

PLANNING COMMISSION MEETING AGENDA
November 23, 2020
7:00pm

Please note that Planning Commission meetings will be held via teleconferencing until further notice due to the COVID-19 pandemic.

To listen live to the Minnetrista Planning Commission meeting, call +1 (872) 240-3212 and enter meeting Access Code 745-640-021 #, or join the meeting from your computer, tablet or smartphone by accessing the following: <https://global.gotomeeting.com/join/745640021>

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1) Call to Order

- a) Approval of Agenda
- b) Minutes – October 26, 2020

2) Public Hearings

- a) **VARIANCE:** Application from the Metropolitan Council for a front yard setback variance from 50 feet to 30 feet and a wetland setback from 75 feet to 11 feet to allow for a lift station and associate equipment at 4340 Highland Road; C-2 Highway service business Zoning District; PID# 32-117-24-13-0005.
- b) **VARIANCE:** Application from Dave Engebretsen and Phillipa Hartley for a street side setback variance from 25 feet to 15 feet, a side yard setback variance from 15 feet to 10 feet, and a variance from the required riparian view shed setback to allow for the construction of a new single family home at 5445 Cedar Point Road; RDB Residential Douglas Beach Zoning District; PID # 25-117-24-23-0002. The variance request also includes the conversion of the existing home into an accessory building, which is setback 9.2 feet from the lakeshore.
- c) **INTERIM USE PERMIT AMENDMENT:** Application from Lowell and Phyllis Schaper to amend an existing permit for Agricultural Entertainment Activities to add the names of Frank Weigel and Esther Nazarov to said permit at 6480 and 6530 County Road 26; A – Agriculture Zoning District; PID # 03-117-24-11-0004 and PID # 03-117-24-12-0004. Frank and Esther have agreed to buy the properties, which are known as Minnetonka Orchards and Painters Creek Winery.

3) Business Items

- a) None

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

4) Informational Items

a) Staff Reports

b) Council Reports

5) Adjournment

- *The agenda packet with all background material is located at the back table for viewing by the public.*
- *Published agenda subject to change without notice.*
- *Information and materials relating to the above items are available for review at city hall by appointment.*

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: **VARIANCE: Application from the Metropolitan Council for a front yard setback variance from 50 feet to 30 feet and a wetland setback variance from 75 feet to 11 feet to allow for a lift station and associate equipment at 4340 Highland Road; C-2 Highway service business Zoning District; PID# 32-117-24-13-0005.**

Prepared By: **Nick Olson, City Planner**

Meeting Date: **November 23, 2020**

Overview: The Metropolitan Council (the “Applicant”) has made a variance application for variances from the required front yard and wetland setbacks at 4340 Highland Road (the “Property”) to allow for an upgraded MCES L-24 lift station structure.

Background: The Applicant previously applied for variances back in 2016 for a similar project. Ultimately, that variance approval expired and no permit was issued. Since that time, the Applicant has reconsidered the project and made some changes to the previous application, including eliminating the need for a rear yard setback variance. The basis for the request remains the same as there is an existing lift station located at the Property that is approaching the end of its service. The existing pumps are nearing design capacity and the structure is in need of health and safety improvements. The aging infrastructure are scheduled for replacement and if the new lift station cannot be constructed at the current site, than a new site relatively close to the existing must be found to locate the new facilities. All the gravity sewer runs to the Property. Due to the existing site constraints and while maintaining continuous service of the current lift station during construction, the Applicant is requesting various setback variances for the new lift station building structure and access to the various unit processes.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issues variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of property. A variance is only permitted when:

- a. It is in harmony with the general purposes and intent of this ordinance**
One of the many purposes and intents of Minnetrista’s zoning regulations is to facilitate the provision of public services. By allowing for the Applicant to build a new L-24 lift station that will be replacing an existing lift station at its end of life, this intent is being met.

- b. The variance is consistent with the comprehensive plan.**

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

Minnetrista has been designated partially as a developing community by the Applicant themselves. They have established standards for developing communities, which Minnetrista has incorporated in its comprehensive plan, that include investing in regional systems, including wastewater, to help ensure adequate services to communities as they grow. By allowing for the construction of a new L-24 lift station that will be replacing one at its end of life certainly meets this requirement.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

The property is currently being used by the Applicant as a lift station. The current lift station is reaching its end of life, which means it will no longer be able to meet the current and growing service needs. The variances are to accommodate a new L-24 lift station that will meet the service needs. Reusing the Property is most reasonable use to accommodate the growing service needs because all of the pipes and infrastructure lead to the Property.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

There are many constraints being placed on the Property from a size and setback standpoint. First, the existing lot does not meet the current size requirements for the zoning district, even after additional land is acquired to accommodate the new lift station. It is because of this reason that it is difficult to meet the required setbacks, which are designed for a parcel that is much larger in size. Second, the property is surrounded by wetlands and with a 75 foot setback from the edge of the wetland, there is a very small building pad for the Property. Lastly, there is an easement for a gas line that runs along the southeast border of the Property. The proposed structure is to be built to the edge of this easement, which forces the new lift station into the front yard setback.

3. The variance would not alter the essential character of the locality.

On the Property, there is an existing lift station. The Applicant proposes to use the property in the same manner, only with a new lift station that will be able to handle current demand and projected growth. The Applicant has also designed the structure with a more residential feel, which should blend better with the residential neighborhoods located north on Highland Road.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not received any comments regarding this request.

Mission Statement:

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Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the requests, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be made which support the recommendation. Findings of fact based on the information submitted by the Applicants may be as follows:

1. The Property does not conform to current lot size standards established by the C-2 zoning district;
2. The Applicant proposes to use the property in the same manner that currently exists on the Property;
3. The use of the Property is for public utility service, which is in harmony with Minnetrista's zoning regulations;
4. The use of the Property is an investment into the regional waste water system, which is a standard for developing communities as adopted by the comprehensive plan;
5. Reusing the Property to replace an end of life lift station where all the current infrastructure is connected is a reasonable use of the Property;
6. There are both wetlands and a gas line easement that constrain the Property to the proposed location; and
7. Reusing the Property for an upgraded lift station will not alter the character of the locality.

Based on the above findings of fact, staff recommends approval of the front yard and wetland setback variances with the following conditions:

1. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction;
2. The proposed grading should maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicant is responsible for all fees incurred by the City in review of this application; and
4. The variance approvals are valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Recommended Planning Commission Action: Motion to recommend the city council approve the requested front yard and wetland setback variances with conditions for a new L-24 Lift Station at 4340 Highland Road based on the findings of fact outlined in the staff report.

Attachments:

1. Location Map
2. Applicant Narrative
3. Site Plan and Building Renderings
4. Armored Turf Example

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

4340 Highland Road



1 in = 94 ft



N
November 18, 2020
Map Powered By DataLink





Memorandum

Foth Infrastructure & Environment, LLC
Eagle Point II • 8550 Hudson Blvd. North, Suite 105
Lake Elmo, MN 55042
(651) 288-8550 • Fax: (651) 288-8551
www.foth.com

September 14, 2020

TO: City of Minnetrista

CC: Shawn Williams, WSB

FR: Karen Erickson, P.E.

RE: Minnetrista Land Use Application

This memo is supplementing the Land Use Application form for the City of Minnetrista for a structural and wetland variance for the MCES L-24 lift station (L-24). The information below follows the variance procedure document provided as part of the land use application form from the City of Minnetrista, MN.

The current L-24 lift station, located at 4340 Highland Drive, is approaching the end of its service life. The existing pumps are nearing design capacity and the structure is in need of health and safety improvements. The aging infrastructure is scheduled for replacement. However, to do this will require front yard and wetland setback variances per the City of Minnetrista Code.

In 2015 Metropolitan Council Environmental Services (MCES) was planning to build a new lift station to meet the projected Ultimate Peak flows. The new building was to be located on the site of the existing lift station. During this timeframe the design team met with City Staff, Minnehaha Creek Watershed and multiple other agencies to review the project and discuss variances required for the proposed new building. The setback and wetland variance request was approved in August of 2016; however due to a rescheduling of their capital program MCES decided to place the project on hold.

MCES has restarted the project; however, design criteria were reevaluated and scaled back to meet 20 year needs rather than ultimate. This change means the new lift station building designed in 2015 will not be required, and instead, part of the existing structure will be utilized. The substructure of the lift station will remain in place, with a new structure constructed above.

On July 16, 2020 MCES and the L24 design team met with Nick Olson to restart the project. In addition, the design team has been working with Heidi Quinn at the Minnehaha Creek Watershed District.

The wetland application will be submitted to all regulatory agencies and made available for public and agency comment. If there are no significant issues or comments the permit will be submitted for City Council approval.

The remainder of this memo will address the itemized list from the variance procedure handouts, pages 2-4.

1. Complete land application signed by the Owner of the property, MCES.
(Attached)
2.
 - a. Parcel that MCES currently owns (Parcel ID: 32-117-24-13-0005):
The property owner is Metropolitan Council Environmental Services (MCES), Jeannine Clancy, Assistant General Manager, Technical Services, 390 North Robert St., St. Paul, MN 55101

Purchase agreement in process for (Parcel ID: 32-117-24-14-0004):
The current property owner is Creekside Investments LLC
4520 Creekview Circle St 201, Minnetrista, MN 55375

- b. Parcel that MCES currently owns:
Parcel ID: 32-117-24-13-0005, Section 32, Township 117 North, Range 24 West, Latitude 44.901131, Longitude -93.732258, Unplatted, 0.33 acre (14,432 sq. ft.), in the County of Hennepin, in the City of Minnetrista. Zoned Commercial-Preferred, Non-Homestead, Exempt Status currently used as a MCES lift station.

Purchase agreement in process for:
0.17 acres (7,473 sq. ft.) of the Existing Parcel ID: 32-117-24-14-0004 (See Figure 5 for map and additional information)
Lot 1, Block 1, Creekview Business Park
The parcel is adjacent to the existing MCES parcel and is located in the County of Hennepin, in the City of Minnetrista at Section 32, Township 117 North, Range 24 West, Latitude 44.900728, Longitude -93.732216.

The parcel is currently owned by Creekside Investments LLC (4520 Creekview Circle St 201, Minnetrista, MN 55375)
Zoned Vacant Land-Industrial, Non-Homestead. Currently the parcel is vacant.

- c. *State the provision(s) of the Minnetrista City Code for which you seek a variance. (For example, Section 505.15 Subd. 2. Lot area, depth, width, coverage, setbacks, and height standards).*
Section 505.35 C-2 Highway Service Commercial District
 - Minimum front yard setback – 50 feetSection 510.03 Wetland Buffering and Setbacks
 - Minimum wetland setback – 75 feet
 - Minimum wetland buffer

- o The wetland buffer requirements will be covered in the Minnehaha Creek Watershed District Permit Application
- d. *A specific written description of the proposal and how it varies from the applicable provisions of Minnetrista City Code.*
 See Figure 2 for a site plan with setback dimensions.
 Section 505.35 C-2 Highway Service Commercial District
- Minimum front yard setback – 50 feet
 - o New stairway for L24 lift station within 30 feet of the front yard property line
- Section 510.03 Wetland Setbacks
- Minimum wetland setback – 75 feet
 - o New odor control slab within 14 feet of the wetland
 - o New chemical feed slab is within 20 feet of the wetland
 - o New forcemain isolation vault is within 11 feet of the wetland
- e. *A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.*
 See above memo introduction.
- f. *Explain how the proposal is in harmony with the general purposes and intent of Minnetrista City Code and how proposal is consistent with the current Minnetrista Comprehensive Plan.*

MCES is requesting a variance to the front property boundary setback to allow for the proposed 30 foot setback and driveway location within Highland Road ROW. The existing 26' deep substructure will remain in place and a new structure will be constructed above. To provide updated and safe access to the pumps and equipment located below grade, a stairwell will be constructed on the Highland Rd. side of the building. There are several reasons for the variance request to the front yard setback at 4340 Highland Road. The site has multiple barriers; to the rear of the property a wetland, to the east a gas main, and to the front of the property Highland Road. A pair of large gas mains runs in a northwest/southeast direction to the east of the property with a required 30 feet setback. No permanent structure is allowed within 30 feet of either gas main. The existing lift station requires several auxiliary structures that must be included on the site; a grinder structure, a generator, a chemical feed structure, a forcemain isolation vault and an odor control structure.

Fitting all of these structures (and vehicle access to them) within the small site is a challenge and requires the requested setback variances.

This site is currently used for a MCES lift station and will remain as such. The renovated lift station will increase the public safety by updating the lift station to current environmental codes and improving the traffic safety along Highland Road. Currently a tanker truck parks on Highland Road to fill the chemical feed tank located at the north side of the building. A paved shoulder has been added at the driveway entrance so the tanker can park off road and not impede the traffic flow. In addition, it provides the tanker driver a safer location to exit the truck. The improved erosion control BMPs at the site will help to protect Six Mile Creek.

- g. *Explain how there are practical difficulties in complying with Minnetrista City Code. Practical difficulties means: The property owner proposes to use the property in a reasonable manner not permitted by Minnetrista City Code; The plight of the landowner is due to circumstances unique to the property not created by the landowner; and The variance, if granted, would not alter the essential character of the locality.*

This site is currently used for a MCES lift station and will remain as such. The existing building structure is outdated and the current footprint does not meet MCES requirements for accessing pumps and other equipment. The access requirements for MCES vector trucks and pump service equipment make it necessary to have a longer driveway and a paved shoulder along Highland Road.

- h. *Provide justification that the variance request is not based exclusively upon a desire to increase the value or income potential of the parcel of land.*

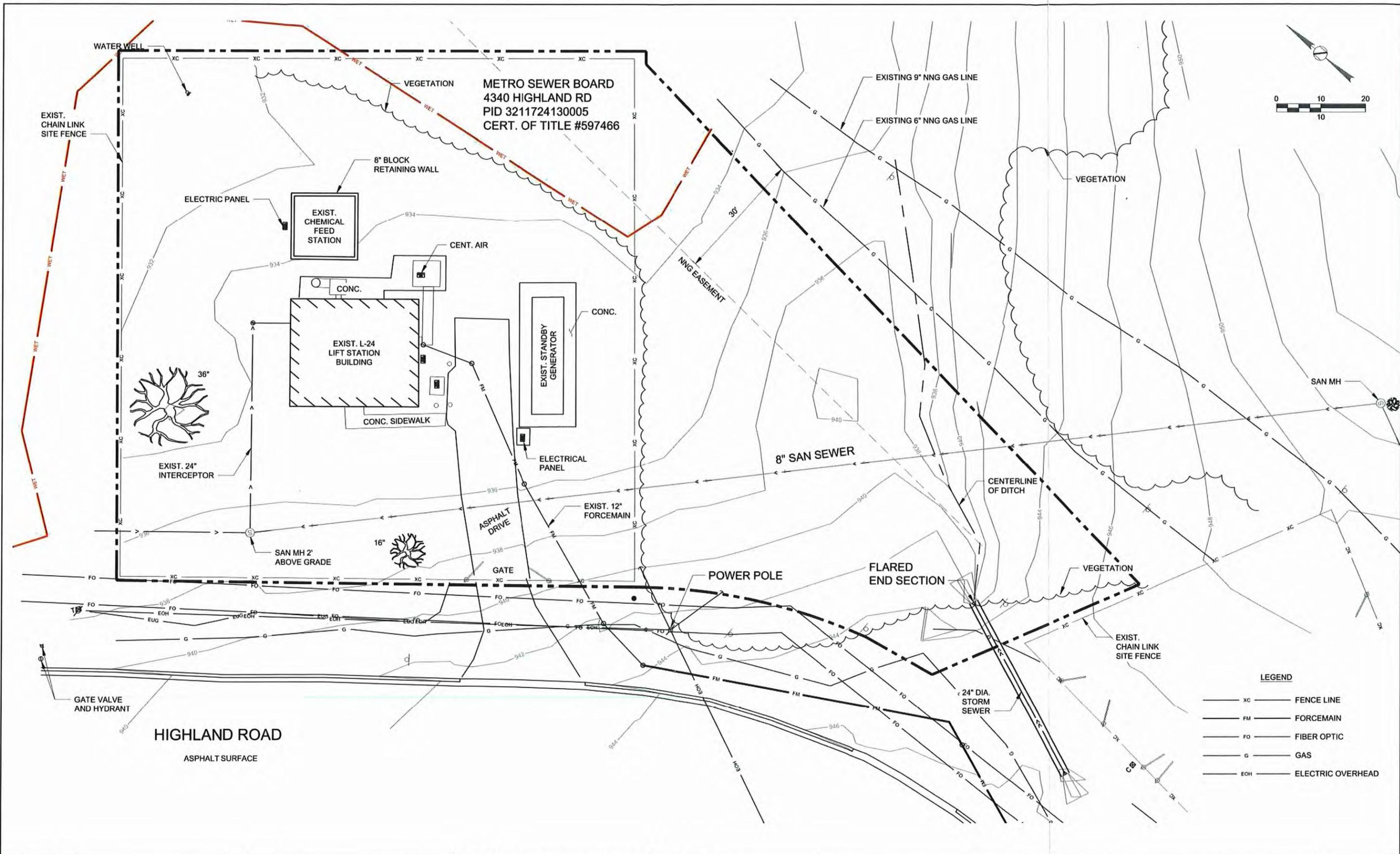
This property is owned and operated by the MCES which operates and maintains wastewater collection and treatment systems in the Twin Cities metropolitan region. The purpose of the project is to replace aging and non-compliant facilities with newer facilities that meet the current standards.

- i. *Justify that the granting of the requested variance will not: 1) adversely affect the health or safety of persons residing or working in the neighborhood; 2) impair an adequate supply of light and air to adjacent properties; 3) be injurious to property or improvements in the neighborhood; 4) increase the congestion on public streets; 5) endanger public safety; 6) or substantially diminish or impair property values within the neighborhood.*

1. The existing site is currently in use as a lift station. The improvements to the lift station will meet the current safety standards, building and MCES codes. To minimize hard cover, but yet allow additional parking spaces, armored turf has been added to the site. The added parking spaces will allow MCES staff who currently park on Highland Road to park on site. This will create a safer work environment for the staff and driving conditions for all passersby.
2. The proposed structure renovations will not impair light quality of the adjacent properties. A new odor control systems designed to meet current standards is included in the design of this station.
3. The project will not harm or be obstructive to any future development within the area.
4. By allowing the paved shoulder on Highland Road and on site vehicle parking, the site will keep Highland Road and TH 7 free from traffic backups.
5. The project will not endanger public safety. The improvement will bring the building into compliance with current building codes, environmental regulations and improve traffic safety along Highland Rd.
6. The new project will not diminish or impair property values within the neighborhood. The project improvements will add safety and value to the existing lift station.

3. See a copy of the attached certificate of title and purchase agreement exhibit.
4. See attached address labels from Hennepin County.

5. See attached area map from Hennepin County.
6. See attached figures showing all the items listed under Survey:
 - Figure 1 contains existing survey information, existing well, existing trees, gas main location, wetland location, property address.
 - Figure 2: proposed building updates, lot lines, public ROW, driveway access, setbacks, hard cover quantities and calculations, vector truck auto-turn depiction showing how the MCES service vehicles would access the site
 - Figure 3: Existing and proposed contours, proposed driveway and grades, soil boring locations, flow arrows showing drainage
 - Figure 4: Floor elevations and lowest floor elevation.
 - Figure 5: easements, adjacent structures within 100 feet, parcel size, PID number.
7. Attached is a rendered drawing for the proposed building to go at this site for the City to consider.



LEGEND

— XC —	FENCE LINE
— FM —	FORCEMAIN
— FO —	FIBER OPTIC
— G —	GAS
— EOH —	ELECTRIC OVERHEAD

C:\PW\WORKDIR\IPW_LE\PRV\DM66932\FIG 1.DWG
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NO	DATE	BY	REVISIONS	REMARKS

DESIGNED	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL UNDER THE LAWS OF THE STATE OF MINNESOTA.
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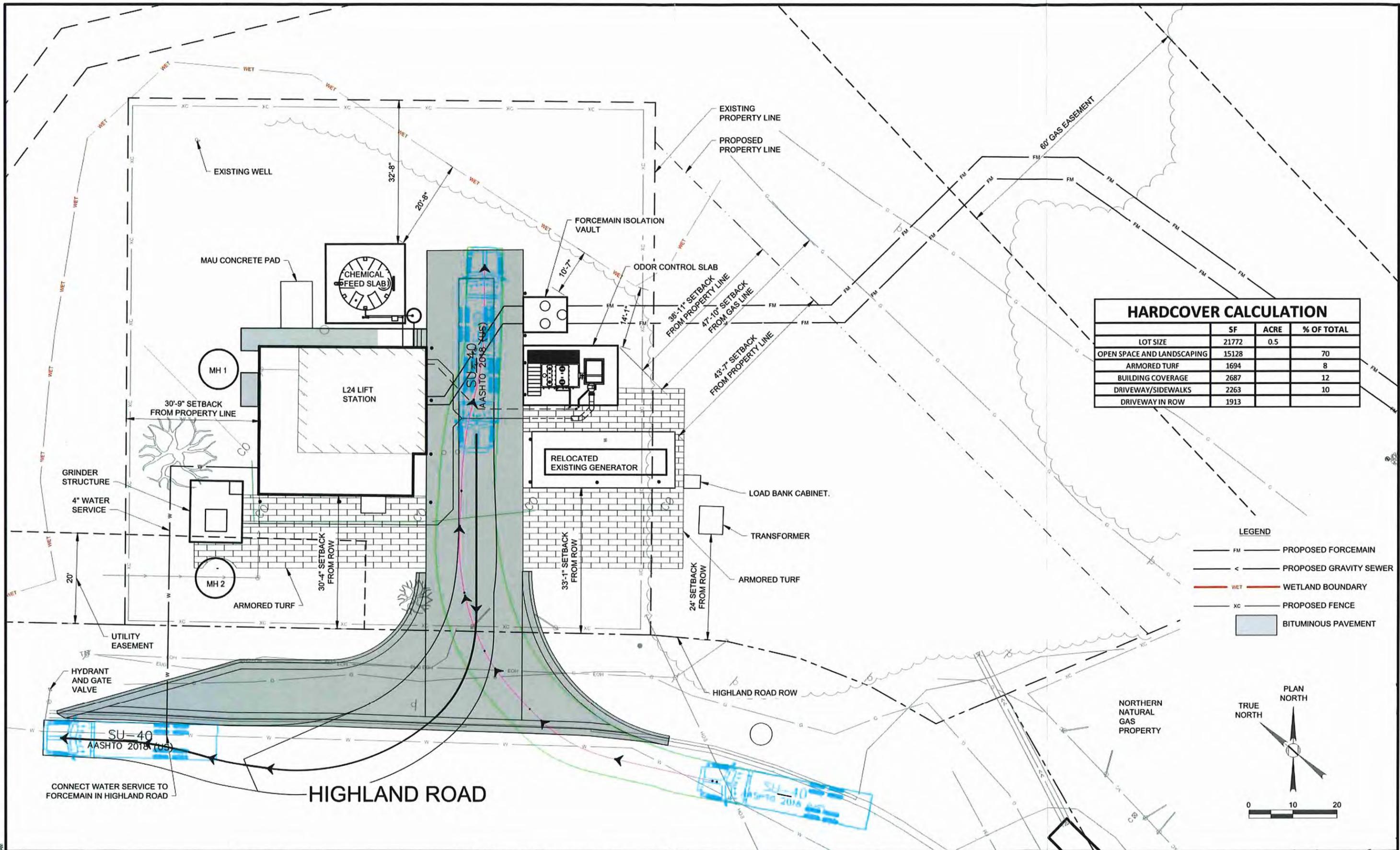

Foth
 Foth Infrastructure & Environment, LLC
 Eagle Point II
 8550 Hudson Boulevard North, Suite 105
 Lake Elmo, MN 55042
 Phone: 651-288-8550 Fax: 651-288-8551

PROJECT	13M059.01
FILE NAME	FIG 1

ST. BONAFACIUS L-24 - VARIANCE APPLICATION
 EXISTING CONDITIONS

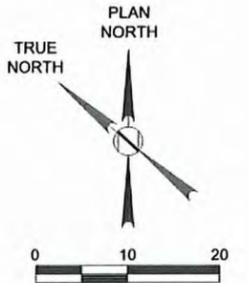
FIG 1

Q:\METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES\ST. BONI L24 DESIGN\13P090813M059.01-LAND ACC ST BONIFACIUS L24\SHETS\VARIVANCE FIGURES\FIG2 AND 4.DWG
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HARDCOVER CALCULATION			
	SF	ACRE	% OF TOTAL
LOT SIZE	21772	0.5	
OPEN SPACE AND LANDSCAPING	15128		70
ARMORED TURF	1694		8
BUILDING COVERAGE	2687		12
DRIVEWAY/SIDEWALKS	2263		10
DRIVEWAY IN ROW	1913		

- LEGEND**
- FM PROPOSED FORCEMAIN
 - < PROPOSED GRAVITY SEWER
 - WET WETLAND BOUNDARY
 - XC PROPOSED FENCE
 - BITUMINOUS PAVEMENT



NO	DATE	BY	REVISIONS	REMARKS

DESIGNED: MUE
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 DATE: MMDDYY REG NO: #2222

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

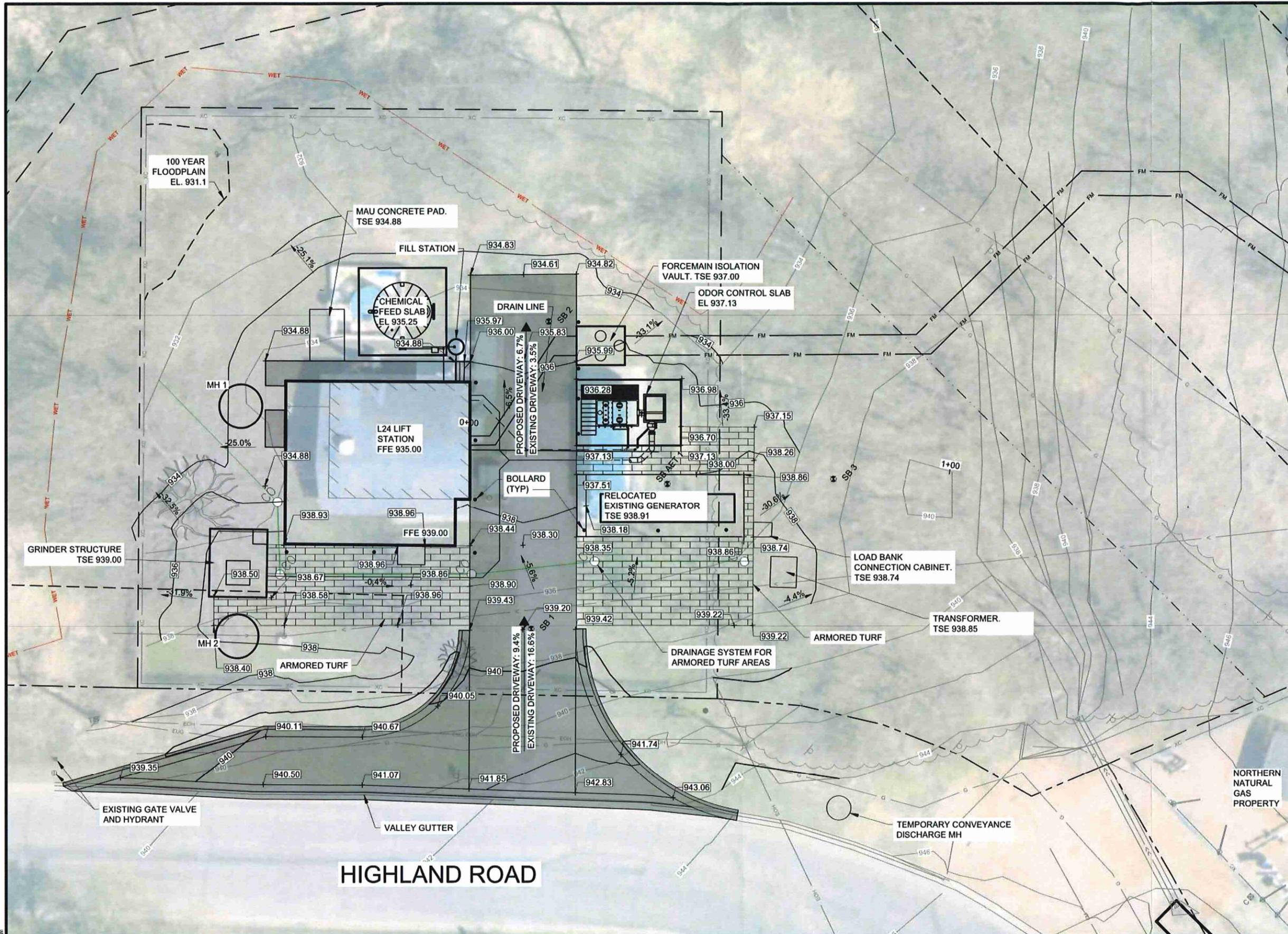
SIGNATURE: _____
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 SIGNED BY: _____

Foth
 Foth Infrastructure & Environment, LLC
 Eagle Point II
 8550 Huston Boulevard North, Suite 105
 Lake Elmo, MN 55042
 Phone: 651-288-6550 Fax: 651-288-6551

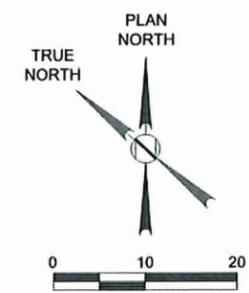
PROJECT: XXXX
 FILE NAME: FIG2 AND 4

ST. BONIFACIUS L24
 SITE PLAN

Q:\METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES\ST. BONIFACIUS L24 DESIGN\13P090813\059.01-LAND ACCO ST BONIFACIUS L24 SHEETS\VARIANCE FIGURES\FIG3.DWG
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- LEGEND**
- FM PROPOSED FORCEMAIN
 - < PROPOSED GRAVITY SEWER
 - WET WETLAND BOUNDARY
 - XC PROPOSED FENCE
 - BITUMINOUS PAVEMENT
 - SOIL BORING



NO	DATE	BY	REVISIONS	REMARKS

DESIGNED	MJE
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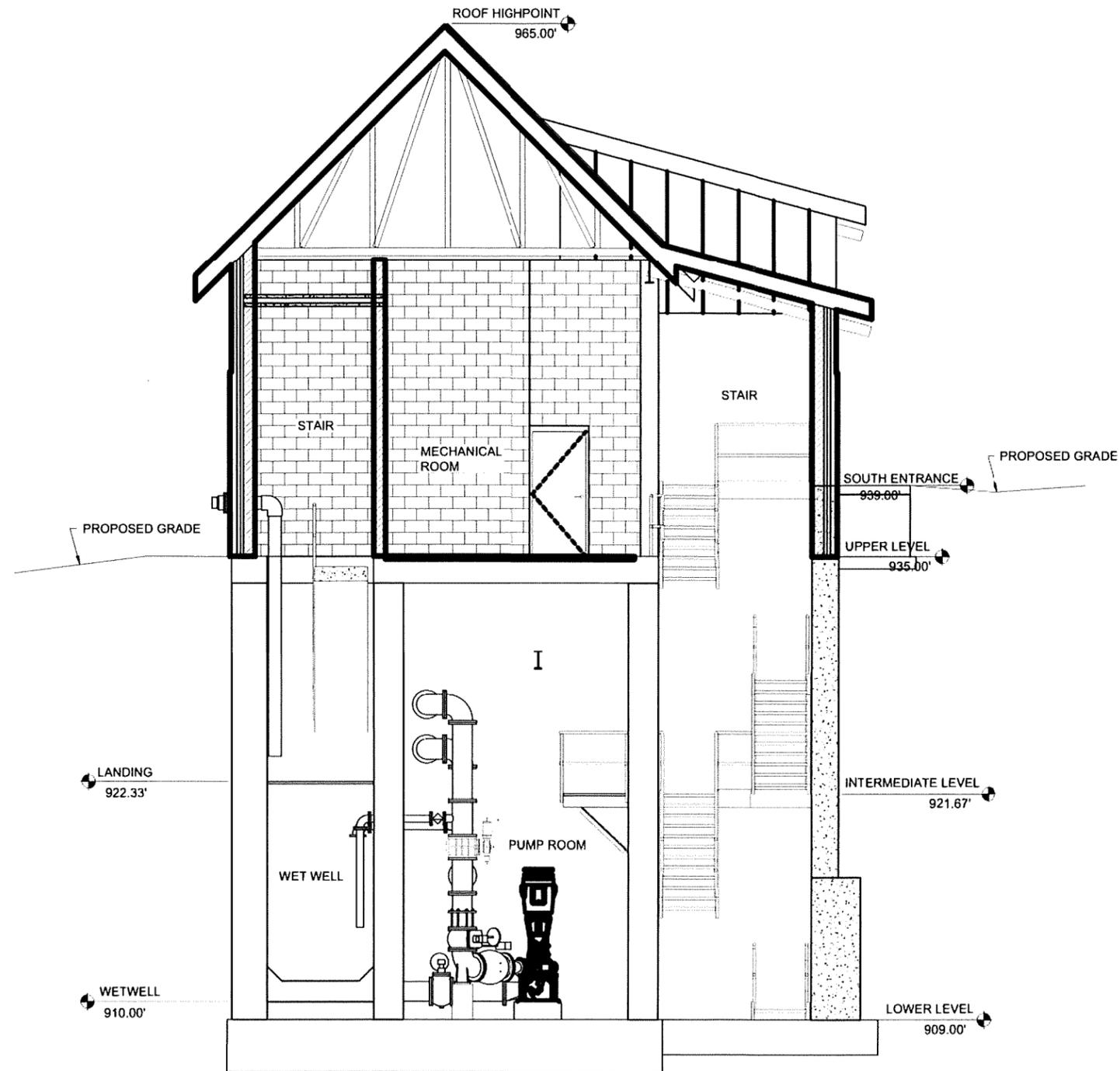
Foth
 Foth Infrastructure & Environment, LLC
 Eagle Point II
 8550 Hudson Boulevard North, Suite 105
 Lake Elmo, MN 55042
 Phone: 651-288-8550 Fax: 651-288-8551

PROJECT	XXXX
FILE NAME	FIG3

ST. BONIFACIUS L24
 GRADING PLAN

FIG 3
 X of X

Q:\METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES\ST. BONIFACIUS L24 DESIGN\13M059.01-LAND ACO ST BONIFACIUS L24\ISHEETS\VARIANCE FIGURES\FIG2 AND 4.DWG
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BUILDING SECTION



NO.	DATE	BY	REVISIONS	REMARKS

DESIGNED	MJE	INTEGRITY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN	PRW	SIGNATURE: _____
CHECKED	WJJ	TYPED OR PRINTED NAME: _____ SIGNED BY: _____
		DATE: MM/DD/YY REG. NO. #22221


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 Foth Infrastructure & Environment, LLC
 Eagle Point II
 8550 Hudson Boulevard North, Suite 105
 Lake Echo, MN 55842
 Phone: 651-288-8550 Fax: 651-288-8551

PROJECT	13M059.01
FILE NAME	FIG2 AND 4

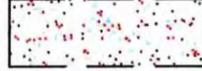
PROJECT	ST. BONIFACIUS L24
FILE NAME	BUILDING ELEVATIONS

ID NUMBER	2
OWNER	CREEKVIEW INVESTMENTS LLC
PID NUMBER	PID 3211724140004
TOTAL	518359 SQ.FT.
NEW PE	21168 SQ.FT.
NEW TE	0 SQ.FT.
NEW FEE TITLE	7317 SQ.FT.
DATE ACQUIRED:	
CONDEMN:	

NOTE:
THE EASEMENT DESCRIPTION FOR THE WESTERLY, NORTHERN NATURAL GAS LINE (DOC. NO. 3903408) IS DEFECTIVE AND ITS LOCATION CANNOT BE MAPPED WITH ANY LEVEL OF ACCURACY. NORTHERN NATURAL GAS MAY HAVE RIGHTS LYING 30 FEET ON EACH SIDE OF THE EXISTING PIPE THAT WAS INSTALLED FIRST.

2
CREEKVIEW INVESTMENTS LLC
4275 CREEK VIEW CIR
3211724140004

LEGEND:

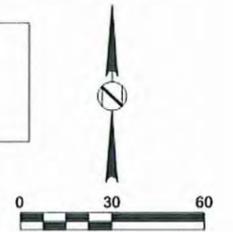
-  EXISTING MCES PERMANENT EASEMENT
-  NEW PERMANENT EASEMENT
-  TEMPORARY CONSTRUCTION EASEMENT
-  NEW FEE TITLE
-  EXISTING FEE TITLE

1 ID NUMBER



MCES

PROJECT NUMBER 808200 - ST. BONIFACIUS L-24 LIFT STATION
VICINITY OF ST. BONIFACIUS
TEMPORARY ESMT DURATION
START MM/DD/YY
END MM/DD/YY
MAP DATE STAMP 9/1/2020



20 FOOT PERPETUAL
EASEMENT FOR SEWER
PURPOSES PER DOC. NOS.
3889270 & 3889271

CREEKVIEW INVESTMENTS LLC
36 ADDRESS UNASSIGNED
3211724110002

EXISTING
PARCEL SIZE
14432 SF
.33 ACRES

60' NNG
EASEMENT

PURCHASE AGREEMENT
IN PROCESS
7,473 SF
0.17 ACRES

100' OFFSET

PROPOSED
DUAL FORCEMAIN

NNG TBS

NNG PIPELINES

EXISTING
LIFT STATION
HIGHLAND RD

1
DOUGLAS & ANN SEGNER
8230 STATE HWY NO 7
3211724130004

NORTHERN NATURAL GAS CO
8210 STATE HWY NO 7
3211724140002

ID NUMBER	1
OWNER	DOUGLAS & ANN SEGNER
PID NUMBER	PID 3211724130004
TOTAL	62422 SQ.FT.
EXISTING PE	67679 SQ. FT.
NEW TE	12746 SQ. FT.
DATE ACQUIRED:	
CONDEMN:	

GENERAL NOTES

1. HORIZONTAL DATUM: HENNEPIN COUNTY.
2. VERTICAL: NAVD 88
3. REFERENCED CONTROL POINTS
4. EXISTING EASEMENTS, PROPERTY LINES AND RIGHT OF WAYS SHOWN ARE BASED ON SAMBATEK RECORDS RESEARCH DRAWINGS.

* SF AREAS ARE ESTIMATES THAT WILL BE FINALIZED ON THE EASEMENT DESCRIPTIONS/SKETCHES

C:\METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES\ST. BONIFACIUS L-24 DESIGN\13M059.01\LAND ACC ST BONIFACIUS L24\SHEETS\VARIANCE FIGURE\FIG 5.DWG
PLOTTED: 9/1/2020 8:56:26 AM
MODIFIED: 9/1/2020 8:57:49 AM

NO	DATE	BY	REVISIONS	REMARKS

DESIGNED _____
DRAWN _____
CHECKED _____
DATE _____ REG NO _____

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

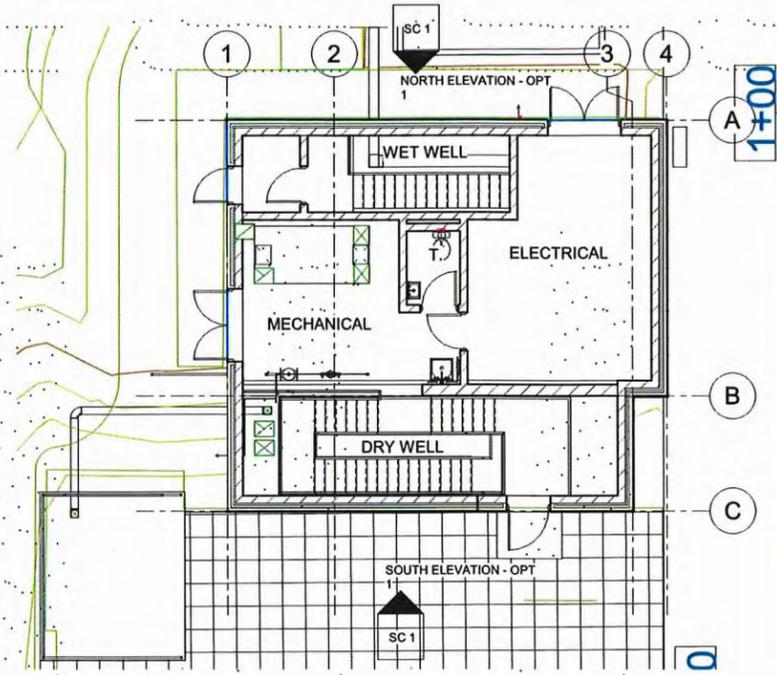
SIGNATURE _____
TYPED OR PRINTED NAME _____
DATE _____ REG NO _____

Foth
Foth Infrastructure & Environment, LLC
Eagle Point II
8550 Hudson Boulevard North, Suite 105
Lake Elmo, MN 55042
Phone: 651-288-8550 Fax: 651-288-8551

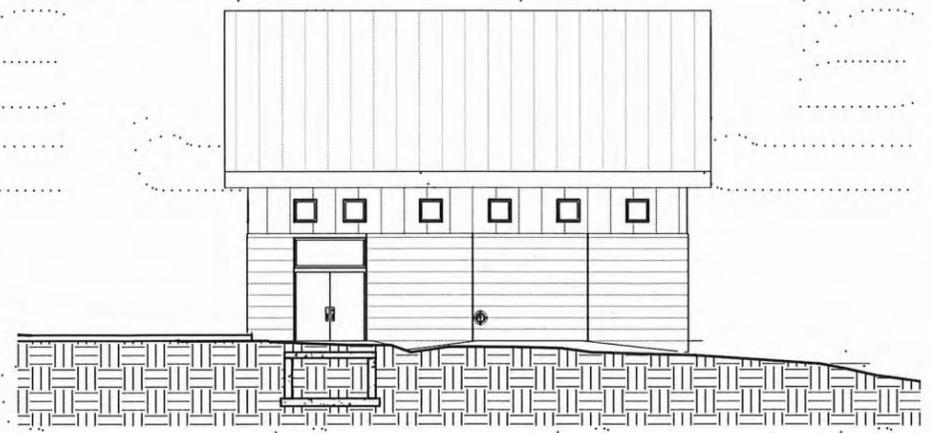
PROJECT	15M059.01
FILE NAME	FIG 5

ST. BONIFACIUS L-24 LIFT STATION VARIANCE APPLICATION
EASEMENTS

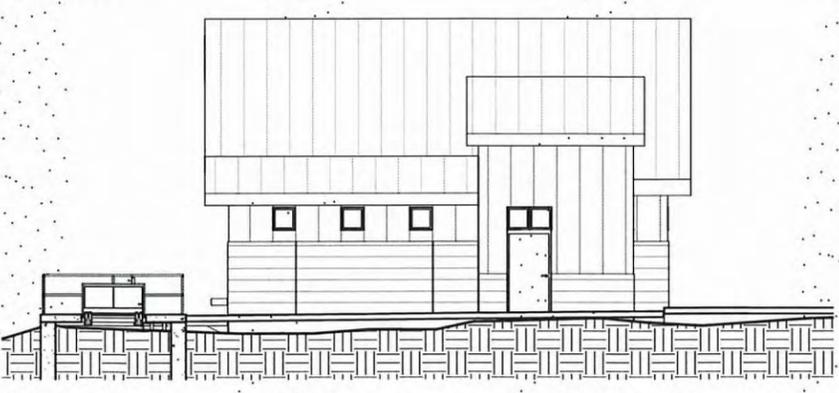
FIG 5



1 MAIN LEVEL - OPT 1
SC 1 1/8" = 1'-0"



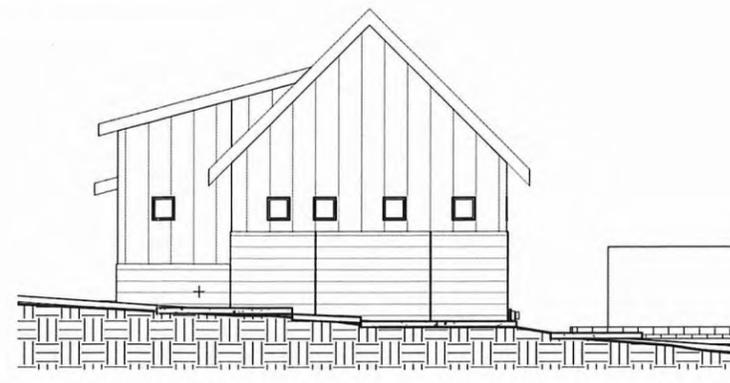
2 NORTH ELEVATION - OPT 1
SC 1 1/8" = 1'-0"



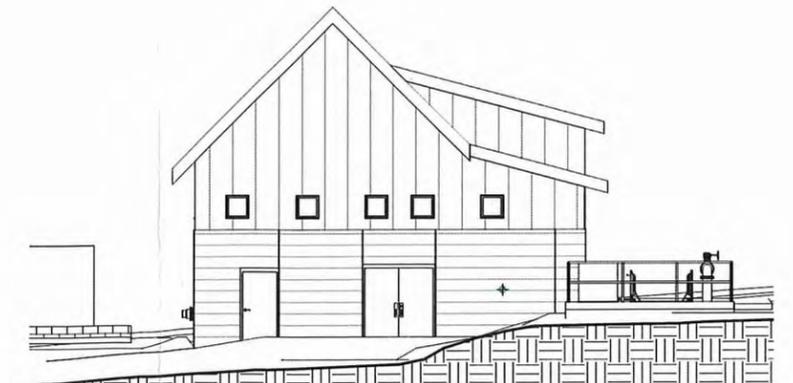
3 SOUTH ELEVATION - OPT 1
SC 1 1/8" = 1'-0"



6 3D View - OPT 1
SC 1



4 EAST ELEVATION - OPT 1
SC 1 1/8" = 1'-0"



5 WEST ELEVATION - OPT 1
SC 1 1/8" = 1'-0"

PROPOSED MATERIALS:

- HALF HEIGHT MASONRY PRECAST WALL PANEL BASE - RUSTIC
- BOARD & BATTEN SIDING ABOVE
- STANDING SEAM METAL ROOF - DULL FINISH
- HIGH WINDOWS ALL AROUND



BIM 360://202018 MCES L24 St. Bonifacious_Foth/L24 Architecture V2020.rvt
9/10/2020 11:19:54 AM

NO	DATE	BY	REVISIONS	REMARKS	NO	DATE	BY	REVISIONS	REMARKS

DESIGNED	DESIGNER
DRAWN	AUTHOR
CHECKED	CHECKER
DATE	REG NO

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____

TYPED OR PRINTED NAME _____

DATE _____ REG NO _____

Luken Architecture
Luken Architecture, P.A.

PROJECT
808200

FILE NAME
BIM 360://202018 MCES L24 St. Bonifacious_Foth/L24 Architecture V2020.rvt

L24 RENOVATION AND FM 7020 REPLACEMENT

DESIGN OPTION 1

SC 1



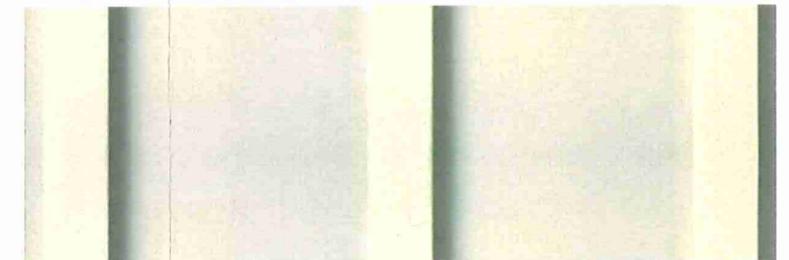
STREET VIEW FROM WEST
12" = 1'-0"



METAL ROOFING - STANDING SEAM



STREET VIEW FROM SOUTHEAST
12" = 1'-0"



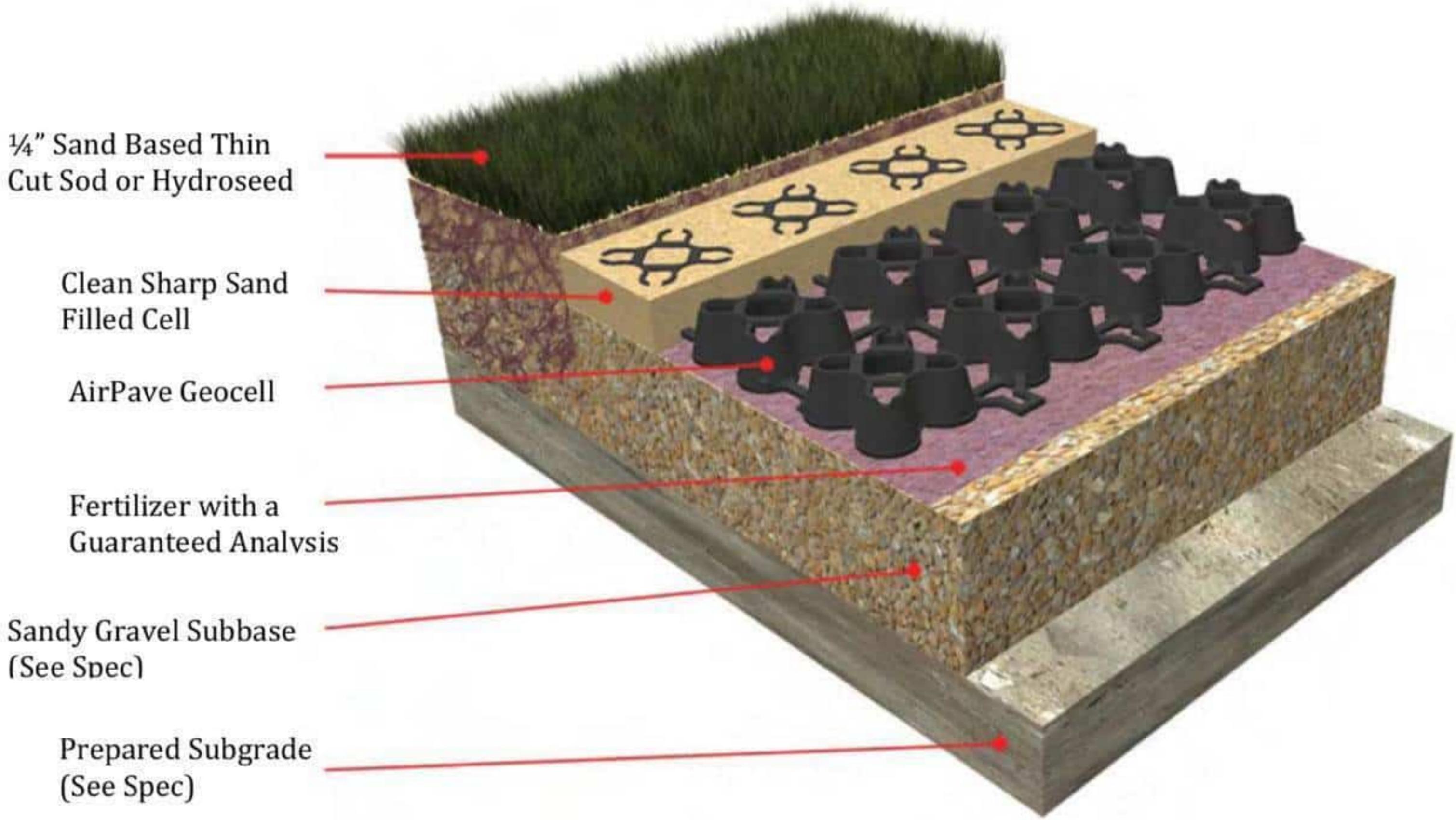
FIBER CEMENT SIDING - BOARD & BATTEN



ARCHITECTURAL CONCRETE VENEER - RUSTIC

BIM 360://202018 MCES L24 St. Bonifacious_Foth/L24 Architecture V2020.rvt
9/14/2020 2:24:04 PM

								DESIGNED	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	PROJECT	808200	L24 RENOVATION AND FM 7020 REPLACEMENT	SC 3
								Designer		FILE NAME	BIM 360://202018 MCES L24 St. Bonifacious_Foth/L24 Architecture V2020.rvt	L24 - RENDERINGS AND MATERIALS 2	
								Author		SIGNATURE			
								Checked		TYPED OR PRINTED NAME			
NO	DATE	BY	REMARKS	NO	DATE	BY	REMARKS	Checker	DATE	REG NO			
REVISIONS				REVISIONS				 Luken Architecture, P.A.					









CITY OF MINNETRISTA



PUBLIC HEARING

Subject: **VARIANCE:** Application from Dave Engebretsen and Phillipa Hartley for a street side setback, a side yard setback, and a riparian view shed setback variance at 5445 Cedar Point Road; RDB Residential Douglas Beach Zoning District; PID # 25-117-24-23-0002.

Prepared By: Nickolas Olson, City Planner

Meeting Date: November 23, 2020

Overview: Dave Engebretsen and Phillipa Hartley (the “Applicants”) have made an application for a street side setback variance from 25 feet to 15 feet, a side yard setback variance from 15 feet to 10 feet, and a variance from the required riparian view shed setback to allow for the construction of a new single family home at 5445 Cedar Point Road (the “Property”). The variance request also includes the conversion of the existing home into an accessory building, which is setback 9.2 feet from the lakeshore.

Background: The Applicants have an agreement in place to purchase the Property, contingent upon review by the City. The existing home was built back in 1950. It is a smaller, single level home located near the water. There are several out buildings as well that will be removed to accommodate a new single-family home. This home will be built closer to Cedar Point Road and set back further from Lake Minnetonka. The Applicants have worked with their builder to develop a site plan that minimizes the variance requests while maintaining continuity with the surrounding homes in the area. Included with the proposal is rebuilding the existing home structure into an accessory structure, while maintaining the same size and footprint. This includes omission of a full kitchen, so as to no longer be considered a dwelling unit or guest home. As for review of the entire request, the Planning Commission should consider the criteria described in City Code, which are outlined below.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of property. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance.

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The City's zoning ordinances are intended to promote the general health, safety, and welfare of the inhabitants of the City by means of proper use of land and structures. The Applicants are proposing a single family home that is generally located within the building pad for the Property, but due to the requirement of a lakeshore setback on 2 side of the property, the home has been moved from the building pad towards the street side and side yards, thus requiring variances. The move maintains similar setbacks found on other nearby properties in the same zoning district, which is in harmony with the general purpose and intent of the City's zoning ordinances. The reuse of the footprint of the existing home for an accessory building is also consistent with the general purposes and intent of the ordinance because of its legal non-conforming status.

b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property is guided for long term residential use per the 2040 Comprehensive Plan. The Applicants' proposal to construct a single family home and convert the existing home to an accessory building is consistent with the long range plan for the Property. The design of the home has a low profile and is tucked into the hillside which will minimize any impact to the views from adjoining streets and properties, which is one of the goals of land use planning found in the 2040 Comprehensive Plan.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

The Applicants are proposing to build a new single family home, which is consistent with the surrounding land uses and represents a reasonable use permitted by ordinance. However, the Property is at the end of a peninsula, which presents a rather challenging building pad when the setback rules are applied. The Applicants are proposing reasonable setbacks from adjacent property lines

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and will maintain the required minimum 50 feet from the lakeshore of Lake Minnetonka. As such, the proposal is a reasonable manner to use the Property not permitted by ordinance. Furthermore, reusing the location of the existing home, which has been there since 1950, as an accessory building is a reasonable use of the property.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

There are several circumstances unique to this Property that the Applicants did not create. First, the location of the Property on a peninsula requires a lakeshore setback on multiple sides of the property. Second, there is unimproved right-of-way to the north, which requires a 25 foot street side setback. Third, a recent code amendment to the riparian view shed setback requires extension of the setback to the property to the north, which does not share the same view shed and is located far away from the lakeshore. These resulting circumstances, which are unique to this Property, were created well before the Applicants agreed to purchase the Property and thus not created by the landowner. The existing home, built in 1950, existing long before the Applicants interest in the Property and before the adoption of lakeshore setback regulations, so its location is unique to the Property and not created by the Applicants.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The Applicants have carefully considered the surrounding properties when designing the proposed single family home. They have worked with their builder to diligently design a home that is consistent with the neighborhood in terms of sizing and massing. The proposed single family home, located a close to the street, with its lower profile will help minimize impact on neighboring properties views. As a result, the variance, as requested, would not alter the essential character of the locality. Since the existing structure already exists and the Applicants are proposing to maintain the same footprint on an accessory building, there will be any change to the character of the locality.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. The Applicants have spoken with 3 nearby property owners prior to making an application. These comments were included with the application and have been attached for review. To date, staff did not receive any written comments or concerns regarding this request as a result of sending the public notice.

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Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the requests, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be made which support the recommendation. Findings of fact based on the information submitted by the Applicants may be as follows:

1. The requested variances are in harmony with the purpose and intent of the City's zoning ordinances because moving the home towards the street side and side yard maintains similar setbacks found on other nearby properties in the same zoning district, which is in harmony with the general purpose and intent of the City's zoning ordinances. The reuse of the footprint of the existing home for an accessory building is also consistent with the general purposes and intent of the ordinance because of its legal non-conforming status;
2. The requested variances are consistent with the City's comprehensive plan because the Property is guided for long term residential use per the 2040 Comprehensive Plan. The proposed single family home and convert the existing home to an accessory building is consistent with the long range plan for the Property and the design of the home has a low profile and is tucked into the hillside which will minimize any impact to the views from adjoining streets and properties;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants are proposing a single family home with reasonable street side and side yard setbacks and maintains the required lakeshore setback. Furthermore, reusing the location of the existing home, which has been there since 1950, as an accessory building is a reasonable use of the property.;
4. The requested variances are the result of a unique circumstance not created by the landowner because the location of the Property on a peninsula requires a lakeshore setback on multiple sides of the property. There is also unimproved right-of-way to the north, which requires a 25 foot street side setback and recent code amendment to the riparian view shed setback requires extension of the setback to the property to the north, which does not share the same view shed and is located far away from the lakeshore. The existing home, built in 1950, existed long before the Applicants interest in the Property and before the adoption of lakeshore setback regulations, so its location is unique to the Property and not created by the Applicants.; and
5. The requested variances will not alter the character of the locality because the Applicants are proposing a home consistent in terms of size and massing to other homes in the neighborhood. The location of the home near the street side and designed with a low profile will preserve neighboring views. Since the existing structure already exists and the Applicants are proposing to maintain the same footprint on an accessory building, there will be any change to the character of the locality.

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Recommended Action: Motion to recommend the City Council approve the requested street side, side yard, and riparian view shed setback variances at 5445 Cedar Point Road based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The construction shall be consistent with the plan and survey documents submitted with this variance application;
2. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicants obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
4. The Applicants are responsible for all fees incurred by the City in review of this application; and
5. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

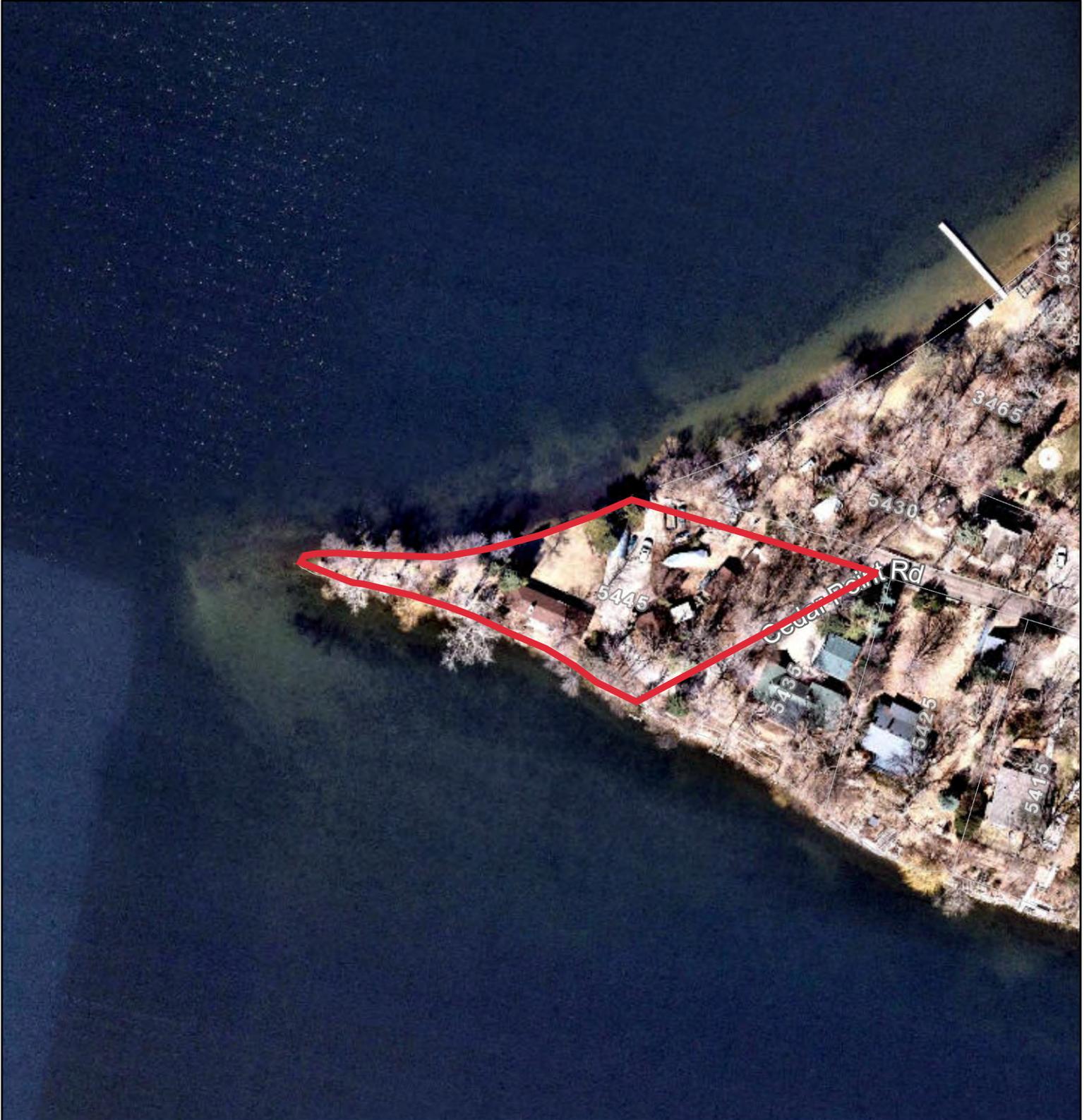
Attachments:

1. Location Map
2. Applicant Narrative
3. Existing Survey
4. Proposed Survey
5. Proposed Plans
6. Pictures of Property
7. Neighborhood Comments

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

5445 Cedar Point Road



1 in = 94 ft



N
November 18, 2020
Map Powered By DataLink



Proposal for variance request

5445 Cedar Point Road, Minnetrista

Current Site and proposed intent

Intention:

- The home site is being purchased by my clients Dr. David Engebretsen and Phillipa C Hartley.
- The plans rebuild the current house (Accessory building) and build the main residence per plan/survey to make it their permanent residence. Their desire is to create a low profile home built into the hill and to keep it a story and a half to minimize heights for the neighbors. This plan also will keep the lake side views minimized as we are planning to nestle the home into the side hill.
- As a family of 5, they envision this home to be their meeting spot for their future families and extended family in the years to come.
- The older kids will use the Accessory building as their hang out when visiting home and for entertaining.
- We have shown the setback lines per current ordinances (SBL) to illustrate how a variance is needed to build a home on this unique site.
- Dave and Phillipa have talked to the 3 closest neighbors in person and shown them the plans, survey and talked to them about their intent. They have each written letters of recommendation and support the variance request being brought forward.
 - Dan and Lynne Robertson (5430 Cedar Point Rd)
 - Mark Haugland and Margo Struthers (5425 Cedar Point Rd)
 - Mike Kirkwood and Yvonne Cheek (5435 Cedar Point Rd)

Current site condition:

- The current site with its 5 building spread out, has a total of 28.1 % hardcover.
- There is a large amount of concrete parking at the bottom of hill between the current house and 1 of the garages.

Future Site conditions:

- We will rebuild the existing home and remake it as the “Accessory building”. This structure will remain in the exact same footprint, dimensions and roof volumn to follow MN code for rebuilding a nonconforming structure. My clients would move the existing fireplace within the structure while maintaining the same height.
- We are consolidating the various structures (5 to 2) to clean up the site and make its visual impact more quiet/appealing from the lake & neighbors.
- We are nesting the home into the hill to help with erosion and to lessen its lake side impact visually.

- We are also not going to build a 2 story home but a story and half home. This will lower the height profile and was done in consideration to the new neighbors (Mike Kirkwood and Yvonne Cheek)

Lakeside impact:

- The lakeside setback will stay with the current zoning of 50'. As this property is on the point, we have 2 x 50' lake side setbacks, noted on survey for reference.

Hardship and description of unusual property conditions.

Peninsula site

The property is very unique in that it is a small peninsula or point. We are contending with 2 x 50' setbacks from each side having lake side, making the buildable area quite limited.

The Hill

Per the City of Minnetrista's definition a steep portion of the Northeastern corner qualifies as a bluff. Per our surveyor, this is only because of the last several feet of the property (approx 10'). Without that little sliver of property, the rise/run ratio would not make it a bluff. That section of bluff is denoted on survey with cross section markings to be easily noticed. We are not building directly on the bluff.

Cedar Point Road

As noted on the survey, there is a city easement for a future road to access the sewer pump station. It is unlikely to ever be built given the slope at that location. However, given that this is registered on the survey, we are being told by the city planning department that this is considered the "front" of the home. This will be addressed below.

Proposed Project

The applicant has developed a rebuild that fits snugly on the lot and into the hillside. Designs, elevations and a survey are attached with this submission, that demonstrate the plan as outlined below:

1. We have designed the rebuild of the Accessory building to meet the existing current home dimensions and volume for the area. Currently the home encroaches on lakeshore setbacks with the garage placement. Our design removes that garage encroachment for the primary residence.
2. The proposed primary residence "home" is asking for the following variances
 - a. Front yard setback:
 - i. Cedar Point Road is considered "front" and has a set back of 25' by ordinance.

1. We are asking for this to be treated like a side yard setback, which is what is in practicality. **15' is the variance request.**
- b. Side yard setback:
 - i. The property has a shared driveway with Mike Kirkwood and Yvonne Cheek.
 - ii. This is considered side yard setback, which is 15'. **We are asking for it to be 10' for the following reasons**
 1. Given the steepness of the hill we want to retain the hillside with the structural foundation of the home and garage to minimize future erosion
 2. We will need less fill to support the driveway by being closer to the driveway
 3. By keeping the home closer to driveway, we are nesting the home into the hill and minimizing visual impact from the lake side
 - c. Riparian set back:
 - i. As this property is on a point, it has no direct neighbors to draw an average line from. See survey.
 - ii. If one was to apply this zoning requirement this lot would be unbuildable.

Thank you for your consideration and helping us build a beautiful home that my clients will enjoy with their family for generations to come.

Mark Williams
Mark D. Williams Custom Homes inc.

Surveyors Certificate

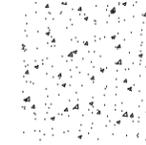
Site Plan Survey For:

MARK D. WILLIAMS CUSTOM HOMES, INC

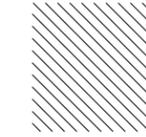
Property located in Section
25, Township 117, Range 24,
Hennepin County, Minnesota

Basis for
bearings is
assumed

DENOTES PROPOSED AND
EXISTING CONCRETE AREAS



DENOTES BLUFF AREA



- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- ~ Denotes Existing Contours
- ~ Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ↘ Denotes Surface Drainage
- SBL — Denotes Existing or Proposed Setback Line

NOTE: Boundary, improvement location & Topo provided by client. We have not field verified this information.

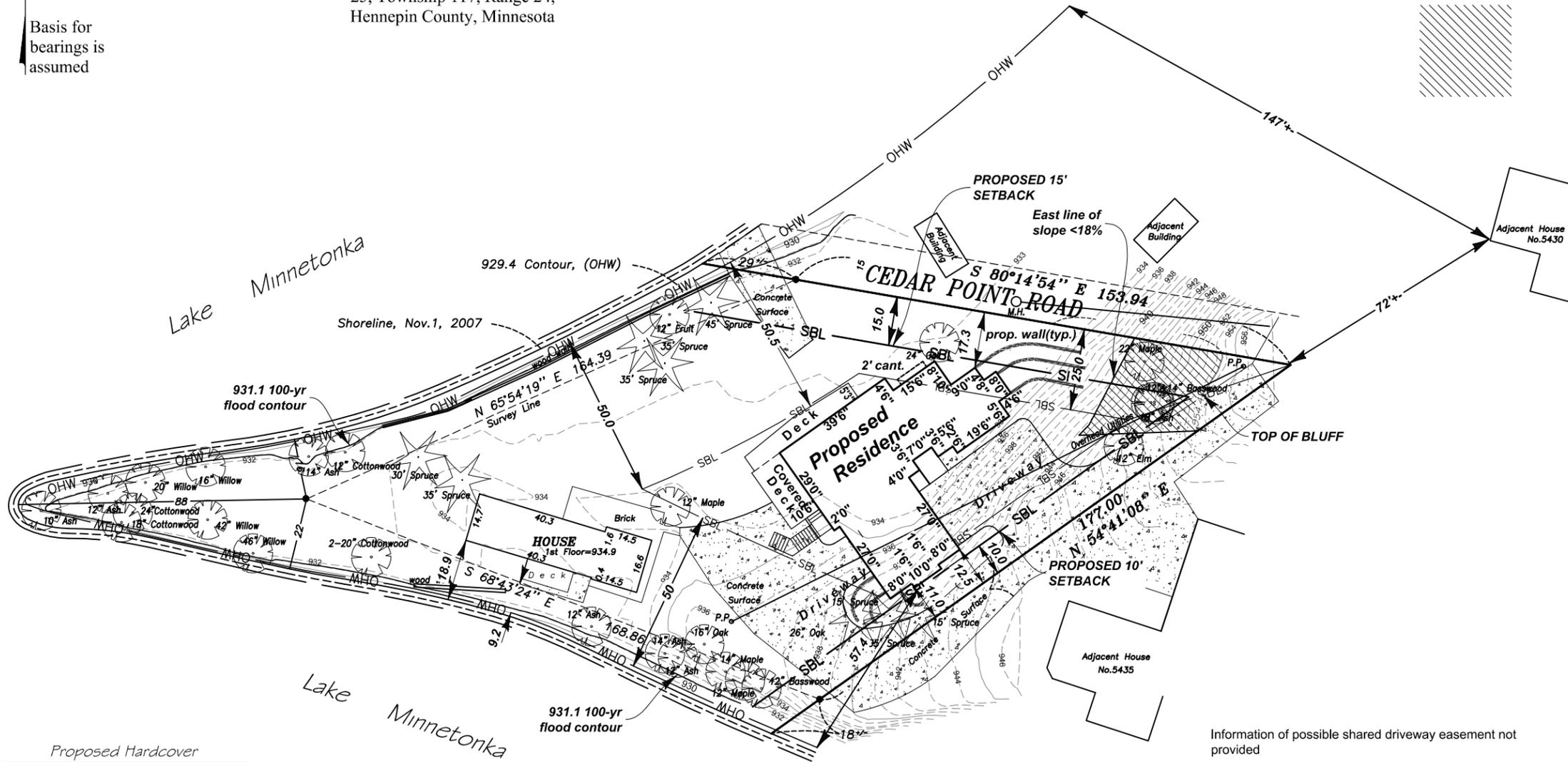
NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

NOTE: The relationship between proposed floor elevations to be verified by builder.

NOTE: The only easements shown are from plats of record or information provided by client.

- 947.5 Proposed First Floor
- 946.7 Proposed Garage Floor
- 935.5 Proposed Basement Floor

Type of Building
Fullbasement Walkout



Legal Description
Tract A, REGISTERED LAND SURVEY
NO. 1435
Hennepin County, Minnesota

DEMARC
LAND SURVEYING & ENGINEERING
7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 DemarcInc.com

Project No. 89202 Scale: 1" = 40'
F.B.No. - Drawn By J. Prasch

Address: 5445 Cedar Point Road
Minnetrista, MN

rev 10-1-20 hardcover
10-16-20 bldg dim
10-19-20 bldg dim
10-23-20 bldg dim/prop. setbacks

I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Surveyed this 21st day of September 2020.

Signed
Gregory R. Prasch, Minn. Reg. No. 24992

Proposed Hardcover

Lot Area	25,267 sq ft
Prop Residence	2,444 sq ft
Covered Deck	221 sq ft
Deck	229 sq ft
Front Walk	62 sq ft
Driveway Area	3,927 sq ft
Bunkhouse	831 sq ft
Bunkhouse deck	94 sq ft
bunkouse brick	69 sq ft
bunkhouse conc	392 sq ft
lake access	325 sq ft
concrete	
Total	8,594 sq ft
Percentage	34.01%

PRIOR HARDCOVER

Lot Area	25,266 Sq.Ft.
Buildings	1,783 Sq.Ft.
Decks	174 Sq.Ft.
Conc.Walks & Drive	5,143 Sq.Ft.
Total Hardcover	7,100 Sq.Ft.
% of Hardcover	= 28.1 %

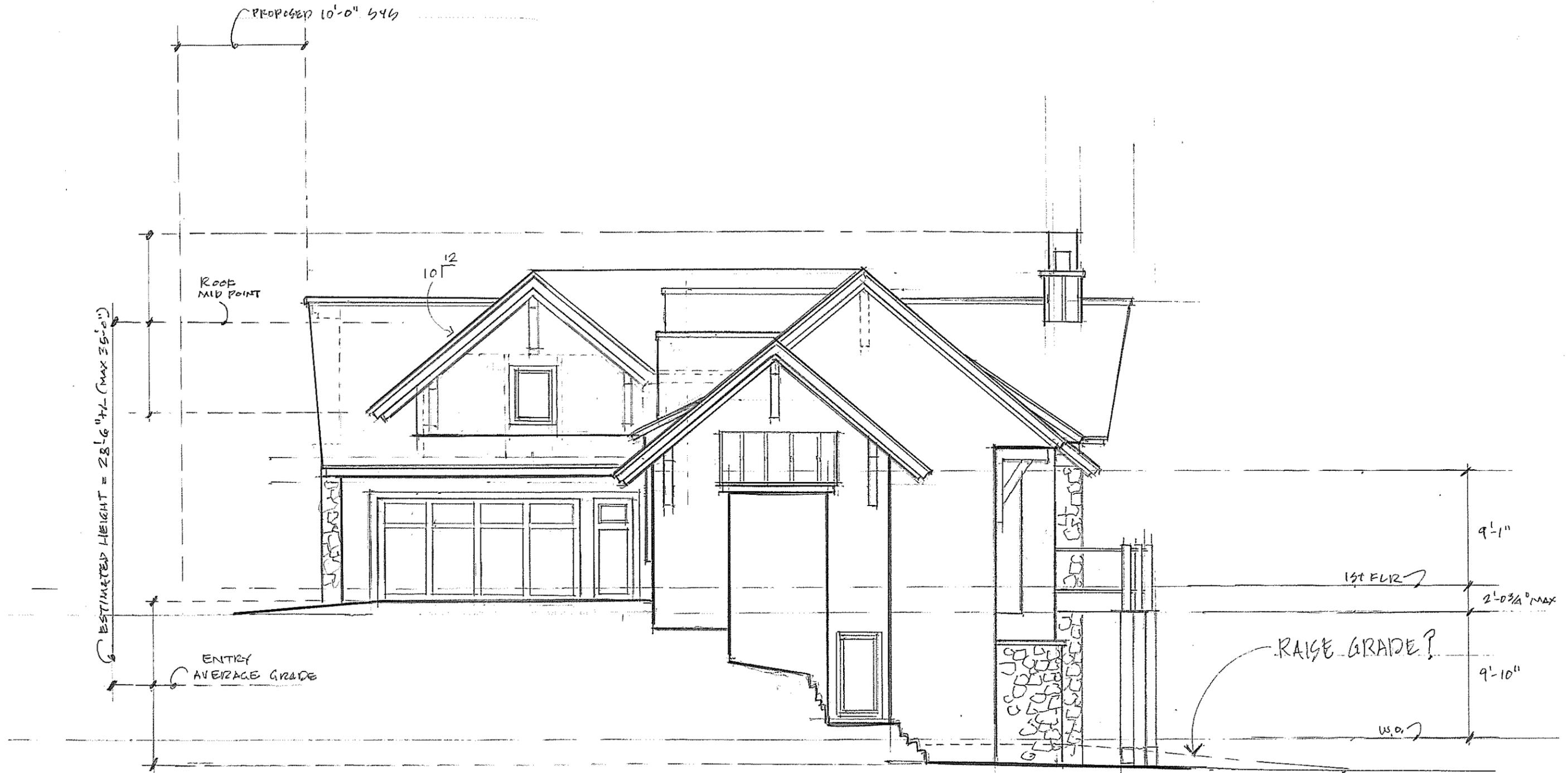
STRUCTURE HARDCOVER
Existing Residence - 831 sq.ft
Proposed Residence - 2,444 sq.ft
Total Hardcover = 3,275 sq.ft
Area of Property = 25,267 sq.ft
Percentage of Hardcover = 12.96%

Information of possible shared driveway easement not provided

FEMA flood elevation = 931.1 per flood map 27053C0291F effective on 11/04/2016

Property Zoning: RDB Residential-Douglas Beach
Property Setbacks:

- Front: 25 feet
- Side: 15 feet (lot width > 100ft)
- Lakeshore Rear Yard: 50 feet to O.H.W.
- Max. Bldg Height: 35 feet / 3 stories
- Max. Driveway Width: 24 feet
- Max Structure Impervious Surface coverage - 25%
- Max Total Impervious Surface coverage - 35%



ESTIMATED HEIGHT = 28'-6" +/- (max 35'-0")

ROOF MID POINT

10' 1/2

ENTRY AVERAGE GRADE

1ST FLR

9'-1"

2'-0 3/4" MAX

RAISE GRADE?

9'-10"

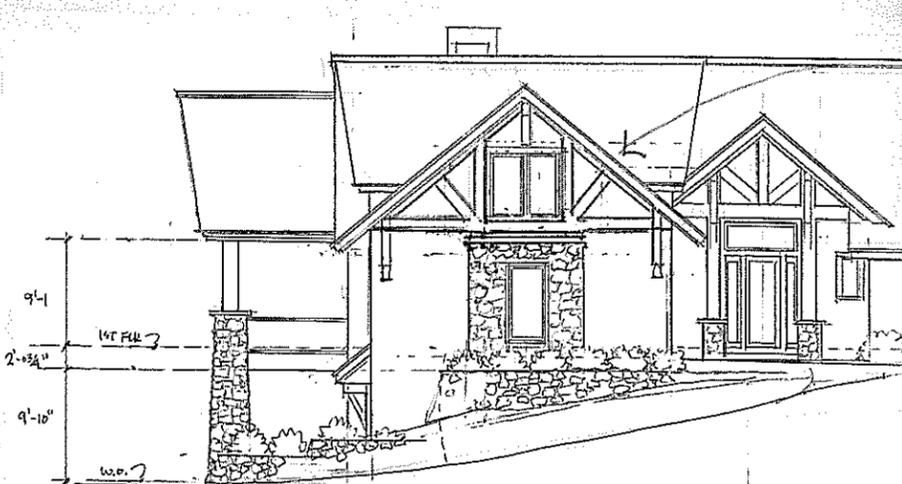
W.O.



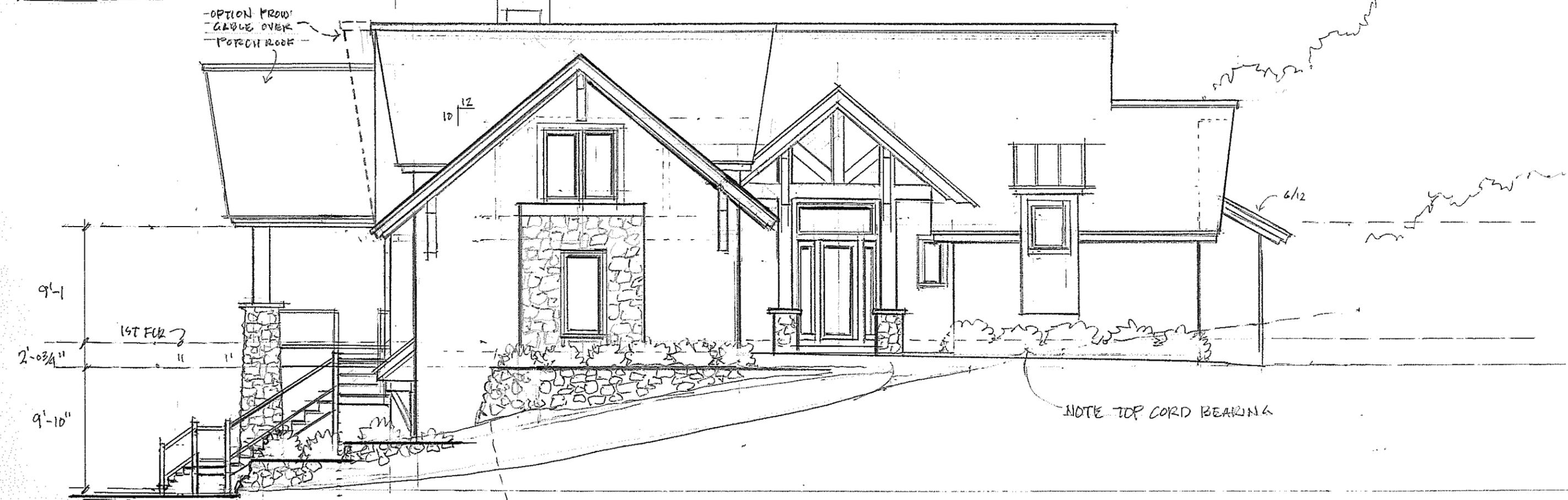
NORTH EAST ELEVATION
 1/8" = 1'-0"
 5445 CEDAR POINT RD
 MINNETRISTA

MARK WILLIAMS
 CUSTOM HOMES

10.13.20 10.21.20
 9.18.20 10.22.20 PM
 NRDI



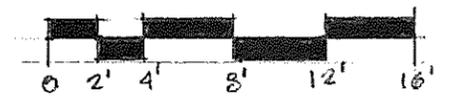
OPTION TRUSS DESIGN
 @ GARAGE END WALL GABLE



OPTION FROM
 GABLE OVER
 PORCH ROOF

NOTE TOP CORD BEARING

MATCHES LAKESIDE
 STAIR WINDOW



SCALE

SOUTHEAST ELEVATION
 1/2" = 1'-0"
 5445 CEDAR POINT RD
 MINNETRISTA

MARK WILLIAMS
 CUSTOM HOMES

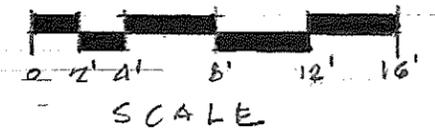
10.13.20 10.21.20
 9.18.20 10.22.20 PM
 NRDI



SOUTHWEST ELEVATION
 1/8" = 1'-0"
 5445 CEDAR POINT RD.
 MINNETRISTA

MARK WILLIAMS
 CUSTOM HOMES

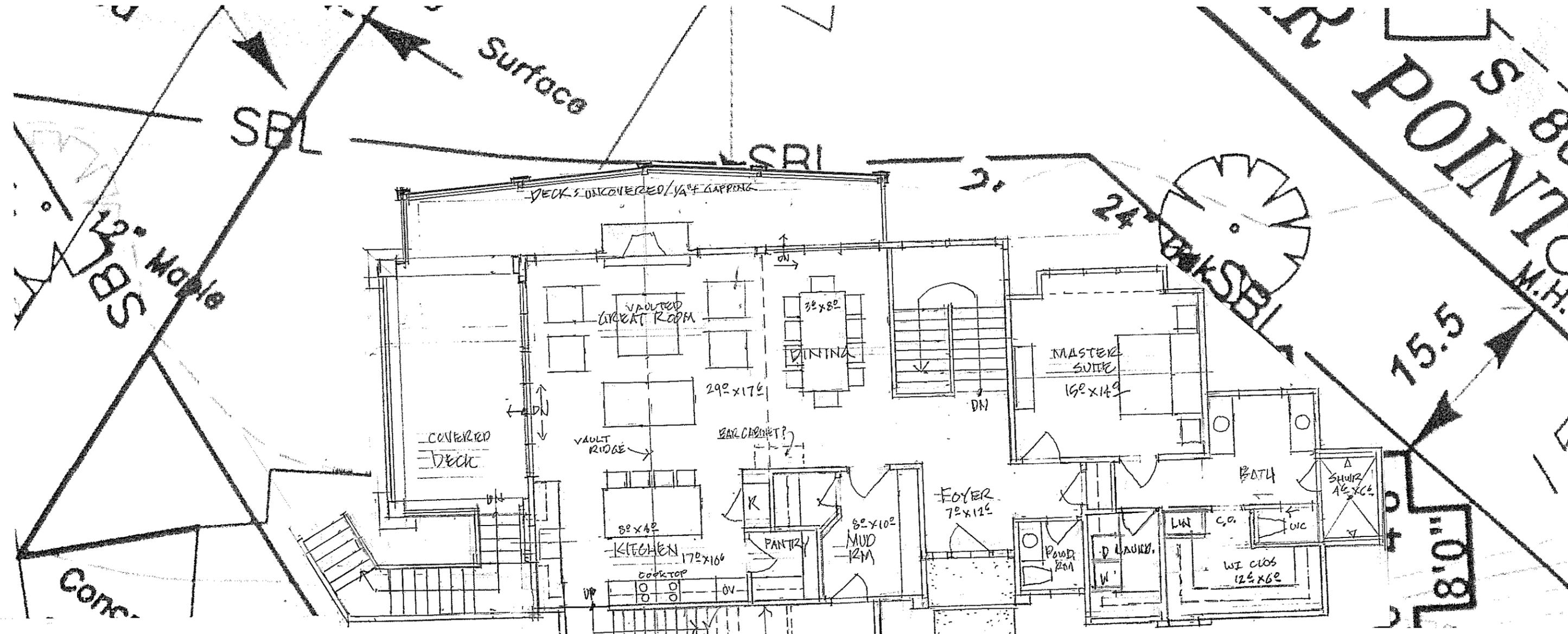
10.13.20 10.21.20
 9.18.20 10.22.20 PM
 NRDI



NORTH WEST ELEVATION
 1/8" = 1'-0"
 5445 CEDAR POINT RD.
 MINNETRIST A

MARK WILLIAMS
 CUSTOM HOMES

10.21.20 10.22.20
 9.18.20
 NRDI

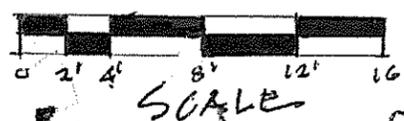


REVISED 1ST FLOOR PLAN
 1/8" = 1'-0"

5445 CEDAR POINT RD.
 MINNETRISTA

MARK WILLIAMS
 CUSTOM HOMES

10.22.20 PM
 10.21.20
 10.13.20
 NRDI



SCALE

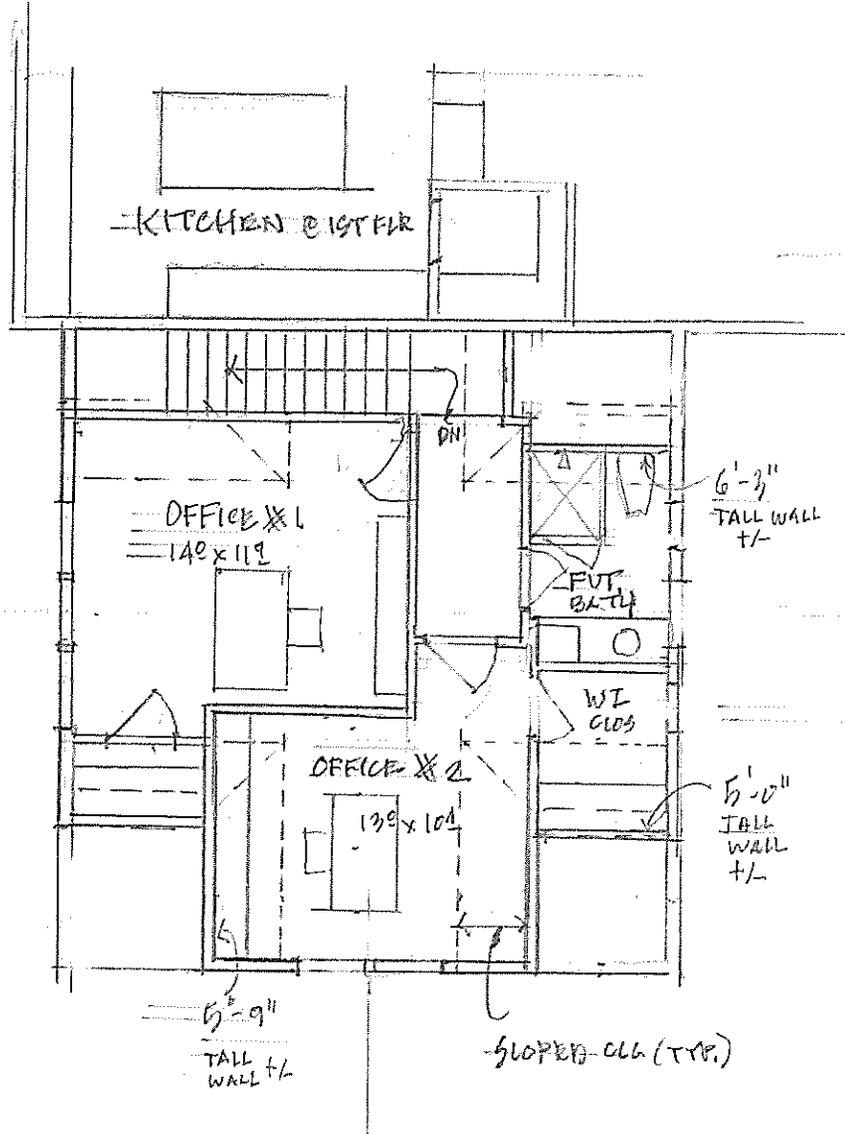
OK
 938

MAX 18"
 SCALING
 2A" !!

MAX 18"
 1'-6" x 10'-0" BOXED BAY
 3'-0" (REDUCE OTHERS FROM 48" TO 36")

PROPOSED 10' SETBACK LINE

27.02.20.20
-36.26.37 = 6.00



PRELIMINARY 2ND FLOOR PLAN 608 SF
 1/2" = 1'-0"
 INCLUDES STAIR & FUT. BATH

5445 CEDAR PT. RD,
 MINNETRISTA

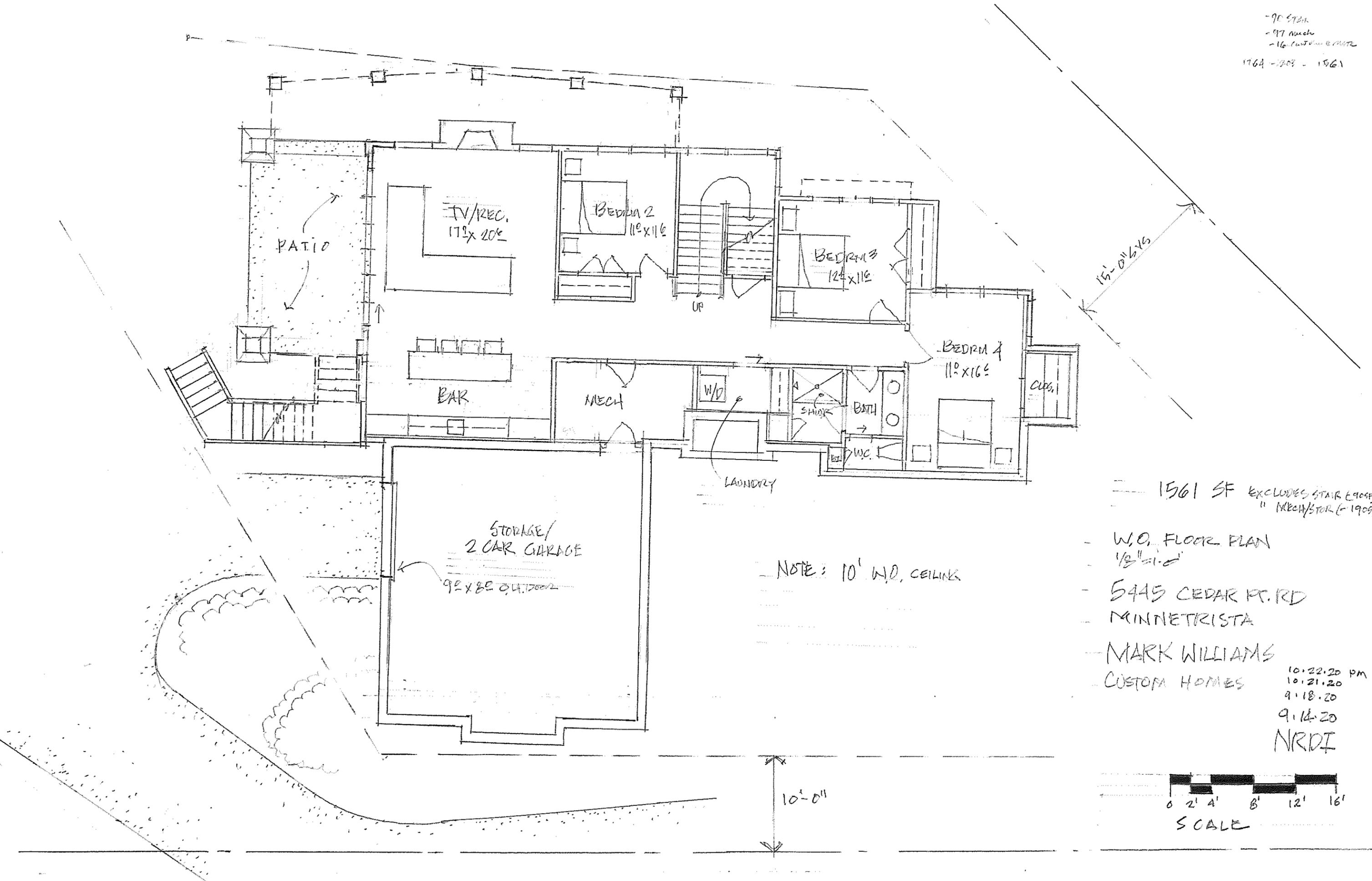
MARK WILLIAMS
 CUSTOM HOMES

10.22.20 PM
 10.21.20
 10.13.20
 NIEDI



SCALE

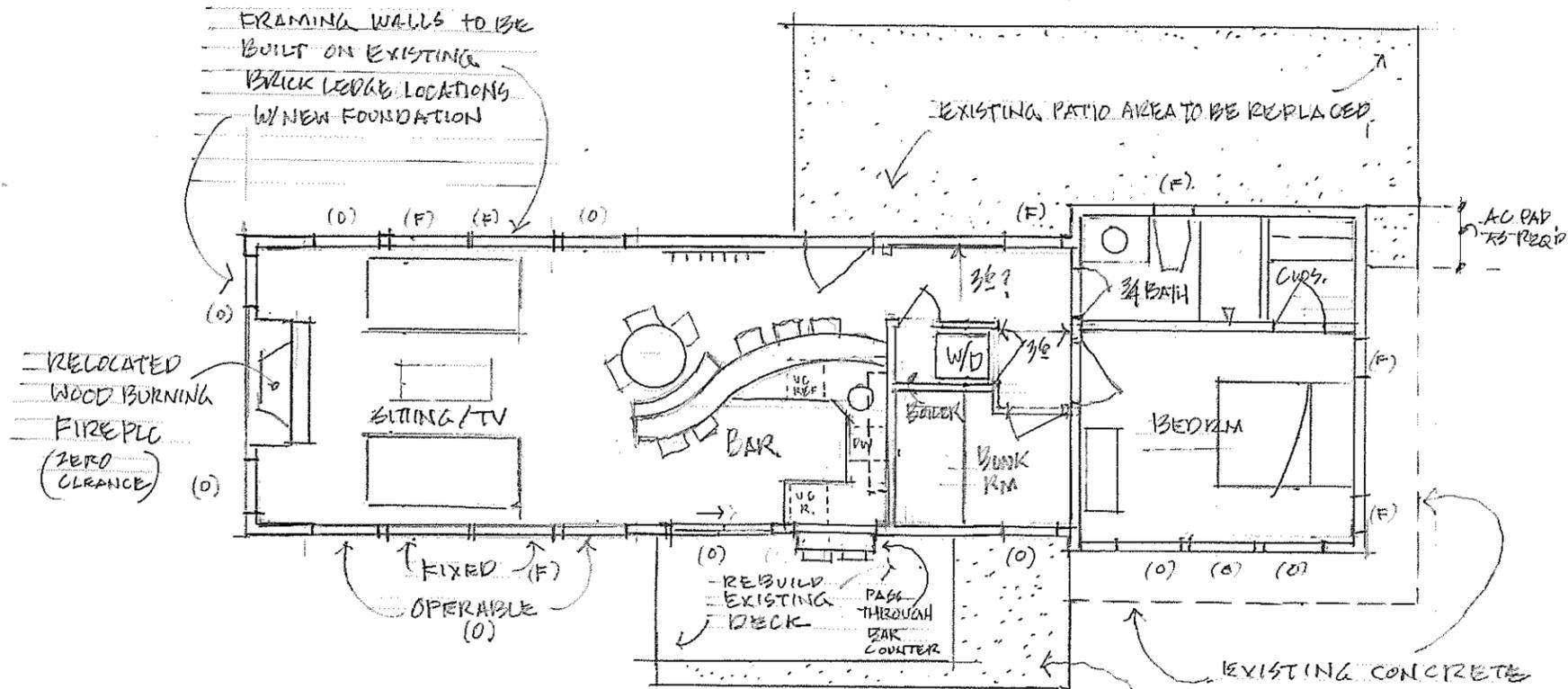
- 90 STAIR
 - 97 MECH
 - 16 CLOSET & W.C.
 1764 - 2008 - 1561



1561 SF EXCLUDES STAIR (190SF)
 " MECH/STOR (-190SF)

- W/O FLOOR PLAN
- 1/8" = 1'-0"
- 5445 CEDAR PT. RD
- MINNETRISTA
- MARK WILLIAMS
- CUSTOM HOMES
- 10.22.20 pm
- 10.21.20
- 9.18.20
- 9.14.20
- NRDI

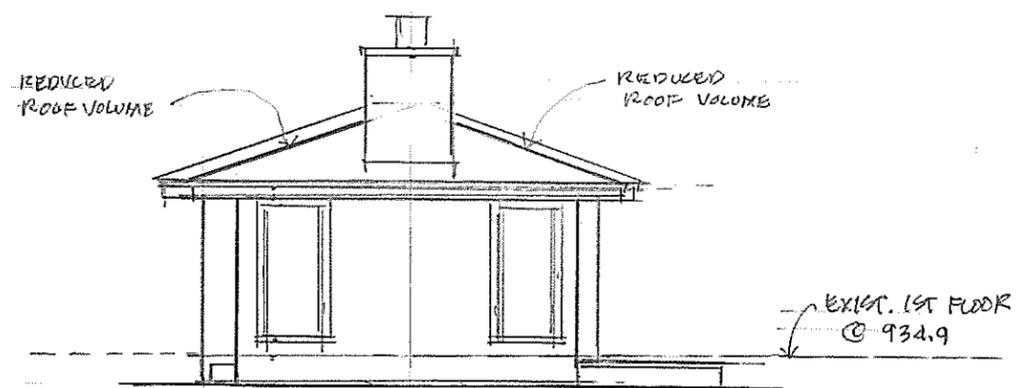




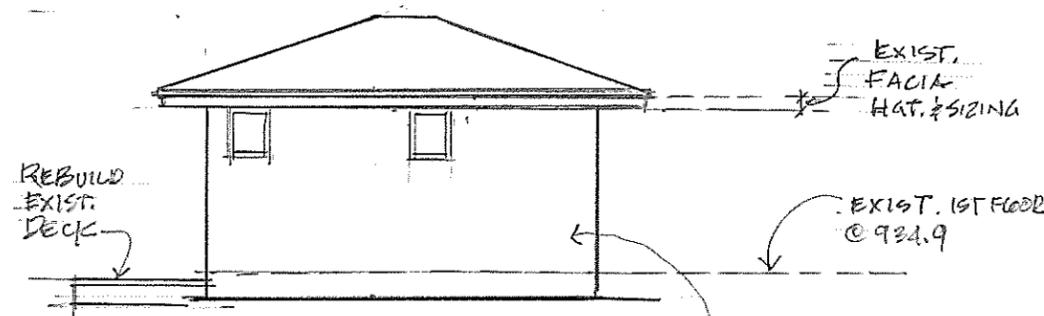
PLAN / EXISTING STRUCTURE FOOTPRINT
1/8" = 1'-0"

ACCESSORY BUILDING - REBUILT
5445 CEDAR PT. ROAD
MINNETRISTA

MARK WILLIAMS
CUSTOM HOMES NRD
10.22.20 PM
10.21.20
10.20.20



WEST ELEVATION
1/8" = 1'-0"



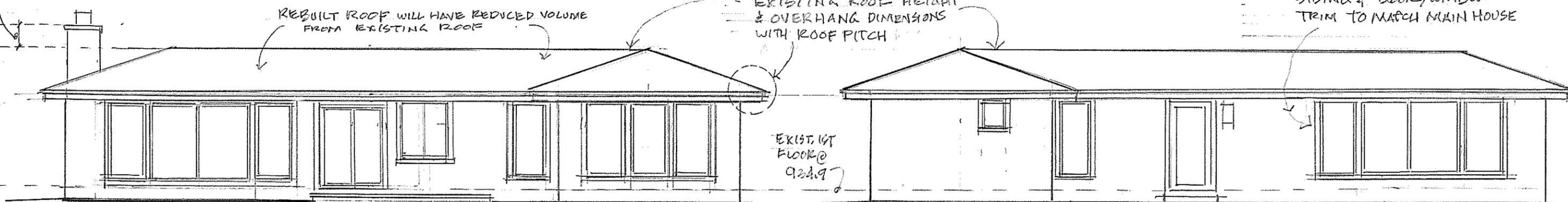
EAST ELEVATION
1/8" = 1'-0"

2'-0" MAX CHASE HGT. ABV. EXIST. RIDGE

REBUILT ROOF WILL HAVE REDUCED VOLUME FROM EXISTING ROOF

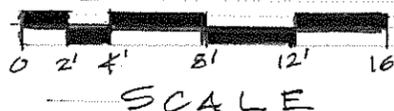
MATCH OR REDUCE EXISTING ROOF HEIGHT & OVERHANG DIMENSIONS WITH ROOF PITCH

SIDING & DOOR/WINDOW TRIM TO MATCH MAIN HOUSE



SOUTH ELEVATION
1/8" = 1'-0"

NORTH ELEVATION
1/8" = 1'-0"





















PRIVATE
DRIVE
NO
TURN-
AROUND





**PRIVATE
DRIVE
NO
TURN-
AROUND**

C 6
1 5







October 21, 2020

Nick Olson
And Minnetrista Planning Commission

RE: Variances for 5445 Cedar Point Road

Dear Nick,

As owners of the immediate next door property at 5435 Cedar Point road, my wife Yvonne Cheek and I have reviewed the architectural sketches and survey of 5445 and have no objection to the requested variances, and proposed property/house/bunkhouse changes to the property.

We look forward to the positive improvement these new owners will be making to the property and welcome them to the neighborhood!

Regards,

Michael Kirkwood

October 19, 2020

To whom it may concern,

We, Dan and Lynne Robertson, are the direct neighbors to the north of the property at 5445 Cedar Point Road. We understand this property is under contract for sale to Phillipa Hartley and David Engebretsen pending variance acceptance from the city.

We are writing this letter in support of their request to build, according to the plan being presented, and believe the nature of the lot necessitates the variances they are requesting (15 ft setback from Cedar Point Road, 10ft setback given side-load garage on driveway and riparian view setback variance).

As city staff is aware, this property would be well served with new residents committed to improving its appearance and overall value. Phillipa and David have been diligent in seeking out neighbor input and have proven themselves sincere in taking into account the needs of nearby residents as well as city concerns.

We sincerely hope you will approve their variance requests for this much needed enhancement to the Cedar Point area.

We would be happy to talk with staff personally if that would be helpful.

Best,

Dan and Lynne Robertson
5430 Cedar Point Road
Minnetrista, MN. 55364

Sent: Mon, 19 Oct 2020
From: "Mark Haugland"
To: "Phillipa Hartley"
Subject: Document - Oct 17, 2020

Dear Phillipa and Dave--

Thank you for sending the site plan and elevation drawings for your proposed project. We have no concerns with any of the variances, and wish you well at your meetings with the planning commission and the city council.

We do have one important concern: As it approaches the point, Cedar Point Road narrows and is bordered by stone walls on both sides, with a tight turn onto the private road to 5435 and 5445 CPR. Last summer (2019), a visitor to 5445 CPR knocked over the stone wall on our side of the road. Neither the visitor nor the visitor's insurance carrier accepted responsibility. We had the wall rebuilt at considerable expense. We are concerned that the expected traffic of heavy equipment, construction material delivery, and workers in and out will pose a risk of repeating last summer's damage. Please ask your builder to remind his suppliers and subcontractors to use utmost caution when navigating this confined area.

We look forward to meeting you and welcoming you to the neighborhood.

Mark Haugland
Margo Struthers
4621 Fremont Ave S.
Minneapolis, MN 55419

Summer (we don't receive mail here)
5425 Cedar Pt Rd
Minnetrista
952 472 7437

CITY OF MINNETRISTA



PUBLIC HEARING

Subject: INTERIM USE PERMIT AMENDMENT: Application from Lowell and Phyllis Schaper to amend an existing permit for Agricultural Entertainment Activities to add the names of Frank Weigel and Esther Nazarov to said permit at 6480 and 6530 County Road 26; A – Agriculture Zoning District; PID # 03-117-24-11-0004 and PID # 03-117-24-12-0004. Frank and Esther have agreed to buy the properties, which are known as Minnetonka Orchards and Painters Creek Winery.

Prepared By: Nickolas Olson, City Planner

Meeting Date: November 23, 2020

Issue: Lowell and Phyllis Schaper (the “Applicants”) have made an application to amend an existing Interim Use Permit (IUP) which allows Agricultural Entertainment Activities by adding the names of Frank Weigel and Esther Nazarov to said permit at 6480 and 6530 County Road 26; A – Agriculture Zoning District; PID # 03-117-24-11-0004 and PID # 03-117-24-12-0004 (collectively the “Properties”).

Background: The Applicants originally received a Conditional Use Permit (CUP) back in 1980 to sell apples and honey on the Properties. That CUP was later amended in 1996 to allow for the operation known today as Minnetonka Orchards. City ordinances changed in 2007 to allow agricultural entertainment activities by IUP rather than CUP. The difference between a CUP and IUP is that an IUP is a use that is allowed for a certain duration of time and is specific to a certain property owner. In this case, the IUP belongs to the Applicants. Since the Applicants have agreed to sell the Properties, which are known as Minnetonka Orchards and Painters Creek Winery, to Frank Weigel and Esther Nazarov (the “Buyers”), an amendment to the existing IUP is necessary. As part of the transition of the sale, the Applicants have agreed to stay on as consultants.

The Applicants received approval of a CUP for a farm winery, known as Painter’s Creek Winery, back in 2013. Since CUPs run with the land, no action is required for this permit as long as the Buyers follow the conditions outlined in the CUP.

Discussion: The Applicants request is to amend the existing IUP to include the names of the Buyers on the permit. No other changes to the existing IUP or its conditions is being requested at this time. For discussion, the criteria from City Code for reviewing an IUP have been included below:

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Subd. 8. Interim Use Permit

- (a) Purpose. The purpose of this ordinance is to allow interim uses under specific and regulated conditions. Interim uses may be allowed by permit if the following conditions are met:
- (1) The use conforms to the zoning regulations;
 - (2) The date or event that will terminate the use can be identified with certainty;
 - (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - (4) The user agrees to any conditions that the city council deems appropriate for permission of the use.
- (b) Application. The applicant shall submit an application for an interim use permit to the city planner. The application shall be accompanied by the following information and documentation:
- (1) Legal description of the property;
 - (2) Identification of the owner and user, if different;
 - (3) Site plan, including location of all buildings, driveways, parking areas, restroom facilities, septic systems, drain fields, wetlands and easements;
 - (4) Sign plan;
 - (5) Lighting plan;
 - (6) Names of each owner of property situated wholly or partly within 1500 feet of the property to which the interim use relates;
 - (7) Statement of the date or event terminating the use;
 - (8) Application fee as set forth in the city's fee schedule; and
 - (9) Such other information as the city deems necessary or desirable.
- (c) City Staff Review. Upon receipt of an application for an interim use permit, the city planner shall review the material submitted and determine whether the application is complete. If the application is not complete, the city planner shall notify the applicant in writing and shall specify the additional documentation or information that the applicant will be required to submit before the application will be considered complete. When the application is complete, the city planner shall refer the matter to the planning commission for review and public hearing.
- (d) Planning Commission Review; Public Hearing.
- (1) The planning commission shall review the proposed interim use permit on the basis of the information and documentation submitted by the applicant and any other information available to it. The planning commission shall hold a public hearing on the proposed interim use. Notice

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of the time, place and purpose of the hearing shall be published in the city's official newspaper at least 10 days prior to the date of the hearing. Notice shall also be mailed at least 10 days prior to the hearing to each owner of affected property and property situated wholly or partly within 1500 feet of the property to which the interim use relates.

- (2) The planning commission shall review the proposed interim use to determine whether it is consistent with the requirements of this ordinance. Following the public hearing, the planning commission shall recommend that the interim use be approved with conditions or denied. The planning commission shall forward its recommendation to the city council along with a list of suggested conditions if it recommends approval of the permit.

(e) City Council Review; Amendment.

- (1) The city council shall consider the report of the city planner and the recommendation of the planning commission and may consider any additional information or conduct such additional review as it determines would serve the public interest. The city council shall approve with conditions or deny the interim use permit. The city council shall condition its approval in any manner it deems reasonably necessary in order to promote public health, safety or welfare and to achieve compliance with this ordinance. The city council may require the applicant to enter into an agreement including such provisions as it deems reasonably required to ensure compliance with this ordinance and the terms and conditions of the city's approval.
- (2) An application to amend an approved interim use permit shall be reviewed under this section in the same manner as an initial application for an interim use permit.

- (f) Termination. An interim use shall terminate upon the date or the occurrence of the event established in the permit or upon such other condition specified by the city. Notwithstanding anything herein to the contrary, an interim use may be terminated by a change in zoning regulations applicable to the use or land upon which it is located.

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Specific to interim uses, the following language is found within the Agriculture Zoning District.

(d) Interim use in A-agriculture district.

(1) Within the A-agriculture district, the following use shall be permitted by interim use permit:

- a. Agricultural entertainment, which shall include events or activities conducted or held on private property by the property owner or the owner's lessee, either private or open to the general public, with an estimated attendance of 75 people or more.
- b. For purposes of this section, "events" and "activities" have the following meanings:
 - i. Events: planned parties, celebrations, concerts, conferences, or similar occasions with reservation of a particular space at the property for a single-occurrence gathering, including but not limited to weddings, wedding receptions, private parties or similar family or social functions.
 - ii. Activities: ongoing occurrences at the property which are open to the general public, including but not limited to tractor pulled hayrides; guided nature walks, petting barn yards, school-age tour groups or similar family or social functions.

(2) Standards. The following standards apply to interim use permits for agricultural entertainment:

- a. The property proposed to be used for agricultural entertainment must be located with direct access to a collector or arterial street as identified in the comprehensive plan;
- b. The property owner may be required to improve the traffic intersection located nearest to the property with additional turning lanes, street lights, traffic controls, traffic signs and such other measures as the city deems necessary to safely control traffic traveling to and from the property;
- c. The property must have at least two points of unobstructed emergency vehicle access to each building or permanent or temporary structure;
- d. Minimum lot size and building setbacks for "other uses" in the A-agriculture zoning district must be met;
- e. All parking must occur on-site but not on the primary or alternate septic sites or on any green area; must be on an

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- improved surface, such as class five gravel or pavement; and must be set back at least 30 feet from all property lines;
- f. No more than 25 percent of the site may be covered with impervious surface and the remainder shall be suitably landscaped;
 - g. All requirements of section 405 of the city code must be met;
 - h. Exterior lighting must be designed and installed so that the light source is recessed and enclosed on all sides except the bottom so that no light is cast directly or indirectly on any other property and so that the light source cannot be seen from adjacent property;
 - i. Roof top or outside mechanical equipment and any exterior storage must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s);
 - j. Trash containers must be located inside or screened in an acceptable manner;
 - k. No outdoor speakers may be used. All live music, including but not limited to bands and disc jockeys as well as stereos, juke boxes or other equipment, shall be conducted inside a permanent or temporary structure and the property owners shall take all necessary steps to contain the noise produced by all such devices within the permanent or temporary structure;
 - l. The number of persons who may attend an event featuring live music shall be determined by the city council after considering the impact on adjacent properties;
 - m. All requirements of the fire code and fire marshal must be met;
 - n. All requirements of chapter 1200 of the city code must be met;
 - o. Discharge of firearms, including blanks, shall not be allowed on the property;
 - p. The hours of operation and the number of permitted employees will be determined by the city council after consideration of the impact on adjacent properties;
 - q. Events are limited to twice weekly and only during the months of May through December;
 - r. The city may require the property owner to utilize the services of a licensed security officer or peace officer at any event or activity;
 - s. The city may require inspections of the property in order to investigate complaints;
 - t. Food consumed on site must be prepared in accordance with all applicable state and county codes and regulations;

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- u. The property owner must take reasonable steps to prevent trespassing on adjacent properties by employees, contractors or patrons;
- v. There must be identified and acceptable primary and alternate well and septic sites on the property which are sized for the maximum anticipated usage of the property;
- w. All animal feed and bedding must be stored within an enclosed building;
- x. Manure must be properly stored while on site. Manure must be disposed of at an off-site location at least every six months by means of a method approved by the city and the Minnesota Pollution Control Agency; and
- y. The city council may require compliance with any other conditions, restrictions, or limitations it deems to be reasonably necessary to protect the health, safety or welfare of the surrounding properties and the community and may require the applicant to enter into an agreement to ensure compliance with the conditions.

Conclusion: In advance of the meeting, staff sent notices to property owners within 500 feet, as required for most public hearings. However, public hearings for Interim Use Permits, including Amendments, require a 1,500 foot radius from the property in question. In order to comply with ordinance, staff is asking for review of the application and the required public hearing to be continued to the next available meeting, which is not until January 2021. This will allow for proper notice to all required properties. Staff will also provide the Applicants with notice extending the review timeline of this request to accommodate the change in schedule.

Recommended Action: The Planning Commission should open the required public hearing and invite anyone present to speak on the request. After everyone has had an opportunity to speak, the Planning Commission should motion to table review of the request and continue the public hearing to the January 25, 2021 Planning Commission meeting to allow all properties within the required 1,500 foot radius the opportunity to comment.

Attachments:

1. Location Map
2. Applicant Narrative
3. Resolution No. 083-13

Mission Statement:

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6480 & 6530 County Road 26



1 in = 376 ft



N
November 18, 2020
Map Powered By DataLink



***Minnetonka Orchards
&
Painter Creek Winery***

City of Minnetrista
7701 Co Rd 110 W
Minnetrista, MN 55364

9/30/2020

Honorable Mayor, Committee and Council Members,

Phyllis and I have built Minnetonka Orchards and Painter Creek Winery from the ground over the last fifty years. After much thought and deliberation, we have come to the realization that it is time to retire. To that end, we have found a buyer (Frank Weigel and Esther Nazarov) that will allow us to stay on as ambassadors and consultants in the home. This is an ideal situation for us; realizing a sale while remaining involved with this land that means so much to us.

We respectfully submit an application to add a name to and extend the Interim Use Permit after sale. The new owners plan to continue on well within the scope of the existing IUP (and Winery CUP). It will be wonderful for us to continue playing a roll while Frank and Esther bring their energy and enthusiasm.

We ask for your favor in this regard and are available for any inquiry.

Thank you for all your good work,

Lowell & Phyllis Schaper

Minnetonka Orchards and Painter Creek Winery
6530 Co Rd 26
Minnetrista, MN 55364

Names to be added to the IUP:

Frank Weigel email: fweigel@gmail.com PH 408-499-0502

Esther Nazarov email: esthersemail@me.com 408-499-0502

Address: 4496 N Shore Dr Mound, MN 55364

How long have you lived on Northshore? **We purchased our home on 1/2/2017**

Where are you originally from? **We both are originally from the San Jose area of California**

Do you plan to hire a full time manager/caretaker for the property? **We want to learn the whole business from top to bottom but would most likely have someone employed to manage the operation with me.**

What are your immediate goals and plans? **Our immediate plan is to have a seamless transition making very little changes and just learning the business. We want a place where we can raise our 2 year old twins.**

Will you continue to operate it like it have been operated to date? **I believe we will try and operate the orchard as it has been operated and preserve the charm of the place to the best of our ability but we will need to learn as we get into it. We love the place as is and have visited a number of times for apple picking and wine tasting in the past couple years.**

Will you be relying on the income from the property solely? **No.**

How will things change under your ownership? **We are early in, I don't foresee any major changes but once we are operating for awhile we will have a better idea if we need to do anything different. Initially we would like to do a minor refresh and updates to the gift shop and also do some painting of the structures.**

How many employees total do you foresee having on average. **I would think we would have a similar amount of employees to the current operation.**

Will you be finishing out the back space in the Winery right away? **We would like to finish it eventually but will wait to really see what we would like to do there.**

Are you willing to operate in a way that is respectful to the neighborhood? **Absolutely**

RESOLUTION NO. 83-13

RESOLUTION APPROVING AMENDMENTS TO THE EXISTING INTERIM USE PERMIT TO ALLOW AGRICULTURAL ENTERTAINMENT ACTIVITIES AND EVENTS AT 6530 AND 6480 COUNTY ROAD 26

WHEREAS, the City of Minnetrista is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Minnetrista has adopted zoning and subdivision regulations, per Chapter 5 of the Municipal Code, to promote the orderly, economic and safe development and utilization of land within the city; and

WHEREAS, Lowell Schaper and Phyllis Schaper have made application for amendments to the existing interim use permit (IUP) to allow agricultural entertainment activities and events at property legally described in Exhibit A attached hereto; and

WHEREAS, the Planning Commission and City Council reviewed the application, as submitted, and have made the following findings of fact:

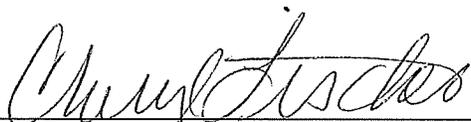
1. Agricultural entertainment is a permitted use in the A – Agricultural zoning district with an IUP; and
2. The request is consistent with the Minnetrista Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the amendments to the existing interim use permit as requested, based on the findings of fact outlined above, with the following conditions:

1. The IUP shall be issued for a period of ten years from the date of this resolution (July 2023);
2. Craig & Michele Schaper are added to the IUP as co-owner/co-operators of Minnetonka Orchards, the IUP shall become void upon transfer of ownership of the property and any transfer of the IUP shall require City Council approval;
3. Agricultural entertainment events shall be limited to two (2) events per week and only during the months of May – December;
4. The applicant shall coordinate persons to provide traffic control for all activities and events during the month of October;
5. Additional on-site security officers shall be obtained by the applicant;
6. Food and beverage sales to the scale with which were provided under the CUP are allowed with the IUP;
7. No off-site parking for activities or events;
8. The applicant shall provide documentation from Hennepin County stating that the existing septic and well systems are sized adequately;
9. Any and all changes to the lighting of the property shall be reviewed by City staff and shall be designed so as to not be obtrusive and shall register as zero foot-candles at the property lines;

10. Trash enclosures must be located inside a structure on the property or screened appropriately;
11. All noise pollution be defined and restricted by the Minnesota Pollution Control Agency under Minn. Rules 7030 – Noise Pollution.
 - Adoption of the Standard Definitions per 7030.0020 (page 15)
 - Uphold the Noise Standards per 7030.0040 (page 16)
 - Classify Minnetonka Orchards activities as Noise Area Classification #2 (page 17)
 - Subsection 3. Exceptions (page 18)
 - No outdoor speakers may be used
 - The property owners shall take all necessary steps to contain the noise produced by all such devices within the permanent or temporary structures.
12. The applicants must conform to all applicable sections of our City Code;
13. If violations of the IUP or the City nuisance ordinance occur, the City Council reserves the right to review and to revise or revoke the IUP;
14. Wedding ceremony events located in the garden shall not occur past 6:00 p.m.;
15. The applicant shall continue to work with adjacent property owners to determine appropriate decibel levels;

This resolution was adopted by the City Council of the City of Minnetrista on the 15th day of July 2013, by a vote of 5 Ayes and 0 Nays.



Mayor Cheryl Fischer

ATTEST:



Terri Haarstad
City Clerk

(SEAL)

From: Paul and Dianne Klevann
To: [Nickolas Olson](#)
Subject: minnetonka orchards
Date: Wednesday, November 18, 2020 5:47:10 PM

Mr. Nickolas Olson,

I'm writing you in regards to The Minnetonka Orchards.

We are OPPOSED to any changes in the operation of the orchard. That is a nice neighborly business and we would be sad if you changed anything for the new buyers. Everyone is entitled to their own opinion, mine is to leave it alone.

We rather enjoy listening to the music, when it is played. And for goodness sakes, this is only for a few short months and then no more "noise" the rest of the year.

At your meeting next week, please consider our opinion in this matter.

Thank you for letting me voice my opinion for the greater Minnetrista community.

Paul and Dianne Klevann
6925 Co Rd 26, Maple Plain, Mn.