

**MINNETONKA PLANNING COMMISSION
MINUTES**

MAY 25, 2006

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Adams, 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 Technician Jeff Thomson.

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

4. APPROVAL OF MINUTES: May 11, 2006

Dahl moved, second by Cheleen, to approve the May 11, 2006, meeting minutes as submitted.

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

5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of May 22, 2006:

- Adopted a resolution approving a conditional use permit for a telecommunications facility at 4801 County Road 101 for Cingular Wireless.
- Adopted a resolution approving a conditional use permit for an outdoor plant display/sales area at 17501 Minnetonka Blvd for Lakewinds Natural Foods.
- Approved a preliminary plat to divide 13801 Spring Lake Road into two lots for Lawrence Olson.
- Adopted a resolution approving items concerning the remodeling and expansion of the home at 5235 Woodhill Road for West Suburban Alano Society, and expansion of Glen Lake Park for the City of Minnetonka.

- Postponed action on a preliminary plat, with variances, for a four-lot subdivision at 5342/5356 Picha Road for Steve Lipe to allow time for the city council to conduct a study session regarding developing an ordinance to restrict house sizes.
- Adopted a resolution approving a lot division with variances at 5808 Louis Avenue for Home Reflections, Incorporated.

Olson announced that the planning commissioners will meet June 15, 2006, at 5:30 p.m. in the Grey's Bay room with City Manager John Gunyou and Mayor Jan Callison.

Chair Hart was glad the city council would be conducting a study session to discuss limiting house sizes for newly created lots located in established neighborhoods.

6. REPORT FROM PLANNING COMMISSION MEMBERS

Cheleen reported on a training session he and two other commissioners attended. It focused on the basic functions of planning commissions relating to conditional use permits, developments, variances, and legal ramifications of decisions. He felt it was well done.

7. PUBLIC HEARINGS: CONSENT AGENDA

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

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

A. Building separation variances within the Lakeside Estates townhouse development on Glen Lake Drive for GL Development LLC (03085.06a)

Adopt the resolution on pages A1–A4 of the staff report, which approves the following building separation variances: from 22 feet to 14 feet between Lots 2 and 3 (14212 and 14208 Glen Lake Drive); from 19.5 feet to 14 feet between Lots 4 and 5 (14206 and 14202 Glen Lake Drive); and from 22 feet to 20 feet between Lots 11 and 12 (14203 and 14207 Glen Lake Drive). 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 proposed building separation is reasonable for a townhome development. If this townhome development were zoned PUD, rather than R-3, no variance would be needed.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The circumstance and requested variances are not self-created. Rather, the variances are needed at this time due to a previous staff oversight. The proposed building separations reflect the Lakeshore Estates site plan approved by the city in 2004.
 - b. Lakeside Estates is a townhouse development. The requested building separation variances would not alter the character of the neighborhood.

Approval is subject to the following conditions:

- 1) The units must include automatic fire sprinkler protection.
- 2) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 3) 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. Front yard setback variance to build and entryway addition to the home at 12809 Linde Lane for Paul and Katrina Van Overbeke. (06019.06a)

Approve the resolution on pages A1–A3 of the staff report, which approves the front yard setback variance from 35 feet to 29 feet at 12809 Linde Lane. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The location of the existing home.

- 2) The variance would meet the intent of the ordinance since:
 - a. The variance request is for a reasonable use of the property.
 - b. The addition would be in line with the homes on either side.
 - 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) The building material and color must match the existing home.
- 4) 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.

C. Front yard setback variance for an addition to the house at 3419 Arbor Lane for Stuart Larsen (06025.06a)

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 31 feet to build an addition to the home at 3419 Arbor Lane. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The location of the existing home on the lot.
- 2) The variance would meet the intent of the ordinance since:
 - a. The addition would line up with the building line of the existing house.
 - b. The addition would line up with the building lines of the adjacent properties.

Approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's environmental staff.
- 3) The water bill for the property must be paid in full to the city before the issuance of a building permit.
- 4) 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. Sign setback variance for a free-standing sign at 17601 Minnetonka Boulevard for Amtech Lighting. (90032.06a)

Adopt the resolution on pages A1–A3 of the staff report, which approves a sign setback variance from 10 feet to 5 feet in order to construct a new freestanding sign at 17601 Minnetonka Boulevard. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The taking of additional right-of-way for County Road 101.
 - b. The freestanding sign could not be located at the required setback without obstructing traffic and circulation.
- 2) The variance would meet the intent of the ordinance since:
 - a. The sign is replacing an existing freestanding sign that is within the right-of-way.
 - b. The proposed sign would not alter the neighborhood character.
 - c. The sign would meet all size and height requirements.

Approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.

- 2) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's natural resources staff.
- 3) The freestanding sign must conform to the city's sign ordinance and cannot contain any product or service advertising.
- 4) 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.

Adams, 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 decision must be made in writing to the planning director within 10 days.

8. PUBLIC HEARINGS

A. Items concerning a two-phased office redevelopment project at 5720 and 5740 Green Circle Drive and 10350 Bren Road West for Opus Corporation. (97096.06a)

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

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

Britain was curious if a tunnel, rather than a skyway, had been considered. Teague stated that staff had not considered a tunnel. He invited the applicant to respond.

Frisque clarified with Teague that the road located between the two buildings creates the hardship for the variance.

Cheleen noticed that the building would appear to be three stories tall from the north side. It would look similar to buildings in the area from that view.

Michelle Foster, Opus Senior Director of Real Estate, applicant, stated that Opus, Incorporated has experienced a great deal of growth. The skyway would allow

the type of campus needed to facilitate the type of communication necessary to fill an integral part of the business' philosophy.

John Albers, President of Opus Architects and Engineers, stated that:

- The northeast side of the building would appear to be a three-story building from Green Circle Drive.
- The site plan inhibits the amount of traffic that would travel north on Green Circle Drive.
- There is no basement in the current building, so there would be no basement for a tunnel connection.
- The skyway would not be as visible as the ones in Minneapolis. There would be a lot of landscaping around the skyway to shield its impression. A heavy emphasis would be on glass transparency.
- He provided a plan for a second phase that would include a building 110,000 square feet in size and new parking structure that would be constructed along Bren Road. The access would be on Bren Road. A stepping effect would be used to diminish the image of the parking structure. Three of the four parking ramp levels would be screened by a berm. The upper level would be setback 45 feet to reduce its visibility.
- He provided multiple views of the campus in the projected future.

Dahl asked if he had a view of the site from the town homes. Mr. Albers provided a similar view. He will generate one for the city council meeting.

Brandt asked if the large trees shown in the plan would be planted. Mr. Albers stated that trees would be smaller when planted. The illustration showed the trees 10 years in the future.

Britain asked what response Opus representatives provided neighbors opposed to the project. Mr. Albers stated that the majority of residents who attended the neighborhood meeting were neutral or in favor of the project. One resident suggested dead-ending Green Circle Drive to separate the commercial and residential areas. The proposed plan directs traffic onto Bren Road to mitigate that issue. A resident who works at the arboretum provided technical ideas that might be incorporated.

Ms. Foster stated that a resident asked about lighting of the building. Opus management agreed to turn off the lights at night. This was one of the friendliest meetings she has attended. A few residents are still opposed to the project. Many residents commented that Opus has been a good neighbor.

Cheleen asked how the skyway would be lighted. Mr. Albers stated that he has designed a dozen skyways in Minneapolis. The aim is to construct a transparent design, with minimal steel, painted a neutral color. There would be recessed lighting in the ceiling that would create a warm glow. Fixtures would not be visible. Lighting would only be about eight feet wide.

Cheleen asked if lights in the skyway would turn off. Mr. Albers answered in the affirmative.

Brandt asked if glass would be reflective and cause a glare for drivers. Mr. Albers explained that the glass would be non-reflective. It would still be reflective to a certain extent, but would not affect drivers. It would not have a reflective coating.

Frisque questioned the traffic consultant's plan regarding traffic control signs for Green Circle Drive. Mr. Albers stated that a "do not enter" sign would be positioned to allow entrance from Green Circle Drive and exit onto Bren Road.

Adams asked what the elevation would be for the skyway. Mr. Albers responded 21 feet, 8 inches between the road and the bottom of the skyway. This would exceed Minneapolis' height guideline. It would allow room for a dump truck with an elevated box to travel underneath it.

Ms. Foster is working with City Attorney Desyl Peterson to create a policy for skyways in the city.

In response to Chair Hart's question, Mr. Albers explained the connection between the parking ramp and the two buildings.

Chair Hart asked if the city planned to close Green Circle Drive. Teague responded in the negative. Olson explained that staff will be conducting a traffic management study of the overall area.

The public hearing was opened.

Audrey Evans, 5697 Green Circle Drive, resides on the third floor and has a direct view of the Opus building. She stated that she objected to the Opus building eight years ago, but it has been a good neighbor. She stated that:

- She attended the neighborhood meeting. She was concerned with light pollution. Opus has lowered their light level in the last few months and it has made a big difference.

- She wondered if lights on the ground level would be needed to avoid cars hitting the skyway.
- She wondered about sight lines and landscaping to screen the skyway from the condo building. She was concerned with the planting of skinny trees and the time it would take for them to provide screening.
- She was concerned with an increase in traffic. There would be approximately 1,500 new employees utilizing the streets and park.
- The trails and park facilities are falling apart. Park benches are needed. She suggested Opus donate time and employees to take care of the park. There is already a problem of litter in the park.
- She was concerned for the park animals.
- She was concerned about closing Green Circle Drive and access to the condos.
- She was concerned about construction starting at 7 a.m. She requested that 8 a.m. would be reasonable.

Mr. Albers stated that there would not be ground lighting. He provided an illustration of the view 500 feet closer to the site than the condominiums. There would be current landscape in place. As many mature trees would be preserved as possible.

Chair Hart asked the usual height of a tree 3 inches in diameter. Mr. Albers answered in the range of 10 feet to 12 feet. Colleran agreed.

Mr. Albers stated that it was standard practice to begin at a construction job site at 7 a.m. Teague stated that the noise ordinance would be enforced. Construction management plans would be required as a condition of approval. Tougher noise restrictions have been imposed in the past. Chair Hart ask that it be considered when reviewing the construction management plan.

Brandt asked if there would be pilings. Mr. Albers answered in the negative.

Chair Hart confirmed with Teague that the city has the parks on a regular maintenance plan.

Chair Hart reviewed the traffic pattern with Teague. Teague confirmed that the traffic study determined that the level of service at the entrances to the site would stay the same.

Carol Fitzmorris, Green Circle condominium resident, asked how long the construction would last. Dave Bangasser, project manager for the applicant,

stated that the south building would be demolished first, because it is currently unoccupied. It would become a staging area. Trucks would come and go from Bren Road. Occupants of the north building would stay until May 2007 and then the building would be demolished. Construction would be completed in approximately 13 months.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

Cheleen attended the neighborhood meeting. The lighting and skyway were discussed. It was generally positive. The prairie style landscaping would be consistent with the area. The trees would be tall and minimize the sight line of the skyway from the condominiums. The master development plan is reasonable. It would be a nice project.

Britain complemented staff and the architect. It would be a good project. He liked that traffic was directed to Bren Road. His only issue was the skyway. He reluctantly supported it because he could not think of a better option. He challenged the city council to determine whether the city needs a skyway. There are other alternatives, but he was not prepared to put a roadblock in the project.

Adams agreed with Britain. The city needs standards for skyways as the city's density increases. He did not see any other option for the project. He supported the skyway as it has been proposed. He viewed the site from the condominiums and noted that there was heavy landscaping that screened the condominiums from the site. He thought that the proposed buildings would be a vast improvement over the current buildings. Opus has been an asset to the community as an employer and member. He supported staff's recommendation.

Brandt suggested that Opus representatives have more information on tunnel and skyway feasibility for the city council.

Dahl supported the project. He liked the skyway. It would be unique and work well for the project. Opus did a great job with landscaping, sight lines, and building design. He supported staff's recommendation.

Frisque was not opposed to the use of a skyway, but thought that the city council should develop guidelines to determine what zoning districts would be appropriate for skyways.

Frisque moved, second by Adams, to recommend that the city council adopt the ordinance on pages A1–A5. This ordinance approves the following for the Opus Corporate Center at 5720 and 5740 Green Circle Drive and 10350 Bren Road West:

- A rezoning of all three sites from B-1, Office, and B-3, General Business, to PUD, Planned Unit Development; and
- A master development plan and final site and building plan for Phase I, with a setback variance from 20 feet to 10 feet for the parking lot on the west side and from 35 feet to 0 feet to build a skyway connecting the existing office at 10350 Bred Road West to the new office at 5720 Green Circle Drive.

The ordinance is based on the following findings:

- 1) The proposal would meet the required standards and ordinances for a site and building plan approval.
- 2) The proposal would meet the required standards for a variance, because:
 - a. There is a unique hardship to the property caused by Green Circle running between the two Opus sites; therefore, a skyway connection between the two buildings would not be allowed. There is not adequate area on the site to expand the business.
 - b. The variance would meet the intent of the ordinance because the buildings themselves would meet all required setbacks. The intent of the ordinance is to provide a separation between buildings.
 - c. The proposed skyway is a reasonable use. It provides a reasonable pedestrian connection between the two buildings for uses of the Opus facilities. Users between the two buildings would not have to go outside in the winter time and would not have to cross Green Circle Drive. The skyway would tie the two sites together to make it a unified development.

This rezoning is subject to the following conditions:

- 1) 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 April 10, 2006.
 - Grading plan date stamped May 18, 2006.
 - Landscaping plan date stamped April 10, 2006.
 - Building elevations date stamped April 10, 2006.
 - Building elevations date stamped April 10, 2006.
- 2) Before starting any site work or obtaining a grading permit, complete the following work:
- a. The installation and maintenance of temporary rock driveways, erosion control, tree protection, and wetland protection fencing for each lot must be installed, subject to review by the city's environment resources staff.
 - b. Submit final site, grading, drainage, utility, and erosion control plans for staff approval. Plans must include hydrologic and hydraulic computations listing stormwater runoff volumes and rates. Capacity must be sufficient to hold the runoff from a 1.5 inch rainfall event.
 - c. Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - d. If required, submit copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
 - e. Submit a construction management plan for staff approval.
- 3) The following must be submitted to the city before the city issues a building permit:
- a. Final landscape and irrigation plans for staff approval.
 - b. A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
 - c. An illumination plan for staff approval.
 - d. All required hook-up fees.

- e. Record this ordinance with the county.
- 4) The property owner is responsible for replacing any required landscaping that dies.
- 5) 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.
- 6) Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- 7) With the exception of security lighting, lights within the building must be turned off by 11:00 p.m. unless there is an emergency situation or a room is being cleaned.
- 8) Spaces shown as proof-of-parking may not be paved unless approved by the city upon showing of a demonstrated need for these spaces. If proof-of-parking is required, additional screening of the new parking lot may be required if city staff deems it necessary.
- 9) An encroachment agreement to allow the skyway within the city right-of-way, subject to review and approval of the city attorney.
- 10) Phase II would require site and building plan review.
- 11) Construction must begin by December 31, 2007 unless the planning commission grants a time extension.

The above plans are hereby adopted as the master development plan and as final site and building plans.

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

Chair Hart suggested the applicant prepare a response to the feasibility of constructing a tunnel and a visual sight line graphic from the condominiums.

**B. Front yard setback variance for a detached garage at 4225
Tonkawood Road for Brian Cornell. (02027.06a)**

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

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

Chair Hart asked if vacating part of the right-of-way was considered. Thomson stated that it had not been considered. The road originally followed the property line, but was moved. Olson stated that it had not been researched. It would be a possibility. The location of utilities would need to be determined.

Brandt asked who owned the berm. Thomson explained that engineering staff gave the applicant permission to create the berm within the right-of-way. Olson explained that the berm would be removed if the city needed to use the right-of-way.

Brian Cornell, 4237 Tonkawood Road, applicant, stated that the city owns the berm. He would cry if it would be taken away. It was approved by engineering staff. There are sewer and water pipes in the right-of-way. He would be happy if the city vacated the right-of-way. He maintains the berm and repairs it after utility crews have needed to dig it up. He was available for questions.

Brandt thought that the garage should be closer to the house. Mr. Cornell was open to suggestions. He wished it could be closer, but he thought the proposed location would hide the view and provide the highest and driest location. The neighbor on the west appreciates that it would be off-set from his line of sight.

Colleran stated that the proposed location would save the largest number of trees.

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

Chair Hart reviewed the primary issues.

Britain acknowledged the odd physical features and layout of the property.

Britain moved, second by Cheleen, to adopt the resolution on pages A1–A4 of the staff report, which approves a front yard setback variance from 50 feet to 5 feet to build a detached garage at 4225 Tonkawood Road. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The 55-110 foot right-of-way adjacent to the front property line for Tonkawood Road.
- 2) The variance would meet the intent of the ordinance since:
 - a. The variance request is for a reasonable use of the property.
 - b. The proposed garage would be setback from the street similarly to other structures in the neighborhood.
 - c. The proposed garage would not alter neighborhood character.

Approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's environmental staff.
- 3) The existing temporary carports must be removed before the city issues a building permit.
- 4) 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.

Adams, 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.

C. Preliminary plat, with lot area variances, for a two-lot subdivision at 5717 Eden Prairie Road for Duane Shultz. (06018.06a)

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.

Dahl confirmed with Thomas that no variance would be needed if the additional right-of-way were not required.

Chair Hart asked if the property on the north was similar to the applicant's site. Thomas explained that though it is 1,700 square feet smaller, it could potentially be divided similarly.

Adams asked if the applicant would also need Hennepin County's approval. Thomas explained that the county requests that the city require the dedication of the right-of-way along the county road.

Duane Schultz, applicant, lived on the property for 29 years. When he purchased it, it consisted of 1.39 acres. In 1978, the city purchased 5 feet of his property to widen the road. In 2004, his tax statement indicated that his property consisted of 1.17 acres. In 2005, it indicated 1.07 acres. He wanted to request the subdivision while he still had property left. He determined that the property lines were not located where originally thought. The roadway easement on the south side of Grenier Road travels through a house on that side, so widening of Grenier Road would have to occur on his side. He discussed the possible widening of the street. He was very concerned with the loss of mature trees that would be located in the additional right-of-way.

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

Dahl asked why the right-of-way would be needed. Thomas explained that the city uses the subdivision process to obtain street right-of-way along substandard rights-of-way to avoid having to purchase it in the future.

Frisque asked if the property on the other side of Grenier Road could be subdivided and right-of-way obtained. Thomas answered in the negative. The property is too small to divide.

Frisque asked if right-of-way was required for the new homes on Grenier Road. Thomas answered in the affirmative.

Dahl agreed with staff's recommendation. If the applicant did not wish to dedicate the right-of-way, he could withdraw his application.

Britain concurred. Realizing that the property could be platted without variances, he determined that staff's recommendation represented the best option.

Brandt asked if the city ever approved a subdivision without the right-of-way easement. Olson stated that it is standard policy. He did not recall an exception.

Dahl moved, second by Britain, to recommend that the city council give preliminary approval to the Grenier Road Addition plat, date stamped April 11, 2006, with lot area variances. Approval is based on the following findings:

- 1) Except for the requested variances, the proposal meets the required standards and ordinance for a preliminary plat.
 - a. The variances are reasonable. The variances are necessary due to required dedication of street right-of-way. If the additional right-of-way were not needed along Grenier Road, the property could be divided without variance.
 - b. The proposed lot sizes would be consistent with existing substandard lots in the area.
 - c. The existing property is a large, corner lot located on a substandard right-of-way. This is a unique circumstance not common to every R-1 property.
 - d. The variances would not alter the character of the neighborhood.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Show the following on the final plat:
 - (1) Dedicate 10-feet of additional right-of-way along Grenier Road.
 - (2) Dedicate 7 feet of additional right-of-way along Eden Prairie Road.
 - (3) At least ten-foot-wide drainage and utility easements along the front property lines and at least seven-foot-wide drainage and utility easements along all other lot lines.

- b. Pay the city a park dedication fee of \$2,375.
 - c. Submit final utility plans
- 2) The following items must be submitted to the city before the city releases the final plat:
- a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - b. The following documents for the city attorney's approval:
 - (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (2) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

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

- c. Any other requirements included with final plat approval.
- 4) The following must be completed before the city issues a building permit:
- a. City approval of a grading and tree preservation plan for each lot. The plans must be in substantial compliance with the building pad shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.
 - b. City approval of the installation of a temporary rock driveway, erosion control, and tree protection fencing for each lot.
 - c. Submit a copy of the recorded plat and any easement or covenants required to be recorded.

- d. Pay a hookup fee for sanitary sewer and water.
 - e. Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
- 5) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 6) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 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.
 - 7) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

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

9. ADJOURNMENT

Dahl moved, second by Adams, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary