

**HOPKINS CITY COUNCIL  
AGENDA  
Tuesday, August 21, 2018  
7:00 pm**

**THIS AGENDA IS SUBJECT TO CHANGE  
UNTIL THE START OF THE CITY COUNCIL MEETING**

**Schedule**      Work Session after close of Regular Meeting

**I. CALL TO ORDER**

**II. ADOPT AGENDA**

**III. PRESENTATIONS**

**IV. CONSENT AGENDA**

1. Minutes of the August 6, 2018 City Council Regular Meeting Proceedings
2. Minutes of the August 6, 2018 City Council Work Session following Regular Meeting Proceedings
3. Minutes of the August 13, 2018 City Council Work Session Proceedings
4. Approve Temporary Easement Agreements between the City and the Metropolitan Council – SWLRT Project; Stadler

**V. PUBLIC HEARING**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. Rezoning & Site Plan Review for 65 – 7<sup>th</sup> Avenue; Lindahl
2. R-1-C Minimum Lot Size Concept Plan Review; Lindahl
3. Gambucci Lot Variance for PID 23-177-22-14-0053; Lindahl
4. 2018 2<sup>nd</sup> Quarter Financial Report; Bishop

**VIII. ANNOUNCEMENTS**

- Hopkins Farmers' Market at 16 9<sup>th</sup> Ave. S.: Saturdays through October, 7:30 a.m. to Noon

**IX. ADJOURN**

**OPEN AGENDA – PUBLIC COMMENTS/CONCERNS**

Public must fill out a Speaker Request Form. During this time, anyone wanting to address a topic **not listed on the agenda** may do so. Three minute time limit per person.

The Hopkins City Council Chambers are enabled with a hearing loop system and hearing amplification options are available. Please notify staff for assistance.

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
AUGUST 6, 2018**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Monday, August 6, 2018 at 7:04 p.m. in the Council Chambers at City Hall, 1010 First Street South, Hopkins.

Mayor Cummings called the meeting to order with Council Members Kuznia, Halverson, Gadd and Campbell attending. Staff present included City Manager Mornson, Director of Planning and Development Elverum, Assistant City Manager Lenz, Activity Center Coordinator Newville, Public Works Director Stadler and Community Development Coordinator Youngquist.

**PRESENTATIONS**

**III.1. US Men's Shed Association Presentation**

In addition to City staff, Men's Shed representatives present for the presentation were Mr. Phil Johnson and Mr. Joe Holasek. Mr. Johnson gave an overview of the first Men's Shed in the United States that started in Hopkins. Mr. Johnson discussed the mission and purpose of the Men's Shed group and thanked the City of Hopkins for their support. Mr. Holasek gave an overview of the group's service projects and discussed a future project idea to create a basic tool box sharing program. Ms. Newville discussed the benefits to the group members and commented that those interested in further information can contact the Hopkins Activity Center (952-939-1333). The Council thanked the Men's Shed group and Hopkins Activity Center for being leaders in this endeavor and making impacts in the community.

**CONSENT AGENDA**

Mayor Cummings commented that there is a proposed amendment to the Consent Agenda Item 4 amending the event time from Noon to 8 p.m.

**Motion** by Gadd. **Second** by Kuznia.

**Motion** to Approve the Consent Agenda as amended.

1. Minutes of the July 17, 2018 City Council Regular Meeting Proceedings
2. Minutes of the July 17, 2018 City Council Work Session following Regular Meeting Proceedings
3. Approval of Temporary On-Sale Liquor License for St. Gabriel the Archangel Church
4. Approval of Temporary On-Sale Liquor License for Hopkins Elks Lodge #2221
5. Authorize Disabled Parking Zone –306 17th Avenue North
6. Ratify Checks Issued in July 2018

**Ayes:** Kuznia, Halverson, Cummings, Gadd, Campbell.

**Nays:** None. **Motion carried.**

**NEW BUSINESS**

**VII.1. Site Plan for Façade Improvements at the Hopkins Professional Clinic**

Community Development Coordinator Youngquist discussed the staff report regarding the site plan review of the Hopkins Professional building. Ms. Youngquist gave an overview of the property location and improvements. Ms. Youngquist explained that City Code requires a site plan review if there is reconstruction of over 50% on an existing building. Ms. Youngquist explained that the Hopkins Professional building is a recipient of the Façade Improvement Grant Program.

Dr. Bob Hersman came forward and thanked the City of Hopkins for the opportunity to participate in the Façade Improvement Program and make an important reinvestment in the property. Dr. Hersman commented that they would be interested in a future mural on the exterior north wall.

**Motion** by Campbell. **Second** by Halverson.

**Motion** to adopt Resolution 2018-064, approving the site plan for façade improvements at the Hopkins Professional Building located at 29 9th Avenue North.

**Ayes:** Kuznia, Halverson, Cummings, Gadd, Campbell.  
**Nays:** None. **Motion carried.**

**VII.2. Site Plan for Façade Improvements at Carpet One and CenterDrug**

Community Development Coordinator Youngquist discussed the staff report regarding the site plan for improvements to 907 and 913 Hopkins Center. Ms. Youngquist gave an overview of the property location and improvements. Ms. Youngquist explained that the Hopkins Center is a recipient of the Façade Improvement Grant Program and that the proposed improvements are consistent with the Downtown Overlay District Standards.

Dan and Pat Tillman came forward to address the Council. Mr. Tillman commented on the energy improvements to the property and that the project is scheduled to be completed by the end of October. The Tillman's commented that they would also be interested in an exterior mural in the future.

Ms. Youngquist commented that Hance Hardware was also a recipient of the Façade Improvement Grant Program but they were not ready to move forward at this time.

Mayor Cummings thanked the property owners for the improvements to the buildings.

**Motion** by Gadd . **Second** by Halverson.

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
AUGUST 6, 2018**

**Motion** to adopt Resolution 2018-065, approving the site plan for façade improvements at Carpet One and Center Drug located at 907 and 913 Hopkins Center.

**Ayes:** Kuznia, Halverson, Cummings, Gadd, Campbell.

**Nays:** None. Motion carried.

**ANNOUNCEMENTS**

- National Night Out in the City of Hopkins is Tuesday, August 7.
- Hopkins Farmers' Market at 16-9th Ave. S.: Saturdays through October, 7:30 a.m. to Noon.
- Hopkins Center for the Arts presents The Sunset Series at Downtown Park: Thursdays through August 15 at 7 p.m.
- The League of Minnesota Cities honored Representative Cheryl Youakim.
- The Primary Election is Tuesday, August 14. Early voting is available at Hopkins City Hall.

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Kuznia, second by Campbell, the meeting was unanimously adjourned at 7:58 p.m.

**OPEN AGENDA – PUBLIC COMMENTS AND CONCERNS**

Mr. Andre Pleasant, 516 Texas Avenue North, discussed concerns regarding a fire hydrant placement as a result of the street and utility reconstruction project. Public Works Director Stadler commented that the City Engineer Stanley has been addressing the concerns. Mayor Cummings discussed the road and utility improvement requirements and commented that it is important to hear from residents about concerns.

Respectfully Submitted,  
Debbie Vold

ATTEST:

\_\_\_\_\_  
Molly Cummings, Mayor

\_\_\_\_\_  
Amy Domeier, City Clerk

**MINUTES OF THE CITY COUNCIL WORK SESSION PROCEEDINGS  
AT CONCLUSION OF THE REGULAR CITY COUNCIL MEETING  
MONDAY, AUGUST 6, 2018**

**CALL TO ORDER**

Pursuant to due call and notice thereof a work session of the Hopkins City Council was held on Monday, August 6, 2018 at 8:11 p.m. in the Council Chambers at City Hall, 1010 First Street South, Hopkins.

Mayor Cummings called the meeting to order with Council Members Kuznia, Halverson, Gadd and Campbell attending. Staff present included City Manager Mornson, Assistant City Manager Lenz and Public Works Director Stadler.

**City Council:**

- There was Council discussion regarding the importance of Council Members being educated on the issues but relying on the knowledge and expertise of city staff.
- Council discussion of the National Night Out schedule.
- Council Member Halverson commented on a resident concern regarding a faded sign on Tyler Street.
- Council Member Halverson asked when the Planning and Zoning Commission meetings are rebroadcast. Assistant City Manager Lenz will update the Council.
- Council Member Halverson discussed Knollwood neighborhood concerns. The City Planner would address the concerns and update the Council.
- Council Member Halverson commented that the Hopkins Elks Club had a break in.
- Council Member Halverson discussed the City Council budget to date.
- Council Member Gadd gave an update on Metro Cities and Policy Committee meetings.
- Council Member Gadd would follow up with City Engineer Stanley regarding street damage by a CenterPoint Energy project.
- Council Member Kuznia discussed affordable housing and a National Special Olympics winner.
- Council Member Gadd thanked those who assisted with the Hopkins Farmer's Market booth.
- Mayor Cummings attended the Napco 100<sup>th</sup> Anniversary Celebration.
- Mayor Cumming will attend the Thai Mother's Day Celebration on August 12 in St. Louis Park.
- There was Council discussion regarding community service recognition awards.

**Administration:**

City Manager Mornson gave the following updates:

- Leadership Program on Wednesday, August 8.
- Overview of the August 13 Work Session agenda. Due to elections the Work Session will be held in the Council Chambers.

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Campbell, seconded by Gadd, the meeting was unanimously adjourned at 8:53 p.m.

Respectfully Submitted,  
Debbie Vold

ATTEST:

---

Molly Cummings, Mayor

---

Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
AUGUST 13, 2018**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular work session of the Hopkins City Council was held on Monday, August 13, 2018 at 6:30 p.m. in the Council Chambers at City Hall, 1010 First Street South, Hopkins.

Mayor Cummings called the meeting to order with Council Member Campbell, Gadd, Halverson and Kuznia attending. Staff present included City Manager Mornson, Finance Director Bishop, Director of Planning and Development Elverum, Assistant City Manager Lenz, Public Works Director Stadler, City Engineer Stanley, Park and Streets Superintendent Strachota and Community Engagement Intern Useh.

**COMMUNITY ENGAGEMENT REPORT**

Community Engagement Intern Reva Useh gave an overview of the Community Engagement Strategy project. Ms. Useh discussed the survey results commenting that the survey revealed the preferred forms of communication are email, social media and the City of Hopkins website. Ms. Useh discussed community engagement barriers that included communication to residents through utility billings. Some residents do not receive a utility bill and therefore may not receive the communication. Ms. Useh discussed best practices and recommendations based upon communities that have community engagement strategies. Ms. Useh's recommendations include developing a public participation model that offers different levels of engagement activity and continuing to find ways to build relationships and increase participation of the rental community.

There was Council discussion about the survey results, gathering of the data and responses. Ms. Useh commented that there were 452 online responses. Assistant City Manager Lenz commented that staff could continue to breakdown the survey data. Ms. Useh learned that relationship building is most important for community engagement.

Council thanked Ms. Useh for the insights, pulling together the data and commented that the information will be useful as the City moves forward.

**FUTURE IMPROVEMENTS ALONG 17TH AVENUE**

City Engineer Stanley discussed the future improvements to 17<sup>th</sup> Avenue. The project is not currently in the CIP. Staff is seeking public input on bike and pedestrian improvements along the corridor beginning in the fall/winter of 2018. Mr. Stanley discussed the project location, existing conditions and proposed timeline. Mr. Stanley discussed proposed alternatives for sidewalks, bike trail and road widths and commented that project impacts could include minor loss of parking, tree loss, easement needs and driveway access. Mr. Stanley discussed project funding and the next steps in the process. Ms. Elverum commented on the possible benefit of partnering with other organizations for trail connections. There was discussion regarding public notification and funding possibilities.

**2019 BUDGET, EQUIPMENT REPLACEMENT PLAN AND CAPITAL IMPROVEMENT PLAN**

Finance Director Bishop discussed the first draft of 2019 proposed budget. Mr. Bishop gave an overview of the General Fund budget prepared using the Financial

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
AUGUST 13, 2018**

Management Plan (FMP). Mr. Bishop reviewed the required and recommended changes to the General Fund budget. The proposed increase to the General Fund levy is 9.2%. Council Member Halverson asked about the Depot budget. Mr. Bishop commented that the other funding partners would be requested to increase their contribution to support the Depot youth program. There was Council discussion regarding the Fire Department request for tables and chairs. Staff commented that the chairs are in need replacement and that tables on wheels would make the room easier to reconfigure for multiple users. Mayor Cummings asked about decreases to certain budget revenue items. Mr. Bishop explained that the budget numbers were reviewed and based upon 3-year averages. Mayor Cummings asked about the percentage increase over 2017-2018. Mr. Bishop commented that there is a proposed 4.7% increase.

Public Works Stadler commented that the Public Works Department feels greatly supported by the City Council. Mr. Stadler commented that the additional employee that was approved last year has provided needed support to employees creating a more efficient workforce. Public Works staff continues to be responsive to the needs of residents, provide support for community events and maintain the upgraded city amenities. Park and Streets Superintendent Strachota appreciates the support of the Council for providing the additional staff position in the streets department. Mr. Strachota commented on the expectation level of residents to maintain public spaces. Mr. Stadler gave an overview of Public Work's staffing history and retirements. Mayor Cummings asked about the impacts on Public Works with additional amenities and developments to maintain. Mr. Stadler commented that staff needs to maintain additional utilities, streets and public spaces. More amenities take more staff to maintain them. Council Member Gadd asked about use of outside contractors. Mr. Strachota commented that staff works at creating a balance between using contractors and city staff. Mr. Strachota commented that the addition of a full-time Parks and Forestry staff person would reduce the need for seasonal part-time employees. It has been difficult to recruit seasonal employees in the current economy. Mayor Cummings thanked Public Works for continuing to do a fabulous job for the city.

Director of Planning and Development Elverum discussed a one-time expenditure to add additional staff to assist with the implementation of the Comprehensive Plan and making necessary changes to ordinances and the zoning code. Ms. Elverum commented that staff cannot do an adequate job in house and are proposing that the best use of funds would be to hire a professional to work with the City Planner.

Mr. Bishop discussed the major additions, deletions and revenue sources to the 2019-2023 Equipment Replacement Plan (ERP) and Capital Improvement Plan (CIP). Mr. Bishop gave an overview of the proposed 2019 total tax levy and taxes on a medium value home. The 2019 Budget, ERP and CIP is scheduled on the September Work Session agenda for further review and discussion.

Council Member Halverson asked about the delay of the Harley Hopkins warming house reconstruction. Mr. Bishop would update the Council regarding the change.

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
AUGUST 13, 2018**

Council Member Campbell asked about Virtual Privacy Network (VPN) request. Mr. Bishop commented that the current VPN is not always reliable. Mayor Cummings commented on the large budget and levy increase. Mayor Cummings commented that Council and staff needs to be mindful of costs that get passed onto residents, future financial commitments of the city and need to look at the big picture. Council Member Gadd discussed the goal of the FMP to create a stronger financial base and the need to invest in the future of Hopkins.

**UPDATES**

- Council Member Campbell has sold her house in Hopkins. There was discussion about how to fill a possible Council vacancy. Council Member Campbell requested that her National League of Cities conference reservation be cancelled.
- Council Member Gadd discussed the Metro Cities Transportation and Housing Committee meeting.
- Council Member Halverson discussed a request for a bus shelter by the Cargill/US Bank building. Staff will investigate.
- Council Member Halverson discussed the City Council budget.
- Council Member Kuznia discussed a request to extend the closing of Shady Oak Beach for the season. The summer beach season depends on staffing.
- Council Member Kuznia discussed the September 8 City Council Farmer's Market booth. Due to other commitments Council consensus was to cancel the September 8 booth.
- Mayor Cummings discussed City Council budget expenses.

City Manager Mornson gave the following updates:

- Thank you letters would be sent regarding National Night Out.
- Tuesday, August 21 ribbon cutting at Thirty Bales and tour of the Pavilion.
- Discussion of Council and staff involvement in the Cold Storage redevelopment site.
- Council should review the tentative 2019 City Council meeting dates.
- Goal setting meeting scheduled for Friday, January 11, 2019.
- Update on the League of Minnesota Cities.

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Campbell, second by Kuznia, the meeting was unanimously adjourned at 8:23 p.m.

Respectfully Submitted,  
Debbie Vold

ATTEST:

---

---

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
AUGUST 13, 2018**

Molly Cummings, Mayor

Amy Domeier, City Clerk



August 16, 2018

Council Report 2018-096

Approve Temporary Easement Agreements between the City and the Metropolitan Council – SWLRT Project

Proposed Action.

Staff recommends adoption of the following motions:

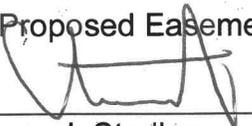
1. Move that Council approve the temporary easement agreement for parcels P4000, P5000, P5001 and P5002 and authorize the Mayor and City Manager to sign the agreement.
2. Move that Council approve the temporary easement agreement for parcels P4002, P4003 and P4004 and authorize the Mayor and City Manager to sign the agreement subject to the city receiving formal consent/authorization from the MPCA.

Overview.

The SWLRT project office is seeking temporary construction easements over City owned property to provide access for construction equipment and/or provide areas adjacent to the light rail tracks to facilitate the installation and construction of the LRT project and associated improvements. The areas include around the periphery of the landfill area, the 17<sup>th</sup> Ave/Excelsior Blvd intersection and the city-owned property along the south side of Excelsior Blvd between Hwy 169 and 8<sup>th</sup> Ave S. The MPCA authorization mentioned in the second motion is expected but has not been received. The term of the easements are from August 31, 2018 through June 1, 2023, with one 6-month extension possible. The City Attorney has negotiated the easement agreement language with Metropolitan Council and the MPCA and recommends City Council approval.

Supporting Information

- Proposed Easement Agreements

  
\_\_\_\_\_  
Steven J. Stadler  
Public Works Director

Financial Impact: \$ <u>0.0</u> Budgeted: <u>n/a</u> Related documents (CIP, ERP, etc.): _____ Notes: _____
---

**PARCELS P4000, P5000, P5001, P5002**  
**TEMPORARY EASEMENT AGREEMENT**

THIS TEMPORARY EASEMENT AGREEMENT (this "**Agreement**") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the CITY OF HOPKINS, a Minnesota municipal corporation ("**Grantor**"), and the METROPOLITAN COUNCIL, a public corporation and political subdivision under the law of the State of Minnesota ("**Grantee**"). This Agreement sometimes refers to Grantor and Grantee individually as a "**Party**" and collectively as the "**Parties**."

**WITNESSETH:**

**WHEREAS**, Grantor is the fee owner of the real property that is legally described on **Exhibit A** attached hereto (the "**Property**"); and

**WHEREAS**, the Grantee intends to construct, operate and maintain a light rail transit system (the "**LRT**") over, under and across a portion of the Property.

**NOW THEREFORE**, in consideration for the mutual promises made herein, the Parties agree as follows:

1. **Grant of Easement.** Grantor hereby grants and conveys to Grantee, its agents, permittees, successors and assigns, the following described easement:

a. **Temporary Construction Easement.** A temporary, non-exclusive construction easement over, under and across that part of the Property depicted on the attached **Exhibit B** (the "**Temporary Easement Area**") to-locate, install and construct the LRT and its associated improvements.

Subsequent to the commencement date of the Temporary Easement, as written below, and until such Temporary Easement has expired, Grantor, its heirs, successors and assigns, shall not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Temporary Easement or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Temporary Easement without the express written permission of the Grantee.

2. **Term of Temporary Easement.** The Temporary Easement defined above shall commence on **August 31, 2018** and, subject to paragraph 3 below, expire on **June 2, 2023**.

3. **Extension Option of Temporary Easement.** With respect to the expiration date above, the Grantee shall have the option to extend the term of the Temporary Easement for up to one (1) six (6)-month period. Such option for extension shall be exercised by written notice from Grantee delivered to Grantor not less than fourteen (14) days prior to the expiration of the term of the Temporary Easement.

4. **Restoration of Temporary Easement Area.** Prior to the expiration date of the Temporary Easement, Grantee shall restore the Temporary Easement Area by matching the original surface grade as far as reasonably practicable and restoring all surfaces to like condition, either grass seeding or sodding or either paved or gravel surface, as the case may be. Grantee shall promptly repair and replace any portion of the Property and any landscaping or other improvements thereto which may be damaged or destroyed in connection with the exercise of the Temporary Easement by Grantee, its contractors, agents, and employees.

5. **Indemnification.** Grantee agrees to indemnify, save harmless, and defend Grantor and its officers and employees, from and against any and all claims, actions, damages, liability and expense in connection with personal injury or damage to the Property arising from or out of any occurrence in, upon or at the Property caused by the act or omission of Grantee, its contractors, agents, and employees in exercising the rights granted herein, except (a) to the extent caused by the negligence, gross negligence, willful misrepresentation or any willful or wanton misconduct by Grantor, its officers, employees, agents or contractors; and (b) to the extent caused by a "Pre-Existing Condition" as defined in this paragraph 5. "Pre-Existing Condition" shall mean any condition caused by the existence of hazardous substances or materials in, on, or under the Property, including without limitation hazardous substances released or discharged into the drainage systems, soils, groundwater, waters or atmosphere, which condition existed as of the date of this Agreement and became known or was otherwise disclosed or discovered by reason of Grantee's entry onto the Property. Nothing contained in this Agreement shall be construed as a waiver by the Parties of any limitations on liability contained in Minnesota Statutes, Chapter 466.

6. **Covenant of Ownership.** Grantor covenants that it is the lawful owner and is in lawful possession of the Property and has lawful right and authority to convey and grant the Temporary Easement.

7. **Notices and Demands.** All notices, requests, demands, consents, and other communications required or permitted under this Temporary Easement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

Grantor: City of Hopkins  
1010 First Street South  
Hopkins, MN 55343  
Attn: City Manager

Grantee: Metropolitan Council  
390 Robert Street North  
St. Paul, MN 55101-1805  
Attn: Real Estate Office

8. **Termination or Amendment of Temporary Easement.** The Temporary Easement declared, granted, established and conveyed herein are temporary in nature and may be terminated or amended only by an agreement in writing signed by both Parties, or

their successors and assigns, or in accordance with the expiration dates and terms contained herein.

**9. Miscellaneous.**

a. Further Actions. The Parties agree to execute and deliver all further documents and take all further actions reasonably necessary or appropriate to effectuate the purposes of this Agreement.

b. Time of the Essence. Time is of the essence of each provision in this Agreement where time is a factor.

c. Waiver. No waiver of any provision of this Agreement shall be binding unless executed in writing by the Party making the waiver. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver unless the written waiver so specifies.

d. Binding Covenants. The provisions herein shall be deemed covenants that run with the land, and shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

e. Governing Law. This Agreement has been made under the laws of the State of Minnesota and such laws shall control its interpretation.

f. Counterparts. This Agreement and any amendments to this Agreement may be executed in counterparts, each of which shall be fully effective and all of which together shall constitute one and the same instrument.

g. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

h. No Presumption against Drafter. This Agreement has been negotiated at arm's length and between persons sophisticated and knowledgeable in the matters dealt with herein. Accordingly, this Agreement shall be interpreted to achieve the intents and purposes of the Parties, without any presumption against the Party responsible for drafting any part of this Agreement.

*[signature pages to follow]*





**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

**P4000 – P.I.D – 24-117-22-33-0005**

All that part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 117, Range 22, described as follows: Beginning at a point in the extension Southerly of the East line of 15th Avenue as laid out in the plat of West Minneapolis Second Division, said point being 638.27 feet South of the South line of Excelsior Avenue; thence West to a point in the extension Southerly of the center line of 16th Avenue as laid out in the plat of Gibbs First Addition to West Minneapolis, Hennepin County, Minnesota, distant 638.27 feet South of the South line off said Excelsior Avenue; thence North along the Southerly extension of the centerline of 16th Avenue a distance of 30 feet; thence West to a point in the West line of said Section 24 distant 608.12 feet South of the South line of Excelsior Avenue; thence South along said West line to the Southwest corner of said Section 24; thence East along the South line of said Section 24 to the intersection with the Southerly extension of the East line of said 15th Avenue; thence North along said extended East line of 15th Avenue to the point of beginning, except the Southerly 100 feet thereof and subject to easement for street purposes over the West 30 feet of the above described tract.

**P5000 – P.I.D. 24-117-22-43-0161, P.I.D. 24-117-22-43-0139, P.I.D. 24-117-22-44-0023**

That part of the South Half of the Southeast Quarter of Section 24, Township 117, Range 22 described as follows: Beginning at the intersection of the Southerly right-of-way line of County Road Number 3, as shown in Book 4 of Highway Plats, Page 4, office of the County Recorder, with the Southerly right-of-way line of the Chicago and North Western Transportation Company, formerly The Minneapolis & St. Louis Railway Company; thence Southwesterly 249.23 feet along the Southerly right-of-way line of said County Road Number 3, which right-of-way line is a curved line concave to the Northwest having a radius of 1860.08 feet, a central angle of 7 degrees 40 minutes 37 seconds and an assumed chord bearing of South 66 degrees 17 minutes 41 seconds West; thence South 70 degrees 08 minutes West along the Southerly right-of-way line of said County Road Number 3 a distance of 1224.29 feet, said line hereinafter referred to as line "A"; thence Westerly on a tangential curve to the right along the Southerly right-of-way line of County Road Number 3 a distance of 971.08 feet, said curve having a radius of 2814.77 feet and a central angle of 19 degrees 46 minutes; thence South 89 degrees 54 minutes West along the Southerly right-of-way line of County Road Number 3, which line is hereinafter referred to as line "B" to its intersection with the Northerly extension of the East line of Registered Land Survey No. 1316; thence Southerly along said extension and along said East line to its intersection with a line drawn parallel with and 100.00 feet Southerly from said line "B"; thence North 89 degrees 54 minutes East along said parallel line and its extension to the intersection with a line drawn parallel with and 76.00 feet Southeasterly from said line "A" and its Southwesterly extension; thence North 70 degrees 08 minutes East along the last described parallel line and its extension a distance of 2098.14 feet; thence North 60 degrees 15 minutes 48 seconds East a distance of 73.56 feet to a point which is on a line bearing South 76 degrees 51 minutes 15 seconds East and distant 146.95 feet from the beginning; thence along a curve concave to the Northeast, having a radius of 686.62 feet and a central angle of 12 degrees 17 minutes 10 seconds a distance of 147.23 feet to the point of beginning, except that part thereof embraced within the plat of 10417 Associates Addition

**P5001 – P.I.D. 24-117-22-44-0023**

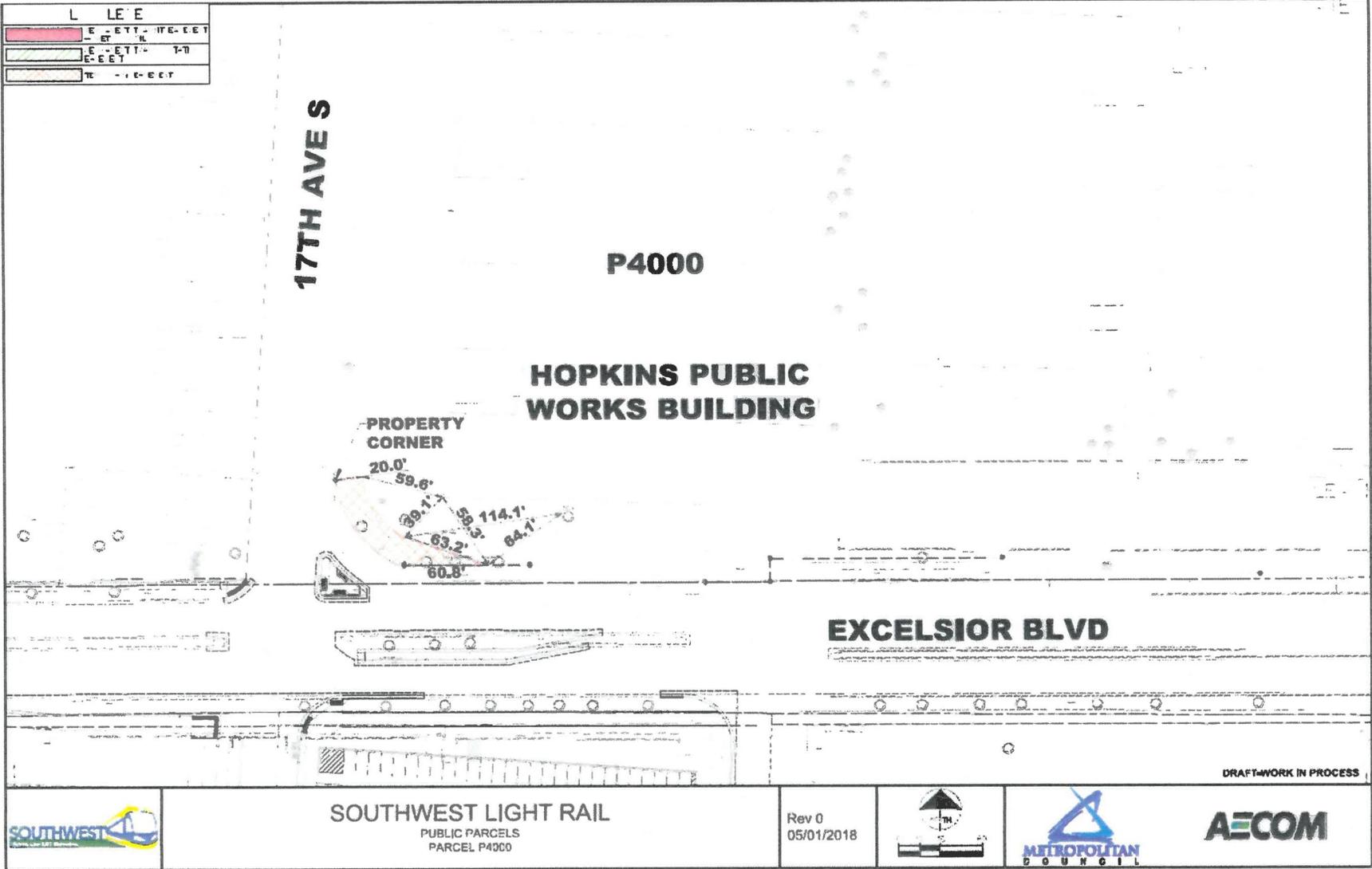
That part of the South Half of the Southeast Quarter of Section 24, Township 117, Range 22 described as follows: Beginning AT THE INTERSECTION OF THE southerly RIGHT OF WAY LINE OF county Road Number 3, as shown in Book 4 of Highway Plats page 4, office of the County Recorder, with the Southerly right of way line of the Chicago and North Western Transportation Company, formerly The Minneapolis & St. Louis Railway Company; thence Southwesterly 249.23 feet along the Southerly right of way line of said County Road Number 3, which right of way line is a curved line concave to the Northwest having a radius of 1860.08 feet, a central angle of 7 degrees 40 minutes 37 seconds and an assumed chord bearing of South 66 degrees 17 minutes 41 seconds West; thence South 70 degrees 08 minutes West along the Southerly right of way line of said County Road Number 3 a distance of 1224.29 feet, said line hereinafter referred to as line "A", thence Westerly on a tangential curve to the right along the Southerly right of Way line of said County Road Number 3 a distance of 971.08 feet, said curve having a radius of 2814.77 feet and a central angle of 19 degrees 46 minutes; thence South 89 degrees 54 minutes West along the Southerly right of way line of County Road Number 3, which line is hereinafter referred to as line "B" to its intersection with the Northerly extension of the East line of Registered Land Survey No. 1316; thence Southerly along said extension and along said East line to its intersection with a line drawn parallel with and 100.00 feet Southerly from said line "B"; thence North 89 degrees 54 minutes East along said parallel line and its extension to the intersection with a line drawn parallel with and 76 feet Southeasterly from said line "A" and its Southwesterly extension; thence North 70 degrees 08 minutes East along the last described parallel line and its extension a distance of 2098.14 feet; thence North 60 degrees 15 minutes 48 seconds East a distance of 73.56 feet to a point which is on a line bearing South 76 degrees 51 minutes 15 seconds East and distant 146.95 feet from the point of beginning; thence on a curve concave to the Northeast, having a radius of 686.62 feet and a central angle of 12 degrees 17 minutes 10 seconds a distance of 147.23 feet to the point of beginning, except that part thereof embraced within the plat of 10417 Associates Addition.

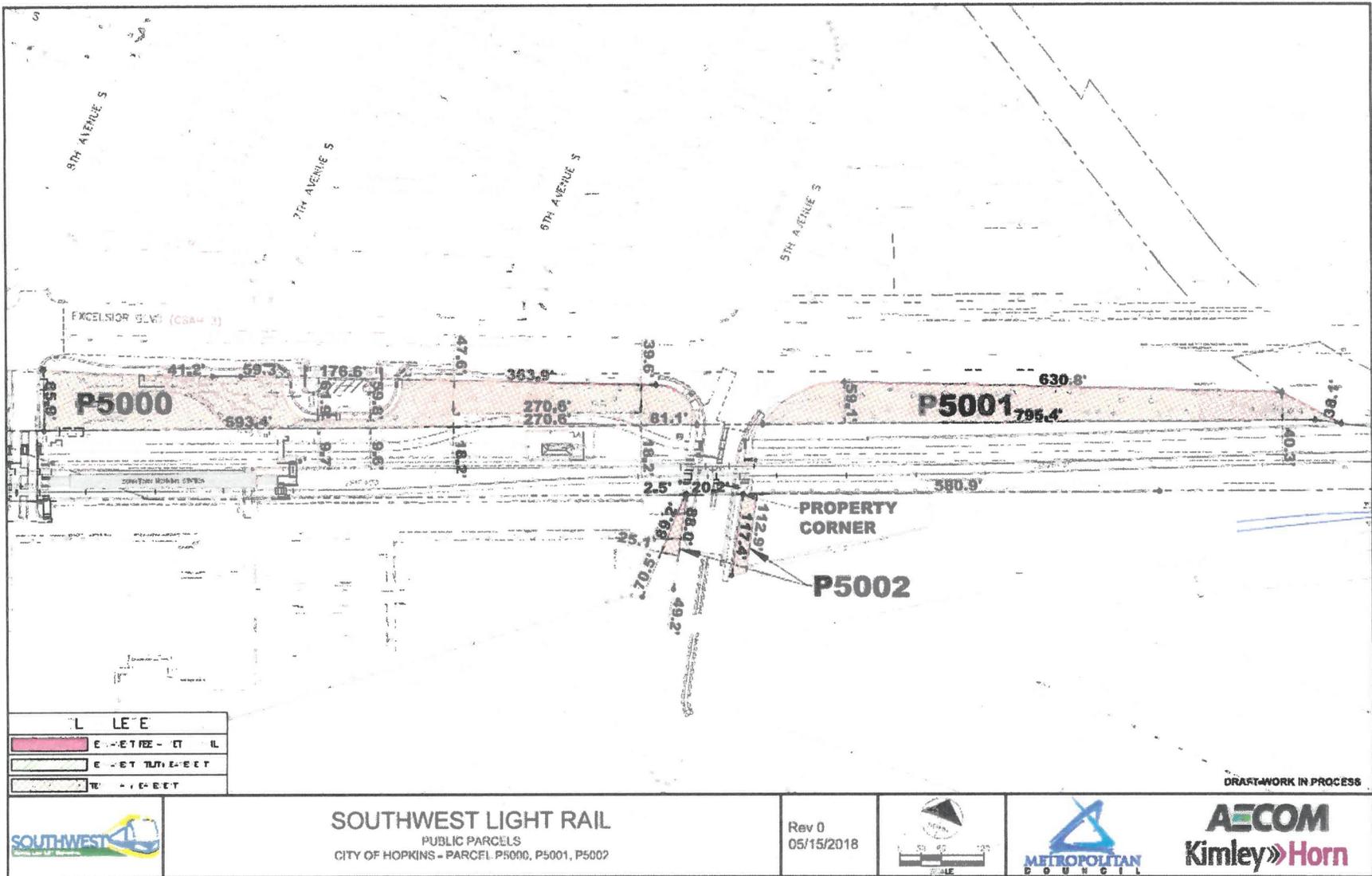
**P5002 - P.I.D. 24-117-22-44-0025**

Lot 31, Auditor's Subdivision No. 242, Hennepin County, Minn.

That part of the Southeast quarter of Section 24, Township 117, Range 22 described as beginning at the Southeast corner of said Southeast quarter; thence North along the East line thereof to its intersection with the extension of the Southerly line of Tract B, Registered Land Survey No. 396; thence Westerly along said extension and along the Southerly line of said Tract B to the Southeasterly line of the right of way of Chicago, Milwaukee St. Paul and Pacific Railroad Company; thence Southwesterly along said Southeasterly right-of-way line to the South line of said Southeast quarter of the Southeast quarter; thence East to the point of beginning, Comprising Lot 8, Auditor's Subdivision Number 242, Hennepin County Minnesota lying .West of a line described as follows: Commencing at a point in the Northerly boundary line of said Lot 8 distant 152.14 feet Northeasterly from the most Westerly corner of said Lot 8, thence South 15 degrees East a distance of 95.08 feet to the South boundary line of said Lot 8 and there terminating.

**EXHIBIT B**  
**TEMPORARY EASEMENT AREA DEPICTION**





**SOUTHWEST LIGHT RAIL**  
 PUBLIC PARCELS  
 CITY OF HOPKINS - PARCEL P5000, P5001, P5002

Rev 0  
 05/15/2018



DRAFT WORK IN PROCESS

**PARCELS P4002, P4003, P4004**  
**TEMPORARY EASEMENT AGREEMENT**

**THIS TEMPORARY EASEMENT AGREEMENT** (this "**Agreement**") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2018, by and between the CITY OF HOPKINS, a Minnesota municipal corporation ("**Grantor**"), and the METROPOLITAN COUNCIL, a public corporation and political subdivision under the law of the State of Minnesota ("**Grantee**"). This Agreement sometimes refers to Grantor and Grantee individually as a "**Party**" and collectively as the "**Parties**."

**WITNESSETH:**

**WHEREAS**, Grantor is the fee owner of the real property that is legally described on **Exhibit A** attached hereto (the "**Property**"); and

**WHEREAS**, the Grantee intends to construct, operate and maintain a light rail transit system (the "**LRT**") over, under and across a portion of the Property.

**NOW THEREFORE**, in consideration for the mutual promises made herein, the Parties agree as follows:

1. **Grant of Easement.** Grantor hereby grants and conveys to Grantee, its agents, permittees, successors and assigns, the following described easement:

a. **Temporary Construction Easement.** A temporary, non-exclusive construction easement over, under and across that part of the Property depicted on the attached **Exhibit B** (the "**Temporary Easement Area**") to provide access for the Grantee to locate, install and construct the LRT and its associated improvements adjacent to the Property. Grantee shall use the Property as an access for various construction equipment, vehicles and conveyance of materials and not for long-term storage and laydown. Grantee shall move and clear all vehicles, materials and equipment at the end of each construction work day.

Subsequent to the commencement date of the Temporary Easement, as written below, and until such Temporary Easement has expired, Grantor, its heirs, successors and assigns, shall not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Temporary Easement or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Temporary Easement without the express written permission of the Grantee.

2. **Term of Temporary Easement.** The Temporary Easement defined above shall commence on **August 31, 2018** and, subject to paragraph 3 below, expire on **June 2, 2023**.

3. **Extension Option of Temporary Easement.** With respect to the expiration date above, the Grantee shall have the option to extend the term of the

Temporary Easement for up to one (1) six (6)-month period. Such option for extension shall be exercised by written notice from Grantee delivered to Grantor not less than fourteen (14) days prior to the expiration of the term of the Temporary Easement.

4. **Restoration of Temporary Easement Area.** Prior to the expiration date of the Temporary Easement, Grantee shall restore the Temporary Easement Area by matching the original surface grade as far as reasonably practicable and restoring all surfaces to like condition, with MPCA's concurrence, either grass seeding or sodding or either paved or gravel surface, as the case may be. Grantee shall promptly repair and replace any portion of the Property and any landscaping or other improvements thereto which may be damaged or destroyed in connection with the exercise of the Temporary Easement by Grantee, its contractors, agents, and employees.

5. **Indemnification.** Grantee agrees to indemnify, save harmless, and defend Grantor and its officers and employees, from and against any and all claims, actions, damages, liability and expense in connection with personal injury or damage to the Property arising from or out of any occurrence in, upon or at the Property caused by the act or omission of Grantee, its contractors, agents, and employees in exercising the rights granted herein, except (a) to the extent caused by the negligence, gross negligence, willful misrepresentation or any willful or wanton misconduct by Grantor, its officers, employees, agents or contractors; and (b) to the extent caused by a "Pre-Existing Condition" as defined in this paragraph 5. "Pre-Existing Condition" shall mean any condition caused by the existence of hazardous substances or materials in, on, or under the Property, including without limitation hazardous substances released or discharged into the drainage systems, soils, groundwater, waters or atmosphere, which condition existed as of the date of this Agreement and became known or was otherwise disclosed or discovered by reason of Grantee's entry onto the Property. Nothing contained in this Agreement shall be construed as a waiver by the Parties of any limitations on liability contained in Minnesota Statutes, Chapter 466.

6. **Covenant of Ownership.** Grantor covenants that it is the lawful owner and is in lawful possession of the Property and has lawful right and authority to convey and grant the Temporary Easement.

7. **Notices and Demands.** All notices, requests, demands, consents, and other communications required or permitted under this Temporary Easement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

Grantor: City of Hopkins  
1010 First Street South  
Hopkins, MN 55343  
Attn: City Manager

Grantee: Metropolitan Council  
390 Robert Street North  
St. Paul, MN 55101-1805  
Attn: Real Estate Office

8. **Termination or Amendment of Temporary Easement.** The Temporary Easement declared, granted, established and conveyed herein are temporary in nature and may be terminated or amended only by an agreement in writing signed by both Parties, or their successors and assigns, or in accordance with the expiration dates and terms contained herein.

9. **Miscellaneous.**

a. **Further Actions.** The Parties agree to execute and deliver all further documents and take all further actions reasonably necessary or appropriate to effectuate the purposes of this Agreement.

b. **Time of the Essence.** Time is of the essence of each provision in this Agreement where time is a factor.

c. **Waiver.** No waiver of any provision of this Agreement shall be binding unless executed in writing by the Party making the waiver. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver unless the written waiver so specifies.

d. **Binding Covenants.** The provisions herein shall be deemed covenants that run with the land, and shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

e. **Governing Law.** This Agreement has been made under the laws of the State of Minnesota and such laws shall control its interpretation.

f. **Counterparts.** This Agreement and any amendments to this Agreement may be executed in counterparts, each of which shall be fully effective and all of which together shall constitute one and the same instrument.

g. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

h. **No Presumption against Drafter.** This Agreement has been negotiated at arm's length and between persons sophisticated and knowledgeable in the matters dealt with herein. Accordingly, this Agreement shall be interpreted to achieve the intents and purposes of the Parties, without any presumption against the Party responsible for drafting any part of this Agreement.

*[signature pages to follow]*

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first set forth above.

**METROPOLITAN COUNCIL,**  
a public corporation and political subdivision under the laws of the State of Minnesota,

By: \_\_\_\_\_  
Title: Regional Administrator

STATE OF MINNESOTA    )  
  ) ss  
COUNTY OF RAMSEY    )

I, the undersigned, a Notary Public in and for Ramsey County, Minnesota, do hereby certify that \_\_\_\_\_, the Regional Administrator of the Metropolitan Council, a public body appeared before me this day in person and acknowledged that he signed and delivered said instrument on behalf of said public body.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public

This instrument drafted by:  
  
Office of the General Counsel  
Metropolitan Council  
390 North Robert Street  
Saint Paul, MN 55101



**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE PROPERTY**

**P4002 – P.I.D. - 25-117-22-32-0092**

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 117, Range 22 lying South of the Chicago Milwaukee, St. Paul and Pacific Railway and EXCEPT the North 33 feet of the Ease 531.74 feet thereof.

**ALSO EXCEPT:**

That part of the South Half of Section 25, Township 117, Range 22, described as follows: Commencing at the point of intersection of the North line of said South Half with the Southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence Southwesterly along said Southeasterly right-of-way line a distance of 200 feet to the point of beginning of the land to be described: Thence Southeasterly at right angles to said right-of-way line a distance of 150 feet; thence Southwesterly parallel to and 150 feet Southeasterly of said Southeasterly right-of-way Railroad line to the West line of said section 25; thence North along said Section line to its intersection with the said Southeasterly right-of-way line of said Railroad; thence Northeasterly along said Southeasterly right-of-way Railroad line to the point of beginning.

**ALSO EXCEPT:**

That part of the South Half of Section 25, Township 117, Range 22, described as follows: Commencing at the point of intersection of the North line of said South Half of said Section 25 with the Southeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Right of Way; thence Southwesterly along said Railroad right of way line a distance of 200 feet; thence at right angles Southeasterly a distance of 150 feet; thence Northeasterly at right angles a distance of 200 feet; thence Northwesterly in a straight line to the point of beginning.

**ALSO EXCEPT:**

That part of the East 195.78 feet of the Northwest Quarter of the Southwest Quarter of Section 25, Township 117 North, Range 22 West of the Fifth Principal Meridian, which lies south of a line 33.00 feet south of, measured at right angles and parallel with the north line of the Northwest Quarter of the Southwest Quarter of said Section 25.

**ALSO EXCEPT**

That part of the West 12.75 chains of the south half of the South west Quarter of the Northwest Quarter lying southeasterly of the railroad right of way in Section 25, Township 117, Range 22;

**Also EXCEPT**

That part of Section 25, Township 117, Range 22, described as follows; Beginning at the point of intersection of the centerline of 7th Street South, extended westerly, with the southeasterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southeasterly at right angles to the southeasterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad, a distance of 150 feet; thence northeasterly to a point in the centerline of 7th Street South, 250.82 feet east of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence westerly to the point of beginning.

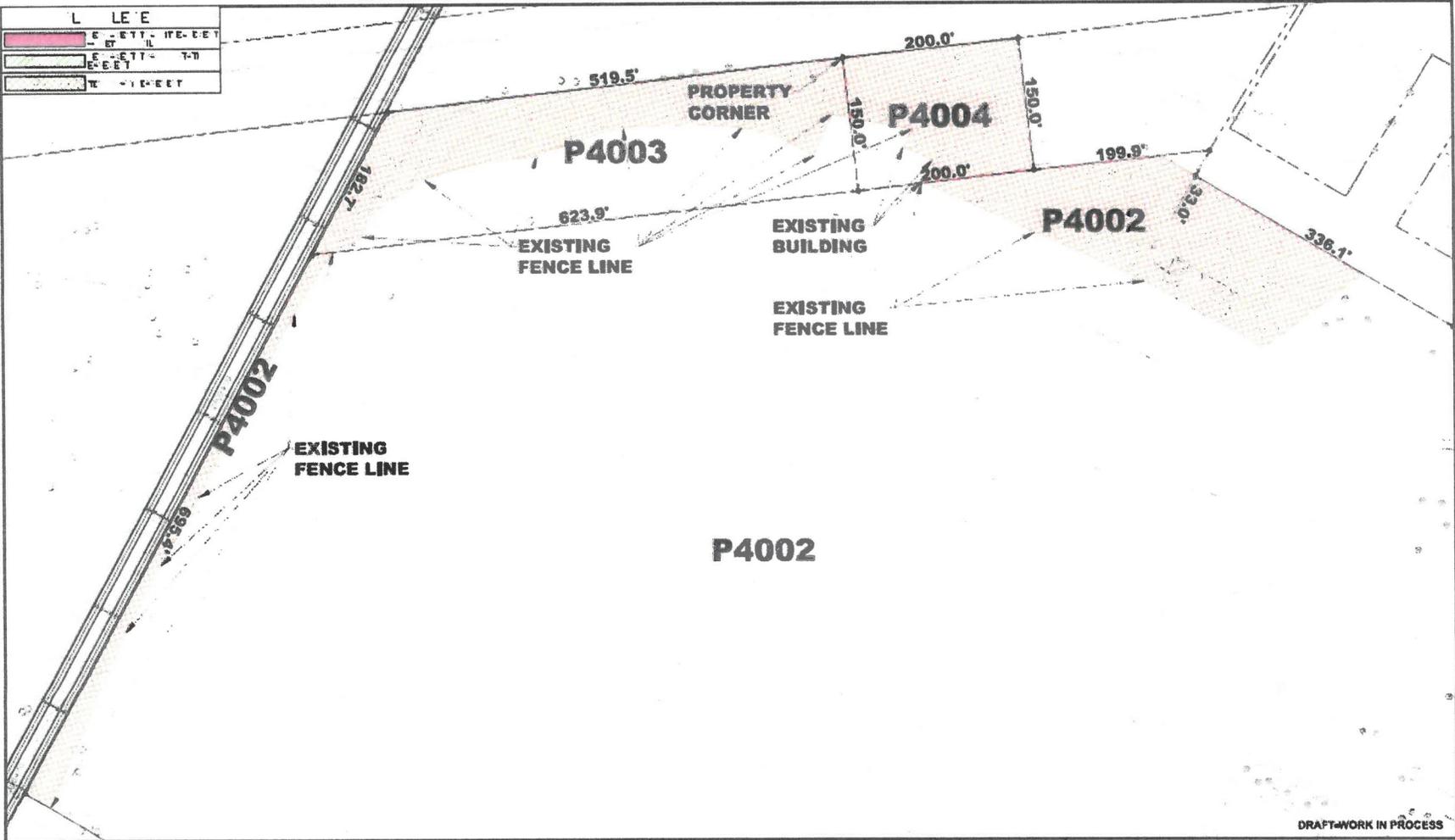
**P4003 – P.I.D. – 25-117-22-32-0091**

That part of the South Half of Section 25, Township 117, Range 22, described as follows: Commencing at the point of intersection of the North line of said South Half with the Southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence Southwesterly along said Southeasterly right-of-way line a distance of 200 feet to the point of beginning of the land to be described: Thence Southeasterly at right angles to said right-of-way line a distance of 150 feet; thence Southwesterly parallel to and 150 feet Southeasterly of said Southeasterly right-of-way Railroad line to the West line of said section 25; thence North along said Section line to its intersection with the said Southeasterly right-of-way line of said Railroad ; thence Northeasterly along said Southeasterly right-of-way Railroad line to the point of beginning.

**P4004 – P.I.D. – 25-117-22-32-0070**

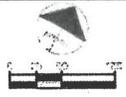
That part of the South Half of Section 25, Township 117, Range 22, described as follows:  
Commencing at the point of intersection of the North line of said South Half of said Section 25 with the Southeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Right of Way; thence Southwesterly along said Railroad right of way line a distance of 200 feet; thence at right angles Southeasterly a distance of 150 feet; thence Northeasterly at right angles a distance of 200 feet; thence Northwesterly in a straight line to the point of beginning.

**EXHIBIT B**  
**TEMPORARY EASEMENT AREA DEPICTION**



**SOUTHWEST LIGHT RAIL**  
 PUBLIC PARCELS  
 PARCELS P4002 & P4003 & P4004

Rev 0  
 05/01/2018





**Planning & Zoning Commission Action.** The Planning & Zoning Commission held a public hearing to review this item (Planning Application 2018—05-RZ & SP) during their regular meeting on July 24, 2018. During the meeting, the Commission heard a summary presentation but no comments from the public. After some general questions of the applicant and staff, the Commission expressed their support for the project and congratulated the applicant on their new investment in this iconic Hopkins property. The Commission then voted 6-0 to recommend the City Council approve both the rezoning and site plan.

**Background.** The subject property was originally constructed in 1927 by the Pokorny family and served as the home for the family plumbing business. The applicant purchased the property from Paul Pokorny in March of this year with the intent to rehabilitate it into a mixed use building with an esthetician (skincare) clinic, the existing hot tube business, a future retail space and internal parking on the main level and 3 apartments on the 2<sup>nd</sup> level.

Mr. Pokorny first approached the City with the idea of marketing the property in 2016. Early on it was identified that providing off-street parking would be the most significant challenge to rehabilitating this property. When the site was originally constructed in 1927, the City did not have zoning standards requiring individual properties to provide their own off-street parking. Since its construction, the City established zoning standards that included off-street parking requirements. As a result, this property became legal non-conforming and was allowed to continue in its original form. In 1985, the City approved setback and parking variances to allow a 2,000 square foot addition that would become the home for the current hot tub business.

In November of 2017, the City approved a zoning text amendment related to off-street parking standards. That text amendment revised the City's off-street parking regulations to allow on-street parking directly abutting a property as a credit toward the site's off-street parking requirement. This change allowed the subject property to use 12 existing on-street parking spaces along 2<sup>nd</sup> Street South and 2 more along 7<sup>th</sup> Avenue South as a credit toward the off-street parking requirement for the any newly proposed use. This zoning change made more efficient use of the City investment in the existing on-street parking along 2<sup>nd</sup> Street and significantly reduced the off-street parking requirement for the proposed project.

**Legal Authority.** This proposal includes 2 different types of land use applications. The rezoning application is considering a legislative action. When considering legislative actions, the City is advancing health, safety, and welfare by making rules that apply throughout the entire community. When acting legislatively, the City has broad discretion and will be afforded considerable deference by any reviewing court. By comparison, site plan applications are considered quasi-judicial actions. For this type of application, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the applications meet these requirements they should be approved. The applicable standards for both types of applications, along with staff's findings for each, are detailed below.

**Rezoning.** There are four key criteria for the City to weigh when considering a rezoning request. These criteria and staff's findings for each are outlined below. Based on these findings, staff recommends rezoning the subject property from I-1, Industrial to Mixed Use.

**Consistency with the Comprehensive Plan.** The proposed mixed use development will be consistent with the 2030 Comprehensive Plan. First, the Future Land use Map guide the subject

property as Mixed Use consistent with the proposed Mixed Use zoning. According the 2030 Comprehensive Plan, the Mixed Land Use category is intended to capture anticipated redevelopment initiatives associated with the proposed LRT stations. Each station area is likely to redevelop in a mixed-use type fashion. The density range for this category establishes a minimum threshold of 30+ units per acre. It is assumed the mixed use category will develop at 60% residential and 40% commercial. In this case, the property is proposed to be developed at a density of 12.5 units per acre and be a mix of 48% residential and 52% commercial. Given this is an existing property being rezoned to Mixed Use, the City finds the proposed residential density and ratio of residential to commercial use acceptable as this property is moving closer to compliance with the standards of the newly assigned zoning district.

Second, the 2030 Comprehensive Plan also include a set of overall goals that support the proposed project, including:

- Maintain appropriate transitions between land uses. Hopkins is a fully developed community and will likely see new development through redevelopment initiatives. The City will work to ensure appropriate transitional uses and buffering between new and existing land uses.
- Take advantage of redevelopment opportunities to capture future Light Rail Transit (LRT) initiatives. The Southwest LRT line passes directly through Hopkins, creating redevelopment opportunities at and around three potential station locations. These redevelopment opportunities may occur prior to any LRT improvements. Therefore, the City will work to ensure that new redevelopment in and around future station areas is appropriate and consistent with future transit improvements.

**Compatibility with Present and Future Land Uses.** The proposed mixed use development will be consistent with surrounding present and future land uses. These uses are detailed in the table below.

<b>Surrounding Existing and Future Land Uses Analysis</b>		
<b>Location</b>	<b>Existing</b>	<b>Future</b>
North	Single Family Residential	Medium Density Residential
South	Park & Ride Facility	Downtown LRT Station
East	Industrial	Mixed Use
West	High Density Residential	Mixed Use

**Conformance with New Zoning Standards.** The proposed mixed use development will be consistent with the zoning standards of the Mixed Use District. A more detailed review of the specific Mixed Use zoning standards that apply to this application is provided below.

**Site Plan Review.** Standards for reviewing a site plan application are detailed in Section 526 of the City Code. This section establishes site plan review procedures and provides regulations pertaining to the enforcement of site design standards consistent with the requirements of this section. These procedures are established to promote high quality development to ensure the long-term stability of residential neighborhoods and enhance the built and natural environment within the City as new development and redevelopment activities occur. In this case, site plan review is required because Section 526.01(d) of the City Code requires site plan approval for reconstruction, replacement, or remodeling of material on 50 percent or more of any part of the

exterior of an existing building that abuts public right-of-way 50 feet or more in width.

It should be noted that a site plan approval expires one year after it has been granted unless the use for which the approval had been granted is in effect. Extensions may be granted provided the applicant submit a letter to the Planning Department requesting an extension at least 30 days before the expiration of the approval. The Planning Department may grant the extension if it is determined that construction will commence within the one-year extension period. Only one such extension may be granted. A second request for a time extension shall be presented to the City Council for consideration.

**Land Use and Zoning Standards.** The land use and zoning designations are consistent with the proposed mixed use facility (see details in the rezoning section above).

**Exterior Building Materials.** The changes proposed to the exterior of the building are consistent with the exterior building materials standard for the Mixed Use District. These standards are detailed in Section 543.08 and require the primary exterior treatment (50 percent or more) of walls facing a public right-of-way or parking lot on a structure shall be brick, cast concrete, stone, marble or other material similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiber board, or wood clap board may be used on the front façade as a secondary treatment or trim but shall not be a primary exterior treatment of a wall facing a public right-of-way.

In this case, the applicant plan to replace at least 50% the exterior building materials along both 2<sup>nd</sup> Street South and 7<sup>th</sup> Avenue South. The 2<sup>nd</sup> Street South elevation will be 52.5 percent brick and 47.5 percent stucco. Along 7<sup>th</sup> Avenue South, the building will be 63.7 percent brick and 46.7 percent stucco. This design meets the minimum 50 percent brick standard.

**Building Orientation.** The changes proposed to the exterior of the building are consistent with the building orientation requirements for the Mixed Use District. These standards are detailed in Section 543.09 and address both building orientation and building façade requirements. This section requires buildings within the Mixed Use district to be oriented toward the pedestrian by providing a direct link between each building and the pedestrian walking system, with emphasis on directing people to a transit station. While this project will make no changes to the orientation of the building, the existing building currently meets this standard by providing entrances that connect to the City's sidewalk and trails system. This system then connects to the rest of the community including Downtown Hopkins, the existing park and ride bus facility at 8<sup>th</sup> Avenue and Excelsior Boulevard (future Downtown LRT station) and the Lake Minnetonka Regional Trail along the 8<sup>th</sup> Avenue Artery.

The building façade standards require the primary street side façade of a building shall not consist of an unarticulated blank wall, flat front facades or an unbroken series of garage doors. The front of a building shall be broken up into individual bays of a minimum of 25 feet and maximum of 40 feet wide. Since this building is locate on a corner, it has 2 primary street facing facades. Both sides of the building will be broken up by the use of different building materials (brick or stucco), windows, awnings and a change in roofline. This design is consistent with the building façade requirements of the Mixed Use District.

**Vehicle Parking.** As designed, this project exceeds the off-street parking requirement for properties in the Mixed Use District. These requirements are detailed in Section 543.03 (Mixed Use District) and 550 (Off-Street Parking). The required and proposed number of off-street

parking stalls is compared in the table below. Any change to the described uses or their associated square footage will require a new parking evaluation and may require additional parking.

Off-Street Parking Requirements for the Mixed Use District				
Use	Area	Requirement	Proposed	Status
Residential	3 Units	1/unit	3 inside	Conforming
Guest		1/15 units	2 inside	Exceeds
Office (Skin Care)	1,630 sq. ft.	1/250 sq. ft.	7	Conforming
Office (Spa Repair)	1,983 sq. ft.	1/400 sq. ft.	5	Conforming
Retail	635 sq. ft.	1/200 sq. ft.	4	Conforming
Total	N/A	20	21	Exceeds

It should be noted that this development is eligible to use the on-street parking credit standards approved by the City in November of 2017 (see Background section above). This allows the subject property to use 12 existing on-street parking spaces along 2<sup>nd</sup> Street South and 2 more along 7<sup>th</sup> Avenue South as a credit toward the off-street parking requirement for the newly proposed uses. These spaces may only be used as a credit toward the typical off-street parking requirements and are not specifically assigned to the subject property or any specific business. The redesign of the site includes 8 off-street stalls, one outside and 7 inside the building. At least 5 of these stalls shall be permanently assigned to the 3 residential apartments to meet the tenant and guest off-street parking requirements.

**Bicycle Parking.** The bicycle parking standards for the Mixed Use District are detailed in Section 543.06 and require both long term and short term parking. The bicycle parking requirements for multi-family residential and office uses along with the stalls proposed by the applicant are compared in the table below. As designed, the site exceeds the short term requirement by 1 stall but is at least 3 stalls short of the long term requirement (depending on the number of employee in the future retail space).

Bicycle Parking Standards for the Mixed Use District					
Type	Residential Required	Retail Required	Office Required	Proposed	Overall Status
Short Term	1 Space/20 units = 1	0.50 spaces/1k of net building area = 1	1/40K of net building area = 1	4 in rack outside building	Conforming
Long Term	1 Space/2 units = 2	0.50/employee = unknown at this time	0.25 spaces/1k of net building area = 4	3 inside parking garage	Non-conforming Install at least 3 more

**Signage.** Building signage is typically approved through a separate administrative permit. The sign standards for the Mixed Use District are detailed in Section 543.15 and provided as a reference for the applicant below. Generally, the conceptual sign information illustrated in the applicants plan appear consistent with the sign standards for the Mixed Use District. The applicant must receive separate approval of an administrative sign permit before installing any signage.

**Wall Signs.** Each tenant other than those in multi-tenant buildings may have one flat wall sign, not extending more than 18 inches from the face of the building, except that such signage may

extend from the face of the roof over a covered walk. Such wall signs shall not exceed two times of the lineal frontage of the wall to which the business is located, to a maximum of 96 square feet. Signs shall not be internally illuminated.

Canopies and Awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25 percent of the canopy area. Canopies shall not be internally illuminated.

Projecting. Projecting signs will have a maximum size of 12 square feet and a maximum width of three feet. Projecting signs cannot extend beyond the first floor of the building. No less than 10 feet of clearance shall be provided between the sidewalk surface and the lowest point of the projecting sign. Maximum distance between sign and building face is one foot.

Monument signs. One monument sign shall be permitted for each multi-tenant building provided the surface area of the sign does not exceed two square feet per front foot of lot. No sign shall be over 150 square feet, 20 feet in height and have a setback in no case less than 20 feet from the property lines.

**Trash Enclosure.** The applicant's plans illustrate several trash enclosures along the east side of the building. The proposed enclosures appear to meet the City's minimum requirements except for trash enclosures.

### **Alternatives**

1. Approve the first reading of the rezoning and the site plan. By approving these applications, the applicant will rehabilitate the subject property into a mixed use building with commercial space and internal parking on the main level and 3 apartments on the 2<sup>nd</sup> level.
2. Deny of the first reading of the rezoning and site plan. By denying these applications, the subject property will remain zoned for industrial uses. Should the City Council consider this option, it must also identify specific findings that support this alternative.
3. Continue for further information. If the City Council indicates that further information is needed, the items should be continued.

**CITY OF HOPKINS**  
**Hennepin County, Minnesota**

**RESOLUTION NO: 2018-067**

**A RESOLUTION APPROVING THE FIRST READING OF ORDINANCE 2018-1134  
REZONING THE PROPERTY AT 65 – 7<sup>TH</sup> AVENUE SOUTH (PID 24-117-22-43-0043) FROM  
I-1, INDUSTRIAL TO MIXED USE**

**WHEREAS**, the applicant, Brandon Ellis, initiated an application requesting to rezone the property located at 65 – 7<sup>th</sup> Avenue South from I-1, Industrial to Mixed Use to allow at mixed use office, retail and residential facility, and

**WHEREAS**, these properties are legally described as Lots 26, 27, 28 & 29 and Block 002, West Minneapolis Addition, Hennepin County, Minnesota; and

**WHEREAS**, the procedural history of the application is as follows:

1. That an application to rezone the subject properties was received by the city on June 22, 2018; and
2. That the City of Hopkins extended the 60-day review timeline for this project to October 20, 2018 and provided written notice of this extension to the applicant in a letter dated June 26, 2018; and
3. That the Hopkins Planning & Zoning Commission, pursuant to mailed and published notice, held a public hearing on the application and reviewed such application on July 24, 2018: all persons present were given an opportunity to be heard; and,
4. That the written comments and analysis of City staff were considered;
5. That the Hopkins Planning & Zoning Commission voted 6-0 to recommend the City Council approve this request; and
6. That the Hopkins City Council reviewed this application during their August 21, 2018 meeting and agreed with the findings of the Planning & Zoning Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hopkins hereby approves the first reading of Ordinance 2018-1134 rezoning the subject properties from I-1, Industrial to Mixed Use based on the findings detailed the City Council Report 2018-93, subject to the following conditions:

1. Conformance with all applicable standards of the Mixed Use District.

Adopted by the City Council of the City of Hopkins this 21<sup>st</sup> day of August 2018.

---

Molly Cummings, Mayor

ATTEST:

---

Amy Domeier, City Clerk

**CITY OF HOPKINS  
Hennepin County, Minnesota**

**ORDINANCE NO. 2018-1134**

**AN ORDINANCE REZONING THE PROPERTY AT 65 – 7TH AVENUE SOUTH (PID  
24-117-22-43-0043) FROM I-1, INDUSTRIAL TO MIXED USE**

THE COUNCIL OF THE CITY OF HOPKINS DOES HEREBY ORDAIN AS  
FOLLOWS:

That the present zoning classification of I-1, Industrial, upon the following described premises is hereby repealed, and in lieu thereof, said premises are hereby zoned Mixed Use.

The legal description of the properties to be rezoned is as follows:

Lots 26, 27, 28 & 29 and Block 002, West Minneapolis Addition, Hennepin County, Minnesota;  
and

First Reading:	August 21, 2018
Second Reading:	September 4, 2018
Date of Publication:	September 13, 2018
Date Ordinance Takes Effect:	September 13, 2018

\_\_\_\_\_  
Molly Cummings, Mayor

ATTEST:

\_\_\_\_\_  
Amy Domeier, City Clerk

**CITY OF HOPKINS**  
**Hennepin County, Minnesota**

**RESOLUTION NO: 2018-068**

**A RESOLUTION APPROVING THE SITE PLAN FOR THE PROPERTY AT 65 – 7<sup>TH</sup>  
AVENUE SOUTH, SUBJECT TO THE CONDITIONS**

**WHEREAS**, the applicant, Brandon Ellis, initiated an application for site plan approval to allow exterior materials changes to more than 50% of the building located at 65 – 7<sup>th</sup> Avenue South;

**WHEREAS**, these property are legally described as Lots 26, 27, 28 & 29 and Block 002, West Minneapolis Addition, Hennepin County, Minnesota;

**WHEREAS**, the procedural history of the application is as follows:

1. That an application to rezone the subject properties was received by the city on June 22, 2018; and
2. That the City of Hopkins extended the 60-day review timeline for this project to October 20, 2018 and provided written notice of this extension to the applicant in a letter dated June 26, 2018; and
3. That the Hopkins Planning & Zoning Commission, pursuant to mailed and published notice, held a public hearing on the application and reviewed such application on July 24, 2018: all persons present were given an opportunity to be heard; and,
4. That the written comments and analysis of City staff were considered;
5. That the Hopkins Planning & Zoning Commission voted 6-0 to recommend the City Council approve this request; and
6. That the Hopkins City Council reviewed this application during their August 21, 2018 meeting and agreed with the findings of the Planning & Zoning Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hopkins hereby approves the site plan for the subject property, subject to the following conditions:

1. City approval of rezoning the property from I-1, Industrial to Mixed Use.
2. Conformance with all applicable standards of the Mixed Use zoning district.
3. Issuance of all required building and demolition permits.
4. Payment of all applicable development fees include Park Dedication for the 3 new residential units equal to \$3,000 per unit.
5. Redesign of the long term bicycle parking inside the building to meet the standards of the Mixed Use district. At a minimum this shall include 3 additional long term parking spaces. More space may be required based on the number of employees that occupy the vacant retail space along 7<sup>th</sup> Avenue South.

Adopted by the City Council of the City of Hopkins this 21<sup>st</sup> day of August 2018.

ATTEST:

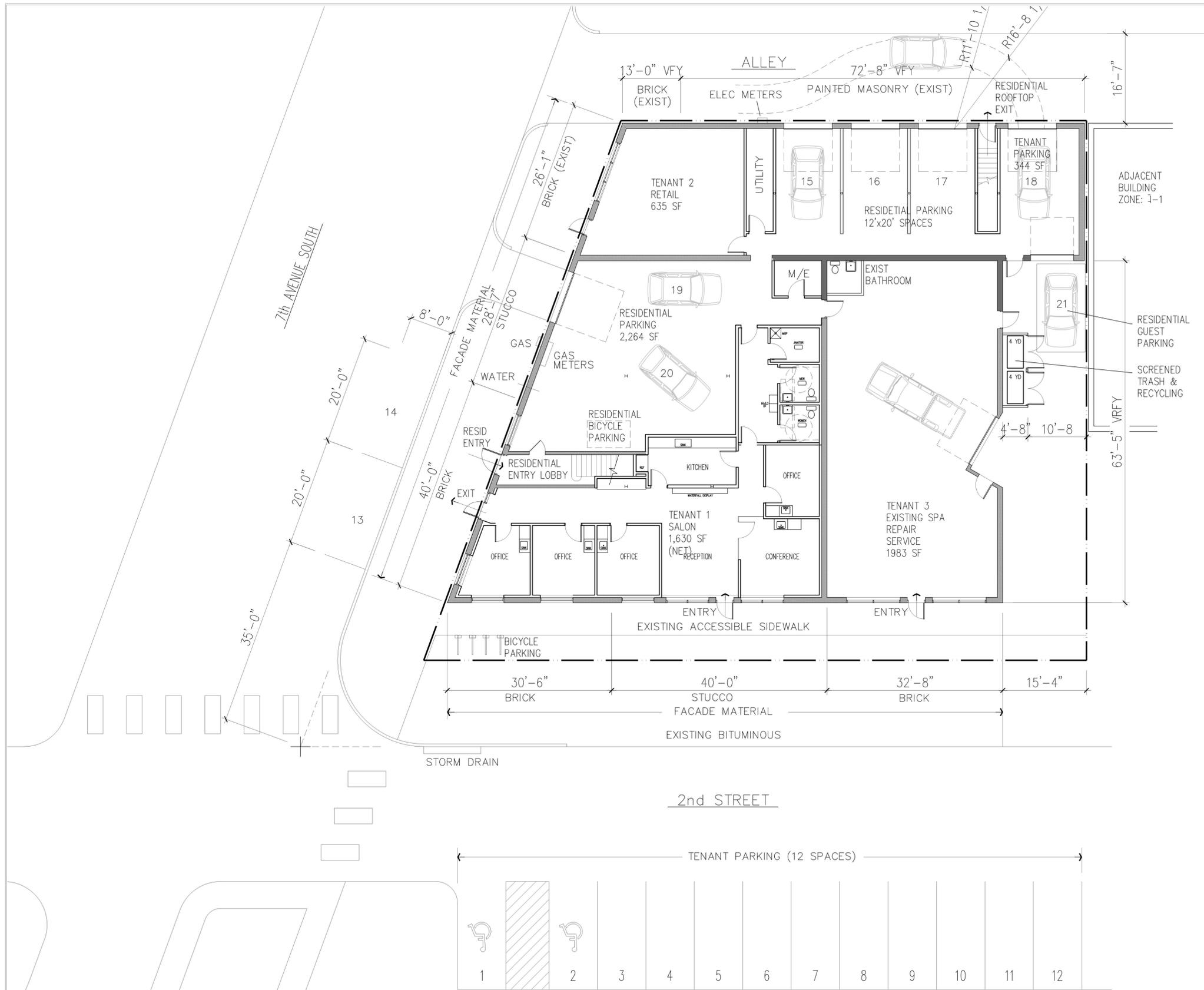
\_\_\_\_\_  
Amy Domeier, City Clerk

\_\_\_\_\_  
Molly Cummings, Mayor

## 65 – 7<sup>th</sup> Avenue South Site Location Map







SITE PLAN - 1"=10' NOT FOR CONSTRUCTION

**PROJECT INFORMATION**

LOCATION  
65 7th Avenue South  
Hopkins, MN

Parcel Size: 0.24 acres  
10,488 SF  
PID: 2411722430043

Existing Zone: I-1  
Proposed Zone: Mixed-Use

**Project Description**  
Office and Retail Tenant Space on the Ground Floor.

**Tenant 1 - Salon - 1630 net SF**  
The proposed skincare salon may be named "Sabrina Brow and Skin". It is a business operating by appointment only. Each office in the space would consist of two occupants - the esthetician and the patient. There are (4) four offices as part of the salon. Staff would include a team of master estheticians specializing in custom tailored eyebrow grooming and opulent skincare services. The conference room is a space used for teaching and holding seminars related to the industry. The program includes two accessible restrooms, janitor room and utility room. The restrooms and Janitor Room would be shared with the spec retail space.

**Tenant 2 - Retail - 635 net SF**  
A retail tenant with 7th Ave S street front entrance is proposed in the north building. Tenant would utilize the proposed Common Restrooms.

**Tenant 3 - Office - 1983 SF**  
Currently occupied and operated by a Spa Repair Service. The space includes an existing bathroom and open space for storage a repair materials.

**Residential**  
Pedestrian Entrance from 7th Ave. Includes three (3) rental apartment units on the 2nd floor with private roof decks and one common roof deck for residential use. A second roof top access stair would be built to provide a second means of access. Egress exits to the Alley. The owner may consider a green roof landscaping depending on the existing building structure capacity to hold the additional load. Four (4) enclosed parking spaces with overhead door access from the alley would be provided for the Apartments and one guest open parking space on the Property.

**Exterior Elevations Materials:**  
Stucco - very light beige. Use of brick rowlock window sills.  
Brick - two tones - brown tones. The North building is existing lighter color brick.  
Awnings - black with Awning Signs for those located on the Ground Level. Awnings proposed above each window and entry.  
Windows - existing openings would be enlarged and include aluminum storefront on the first floor (dark bronze anodized). Slider windows (vinyl w/dark bronze color) for the 2nd floor apartments.  
Rooftop guardrails would be glass in a black or dark bronze metal frame.

**Landscaping**  
Site amenities on the sidewalks would include flower pots.  
A green roof is being considered depending on capacity of the existing building structure.

**Exterior Building Lighting:** LED Wall Scones are proposed to illuminate the building sign and supplement existing street lighting of pedestrian walk.  
A vertical building sign is proposed of individual mounted (non-illuminated) letters.

Building Area (Gross)  
1st Floor: 8070 SF  
2nd Floor: 3871 SF

**Proposed Use/Parking Count:**

Space	Use	Area	# Park	Notes
Tenant 1	Office	1630 SF	7	250 SF (Skin care Salon)
Tenant 2	Retail	635 SF	4	200 SF (Spec Retail)
Tenant 3	Office	1983 SF	5	400 SF (existing Spa repair)
Tenant				
Apartments 3 Units			4 (Covered)	1/unit + 1 Guest
Total Parking Spaces Required			20	
Total Parking Spaces Provided			21	

**Bicycle Parking:**  
Residential: Min 1/unit = 3 (Located in the residential parking garage).  
Tenant 1: 0.25/1000 SF = 1  
Tenant 2: 0.5 (2 employees) = 1  
Tenant 3: 0.5 (2 employees) = 1  
Proposed bike parking: Rack for (4) bicycles

**Office and Retail:**  
All tenant entrances are accessible.

NO.	DATE	NO.	DATE	DESCRIPTION	BY
PRINTS					
REVISIONS					

PROJECT 65  
65 7th AVE S  
HOPKINS, MN 55343

PLAN REVIEW SET  
JUNE 28, 2018

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered ARCHITECT under the laws of the State of MINNESOTA  
Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_  
FILE NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

OWNER:	DETAIL BY DESIGN
CONTACT:	BRANDON EHLIS
ADDRESS:	5648 HUMBOLDT AVE S MINNEAPOLIS, MN 55419
PHONE:	763 216 5294
DRAWN:	
CHECKED:	
APPROVED:	
COMM. NO.:	

**William H Madden Jr AIA LEED AP**  
**MADDEN ARCHITECTS LLC**  
2203 COMO AVENUE  
SAINT PAUL, MINNESOTA 55108

**A1**

SHEET NUMBER



1 SECOND FLOOR - RESIDENTIAL - APARTMENTS  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

NO.	DATE	NO.	DATE	DESCRIPTION	BY
PRINTS		REVISIONS			

PROJECT 65  
65 7th AVE S  
HOPKINS, MN 55343

PLAN REVIEW SET  
JUNE 28, 2018

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered ARCHITECT under the laws of the State of MINNESOTA  
Date \_\_\_\_\_ Reg. No. \_\_\_\_\_  
FILE NAME \_\_\_\_\_ DATE \_\_\_\_\_

OWNER:	DETAIL BY DESIGN		
CONTACT:	BRANDON EHLIS		
ADDRESS:	5648 HUMBOLDT AVE S MINNEAPOLIS, MN 55419		
PHONE:	763 216 5294		
DRAWN	CHECKED	APPROVED	COMM. NO.

**William H Madden Jr AIA LEED AP**  
**MADDEN ARCHITECTS LLC**  
2203 COMO AVENUE  
SAINT PAUL, MINNESOTA 55108

**A2**  
SHEET NUMBER

- EXISTING TOP OF MASONRY  
25'-1" +/- (verify)
- VINYL WINDOWS AT SECOND FLOOR - TYPICAL
- EXISTING 2nd FLOOR - TOP OF EXIST DECK  
12'-10" +/- (verify)
- ALUM STOREFRONT WINDOWS AND DOORS AT FIRST FLOOR - TYPICAL
- EXISTING 1st FLOOR - TOP OF EXIST SLAB  
0'-0"



FIRST FLOOR FACADE AREA BETWEEN 2' - 8': 619 SF  
 FIRST FLOOR TRANSPARENT OPENINGS: 318 SF  
 %TRANSPARENT OPENINGS TO OPAQUE: 51%  
 BRICK % OF FACADE = 960/1830 = 52.5%

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

(NOTE: NOTES THIS ELEVATION TYPICAL ALL ELEVATIONS)

- EXISTING TOP OF MASONRY  
25'-1" +/- (verify)
- EXISTING 2nd FLOOR - TOP OF EXIST DECK  
12'-10" +/- (verify)
- EXISTING 1st FLOOR - TOP OF EXIST SLAB  
0'-0"



FIRST FLOOR FACADE AREA BETWEEN 2' - 8': 568 SF  
 FIRST FLOOR TRANSPARENT OPENINGS: 187 SF  
 %TRANSPARENT OPENINGS TO OPAQUE: 33%  
 BRICK % OF FACADE = 1036/1633 = 63.4%

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

NOT FOR CONSTRUCTION

NO.	DATE	NO.	DATE	DESCRIPTION	BY
PRINTS					
REVISIONS					

PROJECT 65  
65 7th AVE S  
HOPKINS, MN 55343

PLAN REVIEW SET  
JUNE 28, 2018

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered ARCHITECT under the laws of the State of MINNESOTA  
 Date \_\_\_\_\_ Reg. No. \_\_\_\_\_  
 FILE NAME \_\_\_\_\_ DATE \_\_\_\_\_

OWNER:	DETAIL BY DESIGN		
CONTACT:	BRANDON EHLIS		
ADDRESS:	5648 HUMBOLDT AVE S MINNEAPOLIS, MN 55419		
PHONE:	763 216 5294		
DRAWN	CHECKED	APPROVED	COMM. NO.

**William H Madden Jr AIA LEED AP**  
**MADDEN ARCHITECTS LLC**  
 2203 COMO AVENUE  
 SAINT PAUL, MINNESOTA 55108

**A3**  
SHEET NUMBER

- EXISTING TOP OF MASONRY  
25'-1" +/- (verify)
- EXISTING 2nd FLOOR - TOP OF EXIST DECK  
12'-10" +/- (verify)
- EXISTING 1st FLOOR - TOP OF EXIST SLAB  
0'-0"



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

- EXISTING TOP OF MASONRY  
25'-1" +/- (verify)
- EXISTING 2nd FLOOR - TOP OF EXIST DECK  
12'-10" +/- (verify)
- EXISTING 1st FLOOR - TOP OF EXIST SLAB  
0'-0"



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

NOT FOR CONSTRUCTION

NO.	DATE	NO.	DATE	DESCRIPTION	BY
PRINTS		REVISIONS			

PROJECT 65  
65 7th AVE S  
HOPKINS, MN 55343

PLAN REVIEW SET  
JUNE 28, 2018

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered ARCHITECT under the laws of the State of MINNESOTA.  
Date \_\_\_\_\_ Reg. No. \_\_\_\_\_  
FILE NAME \_\_\_\_\_ DATE \_\_\_\_\_

OWNER:	DETAIL BY DESIGN		
CONTACT:	BRANDON EHLIS		
ADDRESS:	5648 HUMBOLDT AVE S MINNEAPOLIS, MN 55419		
PHONE:	763 216 5294		
DRAWN	CHECKED	APPROVED	COMM. NO.

**William H Madden Jr AIA LEED AP**  
**MADDEN ARCHITECTS LLC**  
2203 COMO AVENUE  
SAINT PAUL, MINNESOTA 55108

**A4**

SHEET NUMBER





**Planning & Zoning Commission Action.** The Planning & Zoning Commission held a public hearing to review this item (Planning Application 2018-08-CON) during their regular meeting on July 24, 2018. During the meeting, the Commission heard a summary presentation from staff and comments from the applicant but no comments from the public. After some general questions of the applicant and staff, the Commission expressed their support for the applicant's proposal to subdivide their property. The Commission then discussed the best process for the subdivision. Chairperson Warden favored a zoning code amendment to change the minimum lot size in the R-1-C district stating it would be a more comprehensive solution. However, the consensus of the other 5 Commissioners was that the applicant should pursue a lot size variance that would be specific to their property and not change the minimum lot size for the entire R-1-C district.

Prior to the Planning & Zoning Commission, staff received 5 calls with questions and comments about this application. Of the 5 calls, 4 asked questions and chose not to provide a recommendation. Once one caller expressed opposition to the project. During the meeting, the applicant stated they have only heard comments of support from their neighbors.

**Concept Plan Summary.** The concept plan is to subdivide the existing 160' wide by 132' deep 21,125 square foot property into two single family lots. Those lots would be 80' wide by 132' deep and approximately 10,560 square feet in size. The northern lot would retain the applicants' existing single family home but require the relocation of their existing detached garage on the newly created lot. The new southern lot would contain a new single family home. While the newly created lots would meet the minimum lot width standard, they would fail to meet the minimum lot size requirements (see land use and zoning standards below).

**Background.** According to the applicants, they purchased their home in 1985 and have remodeled over the year to meet their needs. Their home has 3 levels and the Engelbert's have reach a point in their lives when they would prefer single level living. The ability to divide their property would provide funds to either remodel their existing home to include a master bedroom and bath on the main level or build a new single level home to meet their needs on the newly create lot. According to the Engleberts, their preference is to remain in Hopkins, but feel if they are not permitted to divide their property they would most likely sell it and purchase a different home in an adjacent community.

**Land Use and Zoning Standards.** The subject property is guide LDR – Low Density Residential by the Future Land Use map in the 2030 Comprehensive. According to the narrative for this land use classification, it allows for single family detached residential dwelling at 1 to 7 units per acre. According to Hennepin County, the subject property is 21,125 square feet in size. These lots would be 10,560 square feet in size and produce a development pattern at just over 4 units per acre ( $43,560/10,560 = 4.12$ ). Development at this density is within the allowable range for the LRD - Low Density Residential category. Goals and policies from the 2030 Comprehensive Plan that would align with this concept proposal include:

- Protect residential neighborhoods.
- Retain and enhance detached single-family homes.
- Encourage the development of owner-occupied housing.
- Continue to strive for a mix of housing that accommodates a balance of all housing needs

The subject property is also zoned R-1-C, Single Family Medium Density. This district allows single family residential uses with a minimum lot width of 80’ and minimum lot size of 12,000 square feet. The table below compares the zoning requirements and existing conditions on the subject property with the new lots proposed by the applicant. It finds the new lots would conform to the single family use and lot width requirements but not meet the lot size standard.

<b>Zoning Comparison for 137 Maple Hill Road</b>				
<b>Standards</b>	<b>R-1-C Requirement</b>	<b>Existing Conditions</b>	<b>Proposed Conditions</b>	<b>Status</b>
Use	Single Family	Single Family	Single Family	Conforming
No. of Lots	N/A	1	2	N/A
Lot Width	160’	160’	80’	Conforming
Lot Depth	N/A	132’	132’	N/A
Lot Size	12,000 sq. ft.	21,125 sq. ft.	10,560 sq. ft.	Non-Conforming by 1,440 sq. ft.
Density	3.63 units/acre	2 units/acre	4.12 units/acre	Non-Conforming

**Existing Conditions.** The R-1-C zoning district includes all of the Campbell, Park Ridge, and Interlachen neighborhoods and a portion of the Avenues West and President’s North Neighborhood (see attached map). It allows single family residential uses and requires a minimum lot width of 80’ and minimum lot size of 12,000 square feet. An analysis of the R-1-C district finds the average lot size is 12,733 square feet but the median (the midpoint of all lots on a list from smallest to largest) is 10,665 square feet. So the average lot is larger than the 12,000 square feet requirement but 50 percent of the lots are smaller than 10,665 square feet. The applicant is proposing two 80’ wide by 132’ deep single family lots that would be 10,560 square feet in size. This is 105 square feet smaller than the median lot size. The map appears to show most of the lots that are smaller than the average are located in the Campbell, Park Ridge and President’s North neighborhoods; however, there are also a substantial portion within Interlachen Park.

**Approval Process.** Based on the applicant’s concept plan, staff anticipates one of two formal review options –either a variance or an amendment to the minimum lot size standard for the R-1-C district. While a variance would be limited to the subject property, the applicant may have difficulty demonstrating they meet the “practical difficult” standards required for a variance. By comparison, the applicant would likely have an easier time meeting the standards to amend the minimum lot size standard for the R-1-C district; however, this change would apply to all properties in the R-1-C zoning district.

**Variance Standards.** City review of variance applications is a Quasi-Judicial action. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute, the City may choose to add conditions of approval that are directly related to and bear a rough proportionality to the impact created by the variance.

1. Is variance in harmony with purposes and intent of the ordinance?
2. Is the variance consistent with the comprehensive plan?
3. Does proposal put property to use in a reasonable manner?

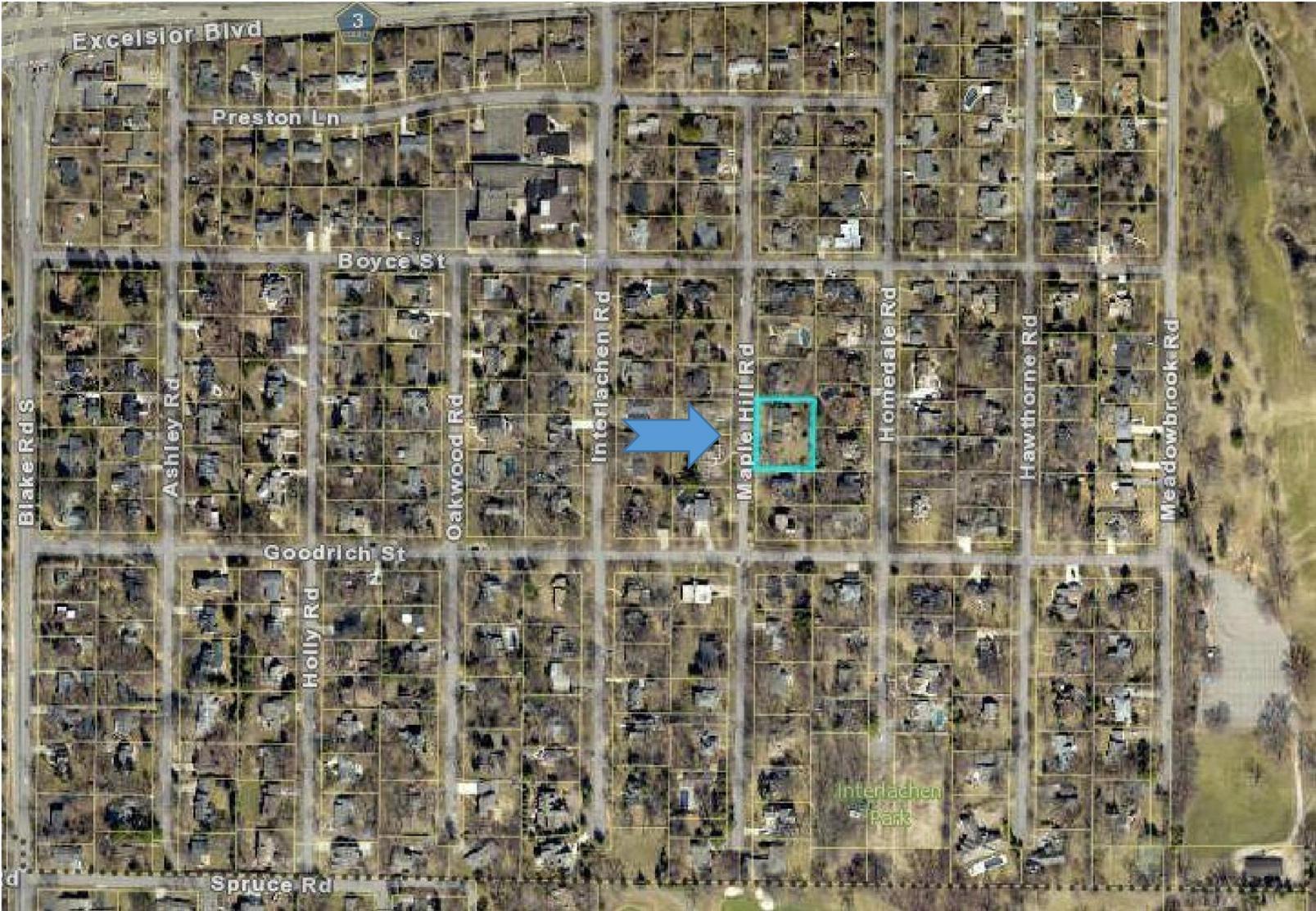
4. Are there unique circumstances to the property not created by the landowner?
5. Will the variance, if granted, alter the essential character of the locality?

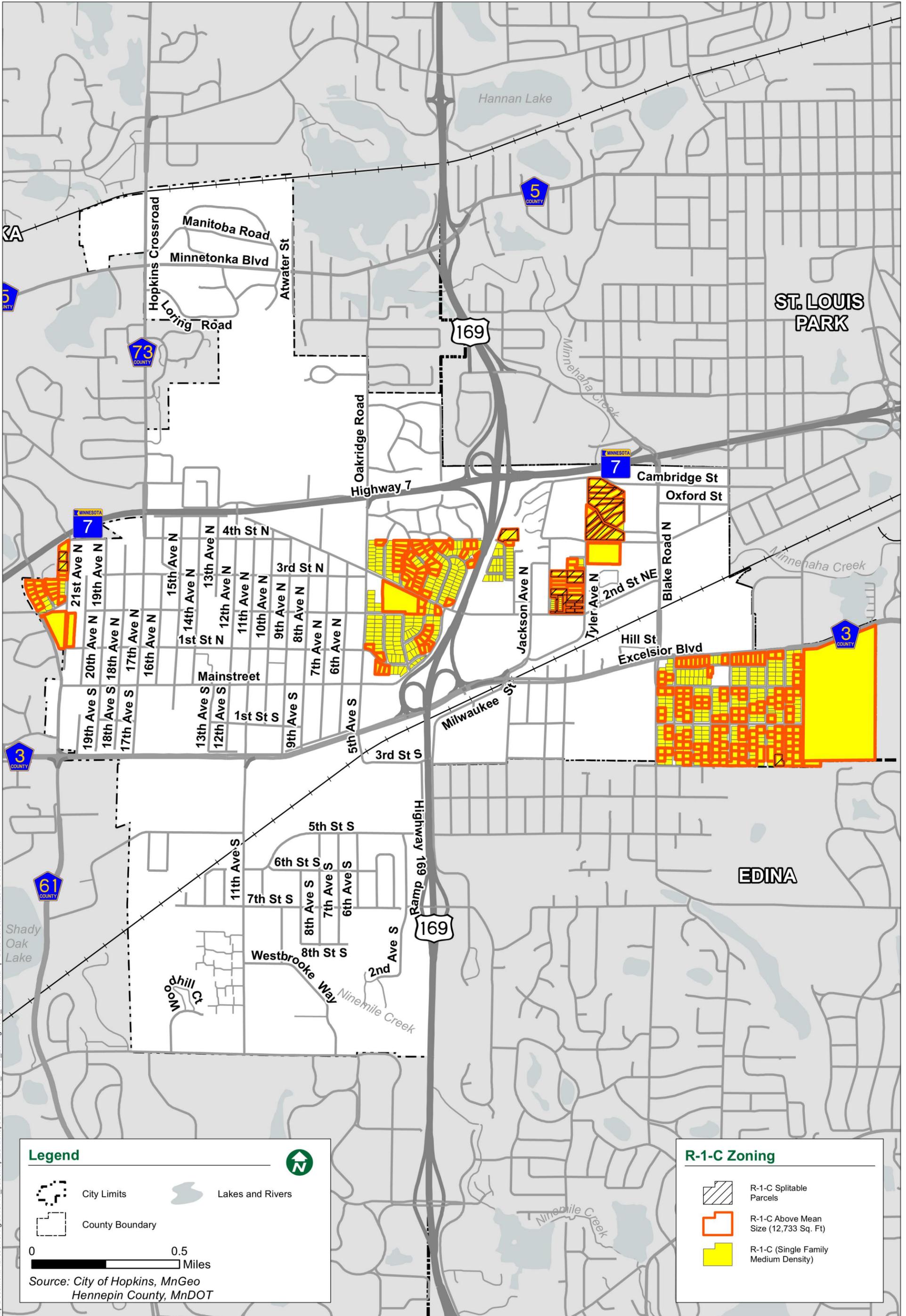
Zoning Text Amendment Standards. Zoning text amendment applications are considering legislative actions. When considering legislative actions, the City is advancing health, safety, and welfare by making rules that apply throughout the entire community. When acting legislatively, the City has broad discretion and will be afforded considerable deference by any reviewing court. Typical standards for the City to weigh when considering an amendment to the zoning code are listed below.

1. Consistency with the comprehensive plan.
2. Compatibility with present and future land uses.

Based on staff's analysis of the properties in the R-1-C district, approximately 11 lots would become eligible to be subdivided if the City amended the minimum lot size to accommodate the applicant's needs. Of these 11, less than half have existing condition (vacant, small house, position of the house to one side of the lot, and/or lot shape) that makes it economically likely they would split. In addition, amending the zoning standard to accommodate the applicant needs would also bring nearly half of the properties in the R-1-C district which are currently non-conforming regarding minimum lot size back into compliance.

# 137 Maple Hill Road Site Location Map





Map Document: \\larcserver1\gis\HOPK\Basemap\ESRI\Map2018\HOPK\_R-1-C\_Zoning\Map\_11x17L.mxd | Date Saved: 5/11/2018 10:30:01 AM

**Legend**

- City Limits
- County Boundary
- Lakes and Rivers

0 0.5 Miles

Source: City of Hopkins, MnGeo  
Hennepin County, MnDOT

**R-1-C Zoning**

- R-1-C Splittable Parcels
- R-1-C Above Mean Size (12,733 Sq. Ft.)
- R-1-C (Single Family Medium Density)

## **Zoning Concept Review Application**

**David and Karen Engelbret**

137 Maple Hill Road, Hopkins 55343

Home: 952-933-7904; Cell: 952-393-5767

**Objective:** Divide our property, measuring 160 ft. x 132 ft., into two parcels of 80 ft. x 132 ft. This would entail moving a garage currently located 10 ft. over the dividing property line. Our property encompasses 0.48 acres or 21,125 sq. ft.

**Goal:** An approval from the City of Hopkins to divide our property would allow us to: 1) remodel our current home to include a master bedroom and bath on the first floor funded with the proceeds from the sale of the lot or 2) build a new home on our adjoining lot funded with the proceeds from the sale of our home. If unable to divide the property, we would most likely sell and buy a different home in Minnetonka.

**Background:** Our preference is to continue living in Interlachen Park and age in place. We bought our home in 1985. It is a well maintained 1927 one-and-a-half-story craftsman bungalow with a partially finished walkout basement. Over the years, we have remodeled within the existing 1,332 sq. ft. footprint. We currently live on all three floors and have two sets of steps to get into our front door. For us, one-floor living would be safer with fewer icy steps to climb in the winter.

**Reasons for Concept Approval:** Based on current lot and home sizes in Interlachen Park, division of our property is reasonable, resulting in lot sizes entirely within the existing character of the Park. With homes on both lots, there would be no discernible difference in density from any other block. And, by allowing division, two more valuable properties result. What's more, our situation is unique with only one other Interlachen Park lot, currently for sale, that could possibly be divided.

To determine reasonableness, we looked up the lot size of every home in Interlachen Park. As detailed in the attached table, 50 % of the homes in Interlachen Park are smaller than the currently required 12,000 sq. ft. Approximately 46% of the homes are on lots of either 80 ft. x 132 ft. or 80 ft. x 133 ft. By comparison, our property encompasses two lots of 180 ft. x 132 ft. An additional 4% of the homes in the Park are under the 12,000 sq. ft. limit.

We live in Zone R-1-C, which encompasses two other neighborhoods besides Interlachen Park. We didn't include those in our lot size study not knowing specific boundaries. In an initial meeting with a city representative, however, we learned that the average lot size in Zone R-1-C is 12,773 sq. ft. and the median lot size is 10,665 sq. ft. Our divided lots are just under the median at 10,563 sq. ft.

**Conclusion:** We realize the City of Hopkins is currently updating its comprehensive plan, due for adoption in one to two years. In the interim, we are asking for a concept approval to divide our property so that we can remain in our neighborhood of 33 years in a home suitable for us and the neighborhood.

INTERLACHEN

201	1	2 (86)	30	200
209	3	3 (87)	28	200
217	4	4	27	218
225	5	5 (88)	26	218
235	6	6 (89)	25	236
245	7	7 (89)	24	236
254	8	8	23	236
254	9	9 (90)	22	236
254	10	10	21	240
254	11	11	20	240
254	12	12	19	240
254	13	13 (91)	18	240
254	14	14	17	240
254	15	15	16	240

MAPLE

201	1	1 (75)	30	200
215	2	2	29	200
215	3	3	28	212
215	4	4 (76)	27	212
231	5	5	26	220
231	6	6	25	220
231	7	7 (77)	24	228
241	8	8	23	228
241	9	9	22	228
241	10	10 (78)	21	262
241	11	11	20	262
241	12	12	19	262
241	13	13 (79)	18	262
241	14	14 (80)	17	262
241	15	15	16	262

201	1	2 (65)	30	200
209	3	3	28	200
209	4	4 (66)	27	214
219	5	5	26	214
219	6	6 (67)	25	214
227	7	7	24	228
227	8	8 (68)	23	228
227	9	9	22	228
227	10	10	21	240
227	11	11	20	240
227	12	12	19	240
227	13	13 (69)	18	240
227	14	14	17	240
227	15	15	16	240

201	1	2 (55)	30	200
215	3	3	28	200
215	4	4 (56)	27	212
215	5	5	26	212
215	6	6	25	212
225	7	7 (57)	24	216
225	8	8	23	216
225	9	9	22	216
225	10	10	21	240
225	11	11 (00)	20	240
225	12	12	19	240
225	13	13	18	240
225	14	14 (01)	17	240
225	15	15	16	240

101	1	2 (1)	30	100
101	2	3	29	100
109	3	4 (2)	28	112
109	4	5	27	112
109	5	6 (3)	26	112
117	6	7	25	120
117	7	8 (4)	24	120
123	8	9	23	130
123	9	10	22	130
133	10	11 (5)	21	136
133	11	12	20	136
133	12	13	19	136
153	13	14 (6)	18	150
153	14	15	17	150
153	15	16	16	150

HILL

101	1	2 (13)	30	100
101	2	3	29	100
109	3	4 (14)	28	112
109	4	5	27	112
109	5	6 (15)	26	118
117	6	7	25	118
117	7	8	24	132
137	8	9 (16)	23	132
137	9	10	22	136
137	10	11	21	136
145	11	12	20	144
145	12	13 (17)	19	144
145	13	14 (18)	18	144
153	14	15	17	154
153	15	16	16	154

HOMEDALE

101	1	2 (62)	30	100
101	2	3	29	100
109	3	4 (73)	28	112
109	4	5	27	112
109	5	6 (28)	26	112
117	6	7	25	112
117	7	8	24	128
129	8	9 (29)	23	128
129	9	10 (30)	22	128
137	10	11 (31)	21	136
137	11	12 (32)	20	136
137	12	13	19	144
155	13	14 (33)	18	144
155	14	15	17	152
155	15	16	16	152

HAWTHORNE

101	1	2 (43)	30	100
101	2	3	29	100
109	3	4	28	114
109	4	5 (44)	27	114
109	5	6	26	114
117	6	7	25	122
117	7	8 (45)	24	122
125	8	9	23	130
125	9	10 (46)	22	130
133	10	11	21	140
133	11	12	20	140
145	12	13 (47)	19	150
145	13	14	18	150
145	14	15	17	154
145	15	16	16	154

GOODRICH

ST.

201

33

22

21

N 1/2 SEC. 29, T. 117, R.

Property Outlined in Blue



# Hennepin County Property Map

Date: 10/12/2017



PARCEL ID: 2011721330016

OWNER NAME: D G & K L Englebret Trustees

PARCEL ADDRESS: 137 Maple Hill Rd, Hopkins MN 55343

PARCEL AREA: 0.48 acres, 21,125 sq ft

A-T-B: Torrens

SALE PRICE: \$122,000

SALE DATA: 02/1985

SALE CODE: Warranty Deed

ASSESSED 2016, PAYABLE 2017  
PROPERTY TYPE: Residential  
HOMESTEAD: Homestead  
MARKET VALUE: \$460,000  
TAX TOTAL: \$7,510.14

ASSESSED 2017, PAYABLE 2018  
PROPERTY TYPE: Residential  
HOMESTEAD: Homestead  
MARKET VALUE: \$433,000

## Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN COUNTY 2017

42

# Interlocked Park Lot Size Comparison

19 ✓

Address	Lot Size	Owner Sq Ft
29 Blake Road	123X125X123X133	
33 Blake Road	100 X 133	13300
101 Blake Road	120 X 133	15960
115 Blake Road	80 X 133 ✓	
121 Blake Road	80 X 133 ✓	
145 Blake Road	120 X 133	
153 Blake Road	120 X 133	
201 Blake Road	80 X 133 ✓	
209 Blake Road	80 X 133 ✓	
217 Blake Road	80 X 133 ✓	
225 Blake Road	80 X 133 ✓	
233 Blake Road	80 X 133 ✓	
243 Blake Road	120 X 133	
257 Blake Road	114.3 X 133	
301 Blake Road	100 X 183	
311 Blake Road	90 X 183	
315 Blake Road	100 X 183	

20 Ashley Road	74 x 133
29 Ashley Road	80 x 133 ✓
35 Ashley Road	76 x 137 ✓
42 Ashley Road	103.25 X 133
46 Ashley Road	80 X 133 ✓
100 Ashley Road	120 X 133
105 Ashley Road	100 X 133
106 Ashley Road	80 X 133 ✓
113 Ashley Road	100 X 133
120 Ashley Road	80 X 133 ✓
121 Ashley Road	100 X 133
130 Ashley Road	80 X 133 ✓
133 Ashley Road	100 X 133
138 Ashley Road	80 X 133 ✓
145 Ashley Road	110 X 133
146 Ashley Road	80 X 133 ✓
153 Ashley Road	90 X 133
201 Ashley Road	80 X 133 ✓
204 Ashley Road	120 X 133
209 Ashley Road	80 X 133 ✓
210 Ashley Road	120 X 133
220 Ashley Road	80 X 133 ✓
221 Ashley Road	120 X 133
230 Ashley Road	80 X 133 ✓
237 Ashley Road	W120X135

11,900 φ

Key

✓ 80 x 132 = 70 / 268 = 2670

✓ 80 x 133 = 54 / 268 = 2070

70 + 54 = 124 / 268 = 5270

42

✓20

238 Ashley Road  
 245 Ashley Road  
 253 Ashley Road  
 254 Ashley Road  
 262 Ashley Road  
 265 Ashley Road

120 X 133  
 80 X 133 ✓  
 125.68 X 133  
~~85.28 X 133~~  
 95 X 133  
 95 X 133

11,342 φ

100 Holly Road  
 101 Holly Road  
 109 Holly Road  
 114 Holly Road  
 123 Holly Road  
 129 Holly Road  
 130 Holly Road  
 137 Holly Road  
 138 Holly Road  
 144 Holly Road  
 145 Holly Road  
 157 Holly Road  
 200 Holly Road  
 201 Holly Road  
 209 Holly Road  
 212 Holly Road  
 217 Holly Road  
 220 Holly Road  
 225 Holly Road  
 234 Holly Road  
 235 Holly Road  
 241 Holly Road  
 248 Holly Road  
 254 Holly Road  
 255 Holly Road  
 262 Holly Road  
 265 Holly Road

100 X 133  
 80 X 133 ✓  
 80 X 133 ✓  
 100 X 133  
 100 X 133  
 100 X 133  
 147 X 133  
 80 X 133 ✓  
 93 X 133  
 160 X 133  
 80 X 133 ✓  
 120 X 133  
 80 X 133 ✓  
 80 X 133 ✓  
 80 X 133 ✓  
 120 X 133  
 100 X 133  
 90 X 133  
~~84 X 133~~  
 113.46 X 133  
 112.86 X 133  
 105 X 133 ✓  
 80 X 133 ✓

11,172 φ

100 Oakwood  
 101 Oakwood  
 109 Oakwood  
 112 Oakwood  
 119 Oakwood  
 122 Oakwood  
 125 Oakwood  
 126 Oakwood  
 133 Oakwood

80 X 133 ✓  
 100 X 133  
 80 X 133 ✓  
 100 X 133  
 80 X 133 ✓

✓12  
X 8

142 Oakwood	80 X 133 ✓
143 Oakwood	94 X 133
146 Oakwood	80 X 133 ✓
153 Oakwood	106 X 133
154 Oakwood	80 X 133 ✓
201 Oakwood	120 X 133
202 Oakwood	80 X 133 ✓
208 Oakwood	80 X 133 ✓
216 Oakwood	80 X 133 ✓
221 Oakwood	120 X 133
224 Oakwood	80 X 133 ✓
229 Oakwood	120 X 133
236 Oakwood	160 X 133
241 Oakwood	120 X 133
254 Oakwood	129.64 X 133
255 Oakwood	129.04 X 133
262 Oakwood	75X163&20X133
265 Oakwood	100 X 163

7 Interlachen	80 X 132 ✓
11 Interlachen	80 X 132 ✓
15 Interlachen	80 X 132 ✓
100 Interlachen	105 X 133
101 Interlachen	100 X 132
109 Interlachen	90 X 132
110 Interlachen	120 X 13
117 Interlachen	90 X 132
120 Interlachen	95 X 133
123 Interlachen	80 X 132 ✓
132 Interlachen	80 X 133 ✓
133 Interlachen	120 X 132
140 Interlachen	80 X 133 ✓
148 Interlachen	120 X 133
153 Interlachen	120 X 132
200 Interlachen	120 X 133
201 Interlachen	80 X 132 ✓
209 Interlachen	80 X 132 ✓
216 Interlachen	80 X 133 ✓
217 Interlachen	80 X 132 ✓
220 Interlachen	80 X 133 ✓
225 Interlachen	80 X 132 ✓
233 Interlachen	120X132&25X132
236 Interlachen	120 X 133
240 Interlachen	80 X 133 ✓

41

XZ 22

5940

249 Interlachen <sup>?</sup> ~~45X132~~  
 250 Interlachen 120X131X135X133  
 256 Interlachen 110X133X95X134

2 Maple Hill Road 80 X 132 ✓  
 3 Maple Hill Road 80 X 132 ✓  
 6 Maple Hill Road 80 X 132 ✓  
 7 Maple Hill Road 80 X 132 ✓  
 9 Maple Hill Road 80 X 132 ✓  
 10 Maple Hill Road 80 X 132 ✓  
 14 Maple Hill Road 80 X 132 ✓  
 15 Maple Hill Road 80 X 132 ✓  
 100 Maple Hill Road 100 X 132  
 101 Maple Hill Road 90. X 132  
 109 Maple Hill Road 95 X 132  
 112 Maple Hill Road 100 X 132  
 117 Maple Hill Road 95 X 132  
 120 Maple Hill Road 80 X 132 ✓  
 130 Maple Hill Road 80 X 132 ✓  
 136 Maple Hill Road 120 X 132  
 145 Maple Hill Road 80 X 132 ✓  
 150 Maple Hill Road 120 X 132  
 153 Maple Hill Road 80 X 132 ✓  
 200 Maple Hill Road 120 X 132  
 201 Maple Hill Road 80 X 132 ✓  
 215 Maple Hill Road 120 X 132  
 218 Maple Hill Road 120 X 132  
 231 Maple Hill Road 120 X 132  
 236 Maple Hill Road 80 X 132 ✓  
 240 Maple Hill Road 105 X 132  
 241 Maple Hill Road 120 X 132  
 245 Maple Hill Road 80 X 132 ✓  
 246 Maple Hill Road 110 X 132  
 253 Maple Hill Road 86.17 X 132  
 254 Maple Hill Road irregular  
 255 Maple Hill Road 81 X 132 ✓

11,880 φ

10,692 φ

1 Homedale 117X132X127X131  
 5 Homedale 80 X 131.5 ✓  
 6 Homedale 80 X 132 ✓  
 9 Homedale 80 X 131.6 ✓  
 10 Homedale 80 X 132 ✓  
 14 Homedale 80 X 132 ✓  
 15 Homedale 80 X 131.7 ✓

13

~~12/30~~ 30

17 Homedale	80 X 131.8 X
21 Homedale	80 X 131.9 X
25 Homedale	80 X 132 X
100 Homedale	80 X 132 X
101 Homedale	80 X 132 X
109 Homedale	80 X 132 X
112 Homedale	80 X 132 X
117 Homedale	120 X 132
118 Homedale	80 X 132 X
129 Homedale	80 X 132 X
132 Homedale	100 X 132
136 Homedale	100 X 132
137 Homedale	40 X 132; 40 X 132; 40 X 132
144 Homedale	80 X 132 X
154 Homedale	80 X 132 X
155 Homedale	120 X 132
200 Homedale	120 X 132
201 Homedale	90 X 132
209 Homedale	110 X 132
212 Homedale	80 X 132 X
219 Homedale	80 X 132 X
220 Homedale	80 X 132 X
227 Homedale	80 X 132 X
228 Homedale	80 X 132 X

11,880.0

1 Hawthorne Road	76 X 132 X
4 Hawthorne Road	137X132X127X132
5 Hawthorne Road	66 X 132 X
6 Hawthorne Road	80 X 132 X
7 Hawthorne Road	80 X 132 X
10 Hawthorne Road	80 X 132 X
11 Hawthorne Road	80 X 132 X
14 Hawthorne Road	80 X 132 X
15 Hawthorne Road	80 X 132 X
18 Hawthorne Road	80 X 132 X
22 Hawthorne Road	80 X 132 X
77 Hawthorne Road	80 X 132 X
98 Hawthorne Road	80 X 132 X
99 Hawthorne Road	80 X 132 X
100 Hawthorne Road	120 X 132
101 Hawthorne Road	120 X 132
112 Hawthorne Road	130 X 132
117 Hawthorne Road	120 X 132
125 Hawthorne Road	80 X 132 X

40

✓ 3  
X 10

128 Hawthorne Road	110 X 132
133 Hawthorne Road	120 X 132
136 Hawthorne Road	80 X 132 X
144 Hawthorne Road	80 X 132 X
145 Hawthorne Road	160 X 132
152 Hawthorne Road	80 X 132 X
200 Hawthorne Road	118 X 132
201 Hawthorne Road	120 X 132
214 Hawthorne Road	152 X 132
215 Hawthorne Road	100 X 132
225 Hawthorne Road	130 X 132
228 Hawthorne Road	130 X 132
237 Hawthorne Road	100 X 132
240 Hawthorne Road	100 X 132
248 Hawthorne Road	irregular
249 Hawthorne Road	126 X 132
265 Hawthorne Road	irregular
2 Meadowbrook Road	E94X132X83X132
10 Meadowbrook Road	100 X 132
22 Meadowbrook Road	129 X 132
44 Meadowbrook Road	80 X 132 X
88 Meadowbrook Road	120 X 132
98 Meadowbrook Road	120 X 132
100 Meadowbrook Road	120 X 132
114 Meadowbrook Road	80 X 132 X
122 Meadowbrook Road	80 X 132 X
130 Meadowbrook Road	80 X 132 X
140 Meadowbrook Road	80 X 132 X
150 Meadowbrook Road	80 X 132 X
154 Meadowbrook Road	80 X 132 X
<u>200 Meadowbrook Road</u>	<u>20 X 132</u> ?
212 Meadowbrook Road	120 X 132
216 Meadowbrook Road	100 X 132
<u>240 Meadowbrook Road</u>	<u>20 X 132</u>
248 Meadowbrook Road	94 X 132; 155.95 X 132
1301 Preston Lane	90X150X90X156
1310 Preston Lane	80 X 133 ✓
1311 Preston Lane	85X156X90X161 ✓
1318 Preston Lane	80 X 133 ✓
1319 Preston Lane	85X161X85X167
1325 Preston Lane	80X167X80X172
1326 Preston Lane	80 X 133 ✓

6

1401 Preston Lane	80X172X80X177
1402 Preston Lane	80X137X80X133
1409 Preston Lane	81X177X80X169
1410 Preston Lane	81X149X80X137
1417 Preston Lane	81X169X80X158
1418 Preston Lane	81X167X80X149
1425 Preston Lane	80X158X80X151
1428 Preston Lane	irregular
1501 Preston Lane	81X151X80X151
1509 Preston Lane	80X151X80X154
1517 Preston Lane	100X154X101X161

1313 Boyce Street	77.75 X 137	?
1321 Boyce Street	77.75 X 137	<
1327 Boyce Street	75.75 X 137	
1405 Boyce Street	79.75 X 137	
1409 Boyce Street	77.75 X 137	
1417 Boyce Street	77.75 X 137	

le houle  
 leudes  
 12,000 φ

10,686

80 X 132 = 10,560  
 80 X 133 = 10,640  
 12,000 sqft

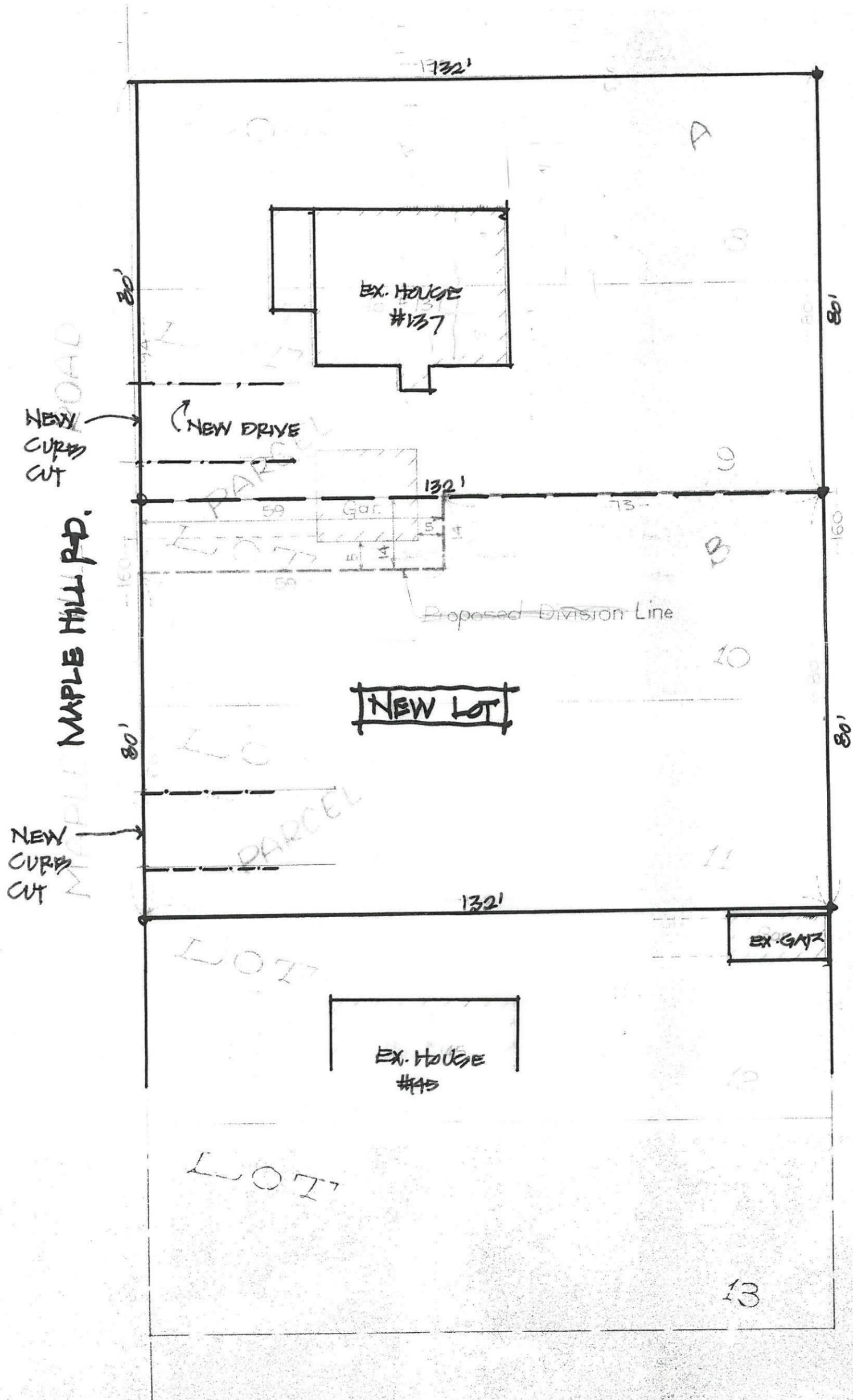
### Interlachen Park Lot Comparison Data

Additional information houses within Interlachen Park that were torn-down and replaced with new homes on 80 ft. X 132 ft. lots.

Also included are sizes of lots adjacent to the 137 Maple Hill Road property.

Address	Lot Size (ft)	Year Built
<b>Tear downs</b>		
6 Maple Hill Rd.	80 x 132	2014
6 Hawthorne	80 x 132	2007
132 Interlachen	80 x 133	2014
265 Holly	80 x 132	2007
220 Homedale Rd.	80 x 132	2004
<b>Lots adjacent to our property</b>		
117 Maple Hill Rd	95 x 132	
145 Maple Hill Rd	80 x 132	
136 Homedale	100 x 132	
132 Homedale	100 x 132	
144 Homedale	80 x 132	

# Engelbret Property Showing New Curb Cuts and Driveways



PLOT F  
ENCORA E  
11.30.17

AMTZ



**Gambucci Lot Variance for PID 23-177-22-14-0053**

**Proposed Action:** Both the Planning & Zoning Commission and staff recommend the City Council adopt the following motion:

- Move to adopt Resolution 2018-069, denying the variance requests from Troy Gambucci for the unaddressed parcel on 21st Avenue North with Property Identification Number (PID) 23-117-22-14-0053

**Overview**

The applicant, Troy Gambucci, requests lot width and side yard setback variance to allow construction of a single family home on the property located at the southeast corner of 21<sup>st</sup> Avenue North and 4<sup>th</sup> Street North. These variances include a lot width variance from 35 feet to 33.3 feet and a south side yard setback variance from 8 feet to 5 feet. The Planning & Zoning Commission held a public hearing to review this item on July 24, 2018. Based on the findings detailed below, the applicant has not demonstrated a practical difficulty with meeting the City zoning requirements as required by Minnesota State Statute 462.357, Subdivision 6. As a result, both the Planning & Zoning Commission and staff recommends the City Council deny the applicant’s request.

**Primary Issues to Consider**

- Planning & Zoning Commission Action
- Background
- Legal Authority
- Variance Review

**Supporting Documents**

- Resolution 2018-069
- Neighborhood Petition Opposing the Variances
- Applicant’s Narrative
- Site Location Map
- Picture of 349 21<sup>st</sup> Avenue North from 1960
- West Minneapolis 3<sup>rd</sup> Division Plat
- Plans and Building Elevations

\_\_\_\_\_  
Jason Lindahl, AICP  
City Planner

Financial Impact: \$ <u>  N/A  </u> Budgeted: <u>    </u> Y/N <u>    </u> Source: _____ Related Documents (CIP, ERP, etc.): _____ Notes:
--

**Planning & Zoning Commission Action.** The Planning & Zoning Commission held a public hearing to review this item (Planning Application 2018-11-VA) during their regular meeting on July 24, 2018. During the meeting, the Commission heard a summary presentation from staff and comments from the public. City Planner Jason Lindahl commented that he had received several calls from residents in opposition to the requested variances.

During the public hearing, Rachel Anderson, representing her father who owns the property at 349 21<sup>st</sup> Avenue North, shared a prepared statement opposing the variance allowing construction of a home on the vacant lot. Eric Lundequam, owner of the property at 345 21<sup>st</sup> Avenue North, also came forward to address the Commission. Mr. Lundequam stated that the neighboring properties are united in opposition to the variance request and are concerned that granting the variance would present an opportunity for more lots to be parceled off and built on, thus drastically changing the character of the neighborhood and the city. Mr. Lundequam also presented a signed petition from owners of the neighboring properties (see attached). After some general discussion, the Commission voted 6-0 to recommend the City Council deny the variance requests.

**Background.** The subject property was platted as Lot 30, Block 4, West Minneapolis 3<sup>rd</sup> Division in 1888. In 1951, Stalla Wynkoop purchased the subject property and the four contiguous lots to the south (Lots 26, 27, 28, 29 and 30). That same year Ms. Wynkoop built a house at 349 21<sup>st</sup> Avenue North (Lots 29 & 28) leaving Lot 30 to the north (the subject property) and Lots 26 & 27 to the south vacant. In 1999 Stella Wynkoop conveyed all 5 properties to Kurtis Wynkoop. City records seem to indicate that all five lots were in common ownership by the Wynkoop family and functioned as one property from 1951 until 2002. In 2002 Kurtis Wynkoop conveyed all 5 properties to a real estate company owned by the applicant's family, Once Land Development Company.

That same year, One Land Development Company conveyed the original house at 349 21<sup>st</sup> Avenue North and the subject property to the applicant's mother, Pamela Karaholios, and sold the 2 remaining vacant lots to the south (Lots 26 & 27) to a builder who constructed a new single family home on it in 2012. In 2013, Ms. Karaholios sold the original house 349 21<sup>st</sup> Avenue North to Peter J Anderson Sr. Trustee which continues to operate as a rental property. In 2014, Ms. Karaholios sold the subject property to the current applicant (her son), Troy Gambucci. Based on this timeline, the subject property has been owned by the applicant's family since 1999.

**Legal Authority.** City review of variance applications is a Quasi-Judicial action. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the four questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute, the City may choose to add conditions of approval that are directly related to and bear a rough proportionality to the impact created by the variance.

**Variance Review.** Staff has reviewed the variance requests against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds they do not demonstrate a practical difficulty. As a result, staff recommends the City deny the applicants request. The standards for reviewing a variance application and staffs findings for each are provided below.

1. Is variance in harmony with purposes and intent of the ordinance?

Finding: The requested variances are not in harmony with the purpose and intent of the R-1-A district. The performance standards for this district are detailed in City Code Section 530.05 – Standards for the R Districts. According to this table, parcels in the R-1-A district must be a minimum of 50' wide and 6,000 square feet in size. By comparison, the subject property is 33.3' wide and 4,395 square feet in size. These dimensions are only 66% of the minimum required width and 73% of the required size. In addition to the typical minimum standards, Section 520.05 provides specific exceptions for lots in the R-1-A district that are between 35' and 40' wide. Since this lot is only 33.3' wide, these exceptions do not apply.

2. Is the variance consistent with the comprehensive plan?

Finding: The requested variances are inconsistent with the comprehensive plan. The Future Land Use Map guides the subject property as LDR – Low Density Residential. According to the narrative for this land use classification, it allows for single family detached residential dwelling at 1 to 7 units per acre. According to Hennepin County, the subject property is 4,395 square feet in size. Development on lots at this size would produce a development pattern at 9.9 units per acre ( $43,560/4,395=9.9$ ) and exceed the allowable density for the LRD - Low Density Residential category.

Chapter 4 of the 2030 Comprehensive Plan – Land Use and Development details the rationale behind the City's land use plan. This narrative supports the preservation and protection of the City's existing residential neighborhoods. The requested variance would allow development inconsistent with the City's land use plans.

The Land Use and Development chapter states the City regards the preservation and protection of its existing residential neighborhoods as one of its most important priorities. The City will work to protect land use patterns that continue to support single family homes.

A balanced supply of housing is important to Hopkins' efforts to serve the needs of a broad range of residents. The land use plan identifies land use patterns that will support a variety of residential uses including medium to high density uses, such as condos, townhomes and apartments.

In order to address residential land use patterns, Hopkins will:

- Work to protect the integrity and long-term viability of its low-density residential neighborhoods and strive to reduce the potential negative effects of nearby commercial or industrial land through zoning, site plan reviews, and code enforcement.
- Ensure that the infilling of vacant parcels and the rehabilitation of existing developed land will be in accordance with uses specified in the Comprehensive Plan.
- Ensure that incompatible land uses will be improved or removed where possible and the land reused in conformance with the Comprehensive Plan.
- Work to assure strong and well-maintained neighborhoods.

- Work to enhance a variety of residential land uses in the City.
- Work to balance the supply of multiple family residential uses within the City.

3. Does proposal put property to use in a reasonable manner?

Finding: The proposal does not put the property to use in a reasonable manner. As detailed above, the requested variances are inconsistent with the comprehensive plan and not in harmony with the purpose and intent of the R-1-A district. Furthermore, the setback reduction is unreasonable considering that the parcel to the south has a front door and substantial windows that face north. One purpose of setbacks is to protect neighboring parcels and provide privacy and access to natural light and space. In this case, Mr. Gambucci is seeking to reduce a setback requirement that is already a relatively modest 8 feet. It would reduce the setback by approximately 33% and decrease the amount of space, light, and visibility provided to the property to the south. Therefore, the requested variance can be categorized as unreasonable in this respect.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are not unique circumstances to the property that were not created by the landowner. Under this standard, the applicant must demonstrate the issues that prevent him from developing the subject property were caused by circumstances unique to the property that were not caused by him. While the R-1-A minimum lot size and setback standards prevent Mr. Gambucci from building a home without a variance, these requirements were in place when he purchased the property in 2014. Furthermore, the title history for the subject property suggests it has been owned by the applicant's family since 1999. Therefore, it is reasonable to assume the applicant should have known the lot was unbuildable.

In addition, the subject property's assessment history and purchase price indicate it had little value and lend further support to the conclusion it was unbuildable. The applicant paid \$15,000 for the property in 2014. And the appraised tax value has been around \$12,000 for many years. Mr. Gambucci has only been paying a small amount in taxes each year (around \$500/year). If this were a buildable lot in the city of Hopkins, it would be worth far more than \$12,000 - 15,000 and taxes would be much higher. Based on all of this, it's clear that the applicant knew (or at least should have known) that these limitations existed. Accordingly, the situation that he finds himself in today was caused by his own doing.

5. Will the variance, if granted, alter the essential character of the locality?

Finding. Granting the requested variance would alter the essential character of the surrounding area. This standard evaluates if the proposed variances would produce a development that is "out of scale, out of place, or otherwise inconsistent with the surrounding area." The subject property is located on a block that includes 12 properties. An analysis of those 12 properties finds they have an average width of 101' and an average lot size of 15,172 square feet. Lots of this width and size allows for larger homes with wide frontages that includes both a house and an attached garage and relatively low building coverage. Granting the requested variances would allow the subject property to develop with a smaller house, lesser setbacks and denser lot coverage. This design would be inconsistent with both the development pattern of the overall

R-1-A district as well as the contiguous block and would alter the essential character of the surrounding area.

**Alternatives**

1. Approve the variance application. By approving the applications, the applicant would be allowed to construct the proposed house on the 33 foot wide subject property with a 5 foot south side setback. Should the City Council considers this option, it must also identify specific findings that support this alternative.
2. Deny the variance application. By denying the variance application, the applicant will not be allowed to construct the propose house on 33 foot wide subject property.
3. Continue for further information. If the City Council indicates that further information is needed, the items should be continued.

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION NO: 2018-069**

**RESOLUTION DENYING THE VARIANCE REQUESTS FROM TROY GAMBUCCI  
FOR THE UNADDRESSED PARCEL ON 21<sup>ST</sup> AVENUE NORTH WITH PROPERTY  
IDENTIFICATION NUMBER (PID) 23-117-22-14-0053**

**WHEREAS**, the City of Hopkins (the “City”) is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Troy Gambucci (the “Applicant”) is the fee owner of a vacant, unaddressed parcel of real property located on 21<sup>st</sup> Avenue North and legally described below:

Lot 30, Block 4, West Minneapolis Third Division, Hennepin County, Minnesota.

(the “Property”); and

**WHEREAS**, the Property is zoned R-1-A, single- and two-family high density residential; and

**WHEREAS**, the Applicant purchased the Property from his mother, Pamela Karahalios, in 2014 for approximately \$15,000 and the Property has always appraised at less than that amount for purposes of real estate taxes; and

**WHEREAS**, until the Property was conveyed to the Applicant by his mother in 2014, it was predominantly held in common ownership with the parcel to the south, which contains a single-family residence; and

**WHEREAS**, the single-family residence to the south faces north directly toward the Property and utilized the Property as a front yard and driveway in the past, though its driveway was eventually reconfigured to provide access from 21<sup>st</sup> Avenue North; and

**WHEREAS**, the City has adopted a zoning ordinance and other official controls for reasons that include, but are not limited to, protecting the character of properties and areas within the community, promoting the proper use of land and structures, fixing reasonable standards to which buildings, structures and land must conform for the benefit of all, and prohibiting the use of buildings, structures and lands in a manner which is incompatible with the intended use or development of lands within the specified zones; and

**WHEREAS**, the width of the Property is 33.36 feet and, although Section 530.05 of the City Code requires a minimum lot-width of 50 feet in the R-1-A district, the grandfather clause contained in Section 520.05, subd. 1 of the City Code relaxes that requirement to 35 feet for certain lots so long as all other ordinance requirements are met; and

**WHEREAS**, Section 530.03, subd. 2(c) of the City Code requires that single-family dwellings in the R-1-A district be at least 20-feet wide and contain side setbacks of at least eight feet; and

**WHEREAS**, pursuant to the aforementioned code provisions, the Applicant has made a request to the City for a lot-width variance and a side setback variance in order to construct a single-family dwelling on the Property that meets the requirement that a single-family dwelling have a minimum width of 20 feet; and

**WHEREAS**, pursuant to Minnesota Statutes, section 462.357, subd. 6(2), “[v]ariations shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variations are consistent with the comprehensive plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.”; and

**WHEREAS**, on July 24, 2018, pursuant to the procedural requirements contained in Section 525.07 of the City Code, the Hopkins Planning and Zoning Commission (the “Commission”) held a public hearing on the Applicant’s requested variances and all persons present were given an opportunity to be heard. The Commission also took into consideration the written comments and analysis of City staff; and

**WHEREAS**, based on a review of the Applicant’s request and his submissions, the written staff report, and after careful consideration of all other written and oral comments concerning the requested variances, the Commission vote 6-0 to recommend the City Council deny the requested variances; and

**WHEREAS**, based on a review of the Applicant’s request and his submissions, the written staff report, and after careful consideration of all other written and oral comments concerning the requested variances, the City Council makes the following findings of fact with respect to the aforementioned criteria provided in Minnesota Statutes, section 462.357, subd. 6(2):

**1. Is the variance in harmony with the general purposes and intent of the City’s zoning ordinance?**

*Finding: The requested variances are not in harmony with the purpose and intent of the City’s zoning ordinance because the requested variances involve substantial deviations from established minimum lot standards. Additionally, the grandfather clause that the Applicant seeks to have applied to the Property expressly applies only to lots that otherwise meet all zoning requirements, a condition that the Property clearly fails to adhere to.*

**2. Is the variance consistent with the City’s comprehensive plan?**

*Finding: The requested variances are inconsistent with the comprehensive plan. The Property is guided long-term for low density residential and, accordingly, to allow development on lots of this nominal size would produce a development pattern that far exceeds the allowable density for that category. The requested variances would further fail to adhere to the comprehensive plan's goal of preserving and protecting the existing residential neighborhoods.*

**3. Does the proposal put the Property to use in a reasonable manner?**

*Finding: The proposal does not put the Property to use in a reasonable manner. The Applicant is seeking to utilize an already relaxed lot-width requirement and further requests relief from a modest eight foot setback requirement. The proposal would substantially reduce the setback – by approximately 33% - and decrease the amount of space, light, and visibility provided to the surrounding properties, one of which directly faces the Property.*

**4. Are there unique circumstances to the Property not created by the Applicant?**

*Finding: There are no unique circumstances to the Property that were not created by the Applicant. The applicable R-1-A standards were in place when the Applicant purchased the Property in 2014. The Property has always been taxed at a nominal rate that is far less than that of which would otherwise be owed on a buildable parcel in the City. Those facts, along with numerous other factors outlined in the staff report, indicate that the Applicant had ample reason to know that a single-family residence could not be constructed on the Property. Additionally, the Property and the adjacent parcel to the south have been controlled by the Applicant's family for many years. By removing the Property from common ownership with the parcel to the south, the Applicant and his family unilaterally created what is now a standalone, unbuildable lot.*

**5. Will the variances, if granted, alter the essential character of the locality?**

*Finding: Granting the requested variance would alter the essential character of the surrounding area. The Applicant's proposal would be inconsistent with both the development pattern of the overall R-1-A district as well as the contiguous blocks surrounding the Property, thus resulting in a dwelling that would be out of scale, out of place, and entirely inconsistent with the surrounding area. Moreover, it would result in the single-family dwelling to the south directly facing the Applicant's proposed structure.*

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hopkins that the recitals set forth in this Resolution are incorporated into and made part of this Resolution, and more specifically, constitute the expressed findings of the City Council.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City Council of the City of Hopkins that based on the findings of fact contained herein and the failure of the Applicant to meet any of the five required criteria, the City Council of the City of Hopkins hereby denies the Applicant's requested variances.

Adopted by the City Council of the City of Hopkins this 21<sup>st</sup> day of August 2018.

ATTEST:

\_\_\_\_\_  
Amy Domeier, City Clerk

\_\_\_\_\_  
Molly Cummings, Mayor

We the undersigned strongly oppose the front yard setback variance and minimum lot width requested by Mr. Gambucci.

The construction of the house on such a small lot, compared to the lot size of the adjoining neighbors, will greatly impact our property values.

<u>NAME</u>	<u>ADDRESS</u>	<u>LOT SIZE</u>
Sore & Eileen Maxwell	337 21st Ave N	120 x 130
Lynn & Elizabeth Meyer	11609 Hwy 7	168 x 214
Walter Meredith Sims	320 21st Ave N	168 x 275
Joe and Cathy Stoutenburg	310 21st AVE N.	168 x 160
Steve Palmer	305 21 Ave N	<del>200</del> x 130
Matt and Emily York	311 21st AVE N	80 x 130
Eric and Pamela Lundegvam	345 21st Ave N	75 x 131.5
Rachel Andersen-Engzi home owner	349 21st Ave N	70 x 131
Karinne Tarshish	349 21st Ave. N.	71 x 131
Dan Klamet	349 21st Ave. N.	71 x 131

## Statement of Request

The applicant, Troy Gambucci, *herein requests a variance* to the current City Codes requiring all lots of Record to have a minimum 35 foot frontage width and allow the applicant to build on his lot of record with the existing 33.30 lot frontage. The applicant also *requests a second variance* to the current City Code requiring 8-foot side setbacks to allow applicant to construct a 20-foot home with one side setback of 5.30 feet. The lot of Record is currently zoned R-1-A.

This applicant has furnished as attached to this application a current survey with foundation of the home and additionally the floor plan of the home he intends to construct on the lot of Record subject to this variance application.

**Statement of unique circumstances and undue hardship for granting variance**

This property that is subject to this variance application was “Grandfathered” lot of record platted with its own legal description and property id number prior to August 11, 1966 in the office of Hennepin County in Minnesota and is still in the same condition as of the date of this application. The Subject Lot is currently zoned R-1-A. The **first issue that requires a variance** is that this lot was a buildable lot until such time that the City of Hopkins enacted laws and ordinances, specifically the latest **ORDINANCE NO. 2004-916** which restricted buildable lots to a minimum lot width of 35 feet. The lot subject to this application for a variance is 33.30 feet in lot width just slightly short of the 35 feet require by the newly enacted Hopkins city ordinance.

The **second issue that requires a variance** with this lot is the width if this applicant is to construct a home that has as Hopkins City code requires a width of 20 foot for any structure on this lot so that one of the side setbacks would not meet the required 8 feet per side, so one side can be 8 feet while the other side would need to be 5.30 feet, falling slightly short of the required 8 foot side setback. The City of Hopkins enacted additional ordinances to require a minimum of 20-foot width on any home constructed in the City of Hopkins after this lot of Record was recorded in Hennepin County on August 11, 1966. **(See Section 530.03 Subd. 2(c) Hopkins City Codes in R districts.)**

This Lot of Record is one of the last remaining in the City of Hopkin that has a 33.3 foot lot frontage so this lot is Unique in that aspect and deserve the necessary two variances. The home proposed to be built on the lot conforms to the local area and adjacent homes and will meet all the state and city building codes as well as it conforms to the other lot requirements in the R-1 A zone.

# Site Location Map







The Gregory Group, Inc.

d.b.a.

# LOT SURVEYS COMPANY

Established in 1962

## LAND SURVEYORS

REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA

(763) 560-3093

Fax No. 560-3522

7601 73rd Avenue North

Minneapolis, Minnesota 55428

# Surveyors Certificate

## Existing Conditions Survey For:

**TOM GAMBUCCI**

Property located in Section  
23, Township 117, Range 22,  
Hennepin County, Minnesota

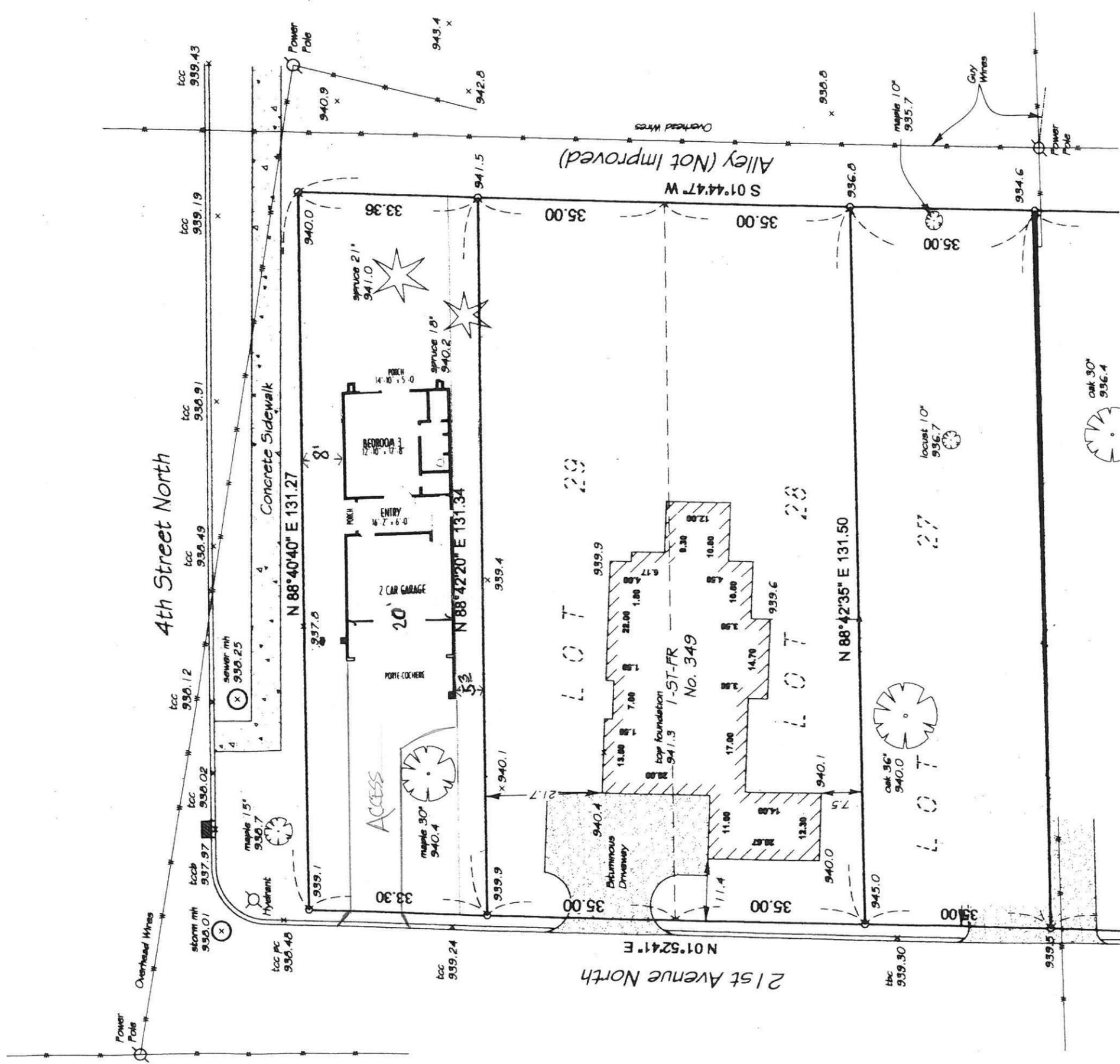
INVOICE NO. 86598

F.B.NO.

SCALE: 1" = 20'

- 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

Basis for bearings is assumed



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

I certify that this plan, specification, 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 28th day of June 2017.

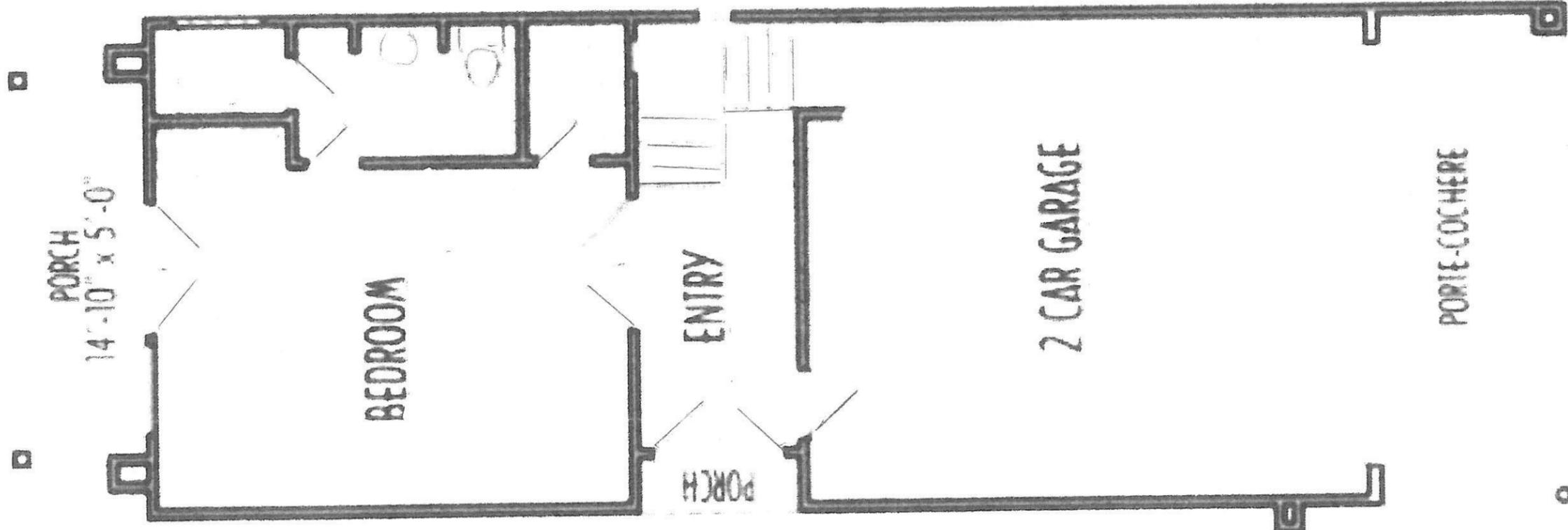
Rev

Drawn By *P. Dyer*

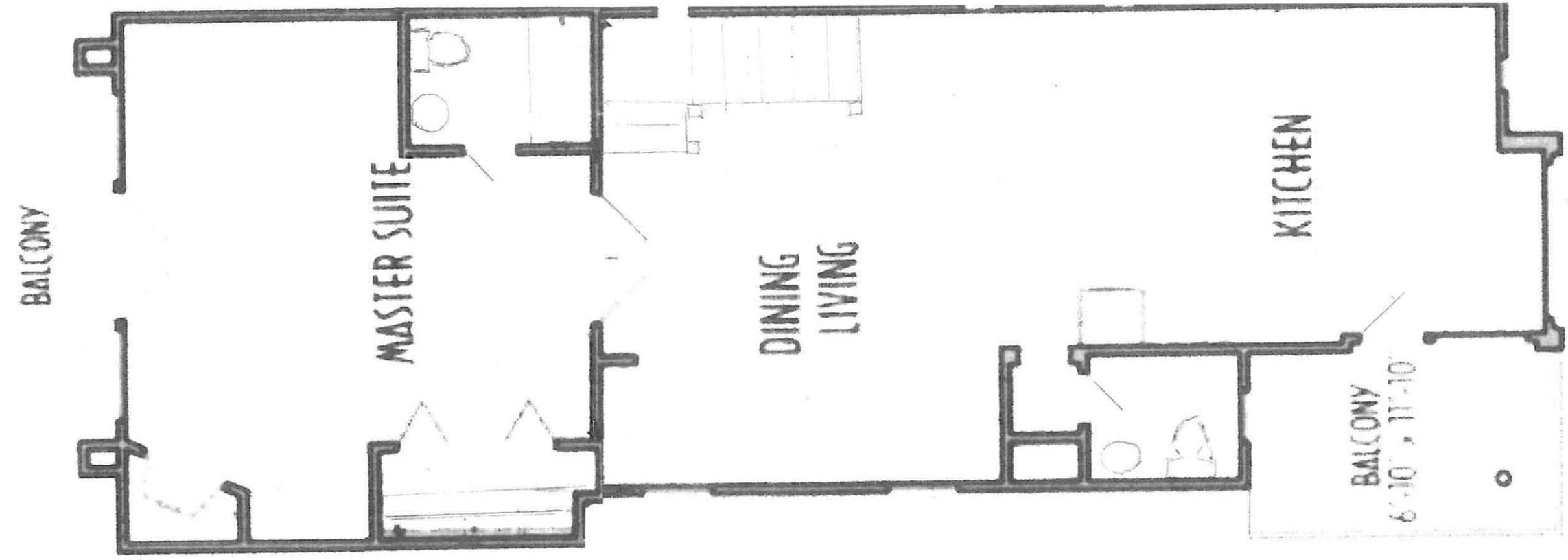
Signed

*Gregory R. Plesch*  
Gregory R. Plesch, Minn. Reg. No. 24662

Lot 30, Block 4, WEST MINNEAPOLIS THIRD DIVISION  
Hennepin County, Minnesota



FIRST FLOOR



SECOND FLOOR

## Proposed House Elevation





Finance Department

**CITY OF HOPKINS**

## **Memorandum**

To: Honorable Mayor and Council Members  
Mike Mornson, City Manager

From: Nick Bishop, Finance Director

Date: August 21, 2018

Subject: 2018 2<sup>nd</sup> Quarter Financial Report

---

### **PURPOSE**

To review 2<sup>nd</sup> Quarter Operating Results.

### **INFORMATION**

The presentation for the 2018 2<sup>nd</sup> Quarter Financial Report is attached. A full presentation will be given at the council meeting. Please feel free to contact me with any questions.

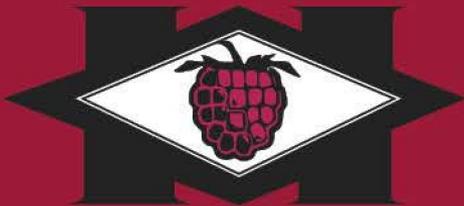
### **FUTURE ACTION**

None. This is an informational report.

# 2018 2<sup>nd</sup> Quarter

## Financial Report

*Prepared by Finance Department*



*City of*  
**Hopkins**  
Minnesota

# General Fund Overview

---

- At the end of the 2<sup>nd</sup> quarter
  - Revenues are at 47.07%
  - Expenditures are at 50.04%



# General Fund Revenues

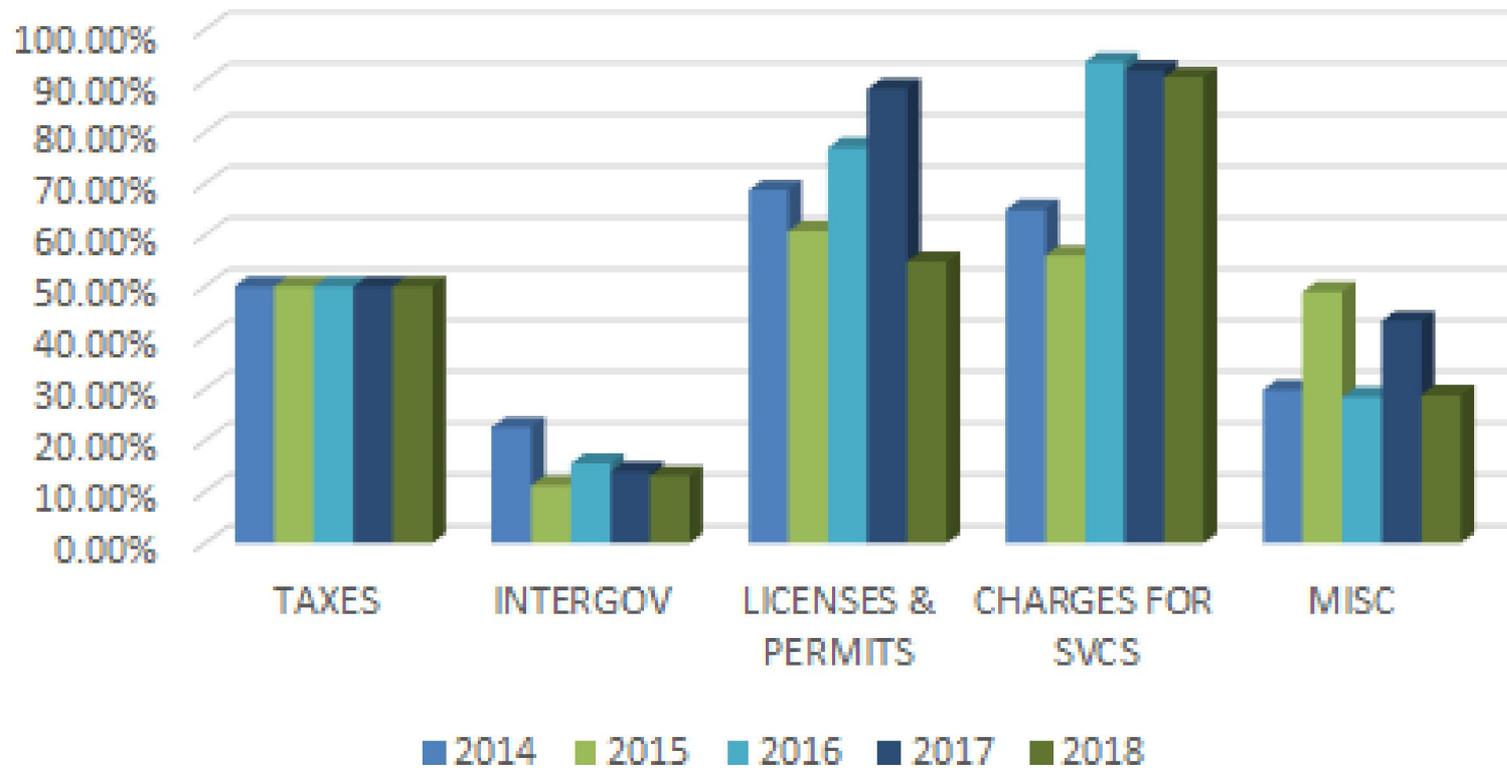
		<u>Budget</u>		<u>Actual</u>	<u>% of Budget</u>
Taxes	\$	10,832,857	\$	5,416,429	50.00%
Intergovernmental		1,173,933		154,252	13.14%
Fines		779,065		426,918	54.80%
Charges for Services		225,650		204,702	90.72%
Miscellaneous		423,850		122,257	28.84%
<b>Total Revenues</b>	<b>\$</b>	<b>13,435,355</b>	<b>\$</b>	<b>6,324,557</b>	<b>47.07%</b>

- Includes estimate for Tax Revenue



# General Fund Revenues

Percent of Budget through 2nd Qtr



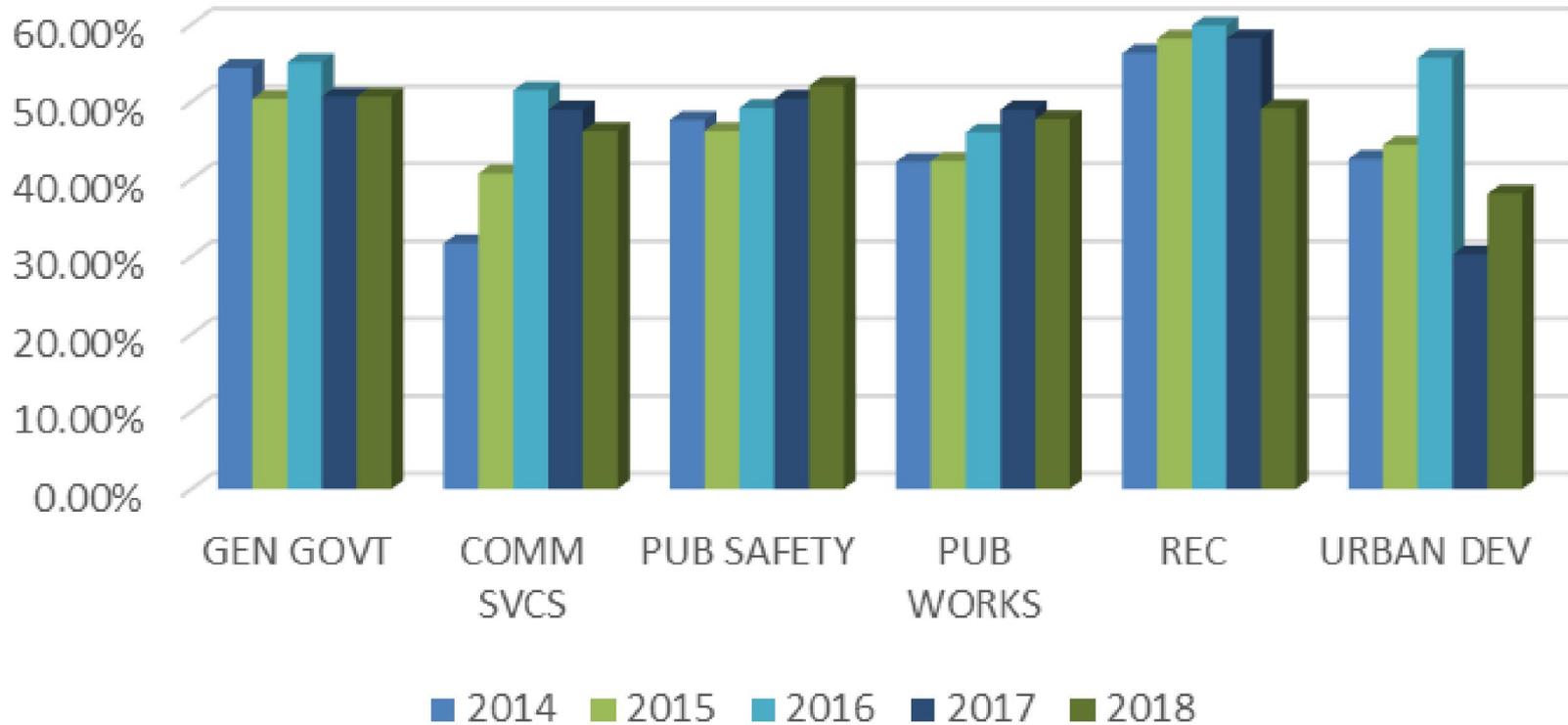
# General Fund Expenditures

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
General Government	\$ 2,050,121	\$ 1,038,148	50.64%
Community Services	757,749	350,240	46.22%
Public Safety	6,569,582	3,419,962	52.06%
Public Works	3,016,035	1,439,508	47.73%
Recreation	706,671	347,330	49.15%
Urban Development	335,197	127,792	38.12%
<b>Total Expenditures</b>	<b>\$ 13,435,355</b>	<b>\$ 6,722,979</b>	<b>50.04%</b>



# General Fund Expenditures

Percent of Budget through 2nd Qtr



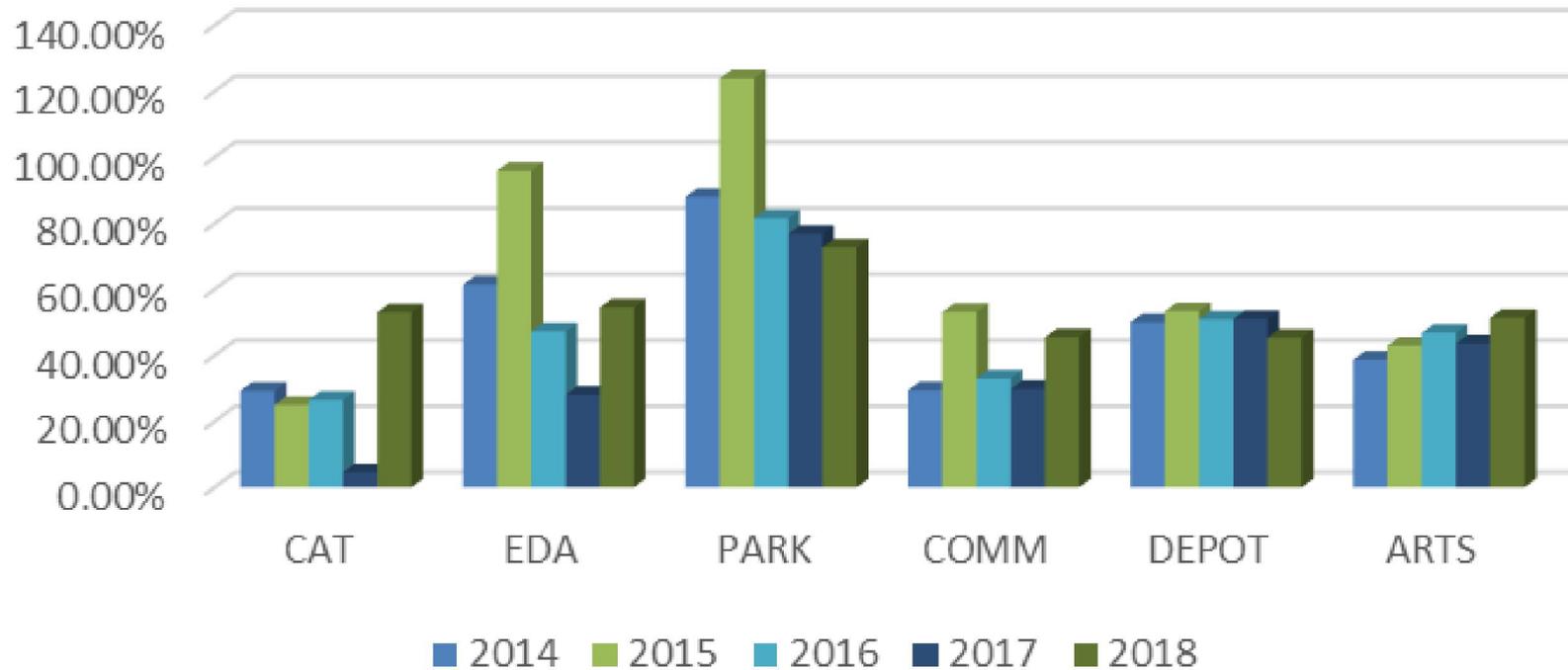
# Special Revenue Funds Revenues

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Chemical Assessment	\$ 60,000	\$ 31,823	53.04%
Economic Development	402,037	219,292	54.55%
Parking	150,500	109,399	72.69%
Communications	269,200	122,479	45.50%
Depot Coffee House	352,000	159,726	45.38%
Art Center	975,626	501,675	51.42%

- Economic Development, Depot & Art Center include estimated tax revenue and/or transfers



## Special Revenue Fund Revenues Percent of Budget through 2nd Qtr



# Special Revenue Funds Expenditures

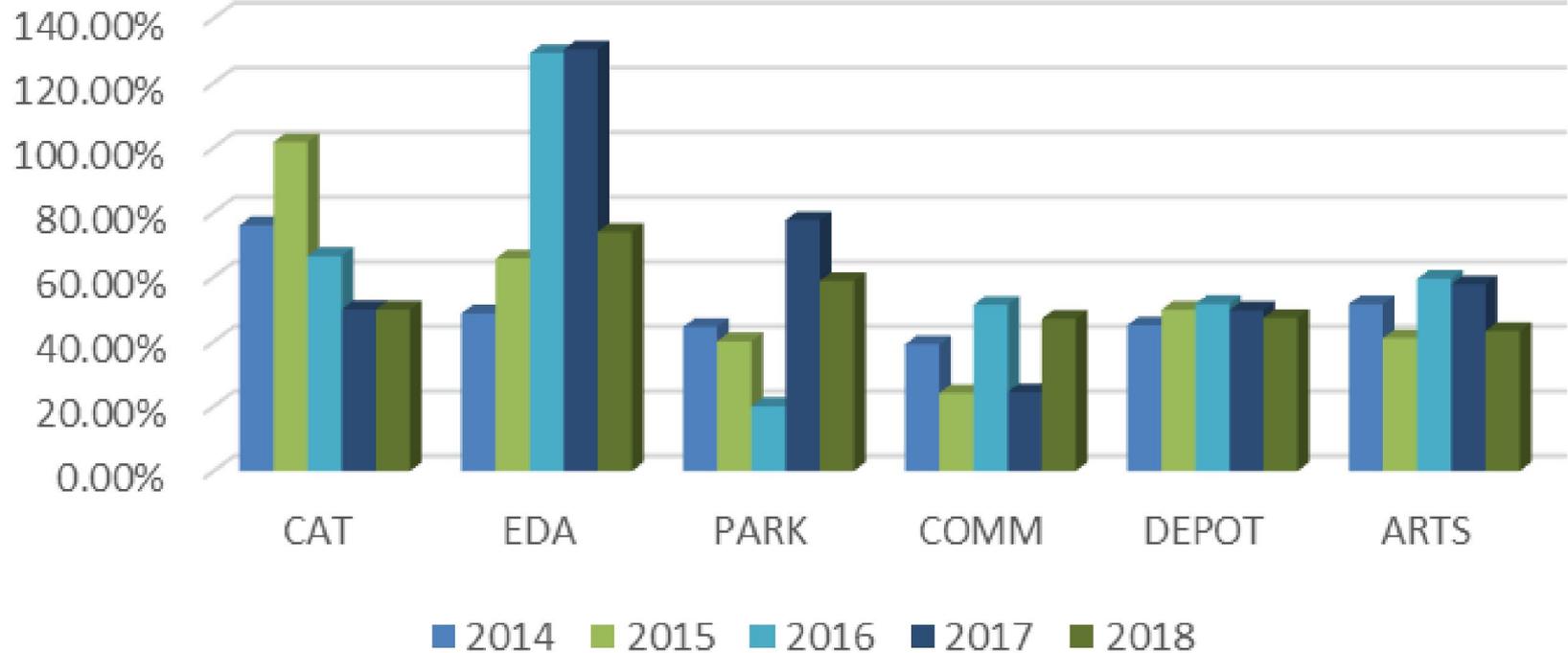
---

	<u>Budget</u>		<u>Actual</u>	<u>% of Budget</u>
Chemical Assessment	\$ 60,000	\$	29,953	49.92%
Economic Development	245,700		181,713	73.96%
Parking	113,529		66,698	58.75%
Communications	285,566		134,461	47.09%
Depot Coffee House	367,753		174,167	47.36%
Art Center	992,908		429,666	43.27%



# Special Revenue Fund Expenditures

Percent of Budget through 2nd Qtr



# Special Revenue Funds Change in Fund Balance

	<u>Revenues</u>	<u>Expenses</u>	<u>Change In Fund Balance</u>
Chemical Assessment	\$ 31,823	\$ 29,953	\$ 1,871
Economic Development	219,292	181,713	37,579
Parking	109,399	66,698	42,701
Communications	122,479	134,461	(11,982)
Depot Coffee House	159,726	174,167	(14,441)
Art Center	501,675	429,666	72,009

- Arts Center – Planned improvements to be completed later part of 2018.



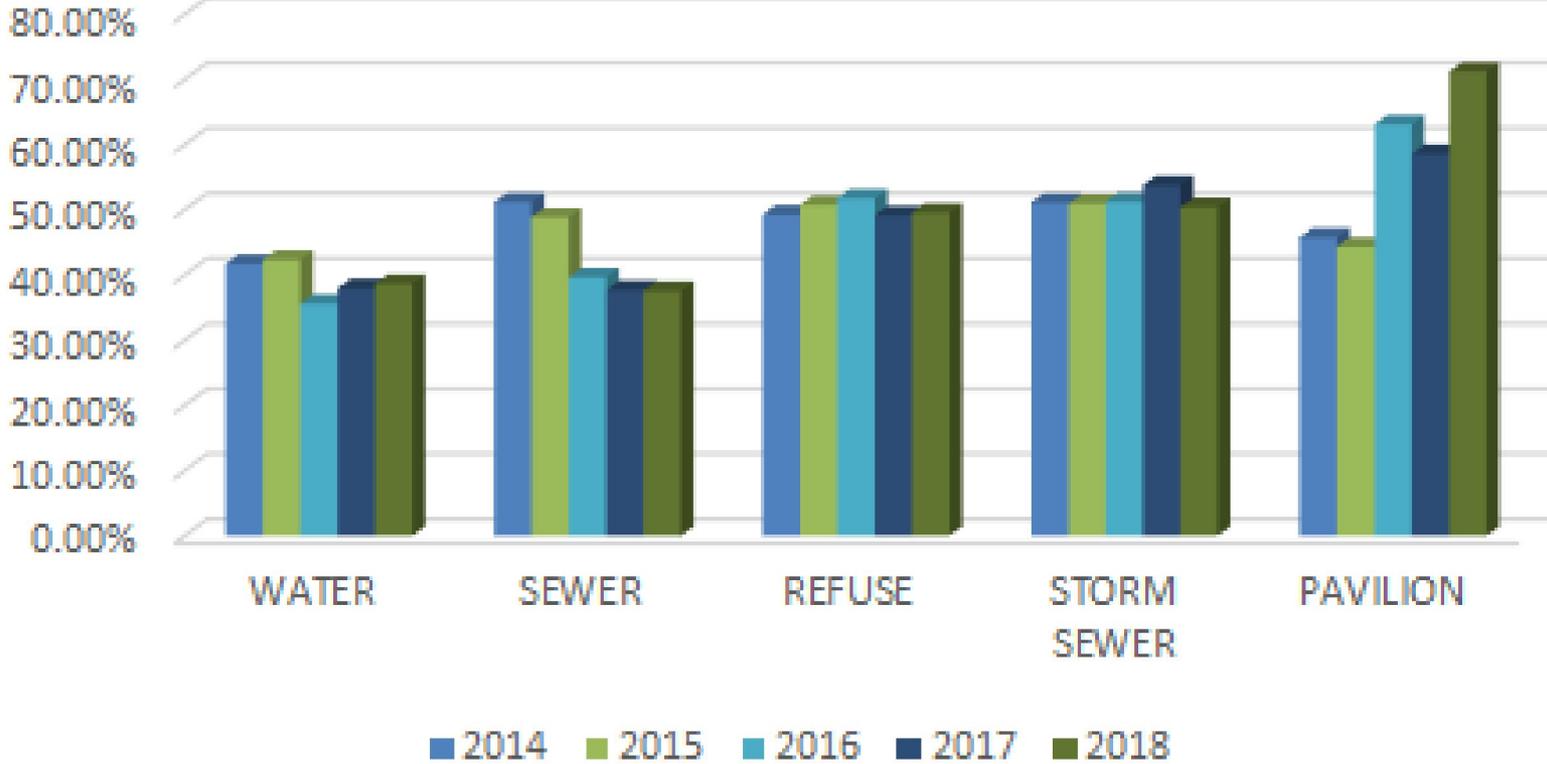
# Enterprise Funds Revenues

	<u>Budget</u>		<u>Actual</u>	<u>% of Budget</u>
Water	\$ 2,147,085	\$	829,264	38.62%
Sewer	3,088,299		1,160,298	37.57%
Refuse	1,010,500		500,777	49.56%
Storm Sewer	810,200		408,263	50.39%
Pavilion	445,000		316,883	71.21%



# Enterprise Fund Revenues

Percent of Budget through 2nd Qtr



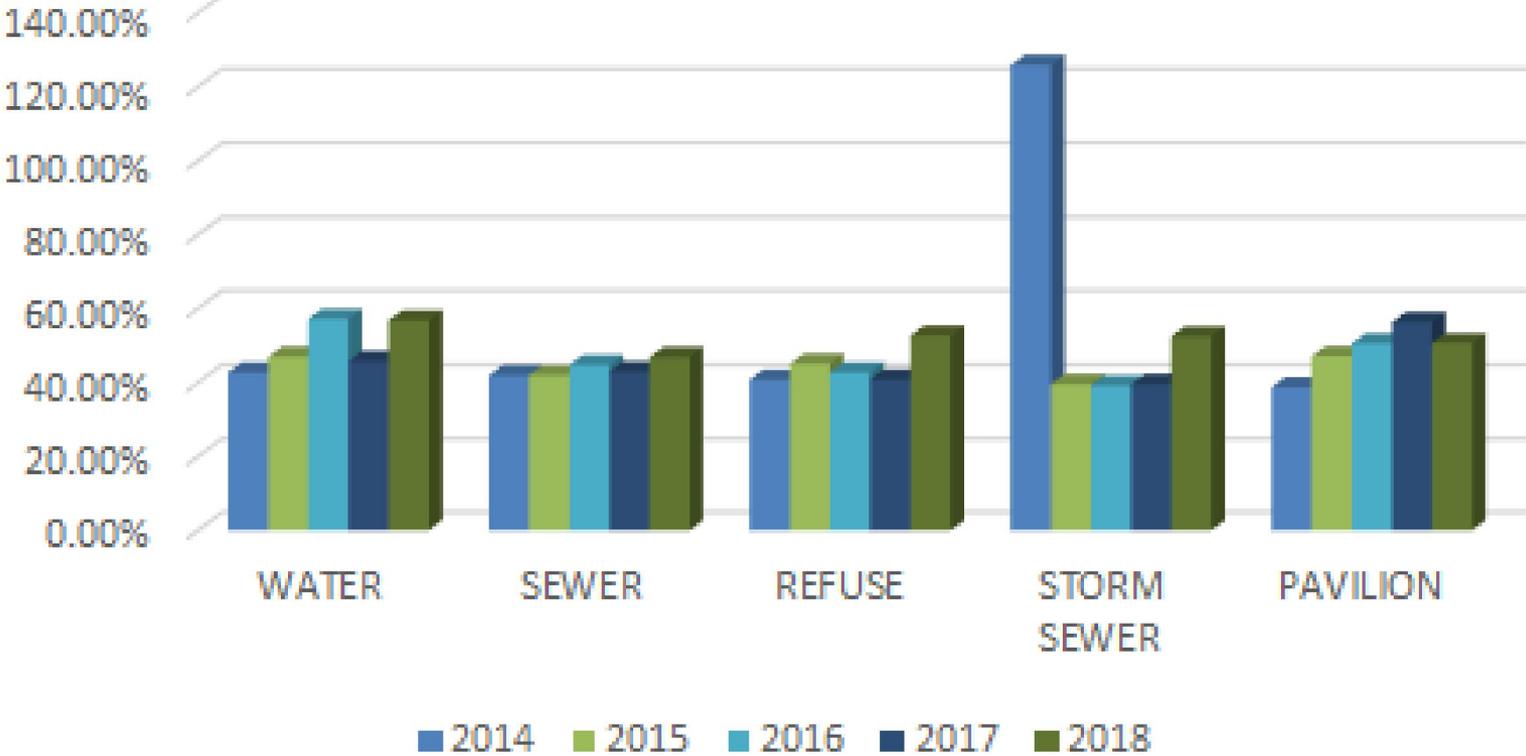
# Enterprise Funds Expenses

	<u>Budget</u>		<u>Actual</u>	<u>% of Budget</u>
Water	\$ 1,885,915	\$	1,126,118	59.71%
Sewer	2,607,444		1,286,733	49.35%
Refuse	948,876		520,357	54.84%
Storm Sewer	497,049		276,745	55.68%
Pavilion	460,817		241,447	52.40%



# Enterprise Fund Expenses

Percent of Budget through 2nd Qtr



# Enterprise Funds Financial Position

		<u>Revenues</u>		<u>Expenses</u>	<u>Net Income (Loss)</u>
Water	\$	829,264	\$	1,126,118	\$ (296,854)
Sewer	\$	1,160,298	\$	1,286,733	\$ (126,435)
Refuse	\$	500,777	\$	520,357	\$ (19,580)
Storm Sewer	\$	408,263	\$	276,745	\$ 131,518
Pavilion	\$	316,883	\$	241,447	\$ 75,436



# Other Updates

---

- Franchise Fee Ordinances
  - 1st and 2<sup>nd</sup> Readings Scheduled on September 18<sup>th</sup> and October 2<sup>nd</sup>
- Proposed Utility Rate Increases for 2019
  - Water – Increase Rates by 6.8%
  - Sewer – Increase Rates by 5.6%
  - Based on Utility Rate Study

