



## **CITY OF TONKA BAY MEMORANDUM**

**To:** Mayor and City Council

**From:** Erin Perdu, AICP, City Planner  
Justin Messner, City Engineer

**Date:** May 24, 2016  
**WSB Project No.** 01987-630

**Request:** **Request for a simple subdivision of the property at 80 Wildhurst Rd. (PID: 28.117.23.24.0019) for the purpose of creating one additional single-family residential lot**

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### **RECOMMENDATION**

Staff recommends approval of the requested simple subdivision based on the findings detailed in the report and as outlined in the template approval motion below.

### **GENERAL INFORMATION**

**Applicant:** Douglas & Laurie Kruhoeffer

**Owners:** Same as above

**Location:** 80 Wildhurst Road

**Existing Land Use /** Single-Family; Zoned R-1A Single Family Residential District with a Shoreland Overlay

**Zoning:**

**Surrounding Land Use / Zoning:** North: Single-Family Residential; zoned R-1A Single Family, Shoreland Overlay  
East: Multi-Family; zoned R-2A Two Family/Townhouse District with Shoreland Overlay , Single-Family Residential; zoned R-1A Single Family with Shoreland Overlay  
South: Single-Family Residential; zoned R-1A Single Family with Shoreland Overlay  
West: Lake Minnetonka

**Comprehensive Plan:** The Tonka Bay 2009-2030 Comprehensive Plan guides this property for Single Family Residential land use with a density between 0.0 and 2.9 dwelling units per acre.

Deadline for Agency Action:	Application Date:	04-14-16
	60 Days:	06-13-16
	Extension Letter Mailed:	N/A
	120 Days:	08-12-16

## CONSIDERATIONS RELATING TO THE REQUEST

- 1. Overview.** The applicant is the owner of Lot 11 and a portion of Lot 10, 80 Wildhurst Road, which is currently one parcel and contains a single family home. The applicant is seeking to split the existing lot into two buildable lots. The existing home is located across the proposed lot line to divide the two lots and would therefore need to be removed as a condition of approval of the lot split. No plans for construction have been submitted at this time but it is likely that two new single family homes would be constructed on the lots. The only other permitted uses in the R-1A zoning district include essential services, day care facilities serving twelve or fewer persons and residential care facilities serving six or fewer persons.
- 2. Information Required.** Section 6, Subd. B of Section 1030 Subdivision Ordinance includes all required information for submission of a preliminary plat. The majority of this information is not necessary for a simple subdivision. Staff finds that all information has been provided with the following exception:
  - 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.

Staff recommends a vegetation preservation and protection plan be submitted and approved by the City Engineer prior to issuance of a building permit for either of the proposed lots.

### 3. Ordinance Authority.

*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.*

*Section 1017.06, R-1A Single Family Residential District Lot Area and Setback Requirements, states that the minimum lot area for lots in the R-1A district is not less than 20,000 sq. ft. and that the minimum lot width is not less than 75 feet.*

### 4. Conformance with lot requirements

The majority of requirements outlined in Section 1030 (Subdivision Ordinance) apply to larger subdivisions as opposed to a simple subdivision, as is being requested by the applicant. The subject property is already platted and is served by existing street and utility infrastructure. If two homes are constructed on the two new lots, each would need their own water/sewer hookup. The table below shows that the proposed lots comply with the lot standards for the R-1A and Shoreland Overlay districts.

Standard	Required in R-1A Shoreland Overlay Zoning District	Proposed
Lot Area (net)	20,000 SF	North Parcel: 23,647 sf. South Parcel: 26,053 sf.
Lot Width <sup>1</sup>	75 Feet	North Parcel: 75 feet South Parcel: 75 feet

Easements

The required drainage and utility easements are provided along each lot line.

Setbacks

The following setbacks apply to property within the R-1A district:

- Front (lakeside): The greater of 50 feet or the average setback of the two adjacent riparian principal structures on either side of a proposed building site.
- Side: Not less than 8 feet
- Rear (street side): 25 feet

It appears that the proposed lots will allow for a reasonably sized structure given the required setbacks.

**5. Parkland Dedication**

As presented, the simple subdivision does not include any land to be dedicated to the City for park land. Given the size of the proposed subdivision, staff suggests that a cash-in-lieu contribution is more appropriate.

Section 1030, Section 8, Subd. A states that *Subdividers as a prerequisite to approval of a subdivision shall dedicate to the City of dedicate to the public use, for park or playground purposes, for public open space or trail systems a reasonable part of the land being subdivided or in lieu thereof a cash equivalent. The form of contribution, cash or land, or any combination shall be decided by the City.*

Section 1030, Section 8, Subd. D states *when a cash contribution is made in lieu of a dedication of land, the City Council shall determine the amount of cash that should be so contributed, which determination shall be based upon the market value of the unimproved land. "Market Value" shall be determined according to the Hennepin County Property Tax Listing as of the time of filing the final plat.* For determining the parkland dedication amount, Section 1030, Section 8, Subd. J, 2. a. further states *"all areas zoned residential subdivisions, ten (10) percent of the undeveloped land proposed to be subdivided or such lesser percentage as the City shall determine to be specifically and uniquely attributable to the proposed development or an equivalent amount in cash based upon the fair market value of the undeveloped land as determined by the City at the time of the final plat approval or any combination thereof".*

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<sup>1</sup> Note: lot width is measured as the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line (or front setback line)

In this case, one new lot is being created and the City's fee schedule sets the park dedication fee at \$1,100. Staff recommends a cash in lieu payment of \$1,100 be paid as a condition of this subdivision.

**6. Consistency of the Request with the Comprehensive Plan 2009-2030.**

The Tonka Bay 2009-2030 Comprehensive Plan guides this property for Single Family Residential land use of less than 2.9 dwelling units per acre. The proposed subdivision is consistent with the Comprehensive Plan.

**7. Resident concerns:** None reported to date.

**8. Engineering Considerations:** None

**POTENTIAL ACTION**

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST based on the applicant's submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING THE REQUEST based on the applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

The 60-day review period for this application expires on 06-13-2016. If the Council fails to approve or disapprove the application within the review period, the application is deemed approved.

**RECOMMENDATION**

Staff recommends approval of the requested simple subdivision based on the findings detailed in the report and as outlined in the template approval motion below.

Template approval motion: "I move that we direct staff to prepare a resolution of approval for the requested simple subdivision of property located at 80 Wildhurst Road based on the findings of fact listed in the report. Furthermore, the approval shall include the conditions listed within the staff report as may have been amended here tonight".

- a. The proposed simple subdivision complies with the lot standards for the R-1A and Shoreland Overlay districts and all other provisions of the Tonka Bay City Code.
- b. The proposed lots will provide a buildable area large enough to accommodate a reasonably sized structure.
- c. The requested simple subdivision is consistent with the Tonka Bay 2009-2030 Comprehensive Plan.

Recommended 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 81 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.