

RESOLUTION NO. 16-29

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN INCREASE
IN FLOOR AREA RATIO ON THE PROPERTY LOCATED AT
200 BIRCH BLUFF RD – PID 28.117.23.32.0010**

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, David Wagner (“Applicant”) submitted an application on behalf of Patrick Matre (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 200 Birch Bluff Road which is legally described as follows:

LOT 021 OF WILCOX OLD ORCHARD ADDITION,
City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the R1-A Single Family Residential, Shoreland Overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

- 1. A conditional use permit for a floor area ratio of 33.5 percent where 30 percent is permitted in the Shoreland District** within the R1-A District.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated July 20, 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 July 26, 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, two residents spoke with concerns regarding drainage during the public hearing; and

WHEREAS, the City Council, following the public hearing and deliberation on the Conditional Use Permit request to allow for an increase in floor area ratio 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 use of the property for residential use is consistent with the City's Comprehensive Plan.
2. Granting the requested conditional use permit will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the conditional use permit will not unreasonably increase congestion in the public street.
4. Granting the conditional use permit will not diminish or impair established property values in the neighborhood.
5. Granting the conditional use permit will not alter the essential character of the locality.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the Conditional Use Permit request, to allow for a floor area ratio of 33.5 percent; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested conditional use permit shall include the following conditions:

1. The Applicant shall submit a landscape plan for staff and City Engineer approval, showing any planned removals and replacements.
2. The Applicant shall obtain a demolition permit from the City for the existing structure before a building permit for the new home is issued.
3. 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).
4. 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.
5. 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.
6. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
7. Building of structures shall not occur within any existing or proposed easements on the property.
8. The Conditional Use Permit shall expire one year from the date of the resolution if a permit has not been issued for the work. City Council approval will be required for any subsequent extension.
9. Erosion control measures shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
10. 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.

11. Following construction, the applicant shall conduct an “as-built” survey and submit an updated site plan to the City Engineer for approval prior to issuance of the certificate of occupancy.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 10th day of August, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator