

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**FEBRUARY 5, 2009**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Walker, Adams, Blatz, Lehman, Sjeklocha, A. Thomas, and Cheleen were present.

Staff members present: City Planner Loren Gordon, Principal Planner Susan Thomas, Associate Planner Jeff Thomson, Planning Technician Stephanie Scott-Sims, and Natural Resources Manager Jo Colleran.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with additional comments and conditions provided in the change memo dated February 5, 2009.

- 4. APPROVAL OF MINUTES:** January 15, 2008

***Walker moved, second by A. Thomas, to approve the January 15, 2008 meeting minutes as submitted with the following change:***

Page 14: Wagner change to Walker.

***Walker, Adams, Blatz, Lehman, Sjeklocha, A. Thomas, and Cheleen voted yes. Motion carried.***

**5. REPORT FROM STAFF**

Gordon briefed the commission on land use applications considered by the city council at its meeting of January 26, 2009:

- Adopted a resolution approving a conditional use permit for wireless telecommunications antennas on the existing building located at 2000 Plymouth Road.
- Established a Minnetonka Mills committee to consider possible redevelopment for the area and make recommendations to the city council.

Gordon updated commissioners on the agenda for the February 19, 2009 planning commission meeting. Environmental ordinances will be reviewed at a later date. Public hearings for St. Therese Southwest and Sears Imported Automotives are tentatively scheduled for the February 19, 2009 planning commission meeting.

**6. REPORT FROM PLANNING COMMISSION MEMBERS:** None

**7. PUBLIC HEARINGS: CONSENT AGENDA:** None

**8. PUBLIC HEARINGS**

**A. Items concerning restaurant improvements at West Ridge Market located at 11544 Wayzata Boulevard. (08055.08a)**

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

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

Adams questioned why Staples is allowed a 36-inch sign and staff is recommending a 26-inch sign for the proposal. Thomson explained that anchor tenants are allowed larger identification signs. Staples and Michaels meet the square footage requirement for an anchor tenant. Businesses less than a certain square footage are allowed a sign up to 26 inches in size.

Adams was concerned that the sign would not be adequate. Don Pablos might have failed because motorists were unaware it was there. The front is on the east entrance, but the reality is that most of the traffic is on Interstate 394 and Wayzata Boulevard. He was looking for an allowance for the new tenant to allow a sign similar to Staples' sign.

Lehman confirmed with Thomson that staff's recommendation would place the stacked sign on the east side and the linear sign on the south side. The signs would be the same size as the applicant requested, but in different locations.

Sjeklocha understood that the conditional use permit was being reviewed because the previous one expired due to the site remaining vacant for 12 months. Thomson answered affirmatively. Approval would renew the conditional use permit and approve the amendment for the patio expansion. If the business had been in operation less than 12 months ago, the conditional use permit would

still have been in effect. However, an amendment to the conditional use permit would still have been necessary for the expansion of the outdoor patio.

Sjeklocha asked if penalties exist for a business property that is delinquent in paying water and sewer bills. Thomson spoke to utility billing personnel. The property was delinquent April of 2008 which corresponds to the time when Don Pablos vacated the space. The bill was in the name of Don Pablos. CSM was unaware of the delinquency. The current bill does reflect late-payment charges.

Sjeklocha questioned what would happen to a property that did not pay a delinquent bill. Gordon explained that, in this situation, the certificate of occupancy could be held until the bill was paid. Assessing the property is standard operating procedure.

A. Thomas asked if staff inspected the site's landscaping. Colleran visited the site. The trees and vegetation would be inspected prior to permits being issued.

A. Thomas asked if staff had been notified that a sign indicating allowable truck delivery times had been removed. Thomson spoke to environmental health personnel who received that complaint. The complaint requested a sign be installed that would restrict truck delivery hours.

Blatz, due to the building's location, favored allowing the signs to be up to 36-inches in size. She noted that service to the patio would be required to be closed by 10 p.m. She questioned if patrons could be served at 9:45 p.m. and stay on the patio for an hour or two. Thomson stated that the original conditional use permit required the patio to close at 10 p.m. The use of the patio would have to discontinue at 10 p.m. regardless when the patron arrived. If the provision would be violated, a citation could be issued or the conditional use permit could be revoked.

Blatz noted concern received from neighbors that the wetland would amplify outside noise. She questioned what monetary amount two percent of the total project value would equal. Thomson explained that the improvement would relate to the patio itself, not the entire tenant improvement of the space. The applicant may be able to provide an estimate. Blatz was concerned with providing enough of a buffer to limit noise.

Walker had questions regarding the intent behind the policy that requires no additional parking for outdoor seating and LED accent lighting as part of the sign package. Thomson explained the ordinance that does not require additional parking for outdoor seating areas. Outdoor seating is not operated year round

and it displaces patrons from inside the restaurant to outside without increasing the amount of seating. The city's ordinance does not consider LED accent lighting a sign because it does not contain copy or graphic area. It would be classified as an architectural enhancement. The applicant is proposing to remove the current projection lights and replace them with LED accent lights.

A. Thomas asked if a fence, tree, or berm had been considered to provide a buffer. He noted that residents may contact the police department when the noise ordinance is being violated. Thomson checked with police department personnel to obtain the history of noise complaints for the area. A number of calls had been received, but none related to the outdoor patio. Complaints related to trucks in loading areas being too noisy and trucks parked or idling outside of delivery hours. Staff's recommendation includes a condition restricting delivery hours. A. Thomas suggested restaurant employees notify vendors of the delivery hours. Additional buffering for noise from the patio was deemed unnecessary.

Chair Cheleen asked if a garbage truck would also be required to adhere to the delivery time condition. Thomson responded affirmatively.

Scott Tubman, CSM Corporation, owner of site, stated that:

- The space has been vacant for a number of months.
- The site does not have visibility from Interstate 394.
- Staff's recommendation of switching the signs is a compromise. The biggest sign needs to face Interstate 394. In practicality, a larger façade sign would not work very well.
- Restaurant employees can "push" on vendors to only allow delivery after 7 a.m. Deliveries are almost always morning deliveries. As a landlord, he could "push" on the tenant to adhere to the delivery time requirement.
- No concerns were raised by the proposed patio.
- Vendors would be likely to comply with delivery times if told they could potentially lose the account.

Adams asked if Mr. Tubman would be willing to compromise on the 5-foot sign to a 36-inch sign. Adams asked what compromise he would favor. Mr. Tubman described possible sizes of the sign and text areas. A 36-inch sign band on both elevations probably would be agreeable, but he would need to check with the applicant.

Adams asked if alcohol would be sold. Mr. Tubman stated that all interested tenants have been full-service restaurants that would provide, if not full liquor, at least beer and wine.

Blatz asked Mr. Tubman to estimate the cost of the patio improvement. Mr. Tubman guessed it would be many thousands of dollars, but he was not sure.

Chair Cheleen noted complaints from neighbors regarding glare from outside lighting. The neighbor suggested installing lenses or shields on the light fixtures on the back of the building to ensure there would be no direct off-site view of the light source. Mr. Tubman felt installing lenses on all of the lighting on the rear of the building would not be a problem.

Chair Cheleen asked if most of the patio lights could be turned off when the patio would be closed, but minimal lighting remain during clean up. Mr. Tubman would consult with the tenant.

The public hearing was opened.

Donald Knox, 921 Fairfield Way, a Gables Townhomes board of director, was concerned with the delivery hours and noise as discussed. The Don Pablos patio had noise continue after 10 p.m. There were no more than 7 or 8 tables on the patio. A larger patio may create a need for a barrier. A paging system or music played outdoors would be bothersome.

Chair Cheleen noted that the conditional use permit prohibits outdoor speakers, music, and audio-paging on the outdoor patio.

Bill Kranz, Baja Sol Restaurant Group, applicant, stated that:

- The company is locally owned. There are 13 stores in the Minneapolis/St. Paul area. He described the restaurant sizes and services provided in each.
- The site provides the desired demographics and location west of the cities, but not the desired visibility.
- The south elevation is a key factor in negotiations of the lease to get the visibility.
- The "C" in Cantina is 30 inches tall. The rest of the letters are no more than 20 inches tall. "Cantina" indicates that the restaurant is full service. The smaller grill versions do not serve alcohol. Branding is very important in the restaurant business.

- He agreed with staff and the landlord that the linear sign would be located on the east side to help identify the restaurant in the parking lot area.
- LED lights would be used on the south and east sides. He is very sensitive to the concerns of the residential neighbors. He noticed that there are indoor dumpster areas.
- The noise and time requirements would be followed.
- Minimal lighting to clean the patio after 10 p.m. would be provided.
- Baja Sol is one of the fastest growing restaurant chains right now. All of the ingredients are fresh. It is very family-oriented and friendly.
- The corporate representatives feel it is important to have the 5-foot square sign on the front to make the deal work.

Walker asked how patrons would move out of the exterior patio at 10 p.m. Mr. Kranz stated that customers would not be seated on the patio after 9 p.m. The patio would be open approximately 5 months of the year.

No additional testimony was submitted and the hearing was closed.

Lehman concurred with Adams that the south face is the key location to make potential customers aware that the restaurant exists. Lehman drives Interstate 394 to work each day. He never knew Don Pablos was there until someone suggested going there.

In response to Adams' question, Thomson explained that commissioners could approve an amendment to the sign plan to allow a sign on the south elevation up to a specific height and one sign on the east elevation up to a certain height. It would be a recommendation to the city council. Adams was tired of looking at empty store fronts in Minnetonka. He wanted the businesses to survive. The south-facing sign needs to be of significant size for the space. It would have minimal impact on residents. The noise issue impacts local residents, but the sign would face a commercial, interstate area.

Sjeklocha concurred with Adams and Lehman. She supported having a variety of eating establishments. She requested the word "daily" be added to the condition requiring refuse pick up for the patio area.

A. Thomas wondered if amending the size of the sign would set an unwanted precedent. Thomson responded that the amendment would be only for West Ridge Market and only for this tenant. Other tenants could use the amendment

for a basis to argue for larger signs. Overall, there would be no major impact to the city. A. Thomas saw no problem with a larger sign.

Lehman suggested adding a condition preventing seating in the patio after 9 p.m. Thomson agreed the condition could be added. Lehman noted that the operator of the property may change in the future and the condition would still be in effect.

Blatz was comfortable with the larger sign on the south side. She was unsettled with the east side. It would be a little out of scale. She was fine with staff's recommendation, but it appeared too far from the door. She was concerned with the noise. She favored more landscaping than drawn on the plan. Adding vegetation closer to the pond would be beneficial. A fence might work, but would also block the view of the lake. She supported planting robust shrubs to help buffer noise.

Walker agreed with Blatz on the sign issue. He suggested a percentage of a wall having penetration and being a certain height. That would be the best way to stop sound. In Europe, glass walls are used to stop sound.

Chair Cheleen agreed that signs are needed on both walls. He would accept a 5-foot sign on the south-facing wall. He confirmed with Thomson that Staples' and Michaels' signs are 36 square feet in size. He asked if the applicant considered raising the 36-square foot Baja Sol sign to be visible and legible from the road. Mr. Kranz stated that the parapet would be raised about 18 inches. It would tie the logo together and it would raise the sign two feet. Quite a bit of money would be spent to raise the parapet. He has driven up and down Interstate 394 many times to find the most visible location. He wants the east elevation tied to the proposed corner because it would be the most visible from all directions of the crossroads and main freeway.

Chair Cheleen understood.

***Adams moved, second by Walker, to recommend that the city council allow a sign up to 5 feet on the south-facing wall and a sign up to 26 inches on the east side and approve the following items concerning restaurant improvements at West Ridge market located at 11544 Wayzata Boulevard with the added conditions provided in the change memo dated February 5, 2009 and conditions to restrict garbage hauling to the time frame allowed for deliveries, require the outdoor seating be patrolled daily for litter, construct a wall to buffer noise on the west side of the patio, and prohibit seating in the outdoor patio area after 9 p.m.:***

Gordon clarified that the recommendation favored adding screening on the west side of the patio and not so much on the north to allow a view of the wetland area.

**CONDITIONAL USE PERMIT**

1) *Recommend that the city council adopt the resolution on pages A21-A26 of the staff report. This resolution approves an amendment to the conditional use permit for a 7,810 square-foot restaurant with 1,220 square-foot outdoor seating area at 11544 Wayzata Boulevard, with the following variances:*

- Setback variance for the outdoor seating area from 50 feet to 20 feet from the northwest property line.
- Setback variance for the outdoor seating area from 200 feet to 185 feet from the residential property to the west.

Approval is based on the following findings:

- a. The proposal meets the required conditional use permit standards.
- b. The proposal meets the required standards for a variance, because:
  - (1) Undue hardship: The location of the building, existing outdoor seating area, and adjacent wetland provide a hardship in locating the patio expansion to meet the setback requirements.
  - (2) Unique circumstance: West Ridge Market was developed as part of a mixed use project which integrates retail, service commercial, restaurant uses with the surrounding residential developments. The mix of land uses is a circumstance not common to other retail centers in the city.
  - (3) Intent of the ordinance: Although the seating area is located 185 feet from a residential property line, it is over 250 feet from the actual building. This meets the ordinance intent to provide adequate spacing between the two uses.

- (4) Neighborhood character: The outdoor seating area would not negatively impact the character of the surrounding neighborhood. It would not be highly visible from surrounding properties, and would be buffered by the adjacent wetland and vegetation.

Approval is subject to the following conditions:

- a. Complete the following prior to issuance of a building permit or beginning any site work:
  - (1) Record this resolution with the county. A copy of the recorded resolution must be returned to the city.
  - (2) The delinquent water and sewer bill must be paid in full.
  - (3) The adjacent wetland must be delineated and the floodplain elevation staked in the field to verify setback requirements. If necessary, city staff can administratively approve adjustments to meet the setback requirements provided the patio expansion does not exceed 600 square feet, and does not extend any closer to the property lines.
  - (4) Submit a detailed landscaping plan for staff review and approval which complies with the zoning requirements for minimum landscaping. A combination of sound wall and landscaping must be installed on the west side of the patio for noise mitigation.
  - (5) Install lenses, shields, or louvers on the light fixtures on the back of the building to ensure there are no direct, off-site views of the light source.
  - (6) Prior to issuance of a building permit for work within the restaurant space:
    - (a) Replace any landscaping that has died or been removed from the approved landscaping plan for West Ridge Market; or
    - (b) Submit cash escrow in an amount determine by natural resource staff to ensure replacement of any

landscaping that has died or been removed from the approved landscaping plan for West Ridge Market.

- b. Delivery and garbage hauling hours are limited to between 7 a.m. to 10 p.m. daily.
- c. The patio must be fully enclosed with a knee wall or railing acceptable to the city. The wall must be noticeable taller on the west side of the patio to increase screening from residential properties to the west.
- d. Access to the patio must be through the principal building only. All emergency exits from the patio must be equipped with self-closing and self-latching gates.
- e. The outdoor seating area must be equipped with refuse containers and patrolled daily for litter pick-up.
- f. Use of the outdoor patio must cease by 10 p.m. each day. Seating on the outdoor patio must be discontinued at 9 p.m. each day.
- g. No music or audio paging shall be used in the outdoor patio.
- h. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- i. 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.
- j. The applicant must agree to these conditions in writing.
- j. This resolution repeals and replaces Resolution No. 97-019 adopted by the city council on February 10, 1997.

**SIGN PLAN AMENDMENT**

- 2) *Recommend that the city council adopt the amendment to the West Ridge Market sign plan and criteria on pages A27-A30 of the staff report. This amendment allows a 5-foot tall wall sign on the south elevation and 26-inch tall sign for the east elevation for the restaurant tenant at 11544*

*Wayzata Boulevard. Approval is based on the findings that the proposal would meet all ordinances and standards for sign plan review.*

**Walker, Adams, Blatz, Lehman, Sjeklocha, Thomas, and Cheleen voted yes. Motion carried.**

This item is tentatively scheduled to be reviewed by the city council at its February 23, 2009 meeting.

**B. Preliminary plat for a two-lot subdivision of the existing property at 15407 Lake Shore Avenue. (07046.08a)**

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

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

In response to Adams' question, S. Thomas indicated the property line's angle that is different than the plan previously approved. That is the only change in the configuration of the proposal. The change is necessary to accommodate the plan for the residence.

Adams asked how many trees are located in the tree preservation easement. S. Thomas described the number, type, and size of trees in the tree preservation easement. The trees would screen structures located on the top of the slope.

Adams asked what a property owner is allowed to do in a tree preservation easement. S. Thomas provided Groveland Place as an example of a tree preservation easement. The owner of the property has the right to utilize all of the space underneath the trees. The intent is to preserve the tree and its critical root zone. Pruning is allowed. The easement will stay with the property just like a conservation easement. Colleran added that if trees became diseased or die, the property owner is allowed to remove them. It is helpful if a property owner informs city staff if there is an issue so staff is aware of the need to remove a tree and be able to communicate the situation to inquiring neighbors.

A. Thomas asked staff to reassure him that having "a lesser easement" would not back fire in the future. S. Thomas explained staff's review process. The city now has the shoreland ordinance that protects the steep slope. Staff feels the area between the tree preservation easement and the conservation easement has some built-in protections provided by the shoreland ordinance.

In response to Lehman's questions, S. Thomas did not recall a trail on the previous proposal. She explained that conservation easements can be written to allow for a variety of things. Staff recommends this project's conservation easement allow a pathway for property owners to access the lake, stairways, and canoe landing areas.

Sjeklocha asked for examples of water-oriented structures and what would be allowed on either property. S. Thomas answered a structure less than 120 square feet is allowed and must be setback from the ordinary high water mark; in this case, from the floodplain as well. Water-oriented structures include a gazebo, terrace, or shed. No more than one is allowed per property. A permit is required for a structure over a certain size. Colleran noted that this project would also have a wetland setback that would be the most restrictive.

Sjeklocha asked if there would be city liability related to a walking path. S. Thomas responded that the city attorney would be the authority to answer that question, but explained that since the trail would not be an official city trail, and the city would have no maintenance responsibility, it is unlikely the city would have any liability. The private property owner has the right to not allow a path.

Michael Stotesbery, 15407 Lakeshore Avenue, applicant, stated that:

- The walking path is located north of the subject site on the city's property. Lehman recalled one on the shore of Lake Rose on the previous plan. Mr. Stotesbery was unaware of that one.
- The property line was changed to accommodate the residence. The residences would be constructed to minimize disturbance to the trees.
- He saw great value in the natural aspects of the land.
- He has strong moral values and wants to make the lives of those around him better.
- He requested the conservation easement and tree protection easement be removed from the proposal because he likes to have options; the land would be treated well, but he cannot prove that and future owners may have different ideas; and there are already ordinances in place that protect the property.
- He was willing to add a requirement that any removed trees would be replaced.
- He was willing to add a requirement that would require that a cash escrow be held to ensure completion of started landscape improvements.

The public hearing was opened.

Sue Knob, 5749 Lake Rose Drive, stated that she supports subdividing the property into two lots since she understood it would not be kept as one piece. She would like as many conservation easements as possible because the trees provide habitat to great horned owls, fox, and other creatures. She favored easements all around the lake to protect water quality and restoring wetlands. She welcomed her new neighbors and was willing to answer any questions they have. The walking path Lehman mentioned is located up on Oric Avenue and extends along Lake Rose. She wanted the conservation easement to remain.

No additional testimony was submitted and the hearing was closed.

Adams asked if the conservation easement was discussed with the applicant before the meeting. S. Thomas answered in the affirmative.

Chair Cheleen asked what extra protection the conservation easement provides. Colleran explained that without a conservation easement once a residence would be built and certificate of occupancy issued, two years later the property owner would be able to remove every tree on the property with no mitigation. The conservation easement would provide long-term tree protection. The shoreland ordinance protects screening as viewed from the lake. The conservation easement was adjusted to provide the property owner more use of the property. Protecting the natural environment is also important to deal with infill development. Staff is trying to strike a balance. She described the sloped and flat areas of the property and how the conservation easement would protect areas not already protected.

***Blatz moved, second by Sjeklocha, to recommend that the city council give preliminary approval to Lake Rose Highlands, date-stamped December 2, 2008 with the modification provided in the change memo dated February 5, 2009. Approval is based on the finding that the plat meets the required standards and ordinances. Approval is subject to the following conditions:***

- 1) Complete the following before final plat approval:
  - a. Submit a final plat drawing. The drawing must include:
    - (1) Dedication of 10-feet of additional right-of-way behind the existing bituminous cul-de-sac.

- (2) 10-foot-wide drainage and utility easements adjacent to public right-of-way and 7-foot-wide drainage and utility easements along all other lot lines.
    - (3) Utility easements over existing or proposed public utilities, as determined by the city engineer.
    - (4) Drainage and utility easements over the 928.3 elevation.
  - b. Pay the city a park dedication fee of \$5,000.
- 2) The following items must be submitted to the city before the city releases the final plat:
  - a. An electronic CAD file of the final plat in microstation or DXF.
  - b. The following documents must be prepared by an attorney knowledgeable in the area of real estate and must be submitted for the city attorney's approval:
    - (1) Title evidence that is current within thirty days before release of the final plat.
    - (2) Conservation easement in an area in substantial conformance with the staff-drawn diagram dated January 30, 2008 and a drawing of the easement. The easement may allow: removal of hazard, diseased, or invasive species. In addition, the easement may allow construction of stairway or pathway to Lake Rose and a water-oriented structure on each lot, so long as such meet all provisions of the Zoning Ordinance. The easements and drawings must be recorded with the final plat.
    - (3) Tree preservation easement in an area in substantial conformance with the staff-drawn diagram dated January 30, 2008 and a drawing of the easement. The easement may allow: hand-grading, landscaping, and construction of structures on post footings, so long as such activities meet all provisions of the Zoning Ordinance. The easements and drawings must be recorded with the final plat.

- (4) A private driveway easement between the improved right-of-way and Lot 2. The easement must state the maintenance responsibilities of each owner. The easement must be 20-feet wide. The minimum driveway width must be as required by the fire marshal.
- (5) A private utility easement between the improved public right-of-way and Lot 2.
- (6) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include a provision restricting construction of swimming pools, sport courts, or other large accessory buildings within the conservation easement. The covenants must also include any conditions that have not been met as of the release of the plat.
- (7) Permits may be required from other outside agencies including the Nine Mile Creek Watershed District. It is the applicants' and/or property owners' responsibility to obtain any necessary permits. Copies of all required permits must be submitted to the city.

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

- c. Any other requirements included with final plat approval.
- 3) The following must be completed before the city will issue a building permit for Lots 1 and 2:
- a. Verify all existing utility connection locations and elevations prior to setting the basement elevation. This verification must be provided for the city engineer's review and approval.
  - b. Clearly identify proposed sanitary sewer and water service locations.
  - c. Submit the following additional items for staff review and approval:
    - (1) 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) Final grading and tree preservation plan for the lot. The plan must:
    - (a) comply with the preliminary grading plan as depicted on the preliminary plat;
    - (b) include rain gardens, French drains or other infiltration techniques as approved by the city engineer;
    - (c) must preserve trees designated for preservation at the time of preliminary plat approval; and
    - (d) show sewer and water services to minimize impact to any significant trees. No trees may be removed for installation of services. One set of new services must be installed.
  - (3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the discretion of natural resources staff, mitigation inches may be decreased based on: the health of trees removed; the ability to appropriately install trees on the steep slope; and/or installation of under-story shrubbery.
  - (4) 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 builder and property owner. Through this document the builder and property owner 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.
- d. Submit the following documents:
- (1) A recorded copy of the preliminary plat, all required easements, and restrictive covenants.

- (2) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
  - (3) A letter of credit or cash escrow in the amount of 150% of an estimated cost or 125% of a bid cost to complete required tree mitigation. Individual letters of credit are required for each lot.
- e. Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff.
  - f. 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.
  - g. Install heavy-duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
  - h. Pay a hookup fee for sanitary sewer and water.
- 5) Notwithstanding the requirements outlined above, all lots and structures within the development are subject to the all R-1 and Shoreland zoning standards. In addition:
- a. Minimum rear yard setback for the principal structure on Lot 1 is 220 feet as measure perpendicular from the rear line of the plat. This setback may be reduced at staff discretion, if the reduction has no negative impact on trees or slope.
  - b. Minimum rear yard setback from the principal structure on Lot 2 is 190 feet as measure perpendicular from the rear line of the plat. This setback may be reduced at staff discretion, if the reduction has no negative impact on trees or slope.
  - c. Minimum floor elevation for both properties is 930.3
- 6) During construction, the streets must be kept free of debris and sediment.
- 7) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

***Walker, Adams, Blatz, Lehman, Sjeklocha, and Cheleen voted yes. A. Thomas voted no. Motion carried.***

Mr. Stotesbery asked who he should contact to discuss the proposal further. Chair Cheleen and Gordon encouraged him to meet with staff again and attend the city council meeting.

**9. ADJOURNMENT**

***A. Thomas moved, second by Walker, to adjourn the meeting at 8:18 p.m. Motion carried unanimously.***

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