

ITEM NO. 4E

RESOLUTION NO. 16-37

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN INCREASE IN IMPERVIOUS SURFACE ON THE PROPERTY LOCATED AT 35 WEST POINT AVE. – PID 22.117.23.32.0017

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, Ann Jennings (“Applicant” and “Owner”) submitted an application; and

WHEREAS, the Property Owner owns the property located at 35 West Point Avenue which is legally described as follows:

LOT 010 OF WEST POINT 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 impervious surface proposed at 44.8 percent in the Shoreland District** within the R1-A District.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated September 7, 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 September 13, 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, one resident spoke in favor of the requests 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 impervious surface coverage 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 an increase in impervious surface coverage; 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. A Stormwater Facility Maintenance Agreement is required by the property owner to ensure the proposed BMPs are constructed and maintained into perpetuity of the proposed use. This agreement shall be submitted and approved by the City Engineer and City Attorney prior to issuance of the building permit.
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. 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.
5. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
6. Building of structures shall not occur within any existing or proposed easements on the property.
7. 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.
8. The amount of impervious surface on the site may not exceed 44.8 percent.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 27th day of September, 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

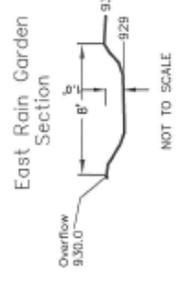
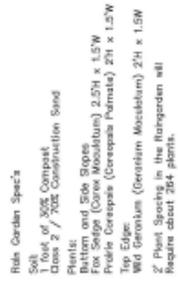
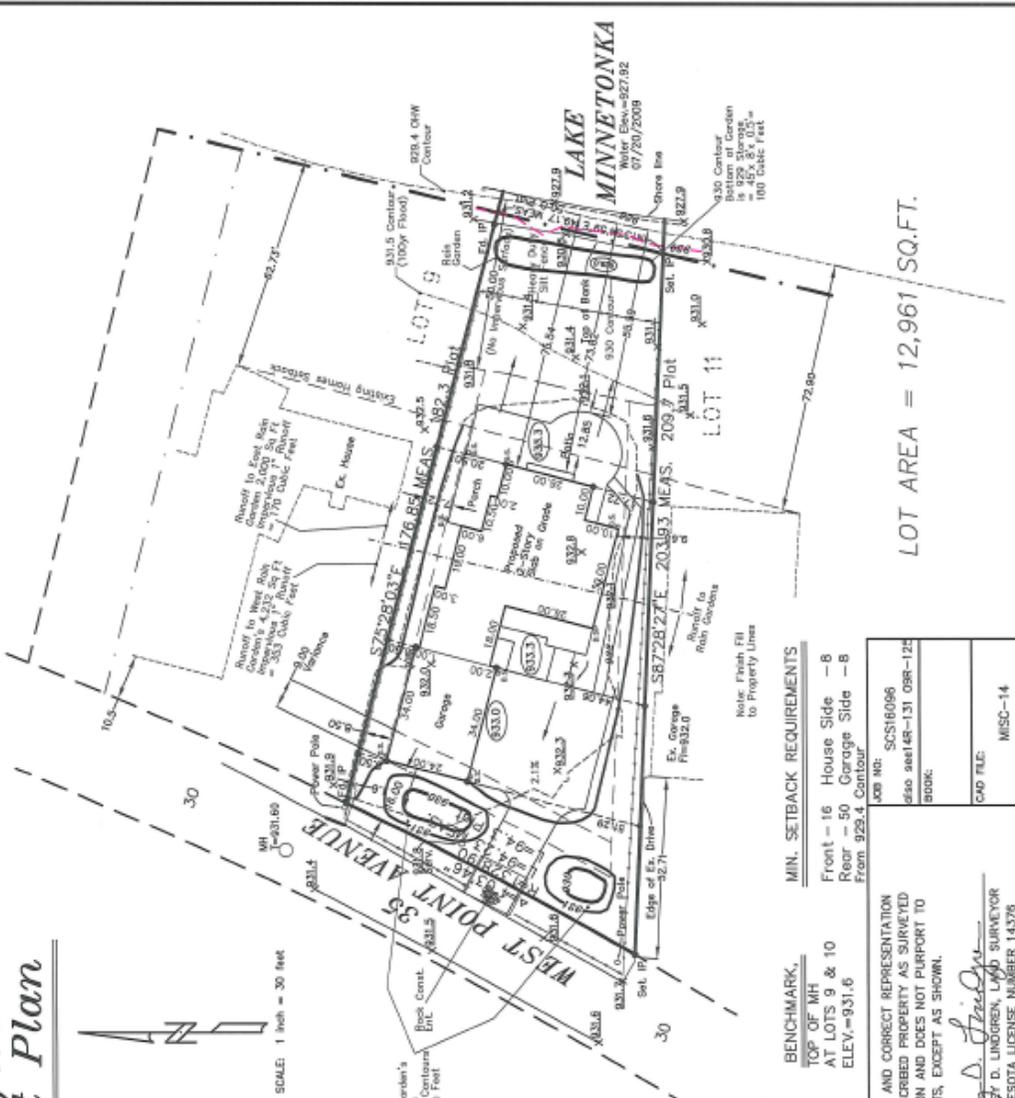
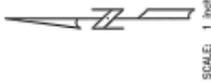
Surveyor's Certificate & Shoreland Impact Plan

SURVEY FOR
DESCRIBED AS : Lot 10, WEST POINT, Village of Tonka Bay, Hennepin County,
Minnesota, and reserving easements of record.

LOT AREA = 12,961 SF. (15,000 SF REQ'D)
HARD COVER
.25 = 3,240.25 SF ALLOWED
.35 = 4,536.35 SF STAFF ENGR.
.45 = 5,832.45 SF W/COUNCIL APPROVAL
EXISTING = 6,232 SF = 48.1%

LOT STRUCTURAL COVERAGE
12,961 x .3 = 3,888.3 SF ABV GRADE ALLOWED

LOT WIDTH BACK 94' LAKE 49' AVERAGE 45'
REQUIRED = 75'
BUILDING LINE 63'



- PROPOSED ELEVATIONS**
- Top of Block/Lowest Floor = 934.0
 - Garage Floor = 933.5
 - Basement Floor = n/a
 - Approx. Sewer Service = Verify
 - Proposed Elev. =
 - Existing Elev. =
 - Drainage Directions =
 - Denotes Offset Stake =

MIN. SETBACK REQUIREMENTS

Front - 16 House Side - 8
Rear - 50 Garage Side - 8
From 929.4 Contour

JOB NO:	SCS160096
also see 148-131 09R-12E	
BOOK:	
CAD FILE:	MISC-14

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF THE BOUNDARIES OF THE ABOVE DESCRIBED PROPERTY AS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND DOES NOT PURPORT TO SHOW IMPROVEMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN.

DATE: 8-23-16

[Signature]
D. LINDGREN, LAND SURVEYOR
MINNESOTA LICENSE NUMBER 14378

LANDFORM

From Site to Finish

505 S. 25th Ave.
Suite 817
Minneapolis, MN 55408
Phone: (612) 232-6000

LOT AREA = 12,961 SQ.FT.