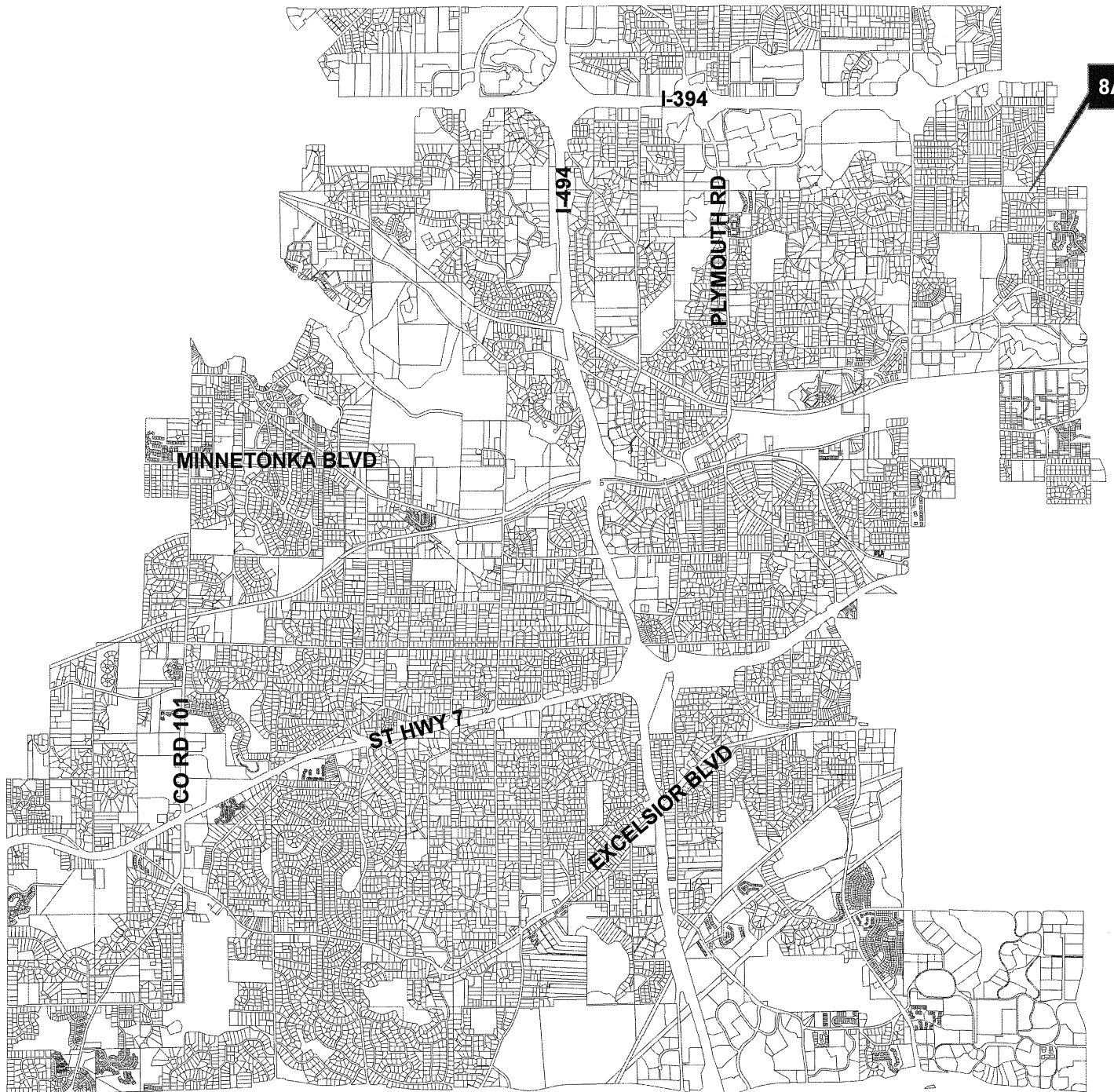




OCTOBER 12, 2006  
PLANNING COMMISSION MEETING  
AGENDA





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## PLANNING COMMISSION AGENDA

OCTOBER 12, 2006—6:30 P.M.

CITY COUNCIL CHAMBERS—MINNETONKA COMMUNITY CENTER

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes:** September 28, 2006
5. **Report from Staff**
6. **Report from Planning Commission Members**
7. **Public Hearings: Consent Agenda – None**
8. **Public Hearings: Non-Consent Agenda Items**
  - (4 Votes) A. Preliminary plat for a two-lot subdivision at 2001 Yorkshire Avenue for Dennis and Julie Recknor. (06058.06a)
    - Recommendation to City Council (Tentative Date: October 23, 2006)
    - Project Planner: Susan Thomas
9. **Adjournment**

**PLANNING COMMISSION AGENDA**

**October 12, 2006**

**Page 2**

**Notices**

1. Please call the planning division at (952) 939-8298 to confirm meeting dates as they are tentative and subject to change.
2. Application pulled and tentatively rescheduled for the October 26, 2006, Planning Commission meeting:
  - a. McMansion Policy for the city of Minnetonka (06033.06a)
  - b. Lot behind lot zoning text amendment for the city of Minnetonka (99047.06a)
  - c. Conditional use permit for a telecommunications pole with antennas and ground equipment at 17420 Minnetonka Blvd for Cingular Wireless (06027.06a)
  - d. Preliminary plat, with right of way variances, for a 5-lot subdivision at 4404 and 4412 Wilson Street for Lake West Development Co.(06051.06a)

## **WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING**

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The Commission will then discuss the proposal. No further public comments are allowed.
10. The Commission will then make its recommendation or decision.
11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

**UNAPPROVED  
MINNETONKA PLANNING COMMISSION  
MINUTES**

**SEPTEMBER 28, 2006**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Cheleen, Dahl, Brandt, and Hart were present. Britain and Frisque were absent. Adams arrived at 6:45 p.m., shortly after action was taken on the September 14, 2006, minutes.

Staff members present: Community Development Director Ron Rankin, Principal Planner Cary Teague, Planner Susan Thomas, Natural Resource Manager Jo Colleran, Planning Technician Jeff Thomson, and City Attorney Desyl Peterson.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted. Teague submitted the change memo dated September 28, 2006.

**4. APPROVAL OF MINUTES:** September 14, 2006

*Cheleen moved, second by Brandt, to approve the September 14, 2006, meeting minutes as submitted.*

*Cheleen, Brandt, and Hart voted yes. Adams, Britain, and Frisque were absent. Dahl abstained. Motion carried.*

**5. REPORT FROM STAFF**

Teague briefed the commission on land use applications considered by the city council at its meeting of September 25, 2006:

- Adopted a resolution approving a vacation of drainage and utility easements and a variance for an addition to the home concerning home improvements at 14603 Woodhill Circle for Lawrence and Nancy Wigley.

**6. REPORT FROM PLANNING COMMISSION MEMBERS**

Chair Hart thanked Teague for his six years of service with the city of Minnetonka and congratulated him on his position as planning director for the city of Edina.

**7. PUBLIC HEARINGS: CONSENT AGENDA**

**A. Sign setback variance for a freestanding sign at 14525 State Highway 7 for Woodhill Plaza, LLC. (06054.06a)**

Adopt the resolution on pages A1-A3 of the staff report, which approves a sign setback variance from 10 feet to 5 feet to construct a monument sign at 14525 State Highway 7. This resolution is based on the following findings:

- 1) There is a unique hardship to the property because:
  - a. The topography and landscaping of the property limit the visibility of a monument sign.
- 2) The variance would meet the intent of the ordinance since:
  - a. The sign is reasonable since it conforms to code provisions regarding size, height, and items of information, and would replace a monument sign at the same location.
  - b. The sign will not alter the character of the neighborhood since it will be setback similarly from the street as other freestanding signs in the area.

Approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) The sign plans must be revised such that they conform to the zoning code's definition of a monument sign before the city issues a sign permit.
- 3) The sign is limited to three items of information as required by the sign ordinance.
- 4) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

**B. Front yard setback variance for an addition to the home at 3949 Brown Lane for Bob Noeldner. (06057.06a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves a front-yard setback variance from 35 feet to 33 feet for a garage addition at 3949 Brown Lane. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
  - a. The proposed garage addition is reasonable.
    - (1) Just 42 square feet of the garage would encroach into the required setback. This is a point intrusion.
    - (2) The proposed garage would have less area than a standard 24-foot by 24-foot garage.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The typical front-yard setback in the Brown Lane area is 30 feet. The proposed garage would meet this neighborhood standard.
  - b. The proposed garage would have no negative impacts on neighboring properties.

Approval is subject to the following conditions:

- 1) Before the city issues a building permit:
  - a. Submit proof of having recorded this resolution with the county before the city issues a building permit.
  - b. Install a temporary rock driveway, erosion control, and tree protection, as required by the city's natural resources staff. These items must be maintained throughout the course of construction.
- 2) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

**C. Front yard setback variance to add a covered porch and entry way to the existing house at 16827 Scenic Lane South for TCO Design. (06059.06a)**

Adopt the resolution on pages A1-A3 of the staff report, which approves a front yard setback variance from 35 feet to 25 feet to construct an entryway and covered porch addition to the house at 16827 Scenic Lane South. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
  - a. The location of the existing house on the lot since the house has a non-conforming front yard setback.
- 2) The variance would meet the intent of the ordinance since:
  - a. The entryway addition would not extend into the front yard setback any further than the existing house.
  - b. The proposed addition is a reasonable use of the property since the current house does not have an entryway.
  - c. The proposed addition would not alter the character of the neighborhood since it will line up with the existing building line along Scenic Lane.

Approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's natural resources staff.
- 3) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

**D. Variance to maintain the current status of properties at 14521/14523 Excelsior Boulevard for City of Minnetonka and Xcel Energy (99039.06a)**

Recommend that the city council adopt the resolution on pages A1–A3a, which approves the proposed variance, to allow inside storage for a towing company at 14521 Excelsior Boulevard, and a vacant unused building at 14523 Excelsior Boulevard, despite the buildings being removed. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
  - a. If the variance were denied, the existing buildings, which are in poor condition and are unsightly, would remain.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The aesthetics of the site would be improved.
  - b. The property owner would still maintain his existing rights on the property.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a demolition permit.
- 2) Submittal of a signed agreement with the city prior to issuance of a demolition permit.
- 3) All conditions of the agreement between the city and the property owner must be met.
- 4) This variance will end on December 31, 2007, unless the city has issued a demolition permit for the project covered by this variance or approved a time extension.

**E. Multiple variances for additions to the house at 4932 Shady Oak Road for Cliff Williams. (06053.06a)**

Adopt the resolution on pages A1–A4, which approves multiple variances for additions to the home at 4932 Shady Oak Road for Cliff Williams. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
  - a. Current setback requirements present a practical difficulty. With 25-foot setbacks required from all property lines, the property has just 187.5 square feet of buildable area. Any addition to the house would require variances.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The property is substandard in size and width and lacks frontage on a public street. This is a unique circumstance not common to every R-1 zoned property.
  - b. The existing house has just a single-stall garage. The proposed additions would result in a 22-foot by 22-foot garage, still substandard by city policy. Living space would be directly above this garage area.
  - c. The property is heavily wooded, with a vacant property to the east and south. The additions would be visible only from the house immediately to the north. The additions would not be closer to this neighboring house than the existing home.

Approval is subject to the following conditions:

- 1) Before the city issues a building permit:
  - a. Submit proof of having recorded this resolution with the county.
  - b. Erosion control and tree protection fencing must be installed, subject to review by the city's natural resources staff. These items must be maintained throughout the course of construction.

- c. Submit a construction management plan for staff review. The plan must indicate: (1) how equipment will avoid roots of trees to be saved; and (2) location for stockpiling of earth and construction materials and equipment.
- 2) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

***Cheleen, Dahl, Adams, Brandt, and Hart voted yes. Britain and Frisque were absent. Motion carried and items on the consent agenda were approved as submitted.***

## 8. PUBLIC HEARINGS

### A. Preliminary plat for a two-lot subdivision, with lot depth variance, at 11601 Timberline Road for Michael Burg. (06024.06a)

Chair Hart reviewed that staff reported and she opened the public hearing at the September 14, 2006 meeting. The public hearing was continued until this meeting. Chair Hart introduced the proposal and called for the staff report.

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

In response to Dahl's question, Thomas explained that the provided illustration was an example of a house located so as to minimize tree loss. Because there is no home design, the lot width and depth is measured through the buildable area.

Adams confirmed with Thomas that a storm sewer improvement project is scheduled for the area in 2008.

Ryan Boe, an attorney with Larkin Hoffman, representing the applicant, provided a drawing in support of the lot depth requirement having been met. He stated that:

- The lot is not an ordinary lot.
- It meets all subdivision and ordinance requirements.
- Drainage seemed to be the greatest concern of the planning and engineering staff.
- He proposed postponing the vote until the next meeting to allow time to explore drainage issues. It would allow the plat to move

forward and, potentially, lot one to be developed with lot two with an option to become buildable in a couple years when the improvements are completed.

- The lot depth calculation has been met.
- He would waive the 60-day rule.

Brook Oldre, 3417 West 102<sup>nd</sup> Street, Bloomington, business partner of Mike Burg, stated that:

- There are a variety of ways that the lot depth measurement can be made.
- The 1.55 acre parcel is more than large enough for two lots. It has well over 6,000 square feet of buildable area.

Chair Hart asked if postponing the item should be considered. Teague stated that postponing would be an option. The city engineer had reviewed the plan and does have concerns. Chair Hart stated that if the drainage issues would not be worked out, an alternative would be to restrict development of lot two until after the capital improvement project. She requested Peterson address the lot depth calculation.

Peterson explained the definition of a front lot line. The longest lot line along Timberline Road is the front lot line. The distance from the front lot line and the line directly opposite is too short to meet the lot depth requirement. The ordinance does allow the discretion of the planning director to review other types of measurements through the building itself. There is no building. The general rule to interpret in favor of the land owner would not apply in this case. It is a discretionary option for the city planner to use and, in her reasonable discretion, determine a reasonable approach. The normal definition of lot depth finds the lot too short.

In response to Chair Hart's question, Thomas confirmed that the measurement line travels from the mid point of the front property line through the mid point of the widest point of the buildable area.

Chair Hart clarified with Peterson that the lot drawn on the diagram represents the definition of the lot depth. Staff attempted to draw an alternative line at the planning department staff's discretion, but it still did not meet lot depth requirements. Peterson answered in the affirmative and reiterated that the applicant does not have an automatic right to the alternative. The public hearing was continued.

Patrick Knowlan, Live Oaks Drive, represented a group of neighbors. He stated that:

- The project is marginal. A lot of the measurements are close to not meeting requirements and do so only with some manipulation.
- The wetland restricts the buildable area.
- It marginally meets steep slope requirements.
- There is a drainage problem on the hillside.
- Standing water forces buses to turn around on Live Oak Drive.
- The neighborhood welcomes the opportunity to discuss building a home compatible with the neighborhood on the upper site, but a second home on Live Oak Drive would not be compatible.

In response to Chair Hart's request, Thomas defined buildable area. Thomas stated that the site contains a significant slope, but it does not meet the steep slope ordinance definition.

George McGibbon, 11500 Timberline Road, has lived there over 50 years. He enjoyed the ambience of the trees, hills, and curving roads. He did not object so much to the division, because it is a large lot, but he felt that the setbacks and regulations serve a purpose. When a variation to the regulations is requested to put a residence closer to the road, he gets nervous. The proposed structure would be twice the size of the existing structure. That, in its self, would be imposing. He questioned how tall the structure would be. He invited everyone to visit the unique area and determine if it would change the neighborhood in any way. He would like it to stay as close to the way that it is as possible.

Jim Couling, 11619 Live Oak Drive, lived the first 20 years of his life in Sherwood Forest and returned 30 years later. He stated that:

- He canoed on Live Oak Drive a few springs.
- He came back to Sherwood Forest because it is a forest. When he returned, he discovered 6 other people who came back for the same reason he did.
- He is not opposed to an owner's property rights or a house being built on the lot.
- One nice house would benefit the property owner as well as two.
- The delays by the landowner should be stopped.
- He hoped for denial of the project.

Amy Norelius, 11608 Live Oak Drive, reiterated Mr. Knowlan's drainage concerns, appreciated the forest-type surroundings, and wanted action to be

taken to deny the application. She asked if the storm sewer system was planned to be done. Chair Hart confirmed that the storm water sewer improvement project is scheduled in the capital improvement budget to be done in 2008.

Mr. Boe appreciated the neighbors' concerns. He stated that:

- The city has determined that there needs to be a 60-foot setback from the wetland. That factors into the buildable area and significantly decreases the area of the lots that can be built on.
- There is flexibility with the buildable area where the structures can be located. It is not illegal to remove the trees, but there is an ordinance requiring the replacement of trees. The home was moved to save trees, but then a setback was not met. The applicant is willing to apply for a variance to protect the trees.
- The applicant does want to move the project along. The last delay was not at the applicant's request. It was continued for two weeks to allow for notice of the public hearing.
- The applicant is well aware of drainage issues.

Colleran explained tree removal and replacement regulations for developments.

Judy Jost, 11700 Live Oak Drive, stated that just because an improvement is scheduled on the budget to be completed, that does not guarantee it will be done. Chair Hart agreed.

Sharon Whiting, 11621 Live Oak Drive, drives by the property every night. She was surprised that any of it is buildable. Wetlands and forests were not considered as important in the past as they are now. Building on lot two would destroy an important part of the area and the city.

Chair Hart had Thomas point out the 100-year storm elevation and wetland boundaries. The buildable area must meet the 60-feet from the wetland setback and 20 feet from the 100-year storm water elevation requirements. The area in yellow designates the outlet for the water to overflow.

Peterson shared that the storm water management plan restricts the grading for the area because of the overland outlet until such time as a permanent solution is in place. That is another reason staff does not support the project at this time. No permit would be issued until the drainage issue is resolved to engineering staff's satisfaction. Any development in the city must comply with the storm water management plan. The lot is currently not buildable because of that problem.

Engineering staff has indicated that they are willing to review any engineering solutions the applicant suggests.

Mr. Boe was not aware of the storm water management plan. He received the Basset Creek Water Management Commission policy that describes best practices. Mr. Boe stated that the storm water management water quality policy discusses erosion and grading plans and other best management practices, but he was unaware of the prohibition. Peterson explained that the city's water management plan is different from the watershed district's management plan. Peterson will make sure Mr. Boe receives a copy of the storm water management plan.

Mr. Knowlan questioned if removal of the trees would increase the size of the wetland. Chair Hart explained that a grading and drainage plan would be approved before the issuance of a building permit. Colleran explained that the wetland is considered a preserve wetland. It has a 50-foot buffer and a 10-foot setback from the buffer requirement. Wetlands naturally increase and decrease in size over time. The amount of impervious surface would not change enough to impact the setback. Engineering staff would look at the overall grading plan and determine the impact on the wetland.

Mr. Knowlan noted that the property might be subdivided, but because of the drainage and wetland setbacks it might not be a buildable lot. Chair Hart explained that the continuance would provide time for the drainage issues to be worked out.

Mr. Knowlan favored one nice lot and home for the site.

Colleran clarified that the city would not require the wetland to be delineated again if the proposal would be approved. The current information would be used.

Cheleen asked what the impact of the storm sewer project would have on the buildable lot at its completion. Peterson met with Minnetonka Assistant Engineer Steve Lillehaug. He stated that the idea for the project would be to install storm sewer pipes under ground so that the overflow outlet would no longer be necessary. It is unknown what the final plan would be at this time.

Peterson confirmed with Chair Hart that a written extension would be required from the applicant to postpone action of the application to the next meeting. Chair Hart acknowledged the neighbors' desire to take action on the application at the meeting. The last continuance was not the applicant's request. Mr. Boe indicated that the written time extension would be provided.

Cheleen asked if it would be possible to approve the application with the restriction that lot two not be developed until the storm water improvements would be completed. Chair Hart and Cheleen discussed that as a possibility to be considered if a resolution is not reached by the next planning commission meeting.

Mr. Couling stated that, based on how things stand today, the application should be denied. He does not feel comfortable with the "what ifs." The lot is not dividable today. He understood the error that caused the continuation last time, but he referred to continuations that occurred prior to that. The decision should deal with the situation as it is today. It should be denied instead of speculating, compromising, and designing the applicant's way out of this. It contains too much speculation.

Peggy Liemandt, 11616 Live Oak Drive, stated that the water from the wetland drains across the street into a pond. When it rains hard, the pond overflows. The water then drains down the street. The sewer system would need to be able to handle a large capacity of water. Ms. Liemandt's driveway flooded last year. The mail carrier was unable to deliver mail. The school bus could not travel on the road. It is a major water problem. Roadblocks are used at Timberline Road and Live Oak Drive.

Peterson commented that the engineering staff is aware of the major drainage problem in the area. That is why it is on the capital improvement plan for 2008.

No additional testimony was submitted and the hearing was closed.

Chair Hart received the written request from the applicant. Peterson found it acceptable.

Brandt stated that a continuance for lot two would not solve the issue for lot one. Lot one does not meet the size requirement. A continuance would not solve that. The applicant applied for a lot division, without applying for a required variance. He agreed with staff's measurement of the lot depth. He favored taking action on the item.

Adams agreed with Brandt. He understood the serious drainage problem. His kids used to ride the school bus in that area. The engineering staff cannot change the need for a variance. There is no hardship. The lot is acceptable for a single-family home. He supported staff's recommendation. His opposition to the application included the findings listed in the staff report.

***Adams moved, second by Brandt, to recommend that the city council adopt the resolution on pages A1–A3 of the staff report denying the Burg and Oldre Addition, date stamped June 16, 2006. Denial is based on the following findings:***

- 1) There is an existing drainage problem in the Timberline Road/Live Oak Drive area. The proposed plat may exacerbate this problem due to increased impervious surface and alteration of an existing drainage way.
- 2) The lot depth variance is not based on any unique circumstance inherent to the property. Rather, the lot depth variance is based entirely on the owner's desire to divide the lot. This is a self-created circumstance, which does not justify a variance.
- 3) Denial of the subdivision would not deny reasonable use of the property. There is currently a vacant, single-family home on the property. This home could be occupied or a new single family home could be built.

***Cheleen, Dahl, Adams, Brandt, and Hart voted yes. Britain and Frisque were absent. Motion carried.***

Chair Hart noted that the applicant could still work with the engineering department to address the drainage issues. It is tentatively scheduled to be reviewed by the city council at its October 9, 2006 meeting.

**B. Site and building plan review, with variance, to replace the existing house with a new house at 5235 Woodhill Road for West Suburban Alano (06020.06b)**

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

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

Adams confirmed with Teague that the previous proposal retained the existing house with an addition. Peterson explained that the height would be four feet lower. The neighbor on the north side approved of the landscape plan.

The public hearing was opened.

Grace Sheely, 14325 Grenier Road, was concerned with the view of the structure from the street. She was not sure if it would be an improvement for the neighborhood. The view from the ball park would be fine, because it would be separated by the parking lot. She does not want the facility to look commercial from the street.

Peterson explained that the grading would be done in a manner to hide the first story. It would not appear as imposing as the direct view of the south side. An illustration of the view from the street was provided. The width would occupy approximately the same space as the existing home.

In response to Dahl's question, Chris Van Hauer responded that the exterior would be stucco with brick and stone accents. The patio area was moved closer to the front than the rear of the building in response to neighbors' requests.

Carol Breczinski, 5221 Woodhill Road, opposed the patio being located on the north side. People commented to her that the parking lot blocks the view of ball field two. Chair Hart clarified that the patio will still be on the north side of the house, but moved further west. Chair Hart pointed out the patio on a diagram. Ms. Breczinski stated that the new position helps.

Ms. Breczinski asked if the site would have to be rezoned. Chair Hart answered in the negative. Alano would have a conditional use permit. Peterson explained that the conditional use permit would be required because the institutional use is allowed in a residential area with a conditional use permit. It is similarly treated as a church or meeting place. Alano could sell the property to an owner who would be allowed to use it as a meeting place. Peterson described updated improvements in the plan for the retaining wall.

Ms. Breczinski asked who would be responsible to maintain the landscaping. Chair Hart answered Alano.

Ms. Breczinski was not sure she liked the 4,000-square-foot building. She was not sure if it fit in with the neighborhood. She did like it better than a 6,000-square-foot building.

No additional testimony was submitted and the hearing was closed.

Cheleen commented on the great job Alano management did maintaining their previous building. He believed they would do a great job on keeping up the grounds and building. Since the facility would be lower, it would be an excellent

buffer and transitional use from residential to the ball field and commercial areas. It makes a lot of sense.

Chair Hart reviewed the primary issues.

***Cheleen moved, second by Adams, to approve the site and building plan with building setback variances from 50 feet to 43 feet from the west lot line; from 50 to 35 feet from the north lot line and from 50 to 10 feet from the east lot line. Approval is based on the following findings:***

1. The proposal would meet the required standards and ordinances for a site and building plan approval.
2. The proposal would meet the required standards for a variance, because:
  - a. The new building would not encroach further into the setbacks than the existing structure.
  - b. The property to the east is the Glen Lake Park.
  - c. There would be extensive landscaping along the north lot line to screen the building from the adjacent single-family home to the north.

Approval of the site and building plans is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date stamped August 25, 2006.
  - Grading plan date stamped August 25, 2006.
  - Landscaping plan date stamped August 25, 2006.
  - Building elevations date stamped August 1, 2006.
2. The following must be submitted to the city before the city issues a building permit:
  - a. A final landscape and irrigation plan for staff approval
3. A 6-foot trail segment must be added on the west side of the batting cages.

4. The property owner is responsible for replacing any required landscaping that dies.
5. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
6. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
7. Construction must begin by December 31, 2007, unless the planning commission grants a time extension.

***Cheleen, Dahl, Adams, Brandt, and Hart voted yes. Britain and Frisque were absent. Motion carried.***

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

**C. Sign plan review for monument and wall signs at Minnetonka Crossing, 6001 Shady Oak Rd, for True North Investments. (06006.06a)**

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

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

Chair Hart confirmed with Thomas that the number of tenant identification signs would be restricted to three.

Adams learned from Thomas that no feedback was received from Michael Jennings.

Chris Novak, 10327 West 34<sup>th</sup> Circle, applicant, was present to answer questions. He thanked staff for their help.

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

***Brandt moved, second by Cheleen, to approve the sign plan for Minnetonka Crossings as shown on pages A5–A7 of this staff report. Approval is based on the following findings:***

- 1) The proposed monument signs are reasonable.
  - a. The property is located on a one-way roadway system, with just one entrance and exit point.
  - b. There will be two distinct buildings on the site, building A on the north side of the site and building B on the south.
  - c. Tenant identification would be limited to three tenants.
- 2) Wall signs consistent with ordinance restrictions for both commercial and office spaces are appropriate.

Approval is subject to the following conditions.

- 1) Each monument sign is allowed to display no more than three tenants.
- 2) The size and location of wall signs must conform to the staff recommend plan dated September 17, 2006.
- 3) Office wall signs may be located on the north and south facades or on the west and south facades, but not all three.
- 4) Wall sign letters may be stacked, but total stacked area must not exceed 26 inches in height.
- 5) Sign permits are required.
- 6) Monument signs must meet a minimum 10-foot setback from all property lines.
- 7) All signs listed in the “Prohibited Signs” section of code are prohibited.

***Cheleen, Dahl, Adams, Brandt, and Hart voted yes. Britain and Frisque were absent. Motion carried.***

9. ADJOURNMENT

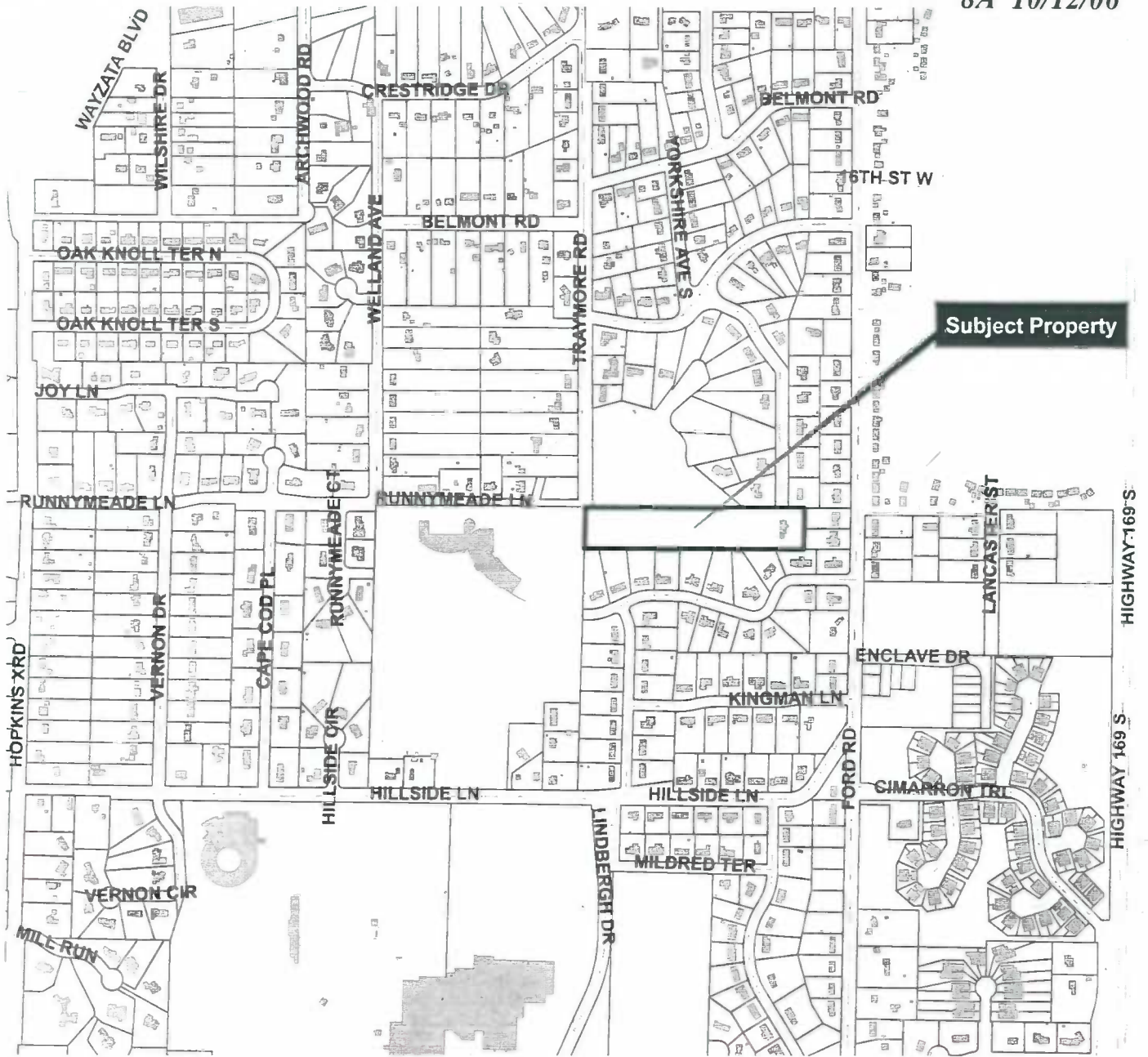
*Dahl moved, second by Cheleen, to adjourn the meeting at 8:10 p.m.  
Motion carried unanimously.*

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary

**Minnetonka Planning Commission Meeting  
October 12, 2006**

**Agenda Item 8**

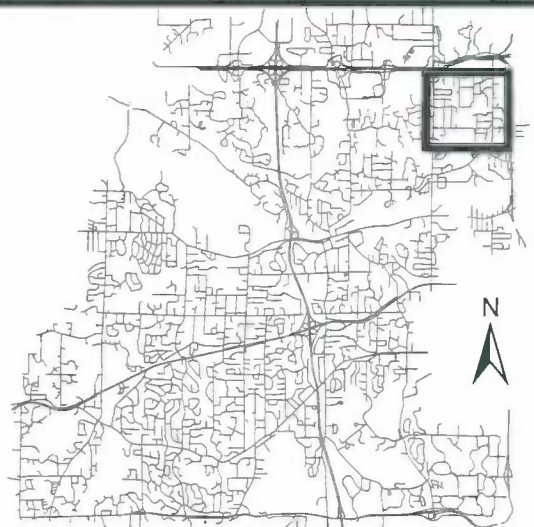
**Public Hearings: Non-consent Agenda**



### LOCATION MAP

Project &  
 Applicant: Dennis Recknor  
 Address: 2001 Yorkshire Ave.  
 (06058.06a)

City of  
 Minnetonka



This map is for illustrative purposes only.

## Planning Commission Staff Report Meeting of October 12, 2006

**Brief Description:** Preliminary plat, with lot width at right-of-way variances, for a two-lot subdivision at 2001 Yorkshire Avenue, for Dennis and Julie Recknor.

**Recommended Action:** Recommend that the city council approve the preliminary plat with variances.

### Introduction

Dennis and Julie Recknor are proposing to divide the existing property at 2001 Yorkshire Avenue into two lots. The existing home would be removed. The proposal requires a preliminary plat and lot width at right-of-way variances from 65 feet to 38 and 36 feet. (See the applicants' narrative and plans on pages A4–A7.)

### Primary Issues

- **Is the proposed plat, with variances, reasonable?**

The proposed plat is reasonable for three reasons:

- (1) Technically, the proposed lots would not meet frontage requirements. However, visually, the lots would be similar to many lots located at the end of cul-de-sacs.
- (2) There are several lots without frontage in the area. (See page A9.)
- (3) The Recknors have agreed to limit the size of homes on the property. A maximum floor area ratio of 0.18 would be allowed; this ratio includes garage space. This ratio corresponds with the largest ratio in the immediate area. (See page A9.) Further, the front façade of the homes would be limited to 1 ½ stories.

The proposed plat meets the standards for lot width at right-of-way variances, as well as the three tests against which all variances must be judged. These specific tests are outlined in the "Supporting Information" section of this report.

### Staff Recommendation

Recommend that the city council approve the Recknor preliminary plat, with lot width at right-of-way variances, date stamped October 4, 2006. Approval is based on the following findings:

- 1) The proposal meets the required standards and ordinances for a preliminary plat.
- 2) The proposal meets the required standards for a lot width at right-of-way variance in Section 300.10, Subdivision 5(h)(2)(b).
- 3) The proposal meets the general standards for a variance, because:
  - a. The proposed plat is reasonable in the context of the neighborhood. It would result in two homes being constructed at the end of a cul-de-sac. While the lots would not technically meet city standard, they would be similar to many other lots at the end of the cul-de-sac.
  - b. The overall size of the property, relative to its frontage on a public street, is a unique circumstance not common to all R-1 properties.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
  - a. Show the following on the final plat:
    - (1) Additional 7 feet of right of way south of the existing cul-de-sac, as shown on the preliminary plat.
    - (2) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
    - (3) Utility easements over existing or proposed public utilities, as determined by the city engineer.
    - (4) Drainage and utility easements over wetlands, floodplains, and public storm water ponds, as determined by the city engineer.
  - b. Pay the city a park dedication fee of \$2,375.00.
  - c. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- 2) The following items must be submitted to the city before the city releases the final plat:
  - a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.

- b. The following documents for the city attorney's approval:
- (1) Title evidence that is current within thirty days before release of the final plat.
  - (2) Conservation easements over a 25-foot wetland buffer upland from the delineated wetland edge.
  - (3) A 20-foot-wide private driveway easement, centered on the common property line. The easement must state the maintenance responsibilities of each owner. The minimum driveway width must be as required by the fire marshal.
  - (4) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.

- c. Any other requirements included with final plat approval.
- 3) The following must be completed before the city issues a building permit:
- a. City approval of a grading and tree preservation plan for each lot. The plans must be in substantial compliance with the building pads shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.
  - b. City approval of the installation of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot.
  - c. Submit a copy of the recorded plat and any easement or covenants required to be recorded.
  - d. Pay a hookup fee for sanitary sewer and water.
  - e. Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
  - f. If required, submit evidence of the watershed district approval. The city may require revisions to the preliminary plat to meet the district's requirements.

- g. Maximum floor area ratio shall be no more than 0.18 per lot. Garage space is included in the floor area ratio calculation.
  - h. The front façade of both houses is limited to 1 ½ stories.
  - i. Two properties must share a 20-foot wide driveway centered on the common property line or a driveway(s) as approved by the city engineer.
  - j. Minimum floor elevation is 936.0
  - k. Homes must be equipped with automatic fire sprinklers as required by the fire marshal.
  - l. Existing sewer service should be used for the easterly lot.
- 5) Any existing private wells should be sealed.
  - 6) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
  - 7) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 ½ inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.
  - 8) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Originator: Susan Thomas, Planner

Through: Julie Wischnack, City Planner

Through: Ron Rankin, Community Development Director

## SUPPORTING INFORMATION

### Surrounding Land Uses

- Northerly: Single-family homes; zoned R-1, guided low-density residential.  
Easterly: Single-family homes; zoned R-1, guided low-density residential.  
Southerly: Single-family homes; zoned R-1, guide low-density residential.  
Westerly: Windsor Lake

### Existing Site Features

The existing property is 4.48 acres in total size; 1.17 acres of the property is upland area. City records indicate the existing house was built in 1901.

### Planning

Guide Plan designation: low-density residential.

Zoning: R-1

### R-1 Standards

The proposed plat requires lot width at right-of-way variances from 65 feet to 38 feet and to 36 feet. The lots would meet all other standards.

	Lot Area	Bld Area	Lot Width at ROW	Lot Width at setback	Lot Depth
<b>Required</b>	22,000 sq. ft.	3,500 sq.ft.	65 ft	110 ft	125 ft
<b>Lot 1</b>	22,337 sq.ft.	3,828 sq.ft.	36 ft*	110 ft	183 ft
<b>Lot 2</b>	28,601 sq.ft.	11,012 sq.ft.	38 ft*	145 ft	125 ft

\* variance required

### General Variance Standards

A variance may be granted from the literal provisions of the ordinance when strict enforcement of the ordinance would cause undue hardship. By definition, undue hardship exists when a property cannot be put to reasonable use if used under the conditions allowed by city code. (City Code 300.07.1) The city attorney has advised that this definition does not mean that that applicant must show that land cannot be put to any reasonable use without a

variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable.

The requested lot width at right-of-way variances meet the three tests against which all variances must be judged.

**1) *Are there practical difficulties that prevent a reasonable use from complying with ordinance requirements?***

Yes. The plat, with variances, would result in two homes being constructed at the end of a cul-de-sac. While the lots would not technically meet city standard, they would be similar to many other lots at the end of cul-de-sac. The proposed plat is reasonable in the context of the neighborhood.

**2) *Are there circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?***

Yes. The property is 4.48 acres in size, with 1.17 acres of upland area, but has just 74 feet of frontage. The overall size of the property, relative to its frontage on a public street, is a unique circumstance not common to all R-1 properties.

**3) *Would the variance alter the essential character of the neighborhood?***

No. The neighborhood is characterized by single-family homes. The proposed plat with variances would result in two additional single-family homes. This would not alter neighborhood character.

### **Lot Width at Right-of-Way Variance Standards**

By City Code Section 300.10, Subdivision 5(h)(2)(b): Variances to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way, which access by permanently recorded easements will be considered, but not necessarily granted, only upon evidence that the following standards are met:

**(1) *one of the following conditions exists:***

**(a) *an extension of roadway is not physically feasible as determined by the city. If the city determines that there is the need for a roadway extension, this section shall not apply, and the right-of-way shall be provided by easement or dedication whichever is appropriate;***

**(b) *severe grades make it infeasible according to the city to construct a public street to minimum city standards;***

- (c) *the city determines that a right-of-way extension would adversely impact natural amenities including wetlands or stands of significant trees; or*
- (d) *there is no feasible present or future means of extending right-of-way from other directions;*

Extension of Yorkshire Avenue is not physically feasible or desirable.

- (2) *the number of lots to share a common private access drive does not exceed three;*
- (3) *covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted;*
- (4) *The neck portion of a neck or flag lot must have a minimum width of 14 feet plus the actual driveway width required by the fire marshal pursuant to the uniform fire code. If an easement is used to provide access, the easement must have a minimum width equal to the width required for a neck, plus an additional ten feet.*
- (5) *When a lot has no access to a public street and receives access across a private driveway, the private driveway must meet the following standards:*
  - (a) *If the driveway provides access to more than one lot, a private driveway maintenance agreement must be recorded for the lots.*
  - (b) *The driveway must meet minimum requirements established by the engineering department and fire marshal.*

The proposed plat meets these standards.

## **Building Design**

The Recknors have agreed to limit the size of homes on the proposed properties. Maximum floor area ratio would be 0.18. In addition, the front façade of the homes would be limited to 1 ½ stories. These have been included as conditions of approval.

## **Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices. The plan must also indicate: (1) how equipment will avoid roots of trees to be saved; (2) location for stockpiling of earth and construction materials and equipment; and (3) how contractors will prevent tracking of earth onto the street

### **Tree protection**

During the course of development, significant trees may be removed without replacement if: (1) required for easements, streets, utilities or ponding; (2) they are in or within 10 feet of proposed driveways; or (3) in or within 10 feet of buildings footprints. If a significant tree is removed in other areas, trees must be planted to replace those removed

### **Lakeshore, Floodplain, and Wetlands**

The property is encumbered by lakeshore, floodplain, and wetlands. Natural resources staff have reviewed the proposal and find it acceptable. Staff will review specific plans with building permit applications. As a condition of approval, a wetland buffer must be maintained 25 feet upland from the delineated wetland edge. This buffer must be put into conservation easement.

### **Drainage**

Drainage currently flows across the property from northeast to southwest. The general grading plan, submitted with the plat, would maintain this pattern. The city engineer has reviewed the proposal and finds it acceptable. Specific grading plans would be reviewed with building permit applications.

### **Cul-de-sac**

Yorkshire Avenue was reconstructed and a cul-de-sac added in 2001. Prior to that time, the street simply ended at the Recknor property without adequate turnaround area. Though the cul-de-sac is substandard, it is a substantial improvement over the previous conditions.

### **Neighborhood Comments**

We surveyed the property owners within 400 feet of this site. Out of 59 properties, we received 8 replies as follows:

<i>2</i> <b>Strongly Support</b>	<i>1</i> <b>Somewhat Support</b>	<i>3</i> <b>Neutral</b>	<i>1</i> <b>Somewhat Oppose</b>	<i>1</i> <b>Strongly Oppose</b>
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#### *In favor:*

(1906 Yorkshire Avenue)

“I have lived in my home on Yorkshire for 20 plus years and one benefit having the Recknors there was always allowing neighbors to cross thru there property to get to Windsor Lake Road. It has been especially great and, more than that, “safe” for children to get over to school without having to use Ford Road which can be very dangerous. I would like to see a

crossover made to Windsor Lake Road similar to the one over by Runny Meade, or at least discussion of allowing neighbors to walk through the property. The homeowners seem fine with allowing neighbors to walk thru.

(1912 Traymore Road)

1. "I think it's odd that a property owner should have to go through this rigmarole to do what he/she wishes to do with his/her property."
2. "This is an administrative burden on him and the taxpayer and the beneficiary is the non-value-added segment of governmental agencies that claim to be acting in some ill-defined public interest."
3. "If we thought that dis-interested citizens and governmental bodies were better judges of what private property owners may/may not do, we'd be better off creating an economic and political system that reflected it. Such is not the case. Thank heavens this is not the USSR."
4. "The city had no business inserting itself into this problem unless there is an obvious health/safety issue for neighbors."
5. "The idea that 'neighbors' or 'community' can have an 'opinion' on a property owner's decision is manifestly absurd outside of #4 above."

***Opposed:***

(1916 Yorkshire Avenue S.)

See the attached letter on pages A11–A12.

(1908 Ford Road)

"My concern is in preserving the natural look around the lake. I also would like to know that the building project would take great consideration for the environmental impact on the lake. Sorry for the late response!"

***General comments:***

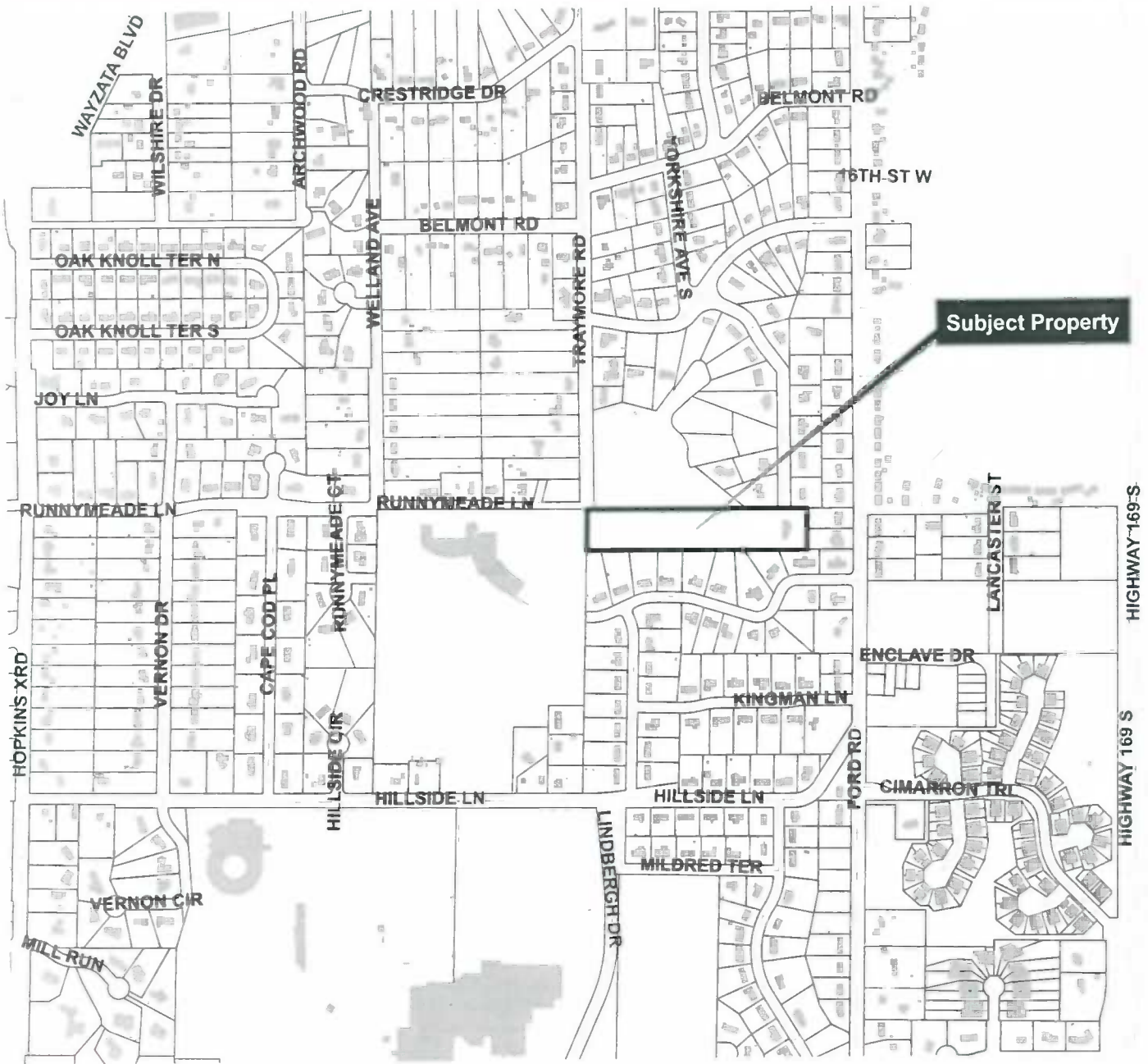
(No address given)

"Dear City of Minnetonka—Just a quick e-mail regarding the proposed changes to the lot on 2001 Yorkshire Avenue South. I am not weighing in on the proposed use of the land -- my wife and I benefited from being able to develop our home at 1892 Yorkshire Avenue South in 2001. In doing so, we attempted to be sensitive to the personality of the neighborhood, its existing homes and its topography. I am writing to simply express that I believe the current home at 2001 Yorkshire blends beautifully with the current landscape and charming character of Yorkshire Avenue South. Thanks much. Jon Stone 952.851.7240

(2475 Holy Name Dr)

"I do have a concern about the additional water run off created by two housing units and the hard cover that would be needed to accommodate the needs for two housing units. Does the planning study assure surrounding residents properties from such run off water?"

**Deadline for a city decision:** December 22, 2006



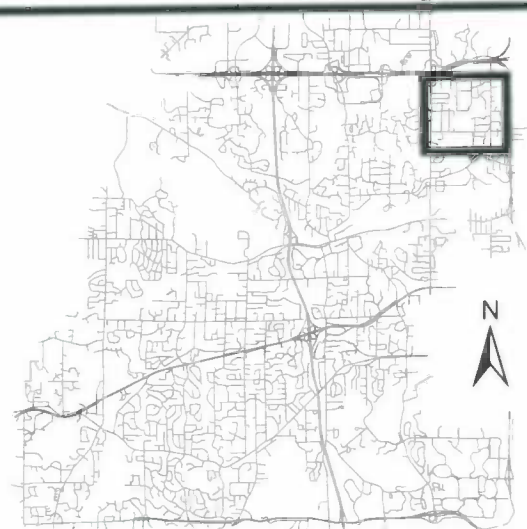
### LOCATION MAP

Project &  
Applicant: Dennis Recknor

Address: 2001 Yorkshshire Ave.

(06058.06a)

City of  
Minnetonka



This map is for illustrative purposes only.

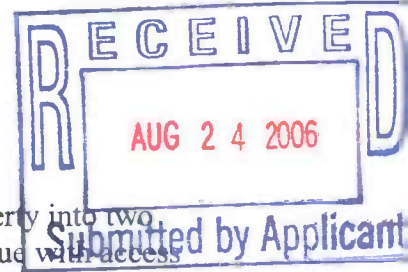
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A3

2001 YORKSHIRE AVENUE  
SUBDIVISION NARRATIVE



The Recknors' are proposing a preliminary plat for the subdivision of their property into two lakeshore lots. The existing parcel is located at the south end of Yorkshire Avenue off of the cul-de-sac. The property is 4.48 acres in size, including land that extends into Windsor Lake. The proposed subdivision will basically divide the parcel north and south plus provide the easterly lot approximately 40 feet of lakeshore. The existing home would need to be removed. The proposed lots will meet lot size and buildable area criteria but both lots will require a variance for road frontage.

The proposed plan is to utilize the existing cul-de-sac and provide each lot with equal frontage. The cul-de-sac at the end of Yorkshire Avenue is currently built within the 60-foot right-of-way that abuts the Recknor's property. There is a small portion of the cul-de-sac that extends into their property outside of the right-of-way but is within a city utility easement. The proposed plat would extend the right-of-way to encompass all of the cul-de-sac. By correcting the right-of-way and squaring it off the lots will have 36 and 38 feet of right-of-way frontage respectively.

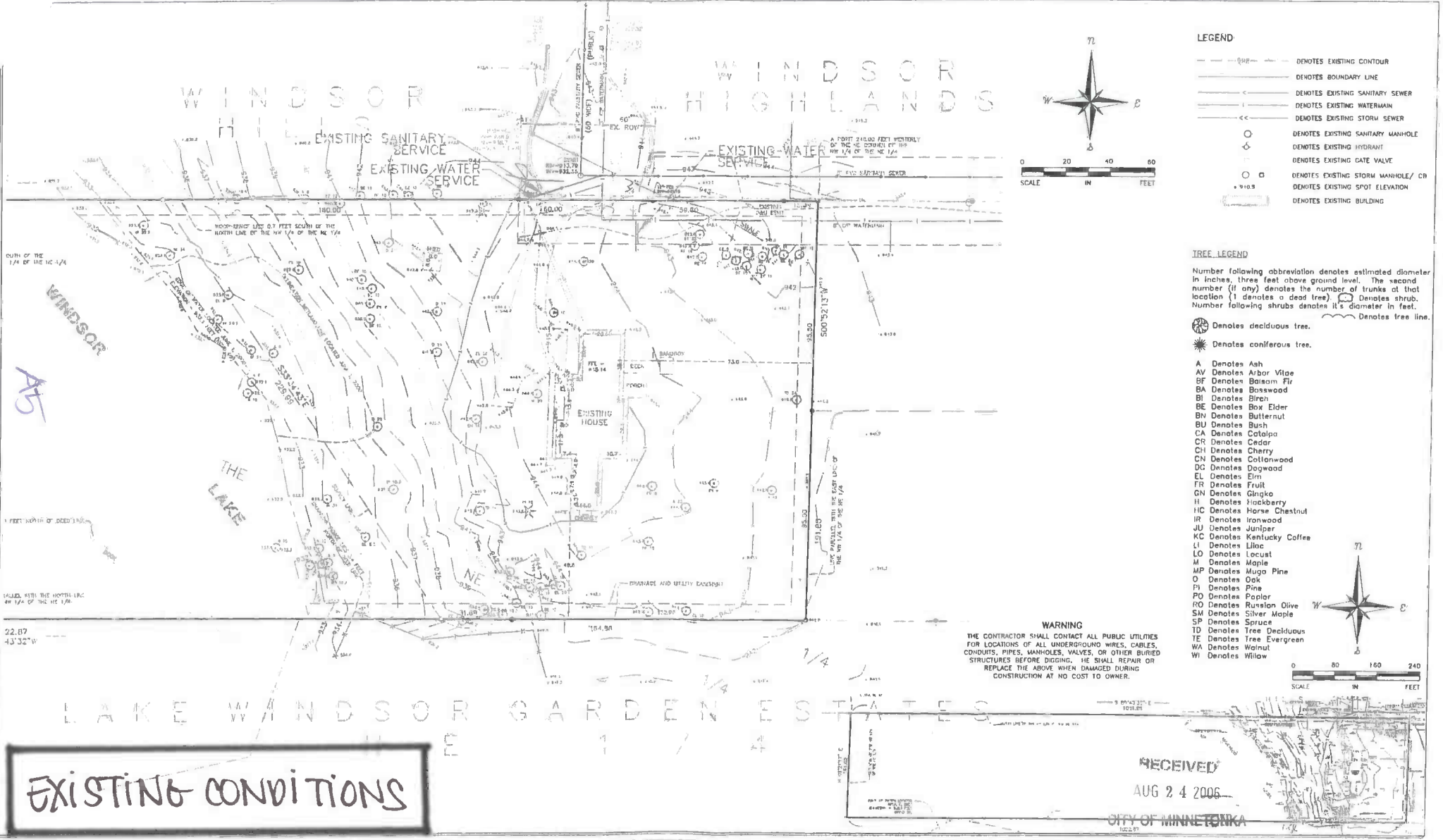
The current road configuration has worked successfully in providing access to the residents on Yorkshire Avenue and to the Recknors' without conflict. The addition of one additional home to the end of the road does not appear to negatively impact the neighborhood. Both homes would have adequate maneuvering space within the lots so as not to interfere with traffic on Yorkshire Avenue plus provide access for emergency vehicles to the homes. Both homes are planned to be fully sprinklered to ensure that safety measures are provided in case of fire. This will be similar to other lots located along the lake without road frontage.

If added access is deemed necessary the City does have a 40-foot wide utility easement that encompasses 20 feet on the Recknor site and 20 feet on the property to the northeast. An extension of Yorkshire Avenue into this easement could provide an alternative emergency turnaround.

Three options were considered to create a standard size public cul-de-sac into the site. In review of each option none of them appeared appropriate for the site or surrounding homes. The first option was to provide a bubble at the end of the existing right-of-way. This option takes away any possible future home placement for even a single home. The other options were to slide the bubble to the east to create a larger space for two lots. Again both of these options appear inappropriate for the site and neighborhood, especially for the home to the east where it would become a double frontage lot. (see attached exhibits)

With the bubble placed on the east side of the site (option 2) the site is only short 2,000 square feet in providing the minimum lot size for two lots. This option allows the site to be divided and meet all of the zoning standards except lot size. Although this is not a small lot neighborhood there are many lots in the area that are less than 22,000 square feet. If there is a desire for a public cul-de-sac with the subdivision of two lots it can be accomplished with a variance to lot size or approval of smaller cul-de-sac.

The proposed subdivision and future homes will be harmonious within the site and the neighborhood. The site location and topography provides for the addition of two sought after home sites that would fit nicely in the neighborhood without the shoehorn appearance. We are pleased to provide this opportunity to you and look forward in working with the City in finding the right solution for the future of Yorkshire Avenue.



Revisions	Date	Description	By	Date	Description	By

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

*[Signature]*  
 Date: 09/28/06 Exp. No. 00182

Designed By: \_\_\_\_\_  
 Drawn By: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Date: \_\_\_\_\_

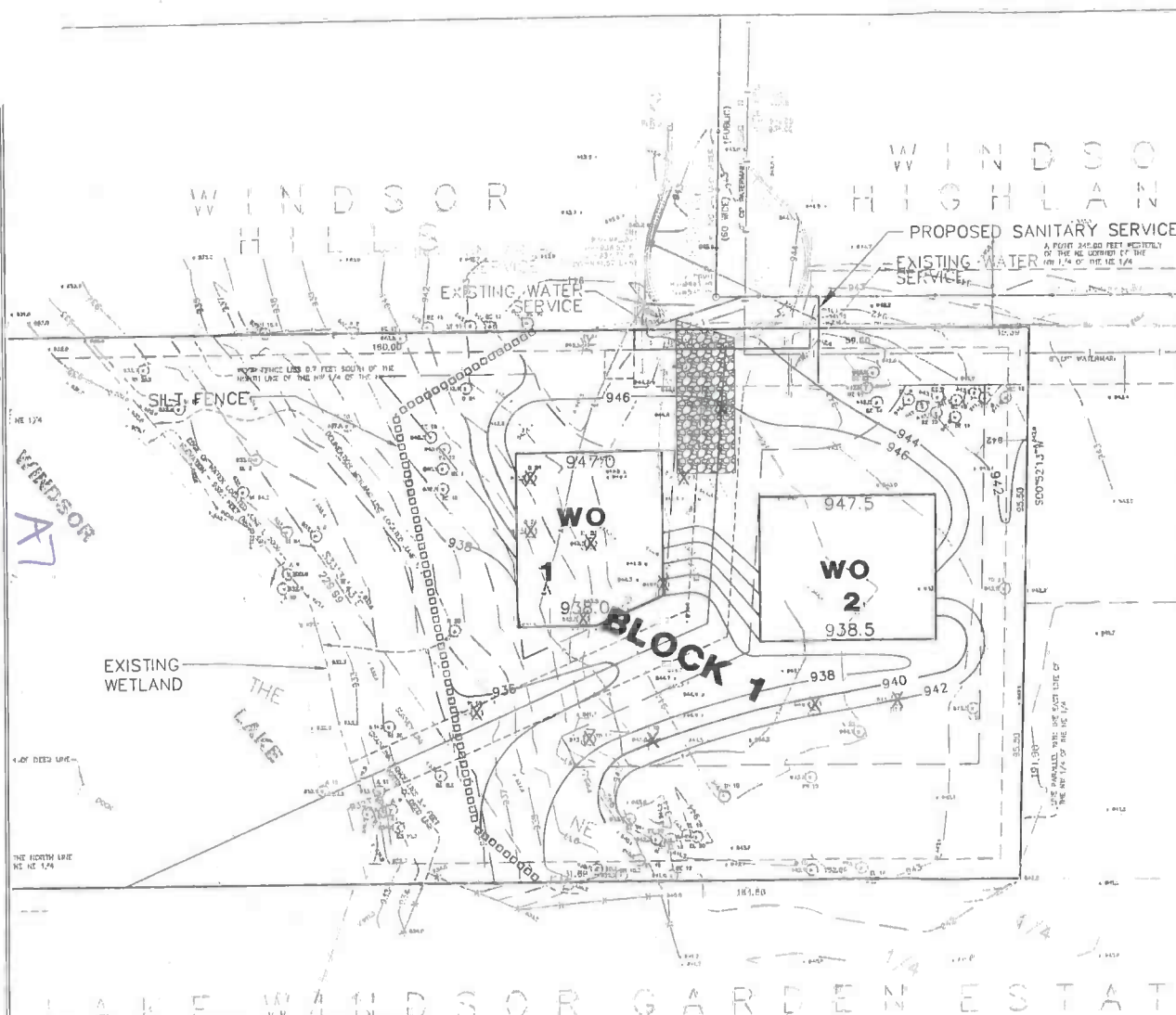
**S** Schoell Madson  
 Planning Engineering Surveying

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**DENNIS RECKNOR**  
 2001 YORKSHIRE  
 MINNETONKA, MN 55305  
 10821 848-8733

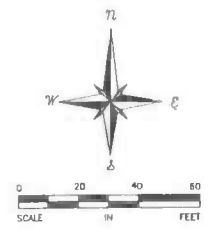
Project Name/Location: 2001 YORKSHIRE MINNETONKA, MN  
 Date: 08/22/06  
 Sheet: E1





**LEGEND**

- DENOTES EXISTING CONTOUR
- DENOTES PROPOSED CONTOUR
- DENOTES BOUNDARY LINE
- DENOTES DRAINAGE/UTILITY EASEMENT
- DENOTES BUILDING SETBACK
- DENOTES TREE TO BE REMOVED
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES PROPOSED 500' ELEVATION
- DENOTES HOUSE PAD
- DENOTES WALKOUT
- DENOTES EXISTING STORM STRUCTURES

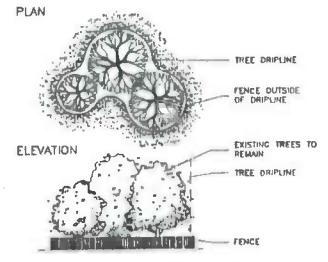


1. BEFORE LAND CLEARING BEGINS, CONTRACTOR SHOULD MEET WITH THE CONSULTANT ON SITE TO REVIEW ALL WORK PROCEDURES, ACCESS ROUTES, STORAGE AREAS AND TREE PROTECTION MEASURES.
2. TREE PROTECTION FENCE SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES AND IS TO BE PLACED OUTSIDE OF THE DRP LINE OF ALL SIGNIFICANT TREES TO BE SAVED. FENCE TO REMAIN UNTIL ALL SITE WORK IS COMPLETED. FENCE SHOULD NOT BE MOVED OR RELOCATED WITHOUT VERBAL OR WRITTEN COMMUNICATION WITH THE CONSULTANT. HEAVY DUTY SILT FENCE SHALL BE USED FOR TREE PROTECTION FENCE.
3. NO FILL SHOULD BE PLACED AGAINST THE TRUNK, ON THE ROOT CROWN, OR WITHIN THE DRP LINE AREA OF ANY TREES THAT ARE TO BE SAVED.
4. CARE MUST BE TAKEN TO PREVENT CHANGE IN THE SOIL CHEMISTRY DUE TO CONCRETE WASHOUT AND LEAKAGE OR SPILLAGE OF TOXIC MATERIALS SUCH AS PAINTS OR FUELS.
5. ALL CONSTRUCTION EQUIPMENT, VEHICLE TRAFFIC AND STORAGE AREAS MUST BE LOCATED OUTSIDE OF ANY TREE PROTECTION AREA.
6. PRUNING OF OAK TREES MUST NOT TAKE PLACE FROM APRIL 15 TO JULY 1.
7. IF WOUNDING OF OAK TREES OCCURS, A NON-TOXIC WOUND DRESSING MUST BE APPLIED IMMEDIATELY. (EXCAVATORS MUST HAVE A NON-TOXIC TREE WOUND DRESSING WITH THEM ON DEVELOPMENT SITES.)
8. HEAVY-DUTY SILT FENCE SHALL BE STAKED AT THE DRIFLINE OF EXISTING TREES TO BE SAVED.
9. NO BURNING PERMITS WILL BE ISSUED FOR TREES TO BE REMOVED. TREES & BRANCHES MUST EITHER BE REMOVED FROM SITE OR CHIPPED.
10. ANY TREES DAMAGED OR REMOVED NOT LISTED ON THIS TREE PRESERVATION PLAN MUST BE REPLACED AT A RATE OF 2:1 DIAMETER INCHES.

**GRADING NOTES:**

1. CONTRACTOR SHALL CONTACT 'GOPHER STATE ONE CALL' WITHIN TWO WORKING DAYS PRIOR TO EXCAVATION/ CONSTRUCTION, FOR UTILITY LOCATIONS. TWIN CITIES METRO AREA: 851-454-0002 OR TOLL-FREE: 1-800-252-1188.
2. CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
3. SUITABLE GRADING MATERIAL SHALL CONSIST OF ALL SOIL ENCOUNTERED ON THE SITE WITH EXCEPTION OF TOPSOIL, DEBRIS, ORGANIC MATERIAL AND OTHER UNSTABLE MATERIAL. STOCKPILE TOPSOIL AND GRANULAR FILL AT LOCATIONS DIRECTED BY CONTRACTOR.
4. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROPERLY TO AVOID UNDERMINING OF THE EXISTING PAVEMENT.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
6. CONTRACTOR SHALL EXCAVATE DRAINAGE TRENCHES TO FOLLOW PROPOSED STORM SEWER ALIGNMENTS.
7. GRADES SHOWN ARE FINISHED GRADES, CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION, LEAVE STREET READY FOR SUBBASE.
8. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OFF THE CONSTRUCTION SITE.
9. COMPLETION OF SITE GRADING OPERATIONS SHALL RESULT IN ALL AREAS BEING GRADED TO 'PLAN SUBGRADE ELEVATION'. BUILDING PAD AREAS SHALL BE DETERMINED BY REFERRING TO THE ARCHITECTURAL DRAWINGS, THE PARKING LOT AND DRIVEWAY AREAS SHALL BE DETERMINED BY REFERRING TO THE SITE PLAN AND PAVEMENT SECTION DETAILS FOR LOCATION AND LIMITS OF BITUMINOUS PAVEMENT SECTIONS.
10. REFER TO THE ARCHITECT'S SITE PLAN FOR MOST CURRENT HORIZONTAL DIMENSIONS AND SITE LAYOUT.
11. REFER TO UTILITY PLAN FOR SANITARY SEWER MAIN, WATER MAIN SERVICE LAYOUT AND ELEVATIONS AND CASTING AND STRUCTURE SCHEDULE.
12. THE MINIMUM GRADED SLOPE FROM EDGE OF BUILDING SHALL BE 6 INCHES IN 10 FEET.
13. FINISHED GROUND AND SOD ELEVATION ADJACENT TO BUILDING SHALL BE 6" BELOW FLOOR ELEVATION. SLOPE GRADING AWAY FROM BUILDING A MINIMUM OF 6" IN 10 FEET BEYOND 10 FEET REFER TO GRADING PLAN.
14. CONTRACTOR IS RESPONSIBLE FOR GRADING AND SLOPING THE FINISHED GROUND SURFACE TO PROVIDE SMOOTH & UNIFORM SLOPES, WHICH PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND PREVENT PONDING IN LOWER AREAS. CONTACT ARCHITECT IF FIELD ADJUSTMENTS TO GRADING PLANS ARE REQUIRED.
15. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION, PAVEMENTS AND CURB AND GUTTER WITH SMOOTH UNIFORM SLOPES WHICH PROVIDE POSITIVE DRAINAGE. CONTACT ARCHITECT IF FIELD ADJUSTMENTS ARE REQUIRED.
16. INSTALL A MINIMUM OF 4 INCHES CLASS B AGGREGATE BASE UNDER CURB AND GUTTER.
17. ACTIVITIES INCLUDING, BUT NOT LIMITED TO MOWING, YARD WASTE DISPOSAL AND FERTILIZER APPLICATION SHALL NOT OCCUR WITHIN THE BUFFER ZONE.
18. PRIVATE STORM SEWER TO BE MAINTAINED BY HOMEOWNER.

**TREE PROTECTION PLAN**



INSTALL TREE PROTECTION FENCE PRIOR TO ANY CONSTRUCTION ACTIVITY. DO NOT STORE ANY EQUIPMENT OR MATERIALS WITHIN THE PROTECTED AREA. REMOVE THE FENCE ONLY AFTER CONSTRUCTION OPERATIONS ARE COMPLETED.

**WARNING**

THE CONTRACTOR SHALL CONTACT ALL PUBLIC UTILITIES FOR LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES, OR OTHER BURIED STRUCTURES BEFORE DIGGING. HE SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO OWNER.

**GRADING PLAN**

Date:	Description:	By:	Date:	Description:	By:

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

Date: 08/22/08 Eng. No.: 48101

Designed By: CM  
 Drawn By: CM  
 Checked By: CM

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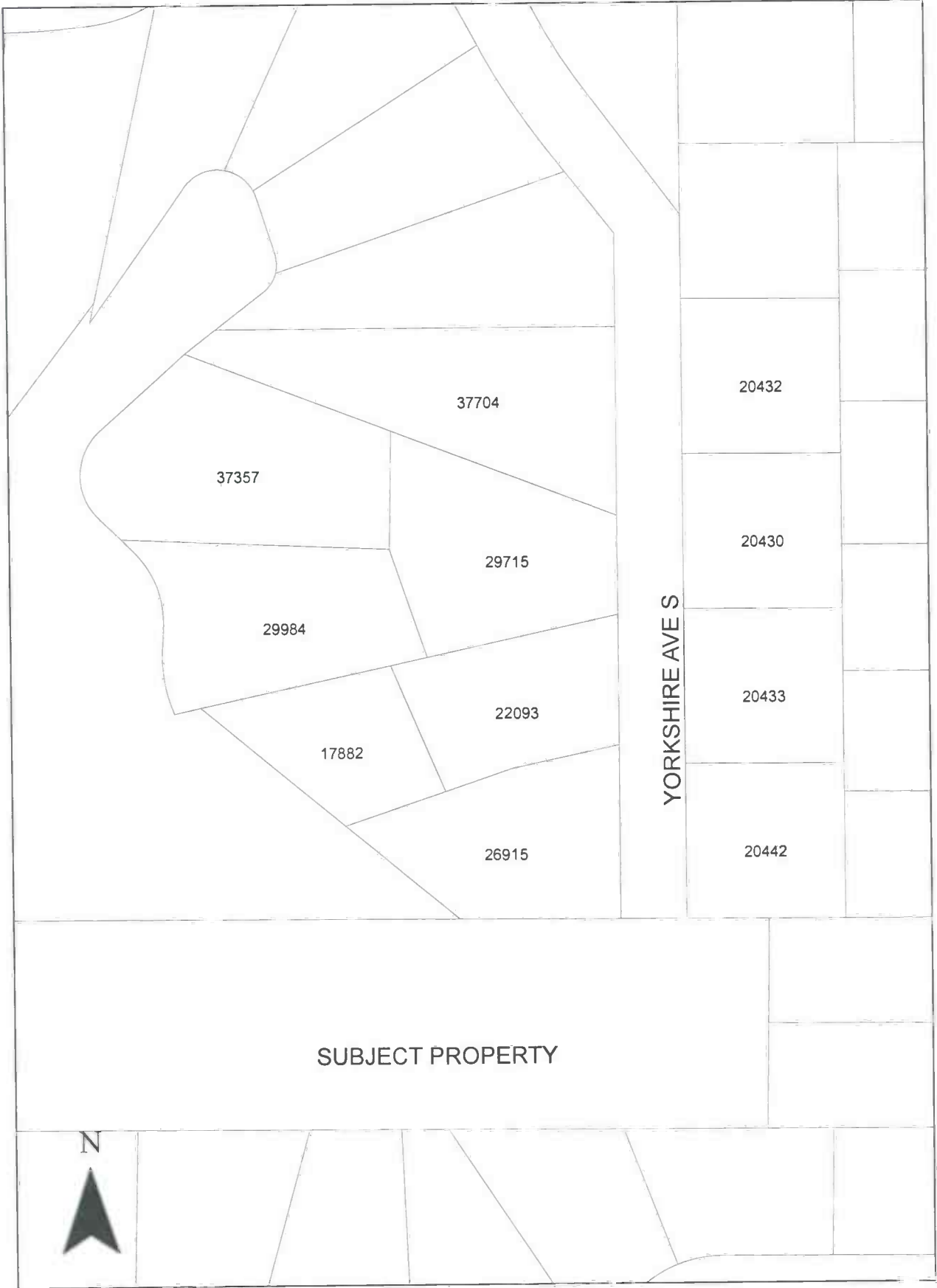
Project Name/Location: **3001 YORKSHIRE MINNETONKA, MN**

Date: **08/22/08**

Sheet Title: **GRADING PLAN**

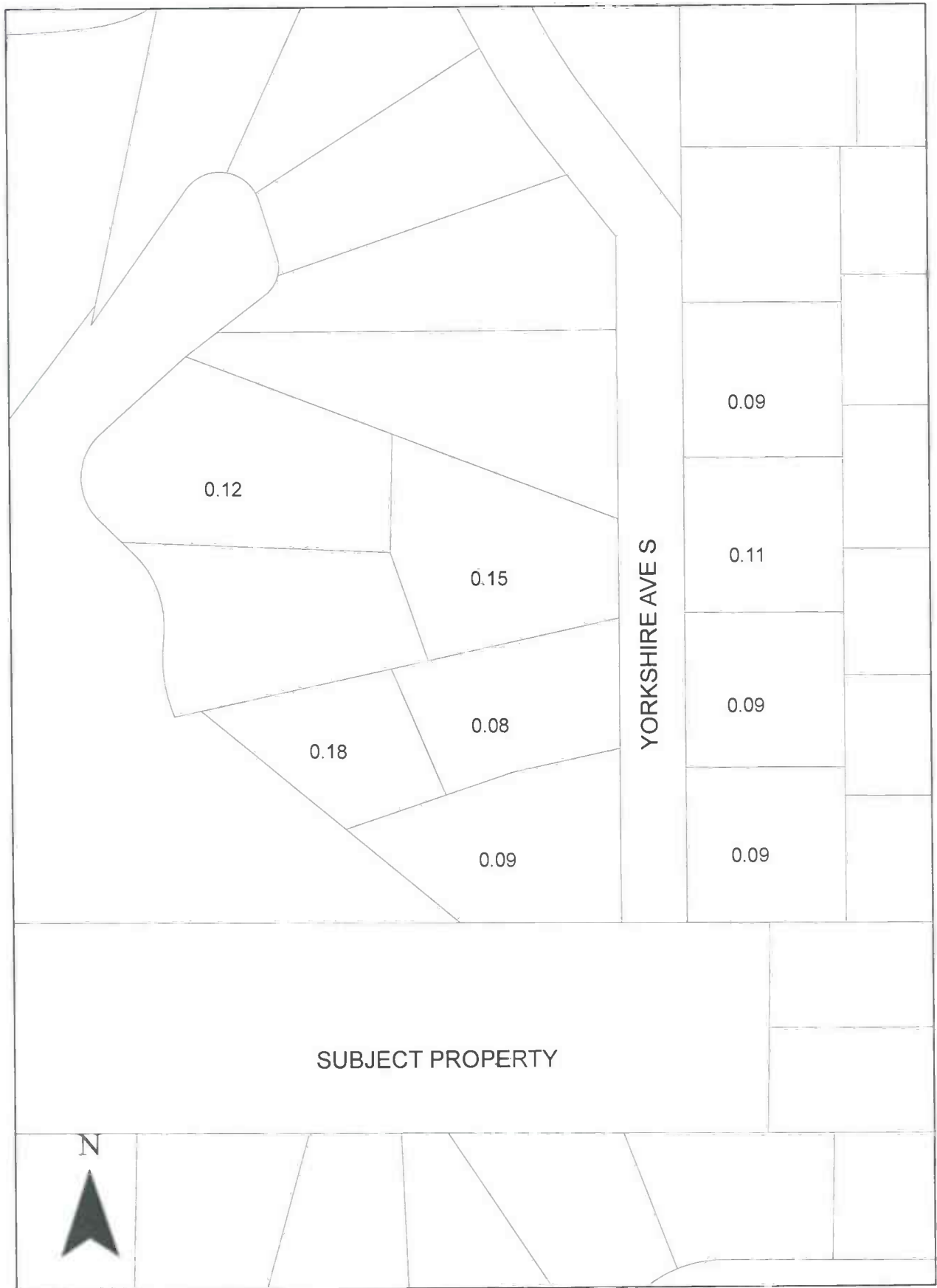
Sheet No.: **G1**

Project Number: 84443-001



A8

LOT AREA



A9

# FLOOR AREA RATIO



LOTS WITHOUT FRONTAGE  
AID

RECEIVED

SEP 18 2006

CITY OF MINNETONKA

Attachment to Neighborhood Feedback Survey

Project No.: 06058.06a

Project Name: Dennis and Julie Recknor, 2001 Yorkshire Ave.

From: Suzanne Proudfoot and K. Mueller, 1916 Yorkshire Ave., immediate neighbors to the northwest.  
Tel.: 952-543-8298

We **Strongly Oppose** this application for the following reasons:

**1. Discrepancy in property boundaries reflected in preliminary plat map.**

We have evidence that a marker pole was removed by the Recknors or their agent this April that may be a corner marker. A metal stake is now in its place 3-5 feet into our property. There are several areas on this plat map that are questionable, possibly on the other side of the property as well. We have Torrens property, registered with the state, while Recknors do not. A surveyor for the state reviewed the Recknors' and our property plat maps, as well as the property's current markers and where the marker was removed and offered the unofficial opinion that there is enough evidence to question the validity of Recknor's claimed property boundaries. Due to the high cost of having a survey done, we were advised to postpone it until necessary, which we will do now. We are also consulting with Hennepin County property attorney Kim Foster. We brought up this issue earlier with the city and Hennepin County. The Hennepin County Survey Office in fact said that this type of incident is more common than one would expect, with one property being registered Torrens and one abstract. There can be a discrepancy when the abstract property is surveyed. We were also told that as Torrens property, we would have precedence.

We are requesting a delay in this procedure until accurate property boundaries have been established.

**2. Lot size too small to subdivide.** Paragraph six of the Subdivision Narrative states that "With the bubble placed on the east side of the lot (option 2) the site is only short 2,000 square feet in providing the minimum lot size for two lots." There are several troublesome statements here. First is that the property is currently *more than* 2,000 square feet too small to subdivide. And given the question of accurate property boundaries raised above, the property actually may be much smaller than this. This is no small amount to dismiss—it's larger than the footage of our entire house. It would be a dangerous precedent to set in the area to say that smaller lots may now be subdivided.

The second concern is the "bubble," the cul-de-sac that was created only four years ago when the street was re-paved. Moving it this soon would cost thousands of taxpayer dollars so that a few individuals could boost their profits. Moreover, paragraph four of the Narrative indicates the desire to have the city claim the 20-foot utility easement on the property of the neighbors to the northeast be used in the creation of a new cul-de-sac. This would setting another precedent by the city, one of unfair property distribution, again so a few individuals can profit.

**3. Wetland barrier and drainage concerns.** House #1 on the grading plat looks like it may not be far enough from the lake and wetland delineation as well as the floodplain. Additionally, in order to give this house a flat foundation (as the area now slopes downward), much fill dirt will need to be added that would raise this house well above the side of our house that it would border, putting us at risk for flooding. This has happened at the subdivision two houses down from us, where two very large houses were built in this neighborhood of older, modest homes. The drainage from the much-higher new homesite floods the neighbors' drive and yard regularly. Another recently-built large home next to us (at 1914 Yorkshire) drains into our back yard.

All

**4. Trees.** The Grading Plan page appears to have some text on the far right side referring to treatment of trees on the lot. This was cut off in the materials we received, but we would be very interested in seeing the proposals in this regard. There are many lovely old trees on this lot, including old oaks, which are in jeopardy.

**5. NOT “harmonious within the neighborhood.”** The final paragraph of the Narrative states “The proposed subdivision and future homes will be harmonious within the site and the neighborhood....[the homes] would fit nicely in the neighborhood without the shoehorn appearance.” This could not be farther from the truth. The character of the neighborhood would be greatly affected by the proposed subdivision. It is, as mentioned above, an area of modest homes from the 1940s through ‘70s: ramblers, split-levels and Cape Cods. The trend in urban building projects is towards tearing down smaller homes and putting up large new homes. Recknors’ house would be torn down to shoehorn in two larger houses on a lot that is by their own admission too small to subdivide. This would add to a total of four homes on a single small cul-de-sac, creating a very crowded appearance on the dead end.

**6. Too many variances.** There appear to be many variances requested to enable this lot to be subdivided, including lot size, frontage and driveway, having more than three homes on a cul-de-sac, as well as possible tree and wetland variances.

**7. Too little time and information given for adequate neighborhood input.** The material sent to us for comment arrived after the 7<sup>th</sup> of September and is due back on the 18<sup>th</sup>. (We were out of town between the 7<sup>th</sup> and 15<sup>th</sup>.) We had been told by the City, including Mayor Callison, Geof Olsen and Jennifer Pozmar that there would be plenty of time to respond, at least a minimum of two weeks. We also thought that a sign would be posted at the property as a public notice to allow neighborhood commentary. Moreover, the materials themselves are incomplete, with maps being cut off and references to attachments we don’t have.

In conclusion: We are having an attorney and a surveyor review this material within this week of September 18. We respectfully submit this for your consideration and comment.

September 18, 2006

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