

**MINNETONKA PLANNING COMMISSION
MINUTES**

JANUARY 12, 2006

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Natural Resource Manager Jo Colleran, Planning Intern David Abel, Community Development Director Ron Rankin, City Engineer Lee Gustafson, and the city's financial consultant, Mark Ruff.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with additional comments provided in the change memo dated January 12, 2006 and the removal of item 7B, a side yard aggregate and side yard setback variances for an addition to the home at 3715 Huntingdon Drive (05098.05a), from the agenda.

- 4. APPROVAL OF MINUTES:** December 29, 2005

Brandt moved, second by Dahl, to approve the December 29, 2005, meeting minutes as submitted with the modification provided in the change memo dated January 12, 2006:

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Frisque moved, seconded by Allendorf, to adjourn the meeting at 8:05
Allendorf p.m.

***Brandt, Britain, Dahl, Frisque, and Hart voted yes. Cheleen abstained.
Motion carried.***

5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of January 9, 2006:

- Adopted a resolution approving a preliminary plat, with variances, for a lot subdivision at 5432 Picha Road for Rod Miller.

- Adopted a resolution approving a preliminary plat, with variances, for a two-lot subdivision at 13800 Spring Lake Road for Steven Lynch.
- Adopted a resolution approving an ordinance amending the definition of “accessory structure.”

The city council recognized Dick Allendorf and Terri Bonoff for their service on the planning commission. Allendorf felt the citizens of Minnetonka are in excellent hands with the planning commission.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

Item 7B, a side yard aggregate and side yard setback variances for an addition to the home at 3715 Huntingdon Drive (05098.05a), was removed from the consent agenda for postponement until the January 26, 2006 meeting.

Cheleen moved, second by Britain, to approve the item listed on the consent agenda as recommended in the staff report and modified by the change memo dated January 12, 2006 as follows:

A. Multiple variances to build a new house at 16915 Gray’s Bay Boulevard for Knight Construction (98042.05a)

Adopt the resolution on pages A1–A4 of the staff report, which approves: (1) a lot area variance from 22,000 square feet to 10,000 square feet; (2) a lot width at right-of-way variance from 80 feet to 50 feet; (3) a lot width at setback variance from 110 feet to 50 feet; (4) variance from the 40-foot by 40-foot buildable area requirement; and (5) side yard setback variance from 7 feet to 5.5 feet for second-story eaves for a new house at 16915 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. The total area and width of the property are less than half the minimum requirements. While there are other similar lots in the immediate area, this is a unique circumstance not common to every R-1 lot in the city.

- 2) The variances would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The proposed lot variances are reasonable:
 1. The property is a legal, non-conforming lot of record. The lot variances would be required to construct *any* new home on this property.
 - b. The proposed setback variances are reasonable:
 1. The house currently on the property has a non-conforming side yard setback of one foot. The proposal would decrease this existing non-conformity.
 2. The foundation of the house would meet the 7-foot setback requirement. Only the second-story eaves would encroach into the required setback.
 - c. The variances would not alter the unique character of the Gray's Bay Boulevard area.

Staff approval is based on the following conditions:

- 1) Before the city issues a building permit:
 - a. Submit proof of having recorded this resolution with Hennepin County; and
 - b. Install erosion control and tree protection fencing for staff review. This fencing must be maintained throughout the course of construction.
 - c. Submit a construction management plan detailing:
 - (1) where contractors will park vehicles and equipment; and
 - (2) a location for stockpiling of earth and construction materials and equipment.

- 2) The retaining walls on the west and east side of the house must not be constructed so as to obstruct the existing drainage pattern or to redirect that drainage onto the adjacent properties; and
- 3) Gutters and downspouts must be installed to pick up roof drainage on both the west and east sides of the house to minimize the impacts to the neighbors. The downspouts must be directed to the north (front of the house and street).
- 4) The existing, detached garage must be removed.
- 5) The driveway must comply with the driveway ordinance.
- 6) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.
- 7) The west foundation wall of the existing house must remain in place.

B. Side yard aggregate and side yard setback variances for an addition to the home at 3715 Huntingdon Drive (05098.05a)

Item 7B, a side yard aggregate and side yard setback variances for an addition to the home at 3715 Huntingdon Drive (05098.05a), was postponed until the January 26, 2006 meeting.

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

8. PUBLIC HEARINGS

A. A three-phase redevelopment project for the easterly part of Glen Lake for Thomas Wartman, consisting of condominiums and retail/service commercial and restaurants (continued from planning commission meeting of December 8, 2005). (05091.05b)

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

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

Britain asked for the rationale behind the order of phasing. Olson explained that the commercial tenants and existing shopping center would be relocated to the Site B building. Therefore, the building on Site B would need to be constructed first to house those businesses. Site C would happen at the same time.

Dahl noted the Hennepin County Transportation Commission's recommendation that the right-of-way not be vacated. He questioned the reasoning for vacating the right-of-way. Olson explained that the Hennepin County Transportation Commission's standard recommendation is for a four-lane, divided roadway with bike lanes. Usually, something less is done based on the actual needs of the area. The subdivision regulations require 86 feet of right-of-way, which would be provided. Gustafson concurred with Olson. Gustafson stated that at each end of the proposed site, Hennepin County approved projects that have one thru lane in each direction.

Olson clarified that there are no long-term plans to make changes to Excelsior Boulevard. It would be potential long-term, future planning.

Chair Hart reminded residents that a pedestrian safety study would be completed. Parking for the ball parks would be provided across from the Glen Lake Shopping Center. Gustafson agreed that the parking is scheduled to be completed in 2006.

Tom Wartman, applicant, explained how the loss of business in the area was potentially driving out other businesses. The proposal has been well thought through. He explained tax increment financing. The developer would provide \$4,000,000 to be used for trails, lighting, and landscaping. The developer would be paid back only if the businesses were successful and, once paid back, the city would continue to benefit from the increased tax revenue.

Mr. Wartman explained how the trail system would be connected. A master plan would provide a cohesive, coordinated plan rather than a hodgepodge of buildings with some vacant and some in disrepair. The architecture, structure and quality of the buildings are a high priority. An affordable mix would be provided. Affordable units would right now sell for \$193,700. Eight units would sell for under \$250,000. Five units would sell for under \$335,000. Four units would sell between \$300,000 and \$375,000. Site C would be an affordable, luxury location. The building would be in harmony with the site. Everyone would be proud of the results.

The plan has to make sense for Mr. Wartman to commit to a \$4,000,000 venture. He was comfortable with the number of tenants in place for the new business

building. The density has been looked at from all angles and is necessary for the success of the project. The Glen Lake area and city as a whole would benefit. He provided 19 pages of signatures from primarily Minnetonka residents with 350 in support of the redevelopment project and 2 opposed.

Mr. Wartman stated that the Gold Nugget cannot stay the same as it is even without the redevelopment project. The owners are in their seventies. The business code violations would not be grandfathered for new business owners. The project would provide quality and safety for the area that is long overdue.

John Hamilton, of Urban Works, architect for applicant, provided illustrations that showed that the building would not break the tree line. He described the existing and proposed landscaping.

Britain asked if the proposed building would be as tall as the existing condominiums. Mr. Hamilton stated that it would be approximately one story taller.

Chair Hart reviewed the land use issues the commission was to review. Issues not in the scope of the planning commission at this meeting included eminent domain, tax increment financing, signs, lighting, and moving the businesses. In response to Chair Hart's question, Rankin explained that tax increment financing can be used to pay for acquiring property, relocating existing owners and tenants, and paying for certain public improvements. The planning commissioners will consider if the redevelopment and housing aspect of the project and tax increment plan are consistent with the city's comprehensive guide plan.

Chair Hart requested that those who did not speak at the previous public hearing be the first to speak and repeat speakers were welcome to provide new comments. Minutes from the previous public hearing and written comments were included in the agenda information.

The public hearing was opened.

Tom Casey, 2854 Cambridge Lane, Mound, attorney representing Friends of Glen Lake, stated that:

- The building on Site C would be too big, too dense, and too high.
- He questioned how it would look at night and from the side.
- The size of the building would not be reasonable.

- It would not be a judicious development. It would impact land uses severely.
- The land uses would conflict.
- The oversize building would not protect privacy.
- The large size of the building on Site C would not protect the land use values and value of the property.
- The density is not justified from a land use perspective.
- A variance to be located closer to the park would not be good land use planning.
- The building size and population density would have an adverse impact on the wetlands and open space.
- The development would not be consistent with the surrounding neighborhood. It would not be a viable transition.
- It would adversely impact the natural environment.
- There was no error in the previous plan.
- Affordable housing could be provided without the density.
- The comprehensive guide plan amendment should be denied for Site C.
- The proposal would not be compatible with the intent of the zoning code.
- Economic consideration alone does not constitute undue hardship. The financing issue is not relevant to the variances.
- The landowner has a heavy burden to prove that variance approval would be appropriate. The burden has not been met.
- The variances must be denied. A reasonable use of the property exists without the variance.

Chair Hart asked Mr. Casey if Friends of Glen Lake supported the proposal's plans for Sites A and B. Mr. Casey stated that he was not indicating that. He wished to limit his comments to Site C.

Britain asked if the top floor was the concern. Mr. Casey stated that the concern is tied to the density and number of units. Removing a floor may not decrease the density and number of units. Britain asked for a brief description of his clients. Mr. Casey stated that he did not have authorization to disclose the identity of his clients. He would provide a list if his clients consented.

Chair Hart requested Olson respond. Olson explained that the guidelines boiled down to whether a proposed project would be for the public good. Olson provided staff's position:

- The proposal would have a positive impact in the Glen Lake area.
- The residential component would provide additional support of the existing and proposed retail establishments.
- The traffic consultant found that no adverse impact would be created except for left turn movements at Woodhill Road. The city would work with Hennepin County to install a traffic signal.
- There would be no impact to wetlands or the lake. The developer has moved the grading limits back from Glen Lake shores to minimize adverse impact to trees on the property.
- The proposal would be 20 percent affordable housing which would provide a significant public good.
- The need for affordable housing is identified in the comprehensive plan.
- The project would remove blighted properties and upgrade the property values and physical appearance of the properties.
- Site C is an appropriate site for multi-family dwellings. Existing townhouses on the north and condominiums on the west provide appropriate surrounding uses.
- Economic reasons alone are not enough to justify a variance, but economic reasons may be considered in conjunction with providing for the public good.
- The proposal would adhere to the comprehensive guide plan and have reasonable justification for approval of a variance.

Chair Hart asked what qualified as blight. Rankin explained that in 1977, redevelopment plans had been created to address blight. Many businesses on the south side of Excelsior Boulevard experienced blight. Blight is identified when a qualified engineering firm finds building deficiencies or when a qualified planner determines inadequate use and context. Rankin explained that the state statute has a provision to allow the use of tax increment financing to correct blighted areas. The city was directly involved with the development of the Atrium. The current proposal's buildings heights and sizes do not surpass those of the existing buildings.

Britain asked if commissioners could consider the financial aspect of the project for the current review. Olson answered in the affirmative since it is related to tax increment financing and the public good.

Richard Urban, 5625 Eden Prairie Road, stated that:

- His letter was in the agenda packet.

- He was a member of Friends of Glen Lake. He has lived there since 1984.
- He was concerned with the blight.
- Sites A and B would benefit the neighborhood.
- He was disappointed by the process. It favored the developer. The residents did not have enough time to review the proposal.
- His concerns were ignored at the last meeting. He did not like the proposal's all or nothing approach. It put him in a defensive position.
- The Renneke property could support some of the condominium units.
- The plan keeps changing. The plan provided in the grocery store may not have been the latest plan.
- There should be a choice between R1 and R5 zoning densities, instead of just R1 or R5.

The audience applauded.

Olson explained that the plan had been changed to decrease grading of the site. The building still contained the same number of units. The Renneke property is zoned for commercial use. The property owner does not wish to sell at this time. It would not be an appropriate use of eminent domain to gain ownership of the property. The Zackmann property was purchased with the intent of developing condominiums. The property owner was renting the house to cover expenditures for carrying the property.

Grace Sheely, 14325 Granier Road, Chair of Friends of Glen Lake, submitted a petition with 200 signatures opposed to Site C. She provided the history of the meetings of Friends of Glen Lake. She did not have a concern with Sites A or B. She stated that:

- The building on Site C would have excessive mass, density, and height.
- She opposed the setback variances.
- She requested action be postponed another month.
- She would like to see comments from Glen Lake Shores and Atrium residents.
- The drawings keep changing.
- She would like to see the buildings staked in the field.
- She opposed R-5 density being located on the lake. It would set a precedent.

- She hoped the city has a back up plan in case The Fresh Season's Market does not survive.
- She used a 3-D computer program to see the impact of the proposed building.
- The building would be visible above the tree line.
- The Zachmann rental property was not blighted. Daycares were operated in it.
- The proposal would negatively impact traffic and pedestrian safety and the environment and water quality.
- She invited commissioners to visit Site C.
- The dimensions of the impacted buildings were not included in the plan.
- She calculated the proposed building for site C to be 300 feet long.
- She could not tell what would happen with the lighting. She was concerned the new building would block the light of the existing buildings.
- It would set a precedent for economic gain.

There was applause.

Rankin and Mr. Wartman had held a meeting with Atrium condominium and Glen Lake Shores residents.

Olson stated that Waters Edge on Shady Oak Lake is an existing R-5 density housing subdivision adjacent to a lake. The proposal would be a unique project that would specifically tie the condominiums with the redevelopment project and would not set a precedent.

Chandra Kogland, 5503 Wingwood Court, stated that she and her husband moved to the Glen Lake area six years ago. She lives one mile from the Glenhaven Center. She stated that:

- She loves the house and the neighborhood, but it is an unappealing shopping area.
- She appreciated Mayor Anderson responding to her inquiries.
- She called the area ugly.
- She was thrilled when she read about the project. She supported the project.
- The whole integrated plan would provide a major face lift. She has a masters in business administration and understands Mr.

Wartman's reference to density. It would be a beautiful condominium building that would help with densities.

- She likes nature, trails, and the amenities the proposal would provide.
- Any change would attract "nay-sayers".
- She represented couples with young children who were too busy to attend the meetings. Her husband was babysitting. These families will live in the area for a long time.
- The plan would make business sense.
- She does not shop currently in the area because it is not very attractive. Kowalski's did not make it because the rest of the area is unappealing.
- Do not wait to act on the application. Approve it now. The area is ailing. It should have been done six years ago.
- The "not in my backyard" approach is selfish and neglects the good of the community.
- The Mom's Club of Minnetonka West, consisting of 50 families, are all excited about the project.

Chair Hart called for a brief recess and reconvened the meeting.

Chris VanHower, West Suburban Alano, stated that West Suburban Alano does not want to move. He stated:

- The motivation for the project is not for the public good. It would be for financial gain.
- West Suburban Alano provides a service for 250 to 300 people each week.
- It would not be right for the city to take the building.
- The city has been good to work with. Mr. Wartman did not provide West Suburban Alano with a proposal prior to meeting with city staff.
- It should be delayed. It was not well thought out.
- He preferred plans that showed the Golden Nugget and the West Suburban Alano standing.
- The business preferred to stay in Glen Lake.
- The facility is not blighted. A lot of time and money was put into the building.

David Arnold, 14319 Stewart Lane, of Glen Lake Shores, stated that he appreciated Mr. Wartman and Rankin meeting with Glen Lake Shores residents. He expressed the following concerns:

- Rezoning to an R-5 district that would require variances for Site C would not be appropriate.
- It could be developed without rezoning and variances.
- Drainage.
- Progress dictates that some improvements be made. He was never embarrassed by the current condition of the area.
- Site C would be economically feasible with a smaller building. He did not understand why Site C would need to subsidize Sites A and B.
- He did not favor the all or nothing approach.
- He chuckled at the high price of “affordable housing.” He and his wife would love to retire in the area that they have spent their working years, but would not be able to afford the prices.
- He favored the commission reviewing the project longer before taking action.

Gustafson explained the drainage patterns for the proposal.

Chair Hart explained the definition of affordable housing.

Rankin had discussed downsizing the building with Mr. Wartman. The city’s financial consultant found that the additional deficit increases rapidly. A 30-unit building on Site C would cause the elimination of affordable housing units from the entire project and still not leave the project viable. A 40-unit to 45-unit building would barely be feasible with the elimination of all of the affordable housing units for the project. Chair Hart noted that alternatives had been considered by the financial consultant and economic development authority.

Chair Hart questioned the difference between an R-4 zoning district and R-5 zoning district. Olson explained that R-5, high density, is anything over 12 units an acre. R-4, medium density, is between 5 units and 12 units per acre. Chair Hart noted that Glen Lake Shores has 40 units per acre. The Atrium has 19 units per acre. While the proposed zoning is R-5, it would be compatible with the surrounding buildings.

Jeff Schultenover, 13424 Maywood Curve, stated that:

- The setbacks of Building A look too close to the street. The building on Stewart Lane looks like it would be against the curb. The building on Site C would be too close to the park.
- The high density on Site C would cause adverse environmental impact. Erosion is already occurring in Kinsel Park. Adding silt and sediment in the ponds would be in violation of the clean water and air act.
- There are nesting loons and trumpeter swans living on the lake that need large, shallow wetlands and a diverse mix of vegetation and water quality to survive.
- The south side of Site C would qualify as a steep slope.
- Good land stewardship should prevail above all.
- Change could be a good thing if done responsibly.
- Fifty-eight percent of people are opposed to the project.
- Staff has been extremely helpful.

In response to Chair Hart's request, Olson explained the benefits of locating the buildings closer to the roads on Sites A and B.

Colleran explained Kinsel Park's layout. The runoff from impervious surfaces would be treated by ponds. A 25-foot wetland buffer would be installed to maintain the existing vegetation. Grading would not take place in the wetland buffer. It would provide protection for the wetland, lake, and floodplain. The site would be primarily graded. The trees within the 25-foot wetland buffer would be preserved. She indicated some trees that would be removed and trees that would be replaced. It would be restored to a more natural character.

Olson clarified that the site's slope does not meet the ordinance's definition of a steep slope that would be regulated by the ordinance.

Sue Knopp, 5749 Lake Rose Drive, agreed with the concerns regarding Site C. She was concerned with the safety of her children and other children. In the spring and summer, there are kids everywhere. A pedestrian walk is needed.

Chair Hart read from staff's report regarding the pedestrian plan. She invited everyone to become involved in the planning.

Lonnie Anderson, 5404 Mayview Road, provided illustrations of where the variances would be located and the positioning of the building on Site C. The improvements are welcome. He is not opposed to the development. There are blighted areas. The relocation of stores and new stores being added would be wonderful. The excessive variance requests and building size of Site C would be

too large. Site B could possibly be over sized. He was planning to provide 3-D computer images that could be viewed at the planning commission's next meeting. He supported enforcing required setbacks by decreasing the size of the buildings. He suggested realignment of the intersection of Woodhill Road and Excelsior Boulevard for long range planning.

Gustafson stated that the city is aware of the intersection. The project would make the most safety improvements possible, including adding crosswalks.

Chair Hart noted the intent of setbacks is to allow room between residences. Olson explained the new urbanism style of bringing the building and residents closer to the street and locating parking in the rear or underground. Chair Hart acknowledged that the area is surrounded by a park, street, and bank. Olson agreed that the proposal would not impact the surrounding property owners' privacy.

Chair Hart and Olson determined which illustration was for earlier demonstration purposes and which illustration accurately showed the orientation of the building and parking access.

Jeff Straight, 15021 Summer Hill Drive, Eden Prairie, loves Glen Lake. He was sympathetic to the man who represented Alano. He stated that:

- He was concerned with the trail access. He confirmed with Chair Hart that the trails would be public. Mr. Straight felt that a sign should indicate that the trails are public.
- The trails should meet the Americans with Disabilities Act requirements.
- A lot of people do not comprehend the complexity of the project. It would be prudent to continue the public hearing for another two weeks or a month. It would give the public an opportunity to work with the developer more closely.

Chair Hart requested no applause.

In response to Chair Hart's question, Olson explained how the trails would connect. Some of the grades may be too steep to meet the Americans with Disabilities Act requirements.

James Hiller, 5638 Glen Avenue, was concerned regarding how fast the application was being processed. He first learned of it in August of 2005. The proposal was posted on November 21, 2005. Notification was received

November 26, 2005. He did not understand the information until the December 8, 2005 commission meeting. He stated that:

- The surrounding properties only had one setback variance. The proposal would be very different from surrounding properties.
- The proposal would not add retail space. It would be cleaned up, but none added.
- He questioned what the remaining phases would include.
- He requested more time to explain the proposal to the community.
- He was not necessarily opposed to the project, but he wanted more time to fully appreciate the impact.

Rankin explained that the gas station, Dairy Queen, and Renneke property are included in the tax increment financing district. There are no proposals for redevelopment of those properties at this time.

Chair Hart confirmed with Olson that the application was received in November.

Tammy Rosenthal, 5800 Lake Rose Circle, stated that:

- She moved to the area one year ago and agreed that the area needed work.
- She was concerned that the project would not look like 50th and France or Wayzata. She compared photographs and determined that their buildings were not taller than three stories.
- The proposed building on Site C would look more like downtown Minneapolis.
- She was concerned for the safety of her kids biking. She supported lining up the streets.
- She was disappointed that there was no picture or model.
- She requested the commissioners visit the site.

Chair Hart stated that all of the commissioners had visited the site.

Mark Forbes, 14048 Royal Court, is an architect. He supported the project wholeheartedly. The proportions and designs are good. The building would be beautiful.

Ann Malm-Hossfeld, 14616 Glendale Street, stated:

- She opposed the redevelopment as a whole because of the rezoning, setback variances, and massive size of the redevelopment.
- The master plan for a small area would set a precedent for the whole area.
- New urbanism is used to counter sprawl, not just locate buildings closer to streets.
- There should be more time for review.
- The developer is unwilling to change the plan.
- She was desperate for middle ground.
- Other developers could create different plans.

Olson explained the proposal's history. It did start with Mr. Wartman proposing to redevelop the south side of Site A. The city favored repositioning the different uses to more appropriate locations.

Laura Ronbeck, 13801 Kinsel Road, stated that:

- The trail would open the view to the lake.
- She participated in the 1999 Citizen's Comprehensive Plan Committee. Things have changed since then. Mason Homes left and the townhouses were constructed. Buildings were not as blighted then as they are now.
- She favored the comprehensive planning of the project.

Charles Pappas, 5412 Bayview Road, thanked Dahl for looking at the safety and pedestrian study. He stated that Grace Sheely asked him to let the commissioners know that she received permission to place balloons on the Atrium, Alano, and townhouse properties to illustrate the height of the proposed buildings. Chair Hart looked forward to seeing them.

Joan Hiller, 5638 Glen Avenue, stated that:

- She has researched the concept of urbanism. It promotes development to be intimate and friendly with green space and mixed uses on a larger scale. The proposal's area is too small and is similar to inner city in-fill.
- It would set a precedent to allow an R5 zoning district adjacent to a lake.
- She questioned what safeguards would be in place to prevent the property owner from denying the public access to the trail.

- Redevelopment is a great idea. The community welcomes it. The problem she is hearing is that the plan keeps changing.
- If the community had been included in the planning earlier, issues would have been worked out by now.
- A take it or leave it attitude is hard to take.
- She questioned if the short turn around is standard or if this project was an exception to the process.

Mark Buller, 5524 Mayview Road, asked Chair Hart to explain how the affordable housing amount was calculated. Chair Hart complied. There is no square foot requirement. Chair Hart stated that the target demographic for the condominiums would be empty nesters and singles or couples. The purchase price is fixed. The number of persons in a family is used to calculate if a party qualifies for affordable housing.

Dan Keegan, 5015 Westmill Road, owner of Glen Lake Liquors and the property it is located on, stated that his tenants went bankrupt this month. Mr. Wartman offered to give the business owners a hand. He changed his ways to appease local business owners. Mr. Keegan felt Mr. Wartman was doing a good job and had a big heart. Some of the stuff he has done is very nice. He supported the proposal.

Barry Zoss, 2701 Sylvan Road, owner of Zoss Drug in the Glenhaven Shopping Center for 17 years, stated that his business had gone flat in the area, so he sold his business. Now, Mr. Wartman asked him to reopen. His first response was no, because he did not feel the area could support it. After learning of the proposal, Mr. Zoss felt it made sense. Nothing has changed in Glen Lake during the 17 years he was there and the 5 years he has been gone. He saw the plans for the new shopping center. The proposal is exactly what Glen Lake needs to revitalize it. People tell him every day how happy they are that the grocery store and pharmacy are back. He is definitely all for it.

Chair Hart called for a 10-minute recess and reconvened the meeting.

No additional testimony was submitted and the hearing was closed.

Frisque asked for the need of the Site C variance. Olson explained that the variance is a result of the placement of the building on the odd shaped lot.

Chair Hart reviewed the primary issues.

Britain identified the complexity of the project. He believed that it could go either way regarding the size of the buildings being too large or fitting in well with the community. He had no doubt that staff would not want to build a building that would be too big. He knew that staff would not recommend the project if the buildings could be made smaller. He did not want to approve the proposal unless it would be an appropriate size and viable. Glen Lake needs the redevelopment. For the greater good of the community, he supported the proposal.

Cheleen agreed with Britain. He favored the project not being done piece meal. He was concerned with the size of the building in Site C, but understood that it drove the project. He did not think that waiting to act another month would change the proposal. He appreciated Ms. Ronbeck's comment that now there are townhouses and condominiums on two sides. He supported staff's recommendation.

Frisque concurred with Britain and Cheleen. She would prefer Site C to have a smaller building, but understood its size was vital to the project. The grocery store opening has promoted new life to the area. It needs more revitalization. Traffic and pedestrian issues need to be addressed and for money to be put into fixing the safety issues. It would not happen without the proposal. The proposal could help the Glen Lake area in many ways. She supported the project.

Dahl appreciated the neighbors' research and comments. The concept is great. He was uncomfortable with the variance for Site C. The size of the building is causing the need for the variance. He recommended the city council deny the proposal.

Brandt understood all of the speakers' view points. Everyone is bothered by the size of the proposed building for Site C. He trusted staff's understanding of the proposal and Mr. Wartman's economic feasibility for the project. He lives west of the site and has heard numerous comments. The majority believe it would be a benefit for the area. He supported staff's recommendation mainly because it would be for the overall good of the area. There would be much more good created than bad caused by the project.

Chair Hart felt that the architecture of the buildings would be lovely. The density would fit the area. The units per acre would be in the middle of the range of surrounding uses. Traffic and pedestrian issues will be addressed. She was uncomfortable with the size of the building on Site C, but her experience tells her that residents will accept it. She supported the proposal knowing that it cannot be split up and voted on in pieces. She invited the city council to try to figure out a way to do it any differently.

Frisque moved, second by Britain, to recommend the city council adopt a resolution approving the following items for a three-phase redevelopment project for the easterly part of Glen Lake for Thomas Wartman, consisting of condominiums and retail/service commercial and restaurants (05091.05b):

GUIDE PLAN CHANGES

- 1) *Recommend that the city council adopt the resolution on pages A1–A9 of the staff report, which approves the following guide plan changes:*
 - *Site A: commercial to high density residential for the north half of the site;*
 - *Site B: commercial to mixed use*
 - *Site C: residential low density to residential high density*

Approval is based on the following findings:

Site A

- a. The guide plan change is consistent with adjacent land uses to the north and west.
- b. The site is next to a commercial area, which would provide services such as supermarkets, drugstores, restaurants, cleaners etc. Metro Transit bus service is also available on Excelsior Boulevard.
- c. The guide plan change would be consistent with the public health, safety, and welfare.

Site B

- a. The guide plan change would provide additional residential opportunities to support the surrounding commercial area.
- b. The residential uses would be consistent with the high density land use to the south.
- c. The guide plan change would be consistent with the public health, safety, and welfare.

Site C

- a. The guide plan change is consistent with adjacent land use to the west.
- b. The site is next to a commercial area, which would provide retail services such as restaurants, coffee shops, video rental, cleaners etc. Metro Transit bus service is also available on Excelsior Boulevard.
- c. The guide plan change would be consistent with the public health, safety, and welfare.

REZONINGS

- 2) *Recommend that the city council adopt the ordinance on pages A10–A24 of the staff report, which approves the following zoning changes:*
 - *Site A:B-2 limited business, to PUD, planned unit development, including a master development plan, with the following variances:*
 - a. *building setback variances from 35 feet to 23 feet from the east lot line; from 35 feet to 7 feet for both buildings from the north lot line; and from 61 feet to 14 feet from the west lot line;*
 - b. *drive-aisle width variances from 24 feet to 22 feet; and*
 - c. *parking lot setback variance from 20 feet to 9 feet from the east lot line and from 20 feet to 6 feet from the westerly property line.*
 - *Site B:B-2 limited business, to PUD, planned unit development, including a master development plan, with the following variances:*
 - a. *building setback variance from 35 feet to 9 feet from the south lot line; from 61 feet to 20 feet from the east lot line;*
 - b. *parking lot setback variances from 20 feet to 4 feet from the south lot line; from 10 to 0 feet from west lot line and from 20 feet to 2 feet from the north and east lot lines;*
 - c. *drive-aisle width variances from 26 feet to 24 feet; and*

- *Site C:R-1, low density residential, to R-5, high density residential*

This ordinance is based on the following findings:

Site A

- a. The rezoning is consistent with adjacent land uses to the north and west.
- b. The site is next to a commercial area, which would provide services such as supermarkets, drugstores, restaurants, cleaners etc. Metro Transit bus service is also available on Excelsior Boulevard.
- c. The rezoning would be consistent with the public health, safety, and welfare.
- d. The rezoning would be consistent with the proposed guide plan designation;
- e. The proposed development would not have an adverse impact on neighborhood traffic or property values.

Site B

- a. The rezoning would provide additional residential opportunities to support the surrounding commercial area.
- b. The residential uses would be consistent with the high density land use to the south.
- c. The rezoning would be consistent with the public health, safety, and welfare.
- d. The rezoning would be consistent with the proposed guide plan designation;
- e. The proposed development would not have an adverse impact on neighborhood traffic or property values.

Site C

- a. The rezoning is consistent with adjacent land use to the west.

- b. The site is next to a commercial area, which would provide retail services such as restaurants, coffee shops, video rental, cleaners etc. Metro Transit bus service is also available on Excelsior Boulevard.
- c. The rezoning would be consistent with the public health, safety, and welfare.
- d. The rezoning would be consistent with the proposed guide plan designation;
- e. The proposed development would not have an adverse impact on neighborhood traffic or property values.

These rezonings, master development plan, and final site and building plans for sites A and B are subject to the following conditions:

Site A

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - o Site plan dated November 1, 2005, with plan showing proof-of-parking date-stamped November 30, 2005
 - o Grading plan date-stamped November 1, 2005
 - o Landscaping plan date-stamped November 18, 2005
 - o Building elevations date-stamped November 1, 2005
 - o Utility plan date-stamped November 1, 2005
 - o Stormwater Pollution Prevention Plan date-stamped November 1, 2005
 - (1) The driveway locations onto Woodhill Road may need to be moved and are subject to staff approval.
 - (2) Move the easterly building 10 feet to the west.
- b. Before starting any site work or obtaining a grading or demolition permit, complete the following work:
 - (1) The installation and maintenance of a temporary rock driveways, tree-protection fencing, and erosion control fencing must be installed, subject to review by

the city's natural resources manager. During construction, the streets must be kept free of debris and sediment, and the tree protection fencing and erosion control fencing must be maintained.

- (2) Complete an on-site pre-construction meeting with city staff.
 - (3) Submit final site, grading, drainage, utility and erosion control plans for staff approval, including any required drainage calculations. There should not be any construction activity within 10 feet of the northerly 60 feet of the westerly property line to avoid impacts to the adjacent white pines.
 - (4) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading and demolition permit requirements and restore the site. 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.
 - (5) Submit copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
 - (6) Submit a construction management plan for staff approval.
 - (7) Submit copies of county driveway and utility permits, if applicable.
- c. The following must be submitted to the city before the city issues a building permit:
- (1) A final landscape and irrigation plan for staff approval. The dollar value of landscaping must meet the minimum requirement in the zoning ordinance. 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. Replace Colorado spruce with the following: Black Hills spruce, Norway pine, Austrian pine, or Norway spruce. All new trees 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.

- (2) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
 - (3) An illumination plan for staff approval
 - (4) All required hook-up fees
 - (5) Record this ordinance with the county.
 - (6) A recycling/garbage plan, showing where recycling and garbage will be stored and the impact on parking.
- d. The property owner is responsible for replacing any required landscaping that dies.
- e. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- f. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- g. Construction must begin by December 31, 2006, unless the planning commission grants a time extension.
- h. Provide fire hydrant spacing and water flow requirements as required by the fire marshal. Hydrants must be located at drive entrances to parking lots as well as those required for minimum

spacing on islands in the parking lot. The buildings must have fire sprinklers, as approved by the fire marshal, including attic spaces.

- i. Provide stop signs at all drives entering a public street.
- j. Overlay Tree Street with new bituminous after all dig ups have been made.

Site B

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - o Site plan date-stamped November 18, 2005, with the 12-1-05 city staff revision that moves the underground parking entrance to the west side of the building and redesigns the westerly parking lot spaces.
 - o Grading plan date-stamped November 18, 2005
 - o Landscaping plan date-stamped November 18, 2005
 - o Building elevations date-stamped November 18, 2005
 - o Utility plan date-stamped November 18, 2005
 - o Stormwater Pollution Prevention Plan date-stamped November 18, 2005
 - (1) Widen all compact parking stalls to at least 8.5 feet.
- b. Before starting any site work or obtaining a grading or demolition permit, complete the following work:
 - (1) The installation and maintenance of temporary rock driveways and erosion control fencing must be installed, subject to review by the city's natural resources manager. During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - (2) Complete an on-site pre-construction meeting with city staff.

- (3) Submit final site, grading, drainage, utility and erosion control plans for staff approval, including any required drainage calculations.
 - (4) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading and demolition permit requirements and restore the site. 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.
 - (5) Submit copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
 - (6) Submit a construction management plan for staff approval.
 - (7) Submit copies of county driveway and utility permits, if applicable.
- c. The following must be completed and/or submitted to the city before the city issues a building permit:
- (1) A final landscape and irrigation plan for staff approval. The dollar value of landscaping must meet the minimum requirement in the zoning ordinance. New trees must be primarily species native to the area. Replace Colorado spruce with the following: Black Hills spruce, Norway pine, Austrian pine, or Norway spruce. All new trees 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.
 - (2) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
 - (3) An illumination plan for staff approval

- (4) All required hook-up fees
 - (5) Record this ordinance with the county.
 - (6) City approval of zoning permits to relocate the Alano and Gold Nugget uses. The Gold Nugget must be relocated in the area.
 - (7) Written approval from Xcel Energy to start construction within their easement.
 - (8) A recycling/garbage plan, showing where recycling and garbage will be stored and the impact on parking.
 - (9) If Woodhill Road is extended south to Stewart Lane, access to the commercial parking lot must be reoriented from Excelsior Boulevard to the new Woodhill extension. Provide a plan for this connection before a building permit is issued. Also, provide an assessment waiver and right-of-entry for the potential driveway reorientation.
- d. The property owner is responsible for replacing any required landscaping that dies.
 - e. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
 - f. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
 - g. Construction must begin by December 31, 2006, unless the planning commission grants a time extension.
 - h. Provide fire hydrant spacing and water flow requirements as required by the fire marshal. Hydrants must be located at drive entrances to parking lots as well as those required for minimum

spacing on islands in the parking lot. The buildings must have fire sprinklers, as approved by the fire marshal, including attic spaces.

- i. Provide stop signs at all drives as they enter a public street.
- j. All commercial deliveries must be from Excelsior Boulevard. No commercial deliveries are allowed from Stewart Lane.

CONDITIONAL USE PERMIT FOR OUTDOOR SEATING

- 3) *Recommend that the city council adopt the resolution on pages A25–A32 of the staff report, which approves a conditional use permit for outdoor seating for two restaurants, with the following variances:*
 - a. *setback variance from 200 feet to 0 feet from a residential parcel;*
and
 - b. *setback variance from 35 feet to 8 feet from the easterly property line.*

This resolution is based on the following findings:

- a. The hardship is caused by the small lot size, and the narrow depth of the lot. Given that residential land uses are proposed on this lot and an outdoor eating area could not be located on the site to meet the required setbacks.
- b. The outdoor eating area would be adjacent to a single family home that is guided for future commercial development. The proposed landscaping around the perimeter of the outdoor eating area would be an improvement over the existing condition of the site.
- c. The proposal meets the standards outlined in the city code, Section 300.21.2, regarding general standards for conditional use permits for business zoning districts.
- d. With the exception of the setback variance, the proposal meets the standards outlined in the city code, Section 300.21.4. r., regarding accessory sidewalk cafes and outdoor eating areas.

Approval is subject to the following conditions:

- a. Record this resolution with the county within one year from the date of city council approval.
- b. In order to serve liquor within the outdoor eating area, a liquor license must be obtained.
- c. The outdoor eating area must be enclosed with an uninterrupted enclosure. Access may only be through the principal building, subject to the conditions of a liquor license.
- d. The outdoor eating area must be equipped with refuse containers and periodically patrolled for litter pick-up.
- e. The outdoor eating area must not have speakers or audio equipment.
- f. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- g. 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.
- h. The applicant must agree to the above conditions in writing.

*CONDITIONAL USE PERMIT, WITH VARIANCE, TO RELOCATE A
TRANSMISSION LINE*

- 4) *Recommend that the city council adopt the resolution on pages A33–A38 of the staff report, which approves the relocation of an electric transmission line at Site B. Approval includes a variance to the normal application requirements, which includes a multi-phase review process and task force review.*

Approval of the variance is based on the findings that:

- a. The proposed realignment is relatively minor, and does not justify a full-scale review of alternative alignments; and
- b. Removing transmission lines from local streets is one of the goals of the ordinance.

Approval is based on the findings that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- a. Record this resolution with the county before the city issues a building permit.
- b. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- c. The applicant must agree to the above conditions in writing.

VACATION OF EXCESS RIGHT-OF-WAY

- 5) *Recommend that the city council adopt the resolution on pages A39–A42 of the staff report, which vacates excess right-of-way along Excelsior Boulevard. Approval is subject to retaining a utility easement over the entire area. This resolution is based on the following findings:*
 - a. The petitioners are owners of the land abutting said easement, and therefore are proper petitioners.
 - b. The City no longer needs said easement.
 - c. Vacating said easement is in the public interest.

FINAL SITE AND BUILDING PLAN REVIEW FOR SITE C

- 6) *Recommend that the city council approve the final site and building plans for Site C, with the following variances:*
 - a. *building setback variances from 100 feet to 33 feet from the north property line, 100 feet to 40 feet from the southwest property line, and 100 feet to 16 feet from Kinsel Park; and*
 - b. *parking lot setback variances from 20 feet to 8 feet from the north lot line, from 20 feet to 15 feet from the northwest property line, and 20 feet to 10 feet from the southwest property line.*

Approval is subject to the following findings:

- a. The proposal would meet the required standards and ordinances for a site and building plan approval.
- b. The proposal would meet the required standards for a variance, because:
 - (1) There is a unique hardship to the property caused by the triangular shape of the lot.
 - (2) The variance would meet the intent of the ordinance because the density is similar to other high density developments in Minnetonka.
 - (3) The parking lot setback variances are for minor point intrusions into the required setback area.

Approval of the site and building plans is subject to the following conditions:

- a. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date-stamped November 18, 2005*, **
 - Grading plan date-stamped January 5, 2006
 - Landscaping plan date-stamped November 18, 2005
 - Building elevations date-stamped December 1, 2005**
 - Utility plan date-stamped November 30, 2005
 - Stormwater Pollution Prevention plan date-stamped November 30, 2005

* Approval of the site plan includes the option of a second trail along the north side of the property. The location and design of all trails is subject to staff approval.

** The revised grading plan will expose an additional seven feet of lake-side building elevation than is shown on the proposed elevation drawing and will change the trail design shown on the site plan.
- b. Before starting any site work or obtaining a grading or demolition permit, complete the following work:
 - (1) The installation and maintenance of temporary rock driveways, erosion control, tree protection and wetland protection fencing must

be installed, subject to review by the city's natural resources manager. During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.

- (2) Submit final site, grading, drainage, utility and erosion control plans for staff approval, including any required drainage calculations. Staff may require that parts of the westerly trail be moved further back from the Glen Lake Shores property line to protect the basswood and oak trees on that property. The trail between the lake and westerly pond should be graded in, but not paved. Hard cover should be minimized by considering the use of permeable pavers, porous concrete, or other infiltration techniques.
 - (3) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading or demolition permit requirements and restore the site. 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.
 - (4) Submit copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
 - (5) Submit a construction management plan for staff approval.
 - (6) Complete an on-site pre-construction meeting with city staff.
- c. The following must be submitted to the city before the city issues a building permit:
- (1) A final landscape and irrigation plan for staff approval. The landscape plan must be revised to provide a more natural look, as stated in the applicant's narrative. The dollar value of landscaping must meet the minimum requirement in the zoning ordinance. A natural buffer must be maintained within 25 feet of the wetland. The buffer should keep as much existing vegetation as possible and control the buckthorn. The sediment ponds should have natural vegetation or "no mow" grass mix to minimize lawn care around these areas. 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. Replace Colorado spruce with the following: Black Hills spruce, Norway pine, Austrian pine, or Norway spruce. 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. Additional landscaping must be provided along the lakeside of the buildings to screen the lower elevations of the building.

- (2) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
 - (3) An illumination plan for staff approval
 - (4) All required hook-up fees
 - (5) A recycling/garbage plan, showing where recycling and garbage will be stored and the impact on parking.
- d. The property owner is responsible for replacing any required landscaping that dies.
 - e. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
 - f. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
 - g. Conservation easements over 25 feet from the wetland edge and a drawing of the easements for the approval of the city attorney. The easements and drawing must be recorded with the county.
 - h. Construction must begin by December 31, 2006, unless the planning commission grants a time extension.
 - i. Provide fire hydrant spacing and water flow requirements as required by the fire marshal. Hydrants must be located at drive entrances to parking lots as well as those required for minimum spacing on islands in the

parking lot. The buildings must have fire sprinklers, as approved by the fire marshal, including attic spaces.

- j. Provide a stop sign at the drive entering Stewart Lane.

PRELIMINARY PLATS FOR SITES A, B AND C

- 7) *Recommend that the city council approve the preliminary plats for Site A date stamped November 1, 2005; Site B date stamped November 16, 2005; and Site C date-stamped November 1, 2005. Approval is based on the finding that the plats meet the required standards and ordinances.*

Approval is subject to the following conditions:

Site A

- a. Complete the following before final plat approval:
 - (1) Show the following on the final plat:
 - (a) 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.
 - (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (c) Drainage and utility easements over public storm water ponds, as determined by the city engineer.
 - (2) If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- b. The following items must be submitted to the city before the city releases the final plat:
 - (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) 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.

- (3) The following documents for the city attorney's approval:
 - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (b) Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, the required drainage pond and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.
 - (c) Common access easements for each lot.
 - (d) 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.
 - (e) Easements over all trails or common spaces that will be open to the public, as determined by staff. This may include the courtyard or on-site trails.

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

- (4) Any other requirements included with final plat approval.
- c. The following must be submitted to the city before the city issues a building permit:
 - (1) A copy of the recorded plat and any easement or covenants required to be recorded.
 - (2) A park dedication fee of \$55,550 (park fee less the value of public trails or trail easements and less a credit for affordable housing).
 - (3) 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.
- d. 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.

Site B

- a. Complete the following before final plat approval:
 - (1) Show the following on the final plat:
 - (a) 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.
 - (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (c) Drainage and utility easements over storm water ponds, as determined by the city engineer.
 - (d) Dedicate another 3 feet of right-of-way on Stewart Lane to include the on-street parking spaces and curb in the public right-of-way.

- (2) If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- b. The following items must be submitted to the city before the city releases the final plat:
- (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) 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 of must be 150% of the estimated cost of the improvements or 125% of the cost if based on actual bids.
 - (3) The following documents for the city attorney's approval:
 - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (b) Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, the required drainage pond and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.
 - (c) Common access easements.

- (d) 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.
- (e) Easements over all trails or common spaces that will be open to the public, as determined by staff. This may include on-site trails.

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

- (4) Any other requirements included with final plat approval.
- c. The following must be submitted to the city before the city issues a building permit:
 - (1) A copy of the recorded plat and any easement or covenants required to be recorded.
 - (2) A park dedication fee of \$17,778 (park fee less the value of public trails or trail easements and less a credit for affordable housing).
 - (3) 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.
- d. 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.

Site C

- a. Complete the following before final plat approval:
 - (1) Show the following on the final plat:
 - (a) 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.
- (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (c) Drainage and utility easements over the floodplain and wetland, as determined by the city engineer.
- (2) If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- b. The following items must be submitted to the city before the city releases the final plat:
- (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) 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.
 - (3) The following documents for the city attorney's approval:
 - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (b) Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, the required drainage pond and any other required drainage improvements approved by the city. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any

adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.

- (c) Provide restrictive covenants to be recorded against the 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.
- (d) Easements over all trails or common spaces that will be open to the public, as determined by staff. This may include the courtyard or on-site trails.

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

- (4) Any other requirements included with final plat approval.
- c. The following must be submitted to the city before the city issues a building permit:
 - (1) A copy of the recorded plat and any easement or covenants required to be recorded.
 - (2) A park dedication fee of \$26,672 (park fee less the value of any trails or trail easements and less a credit for affordable housing).
 - (3) 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.
 - d. 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.

REDEVELOPMENT AND TIF PLANS

- 8) *Adopt the resolution on page A43a of the staff report, which makes a finding that the proposed modification to the redevelopment plan and establishment of the Glen Lake TIF district plan conform with the city's comprehensive plan. (See the TIF financing plan and the redevelopment plan starting on page A43b.)*

Brandt, Britain, Cheleen, Frisque, and Hart voted yes. Dahl voted no. Motion carried.

Chair Hart stated that the economic development authority will review the project's financing on January 17, 2006. It is scheduled tentatively to be reviewed by the city council at its January 23, 2006 meeting.

9. ADJOURNMENT

Cheleen moved, second by Dahl, to adjourn the meeting at 11:00 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary