

**MINNETONKA PLANNING COMMISSION
MINUTES**

JULY 1, 2004

1. CALL TO ORDER

Chair Hart called the meeting to order at 6:30 p.m.

2. ROLL CALL

Commissioners Periolat, Bonoff, Maes, and Hart were present. Allendorf, Britain, and Gallop were absent.

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, and Environmental Coordinator Jo Colleran.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted. Olson explained that Items B, a resolution approving a front yard setback variance to build a tennis court at 1617 Linner Road for Oslund and Associates (03074.04a), and C, a resolution approving a side-yard variance to build a second garage stall addition on the home at 3701 Elmwood Place for Sharratt Design & Company (04041.04a), were removed from the agenda due to the absence of three commissioners and the items requiring five votes to pass a motion. Olson stated that the items were scheduled to be reviewed at the July 15, 2004 planning commission meeting.

Olson reviewed that the July 1, 2004 change memo included a neighborhood comment that supported Item 7A, a resolution approving a conditional use permit for a daycare/preschool facility for up to 100 children at 13613 Orchard Road for Bet Shalom Synagogue/Shalom Yeladim Preschool (99073.04a).

- 4. APPROVAL OF MINUTES:** June 17, 2004

Bonoff moved, second by Periolat, to approve the June 17, 2004, meeting minutes.

Periolat, Bonoff, Maes, and Hart voted yes. Allendorf, Britain, and Gallop were absent. Motion carried.

5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of June 28, 2004:

- Approved the conditional use permit for telecommunications antennas and ground equipment, with a wetland setback variance from 35 feet to 10 feet, at the northwest corner of Stone Road and I-494 for Voicestream Minneapolis (93039.04a) with the planning commission recommendation.
- Approved a preliminary plat, with lot width at the right-of-way variance from 80 feet to 0 feet for Lot 1, and a rear yard setback variance from 40 to 25 feet for the existing home, and a shared driveway setback variance from 17 to 0 feet (04035.04a) for a two-lot subdivision on Prestige Lane for Andy and Joyce Mundahl in accordance with the planning commission's recommendation.
- Approved the conditional use permit for an outdoor eating area, with a side yard setback variance, and site and building plan review for an expansion of the restaurant, with a setback variance for a small building addition and a variance to reduce the required number of parking stalls (93003.04a). The city council added one condition that restricted outdoor eating hours to end at 10 p.m. on weeknights and 11 p.m. on Friday and Saturdays.
- Approved the conditional use permit for a learning center and special education school in an industrial zoned district at 11140 Bren Road for Intermediate School District 287 (04033.04a). The school district removed the learning center from the proposal, which eliminated the need for a traffic study since all of the students would be bused. The city council added a condition prohibiting student drivers, unless the district approved certain exceptions, and replacement of the trees on the west property line.

6. **REPORT FROM PLANNING COMMISSION MEMBERS:** None

7. **PUBLIC HEARINGS: CONSENT AGENDA**

No items were removed from the consent agenda for discussion or separate action.

Maes moved, second by Bonoff, to approve the item listed on the consent agenda as recommended in the respective staff reports as follows:

- A. **Resolution approving a conditional use permit for a daycare/preschool facility for up to 100 children at 13613 Orchard**

**Road for Bet Shalom Synagogue/Shalom Yeladim Preschool
(99073.04a)**

Recommend that the city council adopt the resolution on pages A1–A6 of the staff report, which approves a conditional use permit for a daycare/preschool facility for up to 100 children at 13613 Orchard Road for Bet Shalom Synagogue/Shalom Yeladim Preschool. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Prior to release of this resolution, submit an egress plan for fire marshal review and approval.
- 2) Record this resolution with the county.
- 3) A formal traffic study is required if the facility's enrollment increases beyond 100 children.
- 4) The city council may reasonably add or revise conditions to address any future unforeseen problems
- 5) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
- 6) The applicant must agree to the above conditions in writing.

B. Resolution approving a front yard setback variance to build a tennis court at 1617 Linner Road for Oslund and Associates (03074.04a)

Was removed from the agenda and tentatively scheduled for the July 15, 2004 planning commission meeting.

C. Resolution approving a side-yard variance to build a second garage stall addition on the home at 3701 Elmwood Place for Sharratt Design & Company (04041.04a)

Was removed from the agenda and tentatively scheduled for the July 15, 2004 planning commission meeting.

Periolat, Bonoff, Maes, and Hart voted yes. Allendorf, Britain, and Gallop were absent. Motion carried and the item on the consent agenda was approved as submitted.

8. PUBLIC HEARINGS

A. Items concerning the expansion of the Gianna Homes residence at 4605 Fairhills Road East for Gianna Homes-Sursum Corda, Inc. (01071.04a):

- 1) Revision of a conditional use permit; and**
- 2) Site and building plan review, with setback variances.**

Chair Hart introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report. Thomas noted that Ann Marie Hanson, president of Gianna Homes, was present to answer questions regarding programming and policies and the architect, Steve Christoff, was also present to answer questions.

Maes asked staff to address a resident's concern regarding the proposal's arch not fitting in the residential area. Thomas stated that the architectural features of the building were reviewed as part of the conditional use permit. An exterior alteration may be allowed by the city council. Staff felt the structure maintained a residential appearance rather than an institutional appearance.

Maes was comfortable with that answer. She asked if there would be a maximum number of residents allowed by a conditional use permit. Thomas stated that the ordinance does not set a specific limit. However, Olson added that the facility is required to have 300 square feet of residence and 3,000 square feet of lot area for each over-night resident.

Chair Hart confirmed with Thomas that the conservation easement would considerably reduce the site's buildable area.

Periolat asked if there had been any parking complaints with the current use. Thomas stated that the planning department had not received complaints previously, but parking concerns were mentioned in the feedback forms provided by residents.

Bonoff asked if staff discussed parking with the applicant. Thomas answered in the affirmative. She was aware that Ms. Hansen would address the issue. She added that Giannia Homes has a standard policy of prohibiting on-street parking.

Ann Marie Hansen, president of Gianna Homes, applicant, expressed her appreciation of working with staff and their help with addressing neighbors' concerns. She facilitated two neighborhood meetings, but they were poorly attended. Ms. Hanson stated that:

- The proposed driveway would encourage parking in the rear of the building.
- Construction in 2000 caused vehicles to be parked in the street, but since then policies and procedures have been implemented to prevent any on-street parking.
- Much of the traffic on Fairfield Road is not affiliated with Gianna Homes.
- The Board of Directors does not intend Gianna Homes to get any larger.

Bonoff asked Ms. Hanson to address the resident's comment regarding staff turnover. Ms. Hansen stated that half of the staff has been with the company four years. The other half has been with them for approximately two years, so they do not have rapid staff turnover. The staff are paid and treated well, so there is not a large amount of turnover. Continuity of caregivers is something they focus on.

Periolat asked if she felt that most of the parking concerns originated from the time construction was done and not the amount of traffic the home currently generates. Ms. Hansen believed that was the case. She explained how visitors are notified to not park on the street, formal letters are sent, and staff asks visitors to move vehicles off the street. Once a year, there is a Christmas party where they include in the invitation that drivers should park on the home's side of the street.

Periolat confirmed with Ms. Hanson that staff monitor vehicles parking on the street. Ms. Hanson stated that a new visitor would be one who might park in the street.

The public hearing was opened.

Frederick J. Smith, 4714 East Fairhills Road, stated that he and his wife built their house 50 years ago. He was glad he heard Ms. Hanson's comments. He referenced his letter that expressed his concern with the parking problem. He

presented pictures that illustrated traffic problems he witnessed. One car parked on one side of the street created a problem for traffic on the narrow street. He appreciated that the applicant tries to prevent on-street parking, but it is still a problem. He explained the hazards illustrated in each picture. The foliage and narrow road create a hazard. The plan does not show everything next to the island. A circle drive travels around the evergreen island and that will not allow 2 vehicles to pass. Signage would help a great deal. He has called the police 6 times this year. He requested "no parking" signs be installed to prevent all parking in the area. He felt bad that he had to speak negatively. Gianna Homes looks nice and they are doing the best they can, but the situation has to be rectified to an extent further than saying that "we're working on it."

Maes felt an opportunity has been presented to work together to create a solution with Gianna Homes. The applicant is willing to make changes to better help the neighbors. Mr. Smith felt that came across and he appreciated it. Gianna Homes has improved their site. It is a beautiful place. The expansion looks wonderful. He was concerned that expanding the parking could cause sewage problems in the circle. Mr. Smith felt his neighbors would agree that the proposal was being handled well.

Bonoff had a hard time finding the parking lot when she visited the site because it looked like a residential home. She felt the new design would better direct motorists to the rear parking lot. Mr. Smith agreed.

Perolat asked if the planning commission could require a small directional sign be added at the drive. Olson stated that the planning commission could make a recommendation to the city council. The city council would make the final determination.

Olson agreed with Chair Hart that a separate motion could be made suggesting that the city council consider including a directional sign for the drive and/or no parking signs to be installed on the street.

No further testimony was submitted and the public hearing was closed.

Perolat agreed that Minnetonka has changed. She remembered when Highway 7 was a two-lane street. She appreciated how that corridor has changed. The commissioners visited the site and saw the stress caused by the road island and the need for room to turn around. She suggested a small sign that indicated visitor parking. Mr. Smith supported "do not park between signs" signs. Perolat agreed that the arch design would help direct drivers to the side driveway. In

addition to no parking signs, she supported a directional sign to point out the driveway.

Chair Hart acknowledged that the applicant was trying to strike a balance between operating like a commercial venture and looking like a home. Mr. Smith agreed that the applicant has done a wonderful job.

Chair Hart agreed that the archway would direct traffic to the entrance.

Maes asked if there would still be parking in the front of the building. Steve Christoff, architect for the applicant, explained that the illustration was an earlier version. It had been revised to create a turnout concept in the entrance drive to allow drop-off in front of the home, off the roadway.

Thomas provided a drawing that illustrated that there would be no parking in the front of the building. Mr. Christoff stated that existing drop-offs may create traffic congestion in the area. The concept of the carriage house look would allow access to the facility and provide a covered area, three lanes wide. There would be room for a vehicle passing during loading or unloading. Chair Hart confirmed that the illustration demonstrated that two vehicles would be able to move through the area.

The public hearing was reopened.

Laurie Volosik, 4608 Fairhills Road East, stated that she lives across the street and was concerned that the proposal would cause a conflict with her driveway. Chair Hart clarified that the proposed driveway would be north of Ms. Volosik's residence. Ms. Volosik was concerned that it would impact the ability of getting in and out of her driveway. Chair Hart stated that a driveway would be better than the parking spaces that are currently there. Ms. Volosik understood, but was concerned with the rerouting. Chair Hart explained that the intent was to replace parking with landscaping at the front of the building, but still provide a route down to the parking area. Mr. Christoff concurred.

Thomas stated that the engineering department has reviewed the plan and found it to be acceptable.

No additional testimony was submitted and the public hearing was closed.

Bonoff supported Gianna Homes providing a directional sign. Olson stated that each residence is allowed to have an identification sign, no larger than two

square feet. Chair Hart encouraged Gianna Homes and the neighbors to discuss the pros and cons of an identification sign for the home.

Maes noted the importance of the applicant continuing to regulate parking at the site.

Chair Hart reviewed the primary issues.

Maes emphasized the importance of the service that Gianna Homes provides people in Minnetonka so that friends and parents can be kept close.

Perolat was pleased with the conservation easement part of the proposal. This would limit expansion and ensure the preservation of trees.

Maes moved, second by Bonoff, to recommend that the city council approve the following items concerning the expansion of the Gianna Homes residence at 4605 Fairhills Road East for Gianna Homes-Sursum Corda, Inc. (01071.04a):

- 1) *Recommend that the city council adopt the resolution on pages A1–A5 of the staff report, revising a conditional use permit to increase the maximum allowed residents from 7 to 10 at the Gianna Homes residence at 4605 Fairhills Road East. This resolution is based on the finding that the proposal meets all conditional use permit standards and is subject to the following conditions:*
 - a. Prior to issuance of a building permit, submit a landscape plan. The plan must include native species to be planted in the northwest corner on the property and south of the proposed parking lot. The plan is subject to the review and approval of the environmental resource coordinator.
 - b. Record this resolution with the county prior to issuance of a building permit.
 - c. A parking and exiting policy must be reviewed and enforced with staff, service providers, and visitors. No on-street parking is allowed.
 - d. The house and proposed addition must be sprinklered, subject to review and approval by the fire marshal.

- e. The city council may reasonably add or revise conditions to address any future unforeseen problems.
 - f. Any change to the approved use that results in a significant increase in traffic or significant change in character would require a revised conditional use permit.
 - g. The applicant must agree to the above conditions in writing.
- 2) *Recommend the city council approve final site and building plans, with setback variances, for Gianna Homes residence at 4605 Fairhills Road East. Approval is based on the following findings:*
- a. Apart from the setback variances, the proposal meets the site plan standards.
 - b. The proposal meets the required standards for a variance, because:
 - (1) The location of existing common rooms creates a functional difficulty and creates undue hardship. Though an addition could be made to the rear of the building without variance, it would eliminate windows and natural light from these common rooms.
 - (2) The location of the existing parking area creates a functional difficulty. Locating additional parking to meet all setback requirements would move the area closer to the neighboring home to the south, providing less screening.
 - (3) The property is oddly shaped and subject to two front yard setback requirements. These circumstances are not common to every residentially zoned area in the city or in the neighborhood.
 - (4) The Fairhills Road area is a unique residential neighborhood, with lots of varying sizes and shapes, and homes of various designs. The proposed building and parking lot additions would not impact this character.

- (5) The variances would meet the intent of the ordinance. The building and parking lot additions would not affect existing building lines in the area and would maintain adequate separation from State Highway 7.

Approval is subject to the following conditions:

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan dated June 15, 2004
 - Grading plan dated June 15, 2004.
 - Building elevation date stamped March 19, 2004
- b. The following work must be completed before the city issues a grading permit or before starting any site work:
 - (1) Submit for city attorney review and approval a conservation easement document and drawing in substantial compliance with that as illustrated and submitted in the staff report dated July 1, 2004. Construction activity is prohibited in the easement. Tree removal is likewise prohibited, unless necessary to remove diseased or evasive species. The easement and drawing must be recorded with the county.
 - (2) The installation and maintenance of temporary rock driveways, erosion control, and tree protection fencing, subject to review by the city's environment resources coordinator.
 - (3) Submit final site, grading, drainage, utility and erosion control plans for staff review and approval.
 - (4) Submit final landscaping plan for staff review and approval.
 - (5) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - (6) Submit a construction management plan for staff approval.

- c. The following must be submitted to the city before the city issues a building permit:
 - (1) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
 - (2) Automatic fire sprinkler system plans for the house and addition. These plans are subject to review and approval by the fire marshal.
 - a. A fire sprinkler system must be installed in the house and addition during construction of the addition.
 - b. The property owner is responsible for replacing any required landscaping that dies.
 - c. Construction must begin by December 31, 2005, unless the planning commission grants a time extension.

Periolat, Bonoff, Maes, and Hart voted yes. Allendorf, Britain, and Gallop were absent. Motion carried.

Bonoff moved, second by Periolat, to recommend that the city council look at the parking and traffic problems on Fairhills Road East in front of Gianna Homes and consider adding "no parking" signs on Fairhills Road East in front of Gianna Homes.

Periolat, Bonoff, Maes, and Hart voted yes. Allendorf, Britain, and Gallop were absent. Motion carried.

B. Preliminary plat to divide one lot into three-lots at 11413 Fetterly Road West for Capestone Builders (04043.04a)

Chair Hart introduced the proposal and called for the staff report.

Teague reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Chair Hart asked how the timetable for the storm water project would be determined. Olson believed that the project would be funded by the storm water utility fund that handles neighborhood projects, so it would be handled in the near

future. Chair Hart asked if there would be any cost to the residents. Teague confirmed that there would be no assessment to the residents in the area.

Chair Hart confirmed with Teague that the orange area represented the building pad. Chair Hart clarified the drainage route with Teague.

Periolat asked if the residence on Lot 3 met setback requirements. Teague answered in the affirmative. He explained that the ordinance requires the sum of the two side yards to be at least 30 feet, with no less than 10 feet on one side. The residence on Lot 3 has a 10-foot setback, so the adjacent lot would be required to have a 20-foot setback.

Roger Anderson, applicant's civil engineer, stated that Brian Harju, of Capestone Builders, was also present to answer questions. Mr. Anderson stated that:

- Most of the site's issues have been addressed, including tree preservation of oak, evergreen, and poplar groupings.
- The house pads may vary from those shown on the plan. The locations were chosen to save trees and minimize grading.
- Grading would not occur until a specific house plan had been determined to minimize grading.
- The plat illustrated that each lot would meet the city's minimum buildable area requirement of 3,500 square feet.
- No variances are needed. The plat works well with the land.
- The drainage problem for the owner to the west needs to be resolved whether the proposal is approved or not; it is an existing problem.
- Change is difficult for some, but the proposal would not create a negative situation. When each resident's house and driveway was created, each had to go through a similar process.
- He agreed with staff's recommendation regarding utilities and grading.

The public hearing was opened.

David Abrams, 11501 Fetterly Road, complimented Olson and staff for their assistance and prompt, clear, concise, and sincere replies to his inquiries. He was confident that solutions that would meet the needs of all involved existed. City maintenance personnel had also been responsive to his needs. The city has provided a water pump to drain the swale in front of his house during heavy rains and built a bituminous curve to help keep his basement dry.

Mr. Abrams stated that he was rebuffed by Mr. Davis when he asked about the plans. He denied that a subdivision and/or new homes were planned. Mr. Abrams' main concern was increase run off traveling into his yard and basement. He was not convinced that the impact would be as minimal as the city engineer estimated. He pointed out his area of concern. He looked for a way to prevent water from traveling down the grade in addition to the water flowing down the street. He favored sewers to prevent mosquito breeding grounds. An additional driveway would cause more drainage.

He estimated that half of the new drainage and all of the old drainage would flow down the slope. An inch of rain would cause 2,700 gallons of water. It would travel south, rather than west. The first 30 feet was his concern. His meeting with the city engineer made it clear that the curb would be installed first. If that did not handle the problem, installing a sewer would be considered. He stated that a 3-inch curb was installed several years ago, when the street was repaved, in an attempt to address the problem. He described the swale and contour of the area. His foundation began leaking when the water reached 3 inches to 4 inches in height. Because of the way the area has worn, it is now ready for significant repair. He felt that installing a curb had been tried, but it was learned that it would not work.

Mr. Abrams took a hose and ran water along the street. He showed how the water flowed to the south. He described the slope and grade of the area. He suggested the following tools be implemented:

- Gutters on downspouts and drain tile to direct the water to the south.
- A berm to channel water.
- A covenant or conservation easement to preserve the trees between the lots.
- Install storm sewer.

Chair Hart asked if the area Mr. Abrams referred to is considered a steep slope. Teague responded that a portion of it is in a steep slope area. Mr. Abrams was not concerned with the steep slope portion.

Chair Hart felt that the downspouts and the berm seem like reasonable suggestions; however, the planning commission has no control over that aspect of the building plan.

Brian Harju, Capestone Builders, applicant, understood that Mr. Davis has been fairly open with the neighbors regarding the plans. He agreed with Mr. Abrams'

concern regarding drainage. The trees on the west side of Lot 1 are a concern. Saving and preserving as many trees as possible is a priority. There are no plans to disturb any of the trees. He acknowledged that the trees held the soil together.

Mr. Harju stated that 100 percent of the houses he constructs are built with gutters.

Mr. Harju stated that berms could cause a negative effect because it could pond water. The driveway would be carved into the slope. Retaining walls would be constructed on both sides of the driveway. There would be very little difference in the grade of the driveway.

Periolat wanted to be clear that the vegetation, as well as the trees, would be preserved rather than grass being maintained.

Colleran met with Mr. Harju and Mr. Anderson on the property to review preservation of trees and location of building pads. At that time, utilizing a conservation easement was discussed. That conversation did not draw any conclusions regarding a conservation easement. The current plan does not include a conservation easement. Because the project does not require any variances, the city cannot require the applicant to include the area in a conservation easement, but it may request.

Periolat asked if the applicant would agree to a conservation easement. Mr. Harju had no objection to discussing the possibility with the city. Periolat asked if he saw a draw back to placing the wooded area in a conservation agreement. Mr. Harju felt the intent of living on a wooded lot would carry over to each homeowner. Preserving the wooded area was the cause of the crooked lot lines.

In response to Periolat's question, Teague explained that the commission could add the condition that a conservation easement be placed on the mature trees on the west lot line, with the specific location to be worked out by staff. Mr. Harju and Mr. Abrams found that acceptable.

Bonoff supported Periolat's suggestion and added that her intent of the conservation easement would be to preserve the trees in addition to the character of the neighborhood.

Joe Spielmann, 11301 Fetterly Road West, did not like a residence located "right on" his property line, 10 feet off his driveway. He asked what would happen with the trees. He has windows on that side. He was disappointed that he was not contacted by the developer regarding the proposal.

Chair Hart affirmed with Mr. Spielmann his understanding that the proposal met setback requirements.

Mr. Anderson stated that as many trees on the corner as possible would be preserved. The bulk of the house would be located in the middle, where the existing house is located and utilize the existing driveway. He apologized for Mr. Spielmann's view. The builder would try to preserve as much of it as possible. Unfortunately, the garage would face the west.

Mr. Spielman was disappointed he was not informed by the developer sooner. Chair Hart asked if he was sent a public hearing notice. He answered in the affirmative. Chair Hart stated that the proposal met ordinance requirements and the applicant modified the plan to protect trees located on the site. The proper procedure for notification was followed. She described the layout of the proposed residence and driveway. She felt it was a reasonable layout. Mr. Spielmann agreed the layout was a reasonable. He asked if was known which trees would be kept. Chair Hart answered in the negative. The intention of the proposal was to save as many trees as possible, but the commission did not have authority to impose restrictions. Chair Hart encouraged Mr. Spiellmann to keep in contact with the builder throughout the process.

Periolat appreciated Mr. Spielmann's comments. She noted that, according to the plan, the trees that would be most visible from his windows would be preserved. Mr. Spiellmann confirmed that he was concerned that the plan would not be followed.

Mr. Abrams commented that Mr. Speilmann's bank of windows are located on the second story. Mr. Abrams suggested that the house on Lot 3 be a story and a half. Chair Hart clarified that the maximum height of the structure and setbacks are set by ordinance. The builder has the freedom to build within those ordinance requirements.

No additional testimony was submitted and the public hearing was closed.

Bonoff suggested that the builder have a neighborhood meeting to advise them of the final plans.

Chair Hart reviewed the primary issues and the commission's support of a conservation easement. She suggested Mr. Abrams petition the city for the sewer system as soon as possible.

Periolat appreciated the developer agreeing to the conservation easement.

Maes added her appreciation of the applicant modifying the property lines to preserve trees.

Periolat moved, second by Bonoff, to recommend that the city council approve the Fetterly Road preliminary plat with the addition of a conservation easement on the west side of the property, subject to staff approval. Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Show the following on the final plat:
 - (1) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
 - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer. This would include a 30-foot-wide drainage and utility easement along the west lot line for a future storm sewer pipe.
 - (3) Drainage and utility easements over wetland (912.8), floodplains, and storm water ponds, as determined by the city engineer.
 - (4) A conservation easement over the wooded area located at the northwest corner, subject to staff approval.
 - b. Pay the city a park dedication fee of \$4,750.
- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An engineering/utility inspection fee.
 - b. An electronic CAD file of the final plat in microstation or DXF.
 - c. The following documents for the city attorney's approval:

- (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
- (2) Conservation easement 25 feet out from the edge of the delineated wetland, and a drawing of the easements for the approval of the city attorney. The easements and drawing must be recorded with the final plat.
- (3) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easements must be attached to the easement deed.

- 3) The following must be completed before the city issues a grading permit or any site work is started:
 - a. Final grading, drainage, and erosion control plans must be submitted for staff approval.
 - b. A letter of credit or cash escrow for 150 percent of the estimated cost to comply with grading permit requirements and restore the site must be submitted to the city. The city will not release the letter of credit or cash escrow until the developer submits as-built drawings and a letter certifying that the utilities, driveway and grading have been completed according to the plans approved by the city.
 - c. All trees to be preserved must be fenced and erosion control measures must be installed for staff approval.
 - d. A construction management plan must be submitted for staff approval.
 - e. Submit evidence of the watershed district approval. The city may require revisions to the preliminary plat to meet the district's requirements.

- 4) The following must be submitted to the city before the city issues a building permit:
 - a. A grading and tree preservation plan for each lot, subject to staff approval. The plans must be in substantial compliance with the agreed building areas as required with the final plat. The sewer and water services must be shown to minimize impact to the significant trees.
 - b. An erosion control plan must be submitted for each home.
 - c. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review and approval of the city's environmental resources coordinator.
 - d. A copy of the recorded plat and any easements or covenants required to be recorded.
 - e. A hookup fee for sanitary sewer and water.
 - f. A fire hydrant must be installed along Fetterly Road.
 - g. Minimum floor elevation is 914.8.
 - h. A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
- 5) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
- 6) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 1/2 inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.

- 7) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

***Periolat, Allendorf, Bonoff, Britain, Gallop, Maes, and Hart voted yes.
Motion carried.***

9. ADJOURNMENT

***Maes moved, second by Periolat, to adjourn the meeting at 8:35 p.m.
Motion carried unanimously.***

By: _____

Lois T. Mason
Planning Secretary