

RESOLUTION NO. 20-41

**A RESOLUTION APPROVING A FINAL PLAT ON THE PROPERTY LOCATED AT
5609 MANITOU RD - PID: 33-117-23-11-0076**

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, Tonka Village Partners, LLC (“Applicant”) submitted an application on behalf of PMJ Tonka, LLC; WEP Tonka, LLC; CEC Tonka, LLC (“Property Owners”); and

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

WHEREAS, the City Council approved a resolution establishing a Planned Unit Development District via Conditional Use Permit; and

WHEREAS, the Property Owner owns the property located at 5609 Manitou Rd. (“Property”), which is legally described as follows:

Parcel 1:

That part of Tract A, Registered Land Survey No. 482, Hennepin County, Minnesota, which lies Southerly of a line drawn Westerly at a right angle to the East line of said Tract A from a point thereon distant 490.00 feet Southerly from the Northeast corner of said Tract A, except the North 100.00 feet of the East 100.00 feet thereof, and except that part thereof embraced within the West 210.00 feet of the North 220.00 feet of that part of said Tract A, which lies Southerly of a line drawn Easterly at a right angle to the West line of said Tract A from a point thereon distant 536.00 feet Southerly from the Northwest corner of said Tract A.

Parcel 2:

That part of Tract B lying Southwesterly of a line drawn from a point in the Southerly line of said Tract distant 38 feet East of the Southwest corner thereof to the Northwest corner of said Tract; and that part of Tract B lying Northwesterly of a line drawn from said Northwest corner to a point on the Easterly line of said Tract distant 12 feet South of the most Northerly corner of said Tract; Registered Land Survey No. 482, Hennepin County, Minnesota.

Parcel 3:

Tract B, except that part thereof lying Southwesterly of a line drawn from a point on the Southerly line of said Tract distant 38 feet East of the Southwest corner thereof to the Northwest corner of said Tract and except that part of said Tract lying Northwesterly of a line drawn from said Northwest corner to a point on the Easterly line of said tract distant 12 feet South of the most Northerly corner of said Tract, and except that part of said Tract lying Easterly of a line and its extensions drawn from a point on the Westerly line of said Tract distant 52.00 feet South of said Northwest corner to a point on the Northwesterly line of said Tract distant 50.00 feet Northeasterly of said Northwest corner, Registered Land Survey No. 482, Hennepin County, Minnesota.

Hennepin County, Minnesota

Torrens Property

Parcel 4:

Ingress and egress easement contained in Easement Agreement dated July 22, 2003, filed August 21, 2003, as Document No. 3819678.

and

WHEREAS, the Applicant is requesting the following:

- **Preliminary Plat** to divide the existing parcel into two parcels to facilitate an 86-unit apartment development with common space, amenities and links to the adjacent shopping center; and

WHEREAS, Erin Perdu, City Planner, and Nick Preisler, City Engineer, issued a report dated June 3, 2020 on the application prepared and submitted by the Applicant, analyzing the

request made in relation to City Ordinance criteria and made recommendations if the request was approved by the City Council; and

WHEREAS, the City Council reviewed the request on June 9, 2020 and held a public hearing, following the required notices and publication; and

WHEREAS, the City Council, following the public hearing and deliberation on the final plat request, 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:

- a. The request meets the requirements of Section 1030 Subdivision Ordinance including:
 - 1) The request meets all procedures for filing and review
 - 2) The proposed plat meets design standards for blocks and lots
 - 3) No public streets are proposed

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approve the following request as shown on the Plans provided by the Applicant:

- **Final Plat** to divide the existing parcel into two parcels to facilitate an 86-unit apartment development with common space, amenities and links to the adjacent shopping center; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the plans are approved subject to the following conditions:

- a. The Mayor and City Clerk shall not sign the final plat until all of the conditions herein have been satisfied.
- b. Final approval of a PUD by the City Council.
- c. Payment of all fees required by the City, including but not limited to a park dedication fee and appropriate utility fees.
- d. The Developer has entered into a PUD and/or Development Agreement in a form acceptable to the City.
- e. The Developer has provided the City with copies of any documents which relate to the ongoing ownership and maintenance of any commonly-owned features on the Property and the City has approved such documents.
- f. The Developer has provided the City with adequate financial security for the project as identified in an agreement between the City and Developer.
- g. The Developer shall provide the City with a revised set of plans addressing all remaining comments contained in the Engineering Memo.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 23rd day of June, 2020.

Motion introduced by _____ and seconded by _____.

Roll call vote:
Ayes –

Nays –
Absent –

Gerry De La Vega, Mayor

ATTEST:

Kathy Laur, Administrator