

**MINNETONKA PLANNING COMMISSION
MINUTES**

JANUARY 26, 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, and Planning Intern David Abel.

3. APPROVAL OF AGENDA: The agenda was approved as submitted.

4. APPROVAL OF MINUTES: January 12, 2006

Dahl moved, second by Cheleen, to approve the January 12, 2006 meeting minutes as submitted.

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

5. REPORT FROM STAFF

Olson briefed the commission on the land use application considered by the city council at its meeting of January 23, 2006:

- Adopted a resolution approving items concerning a three-phase redevelopment project for the easterly part of Glen Lake for Thomas Wartman, consisting of condominiums and retail/service commercial and restaurants. The council required, agreed to by the developer, that the width of the building be shortened by 18 feet on the east side. This resulted in the removal of five affordable units and a better variety of sizes of the remaining affordable units, to include two-bedroom affordable units. The project will have 18 percent of its units affordable. Olson said the project will provide economic vitality to ensure that Glen Lake stays a viable part of the community for a long time.

Olson announced that the mayor's state of the city address would be on February 15, 2006, from 7:30 a.m. to 9:00 a.m. He invited the commissioners to notify Karen Telega if they are able to attend.

Olson reviewed late comments provided in the change memo dated January 26, 2006.

Olson announced that the next planning commission would be on February 16, 2006.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

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

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

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

Adopt the resolution on pages A1–A3 of the staff report, which approves a side yard aggregate variance from 30 feet to 23 feet, and a side yard setback variance from 10 feet to 8 feet for an addition to the home at 3715 Huntingdon Drive. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The substandard lot width of 100 feet.
 - b. The location of the home in relation to the lot lines.
- 2) The variance would meet the intent of the ordinance since:
 - a. The proposed addition would not impose any negative impacts on the surrounding area.
 - b. The variance request is for a reasonable use of the property.
 - 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) Any outstanding utility bills must be paid before the city issues a building permit.
- 3) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's natural resources manager.
- 4) The building material and color of the addition must match the existing home.
- 5) 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.

B. Floodplain alteration permit, conditional use permit, and shoreland setback variance for grade changes and a pervious patio on the lake access lot at 17024 Grays Bay Boulevard for Lakewest Landscape (05095.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report, which approves the conditional use permit, floodplain alteration permit, and a shoreland setback variance from 25 feet to 14 feet. This resolution is based on the following findings:

- 1) The proposed variance meets the intent of the ordinance.
 - a. The variance is a reasonable use of the property. The lot currently is used for recreation and lake access, and the proposed changes would not alter this use.
 - b. The character of the neighborhood is unique. The patio would be setback farther from the shoreline than the existing structures on adjacent property.
- 2) The proposed grade changes within the floodplain are consistent with the standards in the ordinance for floodplain alteration and conditional use.

- a. The proposed use would have low damage potential. Flood flows would not be obstructed, no net fill will occur, water storage would be maintained, and there would be no increase in the flood elevation.
- b. All fill material and exposed soil will be protected by vegetation or stone.
- c. No impact will occur to significant trees, wetlands, or public easements.

The above-described conditional use permits are approved, subject to the following conditions:

- 1) Tree protection and erosion control must be installed and maintained until groundcover is established.
- 2) Submit proof of having recorded this resolution with the county before the city issues a grading permit.
- 3) The city council may reasonably add or revise conditions to address any future unforeseen problems.

C. Variances to build a porch over an existing deck at 5229 Minnetoga Terrace for Jon and Kelly Rausch (05100.05a)

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 circumstance that is unique to this property:
 - a. The existing location of the home, which does not meet the required setbacks.
- 2) The variance would meet the intent of the ordinance since:
 - a. The addition would not encroach further to the side lot line than the existing structure.
 - b. The existing home appears to be setback further from the lake than the proposed addition.

- c. There would be no visual impact on adjacent properties.

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) 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.

D. Multiple variances to tear down and rebuild the home at 2513 Bantas Point Lane for Thomas and Marlys Olson (05029.05b)

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

- 1) Strict enforcement would cause undue hardship because of the following circumstance that is unique to this property:
 - a. 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 to a 10 to 15 foot deep building footprint.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The applicant is proposing reasonable use of the property.
 - d. The proposed 1½- to 2-story, 23-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) A detailed grading plan must be submitted with the building permit. These plans are subject to review and approval by the city engineer.

- 3) Fill around the foundation of the home is not permitted. The crawl space below the 933.5 elevation must be designed to internally flood.
- 4) The home must be built with an automatic fire sprinkler protection system, subject to review and approval of the building official and fire marshal.
- 5) The home must meet all uniform building code requirements.
- 6) Maintain the existing 3 to 5 foot buffer from the water's edge.
- 7) The installation and maintenance of erosion control and tree protection fencing must be installed, subject to review by the city's natural resources manager.
- 8) The driveway area to the street must be paved with pervious pavers.
- 9) 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.

E. Conditional use permit, with height variance, to replace an existing communications antenna on the Tonkawood Water Tower at 16001 Lake Street Extension for the City of Minnetonka (96001.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report which approves a conditional use permit, with height variance, for a communication antenna and associated equipment on the Tonkawood water tower at 16001 Lake Street Extension for the City of Minnetonka. This resolution is based on the following findings:

- 1) Apart from the 18.5 foot vertical projection of the proposed antenna, the antenna would meet all conditional use permit standards.
- 2) The proposed antenna meets the required standards for a variance, because:
 - a. The proposed height is reasonable. The height reflects industry and Federal Communications Commission standards.

- b. The proposed antennas would be located on an existing water tower and would be used for public purposes. This is a unique circumstance not similar to every other R-1 property.
- c. The proposed five-foot variance would have no negative impact on the surrounding area. Located on top of a water tower, there would be little to no visual difference between the proposed 18.5 foot vertical projection and a permitted 15 foot projection.

Approval is subject to the following conditions:

- 1) The color of the antenna must be approved by the city council.
- 2) No external messages or on-site, tower-specific employees are allowed.
- 3) The antennas must not be artificially illuminated unless required by law.
- 4) The antennas must comply with all building and electrical code requirements and must be designed and certified by an engineer.
- 5) Submit copies of any required FAA and/or FCC permits prior to issuance of a building permit.

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

Chair Hart stated that an appeal of the planning commission's final decisions in the above projects be made in writing to the planning director within 10 days.

8. PUBLIC HEARINGS

A. Aggregate side yard setback variance for an addition to the home at 16811 Grays Bay Boulevard for Ivan Rafowitz (05096.05a)

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

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

Ivan Rafowitz, 16811 Grays Bay Boulevard, applicant, stated that the project would have no adverse impact to the character of the neighborhood or any of the neighbors.

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

Chair Hart reviewed the primary issues.

Dahl moved, second by Frisque, to adopt the resolution on pages A1–A3 of the staff report, which approves an aggregate side yard setback variance from 30 feet to 25 feet to construct an addition to the home at 16811 Grays Bay Boulevard. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The 100-foot lot width.
 - b. The location of the home in relation to the lot lines.
- 2) The variance would meet the intent of the ordinance since:
 - a. The proposed addition would meet the intent of the setback requirement. It would maintain at least a 10-foot setback from the side property line.
 - b. The variance request is for a reasonable use of the property.
 - 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 natural resources manager.
- 3) Gutters must be installed to direct drainage away from the adjacent property.
- 4) The building material and color of the addition must match the existing home.

- 5) 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.

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

Chair Hart stated that an appeal of the planning commission's final decision on this project be made in writing to the planning director within 10 days.

B. Items concerning a residential care facility at 4735 Clear Spring Road for Community Involvement Programs (88017.05a)

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

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

Britain asked Thomas to address drainage. Thomas explained that the city engineer reviewed the application. Two infiltration areas would control the rate of runoff for the wetland area. There would be no negative impact to the area.

Cheleen asked how close Building D would be to the residence. Thomas estimated Building D would be 16 feet from the property line. The residence to the northwest would also be 16 feet from the property line, so they would be approximately 32 feet apart from each other.

John Everett, Executive Director of Community Involvement Programs, applicant, requested the commission's support of the proposal. Community Involvement Programs is celebrating its 35th year of assisting people with disabilities. He shared the program's history. The architect has worked to keep the proposal in character with the neighborhood. The facility strives to be a good neighbor. The site would provide adult foster care and independent living supportive housing. CIP staff would be at the site all of the time with few exceptions.

Britain was familiar with senior care housing. He favored the campus design and home like setting. He asked how the residents would interact with the community. Concerns were received from neighbors regarding criminals being housed at the facility. Mr. Everett explained the screening process. The program has 42 sites in Hennepin County. Persons with criminal records are not allowed in the facilities. The residents are challenged by disabilities. The staff includes nurses and psychological staff trained to deal with people with disabilities. Mr. Everett was open to listening to, and dealing with, neighbors' concerns.

Cheleen asked if a full-time staff member would be living in building A. Mr. Everett stated that adult foster care does require over-night, awake, staff from 10 p.m. to 7 a.m. During the day, staff would be there often, but not 100 percent of the time. Residents go to work and to volunteer activities.

Britain asked if a monitoring type of device was utilized on each resident. Mr. Everett answered in the negative.

Susan Weber, 4741 Clear Spring Road, neighbor to the west, stated that Community Involvement Program has been a great neighbor. She moved into the area in July of 2004 and has had no problems. She was concerned with the type of residents, the handling of incidents, and the safety of her two children. The concern was not so much the distance from her house, but the height of the proposed facility affecting their privacy. It would not change their lifestyle tremendously, but she wanted it on the record.

Mr. Everett explained that there would be two adult foster care buildings on the site. Each would have a staff member. A manager would be on site at all times and staff would come and go depending on the needs. Parcel A would be used for adult foster care. Those residents would have supervision most of the time. Residents of units B, C, and D, would have periodic staff help for counseling, issuing medication, and skills training. Residents of B, C, and D, generally work, volunteer, and attend social gatherings, but generally do not drive. Community Involvement Program provides transportation. Mr. Everett stated that neighbors should dial 911 for a critical situation. He shares the facility's phone number with neighbors. He wants to hear about problems and wants to work to correct them.

Mike Weber, 4741 Clear Spring Road, stated that his biggest concern was the change in the type of residents and wanted to know what was meant by "long-term homelessness." The program is great and he was sensitive to the needs of those with disabilities, but he was concerned with residents in buildings B, C, and D being independent and that there would not be over night staff in these buildings. He was concerned for his young children's safety. He questioned the resident turn over rate. Chair Hart invited Mr. Weber to discuss his concerns in a meeting with Mr. Everett.

Mr. Everett explained the change in the program, which started as a residential treatment center for short-term residents. The facility has evolved to an extended-period-of-time facility. Some residents have resided in the facility since it opened 10 years ago. The homes would provide more privacy. It has been adult foster care since 2001. The adult foster care would remain. The

independent living units would be new. Some of the residents have a history of homelessness in their background. The governor has a new initiative to end homelessness, but the facility would not be designed for that population. Residents usually come to the program through a county department of human social services case manager. The organization has a screening process and matches appropriate people with available openings. The residents, when healthy and taking proper medications, function normally. The program would allow residents to stay as long as they need to stay, probably an extended stay. The average stay is three years at least.

No additional testimony was submitted and the hearing was closed.

Dahl asked if there would be a fence on the site. Thomas answered in the negative. Landscaping would be required. A final landscape plan would be submitted for staff's approval.

Dahl asked about tree loss. Colleran responded that there would be some impact to critical root zones. The applicant would be required to alter the grading plan to avoid impact to the critical root zones of the oak trees that are north and south of building D. She met with the applicant on the site and felt it could be done without any loss of trees.

In response to Dahl's question, Thomas answered that building D would not require a variance for the setback.

Cheleen asked about lowering building D a few feet. He also asked if residents would be given interim counseling. Thomas acknowledged the building could be lowered by more grading, but that would result in the loss of trees.

Mr. Everett was confident that staff would be familiar with the residents and work with them to prevent issues.

Doug Wise, from PRG, which is working on the development phase of the project, explained that the building would be slab on existing grade. The wetland and slope are factors. He identified an infiltration drainage area next to the parking lot. It would accommodate the drainage from the parking lot.

Chair Hart reviewed the primary issues.

Britain felt the use of the property is appropriate. It has historically proven to be a good neighbor. He encouraged the applicant to continue communication with neighbors.

Britain moved, second by Cheleen, to recommend that the city council approve the following items concerning a residential care facility at 4735 Clear Spring Road for Community Involvement Programs:

- 1) *Adopt the resolution approving a conditional use permit for a residential care facility for up to 21 residents at 4725/4735 Clear Spring Road for Community Involvement Programs. This resolution is based on the finding that the proposal meets all 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. Submit copies of all background check information, licenses, and certificates and any other information as required by the Minnetonka Police Department.
 - c. The city council may reasonably review the conditional use permit and add or revise conditions to address any future unforeseen problems, including traffic or parking problems.
 - d. Any existing landscaping or trees removed for construction of the new buildings must be replaced.
 - e. 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.
 - f. The applicant must agree to the above conditions in writing.
- 2) *Approve final site and building plans for four new buildings at 4735 Clear Spring Road. Approval is based on the following findings:*
 - a. Apart from the front yard setback variance for Building A, the proposal would meet the required standards and ordinance for site and building plan approval.
 - b. The proposal would meet the required standards for a variance, because:

- (1) The proposed setback is reasonable. The building would be further from the front property line than was the building previously on the site.
- (2) The variance would meet the intent of the ordinance.
 - (a) The building would be 54 feet from the frontage road accessing the property and over 90 feet from Highway 7.
 - (b) Though the building could be located to meet the required setback, it would impact the existing parking lot on the site.
 - (c) The setback variance would not alter or have any negative impacts on the residential character of the area.

Approval is subject to the following conditions:

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan, date stamped December 8, 2005
 - Grading plan, date stamped December 8, 2005
 - Utility plan, date stamped December 8, 2005
 - Building elevations, December 26, 2005
- b. The following must be completed before the city issues a grading permit or any site work is started.
 - (1) Submit the following for staff review and approval.
 - (a) Final grading, drainage, and erosion control plans for staff review and approval. The grading plan must be modified to minimize impact to significant oak trees on the site.
 - (b) A revised landscape plan for staff approval. The plan should include additional shrubbery on the west side of the property and in the south central area of the

site, as per natural resources staff. Any existing landscaping or trees removed for construction of buildings must be replaced.

- (c) A construction management plan.
- (2) Submit a letter of credit or cash escrow for 150% of the estimated cost, or 125% of a bid cost, to comply with grading permit requirements and restore the site.
 - (3) Submit a letter of credit or cash escrow for 150% of the estimated cost, or 125% of a bid cost, to comply with landscape requirements.
 - (4) All 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.
 - (5) If required, submit evidence of the watershed district approval. The city may require revisions to the preliminary plat to meet the district's requirements.
 - (6) If required, submit copies of any required MnDOT permit. The city may require revisions to the approved plans to meet the district's requirements.
 - (7) Install erosion control, tree, and wetland protection fencing for staff review and approval. This fencing must be maintained throughout the course of construction.
- c. The following must be completed before the city issues a building permit:
- (1) Submit final building plans for Building A for staff review and approval. The plans must be architecturally consistent with the plans for Buildings B, C, and D.
 - (2) Pay all required hook-up fees.

- (3) Submit a copy of the recorded plat and any easement or covenants required to be recorded.
 - (4) Pay a hookup fee for sanitary sewer and water.
 - (5) 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.
- d. Minimum floor elevation is 922.0
 - e. Automatic fire sprinklers must be provided as required by the fire marshall.
 - f. Any old or abandoned wells must be located and sealed according to the state well code.
 - g. During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - h. 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.
 - i. Construction must begin by December 31, 2007, unless the city grants a time extension.
- 3) *Give preliminary approval to the Clear Spring Addition, date stamped December 8, 2005, with variance. Approval is based on the following findings:*
- a. Accept for the buildable area variance, the proposal meets the required standards and ordinance for a preliminary plat.

- b. The proposal meets the required standards for a variance, because:
 - (1) Though the east lot lacks the 40-foot-by-40-foot buildable area as required, it does have a 38-foot by 40-foot buildable area.
 - (2) The lot would have over 5,700 square feet of total buildable area.
 - (3) Though the plat could be revised to meet the requirement, in the field there would be no visual difference between the proposed or revised plat.
 - (4) The buildable area variance would have no visual impact on the residential character of the area.

Approval is subject to the following conditions:

- 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) Drainage and utility easements over the 920 elevation.
 - (2) Pay the city a park dedication fee of \$2,375.
- 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) 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) A conservation easement over the wetland and wetland buffer 16.5 feet upland from the delineated edge of the wetland. A legal description and drawing of the easement must be submitted. This easement must be recorded with the county and a copy of the recorded document returned to the city before the final building inspection.
- (c) Cross access, parking, and utility easements for services that cross property lines.
- (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.

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

- (3) Any other requirements included with final plat approval.
- c. 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.

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

C. Items concerning Morries Mazda at 13708/13712 Wayzata Boulevard for Wagener Properties, LLC (89005.05a)

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

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report and change memo. Thomas noted that the applicant has agreed to move the driveway west to eliminate the setback variance.

Peter Johnson, attorney on behalf of Morries Mazda, applicant, stated that the application is an effort to freshen up the appearance of the site. It would not intensify the use of the site or change the amount of traffic. He requested that the application not need a parking plan. The proposal would not have a rational relationship with parking. It would not impact parking on the site.

Steven Fichtel, 4959 Olson Memorial Highway, Golden Valley, architect for the project, stated that the current cedar shake roof is 25 years old. Large parts of it need to be replaced. Metal is the best choice for a replacement. A sharper line would be created.

Britain asked if the architect had considered if a metal roof may cause the snow to fall off and pile up on the ground around the building. Mr. Fichtel explained that the roof would be a 58-foot-in-diameter circle. Landscaping would prevent motorists from parking in that area. The manufacturers make a clear, acrylic roof edge that would catch the snow. There would be no entrances or walk areas under the sloped part of the roof.

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

Chair Hart explained that the applicant agreed to move the driveway, so the portion to deny that part of the application was no longer applicable.

Britain asked why the commission needed to vote on requiring the parking plan. Olson explained that the ordinance requires a certain number of parking spaces for visitors and employees. It is difficult to determine at automobile dealerships what stalls are designated for parking.

Cheleen remembered the Polynesian restaurant. The metal roof would be an improvement.

Britain moved, second by Dahl, to approve the minor amendment, with variance, for building additions, canopy area, and roof material change, at Morries Mazda at 13708/13712 Wayzata Boulevard for Wagener Properties, LLC, with the condition that the driveway be moved to meet staff approval. Approval is based on the following findings:

- a. Apart from the requested variance to allow metal as a major building material, the proposed changes would meet all ordinance standards.

- b. The proposal would meet the required standards for a variance, because:
- (1) Metal Roof Material
 - (a) Use of metal is reasonable. The roof of the “round” section of the building is the building’s predominant feature. Any material used on this roof would not be considered an accent material.
 - (b) The roof would meet the intent of the ordinance. The material is attractive and will compliment other materials used on the existing building.
 - (c) The proposed metal material is more “commercial” in appearance than the existing wood shingles. Its use would not alter the commercial character of the area.

Approval is subject to the following conditions:

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
- Site plan, date stamped November 16, 2005
 - Building elevations, date stamped November 16, 2005
 - Landscape plan date-stamped December 29, 2005
- b. Complete the follow before the city issues a building permit:
- (1) Submit for staff review and approval:
 - (a) A revised landscape plan. Proposed Colorado spruce trees must be replaced by Black Hills spruce. The plan may include one larger berm.
 - (b) A construction management plan.
 - (c) A parking plan. The plan must designate all required parking spaces. As per City Code 300.28.12(a) 2, required parking may not be used for storage, display, sales, rental, or repair of motor vehicles.

- (2) Submit a letter of credit or cash escrow for 150% of the estimated cost, or 125% of an actual bid cost to comply with grading and landscaping requirements.
 - (3) Install erosion control fencing for review and approval by the natural resources staff. This fencing must be maintained throughout the landscaping process.
- c. The roof material must be silver; the sample provided for staff review.
 - d. All exterior lighting must meet city code.
 - e. Approval does not include any signs. Separate sign permits must be submitted for staff review and approval.
 - f. Construction must begin by December 31, 2007, unless the city grants a time extension.
 - g. The driveway must be located to meet all zoning and engineering requirements.

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

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

9. ADJOURNMENT

Cheleen moved, second by Frisque, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary