Ordinance No. 2015-11

An ordinance removing area from the wetland overlay district at 5735 County Road 101 for relocation of the Clear Spring Elementary School bus access

The City Of Minnetonka Ordains:

Section 1. Background

1.01 As part of the County Road 101 reconstruction project the bus access to Clear Spring Elementary School will be relocated to the property at 5735 County Road 101. An existing wetland must be filled and a larger ponding area must be created to accommodate the relocated access and associated ponding requirements.

1.02 The property to be removed from the overlay district is depicted on Exhibit A of this ordinance.

Section 2. Findings

2.01 The removal of the area from the overlay district would not compromise the public health, safety, and welfare.

2.02 The removal of area from the overlay district would be consistent with the intent of the code and the comprehensive plan.

1. The wetland ordinance recognizes that the reconstruction of existing public roads may be necessary to improve functionality and safety and, therefore, exempts such reconstruction. Because the bus access is not existing, this exemption does not apply. However, the relocation of the bus access – and resulting wetland fill – is directly related to reconstruction of an existing road. It would improve the functionality and safety of the county road.

2. One of the primary transportation-oriented community values outlined in the comprehensive plan is to “enhance resident and business mobility with quality roads and transit.” The relocation of the bus access – and resulting wetland fill – is directly related to reconstruction of an existing road. It would improve the functionality and safety of the county road, thereby enhancing mobility.
Section 3. Action

3.01 The existing wetland area at 5734 County Road 101 is hereby removed from the wetland overlay zoning district.

3.02 This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 20, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: March 23, 2015
Date of adoption: April 20, 2015
Motion for adoption: Bergstedt
Seconded by: Acomb
Voted in favor of: Wagner, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against:
Abstained:
Absent: Ellingson
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on April 20, 2015.

David E. Maeda, City Clerk
EXHIBIT A

AREA TO BE REMOVED FROM WETLAND OVERLAY DISTRICT