

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**JUNE 15, 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, Adams, and Hart were present.

Staff members present: Planning Director Geoff Olson, Natural Resource Manager Jo Colleran, Planning Technician Jeff Thomson, and Community Development Director Ron Rankin.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted with changes and additional comments provided in the change memo dated June 15, 2006.

**4. APPROVAL OF MINUTES:** May 25, 2006

*Adams moved, second by Dahl, to approve the May 25, 2006 meeting minutes as submitted.*

*Brandt, Britain, Cheleen, Dahl, Frisque, Adams, 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 June 5, 2006:

- Adopted a resolution approving items concerning a two-phased office redevelopment project at 5720 and 5740 Green Circle Drive and 10350 Bren Road West for Opus Corporation.
- Approved a preliminary plat, with lot area variances, for a two-lot subdivision at 5717 Eden Prairie Road for Duane Schultz.

The city council conducted a study session to discuss restricting house sizes. There was a lot of discussion regarding what established neighborhood character and the pros and cons of preserving neighborhood character. Councilmembers favored using floor area ratio as the measurement to determine house size.

Above ground square footage of the house divided by the lot area equals floor area ratio. The larger the lot, the larger the house allowed. The total amount of impervious surface on the lot may also be considered. Bloomington is looking at establishing a similar regulation.

**6. REPORT FROM PLANNING COMMISSION MEMBERS**

Chair Hart reported attending an advanced planning training seminar regarding variances and conditional use permits. She felt it was useful and recommended it to commissioners.

**7. PUBLIC HEARINGS: CONSENT AGENDA**

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

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

**A. Front yard setback variance for a covered roof over a cement stoop at 11505 Minnetonka Boulevard for Mighty Oak Construction (06026.06a)**

Adopt the resolution on pages A1-A3 of the staff report, which approves a front yard setback variance from 50 feet to 36 feet to build a covered entryway to the home at 11505 Minnetonka Boulevard. 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 variance request is for a reasonable use of the property.
  - b. 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) 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 for an accessible ramp and landing at 16506 Elm Drive for Archstone Construction, Inc. (06029.06a)**

Adopt the resolution on pages A1-A3 of the staff report, which approves a front yard setback variance from 30 feet to 25 feet to build an accessible ramp and landing to the home at 16506 Elm Drive. 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 variance request is for a reasonable use of the property.
  - b. 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) 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. Conditional use permit for transient sales at 17507 Minnetonka Boulevard for Sever and Sharon Peterson. (05017.06b)**

Recommend that the city council adopt the resolution on pages A1-A5 of the staff report. This resolution approves a conditional use permit for Sever and

Sharon Peterson to operate a fruit/vegetable stand at 17507 Minnetonka Boulevard. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Submit a signed parking agreement between the owners of the 17507, 17515, and 17523 Minnetonka Boulevard properties. This agreement must be recorded against the properties and a copy of the recorded agreement returned to the city.
- 2) The garden center may be open 23 days per year.
- 3) City staff may require that the stand be relocated on the property if it interferes with parking/stock piling associated with the County Road 101/Minnetonka Boulevard road project.
- 4) No more than four signs, which do not exceed 32 square feet in aggregate, are allowed for the garden center.
- 5) Incidental product or pricing signs placed directly next to the appropriate product. Product advertising is permitted, but must be included in the maximum allowed sign area. The signs shall have a professional appearance and shall be securely mounted or erected in a safe location. These limitations apply to all signs associated with the use, including those affixed to vehicles.
- 6) The conditional use permit is issued for a fruit/vegetable stand in the area specified in the application. Any change in the location or items sold shall render the permit invalid.
- 7) Violation of the conditional use permit standards outlined in City Code 300.21.4(o) or conditions placed upon the conditional use permit shall result in immediate revocation of the conditional use permit.
- 8) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 9) 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.
- 10) The applicant must agree to the above conditions in writing and record this resolution with the county.

**D. Conditional use permit for transient sales at 14730 Excelsior Boulevard for Sever and Sharon Peterson. (06031.06a)**

Recommend that the city council adopt the resolution on pages A1–A5 of the staff report. This resolution approves a conditional use permit for Sever Peterson to operate a produce stand at 14730 Excelsior Boulevard. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) The produce stand and/or stand patrons may not block the drive aisle.
- 2) The garden center may be open annually, the last Thursday in June through the last Sunday in August.
- 3) No more than four signs, which do not exceed 32 square feet in aggregate, are allowed for the garden center.
- 4) Incidental product or pricing signs placed directly next to the appropriate product. Product advertising is permitted, but must be included in the maximum allowed sign area. The signs shall have a professional appearance and shall be securely mounted or erected in a safe location. These limitations apply to all signs associated with the use, including those affixed to vehicles.
- 5) The conditional use permit is issued for a produce stand in the area specified in the application. Any change in the location or items sold shall render the permit invalid.
- 6) Violation of the conditional use permit standards outlined in City Code 300.21.4(o) or conditions placed upon the conditional use permit shall result in immediate revocation of the conditional use permit.
- 7) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8) 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.
- 9) The applicant must agree to the above conditions in writing and record this resolution with the county.

**E. Front yard setback variance for an addition to the house at 1715 Linner Road for James Winkel. (99061.06a)**

Adopt the resolution on pages A1-A3 of the staff report, which approves a front yard setback variance from 35 feet to 19 feet for an addition to the home at 1715 Linner Road. 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.
  - b. The internal layout of the house.
- 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 addition 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) 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, Adams, and Hart voted yes. Motion carried and the items on the consent agenda were approved as submitted.***

**8. PUBLIC HEARINGS**

**A. Conditional use permit, with variances, for an outdoor coffee shop at 3432 Co Rd No 101 for Martin Woody. (05063.06a)**

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.

Jay Lindsay, 8700 West 36<sup>th</sup> Street, applicant, felt the project was a win-win situation.

Dahl asked how garbage and traffic concerns would be addressed. Mr. Lindsay explained that a facility manager would be on site and would be diligent in handling issues as they occur.

Frisk asked if the eating area was located on the street side to provide a buffer to the neighbors. Mr. Lindsay answered in the affirmative. It would provide brand recognition and be used as a marketing technique.

Dahl asked how the traffic pattern would work. Mr. Lindsay explained. The parking lots would be connected. The signs would match the existing signs. After meeting with staff, he realized that having the drive-through line on the other side would work better and relocating the curb cut would allow the best flow of traffic.

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

Chair Hart reviewed the primary issue.

Britain liked the project. He thanked staff for improving it.

Chair Hart acknowledged that the nonconforming set back would not be increased.

***Cheleen moved, second by Dahl, to recommend that the city council adopt the resolution on pages A1–A5 of the staff report, which approves the proposed conditional use permit and variance and the change provided in the change memo dated June 15, 2006. This resolution based on the following findings:***

Approval is based on the following findings:

- 1) The hardship is caused by the small lot size. The setback for the outdoor eating area would be same as the existing building.

- 2) The outdoor eating area would be adjacent to a parking lot to the east; The proposed landscaping around the perimeter of the outdoor eating area would be an improvement over the proposed paving.
- 3) 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.
- 4) 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. The site must be developed per the landscape plans date stamped May 1, 2006.
- c. The outdoor eating area must be equipped with refuse containers and periodically patrolled for litter pick-up.
- d. The outdoor eating area must not have speakers or audio equipment.
- e. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- f. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
- g. A wood fence must be constructed in the rear yard along the south and west lot lines, in the location shown on the site plan on page A11 of the staff report.
- h. The applicant must agree to the above conditions in writing.

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

**B. Items concerning the construction of two multi-tenant buildings at 6001 Shady Oak Road for True North Investments (06006.06a)**

Chair Hart introduced the proposal.

Olson stated that as of 5 p.m., the applicant and the Jennings had not reached an agreement.

Peter Coyle, attorney on behalf of the applicant, preferred to present the application rather than table review of the project. The configuration of the buildings and uses are not an issue. The issue is the concern for changes in the future. The dynamic between hospitality services and parking is a concern. If the use was altered to increase the intensity of the use, then a modification of the planned unit development would need to be reviewed. Private issues are being worked out. He requested the presentation go forward. He wanted the commission's support. The outstanding issues would be resolved by the city council meeting. There is a fundamental agreement.

Ann Jennings, 11836 Bren Road, and Mike Jennings, 4615 Zenith Lane, Plymouth, were present. Ms. Jennings explained that the proposal has morphed numerous times. She hoped the commission would move forward. She wanted her concerns on the record. She was not sure what the latest proposal entailed. She wanted to maintain the spirit of the ordinance, but did not have enough information to make that determination.

Mr. Jennings did not want to delay the project, but he wanted to make sure he understood to what he would be agreeing.

Britain asked the Jennings if they wanted the commission to act on the application. Mr. Jennings wanted the commission to move the project forward to the city council. If the issues were not rectified by the city council meeting, then he requested to have the option to postpone action. Olson stated that the city council could work to rectify the issues at that time.

Cheleen asked if the type of restaurant changed from fast food to one where customers would stay longer. Mr. Jennings spoke with the applicant that day and was still unclear what type of restaurant was being proposed.

Chair Hart stated that the details of the project needed to be defined or action needed to be tabled until more information was received. Mr. Jennings reiterated that he would like the application to move forward. Chair Hart understood.

Adams felt there were too many unknown variables to take action. He proposed tabling the item.

Dahl favored hearing the presentation rather than postponing. Chair Hart stated that a condition of approval required the agreement with the Jennings to be in place.

Britain concurred with Chair Hart and Adams. He did not want to move forward without knowing more information.

Olson stated that it was difficult to advise the commission without getting a better sense from the applicants of whether the changes were related to the physical characteristics of the plan or if they were related to assurances as to the specific types of restaurant.

Chair Hart 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.

Chair Hart commented that 296 parking stalls would be shared by the two uses. Reaching a parking easement agreement and a change in the square footage were the Jennings' concerns. Olson explained that the footprint would not change. The interior separation of the restaurant and retail spaces would be modified. The footprint of the coffee shop would be increased by 270 square feet. The west wall would be shifted into the outdoor patio.

Brandt asked if Jimmy's currently has enough parking stalls. Olson answered in the affirmative.

Mr. Coyle felt the physical aspects of the sites are in agreement. The concern was that two similar uses would be located next to each other in the future.

Chair Hart asked what prompted the most recent changes to the proposal. Mr. Coyle blamed it on architect error. He explained the location of the previous accesses, property lines, and exits. The possibility of different uses would impact the parking. Instead of a coffee use, the most likely tenant to locate in the other half of building two would be one that would require 2,600 square feet. Chair Hart confirmed with Mr. Coyle that the proposal would still house a fast-food restaurant and a coffee shop. Chair Hart asked why the space was increased for the coffee shop. Mr. Coyle stated that the potential tenant requested that much space. The footprint did not change.

Britain wanted to know if the Jennings agreed with the physical aspects of the proposal. Ms. Jennings provided the history of her family operating corporations in Minnetonka. The applicant first planned on positioning the building in a manner that would accommodate Jimmy's restaurant. Jimmy's restaurant was constructed with that understanding. Then, the Jennings learned that the building was repositioned south and north. This would eliminate the visibility of Jimmy's restaurant. Chair Hart reviewed the current size and location of the proposed buildings. Ms. Jennings was originally under the impression that the building would house a coffee shop and fast-food restaurant so that the peak parking time would not be the same as Jimmy's restaurant.

Chair Hart recognized a disagreement with the physical aspect of the proposed building. Ms. Jennings stated that a full-service restaurant would cause a disagreement. Defining what would be allowed as a "full-service" restaurant needed to be determined.

Britain asked if the Jennings agreed with the current proposal's physical aspects. Mr. Jennings stated that they agreed to a 4,100-square-foot sized building. He was unsure of the proposed building's current size. Chair Hart provided that it is 4,410 square feet. The additional square footage went to provide additional coffee shop inside seating.

***Britain moved, second by Adams, to table action on items concerning the construction of two multi-tenant buildings at 6001 Shady Oak Road for True North Investments until the next planning commission meeting.***

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

Chair Hart apologized for the delay. She requested the issues be worked out so the next meeting would go smoothly.

**C. Items concerning a six-lot subdivision at 2400 Bantas Point Road for Locust Hills Development, LLC. (06030.06a)**

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.

Cheleen asked if the lots would follow the criteria of the Villa lots. The covenants and restrictions are very careful. Olson referred the question to the applicant's presentation.

Dan Herbst, Locust Hills Development, LLC, 7697 Annagram Drive, Eden Prairie, is one of three partners. He introduced members of his team. He was an advocate of small right-of-ways, slower streets, and preservation of trees. His team has worked with Wayzata and Minnetonka staff to create a proposal that would be better than one that would conform to R-1 district standards.

Peter Pflaum, 18070 Breezy Point Road, Woodland, member of the applicant team, provided a power point presentation of the site plan. He stated that:

- The site's size and history are significant factors.
- The stable on the property is livable. It would be preserved because it is attractive and horses are part of the history of the site.
- He provided numerous views of the wetlands located on the property and Grays Bay. There is a channel 30 feet wide on the property.
- The villas would range from 2,200 square feet to 3,600 square feet. That would include the garage.
- The footprints were located on the lots. The smaller homes would be located on the least attractive lots.
- The Minnetonka portion of the site consists of 13 acres. Eleven of those acres would be open space.
- Applied Ecological Services was hired to inventory the natural resources of the site. The area has substantial marshes. The proposal would enhance the beauty of the area.
- The wooded areas, wet prairies, meadows, and emergent areas would be restored.
- Areas for viewing, while respecting the wildlife, would be created. The storm water management plan would use native vegetation in the swales, bio-retention basins, pervious pavers, and porous pavements for the private driveways.
- The proposal would have a meaningful public trail 1.5 miles long.
- The goal was to keep the buffer area to McGinty Road as natural as possible.
- He reviewed the proposal's conservative number of docks.
- He explained the process for the sale of the lots and selection of a builder. He provided floor plans.

- It would be a unique project. The architectural designs were taken from the best in the nation. The house plans would be reviewed and controlled. The developer must approve the plans before application for a building permit. The developer conducts their own inspections during the building process. A damage deposit is required to ensure enforcement capability.
- He provided large views of the concept plan.
- The villas would be expensive.
- He provided illustrations showing where trees would be added.

Britain assumed it would not be a gated community. He questioned which city would provide city services. Mr. Pflaum explained that the city of Minnetonka would bill the proposed residences and reimburse the city of Wayzata for sewer use. Water would be provided by the city of Minnetonka. It would be a public street, plowed by Minnetonka.

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

Chair Hart reviewed the primary issues. The size restriction of the residences would be included in the site plan approval conditions.

Britain felt this would be one of the most sophisticated and well thought out projects he has ever seen. He supported staff's recommendation.

Cheleen concurred with Britain. He was impressed with the effort to minimize the amount of grading.

Frisque was not usually a fan of clustered housing, but the project would do a really nice job to preserve green space and wetlands.

Adams attended the neighborhood meeting with Cheleen. He agreed that the proposal was well thought out. He was concerned with the trail system. The city of Wayzata has concerns with whether it would be private or public. Mr. Herbst stated that the inside trails are so tight and compact that they would have to remain private. The public trails would be located on the perimeter of the site.

Adams asked who would have rights to the docks. Mr. Herbst explained the process. The association may put together a boat club and pay a certain amount to use the boats a certain number of times.

Britain asked how a trail would be kept private. Mr. Herbst stated that the trail would be signed. It has proven effective in other developments.

Cheleen asked when the public trails would be built. Mr. Herbst wanted the trails built now, but the roads may be improved, so Wayzata prefers that the trails be built later. It would be much easier to have the trails established when a homeowner purchases the home. Cheleen agreed with Mr. Herbst. He asked who would fund the trails. Mr. Herbst stated that the developer would fund them. The city of Minnetonka has long-range plans to connect to the public trails.

Brandt asked for a price range. Mr. Herbst stated that the villa lots would range in price from \$600,000 to \$900,000.

***Britain moved, second by Brandt, to approve the following items concerning a six-lot subdivision at 2400 Bantas Point Road for Locust Hills Development, LLC with changes provided in the change memo dated June 15, 2006:***

#### **REZONING**

Recommend that the city council adopt the ordinance on pages A1–A5 of the staff report. This ordinance approves the following for LOCUST HILLS at 2400 Bantas Point Lane:

- Rezoning from R-1, low-density residential, and wetland/floodplain to PUD, planned unit development; and
- a master development plan.

The ordinance is based on the following findings:

- 1) The rezoning would be consistent with the city's guide plan.
- 2) The rezoning would be consistent with the public health, safety, and welfare.
- 3) Wetland/floodplain filling will be compensated with excavation in the city of Wayzata.
- 4) The proposed development would not have an adverse impact on the neighborhood.

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 May 3, 2007.
  - Grading plan date stamped May 3, 2007.
  - Stormwater management plan date stamped May 3, 2007.
  - Landscaping plan date stamped May 3, 2007.
  - Open space plan date stamped May 3, 2007.
  - Wetland alteration and replacement plan date stamped May 3, 2007.
  
- 2) First floor home and garage size must not exceed 3,600 square feet. The second floor must not exceed 50 percent of the habitable space on the first floor.

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

***PRELIMINARY PLAT***

Recommend that the city council give preliminary approval to the Locust Hills plat on page A29 of this report, date stamped May 3, 2006. Approval is based on the following findings:

- 1) The proposal meets the required standards and ordinance for a preliminary plat.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
  - a. Show the following on the final plat:
    - (1) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
    - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer.

- (3) Drainage and utility easements over wetlands, floodplains, and public storm water ponds, as determined by the city engineer.
  - b. Pay the city a park dedication fee of \$11,875.
  - c. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- 2) The following items must be submitted to the city before the city releases the final plat:
  - a. An engineering/utility inspection fee.
  - b. Payment for traffic signs and installation, as required by the city engineer.
  - c. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
  - d. If the developer is constructing any public improvements, the developer must submit a signed agreement with the city. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements. This agreement must include an escrow to ensure that the developer completes all public improvements and complies with all city regulations. This escrow must be a letter of credit or cash deposit. The amount must be 150 percent of the estimated cost of the improvements or 125 percent of the cost if based on actual bids.
  - e. The following documents for the city attorney's approval:
    - (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
    - (2) Conservation easements over the Outlots, and a drawing of the easements for the approval of the city attorney. Easement shall include a 25-foot buffer around all wetlands. The easements and drawings must be recorded with the

final plat. The conservation easement over Outlot F may be limited to the wetland buffer.

- (3) 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.
- (4) Provide declaration and restrictive covenants over all mitigated wetland areas per the WCA, for review by the city's natural resources staff.
- (5) A notice recorded against individual lots that the stub street may be extended to provide access to the adjacent property.
- (6) 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.

- f. Any other requirements included with final plat approval.
- 3) The following must be completed before the city issues a grading permit or any site work is started.
    - a. Approval of final grading, drainage, and erosion control plans by the city engineer. If the developer is building the streets and utilities, the developer must submit final street and utility plans for the city engineer's approval. Individual lots must be custom graded. Final grading plans must include the following:

- (1) Existing and proposed five-year stormwater elevations for the site.
  - (2) Runoff volume and rate analyses for existing and proposed conditions for the 1-year and 10-year events.
  - (3) Detailed stormwater pond outlet information including emergency overflow and the proposed outlet to allow extended detention runoff for smaller events.
  - (4) Trash and floatable skimming devices to reduce outlet velocities to four feet per second or less.
  - (5) A detailed cross section for the boulder retaining wall.
  - (6) Proposed silt fence and erosion control plans.
  - (7) Runoff from impervious surfaces, such as driveways and rooftops should be routed into the street and to the stormwater ponds, as practical.
- b. Approval of final landscaping plan subject to approval of Natural Resources staff.
  - c. Street widths must be 24 feet face to face, with B6-12 curb and gutters. The cul-de-sac must be 70 feet face to face.
  - d. A letter of credit or cash escrow for 150 percent of the estimated cost to comply with grading permit requirements and restore the site must be submitted to the city. The city will not release the letter of credit or cash escrow until the developer submits as-built drawings and a letter certifying that the utilities, driveway, and grading have been completed according to the plans approved by the city.
  - e. All trees to be preserved must be fenced and erosion control measures installed, as approved by the city.
  - f. Approval of a construction management plan by the city planner.
  - g. Submit a copy of the county access permit to McGinty Road.



- 8) 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.

#### **CONDITIONAL USE PERMIT**

*Recommend that the city council adopt the resolution on pages A6–A9 of the staff report, which approves a conditional use permit to build an impervious trail within a wetland buffer area for the Locust Hills subdivision at 2400 Bantas Point Lane. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:*

- 1) Record this resolution with the county.
- 2) The trail must be constructed per the grading plan date stamped May 3, 2006.

#### **WETLAND AND FLOODPLAIN ALTERATION**

*Recommend that the city council adopt the resolution on pages A10–A13 of the staff report approving the wetland and floodplain replacement plan. This resolution is based on the following findings:*

- 1) The proposed fill will require the overall restoration and quality enhancement of the wetland.
- 2) The wetlands within the project will ultimately have higher functions and values.

Approval is subject to the following conditions:

- 1) Obtain a grading permit as part of the wetland restoration.
- 2) Must be developed per the plans dated May 3, 2006.

#### **RIGHT-OF-WAY VACATION**

Recommend that the city council adopt the resolution on pages A13a–A13d of the staff report, which vacates the obsolete right-of-way.

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

9. ADJOURNMENT

*Britain moved, second by Frisque, to adjourn the meeting at 9:00 p.m.  
Motion carried unanimously.*

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary