisdiction Clerk



CITY OF MINNETRISTA

REQUEST FOR CITY COUNCIL ACTION/DISCUSSION

Subject: Res No 80-23 Approve Debt Levy at 100% of 2024 Bond payments

Prepared By: Brian Grimm, Finance Director - for Department Manager Budget Working Group

Meeting Date: Date: September 6, 2023

Per Minnesota Statute 475.061, municipalities may levy up to 105% of the next year's debt payments. The City Council has historically levied for 100% of the next year's bond payments. Statute 475.061 provides for the council, at its discretion to authorize adopting a levy that is less than the 105% that is allowed. Per our auditor, the City should annually adopt and set the percentage that is collected for the debt levy. The 2014A debt fund (Maplecrest project debt fund) is getting lower in fund balance so that is being levied for at 105%

Adopting a policy where the Council levies for the additional 5% provided by statute would increase the debt levy by about \$50,000. The debt funds have adequate cash and fund balance for retiring debt service at this time but due to delinquent taxes and other factors, this could change in the future.

Recommended City Council Action:

Adopt attached resolution to Levy for 100% of 2024 bond payments on existing debt issues and then monitor for future budget cycles to see if the change to 105% levy of future bond payments is warranted

Does Recommended Action meet City Mission Statement? x Yes No

Does Recommended Action meet City Goals/Priorities? x Yes No

Explain: This item is a discussion on the 2024 budget and levy for funding 2024 debt levies.

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.

RESOLUTION NO. 80-23

Adopting a Debt Levy for 100% of 2024 Bond payments on existing debt instead of the statutory allowed 105% of 2024 bond payments

WHEREAS, pursuant to Minnesota Statutes, 475.61, Cities can levy up to 105% of their next year's bond payments

WHEREAS, the City Council historically has adopted a budget that levies for 100% of bond payments

WHEREAS, fund balances are available to allow for this to happen again for 2024 for all funds except the 2014 A which is being levied at the allowed 105%

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Minnetrista, that it is levying for 100% of the City's bond payments in 2024 except the 2014A fund as noted above.

APPROVED, this 6th day of September, 2023, by a vote of _____ Ayes and Nays.

Mayor

ATTEST:

City Clerk

(seal)



CITY OF MINNETRISTA

REQUEST FOR CITY COUNCIL ACTION/DISCUSSION

Subject: Approve Meeting Date for Public Comment and discussion on 2024 Budget and Levy

Prepared By: Brian Grimm, Finance Director

Meeting Date: September 6, 2023

As required by statute, the City must select a date to discuss the proposed budget and property tax levy for 2023. The Legislature has set aside that any time after November 24th, the meeting can be held and that the meeting must be after 6:00 p.m. on the evening selected.

Per the Council meeting schedule, the first regularly scheduled meeting after November 24th would be on December 4th. Staff recommends selecting this date to take Public comment on the budget and levy before the final 2024 budget and levy were to be adopted.

<p><u>Recommended City Council Action:</u> Motion approving selecting December 4, 2023 at 7:00 p.m as the Public Comment date for discussion of the 2024 Budget and tax levy to be adopted</p>

Mission Statement:

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CITY OF MINNETRISTA



CITY COUNCIL AGENDA ITEM 6B

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
Through: David Abel, Community Development Director

Meeting Date: September 6, 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 City Council 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

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.

alert an applicant to potential problems with the proposal. This feedback can then be 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.

Planning Commission Meeting: The Applicants' request was presented to the Planning Commission at their August 28, 2023 meeting. Below is a recap of what was discussed at that meeting, as found in the DRAFT minutes:

Senior Planner Nick Olson provided an overview. Highlights included:

- David Lau on behalf of Woodland Cove LLC has submitted an application for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove PUD.
- Woodland Cove is a 1,071 unit, 490 acre mixed use development and a total of 11 phases have been approved. Roughly 616 homes have received a permit or have been completed.
- The applicant submitted a concept for Outlot C that includes a space for three separate businesses and is seeking feedback from the Planning Commission and City Council for a future site plan submittal.

Applicant David Lau, 2640 Setter Cir, Mound, provided an overview of the concept plan.

Lau stated that the commercial development in the Woodland Cove area is very limited, and they drafted the proposed concept plan which would address dining, retail, and leisure needs of the community.

Sandholm questioned if there will be any outdoor seating. Lau clarified that most of the outdoor seating will be in front of the property.

The Commission and applicant discussed the traffic and parking implications of this proposed development in regards to the Mackenthun's development and residential traffic.

Shannon Lau and Kaylie Lau, 4268 Cottage Wood Ct, stated they foresee their bakery business being one of the commercial tenants proposed.

The Commission and staff discussed storm sewer for the development. Olson commented that storm sewer requirements will be included in the design phase.

The consensus of the Commission was that this is a viable plan.

Recommended Action: Since a concept plan does not require any formal action from the City, the City Council 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 City Council should work to develop a consensus amongst themselves.

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.

Attachments:

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




Mission Statement:

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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.

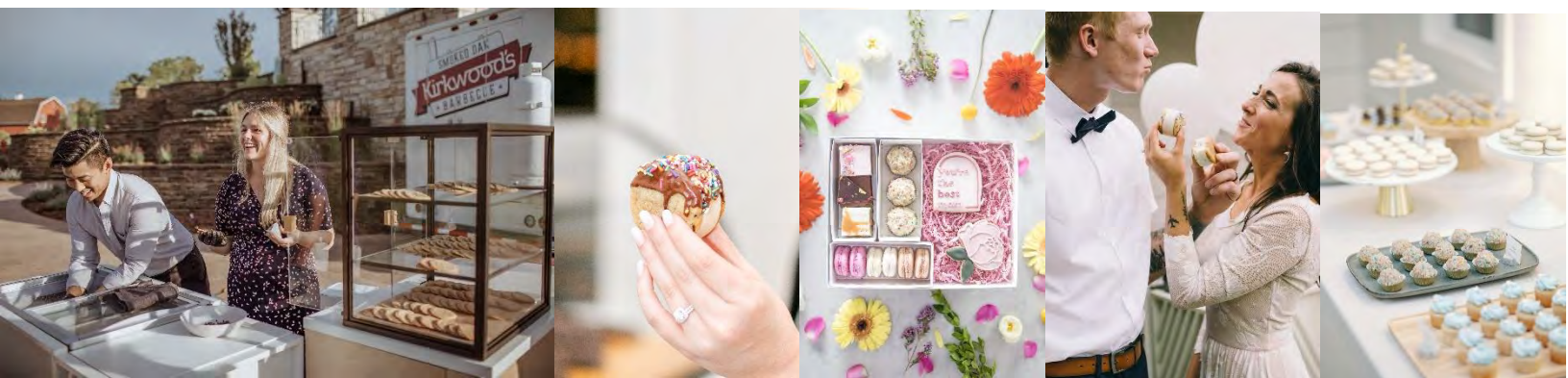
We've grown our own baking business from farmers markets to catering 60+ private events and sold out pop-up sales a year along with features on Good Morning America and Twin Cities Live. Up until now we've done this entirely out of similar kitchens that are only available closer to Minneapolis. We see 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.

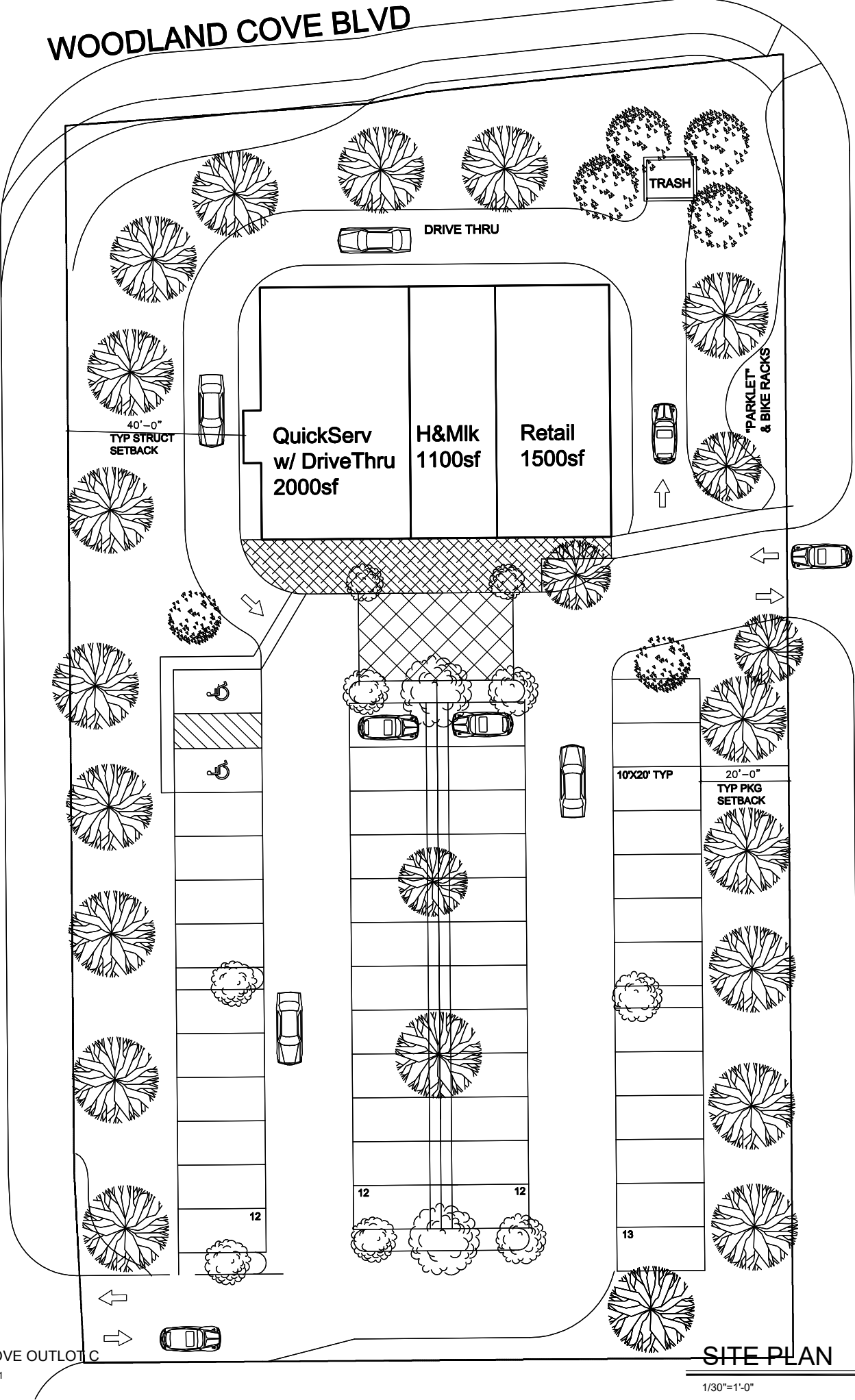
- [Good Morning America link](#)
- [Twin Cities Live link](#)
- [Google Business page & reviews](#)
- Instagram: [@honeyandmilkmn](#)
- Website: honeyandmilkmn.com



WOODLAND COVE BLVD

KINGS POINT RD

ASTER LN



WOODLAND COVE OUTLOT C

DAVID LAU 626.441.0411
6.22.23

SITE PLAN

1/30"=1'-0"





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



CITY COUNCIL AGENDA ITEM 6C

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

Prepared By: Nickolas Olson, Senior City Planner
Through: David Abel, Community Development Director

Meeting Date: September 6, 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, it 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 with the Applicant. The Applicant has put together the necessary documents attached hereto for the City Council 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 property. 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 purposes and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the

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MN415-1-899075.v2

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 Applicant is proposing a new single family dwelling. They have taken into consideration the street side and lakeshore setbacks of the nearby homes in order to assimilate the new home 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 the City's ordinances. 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.

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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 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 in advance of the public hearing before the Planning Commission. To date, staff has received a total of 7 written comments. Those comments have been attached for City Council review.

Planning Commission Recommendation: The Applicant's request was presented to the Planning Commission at their August 28, 2023 meeting. At that meeting, the Planning Commission reviewed the staff report and supporting documents, read additional written comments, and heard testimony at the public hearing. After review, the Planning Commission made a motion to recommend the City Council deny the requested variances. That motion passed 5-1. Opposed: Rognli. A full recap, including the details of the motion, can be found in the attached DRAFT Planning Commission meeting minutes.

Conclusion: In the staff report that went to the Planning Commission on August 28, 2023, staff recommended approval of the variance requests. Since the staff report was distributed, there were additional written comments received from neighboring property owners and testimony heard during the public hearing. After the Planning Commission reviewed the staff report, the additional written comments, and heard the testimony at the public hearing, they made a motion to recommend the City Council deny the requested

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variances. Based on what has transpired, the City Council has three options: Approve the variance requests, as presented; Deny the variance requests, as presented; or Approve one or more of the variance requests and deny one or more of the variance requests.

Recommended Action: As outlined above, the City Council has three options. City staff is asking the City Council to discuss the variance requests, including the testimony at the public hearing and the discussion from the Planning Commission, and provide direction as to which option they would like to see at their September 18, 2023 meeting.

Attachments:

1. Location Map
2. DRAFT Planning Commission Meeting Minutes from August 28, 2023
3. Applicant's Narrative
4. Proposed Survey
5. Proposed Plans
6. Neighborhood Comments


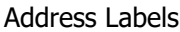

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3790 Enchanted Lane



1 in = 50 Ft

-  City Boundary
-  Address Labels
-  Parcels





PLANNING COMMISSION MEETING AGENDA

August 28, 2023

7:00pm

1) Call to Order

Chair Sandholm called the meeting to order at 7:02p.m.

In attendance: Commissioners: Chair Lora Sandholm, Michael Kirkwood, Steven Livermore, Damian Young, Tricia Taylor, and Lucas Rognli
Council Liaison: Mayor Lisa Whalen; Staff: Senior City Planner, Nickolas Olson
Absent: Zak Gangestad, Sarah Hussain and Heather Charles.

a) Approval of Agenda

Sandholm requested to move item 3E to item 3A. Sandholm also stated that the public hearing for item 3F will be opened and continue until the next meeting.

Motion by Young, seconded by Taylor to approve agenda with proposed changes.
Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

b) Approval of Minutes – June 26, 2023

Motion by Young, seconded by Taylor, to approve the June 26, 2023 minutes as presented.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

2) Business Items

a) Concept/Sketch Plan: 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.

Senior Planner Nick Olson provided an overview. Highlights included:

- David Lau on behalf of Woodland Cove LLC has submitted an application for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove PUD.
- Woodland Cove is a 1,071 unit, 490 acre mixed use development and a total of 11 phases have been approved. Roughly 616 homes have received a permit or have been completed.
- The applicant submitted a concept for Outlot C that includes a space for three separate businesses and is seeking feedback from the Planning Commission and City Council for a future site plan submittal.

Applicant David Lau, 2640 Setter Cir, Mound, provided an overview of the concept plan.

Lau stated that the commercial development in the Woodland Cove area is very limited, and they drafted the proposed concept plan which would address dining, retail, and leisure needs of the community.

Sandholm questioned if there will be any outdoor seating. Lau clarified that most of the outdoor seating will be in front of the property.

The Commission and applicant discussed the traffic and parking implications of this proposed development in regards to the Mackenthun's development and residential traffic.

Shannon Lau and Kaylie Lau, 4268 Cottage Wood Ct, stated they foresee their bakery business being one of the commercial tenants proposed.

The Commission and staff discussed storm sewer for the development. Olson commented that storm sewer requirements will be included in the design phase.

The consensus of the Commission was that this is a viable plan.

3) Public Hearings

a) 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.

Senior Planner Nick Olson provided an overview. Highlights include:

- Crystal Brummer has submitted an application for a conditional use permit for an accessory building over 1,000 square feet at 905 Maple Crest Drive.
- The Commission is being asked to consider the effect of the proposed use based upon health, safety, and general welfare of the City.
- City Staff did receive a couple of phone calls from residents. Most calls were general inquiries. No written comments were received.

Sandholm opened the public hearing at 7:26 p.m.

No one wished to speak.

Sandholm closed the public hearing at 7:26 p.m.

Motion by Rognli seconded by Young to recommend approval the Conditional Use Permit at 905 Maple Crest Drive subject to the conditions as presented.

Motion passed 6-0

Absent: Hussain, Charles, and Gangestad (Alternate 1).

b) 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.

Senior Planner Nick Olson provided an overview. Highlights include:

- Sharon Pelletier-Thaler submitted an application for a lakeshore setback variance for a porch addition on property located at 3316 Williams Lane.
- Applicant is currently remodeling existing family home and wish to enhance the portion of the home that faces the lake.
- The existing home is non-conforming with respect to the lakeshore setback and also the property exceeds the maximum allowed lot coverage. The current lot hard cover is 34%.
- Applicant owns the adjacent property to the west which will help mitigate the hard cover concern but does not address the lakeshore setback.
- The proposed addition minimizes the extent of the request and does not extend closer to the lake than the existing structure.

The Commission was in consensus that the applicant must comply with the maximum allowed hardcover of 25%.

Sandholm opened the public hearing at 7:33 p.m.

Vera Thorpe, 3300 Williams Lane, did not see concerns regarding this application.

Gary Pettis 6200 CR 26, had concerns about implications of moving the lot lines.

Sandholm closed the public hearing at 7:35 p.m.

Young stated an option would be to construct a different type of driveway. Olson stated that he has spoken to the applicant about their options to reduce their hardcover.

Motion by Livermore, seconded by Young to recommend approval of the lakeshore setback variance application at 3316 Williams Lane subject to conditions as presented.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

c) 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.

Senior Planner Nick Olson provided an overview. Highlights included:

- Tyler and Amanda Homer submitted an application for a conditional use permit to keep existing dwelling as a guest house at 400 North Branch Road.
- There is an existing structure on the property and the applicant is proposing a conversion of the existing home to a guest home, however it is over the 1,000 sq. ft.
- The city may grant CUPs and may impose conditions and safeguards to protect health, safety and welfare of the community and assure harmony with the comprehensive plan of the city.
- Staff sent out notices to the surrounding property owners. A written comment was received and has been sent to the Commission to consider.

The size of the existing structure was discussed.

Tyler Holmer, 400 North Branch Road, and Joe Vos, 48227 HWY 19, Fairfax, stated they did not speak to the neighbors that submitted written comment. The Commission advised that the applicant speak to their neighbors to mitigate any concerns.

Sandholm opened the public hearing at 7:43 p.m.

No one wished to speak.

Sandholm closed the public hearing at 7:43 p.m.

There was discussion about screening.

Motion by Taylor seconded by Kirkwood to recommend approval of conditional use permit to keep the existing dwelling as a guest home over 1,000 sq. ft. and variance request at 400 North Branch Road based on the certain findings of fact and subject to the conditions outlined in the staff report.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

d) 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.

Senior Planner Nick Olson provided an overview. Highlights included:

- Nathan Fair has submitted a request for a lakeshore setback variance, a street side variance, and a side yard setback variance at 3790 Enchanted Lane.
- The property was previously a single family dwelling and a detached garage. The structures did not comply with the current code requirements for setbacks and were torn down by the current owners. The lot was marketed for sale and the property is now vacant.
- There were many comments submitted from the neighborhood which were distributed to the Commission.

Sandholm questioned how the applicant is meeting hardcover. Olson responded Enchanted Lane should be omitted from the hardcover calculation. Staff has done this with other properties on Enchanted Lane. The applicant is bound to the 25% of the remaining area for hardcover, and they have demonstrated compliance with this requirement.

Olson clarified that the property would be city sewer and private wells.

Applicant Nathan Fair, 13432 Hanson Blvd, Andover, stated that he and his wife are excited to build a summer home in Minnetrista. He provided the clarifications below:

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- There has been much design work that has gone into the request.
- Fair reached out to his two closest neighbors to address any concerns.
- Fair stated that surrounding homes may encroach on his property.
- The current owner has two PIDs, two wells of record, and two cabins that were on the property.
- Fair wished to note that the proposed cabins are no closer to the lake than existing cabins.
- Fair's proposed timeline would be to start building this fall.

Sandholm opened the public hearing at 7:56 p.m.

Steve Shoop, 3780 Enchanted Lane, has concerns about the side yard setbacks in regards to proving hardship to be granted a variance.

Nancy Rigelhoff, 3780 Enchanted Lane, has concerns about the side yard setbacks. She has concerns about the accuracy of the survey provided and the comparison to similar homes. She also has concerns regarding flooding in the neighborhood.

Tom Scherber, 3810 Enchanted Lane, stated he built his home five years ago and had to comply with the setbacks at that time. He has concerns about the size of the home in comparison to the size of the lot.

Bruce Philipson, 3740 Enchanted Lane, is not within 500 feet of the property so did not receive notice. His main concern is with the side yard setback. He believes the applicants are overbuilding the lot and has concerns about parking on the road.

Bruce Hauglid, 3770 Enchanted Lane, has concerns about fire risk in regards to the close proximity of the surrounding homes.

Bruce Olson, 3980 Enchanted Lane, has lived in the community for 50 years. Olson has concerns about the precedent that the approval of these variances would set in regards to future development. He also has concerns about the property value implications.

Prateek Sahgal, 3944 Enchanted Lane, wished to echo the sentiments of the comments before him.

Michelle Krenn, 3830 Enchanted Lane, wished to agree with the other comments that one home on this property is preferred.

Applicant Nathan Fair, 13432 Hanson Blvd, Andover, wanted to clarify that there are two properties they are interested in purchasing. The applicant thought it made sense to submit one application for both properties as to mitigate disturbance to the neighborhood during construction.

Fair stated there was a certified professional survey completed on the project and submitted with the application. Fair address the parking concerns as there is a garage and spaces in the driveway. Fair stated that his grading plat is reviewed by the city

engineer and must meet requirements to avoid flooding in the neighborhood. Fair wished to reiterate that there are two PIDs to be considered with this approval.

Sandholm closed the public hearing at 8:13 p.m.

Sandholm stated she does not have an issue with the variance to the lake. Kirkwood agreed and has a preference that there is only one home between the two lots.

It was the consensus of the Commission that the side yard setbacks are the largest concern.

There was discussion on the Enchanted Road Development in comparison to the Woodland Cove Development in regards to setbacks. Whalen clarified the differences between the PUD in Woodland Cove and the current neighborhood.

There was discussion on the nature of the Commission concerns, the challenges presented in this application, review the variance criteria, and what to state as findings of fact.

Motion by Kirkwood seconded by Young to recommend denial of lakeshore, street side, and side yard setback variance requests at 3790 Enchanted Lane based on the below findings of fact as discussed:

1. The variance is not in harmony with the general purpose and intent of the ordinance.
2. The variance would alter the essential character of the locality the resulting structure is too large compared to others in the neighborhood and the side yard setbacks are too dissimilar to the rest of the neighborhood.

Motion passed 5-1. Rognli Opposed.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

e) 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.

Senior Planner Nick Olson provided an overview. Highlights include:

- Nathan Fair submitted a request for a lakeshore setback variance, a street side setback variance, and a side yard setback variance at home located on 3800 Enchanted Lane in relation to the application discussed in item 3d.
- The property previously contained a single family dwelling and detached garage. The structures did not comply with the current city code for setbacks and were torn down by the current owners. The lot is now marketed for sale and the property is currently vacant.
- Because the situation is similar to the previous item, the Commission requested that only new public comments or concerns be provided.

Sandholm opened the public hearing at 8:48p.m.

Bruce Hauglid, 3770 Enchanted Lane, stated that he believes the two lots combined is fit for one house.

Nathan Fair, 13432 Hanson Blvd, Andover, clarified that this lot is different than the previous lot discussed. The trust which owns the properties desires to sell the two separate properties.

Sandholm closed the public hearing at 8:50 p.m.

There was discussion on the difference between the two lots.

Taylor asked the applicant if he intends to purchase both properties. Fair stated he wishes to buy both properties, and they are for sale separately.

Motion by Kirkwood seconded by Taylor to recommend denial of lakeshore, street side, and side yard setback variance requests at 3800 Enchanted Lane based on the below findings of fact as discussed:

1. The variance is not in harmony with the general purpose and intent of the ordinance.
2. The variance would alter the essential character of the locality because the resulting structure is too large compared to others in the neighborhood and the side yard setbacks are too dissimilar to the rest of the neighborhood.

Motion passed 4-2. Livermore and Rognli Opposed.

Absent: Hussain, Charles, and Gangestad (Alternate 1)

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.

Senior Planner Nick Olson provided an overview. Highlights included:

- Applicant Frank Weigel and Ester Nazarov submitted an application to extend an interim use permit at 6480 County Road 26 and 6530 County Road 26.
- The previous owners amended the original Conditional Use Permit to allow for the operations known today as Minnetonka Orchards to allow agricultural entertainment activities by Interim Use Permit.
- At the time, the City issued an IDP which was good for 10 years. That IUP has now expired, and the applicants are applying for an extension.

Sandholm opened the public hearing at 8:59 p.m.

Kent Lee 6651 Fox Ridge Circle, Independence, stated they called the Minnetrista Police Department to speak with an officer regarding a noise complaint for an event

at Minnetonka Orchards. There was also an issue of the number of events that occurred per the IUP.

Olson clarified the CUP runs with the land. The IUP runs with the business operations at the property. The applicant has not requested any changes to the original permits.

Gary Pettis, 6200 CR 26, stated he agrees with the noise issues as stated above. He also stated there have been other issues.

The applicants were not present to speak.

Motion made by Livermore, seconded by Kirkwood to continue the public hearing until the next Planning Commission meeting.

Motion passed 6-0

Absent: Hussain, Charles, and Gangestad (Alternate 1)

4) Informational Items

a) Staff Reports

1. Olson updated the Commission on the upcoming planning items for next month's meeting.

b) Council Reports

i) Mayor Whalen

- a. Sworn in Police Officer at the August 21, 2023 meeting.
- b. Vacant city positions update
- c. Road project update
- d. Holiday Tree Lighting Event
- e. Groundbreaking for Doran development and Mackenthun's update
- f. 2024 Budget Update
- g. Water infrastructure update

2) Adjournment

Motion by Young and seconded by Taylor to adjourn the meeting at 9:26 p.m.

Motion passed 6-0. Absent: Hussain, Charles, and Gangestad (Alternate 1).

Respectfully submitted,

Allie Polsfuss

Director of Administration

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

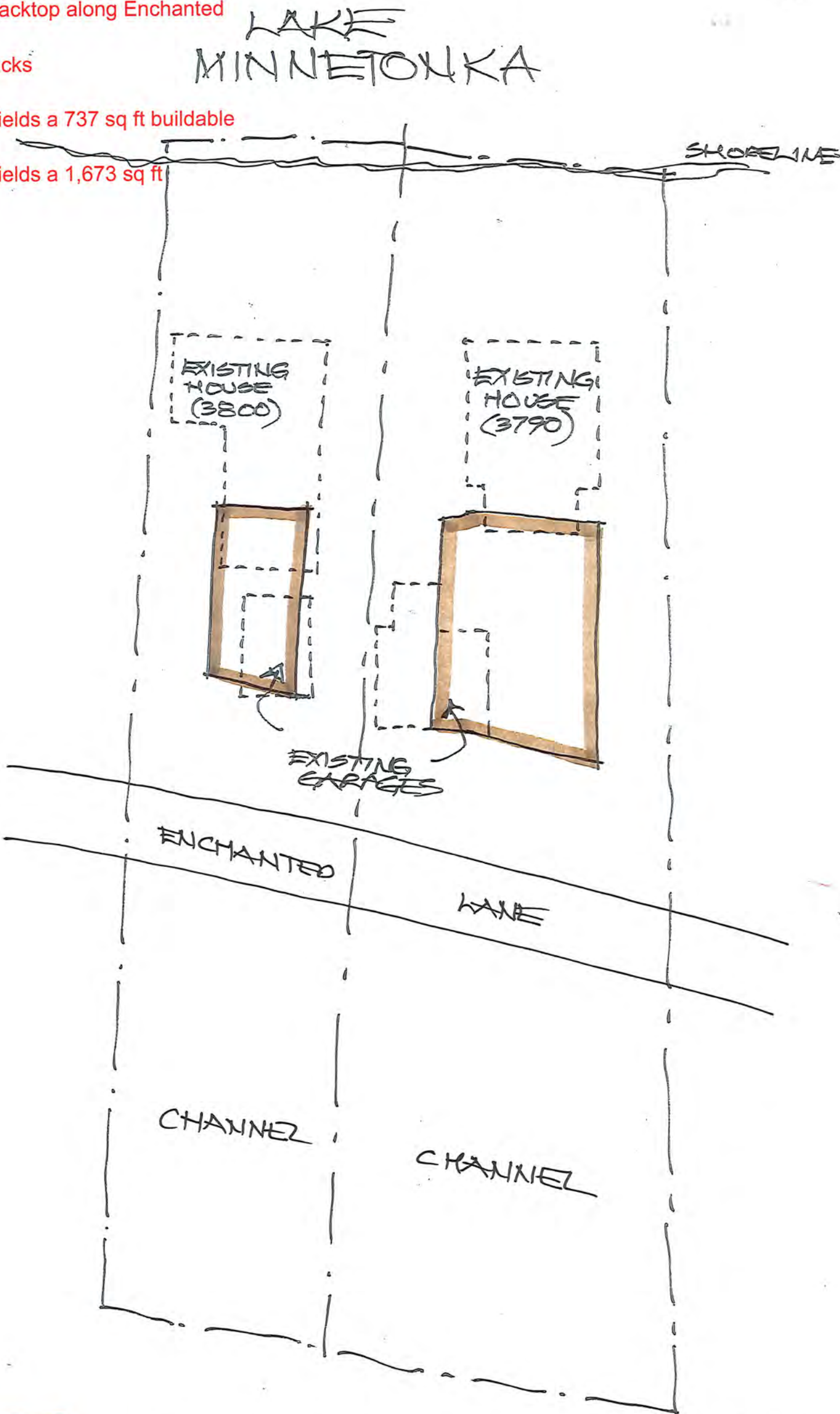
EXHIBIT A

R1 Setbacks

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

Ln
15' side yard setbacks

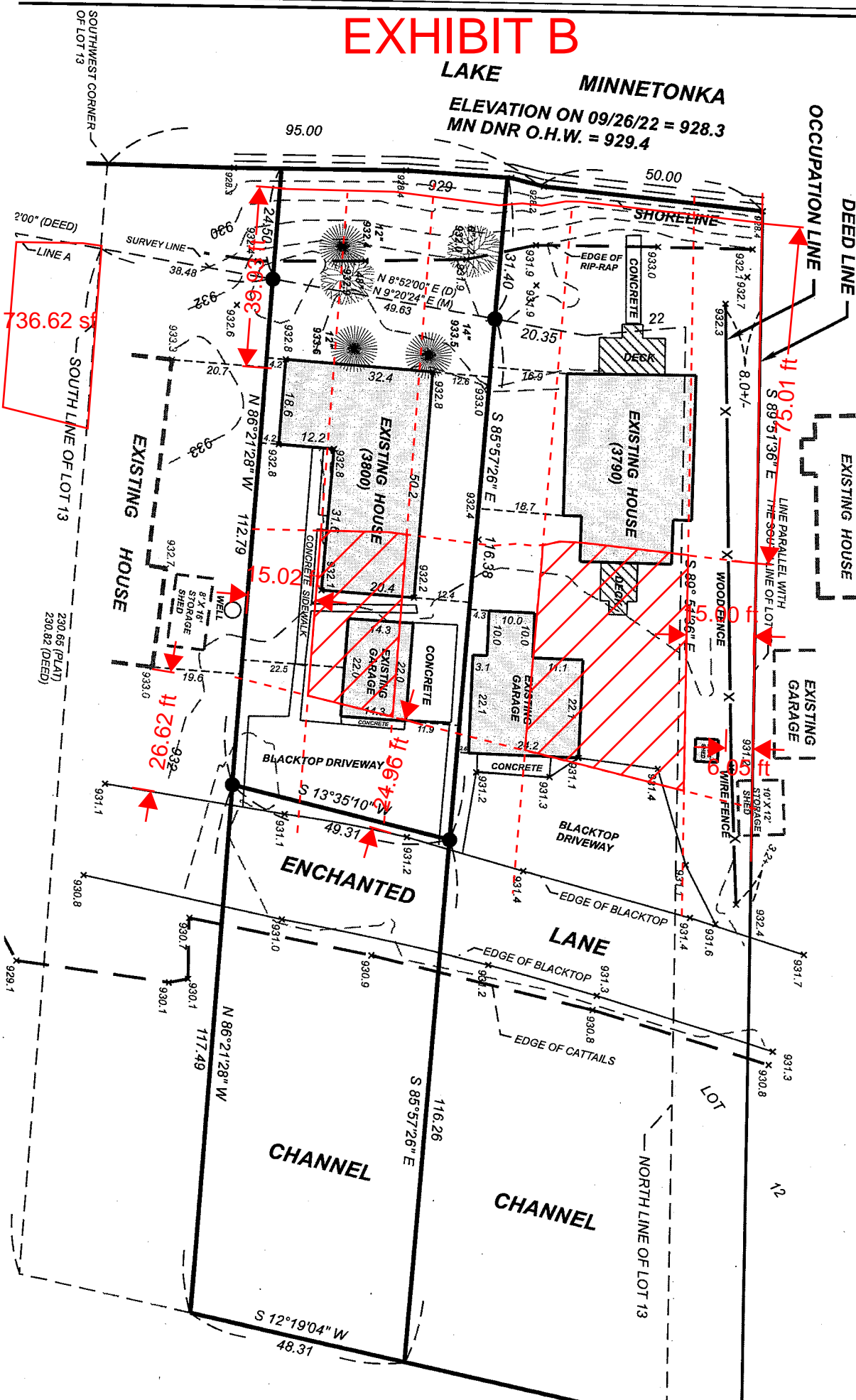
For lot 3800, this yields a 737 sq ft buildable
area
For lot 3790, this yields a 1,673 sq ft
buildable area



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

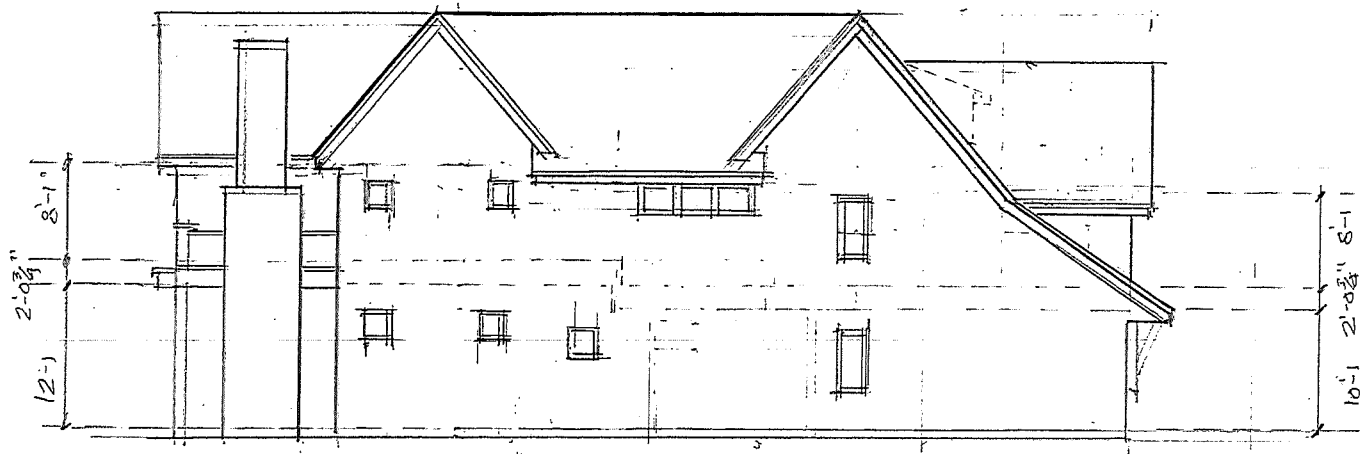
EXHIBIT B

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
 $1/16" = 1'-0"$

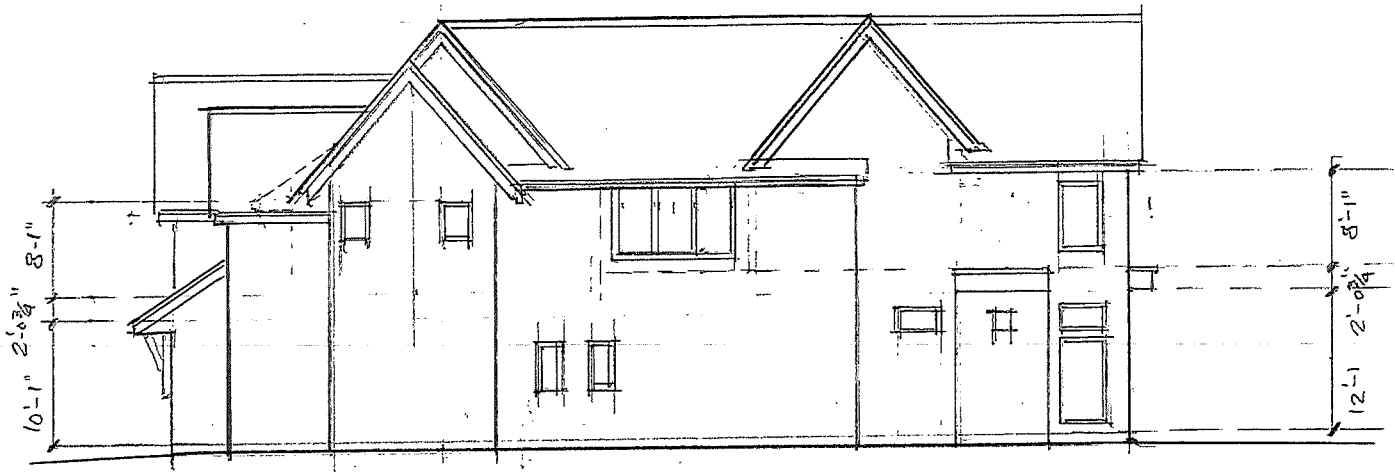


PRELIMINARY EAST/STREET ELEVATION
 $1/8" = 1'-0"$

3790 ENCHANTED LANE
 MINNETRISTA

FAIR RESIDENCE

NRDI



PRELIMINARY NORTH ELEVATION

1/16" = 1'-0"

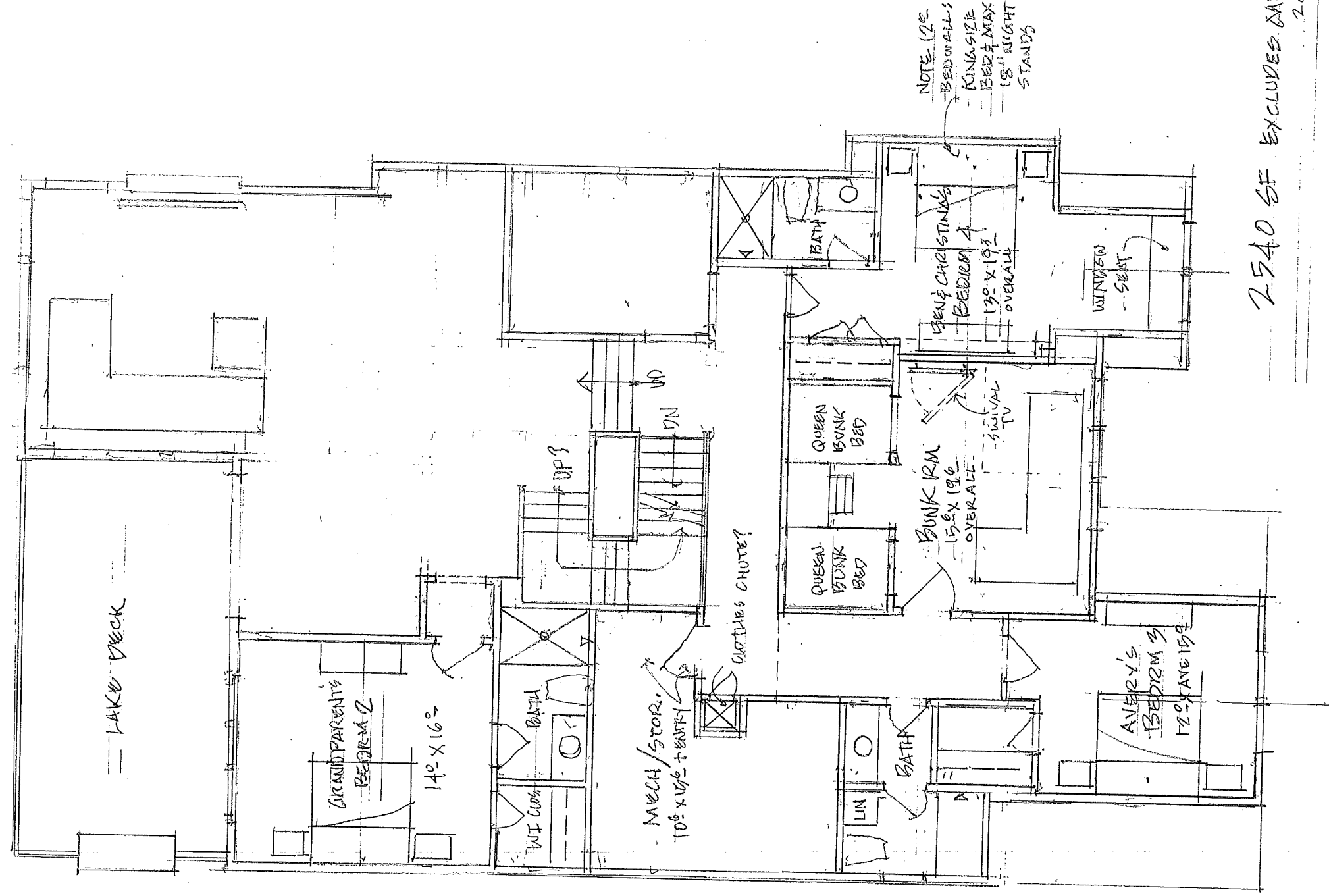


PRELIMINARY WEST/LAKE ELEVATION

1/8" = 1'-0"

3790 ENCHANTED LANE
MINNETRISTA
FAIR RESIDENCE

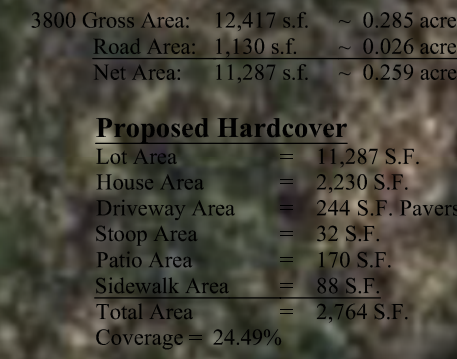
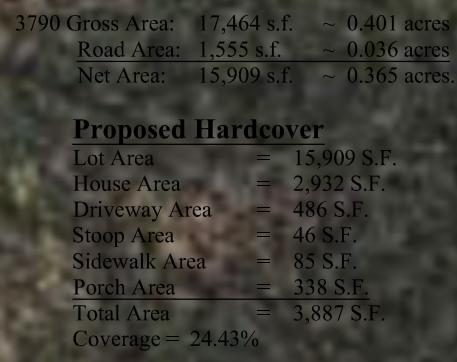
NRDZ



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

3790 ENCHANTED LN,
MINNETRISTA
FAIR RESIDENCE

NRDL



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

<h2 style="margin: 0;">SETBACK VARIANCE EXHIBIT</h2> <p style="margin: 10px 0 0 40px;">PREPARED FOR:</p> <p style="margin: 0 0 0 40px;">LANDMARK</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> FILE NO. 49368-074 </div> <div style="border: 1px solid black; padding: 10px; text-align: center; font-size: 2em;"> 1 / 1 </div>
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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 100.48 feet westerly from the southeasterly corner of said Lot 15; thence southerly 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 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 100.48 feet to the point of beginning of said "Line A"; thence South 87 degrees 58 minutes 30 seconds East to the easterly line of said Lot 13, 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.

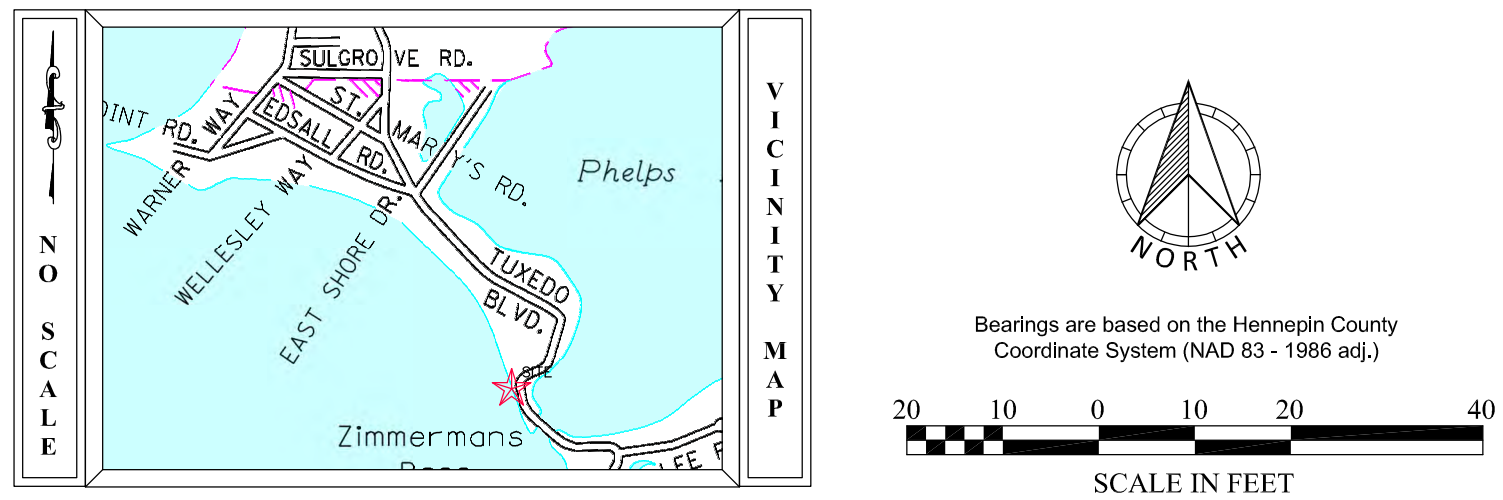
- 1) **Site Address:** 3790 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430003
3800 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430005
- 2) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise 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:**

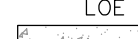

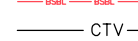
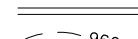
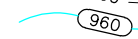
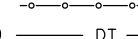

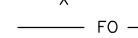
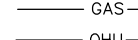

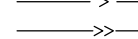
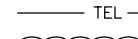
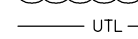
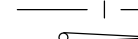
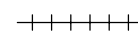
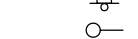










3790 Gross Area:	17,464 s.f.	~ 0.401 acres	3800 Gross Area:	12,417 s.f.	~ 0.285 acres
R/W Area:	1,555 s.f.	~ 0.036 acres	R/W Area:	1,130 s.f.	~ 0.026 acres
Net Area:	6,212 s.f.	~ 0.143 acres	Net Area:	4,177 s.f.	~ 0.096 acres
Net Area:	9,697 s.f.	~ 0.223 acres.	Net Area:	7,110 s.f.	~ 0.163 acres.

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

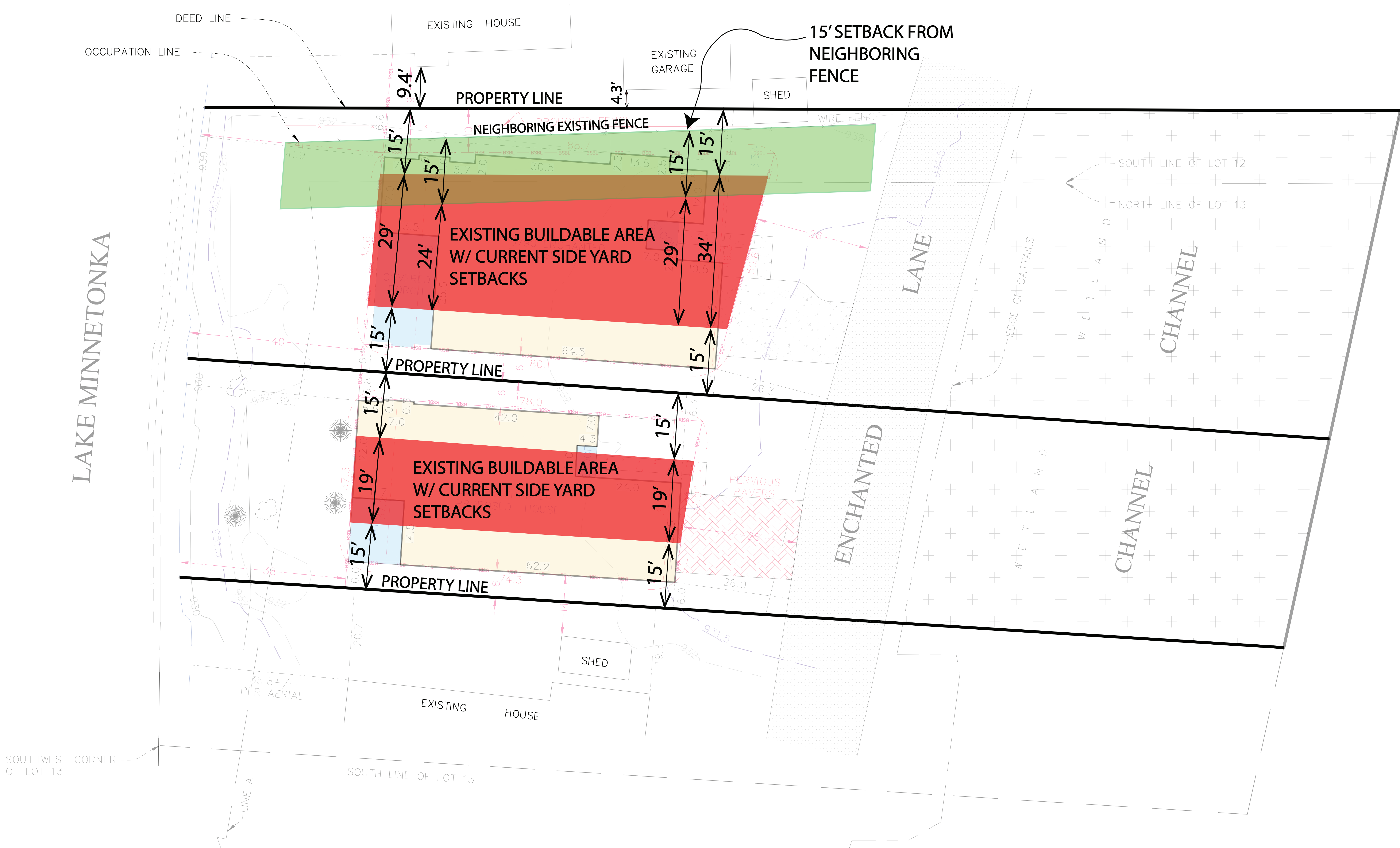
7) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be 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.



○	CAST IRON MONUMENT	⊙	PIEZOMETER	WFE	WALKOUT ELEVATION
○	IRON PIPE MONUMENT SET	●	POWER POLE	FFF	FIRST FLOOR ELEVATION
●	IRON PIPE MONUMENT FOUND	⌋	GUY WIRE	GFE	GARAGE FLOOR ELEVATION
⊙	DRILL HOLE FOUND	⌋	ROOF DRAIN	TOF	TOP OF FOUNDATION ELEV.
⊗	CHISELED "X" MONUMENT SET	⌋	LIFT STATION	LOE	LOWEST OPENING ELEV.
⊗	CHISELED "X" MONUMENT FOUND	⌋	SANITARY MANHOLE		
⊗	REBAR MONUMENT FOUND	⌋	SANITARY CLEANOUP		CONCRETE
△	PK NAIL MONUMENT SET	⌋	STORM MANHOLE		BITUMINOUS
△	PK NAIL MONUMENT FOUND	⌋	STORM DRAIN		CABLE TV
○	PK NAIL W/ ALUMINUM DISC	⌋	CATCH BASIN		CONCRETE CURB
○	SURVEY CONTROL POINT	⌋	FLARED END SECTION		CONTOUR EXISTING
A	A/C UNIT	⌋	TREE CONFEROUS		CONTOUR PROPOSED
⊙	CABLE TV PEDESTAL	⌋	TREE DECIDUOUS		CURB RAIL
⊙	ELECTRIC TRANSFORMER	⌋	CABLED TV		DRAIN TILE
⊙	ELECTRIC MANHOLE	⌋	TREE DECIDUOUS REMOVED		ELECTRIC UNDERGROUND
⊙	ELECTRIC METER	⌋	TELEPHONE MANHOLE		FENCE
⊙	ELECTRIC OUTLET	⌋	TELEPHONE PEDESTAL		FIBER OPTIC UNDERGROUND
⊙	YARD LIGHT	⌋	UTILITY MANHOLE		GAS UNDERGROUND
⊙	LIGHT POLE	⌋	UTILITY PEDESTAL		OVERHEAD UTILITY
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⊙	FUEL PUMP	⌋	WATER SPOUT		TELEPHONE UNDERGROUND
⊙	FUEL TANK	⌋	WELL		RETAINING WALL
⊙	PROPANE TANK	⌋	MONITORING WELL		UTILITY UNDERGROUND
⊙	GAS METER	⌋	CURB STOP		WATERMAIN
⊙	GAS VALVE	⌋	GATE VALVE		TRAFFIC SIGNAL
⊙	GAS MANHOLE	⌋	HYDRANT		RAILROAD TRACKS
⊙	GENERATOR	⌋	IRRIGATION VALVE		RAILROAD SIGNAL
⊙	GUARD POST	⌋	POST INDICATOR VALVE		RAILROAD SWITCH
⊙	HAND HOLE	⌋	SIGN		SATELLITE DISH
⊙	MAIL BOX	⌋	SOIL BORING		WETLAND BUFFER SIGN

[illegible]

EXISTING SITE WITH CURRENT SIDE SETBACK IMPACTS



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: [Emily Martinson](#)
To: [Nickolas Olson](#)
Subject: 3800,3790 property
Date: Monday, August 28, 2023 4:52:24 PM

Hi Nick

I speak for the Martinson household at 5255 Edsall Rd- our concern is the idea of two larger houses on the properties would not fit in at all. It would look out of place with the area. The houses that are larger are on double lots, able to fit in - not 2 large houses on small lots . If you want larger houses look at another area.

Thank you

Bruce & Nancy Martinson

Sent from my iPhone

From: [Aol Mail ©](#)
To: [Nickolas Olson](#)
Subject: Easment discussion Enchanted Lane
Date: Monday, August 28, 2023 4:00:07 PM

Dear Nick,

We are at 3970 Enchanted Lane. We do not support any change to the 15 foot rule we are all under regarding proximity to property lines. We are unable to attend the meeting tonight but vote with Steve and Nancy.

Les and Judy Heinen

From: [Bruce Hauglid](#)
To: [Nickolas Olson](#)
Cc: [Lisa Whalen](#)
Subject: Enchanted Lane Variance Application from Nathan Fair on behalf of Harriet A. Ellis Trust
Date: Monday, August 28, 2023 1:48:06 PM

Re: Variance application for the following property ID's
PID# 25-117-24-43-0003
PID# 25-117-24-43-0005

From: Hauglid/Vogel
3770 Enchanted Lane

We strongly oppose the current adjoining property boundary setback of 15' being reduced to the setbacks specified in the public hearing notices (6' and 6.3', 6' and 10').

Fire safety will be compromised. The recent tragedy on the Island of Maui is a painful reminder of the devastation of fire.

A number of years ago there was a fire at 3944 Enchanted Lane. Fire departments from several surrounding communities were required to mitigate the fire and the home was still a total loss. If there had been six foot setbacks with the adjoining neighbors and huge winds that day, the potential would have existed for even greater property losses.

We are a strong NO on reducing the current 15' property line setbacks.

Kind regards,
Bruce Hauglid
Alyce Vogel

From: [John Barlow](#)
To: [Nickolas Olson](#)
Cc: [Kathy Barlow](#)
Subject: Re: 3800 Enchantd Lane planing info
Date: Monday, August 28, 2023 8:59:36 AM

Nickolas

We are writing about both the properties at 3790 and 3800 Enchanted Lane. My arguments for denying the variances are the same. Yes, there were two cabins on these properties that where there for years and not within variances. However, the square footage and occupancy of these cabins were a fraction of what is being proposed. The new homes will double the density in an already tight spot that is far beyond the setback requirements. Therefore, we must oppose these multiple variances.

Thank you,
John & Kathy Barlow
3946 Enchanted Lane
Minnetrista MN 55364
612-759-7161

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From: Nickolas Olson <NOlson@ci.minnetrista.mn.us>
Sent: Monday, August 21, 2023 9:39:41 AM
To: John Barlow <jbarlow@barlowresearch.com>
Subject: RE: 3800 Enchantd Lane planing info

Hello John,

Attached are the 2 proposed surveys, 1 for 3790 Enchanted and 1 for 3800 Enchanted. I have also attached the main level floor plans for each home. The Applicant is working on finalizing the second level plans and I should have those by middle next week to send. I understand there will not be basements on either proposed home.

Thanks

Nickolas Olson

Senior City Planner | City of Minnetrista
7701 County Road 110W | Minnetrista, MN 55364
Phone: 952.446.1660 | Direct: 952.241.2524
E-Mail: nolson@ci.minnetrista.mn.us
Website: www.cityofminnetrista.com

From: John Barlow [mailto:jbarlow@barlowresearch.com]
Sent: Monday, August 21, 2023 9:01 AM
To: Nickolas Olson <NOlson@ci.minnetrista.mn.us>
Subject: 3800 Enchantd Lane planing info

Nick

Please email me the information for the planned variance at 3800 Enchanted Lane.

Thanks

John Barlow

3946 Enchanted Lane

Mound MN 55364

612-75-7161

August 19, 2023

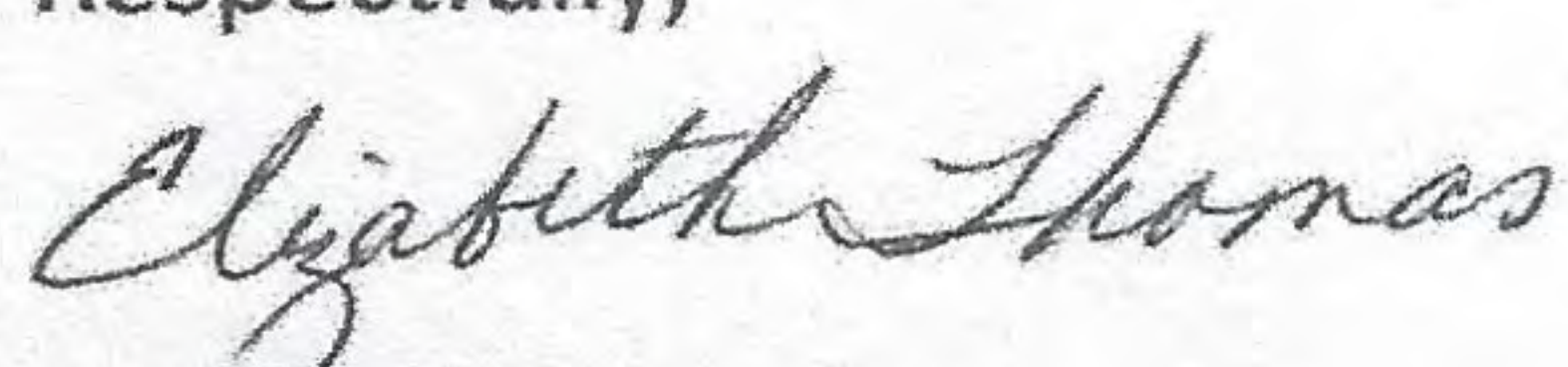
My name is Elizabeth Thomas, and I own the property at 3840 Enchanted Lane, I have spent my summers there since 1964 when my mother-in-law purchased the property. Since my husband passed away in 2019, I am now the sole owner of this property.

As I am having total knee replacement on August 21, 2023, I will be unable to attend the Planning Commission Meeting on August 28, 2023. I do, however, want to have my concerns heard.

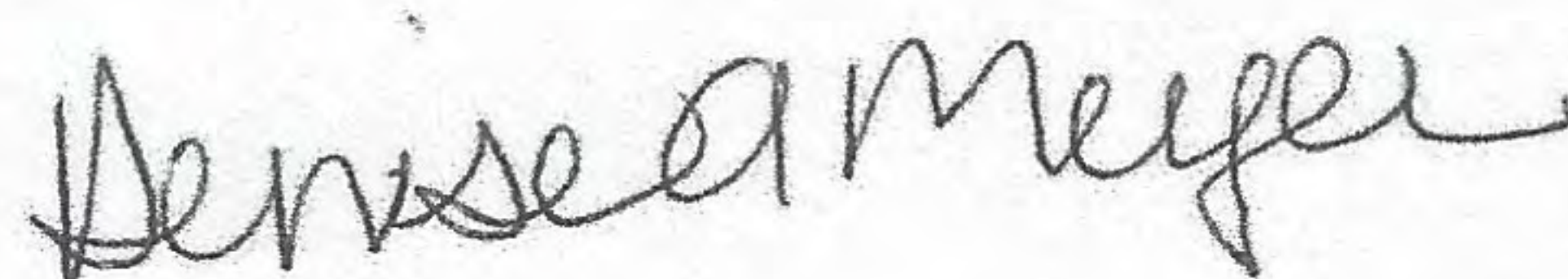
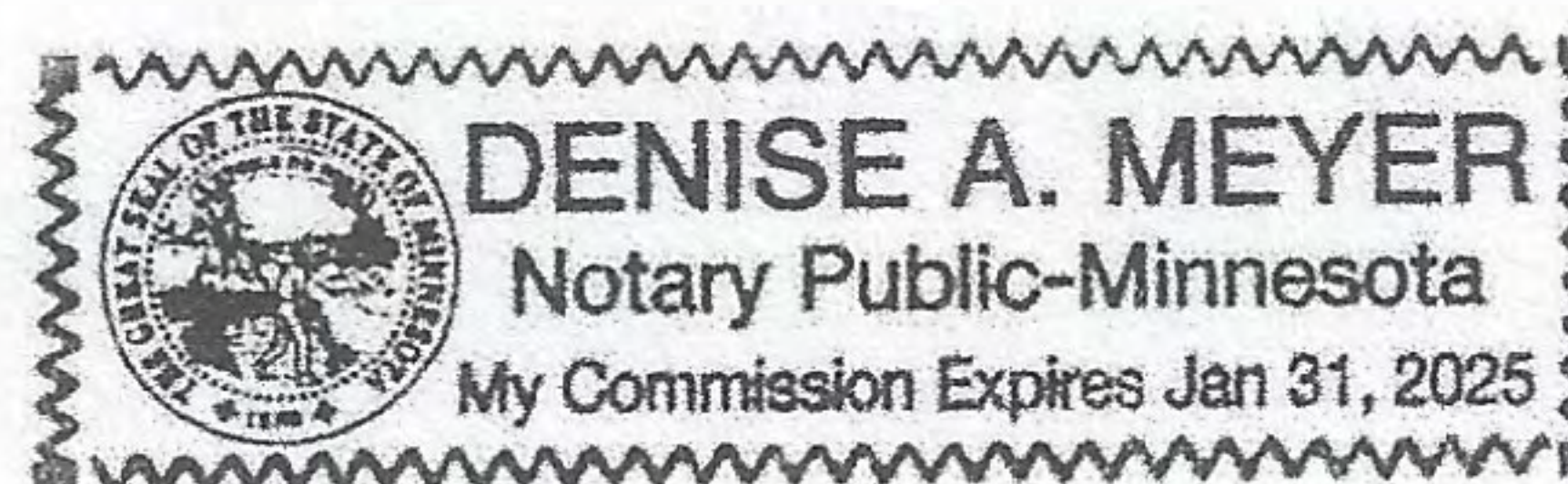
Based on 2 letters you sent me, dated August 14, 2023, I understand Nathan Fair on behalf of Harriet A. Trust has applied for lakeshore setback variances and street setback variances as well as side yard setback variances allowing the now one property to be divided into two properties 3790 and 3800 Enchanted Lane. I do not have a problem with the Lakeshore and Street setback variances as requested as that has been pretty standard with the properties on that stretch of Enchanted Lane on Enchanted Island. However, I think the changing of the 15 foot setback side yard variance to 6 foot 3 and 6 foot 10 is a big ask. They are basically asking to have total side yard space smaller than what would normally be on just one side of the homes.

Many years ago when my husband and I looked into the 15 foot set back, we were told getting even a small variance was not possible. This has impacted the way properties along Enchanted Lane, in Minnetrista, have been developed, not allowing new homes to be crammed side by side. Allowing the change in the side setbacks, will set a precedence for very dense housing on the island in the future. Because the lots will be small to begin with, allowing the reduced side setbacks will make future builds look crammed and crowded, leaving very little space for play or entertaining without impacting their neighbors. When people have purchased property on the island and planned their builds, they have done so, knowing they have to have 15 feet of green space on both sides of their property, affording them some privacy, both theirs and their neighbors, and not feeling like their neighbors are on top of them.

Respectfully,



Elizabeth Thomas
612-209-0461



From: [Pat Scherber](#)
To: [Nickolas Olson](#)
Subject: variance application for 3790 and 3800 Enchanted Lane
Date: Monday, August 28, 2023 10:32:27 AM

We live next to the above lots mentioned.

We strongly opposed making the side setbacks only 6 feet. We built our home in 2017 and it was a required 15 feet side set back and that is what it should be required. Please take a second look at the property and ask yourself -if this house plan fits in the look of Enchanted Island. I think not !

Tom and Pat Scherber

CITY OF MINNETRISTA



CITY COUNCIL AGENDA ITEM 6D

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

Prepared By: Nickolas Olson, Senior City Planner
Through: David Abel, Community Development Director

Meeting Date: September 6, 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, it 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 with the Applicant. The Applicant has put together the necessary documents attached hereto for the City Council to consider. The Applicant also has a purchase agreement to buy the adjacent property at 3790 Enchanted Lane and is seeking similar variances for that property.

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 property. 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 purposes and intent is to protect the general

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MN415-1-899070.v2

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 Applicant is proposing a new single family dwelling. They have taken into consideration the street side and lakeshore setbacks of the nearby homes in order to assimilate the new home 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 the City's ordinances. 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.

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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 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 in advance of the public hearing before the Planning Commission. To date, staff has received a total of 7 written comments. Those comments have been attached for City Council review.

Planning Commission Recommendation: The Applicant's request was presented to the Planning Commission at their August 28, 2023 meeting. At that meeting, the Planning Commission reviewed the staff report and supporting documents, read additional written comments, and heard testimony at the public hearing. After review, the Planning Commission made a motion to recommend the City Council deny the requested variances. That motion passed 4-2. Opposed: Rognli and Livermore. A full recap, including the details of the motion, can be found in the attached DRAFT Planning Commission meeting minutes.

Conclusion: In the staff report that went to the Planning Commission on August 28, 2023, staff recommended approval of the variance requests. Since the staff report was distributed, there were additional written comments received from neighboring property owners and testimony heard during the public hearing. After the Planning Commission reviewed the staff report, the additional written comments, and heard the testimony at the public hearing, they made a motion to recommend the City Council deny the requested

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variances. Based on what has transpired, the City Council has three options: Approve the variance requests, as presented; Deny the variance requests, as presented; or Approve one or more of the variance requests and deny one or more of the variance requests.

Recommended Action: As outlined above, the City Council has three options. City staff is asking the City Council to discuss the variance requests, including the testimony from the public hearing and the discussion from the Planning Commission, and provide direction to City staff as to which option they would like to see at their September 18, 2023 meeting.

Attachments:

1. Location Map
2. DRAFT Planning Commission Meeting Minutes from August 28, 2023
3. Applicant's Narrative
4. Proposed Survey
5. Proposed Plans
6. Neighborhood Comments




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3800 Enchanted Lane



1 in = 50 Ft

-  City Boundary
-  Address Labels
-  Parcels





PLANNING COMMISSION MEETING AGENDA

August 28, 2023

7:00pm

1) Call to Order

Chair Sandholm called the meeting to order at 7:02p.m.

In attendance: Commissioners: Chair Lora Sandholm, Michael Kirkwood, Steven Livermore, Damian Young, Tricia Taylor, and Lucas Rognli
Council Liaison: Mayor Lisa Whalen; Staff: Senior City Planner, Nickolas Olson
Absent: Zak Gangestad, Sarah Hussain and Heather Charles.

a) Approval of Agenda

Sandholm requested to move item 3E to item 3A. Sandholm also stated that the public hearing for item 3F will be opened and continue until the next meeting.

Motion by Young, seconded by Taylor to approve agenda with proposed changes.
Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

b) Approval of Minutes – June 26, 2023

Motion by Young, seconded by Taylor, to approve the June 26, 2023 minutes as presented.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

2) Business Items

a) Concept/Sketch Plan: 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.

Senior Planner Nick Olson provided an overview. Highlights included:

- David Lau on behalf of Woodland Cove LLC has submitted an application for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove PUD.
- Woodland Cove is a 1,071 unit, 490 acre mixed use development and a total of 11 phases have been approved. Roughly 616 homes have received a permit or have been completed.
- The applicant submitted a concept for Outlot C that includes a space for three separate businesses and is seeking feedback from the Planning Commission and City Council for a future site plan submittal.

Applicant David Lau, 2640 Setter Cir, Mound, provided an overview of the concept plan.

Lau stated that the commercial development in the Woodland Cove area is very limited, and they drafted the proposed concept plan which would address dining, retail, and leisure needs of the community.

Sandholm questioned if there will be any outdoor seating. Lau clarified that most of the outdoor seating will be in front of the property.

The Commission and applicant discussed the traffic and parking implications of this proposed development in regards to the Mackenthun's development and residential traffic.

Shannon Lau and Kaylie Lau, 4268 Cottage Wood Ct, stated they foresee their bakery business being one of the commercial tenants proposed.

The Commission and staff discussed storm sewer for the development. Olson commented that storm sewer requirements will be included in the design phase.

The consensus of the Commission was that this is a viable plan.

3) Public Hearings

a) 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.

Senior Planner Nick Olson provided an overview. Highlights include:

- Crystal Brummer has submitted an application for a conditional use permit for an accessory building over 1,000 square feet at 905 Maple Crest Drive.
- The Commission is being asked to consider the effect of the proposed use based upon health, safety, and general welfare of the City.
- City Staff did receive a couple of phone calls from residents. Most calls were general inquiries. No written comments were received.

Sandholm opened the public hearing at 7:26 p.m.

No one wished to speak.

Sandholm closed the public hearing at 7:26 p.m.

Motion by Rognli seconded by Young to recommend approval the Conditional Use Permit at 905 Maple Crest Drive subject to the conditions as presented.

Motion passed 6-0

Absent: Hussain, Charles, and Gangestad (Alternate 1).

b) 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.

Senior Planner Nick Olson provided an overview. Highlights include:

- Sharon Pelletier-Thaler submitted an application for a lakeshore setback variance for a porch addition on property located at 3316 Williams Lane.
- Applicant is currently remodeling existing family home and wish to enhance the portion of the home that faces the lake.
- The existing home is non-conforming with respect to the lakeshore setback and also the property exceeds the maximum allowed lot coverage. The current lot hard cover is 34%.
- Applicant owns the adjacent property to the west which will help mitigate the hard cover concern but does not address the lakeshore setback.
- The proposed addition minimizes the extent of the request and does not extend closer to the lake than the existing structure.

The Commission was in consensus that the applicant must comply with the maximum allowed hardcover of 25%.

Sandholm opened the public hearing at 7:33 p.m.

Vera Thorpe, 3300 Williams Lane, did not see concerns regarding this application.

Gary Pettis 6200 CR 26, had concerns about implications of moving the lot lines.

Sandholm closed the public hearing at 7:35 p.m.

Young stated an option would be to construct a different type of driveway. Olson stated that he has spoken to the applicant about their options to reduce their hardcover.

Motion by Livermore, seconded by Young to recommend approval of the lakeshore setback variance application at 3316 Williams Lane subject to conditions as presented.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

c) 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.

Senior Planner Nick Olson provided an overview. Highlights included:

- Tyler and Amanda Homer submitted an application for a conditional use permit to keep existing dwelling as a guest house at 400 North Branch Road.
- There is an existing structure on the property and the applicant is proposing a conversion of the existing home to a guest home, however it is over the 1,000 sq. ft.
- The city may grant CUPs and may impose conditions and safeguards to protect health, safety and welfare of the community and assure harmony with the comprehensive plan of the city.
- Staff sent out notices to the surrounding property owners. A written comment was received and has been sent to the Commission to consider.

The size of the existing structure was discussed.

Tyler Holmer, 400 North Branch Road, and Joe Vos, 48227 HWY 19, Fairfax, stated they did not speak to the neighbors that submitted written comment. The Commission advised that the applicant speak to their neighbors to mitigate any concerns.

Sandholm opened the public hearing at 7:43 p.m.

No one wished to speak.

Sandholm closed the public hearing at 7:43 p.m.

There was discussion about screening.

Motion by Taylor seconded by Kirkwood to recommend approval of conditional use permit to keep the existing dwelling as a guest home over 1,000 sq. ft. and variance request at 400 North Branch Road based on the certain findings of fact and subject to the conditions outlined in the staff report.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

d) 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.

Senior Planner Nick Olson provided an overview. Highlights included:

- Nathan Fair has submitted a request for a lakeshore setback variance, a street side variance, and a side yard setback variance at 3790 Enchanted Lane.
- The property was previously a single family dwelling and a detached garage. The structures did not comply with the current code requirements for setbacks and were torn down by the current owners. The lot was marketed for sale and the property is now vacant.
- There were many comments submitted from the neighborhood which were distributed to the Commission.

Sandholm questioned how the applicant is meeting hardcover. Olson responded Enchanted Lane should be omitted from the hardcover calculation. Staff has done this with other properties on Enchanted Lane. The applicant is bound to the 25% of the remaining area for hardcover, and they have demonstrated compliance with this requirement.

Olson clarified that the property would be city sewer and private wells.

Applicant Nathan Fair, 13432 Hanson Blvd, Andover, stated that he and his wife are excited to build a summer home in Minnetrista. He provided the clarifications below:

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- There has been much design work that has gone into the request.
- Fair reached out to his two closest neighbors to address any concerns.
- Fair stated that surrounding homes may encroach on his property.
- The current owner has two PIDs, two wells of record, and two cabins that were on the property.
- Fair wished to note that the proposed cabins are no closer to the lake than existing cabins.
- Fair's proposed timeline would be to start building this fall.

Sandholm opened the public hearing at 7:56 p.m.

Steve Shoop, 3780 Enchanted Lane, has concerns about the side yard setbacks in regards to proving hardship to be granted a variance.

Nancy Rigelhoff, 3780 Enchanted Lane, has concerns about the side yard setbacks. She has concerns about the accuracy of the survey provided and the comparison to similar homes. She also has concerns regarding flooding in the neighborhood.

Tom Scherber, 3810 Enchanted Lane, stated he built his home five years ago and had to comply with the setbacks at that time. He has concerns about the size of the home in comparison to the size of the lot.

Bruce Philipson, 3740 Enchanted Lane, is not within 500 feet of the property so did not receive notice. His main concern is with the side yard setback. He believes the applicants are overbuilding the lot and has concerns about parking on the road.

Bruce Hauglid, 3770 Enchanted Lane, has concerns about fire risk in regards to the close proximity of the surrounding homes.

Bruce Olson, 3980 Enchanted Lane, has lived in the community for 50 years. Olson has concerns about the precedent that the approval of these variances would set in regards to future development. He also has concerns about the property value implications.

Prateek Sahgal, 3944 Enchanted Lane, wished to echo the sentiments of the comments before him.

Michelle Krenn, 3830 Enchanted Lane, wished to agree with the other comments that one home on this property is preferred.

Applicant Nathan Fair, 13432 Hanson Blvd, Andover, wanted to clarify that there are two properties they are interested in purchasing. The applicant thought it made sense to submit one application for both properties as to mitigate disturbance to the neighborhood during construction.

Fair stated there was a certified professional survey completed on the project and submitted with the application. Fair address the parking concerns as there is a garage and spaces in the driveway. Fair stated that his grading plat is reviewed by the city

engineer and must meet requirements to avoid flooding in the neighborhood. Fair wished to reiterate that there are two PIDs to be considered with this approval.

Sandholm closed the public hearing at 8:13 p.m.

Sandholm stated she does not have an issue with the variance to the lake. Kirkwood agreed and has a preference that there is only one home between the two lots.

It was the consensus of the Commission that the side yard setbacks are the largest concern.

There was discussion on the Enchanted Road Development in comparison to the Woodland Cove Development in regards to setbacks. Whalen clarified the differences between the PUD in Woodland Cove and the current neighborhood.

There was discussion on the nature of the Commission concerns, the challenges presented in this application, review the variance criteria, and what to state as findings of fact.

Motion by Kirkwood seconded by Young to recommend denial of lakeshore, street side, and side yard setback variance requests at 3790 Enchanted Lane based on the below findings of fact as discussed:

1. The variance is not in harmony with the general purpose and intent of the ordinance.
2. The variance would alter the essential character of the locality the resulting structure is too large compared to others in the neighborhood and the side yard setbacks are too dissimilar to the rest of the neighborhood.

Motion passed 5-1. Rognli Opposed.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

e) 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.

Senior Planner Nick Olson provided an overview. Highlights include:

- Nathan Fair submitted a request for a lakeshore setback variance, a street side setback variance, and a side yard setback variance at home located on 3800 Enchanted Lane in relation to the application discussed in item 3d.
- The property previously contained a single family dwelling and detached garage. The structures did not comply with the current city code for setbacks and were torn down by the current owners. The lot is now marketed for sale and the property is currently vacant.
- Because the situation is similar to the previous item, the Commission requested that only new public comments or concerns be provided.

Sandholm opened the public hearing at 8:48p.m.

Bruce Hauglid, 3770 Enchanted Lane, stated that he believes the two lots combined is fit for one house.

Nathan Fair, 13432 Hanson Blvd, Andover, clarified that this lot is different than the previous lot discussed. The trust which owns the properties desires to sell the two separate properties.

Sandholm closed the public hearing at 8:50 p.m.

There was discussion on the difference between the two lots.

Taylor asked the applicant if he intends to purchase both properties. Fair stated he wishes to buy both properties, and they are for sale separately.

Motion by Kirkwood seconded by Taylor to recommend denial of lakeshore, street side, and side yard setback variance requests at 3800 Enchanted Lane based on the below findings of fact as discussed:

1. The variance is not in harmony with the general purpose and intent of the ordinance.
2. The variance would alter the essential character of the locality because the resulting structure is too large compared to others in the neighborhood and the side yard setbacks are too dissimilar to the rest of the neighborhood.

Motion passed 4-2. Livermore and Rognli Opposed.
Absent: Hussain, Charles, and Gangestad (Alternate 1)

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.

Senior Planner Nick Olson provided an overview. Highlights included:

- Applicant Frank Weigel and Ester Nazarov submitted an application to extend an interim use permit at 6480 County Road 26 and 6530 County Road 26.
- The previous owners amended the original Conditional Use Permit to allow for the operations known today as Minnetonka Orchards to allow agricultural entertainment activities by Interim Use Permit.
- At the time, the City issued an IDP which was good for 10 years. That IUP has now expired, and the applicants are applying for an extension.

Sandholm opened the public hearing at 8:59 p.m.

Kent Lee 6651 Fox Ridge Circle, Independence, stated they called the Minnetrista Police Department to speak with an officer regarding a noise complaint for an event

at Minnetonka Orchards. There was also an issue of the number of events that occurred per the IUP.

Olson clarified the CUP runs with the land. The IUP runs with the business operations at the property. The applicant has not requested any changes to the original permits.

Gary Pettis, 6200 CR 26, stated he agrees with the noise issues as stated above. He also stated there have been other issues.

The applicants were not present to speak.

Motion made by Livermore, seconded by Kirkwood to continue the public hearing until the next Planning Commission meeting.

Motion passed 6-0

Absent: Hussain, Charles, and Gangestad (Alternate 1)

4) Informational Items

a) Staff Reports

1. Olson updated the Commission on the upcoming planning items for next month's meeting.

b) Council Reports

i) Mayor Whalen

- a. Sworn in Police Officer at the August 21, 2023 meeting.
- b. Vacant city positions update
- c. Road project update
- d. Holiday Tree Lighting Event
- e. Groundbreaking for Doran development and Mackenthun's update
- f. 2024 Budget Update
- g. Water infrastructure update

2) Adjournment

Motion by Young and seconded by Taylor to adjourn the meeting at 9:26 p.m.

Motion passed 6-0. Absent: Hussain, Charles, and Gangestad (Alternate 1).

Respectfully submitted,

Allie Polsfuss

Director of Administration

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

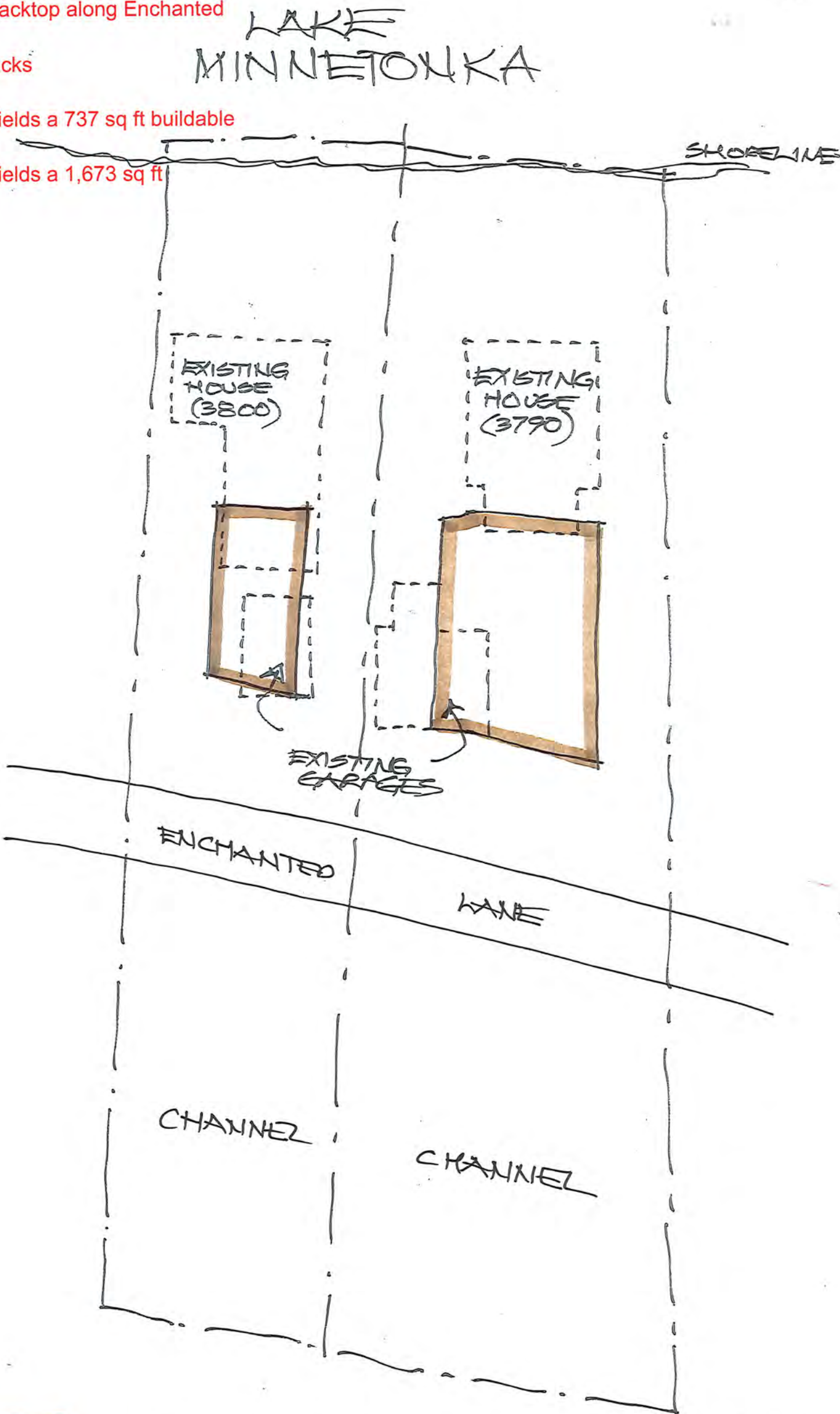
EXHIBIT A

R1 Setbacks

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

Ln
15' side yard setbacks

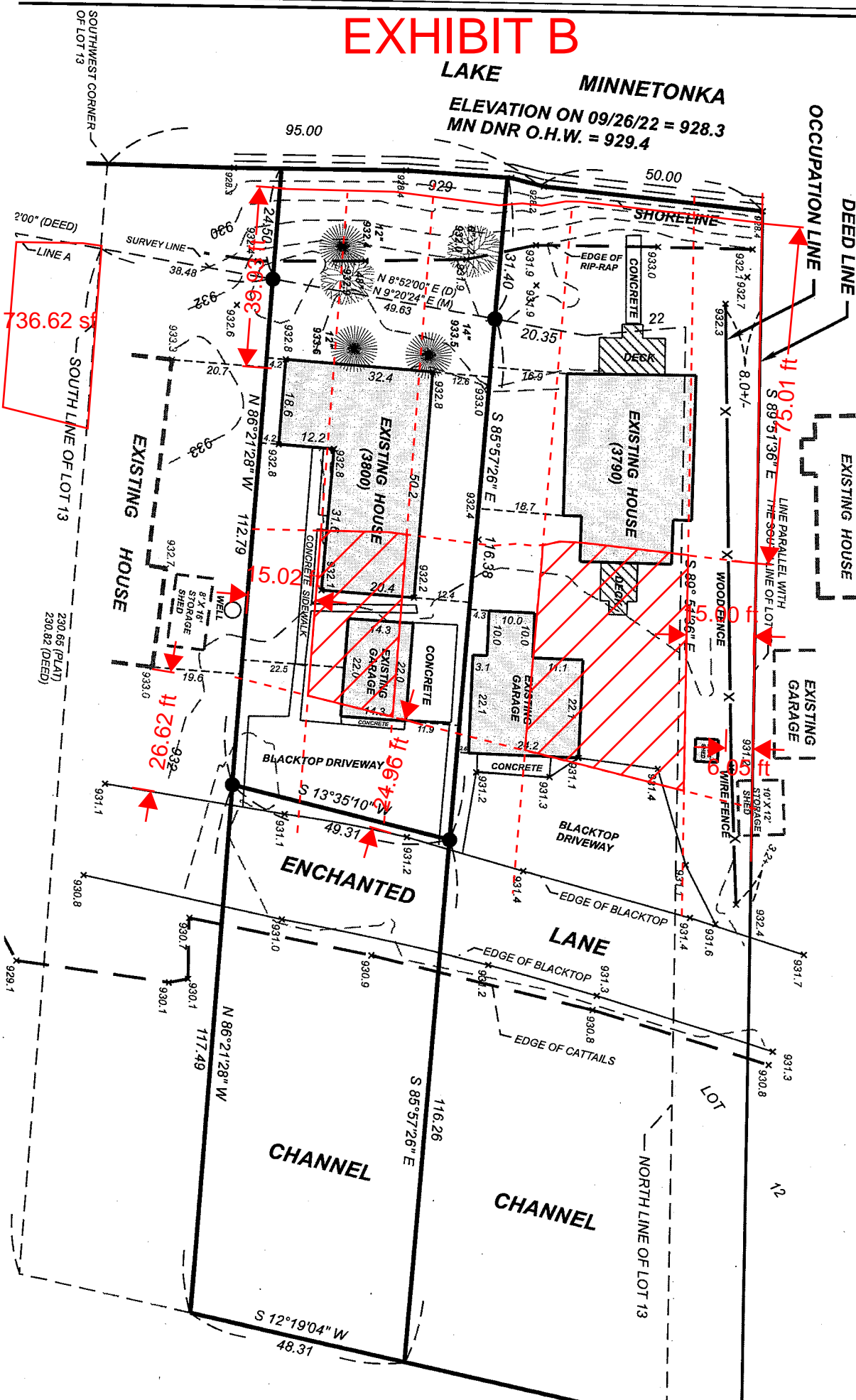
For lot 3800, this yields a 737 sq ft buildable
area
For lot 3790, this yields a 1,673 sq ft
buildable area



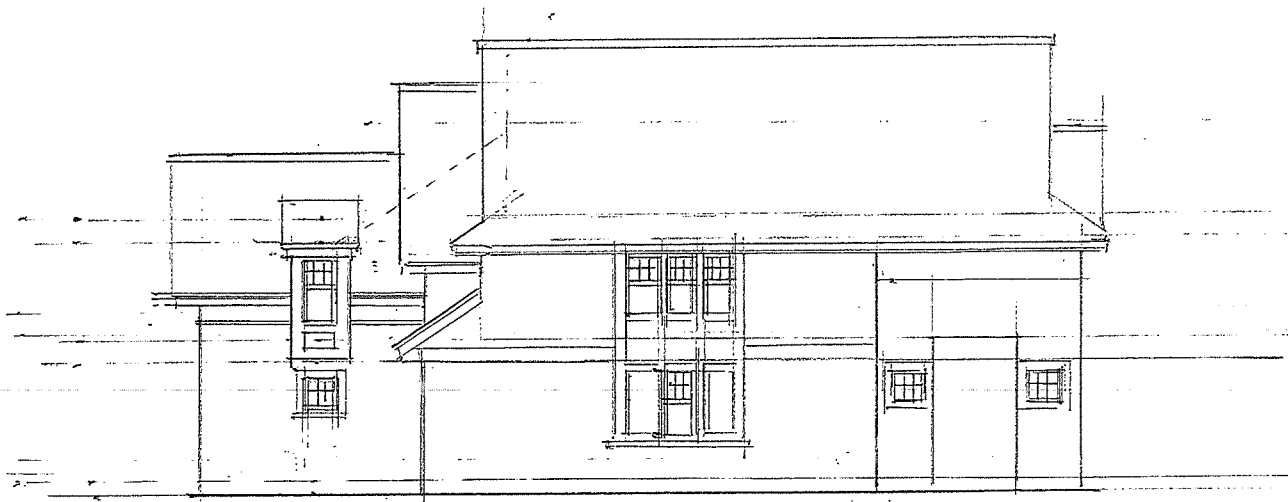
- BROWN BOXES ABOVE DEPICT
GREATLY-REDUCED BUILDABLE AREA
RESTRICTED BY MODERN SETBACKS
(EXISTING STRUCTURES DOTTED IN)

EXHIBIT B

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



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



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

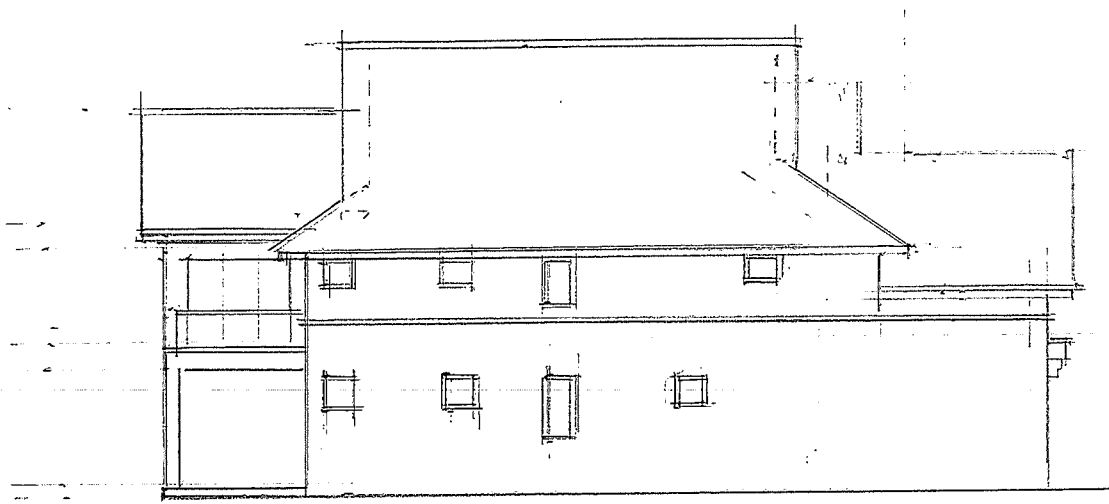


PRELIMINARY EAST/STREET ELEVATION

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

$$E_{15} = \frac{1}{2} \pi$$

NOTE:
NEW ADDITION
TO 1ST FLOOR
CONCEPT

NOTE:-
EXTRA DEPTH
- ADDED TO
- GARAGE -
RENEW STORAGE
(ISSUES).

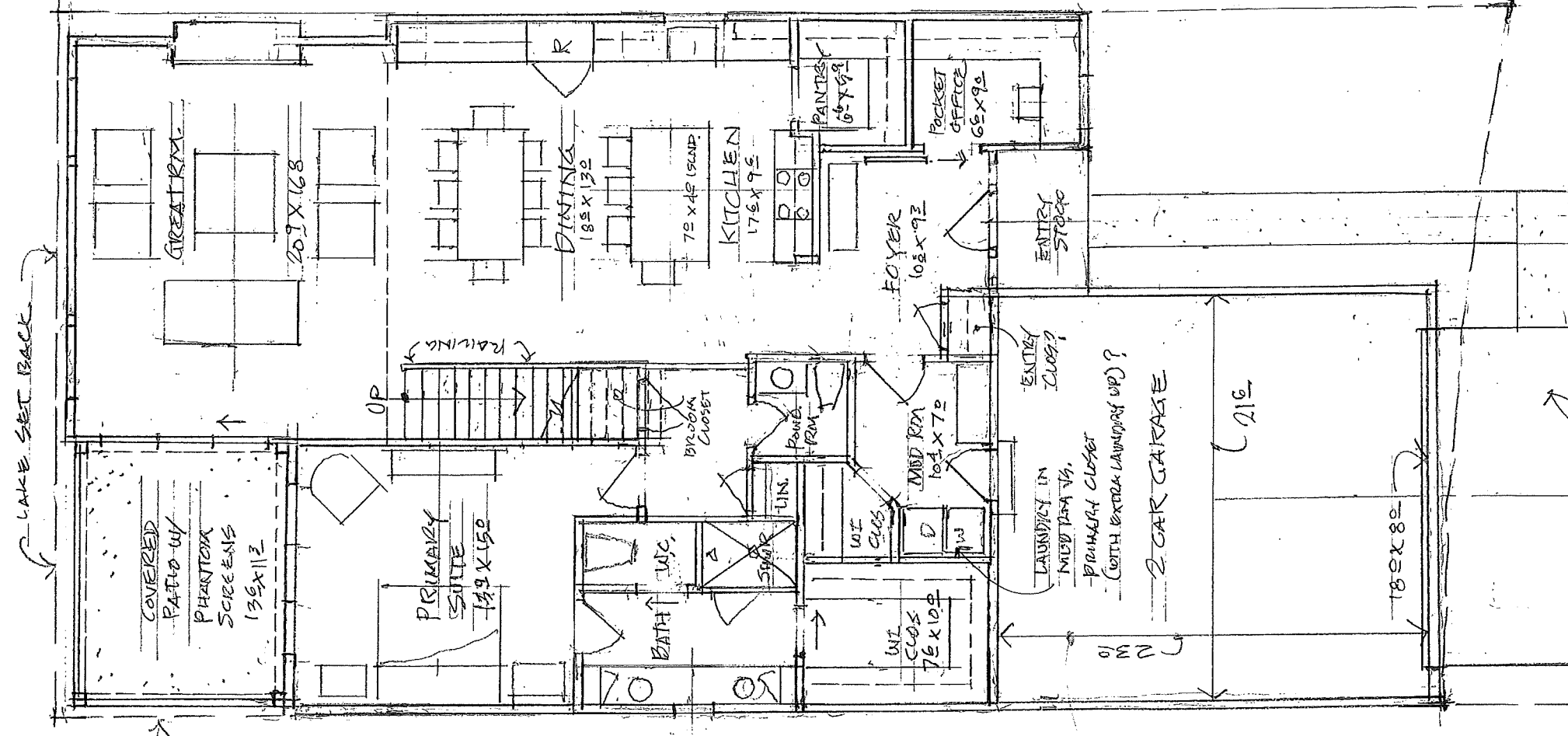
PRELIMINARY 1ST FLOOR PLAN
1/8" = 1'-0"

3800 ENCHANTED LN.
WINNETKA

FAR SPEC HORSE

8/21/23

NRDZ

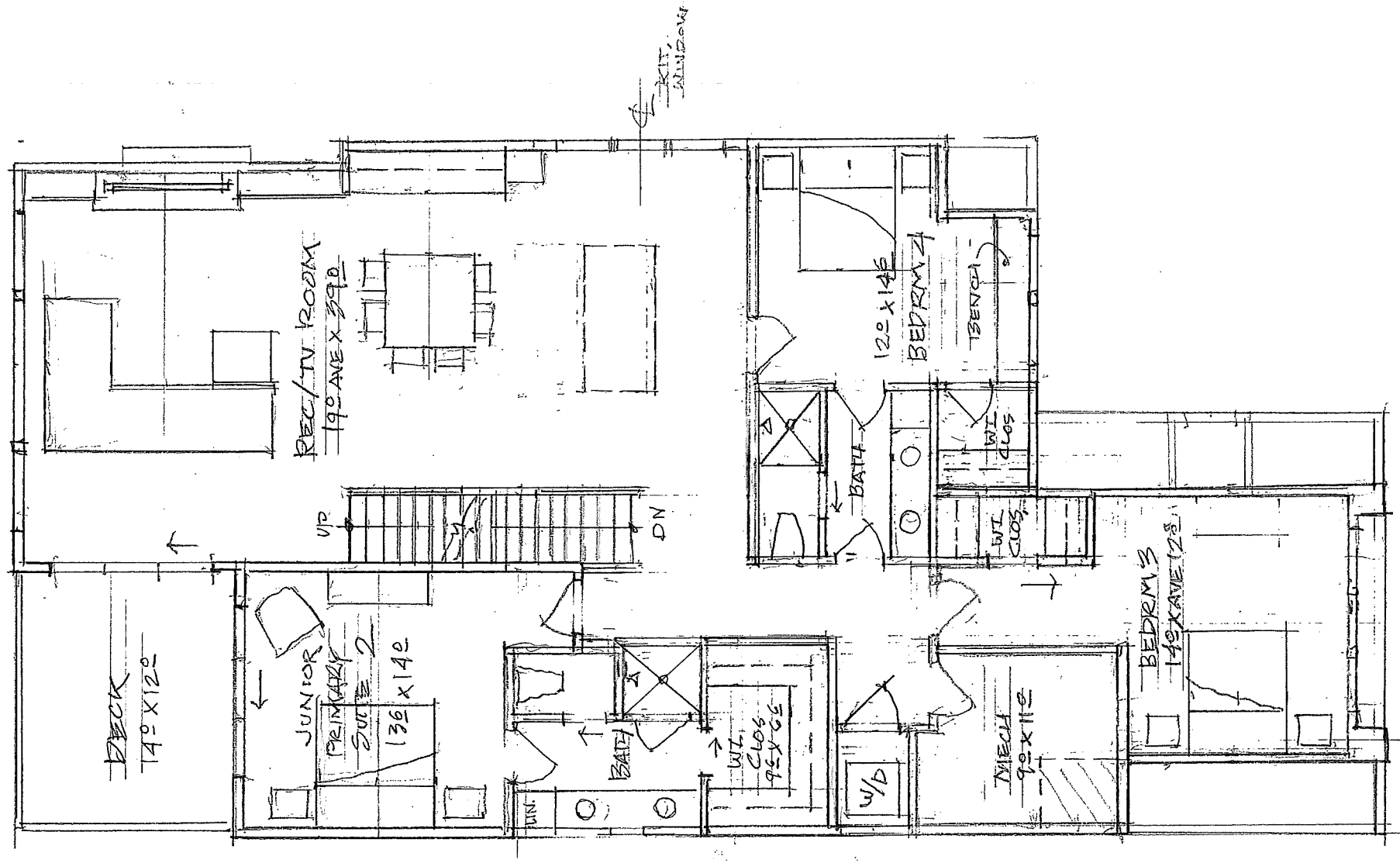


WARD COVER REVIEW;
- 11,287 SF X .25 = 2821 SF MAX

HOUSE	=	1730 SF
PORCH @ LAKE	=	165
ENTR'Y STOOP	=	35
GARAGE	=	529
ENTR'Y WALK	=	92
DRIVEWAY	=	246
PREVIA, TIL.	=	2707 SF

ALL PAYERED
DRIVEWAY
REQD FOR 50%
HARD COVER
DISCOUNT

PREMIA. TL.	= 2707	58
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PRELIMINARY
2ND FLOOR PLAN
1/8" = 1'-0"

3800 ENCHANTED LANE
MINNETRISTA

FAIR SPEC HOME

NRDL

3800 Enchanted Lane: That part of Lot 13, ENCHANTED ISLAND PARK, lying southerly of the following described line and its westerly extension: Commencing along the southern line of said 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 about the curve of a line hereinafter referred to as "Line A" to a point on the southerly line of said Lot 13, 3.083 feet westerly from the southerly corner of said Lot 13, thence easterly along said "Line A" 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 thence easterly, 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 about the curve of a line hereinafter referred to as "Line A" to a point on the southerly line of said Lot 13, 3.083 feet westerly from the southerly corner of said Lot 13, thence easterly along said "Line A" 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 North 87 degrees 59 minutes 40 seconds East to the easterly line of said Lot 13, and thence easterly, and lying northerly of the line thereof on file and of record in office of the Register of Deeds, and for Hennepin County, Minnesota.

2) **Site Address:** 3800 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 251172443005

3) 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 herein.

4) **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.

5) **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

6) **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)

7) **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:

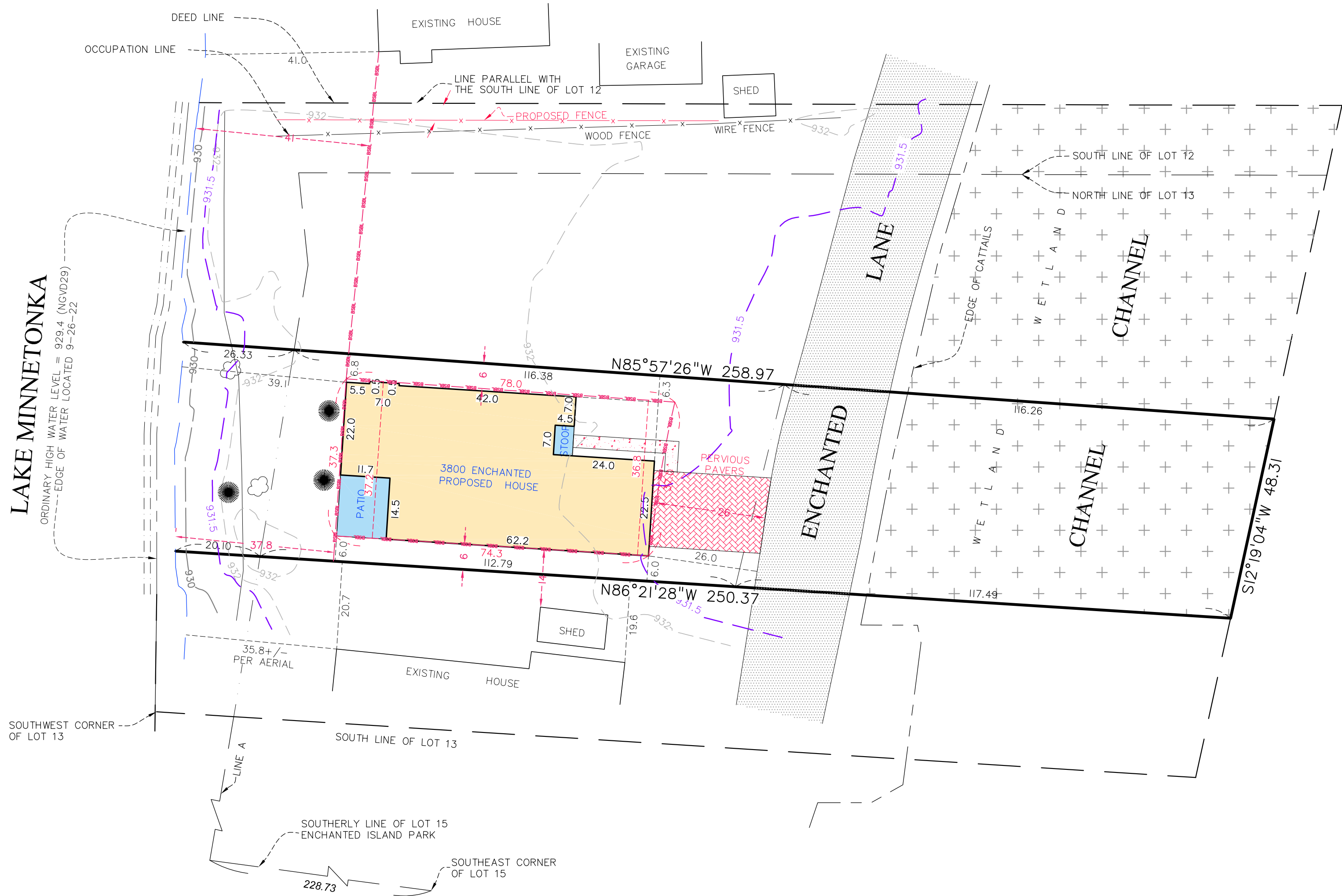
Principal Structure Setbacks -

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

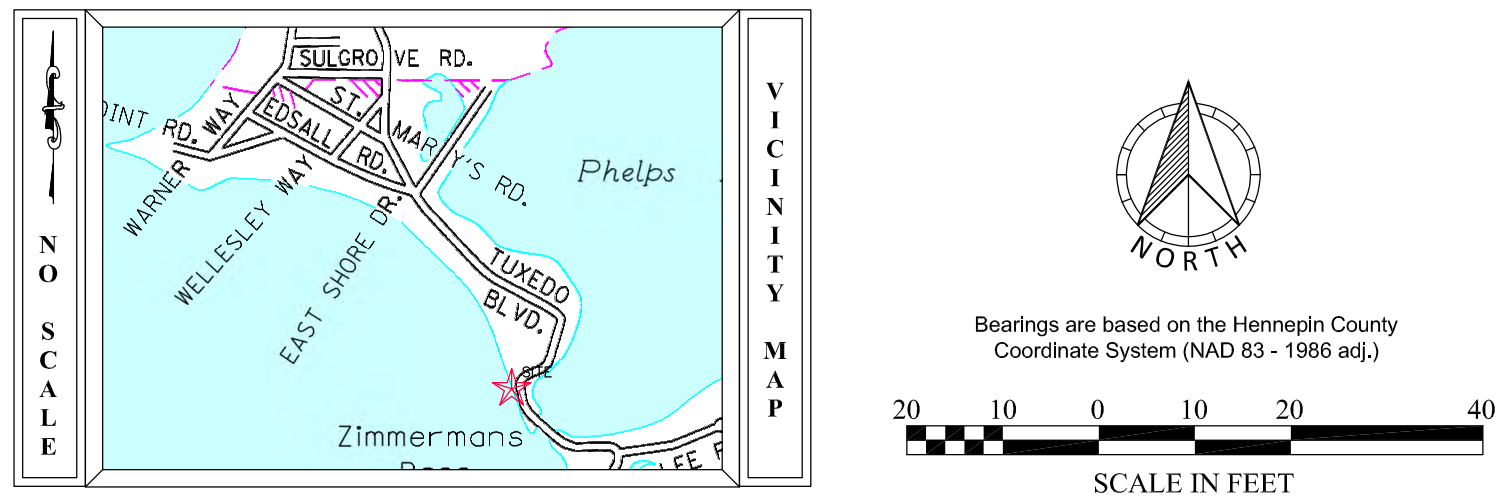
- 7) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be 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.



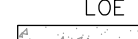


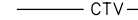



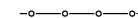
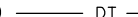













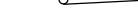



3800 Gross Area:	12,417 s.f.	~ 0.285 acres
Road Area:	1,130 s.f.	~ 0.026 acres
Net Area:	11,287 s.f.	~ 0.259 acres.



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.
Stoop Area	=	32 S.F.
Patio Area	=	170 S.F.
Sidewalk Area	=	88 S.F.
Total Area	=	2,764 S.F.
Coverage	=	24.49%



SURVEY LEGEND

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

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 ILLEGIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGIMATE 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	 <div style="text-align: center;"> SATHRE-BERGQUIST, INC. 14000 25TH AVENUE NORTH, SUITE 120 PLYMOUTH MN 55447 (952) 476-6000 WWW.SATHRE.COM </div>	TWP:177-RGE.24-SEC.25 Hennepin County MINNETRISTA, MINNESOTA	SETBACK VARIANCE EXHIBIT PREPARED FOR: LANDMARK	FILE NO. 49368-074 <div style="border-left: 1px solid black; height: 100px; width: 50px; position: relative;"> 1 1 </div>
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					
DL5 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:**

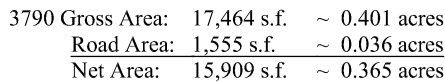
3790 Gross Area:	17,464 s.f.	~ 0.401 acres	3800 Gross Area:	12,417 s.f.	~ 0.285 acres
R/W Area:	1,555 s.f.	~ 0.036 acres	R/W Area:	1,130 s.f.	~ 0.026 acres
Wet Area:	6,212 s.f.	~ 0.143 acres	Wet Area:	4,177 s.f.	~ 0.096 acres
Net Area:	9,697 s.f.	~ 0.223 acres.	Net Area:	7,110 s.f.	~ 0.163 acres.

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

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



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%

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.
Stoop Area	= 32 S.F.
Patio Area	= 170 S.F.
Sidewalk Area	= 88 S.F.
Total Area	= 2,764 S.F.
Coverage =	24.49%



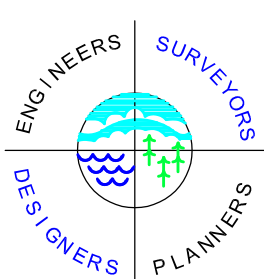
	SETBACK VARIANCE EXHIBIT	
	PREPARED FOR:	
	LANDMARK	

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				
DLS				
DATE				
7-18-23				

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.

Daniel J. Schmidt

Daniel L. Schmidt, PLS
schmidt@sathre.com



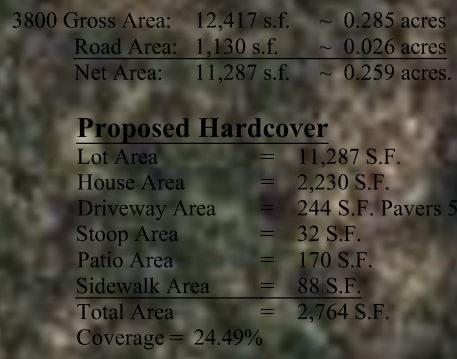
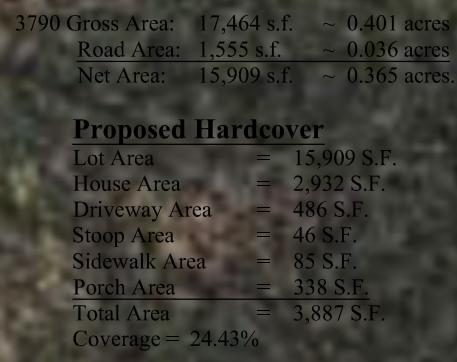
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

MINNETRISTA,
MINNESOTA

PREPARED FOR:
LANDMARK

FILE NO.
49368-074

1



VICINITY MAP

Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

SCALE IN FEET

○	CAST IRON MONUMENT	⊗	PIEZOMETER	WFE	WALKOUT ELEVATION
○	IRON PIPE MONUMENT SET	⊗	POWER POLE	WFF	FIRST FLOOR ELEVATION
○	IRON PIPE MONUMENT FOUND	⊗	GY WIRE	GFE	GARAGE FLOOR ELEVATION
○	DRILL HOLE FOUND	⊗	ROOF DRAIN	TOF	TOP OF FOUNDATION ELEV.
⊗	CHISELED "X" MONUMENT SET	⊗	LIFT STATION	LOE	LOWEST OPENING ELEV.
⊗	CHISELED "X" MONUMENT FOUND	⊗	SANITARY MANHOLE	CONC	CONCRETE
⊗	REBAR MONUMENT FOUND	⊗	SANITARY CLEANOUT	BTM	BITUMINOUS
△	PK NAIL MONUMENT SET	⊗	STORM MANHOLE	— — —	BUILDING SETBACK LINE
△	PK NAIL MONUMENT FOUND	⊗	STORM DRAIN	CTV	CABLE TV
△	PK NAIL W/ ALUMINUM DISC	⊗	CATCH BASIN	— — —	CONCRETE CURB
△	SURVEY CONTROL POINT	⊗	FLARED END SECTION	— — —	CONTOUR EXISTING
A/C	UNIT	⊗	TREE CONIFEROUS	960	CONTOUR PROPOSED
⊗	CABLE TV PEDESTAL	⊗	TREE DECIDUOUS	800	GUARD RAIL
⊗	ELECTRIC TRANSFORMER	⊗	TREE CONIFEROUS REMOVED	— — —	DRAIN TILE
⊗	ELECTRIC MANHOLE	⊗	TREE DECIDUOUS REMOVED	ELC	ELECTRIC UNDERGROUND
⊗	ELECTRIC METER	⊗	TELEPHONE MANHOLE	X — X	FENCE
⊗	ELECTRIC OUTLET	⊗	TELEPHONE PEDESTAL	FO	FIBER OPTIC UNDERGROUND
⊗	YARD LIGHT	⊗	UTILITY MANHOLE	GAS	GAS UNDERGROUND
⊗	LIGHT POLE	⊗	UTILITY PEDESTAL	OHU	OVERHEAD UTILITY
⊗	FIBER OPTIC MANHOLE	⊗	UTILITY VAULT	— — —	TREE LINE
⊗	FIRE DEPT. HOOK UP	⊗	WATERMAN MANHOLE	— — —	SANITARY SEWER
⊗	FLAG POLE	⊗	WATER METER	— — —	STORM SEWER
⊗	FUEL PUMP	⊗	WATER SPIGOT	TEL	TELEPHONE UNDERGROUND
⊗	FUEL TANK	⊗	WELL	— — —	RETAINING WALL
⊗	PROPANE TANK	⊗	MONITORING WELL	UTL	UTILITY UNDERGROUND
⊗	GAS METER	⊗	CURB STOP		WATERMAIN
⊗	GAS VALVE	⊗	GATE VALVE	— — —	TRAFFIC SIGNAL
⊗	GAS MANHOLE	⊗	HYDRANT	— — —	RAILROAD TRACKS
⊗	GENERATOR	⊗	IRRIGATION VALVE	— — —	RAILROAD SIGNAL
⊗	GUARD STOP	⊗	POST INDICATOR VALVE	— — —	RAILROAD SWITCH
⊗	HAND HOLE	⊗	SIGN	⊗	SATELLITE DISH
⊗	MAIL BOX	⊗	SOL BORING	⊗	WETLAND BUFFER SIGN

SETBACK VARIANCE EXHIBIT

PREPARED FOR:


LANDMARK

FILE NO.	49368-074
1	1

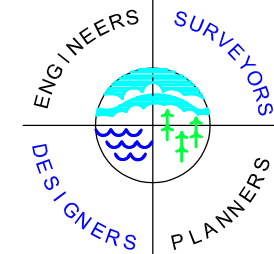
FIELD CREW	NO.	BY	DATE	REVISION	
	1	EJ	7/20/2023	HIGHLIGHT NWL AND HWL	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHIRE-BERQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGIMATE USE AND SHALL THEREBY INDEMNIFY SATHIRE-BERQUIST, INC. OF ALL RESPONSIBILITY. SATHIRE-BERQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGIMATE USE.
DRAWN	2	EJ	7/28/2023	NEW HOUSES	
	3	EJ	8/25/2023	NEW HOUSES	
CHECKED	4	EJ	8/25/2023	ADDED PREVIOUS FOOTPRINTS	
DLS					
DATE					
7-18-23					

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

MINNETRISTA,
MINNESOTA

MINNETRISTA,
MINNESOTA

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

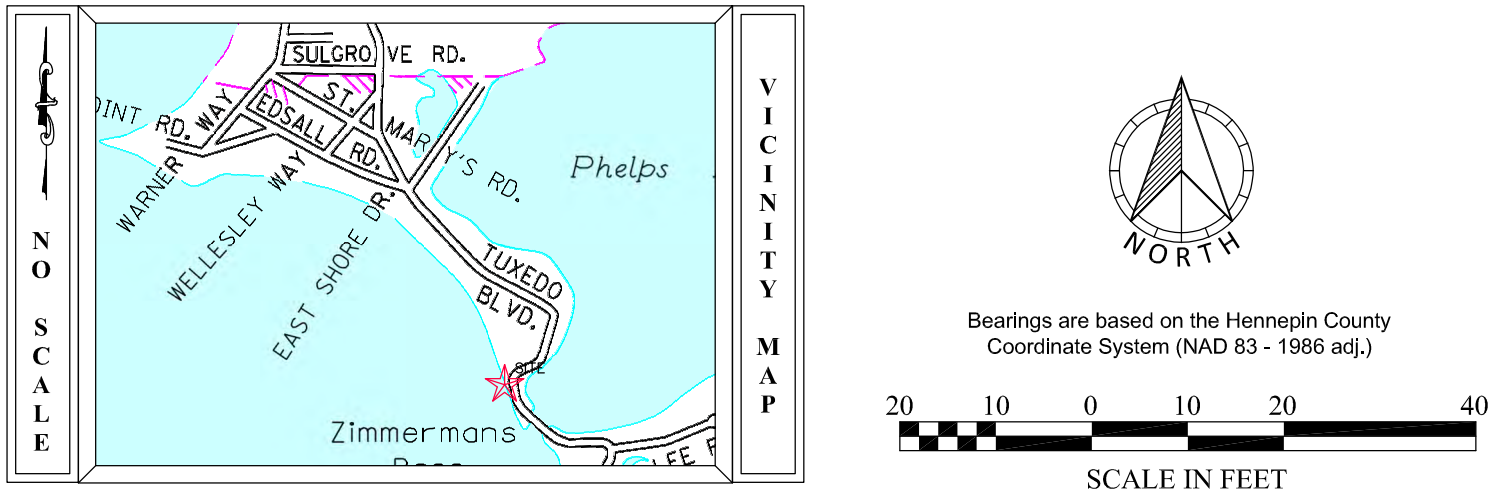
- 1) **Site Address:** 3790 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430003
3800 Enchanted Lane, Minnetrista, Minnesota 55364 PID: 2511724430005
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R/W Area: 1,555 s.f. ~ 0.036 acres R/W Area: 1,130 s.f. ~ 0.026 acres
Wet Area: 6,212 s.f. ~ 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
- 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 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.

- 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 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.



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 | 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 |
| ⊞ 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 |
| ⊞ PROPANE TANK | ⊞ WATER SPIGOT | —TEL— TELEPHONE UNDERGROUND |
| ⊞ GAS METER | ⊞ WELL | —UTL— UTILITY UNDERGROUND |
| ⊞ GAS VALVE | ⊞ MONITORING WELL | —I— WATERMAIN |
| ⊞ GAS MANHOLE | ⊞ CURB STOP | —T— TRAFFIC SIGNAL |
| ⊞ GENERATOR | ⊞ GATE VALVE | —R— RAILROAD TRACKS |
| ⊞ GUARD POST | ⊞ HYDRANT | —R— RAILROAD SIGNAL |
| ⊞ HAND HOLE | ⊞ IRRIGATION VALVE | —R— RAILROAD SWITCH |
| ⊞ MAIL BOX | ⊞ POST INDICATOR VALVE | —S— SATELLITE DISH |
| | ⊞ SIGN | —W— WETLAND BUFFER SIGN |
| | ⊞ SOIL BORING | |

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				

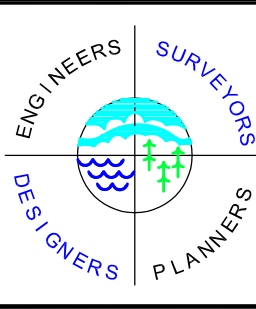
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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 18th day of July, 2023.

Daniel L. Schmidt

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



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
MINNETRISTA, MINNESOTA

SETBACK VARIANCE EXHIBIT

PREPARED FOR:
LANDMARK

FILE NO.
49368-074

1
1

EXISTING SITE WITH CURRENT SIDE SETBACK IMPACTS



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: [Emily Martinson](#)
To: [Nickolas Olson](#)
Subject: 3800,3790 property
Date: Monday, August 28, 2023 4:52:24 PM

Hi Nick

I speak for the Martinson household at 5255 Edsall Rd- our concern is the idea of two larger houses on the properties would not fit in at all. It would look out of place with the area. The houses that are larger are on double lots, able to fit in - not 2 large houses on small lots . If you want larger houses look at another area.

Thank you

Bruce & Nancy Martinson

Sent from my iPhone

From: [Aol Mail ©](#)
To: [Nickolas Olson](#)
Subject: Easment discussion Enchanted Lane
Date: Monday, August 28, 2023 4:00:07 PM

Dear Nick,

We are at 3970 Enchanted Lane. We do not support any change to the 15 foot rule we are all under regarding proximity to property lines. We are unable to attend the meeting tonight but vote with Steve and Nancy.

Les and Judy Heinen

From: [Bruce Hauglid](#)
To: [Nickolas Olson](#)
Cc: [Lisa Whalen](#)
Subject: Enchanted Lane Variance Application from Nathan Fair on behalf of Harriet A. Ellis Trust
Date: Monday, August 28, 2023 1:48:06 PM

Re: Variance application for the following property ID's
PID# 25-117-24-43-0003
PID# 25-117-24-43-0005

From: Hauglid/Vogel
3770 Enchanted Lane

We strongly oppose the current adjoining property boundary setback of 15' being reduced to the setbacks specified in the public hearing notices (6' and 6.3', 6' and 10').

Fire safety will be compromised. The recent tragedy on the Island of Maui is a painful reminder of the devastation of fire.

A number of years ago there was a fire at 3944 Enchanted Lane. Fire departments from several surrounding communities were required to mitigate the fire and the home was still a total loss. If there had been six foot setbacks with the adjoining neighbors and huge winds that day, the potential would have existed for even greater property losses.

We are a strong NO on reducing the current 15' property line setbacks.

Kind regards,
Bruce Hauglid
Alyce Vogel

From: [John Barlow](#)
To: [Nickolas Olson](#)
Cc: [Kathy Barlow](#)
Subject: Re: 3800 Enchantd Lane planing info
Date: Monday, August 28, 2023 8:59:36 AM

Nickolas

We are writing about both the properties at 3790 and 3800 Enchanted Lane. My arguments for denying the variances are the same. Yes, there were two cabins on these properties that where there for years and not within variances. However, the square footage and occupancy of these cabins were a fraction of what is being proposed. The new homes will double the density in an already tight spot that is far beyond the setback requirements. Therefore, we must oppose these multiple variances.

Thank you,
John & Kathy Barlow
3946 Enchanted Lane
Minnetrista MN 55364
612-759-7161

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From: Nickolas Olson <NOlson@ci.minnetrista.mn.us>
Sent: Monday, August 21, 2023 9:39:41 AM
To: John Barlow <jbarlow@barlowresearch.com>
Subject: RE: 3800 Enchantd Lane planing info

Hello John,

Attached are the 2 proposed surveys, 1 for 3790 Enchanted and 1 for 3800 Enchanted. I have also attached the main level floor plans for each home. The Applicant is working on finalizing the second level plans and I should have those by middle next week to send. I understand there will not be basements on either proposed home.

Thanks

Nickolas Olson

Senior City Planner | City of Minnetrista
7701 County Road 110W | Minnetrista, MN 55364
Phone: 952.446.1660 | Direct: 952.241.2524
E-Mail: nolson@ci.minnetrista.mn.us
Website: www.cityofminnetrista.com

From: John Barlow [mailto:jbarlow@barlowresearch.com]
Sent: Monday, August 21, 2023 9:01 AM
To: Nickolas Olson <NOlson@ci.minnetrista.mn.us>
Subject: 3800 Enchantd Lane planing info

Nick

Please email me the information for the planned variance at 3800 Enchanted Lane.

Thanks

John Barlow

3946 Enchanted Lane

Mound MN 55364

612-75-7161

August 19, 2023

My name is Elizabeth Thomas, and I own the property at 3840 Enchanted Lane, I have spent my summers there since 1964 when my mother-in-law purchased the property. Since my husband passed away in 2019, I am now the sole owner of this property.

As I am having total knee replacement on August 21, 2023, I will be unable to attend the Planning Commission Meeting on August 28, 2023. I do, however, want to have my concerns heard.

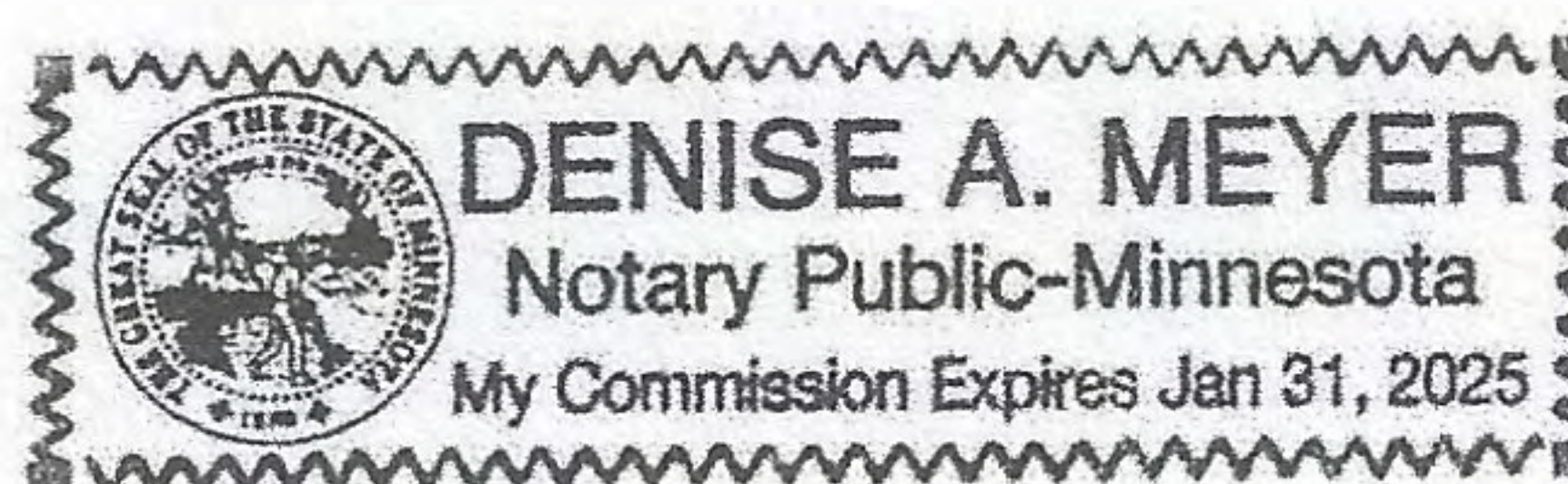
Based on 2 letters you sent me, dated August 14, 2023, I understand Nathan Fair on behalf of Harriet A. Trust has applied for lakeshore setback variances and street setback variances as well as side yard setback variances allowing the now one property to be divided into two properties 3790 and 3800 Enchanted Lane. I do not have a problem with the Lakeshore and Street setback variances as requested as that has been pretty standard with the properties on that stretch of Enchanted Lane on Enchanted Island. However, I think the changing of the 15 foot setback side yard variance to 6 foot 3 and 6 foot 10 is a big ask. They are basically asking to have total side yard space smaller than what would normally be on just one side of the homes.

Many years ago when my husband and I looked into the 15 foot set back, we were told getting even a small variance was not possible. This has impacted the way properties along Enchanted Lane, in Minnetrista, have been developed, not allowing new homes to be crammed side by side. Allowing the change in the side setbacks, will set a precedence for very dense housing on the island in the future. Because the lots will be small to begin with, allowing the reduced side setbacks will make future builds look crammed and crowded, leaving very little space for play or entertaining without impacting their neighbors. When people have purchased property on the island and planned their builds, they have done so, knowing they have to have 15 feet of green space on both sides of their property, affording them some privacy, both theirs and their neighbors, and not feeling like their neighbors are on top of them.

Respectfully,

Elizabeth Thomas

Elizabeth Thomas
612-209-0461



Denise A Meyer

From: [Pat Scherber](#)
To: [Nickolas Olson](#)
Subject: variance application for 3790 and 3800 Enchanted Lane
Date: Monday, August 28, 2023 10:32:27 AM

We live next to the above lots mentioned.

We strongly opposed making the side setbacks only 6 feet. We built our home in 2017 and it was a required 15 feet side set back and that is what it should be required. Please take a second look at the property and ask yourself -if this house plan fits in the look of Enchanted Island. I think not !

Tom and Pat Scherber