

ITEM NO. 4B

RESOLUTION NO. 16-22

**A RESOLUTION APPROVING VARIANCES IN IMPERVIOUS SURFACE COVERAGE,
PARKING LOT SETBACK, AND STORMWATER TREATMENT REQUIREMENTS TO
ALLOW FOR A 4,100 SQUARE FOOT RETAIL BUILDING ADDITION ON THE
PROPERTY LOCATED AT
5420 MANITOU RD – PID 33.117.23.12.0050**

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, John Studer (“Applicant”) submitted an application on behalf of Matt Midboe, MJM Properties (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 5420 Manitou Road which is legally described as follows:

THAT PART OF THE NW 1/4 OF THE NE 1/4 SEC 33 T 117 R 23 LYING NLY OF RR R/W AND WLY OF CO RD NO 19 AND ELY AND SELY OF THE FOL DESC LINE COM AT THE NW COR OF SAID NW 1/4 OF THE NE 1/4 TH E ALONG THE N LINE THOF DIS 519.9 FT TH DEF RIGHT 89 DEG 33 MIN TO THE NLY LINE OF RR R/W AND THE PT OF BEG TH NLY ALONG LAST DESC LINE DIS 60 FT TH DEF RIGHT 50 DEG 17 MIN TO THE WLY LINE OF SAID CO RD NO 19 AND SAID LINE THERE TERMINATING, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the C-2 Commercial Shoreland Overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

1. **A variance** for impervious surface proposed at 77 percent in the Shoreland District.
2. **A variance** to allow for a zero foot setback for the parking lot along the south property line.
3. **A variance** from the storm water treatment requirements.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated June 15, 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 June 28, 2016, and held a public hearing, following the required notices and publication; 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 variance requests to allow for the construction of a retail building addition, 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 variance requests are in harmony with the general purposes and intent of this Ordinance.
2. The variance requests are consistent with the comprehensive plan.
3. The property in question meets the “practical difficulties” test.
4. The variance requests will not impair light and air to adjacent property, unreasonably increase congestion, increase the danger of fire or otherwise endanger the public safety.
5. The variances will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the variance requests, to allow for an increase in impervious surface coverage; a variation in stormwater requirements; and a zero-foot parking lot setback as shown on the Plans attached hereto, as Exhibit A (the Plans); and

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

1. The amount of impervious surface on the site may not exceed 77 percent.
2. 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).
3. The MCWD shall review and approve the final grading plans approved by the City Engineer prior to any work being authorized. Proof of MCWD approval (if needed) shall be provided to the city prior to a building permit being authorized.
4. Parking stalls may not be striped within five feet of any property line.
5. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
6. The applicant shall enter into a Stormwater Facilities Maintenance Agreement and Restrictive Covenant with the City of Tonka Bay prior to a building permit being authorized.
7. The City Engineer shall inspect the property at the property owner’s expense during the construction process to ensure on-going compliance with all engineering requirements.

8. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
9. Building of structures shall not occur within any existing or proposed easements on the property.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 13th day of July, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator