

**MINNETONKA PLANNING COMMISSION
MINUTES**

DECEMBER 29, 2005

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Allendorf, Brandt, Britain, Dahl, Frisque, and Hart were present. Cheleen was absent.

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Natural Resource Manager Jo Colleran, and Planning Intern David Abel.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with modifications provided in the change memo dated December 29, 2005.

4. APPROVAL OF MINUTES: December 8, 2005

Allendorf moved, second by Dahl, to approve the December 8, 2005 meeting minutes as submitted with the changes from the change memo dated December 29, 2005:

- Page 7, bullet point 12:
He read a recommendation from the city's market study for Glen Lake ~~a bond company~~ that supported mixed use concepts to provide high quality retail spaces in the Glen Lake area.
- Page 11, bullet point 7, second sentence:
The loss of the site could be the death knell ~~naïl~~ for the organization.
- Page 12, second paragraph, ninth line:
The area has been deteriorating over the years and property values of several of the businesses on the south side of Excelsior Boulevard have been going down.
- Page 5, paragraph 4:
Allendorf asked if burying ~~transmission~~ distribution lines on Stewart Lane had been considered.

- Page 20:
Allendorf requested a ~~scaled drawing~~ computer generated insertion be completed.

Allendorf, Brandt, Dahl, Frisque, and Hart voted yes. Britain abstained. Cheleen was absent. Motion carried.

5. REPORT FROM STAFF: None

6. REPORT FROM PLANNING COMMISSION MEMBERS

Chair Hart welcomed Michael Brandt to the planning commission. He replaced Terri Bonoff. Chair Hart thanked Dick Allendorf for his thoughtful comments during his service on the commission. He excelled at clarifying issues. She wished him continued success with his council position. Allendorf expressed his appreciation.

7. PUBLIC HEARINGS: CONSENT AGENDA

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

Dahl moved, second by Frisk, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Ordinance amending the zoning code definition of “accessory structure.” (05070.05a)

Recommend the city council adopt the ordinance on pages A1–A2 of the staff report.

B. Aggregate side yard setback variance for a new house at 16600 Grays Bay Boulevard for Smuckler Custom Builders (05093.05a)

Adopt the resolution on pages A1–A4 of the staff report, which approves an aggregate side yard setback variance from 30 feet to 24 feet for a new house at 16600 Gray’s Bay Boulevard. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:

- a. The property is substandard in width. While a 110 foot width is required, the property is 97 feet wide. This circumstance is not unique in the immediate area, but it is not typical of every R-1 property in the city.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The house would maintain at least a 10-foot setback from each side property line.
 - b. At least four other houses in the immediate area have existing, non-conforming aggregate side yard setbacks, including the neighboring house to the northeast.
 - c. The house would be set back 81 feet from the front property line. From the street, there would be little visual difference between the required 30-foot aggregate setback and the requested 24-foot setback.
 - d. The Gray's Bay Boulevard area is unique. It is characterized by properties of various sizes and widths and homes with various setbacks and designs. The requested variance would not alter the essential character of the neighborhood.

Approval is subject to the following conditions:

- 1) Before the city issues a building permit:
 - a. Submit proof of having recorded this resolution with the county.
 - b. Submit a revised survey, reflecting a two-foot reduction in the width of the house.
 - c. A temporary rock driveway, erosion control, and tree protection fencing must be installed and approved by staff.
- 2) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

C. Aggregate side yard setback variance for an addition to the home at 14091 Stonegate Lane for Mike Burgoyne (05097.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves an aggregate side yard setback variance from 30 feet to 24 feet for an addition to the master bathroom at 14091 Stonegate Lane. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The location of the existing home in relation to the lot lines.
- 2) The variance would meet the intent of the ordinance since:
 - a. The variance request is for a reasonable use of the property.
 - b. The addition would have a greater side yard setback than the existing home.
 - c. The proposed addition would not alter neighborhood character.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 2) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 3) The building material and color of the addition must match the existing home.
- 4) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

D. Twelve-month extension of the approval of multiple variances for additions to the home at 16930 Grays Bay Boulevard for Chad Badiyan (04023.05a)

Approve a twelve-month time extension to end on December 31, 2006.

E. Multiple variances to tear down and rebuild a home at 2510 Bantas Point Lane for Robert and Vicky Mitchell (05090.05a)

Adopt the resolution on pages A1–A4 of the staff report, which approves the proposed variances. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:

The hardship is caused by the small lot size, the odd shape of the lot, and the entire lot is located within the 100-year flood plain. No structure could be built on the site without variances. Even if this lot were not located within the flood plain, the buildable area would be limited.

- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The overall impervious surface would be reduced from 51 percent to 45 percent.
 - b. The applicant is proposing reasonable use of the property.
 - c. The home would be moved further away from the west side lot line.
 - d. The proposed 1-1/2–2 story, 20-foot-tall home would be in character with the existing neighborhood.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) Minimum floor elevation for the home must be 933.5.
- 3) A detailed grading plan, including flood plain mitigation and volume calculations must be submitted with the building permit. These plans are subject to review and approval by the city engineer.
- 4) Fill around the foundation of the home is not permitted. The crawl space below the 933.5 elevation must be designed to internally flood.

- 5) The home must be built with an automatic fire sprinkler protection system, subject to review and approval of the building official and fire marshal.
- 6) The home must meet all uniform building code requirements.
- 7) Plant and maintain natural vegetation along the east lot line. Plantings are subject to review and approval of staff at the time of a building permit.
- 8) The installation and maintenance of erosion control and tree protection fencing must be installed, subject to review by the city's natural resources manager.
- 9) The driveway to the street must be paved with pervious pavers, and the area under the deck must be pervious.
- 10) The deck may not be enclosed.
- 11) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Allendorf, Brandt, Britain, Dahl, Frisque, and Hart voted yes. Cheleen was absent. Motion carried and the items on the consent agenda were approved as submitted.

8. PUBLIC HEARINGS

A. Items concerning three, two-story office condominiums and one single-family residential home at 16200 State Highway 7 for Bremcon, Inc./DaVern, Inc. (86092.05a)

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

Teague reported. He recommended denial of the application based on the findings listed in the staff report.

Kathleen O'Connell, a consultant with Macombs, Franks, Roos, and Associates, found staff's report comprehensive, but disagreed with the findings. She stated that:

- While the proposed buildings would be larger than the previous plan, the height would be 11 feet shorter and the buildings would have more residential character. It would be a walk-out, one-story residence.
- The units would be individually owned.
- The total impervious surface would be 1.37 acres, similar to the previously proposed plan that included 1.04 acres of impervious surface.
- She would work with the city and the Minnesota Department of Transportation to gain access while maintaining the client's right to develop.
- One thousand sixteen tree inches would be saved by the proposed plan. The previous plan would save 942 inches of trees. She pointed out the trees and how it related to the site plan. The total tree inches are less important than saving the oak trees. The site plan worked to save the oak trees.
- The proposal would have about 3,200 square feet less of a disturbance to the steep slope than the previous plan.
- The proposal would not need all of the parking stalls required by code. Thirteen letters from owners of units in similar buildings in the metro area were submitted in support of less parking than required by the ordinance.
- It has been proven that 9.4 stalls per unit would be adequate for the project.
- The applicant received a title opinion that the property owner owns the land on Tonkawood Road and Highway 7 and that the city only has an easement.
- The goal was to preserve existing oak trees. The applicant would be happy to plant evergreens along the north lot line, even on the adjacent property owner's property.

Mike Gear, planning consultant with Macombs, Franks, Roos and Associates, stated that:

- The total site coverage of the three buildings would be 14,592 square feet. Each of the units runs between 1,400 square feet and 1,536 square feet. The buildings would be designed to take advantage of the contours of the land; be lower than the previously approved building; one-story would face the parking lot; and the back would be a two-story walk-out. The approved plan was two stories above grade.
- An association would handle snow plowing and maintenance.
- He described the amenities of the proposed residences.
- An eight year old planned unit development would preclude the current housing needs.

- The client has done similar projects in the metro area.
- Because the Minnesota Department of Transportation has required a right-in only from Highway 7, an owner-occupied office use would be the best use for the site because occupants would know where to go.
- The intrusion into the steep slope would be less than required by the previous plan.
- The units would house businesses with a minimum number of employees so 7.8 parking stalls per unit would be adequate.
- The current proposal would do more landscaping, but would not endanger the oak trees.
- He referenced a title commitment that was prepared in reference to easements in favor of the city. Ownership belongs to the applicant.

Britain asked why the proposal did not stay within the parameters of the previously approved project. Mr. Gear stated that the proposal stays within the parameters in regard to steep slopes, trees, and access. The total footprint of the ten units would be approximately 14,500 square feet. Chair Hart recalled the total square footage of the previously proposed two buildings equaled 19,000 square feet. The footprint of the previous plan was significantly less than the proposed plan. Mr. Gear agreed, by approximately 10,000 square feet.

Allendorf questioned the importance of the applicant owning the adjacent lot by Tonkawood Road. Mr. Gear stated that the proposal could provide proof of parking and access to Tonkawood Road by utilizing that property.

Teague explained the position of the lot line and the easement. He explained that the site would have adequate proof of parking to provide 117 parking stalls.

Allendorf stated that the proposed proof of parking would damage oak trees, intrude into the steep slope, or intrude into the city's easement.

Chair Hart clarified with Teague that there was a 5,000 square foot to 6,000 square foot difference in the size of the footprint between the previous plan and the current proposal.

Chair Hart asked Colleran to comment on the tree loss and landscaping. Colleran stated that this was the first time staff had seen the tree plan presented by the applicant. She agreed with Ms. O'Connell that the critical root zone of the oak trees would need to be avoided. There would be room to plant evergreens on the lot line, but the applicant has not provided a specific plan.

Chair Hart asked Teague to discuss the steep slope encroachment. Teague agreed that staff did not have the computer capability to superimpose the plans. He explained how the point intrusions were determined by overlaying the plans that were the same scale. The applicant found that the total encroachment would be less.

Allendorf understood that the Minnesota Department of Transportation would allow right-in and right-out accesses for a building the same size as the previously approved building, but would not for the proposed project because the building would be larger. Teague agreed.

The public hearing was opened.

Vicky Kemp, 16091 Highwood Drive, spoke on behalf of 13 neighbors. She provided history of actions taken regarding the proposed site. She reviewed section 300.27 of the city's ordinances regarding approval for site and building plans. She stated:

- The proposal does not meet the requirements of 300.27.
- The square footage would be 50 percent larger than what was approved in 1998 and 60 percent greater than the original master development plan.
- The project would require extensive removal of vegetation and would impact the steep slope areas.
- Access and egress on Tonkawood Road would not promote orderly and safe traffic flow because of the site lines.
- It would require significant fill in the steep slopes along Tonkawood Road.
- The landscaping plan would not be sufficient to buffer the residences from the office buildings, parking lot, and driveway.
- No lighting plan has been submitted so the impact on the homes can not be determined.
- Drainage problems would be created.
- The residents would like the site to remain open space, but recognize the property owner's right to develop. The larger buildings should not be allowed for economic reasons.
- The developer should live within the previous approval's restrictions.

No additional testimony was submitted and the hearing was closed.

Chair Hart asked about a noise study. Teague stated that the previous project was approved with the condition that a noise study would be done as the trees were removed and the site graded to determine the level of noise from the roads.

Britain felt the footprint would be too large. He found no rational reason why the project should be approved. He agreed with staff's recommendation.

Allendorf considered variance requests by evaluating whether a building would fit on the site. He was not impressed with the argument against the home. The building footprint and steep slopes are big issues for him and the city. The Minnesota Department of Transportation would not grant the proper accesses for the current proposal. The previous proposal was a balance between the right to build and site constraints. The proof-of-parking would not work. In spite of the letters of support, the city has not changed its parking ordinance. He concurred with staff and Britain's positions. This would be the wrong proposal for the site.

Chair Hart thought it odd to have a large retention pond on a single-family lot when its purpose is necessary for an office use to the west. She noted that the city has approved less parking than the ordinance requires, but only when proof-of-parking was provided. In this case, it would not be usable proof of parking. The building footprints would be too big for the site. The site is next to a highway and would provide a buffer to a residential neighborhood. She concurred with staff's recommendation. Chair Hart stated that the property would eventually be developed. It is a question of finding the right balance.

Britain moved, second by Brandt, to recommend that the city council deny the ordinance and the preliminary plat proposed at 16200 State Highway 7 for Bremcon, Inc./DaVern, Inc. Denial is based on the following findings:

- 1) The proposal is for a larger development than the previously approved office building. The current proposal includes three office buildings totaling 29,178 square feet of office space and a single-family home. The previous plan was for one 19,746-square-foot office building.
- 2) MnDOT would not allow a right-out movement onto Highway 7 under the current proposal.
- 3) The current proposal would require removal of more significant trees than the previously approved plan.
- 4) The current proposal would encroach further into the steep slope area than the previously approved plan.

- 5) The site plan is short 23 parking stalls. Proof-of-parking would require further encroachment into the steep slope area.
- 6) The proposed landscaping and screening from the adjacent single-family homes is inadequate.
- 7) The single-family home is inappropriate for this site. While the lot would meet the standards for an R-1 lot, it would be on a site guided for office use and would have a large stormwater retention area in the side yard. Building the home would require removal of additional significant trees.

Allendorf, Brandt, Britain, Dahl, Frisque, and Hart voted yes. Cheleen was absent. Motion carried.

B. Preliminary plat, with variances, for a two-lot subdivision at 5432 Picha Road for Rod Miller (05094.05a)

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 stated that the site does appear to be a vacant lot.

Rod Miller, 5432 Picha Road, applicant, thanked staff for their work and revised the plan to fit the property. The proposed house would fit the lot and the neighborhood. He understood the neighbor's concern with tree preservation. He agreed to plant additional trees.

Allendorf noted that the neighbors were curious regarding the type of residence to be built. Mr. Miller had not drawn the plans yet, but he was planning on a standard, 2,200 square foot split level entry residence. It would be a relatively moderate house. From the street side, a split level would be viewed. It would appear to be a single level residence when viewed from the west side due to the property's slope.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Hart reviewed the variances.

Frisque moved, second by Allendorf, to recommend that the city council approve the preliminary plat for Picha Hill, date-stamped November 13, 2005, lot area variances from 22,000 square feet to 12,413 square feet and 15,974 square feet; lot width at the required setback variances from 110 feet to 92 feet for both lots; and a setback variance for the existing garage from 10 feet to 5 feet. This approval is based on the following findings:

- 1) Except for the variances, the proposal meets the required standards and ordinance for a preliminary plat.
- 2) The proposal meets the required standards for a variance, because:
 - a. There is a unique hardship to the property caused by the small lot size, which is similar to the lots to the west that were divided in a similar manner.
 - b. The variance would meet the intent of the ordinance because this lot is over-sized compared to the homes to the west, and it appears that there is a vacant lot north of the existing home.
 - c. The average lot size of the two lots would be 14,000 square feet. The smaller lot is due to the location of the existing garage.

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 required by the city engineer.
 - (3) Five feet of additional right-of-way along Hilltop Terrace.
 - b. Pay the city a park dedication fee of \$2,375.00.

- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - b. 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) 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 easement must be attached to the easement deed.

- c. Any other requirements included with final plat approval.
- 3) The following must be submitted to the city before the city issues a building permit:
 - a. A grading and tree preservation plan for the new lot, subject to the planning director's approval. The plan must be in substantial compliance with the building pad shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.
 - b. A temporary rock driveway, erosion control, tree protection and wetland protection fencing must be installed, subject to review and approval of the city's natural resources manager.
 - c. A chain link fence must be installed along the west lot line for Lot 1. This would ensure no trespassing on the adjacent lot during

construction of the new home. This fence may be removed after the city issues a certificate of occupancy for the home.

- d. A cash escrow must be submitted for the site grading and erosion control during construction on either lot.
 - e. A copy of the recorded plat and any easement or covenants required to be recorded.
 - f. A hookup fee for sanitary sewer and water.
 - g. 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.
- 4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 5) 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 ½ 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.
 - 6) A stop work order will be issued for any city code violations or violations of the conditions of approval.
 - 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.

Allendorf, Brandt, Britain, Dahl, Frisque, and Hart voted yes. Cheleen was absent. Motion carried.

C. Preliminary plat, with variances for a three-lot subdivision at 13800 Spring Lake Road for Steven Lynch (05001.05a)

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 noted that the proposal would require one variance for the existing house. Teague explained that the right-of-way could not be shifted to the east, because building area would have been lost for Lot 3.

Steven Lynch, 13800 Spring Lake Road, stated that he worked with Teague to develop the plan. His initial idea was to provide for what he wanted to do. Teague convinced him that there is a greater good and to take the property north of his into consideration. The proposal has evolved into a really nice neighborhood. It would be a nice place for families to walk or bike. The existing structure was skewed into the corner of the property. He tore down the existing residence and built the current one five years ago. The biggest hurdle for him is the cost of extending the street. He has been contacted by an attorney representing the property on the north to discuss developing that property. The proposed noise wall allows for development of the additional lots.

Chair Hart appreciated the applicant's diligence and willingness to work with staff.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Britain asked if it would be possible for the drive to travel north and connect with Haven Road. Teague explained that there would be problems with steep slopes and trees.

Chair Hart reviewed the primary issues.

Dahl moved, second by Britain, to recommend that the city council approve the preliminary plat, date-stamped November 15, 2005, with a front yard setback variance from 35 feet to 21 feet for the existing home. Approval is based on the following findings:

- 1) Except for the variance, the proposal meets the required standards and ordinance for a preliminary plat.
- 2) The proposal meets the required standards for a variance, since it would not be reasonable to remove the existing home to avoid the variance.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. make the following changes to the final plat:
 - (1) Enlarge the outlet to a half cul-de-sac, as shown on page A10.
 - (2) Expand the right-of-way width to 50 feet.
 - (3) Show 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.
 - (4) Show utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (5) Show drainage and utility easements over wetlands, floodplains, and public storm water ponds, as determined by the city engineer. This includes a drainage and utility easement over the 958.0 contour of Spring Lake.
 - (6) Show a 10-foot-wide easement on both sides of the existing sanitary sewer.
 - b. Pay the city a park dedication fee of \$7,125.00.
 - c. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An engineering/utility inspection fee.
 - b. Payment for traffic signs and installation, as required by the city engineer.
 - c. An electronic CAD file of the final plat in microstation or DXF on a CD disk.

- d. If the developer is constructing any public improvements, the developer must submit a signed agreement with the city. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements. This agreement must include an escrow to ensure that the developer completes all public improvements and complies with all city regulations. This escrow must be a letter of credit or cash deposit. The amount must be 150% of the estimated cost of the improvements or 125% of the cost if based on actual bids.
- e. 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 over 16.5 feet from the wetland on Lots 1 and 2, and a drawing of the easement for the approval of the city attorney. The easement and drawings must be recorded with the final plat.
 - (3) A notice recorded against individual lots that the stub street may be extended to provide access to the adjacent property.
 - (4) 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.
 - (5) A temporary access easement to the city of Minnetonka for the turn-around at the end of the proposed street. The temporary turn-around must be shifted to the south to save the oaks on Lot 2. Construction of the temporary turn-around shall be subject to review and approval of the city engineer.

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

- f. Any other requirements included with final plat approval.

- 3) The following must be completed before the city issues a grading permit or any site work is started.
 - a. Approval of final grading, drainage, and erosion control plans by the city engineer. Stormwater calculations must also be submitted. If the developer is building the streets and utilities, the developer must submit final street and utility plans for the city engineer's approval.
 - b. A letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and to 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 installed, as approved by the city.
 - d. Approval of a construction management plan by the planning director.
 - e. If required, submit evidence of watershed district approval. The city may require revisions to the preliminary plat to meet the district's requirements.
 - f. Submit a MnDOT permit for discharge to their right-of-way.

- 4) The following must be completed before the city issues a building permit:
 - a. City approval of a grading and tree preservation plan for each lot, subject to the city's approval. The plans must be in substantial compliance with the building pads shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.
 - b. City approval of the installation of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot.

- c. Submit a copy of the recorded plat and any easement or covenants required to be recorded.
 - d. Payment of a hookup fee for sanitary sewer and water.
 - e. Submit 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) Buildings must maintain a 20-foot setback from the 956.0 contour.
 - 6) The minimum low floor elevation for Lots 1 and 2 must be at least 958.5.
 - 7) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 8) 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 ½ 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.
 - 9) A driveway permit is required for Lot 1 to connect the existing driveway to the new street.
 - 10) 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.

Allendorf, Brandt, Britain, Dahl, Frisque, and Hart voted yes. Cheleen was absent. Motion carried.

Chair Hart stated that the city council is tentatively scheduled to review the application at its January 9, 2005 meeting.

Allendorf thanked commissioners and staff for their support and dedication to the city. It was a pleasure working with staff and planning commissioners. Chair Hart reciprocated on behalf of staff and commissioners.

9. ADJOURNMENT

*Frisque moved, second by Allendorf, to adjourn the meeting at 8:05 p.m.
Motion carried unanimously.*

By: _____
Lois T. Mason
Planning Secretary