

CITY OF THE VILLAGE OF MINNETONKA BEACH

RESOLUTION NO. 2005-22

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT FOR CHANGES TO THE ENTRANCE AND A NEW CANOPY OVER THE EXISTING DRIVE AND FOR CONSTRUCTION OF A FLAGPOLE AND THIRD IDENTIFICATION SIGN NEXT TO THE LAKE, FOR THE LAFAYETTE CLUB AT 2800 NORTHVIEW ROAD

EIGHTH 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 Edelmann, 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 City Clerk has caused a notice of publication to be published in the official newspaper, such notice of public hearing dated June 4, 2005, and has caused notification to be made to the property owners within 350 feet of the subject property of the public hearing and has notified the Commissioner of the Minnesota Department of Natural Resources as to the consideration of the proposed amendment, and;

WHEREAS, the Applicant has applied for a Eighth Amendment to the Conditional Use Permit dated November 14, 1988 and amended periodically, by the application dated May 24, 2005, and;

WHEREAS, the Applicant has provided information in the application as to the nature of the requested Eighth 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 received May 24, 2005 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 eighth 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 June 20, 2005 and by the City Council on July 11, 2005, 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 Eighth 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 Eighth Amendment to the CUP to allow the improvements consisting a new entrance, entrance canopy and canopy over the driveway on the south 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 Eighth 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 are 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. "As built" drawing of the water system be provided and approved by the City Engineer by December 31, 2005;
 - b. The water main from the clubhouse to Woodbridge Road water problems with stones be resolved to the satisfaction of the City Engineer and Fire Chief prior to the City by December 31, 2005.
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. The canopy roof to match to the tile roof of the building.

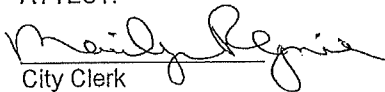
Further be it resolved that the following conditions to issuing the Eighth Amendment are imposed by the City Council City of the Village of Minnetonka Beach:

1. The Lafayette Club is responsible for the actions of the contractors.
2. Issuing the Eighth Amendment to the CUP is for the purpose of the improvements in accord with the plans received May 24, 2005 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 Eighth 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.

Date 9/6/05

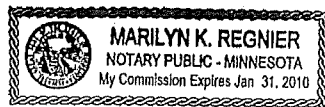

James M. Gasch, Mayor

ATTEST:


City Clerk

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 6th day of September, 2005, by James Gasch, Mayor of the Village of Minnetonka Beach, a Minnesota municipal corporation.




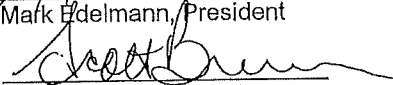

Notary Public

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

1. Make the application for this Eighth 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

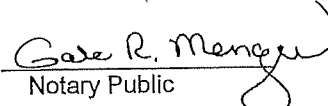
The undersigned Applicants on behalf of the Lafayette Club, Inc. successors and assigns have read, understand, and hereby agree to the terms of this Resolution and agree that the conditions contained in this Resolution are reasonable. The undersigned hereby agree to the recording of this resolution in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

Dated 9/8/05


Mark Edelman, President

Scott Bremer, General Manager

State of Minnesota)
)ss.
County of Hennepin)

The foregoing instrument was acknowledged before me this 8th day of September, 2005, by Mark Edelman 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.


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:

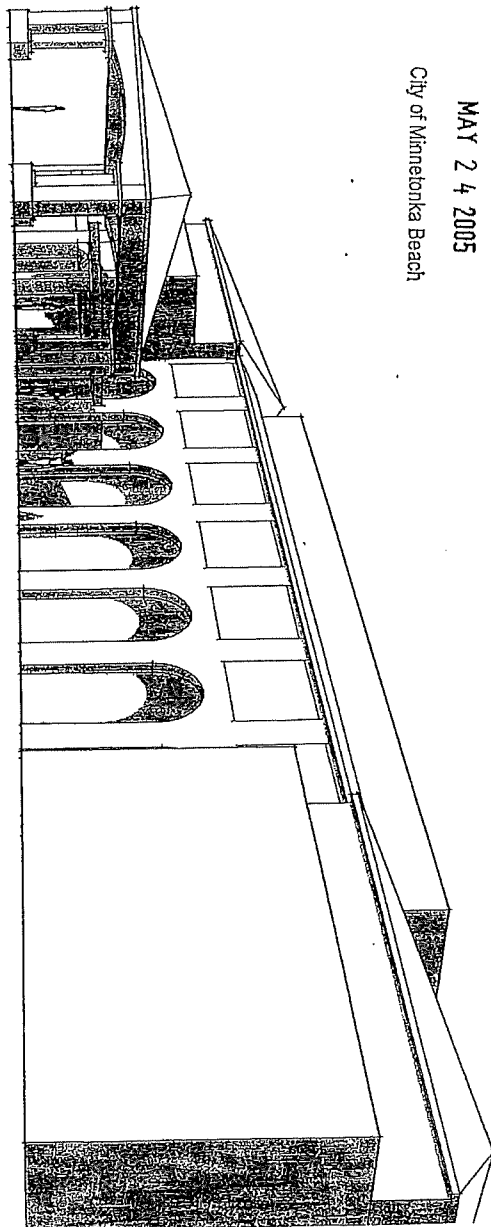
All that part of the Dakota Rail Inc. railroad right-of-way located in Section 16, Township 117, Range 23, Hennepin County, Minnesota which lies easterly of Northview Road, formerly Cottage Place as dedicated in the recorded plat of Minnetonka Beach on Lake Minnetonka, and which lies westerly of the 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 16, 1990 as Document Number 5702973.

RECEIVED

MAY 24 2005

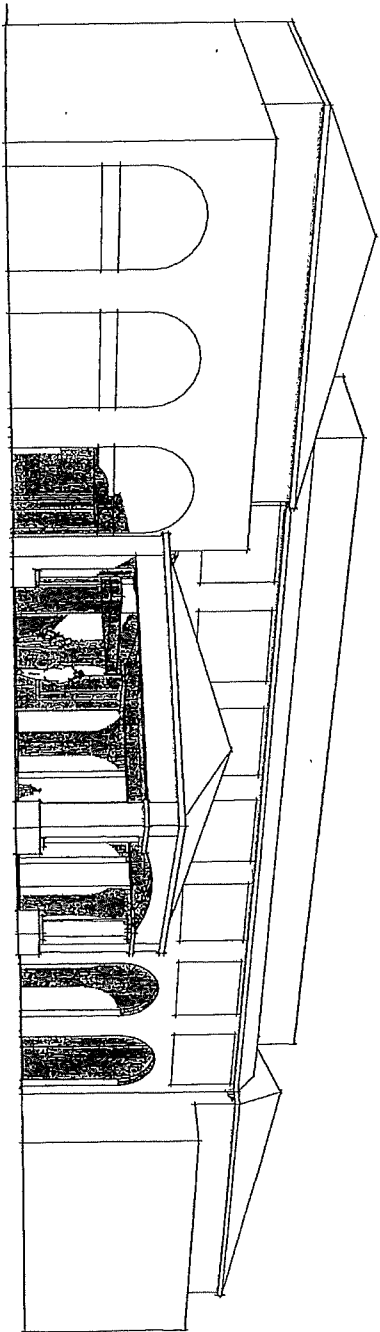
City of Minnetonka Beach

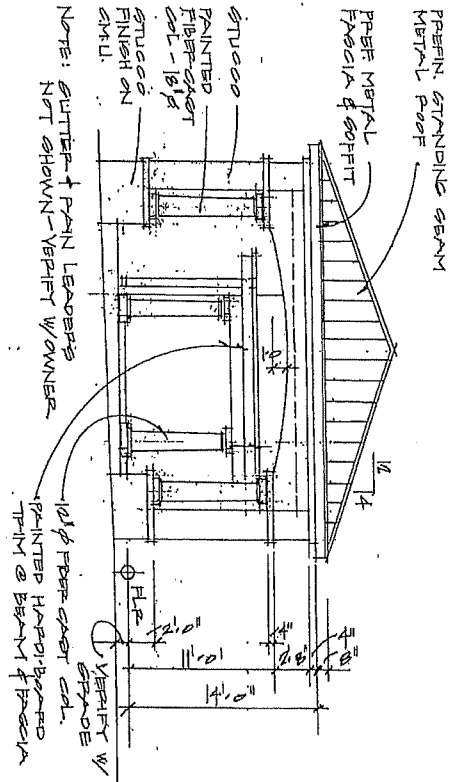


RECEIVED

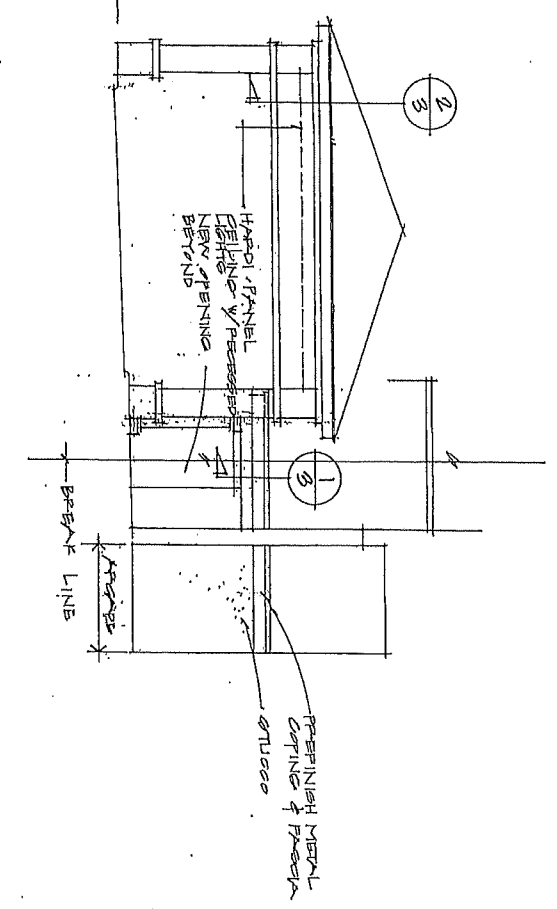
MAY 24 2005

City of Minnetonka Beach





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



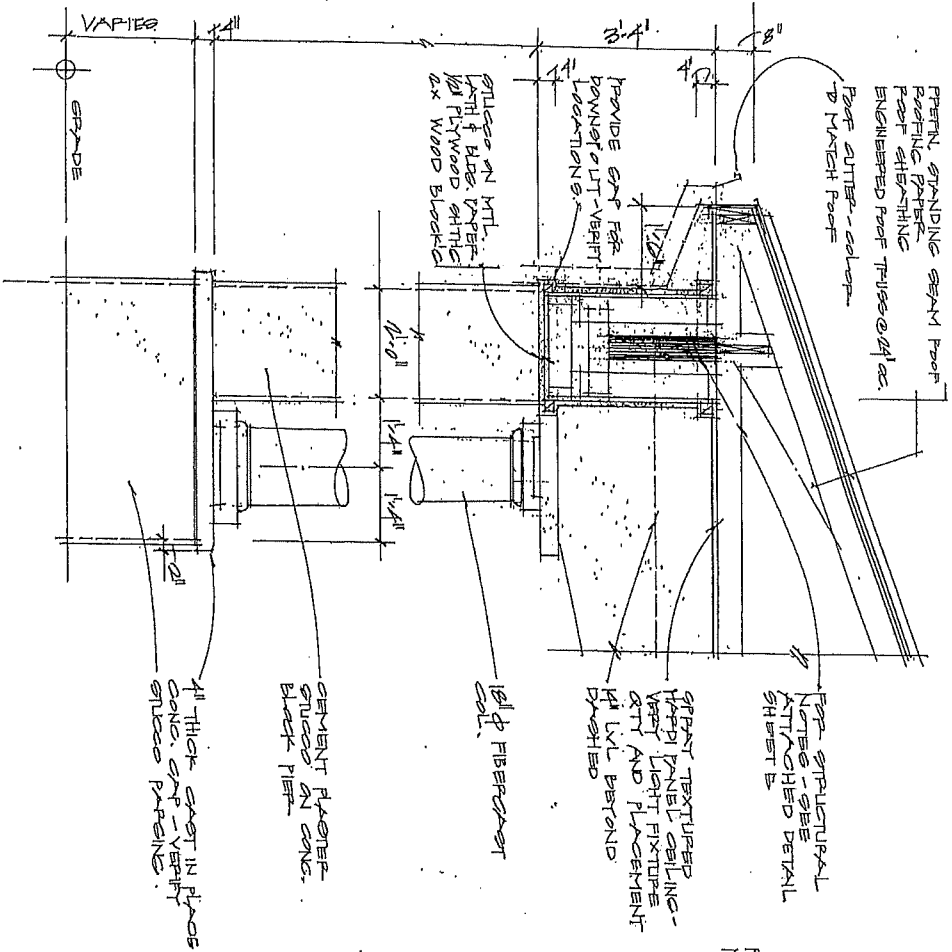
2 CANOPY ELEVATION
1/8" = 1'-0"

NOTE: GUTTER + RAIN LEADERS NOT SHOWN - VERIFY W/ OWNER

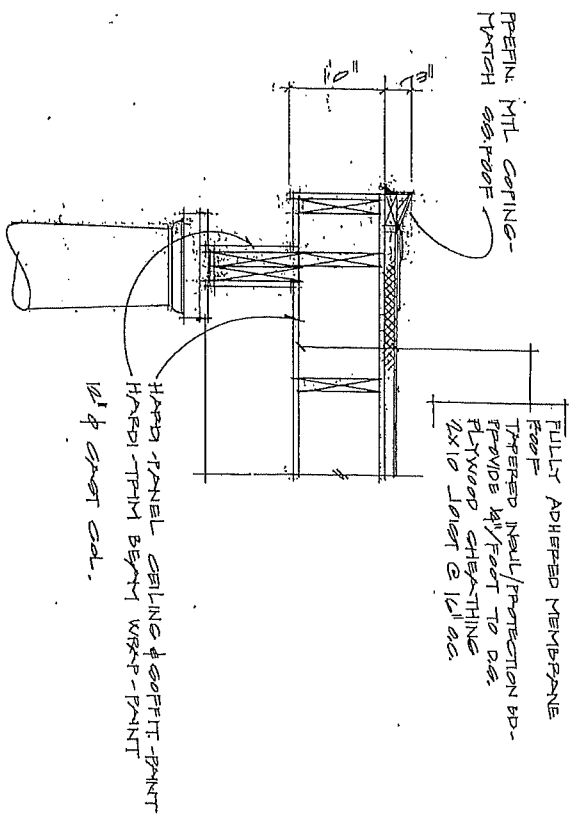
1 1/2" PER SPACER SILL PAINTED HARD BOARD TRIM @ BEAM & FASCIA

RECEIVED
MAY 24 2005
City of Minnesota Beach

SHEET 2
OF 3

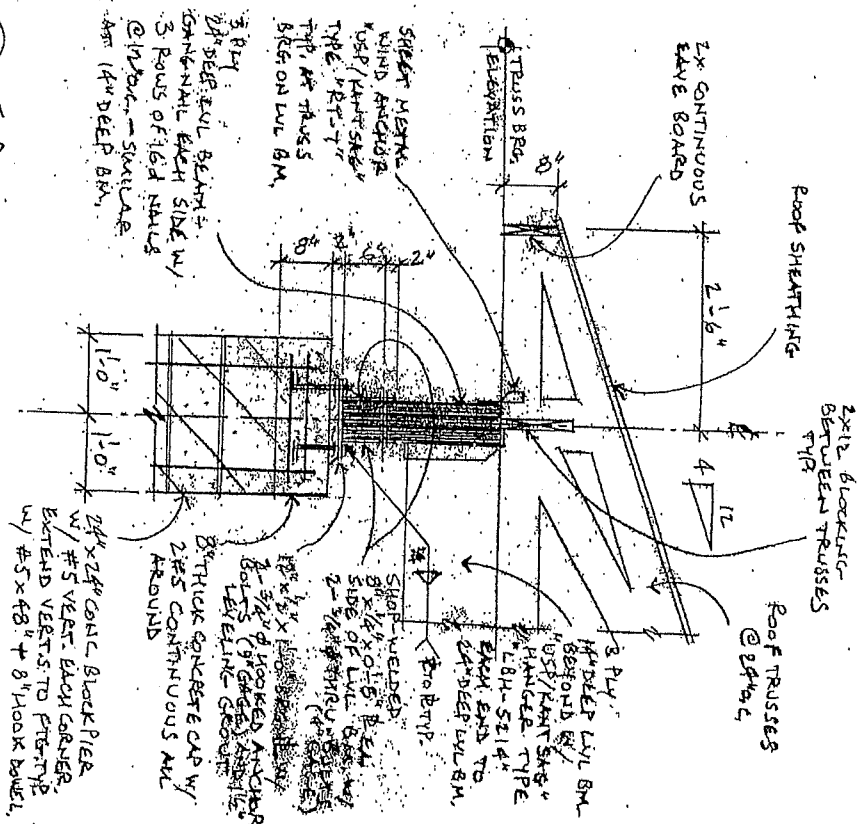


2 SECTION DETAIL @ CANOPY
 1/2" x 1/2" =



1 ROOF EDGE DETAIL
 1/2" x 1/2" =

RECEIVED
 MAY 24 2005
 City of Manalapan Beach



SHEET METAL
 WIND ANCHOR
 USE / PLANT SKEW
 TYPE 4 RT-T
 TRIP AT TRUSS
 BRG ON LVL BM.

3 BAY
 24\"/>

SHIP WELDED
 8\"/>

X
 X
 3/4\"/>

TYPICAL SECTIONS

RECEIVED (415.05)

MAY 24 2005
 City of Manalapan Beach

SHEET 12
 OF 15