

**MINNETONKA PLANNING COMMISSION
MINUTES**

JUNE 28, 2007

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Adams, Cheleen, Dahl, Lehman, and Hart were present. Schmitz and Brandt were absent.

Staff members present: Community Development Director Ron Rankin, Principal Planner Susan Thomas, Natural Resource Manager Jo Colleran, Planner Josh Metzger, and Planning Technician Jeff Thomson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with the removal of Item 8A, side yard setback variance for an additional garage stall at 4925 Arlington Drive for Dean and Margaret Halverson, which was removed from the agenda by the applicant. Thomas reviewed additional comments and modifications to staff reports provided in the change memo dated June 28, 2007.

- 4. APPROVAL OF MINUTES:** June 14, 2007

Lehman moved, second by Adams, to approve the June 14, 2007, meeting minutes as submitted.

Adams, Cheleen, Dahl, and Lehman voted yes. Schmitz and Brandt were absent. Hart abstained. Motion carried.

5. REPORT FROM STAFF

Thomas announced that the Minnetonka Comprehensive Guide Plan Steering Committee would meet July 19, 2007 at 6:30 p.m. to review demographic and housing data.

Thomas briefed the commission on land use applications considered by the city council at its meeting of June 25, 2007:

- Adopted a resolution approving a preliminary and final plat, with variance, for the two-lot Stageberg Addition at 17224 Lake Street Extension for Gene Stageberg.

- Introduced an ordinance amending an existing master development plan at 3500 Williston Road for Minnetonka Christian Academy.
- In accordance with the planning commission's recommendation, denied a conditional use permit, with variances, and a minor amendment to the existing master development plan, for a medical clinic at the Tonkawood Office Condos at 16200 State Highway 7, for Bill and Lesli Kramer. Landscaping has been completed by the property owner.
- Adopted a resolution approving an ordinance concerning dynamic signage. Council members thanked the planning commissioners for the lengthy discussion. If warranted in the future, restrictions may be decreased.

Thomas stated that the next planning commission meeting is July 12, 2007.

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.

Lehman moved, second by Adams, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows with the added condition that the owners of 3029 Groveland School Road comply with nuisance ordinances:

A. Conditional use permit for transient sales at 17507 Minnetonka Boulevard for Sever's Farm Market and Great Gardens by Grandma. (05017.07a)

Recommend that the city council adopt the resolution on pages A3–A7 of the staff report approving Sever's Farm Market and Great Gardens by Grandma's request for a conditional use permit to operate an outdoor garden center and seasonal produce 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) Transient sales may be operated on the subject property annually for a total of 91 days.

- 2) Great Gardens by Grandma and Sever's Farm Market must submit a written schedule specifying dates of operation each year. This schedule must be signed by both parties and must be submitted to the city for review a minimum of 5 business days prior to commencement of sales. At no time shall Great Gardens by Grandma and Sever's Farm Market operate simultaneously on site.
- 3) No more than four signs, which do not exceed 32 square feet in aggregate, are allowed for the transient sales. Signs shall not be located in the right-of-way and must meet required setbacks.
- 4) 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) 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.
- 6) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 7) 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.
- 8) Conditional use permits granted by Resolution No. 2006-036 and Resolution No. 2006-076 are revoked and shall become void upon approval of conditional use permit 05017.07a.

The applicant must agree to the above conditions in writing and record this resolution with the county.

B. Front yard setback variance for an aboveground pool at 3029 Groveland School Road for David and Bridget Andruscavage. (07028.07a)

- 1) Adopt the resolution on pages A8–A10 of the staff report, which approves a front yard setback variance from 25 feet to 15 feet for an aboveground

pool at 3029 Groveland School Place. This resolution is based on the following findings:

- a. The variance meets the three tests against which all variances must be judged.
 - (1) The proposed setback variance is reasonable. The many significant trees on the property and the applicants' desire to preserve these trees present a practical difficulty. While the required 25-foot setback could be met, it would result in removal of several trees.
 - (2) The subject property is a corner lot which contains a house with a non-conforming front yard setback. While not necessarily unique to the immediate area, this circumstance is not common to every R-1 property in the city.
 - (3) The proposed pool would not be visible from area roadways or surrounding properties. As such, the requested setback variance would not alter the character of the neighborhood.

Approval is subject to the following conditions:

- a. This variance pertains to an aboveground pool only.
- b. Submit proof of having recorded this resolution with the county.
- c. This variance will end on December 31, 2008, unless the city has issued a building permit for the project covered by this variance or approved a time extension.
- d. Must be in compliance with nuisance ordinances.

Adams, Cheleen, Dahl, Lehman, and Hart voted yes. Schmitz and Brandt were absent. 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 division within 10 days.

8. PUBLIC HEARINGS

A. Side yard setback variance for an additional garage stall at 4925 Arlington Drive for Dean and Margaret Halverson. (07006.07a)

This item was removed from the agenda by the applicant.

B. Floodplain alteration permit and floodplain and front yard setback variances, for an addition and remodeling to the home at 16904 Gray's Bay Boulevard for Structures Unlimited, Inc. (07026.07a)

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

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

Chair Hart clarified that all of the setbacks are met except for the 154-square-foot intrusion.

Tina Langhans, Structures Unlimited, Inc., 5425 Clayton Drive, Maple Plain, the applicant, worked closely with the city to create a plan to allow the homeowner to have accessibility in his home while meeting ordinance requirements as much as possible.

The public hearing was opened.

Bill Yaeger, 15694 Sussex Drive, supported the proposed addition. It would be a two-bedroom house that would fit the property nicely. The lake would still be visible from the street. It is the type of house wanted in the community. He was excited for the homeowner to move in and be part of the neighborhood.

No additional testimony was submitted and the hearing was closed.

Chair Hart noticed a kitchen was not listed as part of the proposed project. Metzer confirmed that there would be a kitchen.

Chair Hart reviewed the primary issues. Metzer made a good case for each issue.

Cheleen asked if moving the mitigation location from the northeast to the northwest would work. Metzer, Colleran, and the city engineer agreed with the location.

Cheleen moved, second by Adams, to recommend the city council adopt the resolution on pages A3–A6 of the staff report approving the applicants request for a floodplain alteration permit and floodplain and front yard setback variances for construction of a two-story home at 16904 Gray’s Bay Boulevard located in the R-1 zoning district. Approval is based on the following findings:

- 1) The proposed floodplain alteration permit is reasonable and meets city code standards.
- 2) The requested floodplain and front yard setback variances are reasonable.
 - a) The westerly location of the proposed garage is the most suitable location on the site.
 - b) The buildable area of this relatively small property is limited by front yard and shoreland setbacks.
 - c) As there is currently a building on the property, and as the proposed house would be located on the existing foundation of this building, the requested variance would have no significant impact on adjacent properties or the essential character of the 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) The existing driveway on the east side of the property must be completely removed, and a new driveway with reasonably-sized turn-around must be installed directly in front of the proposed garage at the west side of the property.
- 3) The floodplain compensation area must be relocated to the northwest side of the home, subject to staff review and approval.
- 4) A 10-foot shoreland buffer must be installed along the shoreline of the property, subject to staff review and approval.
- 5) Only one shed, totaling 81 square feet in area, may remain on the lot and must comply with all ordinance requirements.

- 6) A revised survey must be submitted prior to building permit application.
- 7) Install and maintain a temporary rock driveway, erosion control, and tree protection, as required by the city's natural resources staff.

This variance will end on December 31, 2008, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Adams, Cheleen, Dahl, Lehman, and Hart voted yes. Schmitz and Brandt were absent. Motion carried.

C. Site and building plan review for building canopies and wall signage at Morrie's Ford Lincoln Mercury at 13400 Wayzata Blvd for Ridgedale Properties. (89083.07a)

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

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

Adams did not see a substantial change. Metzer explained that one symbol would be moved and the Lincoln and Mercury symbols would be added. The signs for the quick lane and service parts would stay the same.

John Artz, general manager of Morrie's Ford Lincoln Mercury, 13400 Wayzata Boulevard, agreed with Metzer's description of the changes. It would be an aesthetic change to the building due to franchise requirements.

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

Dahl moved, second by Adams, to approve the site and building plan for building canopies and wall signage at Morrie's Ford Lincoln Mercury at 13400 Wayzata Boulevard shown on pages A2–A3, as recommended by staff. This approval is based on the findings in the staff report and is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the plans stamped "Received May 15, 2007."

Separate building and sign permits are required.

Adams, Cheleen, Dahl, Lehman, and Hart voted yes. Schmitz and Brandt were absent.

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

D. Items concerning a maintenance/storage building at 3500 Williston Road for Minnetonka Christian Academy: (1) a major amendment to an existing master development plan and (2) site and building plan review. (99020.07a)

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.

Chair Hart asked where the new building would be located. Thomas responded that the building would be located where the busses are currently. The pond would be expanded to the west as needed to accommodate additional impervious surface.

Cheleen questioned if the future buildings would be moved. Thomas clarified that the plan that was sent to the neighbors with the neighborhood survey is not the same plan being considered this evening. Following a neighborhood meeting and meeting with staff, the original plan was revised to conform to the existing master development plan. The only changes to the existing master development plan would be construction of the proposed building and the expansion of the pond. The pond would remain in its current location.

Chair Hart confirmed with Thomas that the pond would be excavated further to the west. The pond would grow as the impervious surface increases.

Adams asked if a run-off issue would be created. Thomas stated that the project would be required to conform to drainage quality and quantity requirements as reviewed and approved by the engineering department.

Mike Carlson, 3113 Groveland School Road, Site Committee Chair, applicant, stated that:

- The organization's mission is to be a service to the community along with being good neighbors.
- The initial plan did not include a maintenance or storage building.
- The buses and maintenance equipment are currently visible.
- The building would provide much more orderly site management and provide screening so the neighbors would not have to look at buses.
- Over 100 students are transported to the program from across the metropolitan area.
- At times throughout the year, equipment is not properly stored or visibly screened. That would be addressed.
- The church provides community services for families in need of help and stores food and clothing. Part of the storage facility would provide a space for the community service program to obtain and distribute materials.

Adams asked if vehicles would remain outside. Mr. Carlson stated that the building would provide permanent storage for two vehicles. More could be moved in and out. Putting all five vehicles in storage would limit the amount of physical storage for the rest of the mission. A larger footprint would be necessary. The three vehicles would be screened. The position of the building relative to the south property line of wooded trees would ensure that the trees would be appropriately screened.

In response to Adams' question, Mr. Carlson explained that right now food and clothing donations are limited to be accepted during designated time periods. The proposal would provide the opportunity for items to be donated on a regular basis and would allow enough room for furniture to be donated. There is a need in the community for this service. The church serves the metropolitan area, not just Minnetonka.

Mr. Carlson stated that the proposed building would provide space to store stage props for the annual theater production, desks, chairs, and gymnastic equipment. The space would be heated, but not air conditioned.

Chair Hart stated that the planning commission did not need to consider what would be stored in the facility. The use of the site and location of the building were being reviewed by commissioners.

The public hearing was opened.

Dennis Ekrem, 14842 Timberhill Road, is a resident and parishioner of Minnetonka Christian Academy. He stated that:

- The school relies on volunteer work.
- Bus facilities fall under a different category.
- He had no problem with storage of the buses. That would be great.
- Commercial vehicle inspection and repair would require a building to be 21 feet tall. The concrete would have to be six inches to eight inches deep.
- He supported the planned unit development in 1999. It was a well thought-out plan at the time.
- He wondered what would happen on the north side of the property.

In response to Chair Hart's request, Thomas identified the area on the north side of the property as proof of parking area as was shown in the original plan. Proof of parking is constructed only if a need would be demonstrated for additional parking. If the current proposal would be approved, the parking lot, ball field, amphitheater, and three-story structure would not be constructed. Thomas explained that parking is allowed within 20 feet of a property line. The proof-of-parking area would meet ordinance requirements.

Mr. Ekrem described what he heard might happen to adjacent property to the north. Chair Hart stated that speculating on what could happen in the future was not part of the current discussion. Mr. Ekrem stated that in 1999, the agreement was that the property on the north would be a buffer. Chair Hart stated that nothing would happen to that property without city approval. The current application dealt with only the proposed storage building. Each site plan amendment would require its own public hearing.

Mr. Ekrem was against the change in the plan. The building would not be adequate for vehicle maintenance because it would not have water or a drain. He was concerned with oil and gasoline polluting the water quality in the area. He saw nothing from the Department of Natural Resources that approved the project. If the church would agree to never develop further, then he would agree to the proposed building. As it is, he opposes the proposal. He did not know how a facility that size would accommodate two buses and screen the other buses outside.

Chair Hart asked if there would be hydraulic lifts. Thomas responded negatively. Basic maintenance would only be performed. The building inspector would review building requirements.

Vincent Troy, 14852 Timberhill Road, asked that the vote be postponed to allow residents time to review and comment on the revised plan. He commented on the results of the neighborhood survey. He and his wife performed a survey that resulted in 16 out of 18 respondents opposed to the project. Chair Hart explained that 25 surveys were sent by the city and 5 responses were received. Mr. Troy felt another survey would be interesting with the new proposal. The new proposal includes a 194,000-cubic-foot structure that would add a substantial amount of hard surface. Chair Hart clarified that the building was included in the original plan submitted. The site layout is almost identical to the original 1999 plan. Thomas agreed. The location of the storage building and access drive on the south side remain unchanged from what neighbors saw at the neighborhood meeting and in the neighborhood survey. The only changes are the configuration of the parking lot and the location of the residential building; which is now the same as the building in the 1999 plan. The parking lot and residential building would not be constructed at this time.

Mr. Troy felt the change was significant. In response to Chair Hart's request, Thomas stated that the proposed building would be slightly wider than presented in the original plan. The location of the building and access drive remain the same.

Mr. Troy requested that the neighbors be allowed time to meet again.

Mr. Troy asked if there should be a ratio between open space and hard surface. Thomas answered affirmatively. The property would more than exceed the amount of green space required. Up to 70 percent of a religious site may have impervious surface. Visually, well over 30 percent of the site would be green space. The pond would be designed to handle the additional impervious surface.

Mr. Troy felt that future action should be taken into consideration for the ratio of green space and hard surface. Chair Hart stated that the open space shown on the existing master development plan exceeds ordinance requirements. There would be no reason to restrict the hard surface because it would meet ordinance requirements.

Mr. Troy stated that if the intent would be to sell three acres of land . . . Chair Hart interrupted and explained that the commission does not comment on intent or hypothetical situations.

Mr. Troy asked if there would be a need for the Department of Natural Resources to review the application. Colleran stated that as long as the pond is designed to meet National Urban Runoff Program standards, the Department of Natural

Resources allows those standards which are set by the Minnesota Pollution Control Agency. No Department of Natural Resources review is necessary.

Mr. Troy found neighbors concerned that the 1999 plan was approved even though the neighbors were opposed at that time. The applicant can not handle the number of structures at the site now. The neighborhood should be brought into the discussion before the project is approved.

Al Plutowski, 4125 Lakeland Avenue North, Minneapolis, architect for the proposal, stated that:

- He provided a copy of the 1999 plan to all neighbors attending the neighborhood meeting.
- The NURP pond had been moved down to the lower part of the site because it was felt that the pond could be moved away from the children's play area, for safety reasons, and to locate the pond in the lowest part of the site. That was an improvement to the plan.
- Parking requirements are met.
- Of the site, 48 percent of the site would be impervious surface; 45 percent would be green area; and 7 percent would be wetland.
- The green area and ball field on the north meet the mission of the school and serves as a buffer for the neighborhoods.
- A neighborhood meeting was conducted a couple weeks ago. The interests of the neighbors and the applicant are parallel. The proposal would allow busses to be housed inside, add screening, and the building would match the surrounding buildings.
- He sent the neighbors that attended the meeting the 1999 plan.
- He requested the application not be delayed.

Joanna Troy, 14852 Timberhill Road, asked where the building would be located in relation to the current walking path. She stated that:

- Her neighborhood strongly opposed the original plan.
- They are taxpayers.
- She wished the church and school a lot of success.
- The neighborhood is not being listened to.

Chair Hart asked Ms. Troy if she was objecting to the construction of the storage building. Ms. Troy said, "I am representing the neighborhood. Yes."

Chair Hart pointed out that the plan approved in 1999 would have additional buildings. Ms. Troy said that there was no maintenance building included in the

1999 plan. Chair Hart agreed. Chair Hart stated that there would be no other buildings at this time. Busses are already being stored on the site. Chair Hart was confused regarding the objection to the proposed building.

Mr. Troy stated that he understood the need for a building of this type. He would like to exchange the proposed building for the 60-unit residential building. Chair Hart stated that was not negotiable. When an application is received for another building, it would be reviewed at that time.

Ms. Troy wanted it known that “the neighborhood, everybody,” is not in agreement with the application. Chair Hart pointed out four responses that were not opposed to the proposal. Ms. Troy wanted to know the identity of the four responses. Chair Hart stated that two in support gave no address; one neutral respondent lived on Timberhill Road; and one somewhat in support resided on Timberhill Road. Mr. Troy stated that three residents of Timberhill Road were renters who worked for the church or who were church members. Chair Hart invited Mr. Troy to provide staff with the names and signatures of property owners from his survey.

Ms. Troy felt it was not right to accept positive responses from anonymous parties. Chair Hart stated that that is not how the process works. Staff knows the addresses the surveys were sent to, but a resident is within his or her rights to respond anonymously.

Michael Spartz, 14834 Timberhill Road, initially thought a storage facility would be great. The equipment is currently sitting outside. Now it does not sound like the facility would solve the problem. All of the busses would not be housed inside the structure. He was told everything that could go in there would go in there. He did not know that there was a master development plan in place already. The applicant should have told him. He questioned if the proposed facility would support future needs. He liked that the building was made larger. It probably needs to be made bigger. In response to Mr. Spartz' question, Thomas explained that a building permit would be reviewed administratively by building inspectors. Mr. Spartz felt that the building permit should be part of the planning commission's review process for the master development plan amendment.

Mr. Spartz asked if the pond would increase in size. Chair Hart answered affirmatively. Mr. Spartz said that the pond should be looked at carefully. It is currently a mud pit. The trail needs maintenance. Colleran pointed out that the trees are mostly between the parking lot and where the building would be built.

Mr. Spartz felt there should be a review to see that the building follows the original plan and that it would be sufficient for future needs. The storage facility would be great, but he did not want it to have to be made larger in the future and more green space subtracted. Chair Hart stated that that would be considered if and when it happened. Mr. Spartz felt the building plans should be considered at this time. Chair Hart stated that the building inspectors handle the technical building plans during the building permit process.

Earl Jensen, 14855 Timberhill Road, agreed with Mr. Spartz. A building should not be built unless it can fit all of the equipment inside. The trees would be thinned. The site would be more visible from the trail. Colleran pointed out one group of trees that would be removed. No trees on the south would be removed.

Mr. Jensen listed areas around the city where trees had been removed. Chair Hart explained that those areas were not being discussed. Colleran addressed Mr. Jensen's concern. She explained that the city is removing buckthorn, not trees, in an attempt to restore the city's oak forests.

Mr. Jensen's main point was that if all of the equipment would not fit in the structure, he questioned why the building would be built.

Paul Neisius, 14840 Timberhill Road, felt it was important to look for other changes in the master development plan besides the building. He stated that trees were removed to provide room for lights. He questioned the lighting for the new building. Chair Hart stated that the city's ordinances regulate lighting. Thomas will review the landscape requirements approved by the 1999 master development plan prior to city council reviewing the application.

Mr. Neisius reiterated that approval of a modified plan, without the landscaping requirement, would no longer require the landscaping. Chair Hart disagreed. Thomas explained that none of the 1999 master development plan requirements would be voided with approval of the amendment.

Cynthia Broin, 14814 Timberhill Road and 14802 Timberhill Road, reiterated that if a building is going to be constructed, it should be big enough to hold everything that is outside now and have room for future growth. She did not understand the desire for a senior housing facility. People live in the neighborhood and do not want to hear about plans to change the neighborhood where they raised their children. The trail system is a huge asset to the city.

Bert Helmer, Minnetonka Christian Academy Site Committee Member, stated that:

- The applicant wants to understand the neighbors' needs, but the missions and direction of the church are also a priority.
- The church donated the trail easement when the church was built.
- The ball fields and playground are used by the community.
- The church property provides parking for the city for Summer Fest.
- An ill maple and cottonwood would be the only trees removed.
- Moving the site retention pond away from the playground would be safer for the kids. A standing amount of water is not necessary in the pond.
- The building would meet building code requirements.
- Screening and storage would be provided for items currently stored outside.

Mr. Ekrem stated that:

- The trail is a dedicated easement; it is not city property.
- The busses have not been screened as required by the original master development plan.
- Some buses have not been moved in three years and are not properly licensed.

Mr. Troy felt voting on just the one building, without the rest of the future buildings, was a mistake. The reduction in green space would not be considered. Chair Hart disagreed. The green space requirement would be met. If the entire 1999 plan would be constructed, the site would be 48 percent hard surface. The ordinance allows up to 70 percent.

Melanie Brudos, 14846 Timberhill Road, felt the proposed building should be bigger. Junk has been lying around for months. The community has lost some faith in the church. Surrounding property owners water the trees on the north side of the property because they are dying. Chair Hart invited Ms. Brudos to contact city staff to file a complaint regarding current conditions.

Ms. Troy asked whether the application would be an exception due to its proximity to Minnehaha Creek. Colleran answered negatively. She explained how the NURP pond would function.

Ms. Troy was not opposed to the building, just the "whole picture."

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

Cheleen suggested attaching a condition requiring all items be stored inside. Thomas answered that a general condition could be added to require compliance with the nuisance ordinance. She invited residents to contact city hall at any time to file a complaint. The site would then be inspected.

Adams asked how many times the planned unit development had been modified. Thomas provided the history. It had not been modified since 1999.

Dahl asked where the busses would be stored. Thomas provided an illustration that showed the buses on the south side of the building. A condition would require the buses to be located inside or immediately south of the building. The 1999 approval did not require the buses to be screened. Thomas stated that the existing landscaping condition would be researched. Two percent of the total project cost would be required to fund landscaping on the site.

Dahl agreed with including a condition that would require compliance with the nuisance ordinance.

Lehman agreed with commissioners' comments. He wanted to emphasize that there was no fault in the process that had taken place to this point. A neighborhood meeting was held and the plan was changed in an effort to better meet the neighbors' requests.

Chair Hart understood the primary changes were made at staff's request. Thomas explained that the parking lot change was made due to staff's request and the increase in size of the building was done in response to the neighbors' requests.

Chair Hart felt the request would be reasonable. The busses are currently parked outside. The storage facility would be a benefit. She supported the plan being so similar to the approved 1999 plan. The variance side faces woods owned by the city. The storm water pond would be located where it should. She asked the applicant to clean the site and meet all landscape requirements.

Adams moved, second by Cheleen, to recommend that the city council adopt the ordinance on pages A13–A17 of the staff report, amending the existing master development plan and approving final site and building plans for a storage/maintenance building at 3500 Williston Road with the modification provided in the change memo dated June 28, 2007, the addition of a condition requiring compliance with the nuisance ordinance,

and addition of a condition requiring compliance with conditions listed in the 1999 master development plan. Approval includes an access drive setback variance from 20 feet to 2 feet. This ordinance is based on the following findings:

- 1) The proposal meets the required site and building plan standards.
- 2) The proposal meets the required standards for a variance, because:
 - a. The proposed access drive setback variance is reasonable:
 - (1) The existing master development plan presents a practical difficulty. The plan establishes functional connections between various site components. While the proposed storage/maintenance building and associated access drive could be moved to the north to reduce or eliminate the setback variance, such a shift would negatively impact these functional connections.
 - (2) Unlike a drive aisle which accesses parking spaces, the proposed access drive would only access the proposed storage/maintenance building. The access drive would see very infrequent traffic.
 - b. The proposed access drive would be located adjacent to a vacant, wooded property owned by the city. As such the access drive would have little to no impact on the neighboring area

Approval 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 June 19, 2007.
 - Building elevations date-stamped June 1, 2007.
- 2) The following must be submitted prior to this ordinance being considered by the city council:

- a. Submit final engineered plans for that area of the property affected by the proposed maintenance/storage building. The plans must meet the city engineer's requirements.
- 3) The following must be submitted/completed prior to issuance of a building permit:
- a. Submit the following:
 - (1) Final site, grading, drainage, utility, and erosion control plans for staff approval.
 - (2) Final building elevations. The metal siding/roofing of the maintenance/storage building must match the metal roofing of the existing church building
 - (3) A final landscape plan for staff review and approval. Black hills spruce or norway pine and linden or maple trees must be substituted for colorado spruce and box elder trees shown in the original site plan. The plan must meet minimum landscape values as outlined in city code.
 - (4) A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost to comply with grading requirements and restoration of the site.
 - (5) A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost for all required landscaping.
 - (6) Recorded copies of this ordinance.
 - b. Complete the following:
 - (1) Install erosion control and tree protection fencing for inspection and approval of the city's natural resources staff. These items must be maintained throughout the course of construction.
 - (2) Pay any delinquent utility bills.
- 4) The building must be equipped with automatic fire sprinklers if required by the fire marshal.

- 5) All busses must be parked in the building or on the south side of the maintenance/storage building.
- 6) The property owner is responsible for replacing any required landscaping that dies.
- 7) 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.
- 8) Construction must begin by December 31, 2008, unless the planning commission grants a time extension.
- 9) Must comply with nuisance ordinances.
- 10) Must adhere with conditions listed in the 1999 master development plan.

Adams, Cheleen, Dahl, Lehman, and Hart voted yes. Schmitz and Brandt were absent.

Chair Hart stated that the city council was tentatively scheduled to review the item at its July 9, 2007 meeting.

9. ADJOURNMENT

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

By: _____
Lois T. Mason
Planning Secretary