

1/11/05



Doc No 8494866 12/20/2004 08:56 AM
Certified filed and or recorded on above date:
Office of the County Recorder
Hennepin County, Minnesota
Michael H. Cunniff, County Recorder
Deputy 59 TransID 81998

RECEIVED
JAN 11 2005
City of Minnetonka Beach

Fees
\$15.00 DOC
\$4.50 SUR
\$5.00 MAIL
\$1.00 COPY
\$25.50 Total

CLERK'S CERTIFICATION

The undersigned duly qualified and acting City Clerk of the City of the Village of Minnetonka Beach, Minnesota, hereby certifies that attached hereto is a true and correct copy of:

RESOLUTION NO. 2004-35


**A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT
FOR TWO ADDITIONS TO THE CLUB HOUSE
AND THE ADDITION OF AN OUTDOOR POOL AND DECK**

**TO THE LAFAYETTE CLUB
AT 2800 NORTHVIEW RD.
SEVENTH AMENDMENT TO THE CONDITIONAL USE PERMIT
Dated November 14, 1988**

LEGALLY DESCRIBED AS ATTACHED

MINNETONKA BEACH, HENNEPIN COUNTY, MINNESOTA

As approved by the City Council of the City of the Village of Minnetonka Beach, which originals are on file in the office of the City Clerk, City of the Village of Minnetonka Beach.



City Clerk

Return to:
City of Minnetonka Beach
2945 Westwood Rd.
P.O. Box 146
Minnetonka Beach, MN 55361
952/471-8878

CITY OF THE VILLAGE OF MINNETONKA BEACH

RESOLUTION NO. 2004-35

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT FOR TWO ADDITIONS
TO THE CLUB HOUSE AND
THE ADDITION OF AN OUTDOOR POOL AND DECK

TO THE LAFAYETTE CLUB
AT 2800 NORTHVIEW ROAD
SEVENTH AMENDMENT TO THE CONDITIONAL USE PERMIT
Dated November, 14 1988
LEGAL DESCRIPTION AS ATTACHED
MINNETONKA BEACH, HENNEPIN COUNTY, MINNESOTA

WHEREAS, Lafayette Club Inc., warrants and represents that it is the owner of the Lafayette Club, Scott Bremer, General Manager and Mark Edelman, President (Applicant) and;

WHEREAS, Section 206 (7) of the Minnetonka Beach City Code, effective August 31, 1996 (City Code) requires a Conditional Use Permit(CUP) to operate a Country Club in this Single Family Residential Zoning District, and;

WHEREAS, the Applicant has applied for a Seventh Amendment to the Conditional Use Permit dated November 14, 1988 and amended periodically, by the application dated July 2004, and;

WHEREAS, the Applicant has provided information in the application as to the nature of the requested Seventh Amendment, contained in the building plans, survey and site plan and attachments thereto adding the improvements to the Club House, and;

WHEREAS, the Planning Commission and City Council, City of the Village of Minnetonka Beach have relied on the information contained in survey, plans (attached hereto and made a part of this resolution) as being correct and accurate, and;

WHEREAS, the Planning and Zoning Administrator has reviewed the Survey dated August 8, 2004, Site Plan, and Building Plans dated June 24, 2004 and other information and has made a report to the Planning Commission and a report to the City Council, and;

WHEREAS, the requested for the Seventh Amendment to the CUP submitted by the Lafayette Club along with a report by the Planning and Zoning Administrator and testimony has been reviewed by the Planning Commission at a Public Hearing on August 16, 2004 and by the City Council on September 13, 2004, and;

WHEREAS, the Planning Commission made findings required by Section 229 (2) contained in this resolution after taking testimony and recommended approval with conditions to the Seventh Amendment to the City Council, and;

WHEREAS, nothing in this Amendment alters, changes or otherwise nullifies the 1988 CUP and the periodic amendments including conditions of the CUP, and;

WHEREAS, the City Council has made the findings contained in this Resolution as required by Section 229 (2) of the City Code,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of the Village of Minnetonka Beach, Minnesota, to issue the Seventh Amendment to the CUP to allow the improvements consisting of a new outdoor pool and pool deck, an addition to the east side of the building and an addition to the west side of the building in accord with the plans and information submitted making the following findings as required by the City Code and imposing the following reasonable conditions to City Council's issuing the Fifth Amendment to the CUP:

1. Public Welfare: With the following condition, the proposed use will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, comfort, convenience or general welfare of the neighborhood or the City:
 - a. Any required permits for the Watershed District and State be obtained prior to the City issuing a building permit for the improvements.
2. Public Facilities and Services: With the following conditions, the proposed use will be serviced adequately by and will not adversely affect essential public facilities and services including, streets, police and fire protection, drainage, refuse disposal, water and sewer systems, and parks; and will not, in particular, create traffic congestion or interference with traffic on the adjacent and neighboring public thoroughfares.
 - a. The water flow problem identified and a solution agreed upon by the City and the Lafayette Club to the written satisfaction of the Fire Chief and City Engineer prior to the City issuing a building permit for the proposed improvements.
 - b. "As-built" drawing of the water system" to be provided and approved by the City Engineer by October 15, 2004
 - c. At the request of the City Council, the Lafayette Club will respond cooperatively to requests by the City Council to address the traffic safety issues at the entrance to the Club..
3. No Detrimental Effect: The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person

or property because of excessive traffic, noise, smoke, fumes, glare, orders, dust or vibrations:

4. Destruction, Loss, and Damage: With the Following condition, the use will not result in the destruction, loss or damaged of natural, scenic or historical features or major importance
 - a. A tree protection plan will be submitted and approved by the planning and Zoning Administrator prior to the City issuing a building permit for the improvements.

Further be it resolved that the following conditions to issuing the Seventh Amendment are imposed by the City Council City of the Village of Minnetonka Beach:

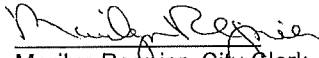
1. The Lafayette Club is responsible for the actions of the contractors.
2. Issuing the Seventh Amendment to the CUP is for the purpose of the improvements in accord with the plans dated August 8 and June 24 2004 and other information submitted and made part of this resolution
3. Hardcover to the requirement of the City Code shall not exceed 30% of the Lot Area.
4. Violation of or non-compliance with any of the terms and conditions of this Resolution issuing the Seventh Amendment to the Conditional Use Permit shall constitute a violation of the zoning code, shall automatically terminate any authority granted herein including the conditional use permit to operate a Club in the Single Family Zoning District, and shall be punishable as a misdemeanor.

Whereupon the resolution was declared duly passed and adopted the 13th day of September, 2004.

Date 11/16/04


James M. Gasch, Mayor

ATTEST:


Marilyn Regnier, City Clerk

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 16th day of November, 2004, by James M. Gasch, Mayor of the City of the Village of Minnetonka Beach, a Minnesota municipal corporation.



Marilyn K. Regnier
Notary Public

Mark Edelmann, President and Scott Bremer, General Manager, the undersigned, warrant that they have express authority to:

1. Make the application for this Seventh Amendment to the CUP, and
2. Sign this Resolution on behalf of Lafayette Club Inc. binding the Lafayette Club, Inc. to the conditions of this Resolution

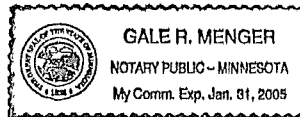
The undersigned Applicants on behalf of the Lafayette Club, Inc. successors and assigns have read, understand and hereby agree to the terms of this Resolution and agree that the conditions contained in this Resolution are reasonable. The undersigned hereby agree to the recording of this resolution in the chain of title of the property.

Dated 11/16/04

Mark Edelmann
Mark Edelmann, President

Scott Bremer
Scott Bremer, General Manager

State of Minnesota)
)ss.
County of Hennepin)



The foregoing instrument was acknowledged before me this 17th day of November, 2004, by Mark Edelmann and Scott Bremer the president and general manager respectively of Lafayette Country Club, a Chapter 317A nonprofit corporation under the laws of Minnesota, on behalf of the corporation.

Gale R. Menger
Notary Public

PREPARED FOR:

LAFAYETTE COUNTRY CLUB

2800 NORTHVIEW ROAD
MINNETONKA BEACH, MN 55361
PHONE (612) 471-8493

PID's 16-117-23-13-0001
16-117-23-42-0001
16-117-23-42-0027

PREPARED BY:

HEDLUND-PLANNING
ENGINEERING SURVEYING

9201 EAST BLOOMINGTON FREEWAY
BLOOMINGTON, MINNESOTA 55420
PHONE (612) 888-0289

LEGAL DESCRIPTION

Parcel 1:

That part of Government Lots 5, 6, and 7, that part, now vacated, of Minnetonka Beach on Lake Minnetonka, and that part of the vacated streets and alleys adjoining said parcels, all in Section 16, Township 117, Range 23, described as follows: Beginning at the intersection of the north line of the Great Northern Railroad right-of-way with the southeasterly line of Cottage Place; thence easterly along the northerly line of said right-of-way to the west line of Lafayette Place vacated; thence northerly along said west line to the shore of Crystal Bay; thence northwesterly, westerly, and southwesterly along the shore of Crystal Bay, to the point of intersection with the northwesterly extension of the southwesterly line of Lot 115, now vacated Minnetonka Beach on Lake Minnetonka; thence southeasterly along said extension and said southwesterly line to the most southerly corner of said Lot 115; thence northeasterly along the southeasterly line of Lots 115 and 114, now vacated, Minnetonka Beach on Lake Minnetonka, to the point of intersection with the northwesterly extension of the southwesterly line of Lot 144, now vacated, Minnetonka Beach on Lake Minnetonka; thence southeasterly along said extension and said southwesterly line, and along the southeasterly extension of the southwesterly line of said Lot 144, to the southeasterly line of vacated Cottage Place; thence southwesterly along the southeasterly line of vacated Cottage Place to the point of beginning.

ALSO: That part of Government Lot 6, Section 16, Township 117, Range 23, described as follows:

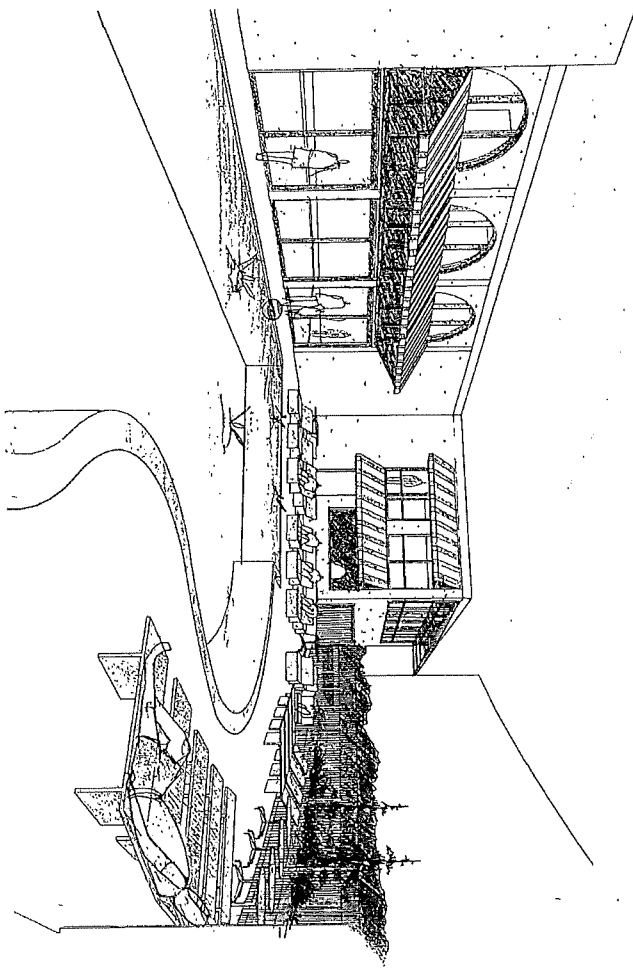
Beginning at the intersection of the south line of the right-of-way of the Great Northern Railroad and the west line of Lafayette Place; thence south along the west line of Lafayette Place to the north line of Lafayette Ave.; thence westerly along the north line of Lafayette Avenue to the east line of the street lying east of Lots 166 and 167 in Minnetonka Beach on Lake Minnetonka; thence north on the east side of said street to the south line of said right-of-way line; thence easterly along same to beginning, in Section 16, Township 117, Range 23, EXCEPT that part lying within the following described tract; That part of vacated Lafayette Place as platted in Minnetonka Beach on Lake Minnetonka and that part of Government Lot 6, Section 16, Township 117, Range 23 described as follows: Beginning at the southwest corner of Lot 1 of said Minnetonka Beach on Lake Minnetonka; thence west along the westerly extension of the south line of said Lot 1, a distance of 71 feet; thence north parallel with the westerly line of said Lot 1, a distance of 82.45 feet; thence east parallel with said south extended line of said Lot 1, a distance of 19 feet; thence north parallel with the westerly line of said Lot 1, to an intersection with north line of said Lot 1 extended westerly; thence east along the westerly extension of the north line of said Lot 1 to the northwest corner of said Lot 1; thence south along the westerly line of said Lot 1 to the point of beginning, according to the United States Government Survey thereof and situated in Hennepin County, Minnesota. And according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

Parcel 2:

All that part of the Dakota Rail Inc. railroad right-of-way located in Section 16, Township 117, Range 23, Hennepin County, Minnesota which lies easterly of Northview Road, formerly Cottage Place as dedicated in the recorded plat of Minnetonka Beach on Lake Minnetonka, and which lies westerly of the extension of the centerline of vacated Lafayette Place as dedicated in the recorded plat of Minnetonka Beach on Lake Minnetonka. Except that part which lies 6 feet on each side of the centerline of the existing main line track.

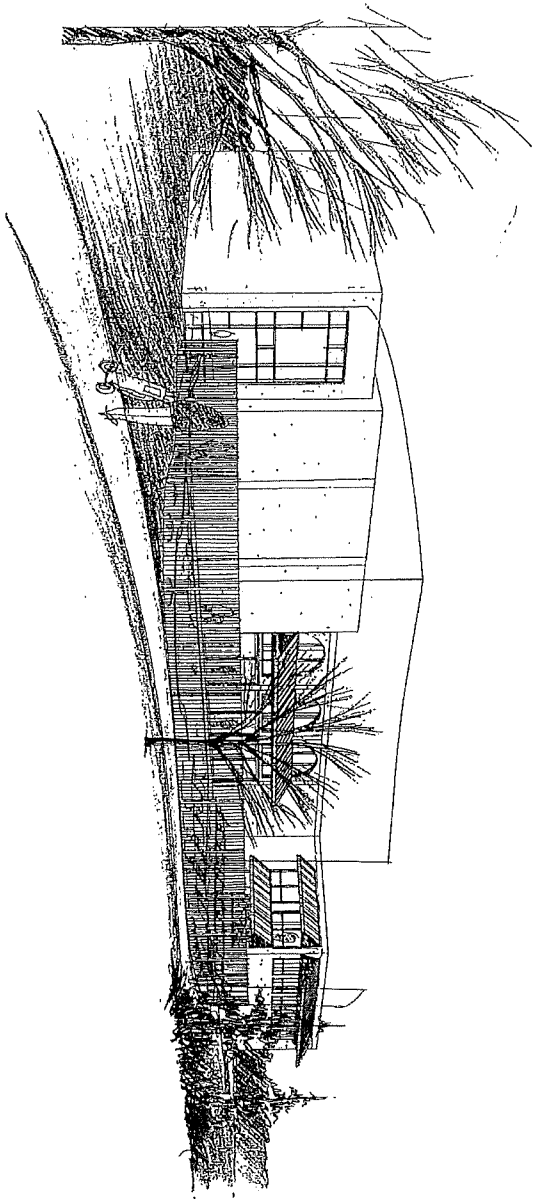
Together with those parts of vacated Lafayette Place and Lafayette Avenue which accrue to the subject property by vacation thereof. Together with easements for crossing as set out in that certain Easement Agreement dated August 9, 1990, filed September 18, 1990 as Document Number 5702973.

8P8393.ctb
28 JUL 2003
LAFAYETTE CLUB
ANKENY KELL ARCHITECTS



ADDITIONS AND
ALTERATIONS

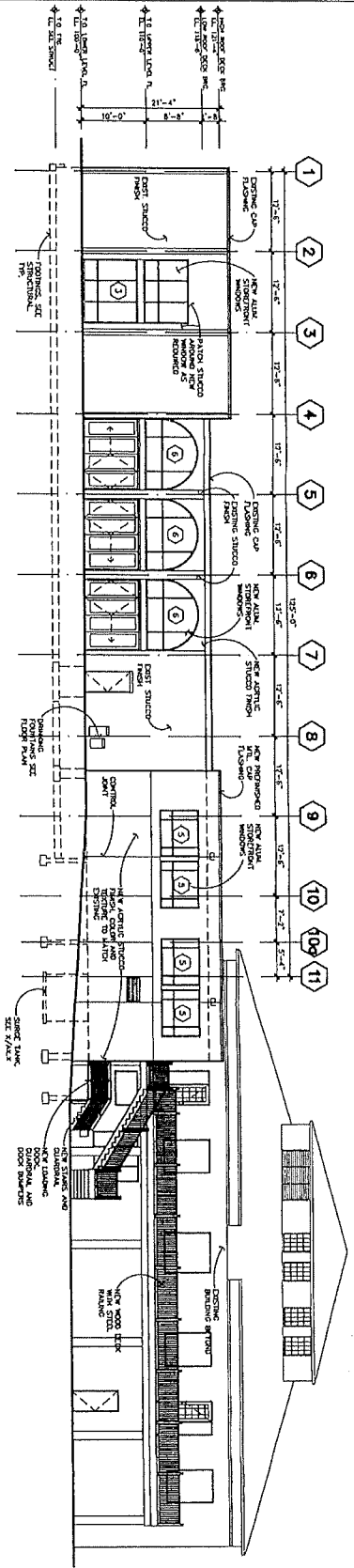
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MAR 13 2005
City of Miami, Central Office



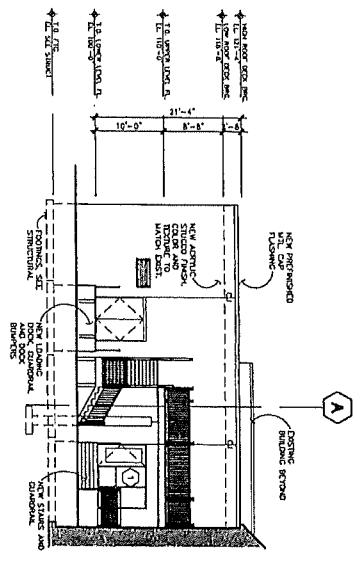
REVISED
MAR 15 2004
City of Milwaukee Branch

FAIRWAY PERSPECTIVE 28 JUN 2003
LA FAYETTE CLUB
LANEY KELL ARCHITECTS

ADDITIONS AND
ALTERATIONS



1 WEST ELEVATION
 A5.1 1/16"=1'-0"



2 SOUTH ELEVATION
 A5.1 1/16"=1'-0"



**Artery
 Kelli
 Architects**

TEL: 954-445-8800 FAX: 954-445-8875

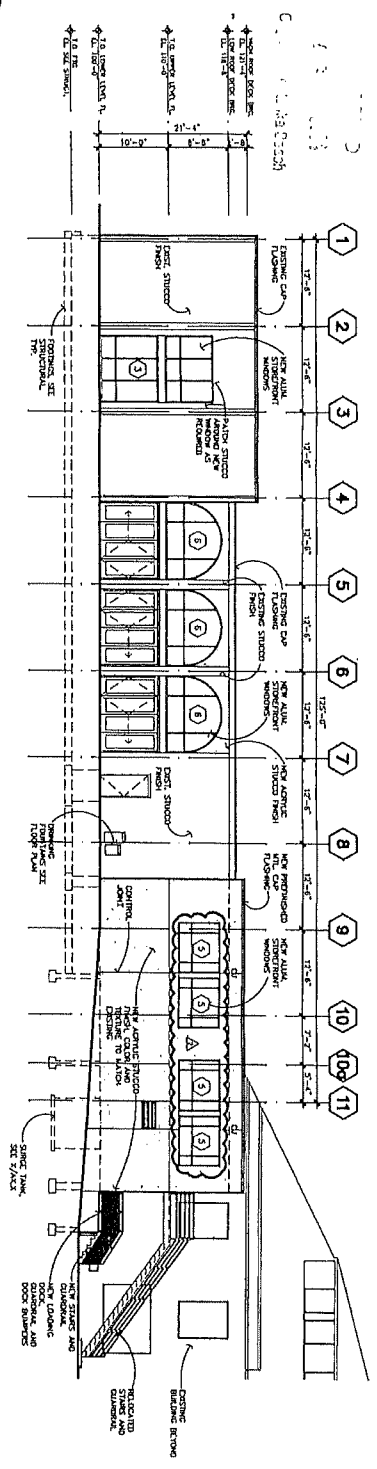
Scale: SEE DRAWING
 Date: 09/16/04
 Drawn By: DAN
 Project No: 4012 04

PARTIAL EXTERIOR ELEVATION
 LAFAYETTE CLUB POOL REMODEL
 2800 NORTHVIEW ROAD
 MINNETONKA BEACH, MN 55391

CONDITIONAL USE
 PERMIT
 AMENDMENT
A5.1

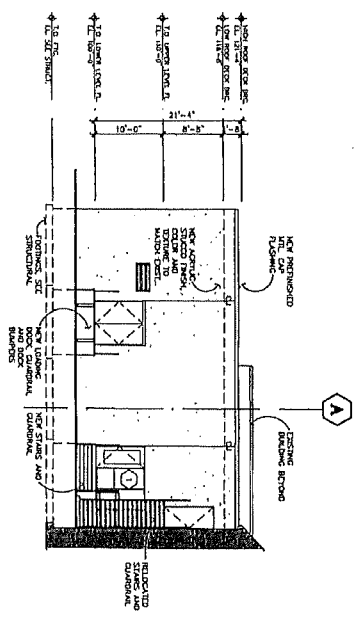
1
A5.1
1/8"=1'-0"

WEST ELEVATION



2
A5.1
1/8"=1'-0"

SOUTH ELEVATION



**Ankeny
Kell
Architects**

Tel: 954-948-9988 Fax: 954-948-9979

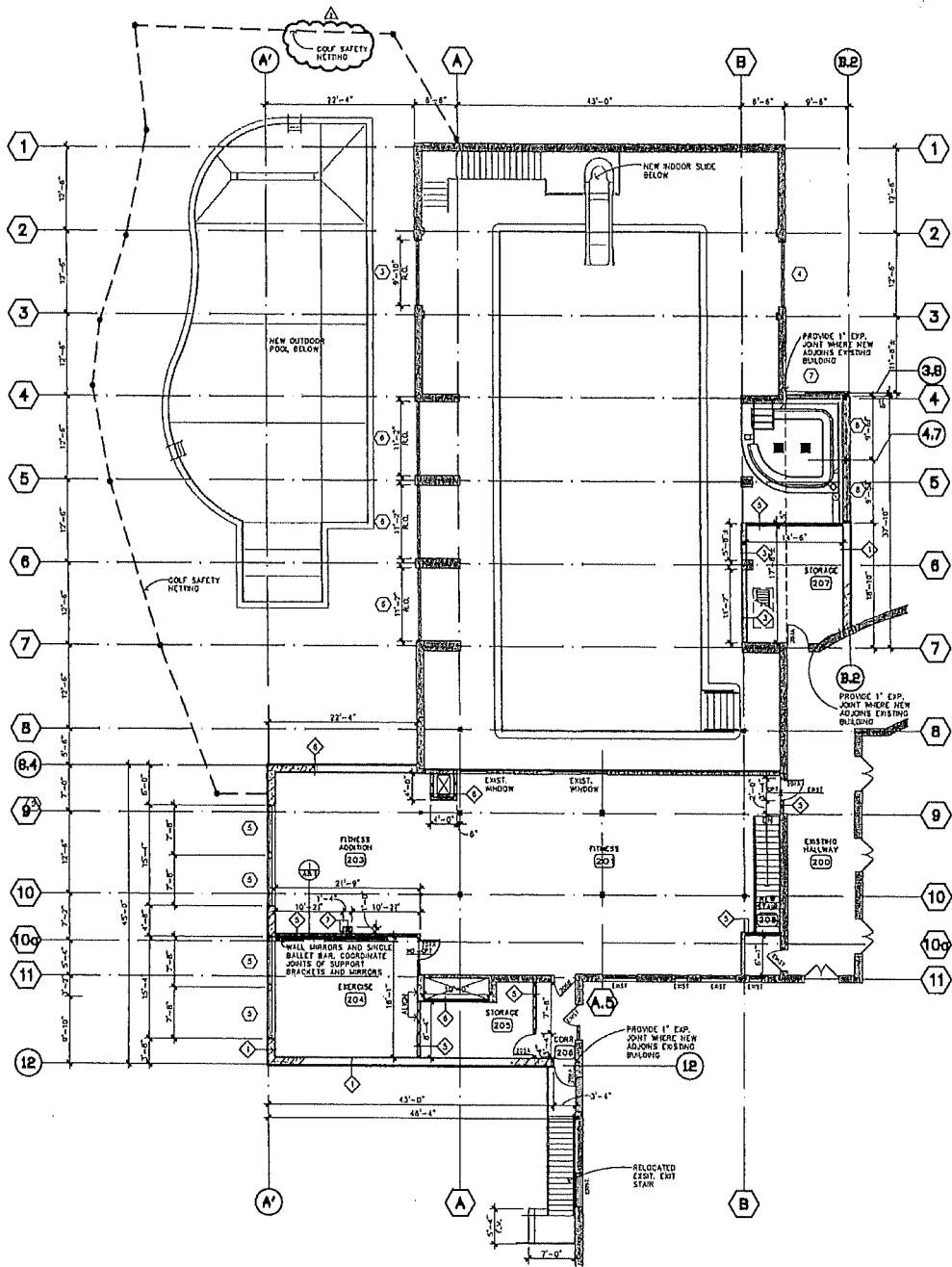
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4012.08

PARTIAL EXTERIOR ELEVATION


LAFAYETTE CLUB POOL REMODEL
2800 NORTHVIEW ROAD
MINNETONKA BEACH, MN 55391

CONDITIONAL USE
PERMIT
AMENDMENT

A5.1



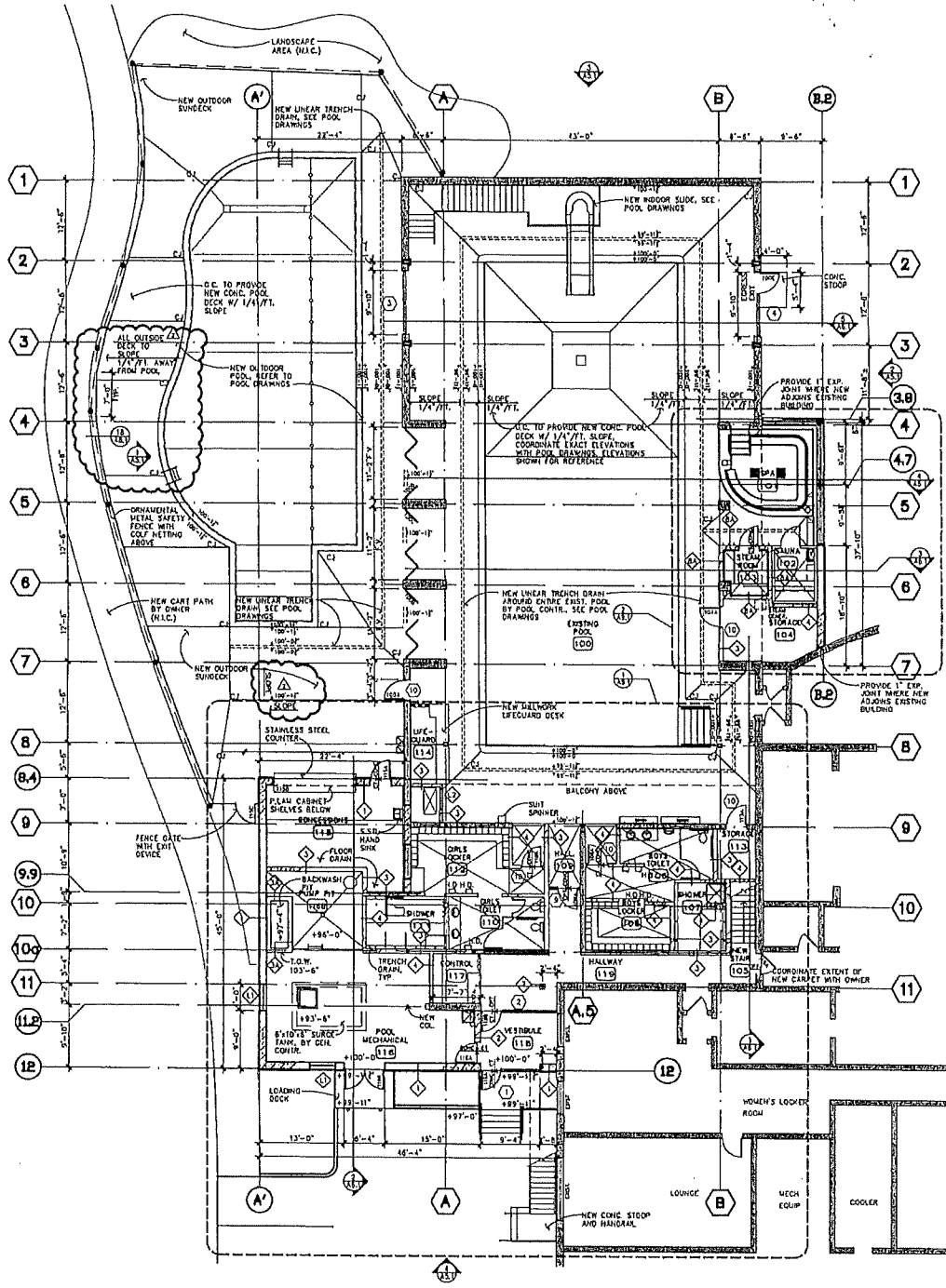
2 UPPER LEVEL REMODEL PLAN
 A2.1 1/16" = 1'-0"

 Ankary Kell Architects	Title 651-445-8888	Fax 651-445-8879

Author SEE DRAWING
Date 08/02/04
Designer DAM
Plotter 4012 06

UPPER LEVEL REMODEL PLAN LAFAYETTE CLUB POOL REMODEL 2800 NORTHVIEW ROAD MINNETONKA BEACH, MN 55391

CONDITIONAL USE PERMIT AMENDMENT A2.1b
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1 LOWER LEVEL REMODEL PLAN
 A2.1 1/16"=1'-0"

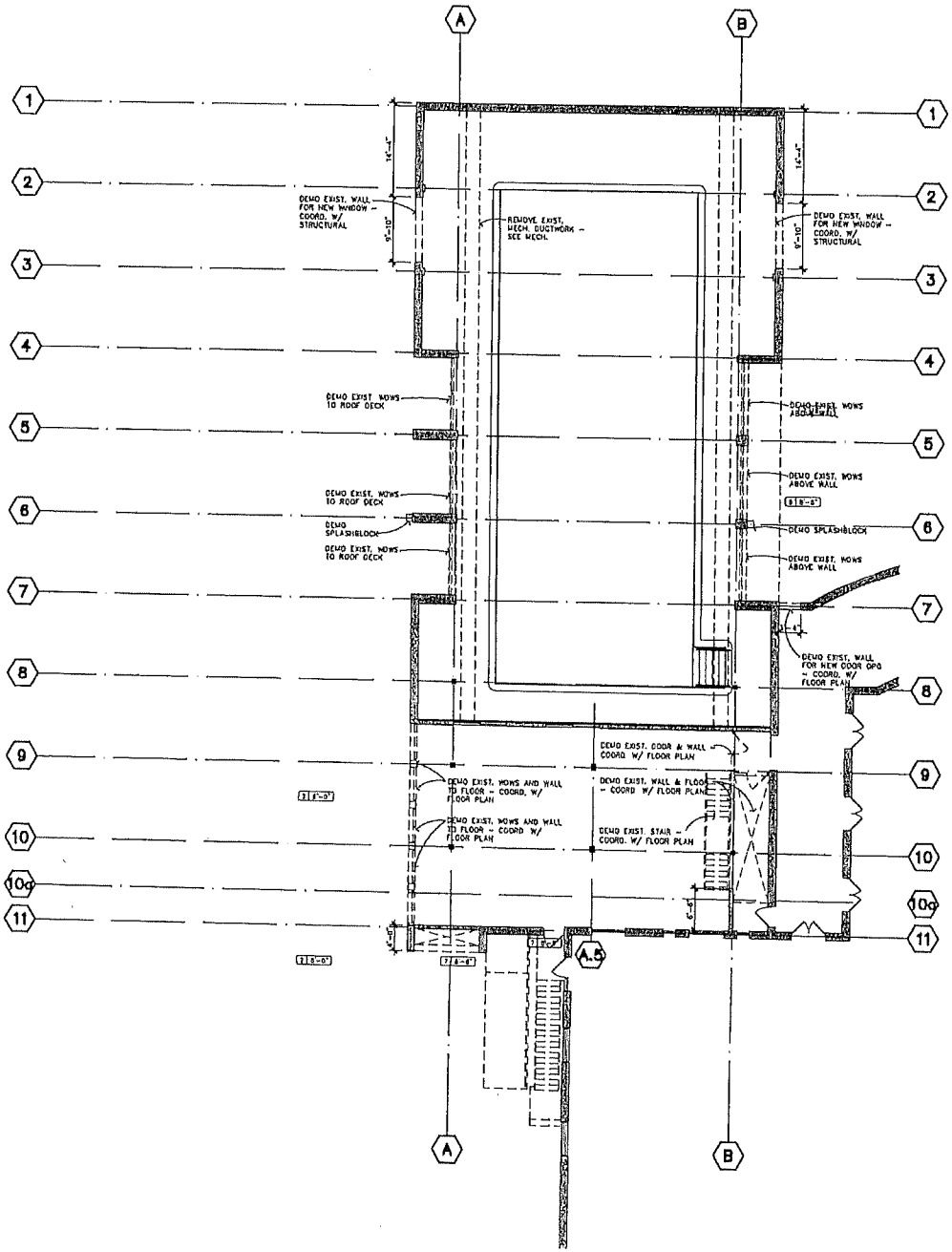


**Artistry
 Kelli
 Architects**


Scale: SEE DRAWING
 Date: 08/02/04
 Drawn By: DAL
 Project No: 4012.00

LOWER LEVEL REMODEL PLAN
 LAFAYETTE CLUB POOL REMODEL
 2800 NORTHVIEW ROAD
 MINNETONKA BEACH, MN 55391

CONDITIONAL USE
 PERMIT
 AMENDMENT
A2.1a



2 UPPER LEVEL DEMOLITION PLAN
 AD1.1 1/16"=1'-0"

 Arborey Kell Architects	Scale: SEE DRAWING Date: 08/02/04 Drawn By: DAA Project No: 4012.06	UPPER LEVEL DEMOLITION PLAN LAFAYETTE CLUB POOL REMODEL 2800 NORTHVIEW ROAD MINNETONKA BEACH, MN 55391	CONDITIONAL USE PERMIT AMENDMENT AD1.1b
	1-804-945-8888 Fax: 800-645-8879		



1 LOWER LEVEL DEMOLITION PLAN
1/16"=1'-0"

