

**MINNETONKA PLANNING COMMISSION
MINUTES**

DECEMBER 6, 2007

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Dahl, Lehman, Adams, Brandt, and Cheleen were present. Schmitz arrived at 7:05 p.m. Hart was absent.

Staff members present: City Planner Julie Wischnack, Principal Planner Susan Thomas, Project Planner Josh Metzger, and Planning Technician Jeff Thomson.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with additions and late comments provided in the change memo dated December 6, 2007.

4. APPROVAL OF MINUTES: November 8, 2007

Adams moved, second by Brandt, to approve the November 8, 2007, meeting minutes as submitted.

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

5. REPORT FROM STAFF

Wischnack briefed the commission on land use applications considered by the city council at its meeting of December 3, 2007:

- Adopted a resolution approving a one-year time extension of the Schoen Addition final plat at 11405 Fetterly Road West for Casey Schoen.
- Adopted a resolution approving Stratford Wood 2nd Addition final plat at 5243 Black Friars Lane.
- Adopted a resolution approving Tompkins Second Addition final plat.
- Adopted a resolution approving items concerning Crossroads Corporate Center at the southeast corner of the I-394/Hopkins Crossroads intersection, for Opus Northwest LLC.
- Adopted a resolution approving items concerning the reconstruction of County State Aid Highway 61, Shady Oak Road, for the Hennepin County Transportation Department.

- Adopted a resolution that upheld the condition requiring documentation of the finished floor elevation, but removed the flood proofing requirement regarding an appeal of a condition of approval, by the planning commission, for a variance from minimum lowest floor elevation from the designated flood elevation at 16019 Temple Drive for Roger Hanson.

Wischnack announced that the December 27, 2007 planning commission meeting has been cancelled. The next meeting will be held January 3, 2008.

6. **REPORT FROM PLANNING COMMISSION MEMBERS:** Adams reported that he and Acting Chair Cheleen listened to a speaker November 15, 2007 discuss results of an age-wave study. He presented the results of a survey done by 564 baby boomers in Minnesota. The results will provide guidance in planning services for the next 5 years to 10 years. He invited residents to visit the website: www.ecumen.org. It was well done. Acting Chair Cheleen agreed that housing and medical needs were well presented.
7. **PUBLIC HEARINGS: CONSENT AGENDA**

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

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

- A. **Items concerning improvements to the parking lot at 15320 Minnetonka Boulevard for Westdale Properties: (1) minor master development plan amendment; and (2) site and building plan review. (Project 05089.07a)**

MINOR AMENDMENT TO AN EXISTING MASTER DEVELOPMENT PLAN

- 1) *Approve a minor amendment to the existing master development plan for the property at 15320 Minnetonka Boulevard. Approval is based on the following findings:*
- a. The general location of the proposed stalls is consistent with the existing master development plan and previously approved site plans for the property.
 - b. The amendment would not create any non-compliance with any special condition included in the original master development plan.

- c. The amendment would not substantially decrease the amount of open space on the site.
- d. The proposed parking stalls would improve the existing parking situation and congestion on the site.
- e. The proposed stalls would meet all minimum setbacks from property lines and the site's wetland and floodplain areas.
- f. Though the proposed stalls would result in the loss of two trees, two new trees would be planted elsewhere to mitigate this loss.

SITE AND BUILDING PLAN REVIEW

- 2) *Approve the site and building plan for the addition of four parking stalls at 15320 Minnetonka Boulevard.*

Approval of the master development plan amendment and site plan review is subject to the following conditions:

- a. Subject to staff approval, the site must be developed and maintained in substantial conformance with the site plan as shown on page A3 of the staff report.
- b. Employees and patrons of businesses on the subject property shall not park in vehicular drive aisles. All vehicles must be parked in striped parking stalls.
- c. Before the city will issue a building permit, install erosion control and tree protection fencing for staff review and approval. This fencing must be maintained throughout the course of construction.

Trees must be planted to mitigate the removal of trees as a result of parking stall construction. Plantings shall consist of one 2-inch crabapple tree and one 2-inch Japanese tree lilac. A landscaping plan must be submitted for staff review and approval.

B. Conditional use permits for a trail and boardwalk in Kinsel Park at 14017 Kinsel Road for the city of Minnetonka. (Project 07064.076a)

Recommend that the city council adopt the resolution on pages A6–A8 of the staff report, which approves conditional use permits for trail connections and a boardwalk

within the existing wetland buffer/wetland and below the OHWL of Glen Lake in Kinsel Park at 14017 Kinsel Road. Approval is subject to the following conditions:

- 1) Prior to beginning any site work, install tree and wetland protection fencing as required by natural resources staff.
- 2) Permits may be required from other outside agencies, including but not limited to Minnesota DNR and the Nine Mile Creek Watershed District. It is the applicant's responsibility to obtain any necessary permits.

Dahl, Lehman, Adams, Brandt, and Cheleen voted yes. Schmitz and Hart were absent. Motion carried and the items on the consent agenda were approved as submitted.

8. PUBLIC HEARINGS

A. Rezoning from R-1, low density residential, to PUD, planned unit development, and a preliminary plat for a two-lot subdivision at 15549 Ranchview Court for Evergreen Development Corporation. (Project 06009.07a)

Acting Chair Cheleen 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 asked how utilities would access the site. Metzer believed utilities would extend from the north.

Tom Goodrum, of Schoell Madsen, representing the applicant, agreed with the conditions except for the protection of tree number two. Moving the house closer to the cul-de-sac was done to save trees. While walking the site, staff wrote that tree number two was "okay, not the greatest." The applicant was all for saving trees, but the houses were arranged with the understanding that tree number two could be removed.

Dahl asked why removing tree number two would be necessary. Mr. Goodrum explained the setbacks, grading, and building pad location. He would appreciate being able to mitigate removal of tree number two.

Acting Chair Cheleen confirmed with Mr. Goodrum that 30 inches of trees would mitigate the removal of tree number two.

Shari Baxter, applicant, explained how moving the residence forward to save trees in the rear decreased the building pad. She intended to live on the property. Preserving the beauty is a priority. She wanted to work with staff and keep as much privacy as possible.

Adams asked for staff's opinion of tree number two. Metzger stated that staff struggled with the situation. The recommendation is the best situation to preserve the feel of the neighborhood and provide a buffer between the development and the neighborhood. A lot of grading would be done on the knoll area. The site would be designed to fit a particular home rather than designing a home for the site.

Colleran understood Ms. Baxter and Mr. Goodrum's opinion. The grading limit on the lot is approximately 6,000 square feet. It is a pretty good size area that would be graded and still minimize impact to the trees. Staff tried to come up with a plan to satisfy the applicant as well as protect as many trees as possible.

Lehman asked if it would be possible to revert to the original footprint. The trees are outside the buildable area boundaries shown on the tree preservation map. Colleran described the trees and grading necessary for each plan. Ms. Baxter wanted to find a place for the building pad to fit on the site.

The public hearing was opened.

Jack Hill, 15550 Ranchview, wanted to know what the city plans to do with the current cul-de-sac. Metzger explained that the cul-de-sac would become a 26-foot wide street and extend south to create another cul-de-sac.

Mr. Goodrum provided an illustration that showed how the trees in the corner, on the knoll, would be preserved. A retaining wall would be added to save the trees.

No additional testimony was submitted and the hearing was closed.

Adams felt the applicant made a good-faith effort to comply as much as possible with staff's recommendation. He was comfortable with the removal of tree number two with the condition that mitigation be required. Even with staff's recommendation, grading of the site may cause damage to the tree.

Lehman felt that if the developer did not have a specific house plan, commissioners would not give it a second thought to require the house plan fit the lot. While he sympathized with the applicant, he had trouble not agreeing with staff's

recommendation. The site should be designed appropriate for the site and not necessarily for the structure.

Acting Chair Cheleen noted that the applicant was planning the house with the understanding that tree number two could be removed and it would fit on the lot. His opinion was that if one tree would be mitigated with 30 inches of tree, the project could move ahead. Although he agreed that a pad should not be designed to fit a house, it was a pretty solid assumption that the house plan could move ahead.

Brandt clarified that 30 inches of tree could equal 15 2-inch trees. Colleran agreed. Brandt felt the oak was going down hill and 30 new trees would help offset its loss.

Lehman asked if staff would prefer the west house pad or east house pad. Colleran explained the quality of the trees. Colleran met with Mr. Goodrum on the site 2 years ago. It was then being considered for a 3-lot subdivision. She identified the highest tree quality areas of the site. A house plan was not provided until the current proposal. Just because a tree is not the most excellent on the site, does not mean it should be assumed that it could be cut down. If commissioners feel mitigation would justify the removal of the 30-inch tree, then staff would rather see the trees located on the west saved and 1 30-inch tree removed.

Acting Chair Cheleen reviewed the primary issues. Metzger clarified that a construction management plan would be required.

Lehman moved, second by Adams, to recommend that the city council approve the following items concerning rezoning from R-1, low density residential, to PUD, planned unit development, and a preliminary plat for a two-lot subdivision at 15549 Ranchview Court for Evergreen Development Corporation with the removal of the condition requiring preservation of tree number 2 and the addition of a condition requiring the mitigation of 30 inches of trees in exchange for the removal of the 30-inch oak tree.

REMOVAL OF OUTLOT STATUS

- 1) *Recommend that the city council approve the removal of the outlot status of the subject property. Removal of the outlot status of the site is based on the following findings:*

- a. Since the subject property was created as a part of the Evergreen subdivision it was envisioned that it would develop at some point in the future, at which time the removal of the outlot status would be granted.
- b. The subject property and the neighboring property to the east are guided medium density residential. In 1987, city council declared that the subject property would remain in outlot status until that time when the property to the east would develop. If the two properties were to develop simultaneously it is possible the subject property would develop at medium density. Given that adjacent properties to the north and west are developed as low density residential, staff feels that the development of two single-family homes on the subject property is more compatible with the surrounding neighborhood.
- c. Furthermore, it is likely that a medium density residential development would have a greater impact on the natural environment of the subject property; namely tree removal and wetland/floodplain impacts.

REZONING ORDINANCE

- 2) *Recommend that the city council adopt the ordinance on pages A6–A7 of the staff report, which approves the proposed rezoning. This ordinance is based on the following findings:*
 - a. The rezoning would be consistent with the city's guide plan;
 - b. The rezoning would be consistent with the public health, safety, and welfare.
 - c. The rezoning, and resulting subdivision, would be consistent with the intent of the current development moratorium.

PRELIMINARY PLAT

- 3) *Recommend that the city council grant preliminary approval to Evergreen Second Addition, date stamped November 14, 2007. Approval is based on the finding that the plat meets the required standards and ordinances. Approval is subject to the following conditions:*
 - a. Complete the following before final plat approval:

- (1) Final plat must include the following drainage and utility easements:
 - (a) A 20-foot easement over storm sewer outlet from the wetland on the south end of the site.
 - (b) An easement over the entire wetland and proposed infiltration basin at or above the 100-year flood elevation and/or wetland, whichever is higher.
 - (c) Temporary construction easement on all adjacent private property as required.

Pay the city a park dedication fee of \$5,000.

- b. The following items must be submitted to the city before the city releases the final plat:
 - (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) The following documents must be prepared by an attorney knowledgeable in the area of real estate and submitted for the approval of the city attorney:
 - (a) Title evidence that is current within thirty days before release of the final plat.
 - (b) Conservation easements 25-feet upland of the delineated wetland edge. The easement may allow removal of hazard, diseased, or invasive species.
 - (c) Restrictive covenants to be recorded against the individual lots within the plat. The covenants must include conditions that have not been met as of the release of this plat.

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

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

- c. A grading permit is required for extension of Ranchview Court. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
 - (1) The following must be submitted for the grading permit to be considered complete:
 - (a) Final grading and drainage plans, accompanied by all associated calculations and borings. Final plans shall be subject to staff approval. The plans must include:
 - (i) Pretreatment of stormwater prior to discharge into the wetland.
 - (ii) Grading plan must include a tree inventory for the area proposed to be impacted as a result of the proposed street extension.
 - (iii) Final site, roadway, utility, and erosion control plans must be submitted for staff review and approval.
 - (iv) The utility plan must include appropriate "Private" labels on all sanitary sewer forcemain.
 - (b) A stormwater pollution prevention plan for staff review and approval.
 - (c) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance.
 - (2) Prior to issuance of a grading permit:
 - (a) Submit cash escrow in the amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the applicant. Through this document the applicant will acknowledge: (1) the property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of

- approval, or city code standards; and (2) if compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- (b) The developer must submit a signed agreement with the city for the construction of the Ranchview Court extension and any public utility work. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements. This agreement must include a letter of credit or cash deposit to ensure that the developer completes all public improvements and complies with all city regulations. The amount must be 150% of the estimated cost of the improvements or 125% of the cost if based on actual bids. Construction plans must be submitted to the city for staff approval.
 - (c) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for natural resources staff inspection. These items must be maintained throughout the course of construction.
 - (d) The final plat must be released by the city and filed with Hennepin County for recording.
 - (e) The contractor must meet with city staff on site to determine the final location and grading limits of the storm sewer prior to installation to minimize impacts to the 2 large oak trees to the east.
 - (f) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff.
- (3) Permits may be required from other outside agencies including, but not limited to, Minnehaha Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- d. Complete the following before issuance of building permits for both Lots 1 and 2:
- (1) Submit the following documents:

- (a) A recorded copy of the rezoning ordinance, preliminary plat, conservation easement, and restrictive covenants.
 - (b) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - (2) Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot. These items must be maintained throughout the course of construction.
 - (3) Install heavy-duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
 - (4) Pay a hookup fee for sanitary sewer and water.
 - (5) All portions of first-story, walls as measured by an approved route around the exterior of the house, must be within 150 feet of the street. If access requirements cannot be met, the house must be protected with 13D automatic fire sprinklers.
- e. The following specific development requirements apply to Lots 1 and 2:
- (1) Each lot must be custom graded at the time of building permit. Only grading for the street, utilities, and drainage improvements will be permitted prior to issuance of a building permit.
 - (2) The grade at the front of the building pad of Lot 2 must be equal to or higher than the street elevation at the curb.
 - (3) Minimum front yard setback for the principal structure on Lot 2 is 25 feet.
 - (4) Minimum side yard setback for the principal structure on Lot 2 is 20 feet as measured perpendicular from the east lot line of Lot 2. This setback may be reduced at the discretion of staff, if the reduction has no negative impact on trees. Minimum side yard setbacks for all other side yards on Lots 1 and 2 shall be 10 feet.
 - (5) The principal structure on Lot 2 must be constructed with a minimum setback of 45 feet from the wetland. This setback shall

only apply during initial construction. After initial construction of the principal structure is complete a wetland setback of 35 feet must be maintained. This will give the homeowner flexibility in development of the home in the future while maintaining wetland setback.

- (6) In addition, specific setbacks from individual significant trees on each site are also required. These setbacks are illustrated on the document titled "Staff Recommended Grading Limits" which is dated November 30, 2007 and as described:

- Tree #1 (18" oak) 10 feet
- Tree #3 (30" oak) 20 feet
- Tree #4 (18" oak) 20 feet
- Tree #5 (14" oak) 15 feet
- Tree #6 (30" oak) 15 feet east side;
5 feet from west side
- Tree #7 (24" oak) 10 feet from east side;
5 feet from north and
west sides

- f. Paved portions of the existing Ranchview Court cul-de-sac lying outside of public right-of-way must be removed and restored with vegetation.
- g. During construction, the streets must be kept free of debris and sediment.
- h. 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.
- i. Removal of Tree #2 must be mitigated by 30 inches of replacement trees on the site.

APPROVAL OF CUL-DE-SAC LENGTH

- 4) *Recommend the city council approve the cul-de-sac length in excess of 500 feet. Approval is based on the finding that the proposed cul-de-sac is the only practical method of access the subject property given existing development patterns.*

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

B. Site and building plan review, with variances, for a Trader Joe's grocery store at Ridgedale Center for Trader Joe's and General Growth Properties. (Project 07050.07b)

Acting Chair Cheleen 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.

Adams asked how many parking stalls would be required for a building of the proposed size. Thomas explained that the proposal located in a mall would be required to have 60 parking stalls. A similar stand-alone commercial business would be required to have 53 parking stalls. The proposal exceeds the requirement for either type of facility. Adams visited the St. Louis Park facility and counted 53 parking stalls which did not seem to be adequate. He was relieved there would be more.

Adams asked how the walkway would be raised. Thomas responded that a "speed table," with a flatter surface than a speed bump, would be painted as a crosswalk and used to slow down traffic.

Lehman felt the ring-road traffic was already a challenging situation. He asked if placing a stop sign at the crosswalk was considered. He noted that Target has three stop signs in the internal parking and roadway. He understood the inconvenience of the stop signs as a driver, but appreciated the stop signs after getting out of his vehicle. Thomas answered that the traffic study did not determine that a stop sign was warranted. She suspected that the overall size of the proposed building and parking area is much less than what is required at the Ridgehaven Center. Thomas will contact the traffic engineer to confirm if a stop sign would be beneficial.

Acting Chair Cheleen asked if a large "yield to pedestrian" sign would be feasible to draw attention to the crosswalk. Thomas liked the suggestion and said that it could be explored. Traffic signage has very specific requirements that determine when signs can be used and distances between intersections and other signs. If the criteria would be met, it would be a benefit.

Schmitz stated that the crosswalk from the Galleria to Southdale has the yellow sign with the individual in the crosswalk, so that might not have as many requirements as a yield sign but still draw attention to the crosswalk's location.

Debra Contreres, of General Growth Properties, applicant, enjoyed working with staff to figure out how to develop the parcel. The proposed use is an improvement over a 40,000-square-foot automotive use. She would prefer not to have a stop sign, because car stacking could interfere with ingress and egress access from the perimeter road. The applicant was concerned with pedestrian safety and car safety. She would prefer the crosswalk sign. She was present to answer questions.

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

Acting Chair Cheleen discussed the primary issues. The current proposal is better than the use expected for the site in the 1970s.

Dahl moved, second by Lehman, to recommend that the city council approve the following items concerning Trader Joe's grocery store at Ridgedale Center:

SITE AND BUILDING PLAN

Approve the final site and building plans, with building setback variance from 50 feet to 30 feet and parking setback from 20 feet to 10 feet, for Trader Joe's at Ridgedale Center. Approval 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. The applicants are proposing to use the site in a reasonable manner. In original concept plans for Ridgedale Center, the subject site proposed a future building pad. However, subsequent adoption of the PID ordinance, and changes to setback requirements significantly reduced the buildable area of the site.
 - b. The subject site is surrounded by roadways on all four of its sides. This is a unique circumstance not common to all commercial or PID-zoned properties.
 - c. There are no buildings in the immediate area of the proposed Trader Joe's. As such, construction of the building will alter the character of the site, but the setback variances themselves will not. In the

immediate area, there are no adjacent buildings or parking lots along Ridgedale Drive that would establish a standard area setback.

Approval of the site and building plans 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 September 4, 2007.
 - Grading date-stamped September 4, 2007.
 - Landscaping plan date-stamped September 4, 2007.
 - Building elevations date-stamped September 4, 2007.
- 2) A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
 - a. The following must be submitted for the grading permit to be considered complete:
 - (1) Final site, grading, drainage, utility, and erosion control plans for staff approval.
 - (a) The edge of the delivery driveway must be located a minimum of 75-feet from the mall ingress/egress drive or as determined by the city engineer.
 - (b) Minimum driveway radii must be 10 feet. Other radii may be considered. However, turning movements must indicate that there is need to deviate from the 10-foot standard.
 - (c) Trail easement must be graded to accommodate a future trail on the west side of the site. A retaining wall may be needed in relation to parking lot grades.
 - (d) Outlet and storm sewer must be shown as connected to the existing storm sewer on the downstream side of the Ridgedale pond.

- (e) Sanitary sewer service must connect to the existing and adjacent sanitary manhole using an inside drop.
 - (f) If a watermain connection is made to the existing main in Ridgedale Drive, the connection must be compatible with the existing river crossing piping as determined by the city engineer and public works staff.
 - (g) Standard city details must be used with no modification.
 - (h) Final plans, including truck turning movements, must meet all the requirements of the city engineer.
 - (2) A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost to comply with grading permit requirements and restore the site.
 - (3) A construction management plan signed by Trader Joe's and the general contractor. This plan, which will be drafted by city staff, will outline minimum site management practices and penalties for non-compliance.
 - b. Prior to issuance of a grading permit:
 - (1) Install a temporary rock driveway, erosion control, and tree protection fencing for natural resources staff inspection. These items must be maintained throughout the course of construction.
 - (2) The final plat must be released by the city and filed with Hennepin County for recording.
 - c. Permits may be required from other outside agencies including, but not limited to, Nine Mile Creek Watershed District. It is the applicants' and/or property owners' responsibility to obtain any necessary permits.
- 3) The following must be submitted to the city before the city issues a building permit:
- a. A final landscape and irrigation plan 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.
- 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) Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

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

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

9. OTHER BUSINESS

A. Request for a twelve-month extension for variances to build a new house at 18 Westwood Circle for Lutz Construction and Humberto Alarcon. (Project 01058.07a)

Acting Chair Cheleen introduced the proposal and called for the staff report.

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

In response to Lehman's question, Thomas stated that city ordinances do not restrict the number of time extensions. The planning commission may extend variances if there would be no negative impact to surrounding properties and no changes in city policy. Staff felt there have been enough changes in how staff reviews variances to warrant a full review of the project.

The applicant was not present.

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

Acting Chair Cheleen visited the site and noted changes to the neighborhood.

Adams moved, second by Lehman, to adopt the resolution on pages A25–A27 of the staff report, which denies the requested 12-month time extension. The resolution is based on the findings enumerated in the staff report.

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

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

B. Cancellation of the December 27, 2007, planning commission meeting.

Acting Chair Cheleen announced that the December 27, 2007 planning commission meeting has been cancelled due to a lack of a quorum. The next planning commission meeting will be held January 3, 2008.

9. ADJOURNMENT

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

By: _____
Lois T. Mason
Planning Secretary