

# ITEM NO. 4B

## RESOLUTION NO. 16-19

### **A RESOLUTION APPROVING THE SIMPLE SUBDIVISION FOR TWO SINGLE FAMILY LOTS ON THE PROPERTY LOCATED AT 80 WILDHURST RD. – PID 28.117.23.24.0019**

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

WHEREAS, the City Council of the City of Tonka Bay has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and

WHEREAS, Douglas Kruhoeffter and Laurie Kruhoeffter (“Applicant” and “Property Owner”) submitted an application for a simple subdivision; and

WHEREAS, the Property Owner owns the property at 80 Wildhurst Rd. with PID 28.117.23.24.0019 which is legally described as follows:

LOT 11 and the south ¼ of Lot 10, Wildhurst Addition, Hennepin County, Minnesota.

WHEREAS, the Property Owners’ Property is located within the R-1A Shoreland zoning district; and

WHEREAS, the Applicants are requesting a simple subdivision to allow the above-described lot to be subdivided into two single family lots; and

WHEREAS, the Tonka Bay City Ordinance, Section 1030, Subdivision Ordinance, Section 1, Subd. F states that in the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation of the ordinance, the City Council may exempt the subdivider from complying with any procedural requirements of this ordinance that are deemed appropriate; and

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated May 24, 2016 on the application made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and

WHEREAS, the City Council reviewed the requests on May 24, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, there were no public comments voiced or submitted to the Council in writing; and

WHEREAS, the Applicants presented to the Council reasons for their proposal;  
and

WHEREAS, the City Council, following the public hearing and deliberation on the simple subdivision request to create two residential lots directed staff to prepare a resolution for its consideration, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed simple subdivision for single-family lots is consistent with the City's Comprehensive Plan.
2. The proposed lots meet all dimensional requirements in the R-1A district, Shoreland Overlay.
3. The required drainage and utility easements are provided along each lot line.
4. The use of the property for single-family homes is a reasonable use of the property and is intended by the zoning district.
5. The simple subdivision request is in harmony with the general intent of the ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the simple subdivision to allow for the creation of two single family lots; as shown on the Survey attached hereto, as Exhibit A (the Survey); and

BE IT FURTHER RESOLVED, that the approval of the requested simple subdivision shall include the following conditions:

1. The applicant shall obtain all necessary permits and approvals from the City of Tonka Bay and other applicable entities with jurisdiction prior to any construction. This includes, but shall not be limited to permits from the Minnehaha Creek Watershed District (MCWD) and the Lake Minnetonka Conservation District (LMCD).
2. The applicant shall submit a vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted to be approved by staff prior to building permit issuance.
3. No building permits shall be issued for either of the proposed lots until the single family home existing on the parcel at 80 Wildhurst Road at the time of this application is removed.
4. Building of structures shall not occur within any existing or proposed easements on the property.
5. The applicant shall record the simple subdivision (as shown on the proposed survey) with Hennepin County within 60 days of approval of the simple subdivision.
6. A park dedication fee of \$1,100 be paid by the applicant.
7. An easement be granted for the existing retaining wall that encroaches onto proposed south parcel and recorded with Hennepin County.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 14<sup>th</sup>  
day of June, 2016.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Ayes –

Nays –

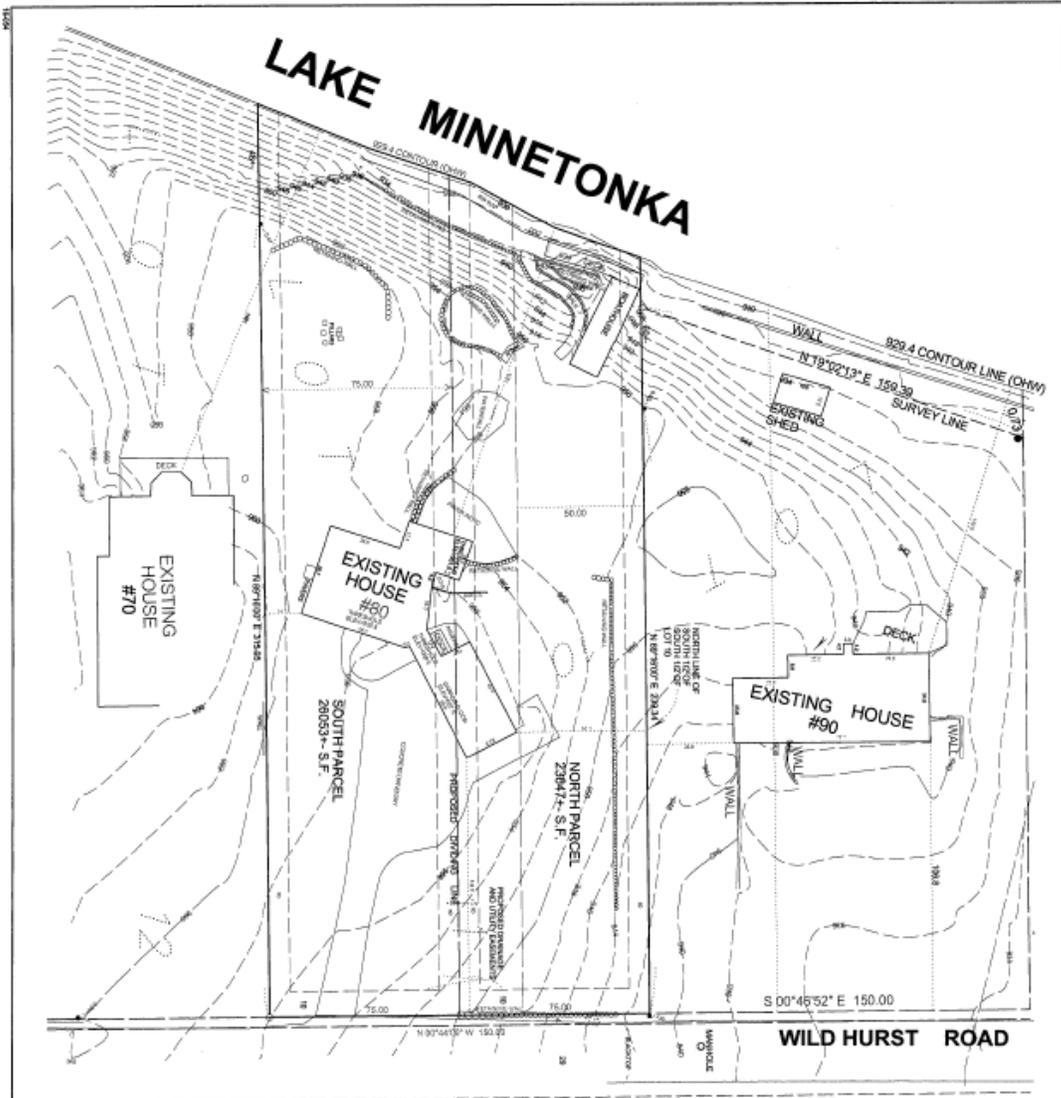
Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
Lindy Crawford, Clerk/Administrator

EXHIBIT A



**BOUNDARY AND TOPOGRAPHIC SURVEY, AND  
PROPOSED LOT DIVISION FOR  
DOUGLAS AND LAURIE KRHOEFFER  
IN LOTS 10 AND 11, WILDHURST  
HENNEPIN COUNTY, MINNESOTA**

**EXISTING LEGAL DESCRIPTION OF PREMISES:**

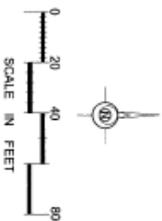
Lot 11 and the South Half of the South Half of Lot 10, WILDHURST.  
 Note: For purposes of this survey, the South Half of the South Half is assumed to be computed by dimension, not area.

**PROPOSED LEGAL DESCRIPTIONS**

**NORTH PARCEL**  
 The South Half of the South Half of Lot 10, and that part of Lot 11 lying North of the South 75 feet thereof.  
**SOUTH PARCEL**  
 The South 75 feet of Lot 11, WILDHURST.

This survey shows the boundaries and topography of the above described premises, and all other visible "hardcover" features. It does not purport to show any other improvements or encroachments.

- : Iron marker found
- : Iron marker set
- : Existing contour line



RECEIVED  
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 CITY OF TOWNA BAY

<b>REVISIONS</b> DATE BY 4-13-16 BULLINGS SURVEYING ASSOC		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 Land Surveyor under the laws of the State of Minnesota. Date: 4-13-16 City: 7-013-16 MINN. LICENSE NUMBER: 16747	3-16-16 1-20-16 18-04 5	<b>GRONBERG &amp; ASSOCIATES, INC.</b> CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 N. WILLOW DRIVE LONG LAKE, MN 55356 PHONE: 952-473-4141 FAX: 952-473-4435
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