

**MINNETONKA PLANNING COMMISSION
MINUTES**

MAY 6, 2010

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, Natural Resources Manager Jo Colleran, and Water Resources Engineer Liz Stout.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with additions and modifications provided in the change memo dated May 6, 2010.

4. APPROVAL OF MINUTES: April 15, 2010

Adams moved, second by Sjeklocha, to approve the April 15, 2010 meeting minutes as submitted with the following change:

Page 3: Sjeklocha asked if the use should be identified as a dental and ~~or~~ medical clinic rather than "medical clinic."

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

5. REPORT FROM STAFF

Gordon briefed the commission on land use applications considered by the city council at its meetings of April 19, 2010 and May 3, 2010:

- Adopted a resolution approving a conditional use permit to install a wireless telecommunication facility on the property at Faith Presbyterian Church, 12007 Excelsior Boulevard.
- Adopted a resolution vacating a public utility easement at 9703 Data Park Drive for United Health Group.
- Adopted a resolution approving a conditional use permit for a dental clinic at 5101 County Road 101.

- Approved an extension of the Coyote Song preliminary plat located at 2714 Oakland Road.
- Upheld the appeal of the planning commission approvals associated with the Goodwill retail store at 13820 Wayzata Boulevard. City council approved full access for each driveway.

The next planning commission meeting will be May 20, 2010.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PRESENTATION: Nonpoint Source Pollution Education for Municipal Officials

Gordon introduced Minnehaha Creek Watershed District Outreach Coordinator Julie Westerlund, John Bilotta from the University of Minnesota Extension Service, and Claire Bleser representing the Nine-Mile Creek Watershed District.

Mr. Bilotta gave his education program regarding land use and the connection decision making has on water resource protection.

Ms. Westerlund described the impacts that development has had on Minnetonka's water resources. She holds up Minnetonka as an example of how to do things well. The website "northlandnemo.org" provides more information.

Adams asked what more Minnetonka could be doing. Ms. Westerlund was not prepared to do an in-depth analysis. The stronger the ordinances are that limit impervious coverage the better. The city has passed a lot of ordinances in the last year. She applauded the city for its efforts. She could meet with staff to discuss specifics.

Adams said that residents are resistant to new ordinances. One big push back occurred in response to the proposed ordinance regarding water quality and the Minnehaha watershed that would require a shoreland buffer. The water quality of Lake Minnetonka located in the city is better than anywhere else in Lake Minnetonka. Adams did not see the same level of concern or participation from neighboring communities. He asked what was being done for those communities. Ms. Westerlund said that the group will reach out to them the same way it has to Minnetonka. There will be a watershed-wide workshop that is currently being planned. She sent an e-mail out regarding it yesterday. It will deal with shorelines and storm water. All local officials will be invited to attend to talk about these issues, encourage them to follow Minnetonka's lead, and help them understand how the measures are beneficial.

Adams said that citizens with property rights have to be dealt with. Remediation in development can be expensive. To do his driveway with impervious pavers would be three times the cost of asphalt. He asked what financial assistance is available to residents to assist them in doing remediation and "smart redevelopment." Ms. Westerlund referred to a grant fund available for government and business redevelopment. Her agency is starting to explore the possibility of a residential cost-share program. The watershed district is a great financing mechanism to provide financial incentives and the technical expertise that is needed.

Adams asked Ms. Westerlund to comment on parking ordinances. He was concerned that the city requires too much impervious surface. Ms. Westerlund said that there are cities that have a maximum parking area restriction. She could not think of an example. The team is planning on compiling local ordinances and sharing those among communities to provide examples. She will put that on her list of ordinances to include.

Ms. Bleser spoke about the Nine-Mile Creek grant program. It covers 75 percent of up to \$3,000 worth of improvements for residential projects. Minnehaha Creek watershed district is working on creating a similar program.

Chair Cheleen thanked the presenters.

8. PUBLIC HEARINGS: CONSENT AGENDA: None

9. PUBLIC HEARINGS

A. Preliminary plat approval of Gagner's 2nd Addition at 18724 Ridgewood Road, a two-lot subdivision with lot-width at right-of-way variance. (04089.10a)

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.

Adams confirmed with S. Thomas that this preliminary plat was approved in 2005. In response to Adams' question, S. Thomas explained that if final approval is not received within 12 months or the plat is not recorded with Hennepin County within a year of final plat approval, then the preliminary plat becomes null and void without an extension. Staff felt that after five years of extensions, the

application should go through a public review process and give staff the opportunity to review the application under the current ordinances.

A. Thomas asked if the proposal adheres to all ordinances adopted in the last five years. S. Thomas answered affirmatively. Because density would be less than one unit per acre, the tree ordinance does not impact the development.

A. Thomas asked if the applicant knew when or if development would occur. He was not a fan of extending an approval in case something would change in an ordinance. Five years is a long time. S. Thomas explained that there have been a lot of extension requests in the last two years due to economic conditions. Lots are not selling as they did in the past. The applicants are particular about the type of home to be constructed. The right buyer has not been found. S. Thomas stated that the city is not obligated to approve an extension. A. Thomas can appreciate the applicant's being picky and the economy's change, but he would not want to support another extension in the future.

Lehman asked if the project would also need approval from the City of Deephaven. S. Thomas responded that Deephaven staff was notified. The vast majority of the property is located in Minnetonka.

Lehman asked if the action taken by the City of Minnetonka is binding on Deephaven. Gordon explained that the properties would be governed by the cities in which each resides. The tax parcels are assigned by community. The division process has to happen for the plat in each community. Minnetonka has jurisdiction over the property within its border. If the parcel in Deephaven does not divide, staff is still comfortable with the preliminary plat as shown for the Minnetonka side of the property. Hennepin County ultimately records the plat so if an issue arose, it would be a legal question to deal with at that time. Lehman said that it did not sway his thoughts on the application.

Sjeklocha asked if the extension would not be granted, then what would the applicants have to do. S. Thomas stated that the applicant would have the option to work with a surveyor to show the construction of a full city street with cul-de-sac and bring before the commission a plat that meets all minimum standards. The city would be obligated to approve a plat that meets all minimum standards.

Sjeklocha asked if an extension is approved, then do new ordinances need to be followed. S. Thomas responded in the negative. She provided an example of an extension request that was denied because a new ordinance had been adopted and staff wanted the opportunity to review the application in accordance with the

new ordinance. The extension, if approved, would be valid for whatever time it would be approved without adherence to ordinance changes.

In response to Sjeklocha's question, S. Thomas explained that restrictive covenants are a legal document recorded at the county with the property. All of the conditions are tied and enforceable to the property no matter whom owns it or how much time has passed.

Adams asked what is required to turn a preliminary plat into a final plat. S. Thomas responded that the final plat drawing includes property lines and easements and it needs to be signed.

Adams asked what would prevent a property owner from applying for a final plat. S. Thomas said that once a plat is final, the property owner would be taxed for additional lots created by the division.

Diana Gagner, applicant, thanked staff and commissioners for reviewing the plat again. She hoped to get it done this time.

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

Adams recommended staff approve no more extensions.

Chair Cheleen clarified that the proposal is not an extension. His understanding is that the proposal was compared to the new ordinances. The final plat has not been done because of the expense of paying additional property taxes on new lots, surveys, and filing the forms. Unless a property owner has a buyer so that the lot can be sold fairly soon, it would cost the property owner money to have the final plat approved. He assumed that is what happened. He understood the irritation of having to get the plat approval extended four times and having to go through the application process all over again; however, that is the right of the applicant. If an extension is turned down, then the applicant could reapply as was done in this case.

Chair Cheleen noted that the proposal is essentially the same as it was before and that staff took the opportunity to look at how the new ordinances would apply. Because of the applicant saving a number of trees by utilizing one, small driveway he hopes that the plat is able to be filed and completed. It looks like a great project.

A. Thomas asked if not allowing extensions could be in the conditions of approval. S. Thomas responded that it would be the property owner's right to request an extension. It would be the decision of the city council to approve or deny the extension.

Adams confirmed with S. Thomas that an extension is not reviewed by the planning commission, only the city council, and that the minutes regarding a project are included in staff's report to the city council.

Lehman moved, second by Adams, to recommend that the city council adopt the resolution on pages A8–A14 of the staff report. This resolution grants preliminary approval to Gagner's 2nd Addition, dated January 10, 2010, with a lot-width at right-of-way variance. Approval is based on the following findings:

- 1) The proposal meets the required standards and ordinances for a preliminary plat.
- 2) The proposal meets the required standards for a lot width at right-of-way variance in Section 300.10, Subdivision 5(h)(2)(b).

Approval is subject to the following conditions:

- 1) Prior to final plat approval, complete the following:
 - a. Show the following on the final plat:
 - (1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (3) Drainage and utility easements over wetlands, floodplains, and stormwater ponds, as determined by the city engineer.
 - b. Pay a park dedication fee of \$5,000.00.
- 2) The following items must be submitted to the city before the city releases the final plat:

- a. An engineering/utility inspection fee.
- b. An electronic CAD file of the final plat in microstation or DXF.
- c. 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 easements over mature trees on the east side of the private driveway and a drawing of the easement. The easement may allow removal of hazard, diseased, or invasive species. The easements and drawings must be recorded with the final plat.
 - (3) A private driveway easement between the public right-of-way and Lot 2. The easement must state the maintenance responsibilities of each owner. The easement must be 34 feet wide. The minimum driveway width must be as required by the fire marshal.
 - (4) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat.

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

- d. Any other requirements included with final plat approval.
- 3) Prior to issuance of a building permit for any of the lots within the development:
- a. Submit the following for items 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) A stormwater management plan.

- (3) 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) must preserve trees designated for preservation at the time of preliminary plat approval;
 - (c) 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.
 - (4) 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.
 - (5) 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.
- b. 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.
 - c. Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff.
 - d. 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.
 - e. Install heavy-duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
 - f. 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 zoning standards. In addition:
 - a. No structure, except a fence, may be constructed within 40 feet of the west property line.
 - b. Any new house constructed within the development must be protected with 13D automatic fire sprinkler systems if:
 - (1) Access to the property on which the house is being constructed is via a private roadway;
 - (2) Any portion of the first-story walls, as measured by an approved route around the exterior of the house, is more than 150 feet from a public street; or
 - (3) The property on which the house is being constructed is located more than 499 feet from a public, looped water line.
- 6) Signage must be installed and maintained which delineates the edge of any required conservation easement. This signage is subject to the review and approval of city staff.

- 7) During construction, the streets must be kept free of debris and sediment.
- 8) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Sjeklocha, A. Thomas, Adams, Blatz, Lehman, and Cheleen voted yes. Walker was absent.

Chair Cheleen stated that the city council is tentatively scheduled to review the item May 24, 2010.

B. Items concerning a subdivision of existing properties at 2700 Oakland Road. (10006.10a)

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.

Sjeklocha asked if the final plat would have to address who owns the outlots. Thomson stated that the applicant intends to know what would be done with the outlots at the time the final plat would be approved. The outlot may be combined with the adjacent property to the east or combined with Lot 2 and remain part of the subdivision. In any scenario, a condition of approval would be that if the outlots are combined with adjacent parcels, then they would need to have one property identification number.

Adams asked what options the developer would have to develop the lot if the planned unit development (PUD) would not be an option. Thomson stated that the lots could be subdivided to meet R-1 lot standards. The issue would be with the tree preservation ordinance. It would exceed the 35 percent tree removal allowed by city ordinance. The PUD would provide flexibility to save trees at the allowable density.

Adams asked what the tree removal percentage would be with approval of the PUD. Thomson responded that under the revised infiltration basin plan, high priority tree removal would be 63 percent, which is allowed under the tree preservation ordinance provided that the standards are met. The proposal would preserve seven significant and high-priority trees.

Lehman asked what value to the city is created by Outlot C being combined with the property on the north. Thomson explained that Outlot C would be directly adjacent to the property on the north. The Cullen Smith property would be purchased by the city and held in a conservation easement by the Minnesota Land Trust to ensure the long-term preservation of the tree resources. Outlot C would be contiguous with that portion to ensure the long-term preservation of the trees on the parcel's side of the island.

Lehman asked who would be the expected owner of Outlot C. Thomson responded that would be determined at final plat approval. One option would be to have Outlot C owned by one of the lots within the subdivision with a conservation easement over it or it would be dedicated to the city to own and utilize for open space.

Lehman asked why it would be designated as an outlot as opposed to part of Lot 1 with a conservation easement on it. Thomson invited the applicant to respond.

Lehman noted that a lot of trees would be removed. He questioned what the city believes would be accomplished by allowing a PUD when it would allow more trees to be removed than permitted in the tree ordinance. Thomson explained that the tree preservation ordinance requires that if more than 25 percent of the woodland preservation area or 35 percent of the high priority trees are removed from a property, then only 1 unit would be allowed per developable acre. In this lot scenario, that would allow for 1 lot because of the developable area. The density allowed by R-1 zoning with the use of a PUD provides that the standards of the tree protection ordinance are met to maximize tree preservation on the site. What staff looks at is if a PUD would maximize tree preservation for the site to the extent practical and still get the 2 units per acre standard allowed by current zoning of the property.

Lehman asked why it is reasonable to take this step as opposed to adhering to R-1 district standards that the tree preservation ordinance would require. Gordon stated that this project has the need for a roadway connection and utility corridors. That in itself is peculiar for the way the property would be platted. The typical R-1 approach does not work because there is no immediate road frontage that can be offered for the two lots. The avenue is to use the PUD process to coordinate the two projects in a more orderly fashion to provide a more efficient subdivision between Coyote Song and Dalmation Ridge when they would be built. The flexibility of the PUD provides more of a tool to accomplish this.

Lehman had yet to hear why it makes sense to change the land use designation to PUD and prevent adherence to the tree preservation ordinance. Chair Cheleen

noted that if Coyote Court does not happen for a few years and the Dalmation project would want to go forward, the outlot could be utilized as a driveway. The 7 acres could be split east and west and end up with 2 lots. Each of those lots would have enough room to take down as many trees as they want to for a building pad and a driveway. By doing a PUD, the land would be able to be used in a better way.

Lehman said that is what is being done, but does not explain why. S. Thomas stated that the property does not have 50 feet of frontage on Oakland Road, so a public street cannot be built on the property. Any subdivision of the property under R-1 standards would require variances. If the city council chose to approve the variances, then the property could be divided under R-1 standards. The tree ordinance sets a maximum of tree removal. It also gives a property owner the right to request a PUD zoning and gives the city council the opportunity to approve PUD zoning if certain standards are met. The standards include that tree preservation would be maximized and development would be done at the edge of the woodland preservation area. From staff's perspective, those standards would be met and provide the reasons why staff is recommending approval of PUD zoning as recommended.

Dean Johnson, applicant, said that:

- The PUD would be utilized to prevent severely penalizing some property owners. As he owns the property now, he could remove all of the trees. He has worked with staff to come up with a division of 7 acres to end up with 2 lots.
- He heard the earlier questions regarding extending plat approvals. He could be in that situation because he has no control over development of the property to the south and completion of the road necessary for his subdivision.
- In the staff report, there is a provision to come back and seek an amendment to allow two residences off of the existing drive. After reviewing the ordinances and options he agreed with staff that the PUD should be utilized, not to cheat the system, but to end up with the most sensible use of the property.
- At the present time, he agreed with staff's conditions including the location of the infiltration system pond. It would minimize as much impact on the property as possible.
- In viewing a photograph of the neighborhood, the home on the property is the only one not visible. He watched the lots east of him develop when there was no ordinance and it was painful to watch the woods cut down. He wants to impose individual grading to

minimize tree loss. He has had discussions with Colleran regarding how the ordinance describes what is lost. He did not want to argue a technicality, but the proposal shows the worse-case scenario. Some of the nicest trees are within five feet of his driveway. It would be his hope that of the 19 significant trees, more of those trees would be preserved. All of the other trees along the bluff line to the west of the home would be saved.

- He hoped that this approach would be agreed upon by the planning commission. The work that staff has done and professional assistance they have provided him and his wife has resulted in the best plan that could be done.

Chair Cheleen asked Mr. Johnson to provide an explanation of how Outlot C would work. Mr. Johnson said that there is an island in the middle of the basin. A portion of it is on his property. He knew that the city had acquired the property. It is not accessible now. By owning it, it could eventually be used as a nature preserve. Access from the mainland of the Smith property out to the island would provide access to the entire island for a nature preserve rather than just an easement placed on Lot 1. If that suggestion is not a good one, it could be removed. Outlot A is attached to the north neighbor. He had an agreement with that property owner that if it was sold in one piece or a plat was done that he would consider selling that property owner the triangle. The north owner does not have direct access into the wetland from the property. It would provide that. Outlot B, assuming that Coyote Court is developed and access to a public street is available rather than a private drive, would provide privacy for the adjacent residence.

Sjeklocha noted that Outlot C is a large parcel for being in the middle of a wetland. Mr. Johnson responded that it is 6,100 square feet.

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

Lehman explained his questioning. Mr. Johnson pointed out what Lehman thought was one of the unintended consequences of the tree ordinance. That being that land owners who want to subdivide would cut down trees prior to submitting an application to not be held accountable to the tree ordinance. He was not fully clear in his mind. He was still uncomfortable. He was not sure where he would settle on that part. He would trust that staff has done a thorough job on the situation. He wanted to make sure that there is a good reason to utilize a PUD. There is no obligation to do so.

Adams asked what the herring bone appearance between the two houses represents. Thomson responded that those are the contour lines indicating areas of grading.

Adams was troubled by the proposal. It is his understanding that a PUD is used by the city to get something it would not otherwise get. It appears to him that more ability is being granted to the homeowner to remove trees than would be allowed without a PUD. It is an unusual situation. There is some benefit to the city allowing utility access and vehicle access from Coyote Court. There is a minimal benefit there. This is a difficult one for him. As Lehman pointed out, the property owner could clear cut the entire property and complete the subdivision without review by the planning commission. Quite frankly, it is an unfortunate use of a PUD. He will probably vote to support it.

Sjeklocha asked what would the planning commission be asked to do and the applicant be able to do if the property followed R-1 zoning requirements. Thomson stated that the front yard setback and lot width for Lot 1 would not be allowed. Both of the houses would be pushed further north into the woodland preservation area to meet the front yard setback for Lot 1. Removal of the outlot would cause the residence on Lot 2 to be moved further north. Moving the residences further into the woodland preservation area would cause the removal of more than 25 percent of the woodland preservation area. That plan would not meet the allowable tree removal standards for R-1 and the plan would remove more trees than the proposed PUD proposal.

Sjeklocha asked if Thomson had comments regarding the road, grading, and easements in terms of the property remaining an R-1 district. Thomson said that the site does not have adequate frontage on Oakland Road to be able to construct a public road and meet R-1 standards. The completion of Coyote Court's public street would allow the property to be divided without a variance.

Sjeklocha questioned if there could be a variance to remove part of a woodland preservation area. She recalled there is no exception. Colleran confirmed that there is no exception. If 25 percent of a woodland preservation would be removed, then 1 lot per acre would be allowed or a PUD may be utilized if those standards are met. Those standards include creative design, protecting the continuity of the woodland preservation area, and being a steward of the land.

Chair Cheleen asked if the applicant chose to not wait for Coyote Court and use a single, private driveway off of Oakland Road, would authorization from the city be required. Thomson explained that a condition of approval of the current proposal requires utility and driveway access from improvements in Coyote

Court, so separate approval would be needed from the city for any change from those conditions.

Adams moved, second by Sjeklocha, to recommend that the city council adopt a resolution approving the following items concerning a subdivision of existing properties at 2700 Oakland Road with the change provided in the change memo dated May 6, 2010:

REZONING

- 1) *Recommend that the city council adopt the ordinance on pages A16-A18 of the staff report, which approves rezoning the subject property from R-1, low-density residential, to PUD, planned unit development. This ordinance is based on the following findings:*
 - a. The rezoning would be consistent with the city's guide plan; and
 - b. The rezoning would be consistent with the public health, safety, and welfare.

PRELIMINARY PLAT

- 2) *Recommend that the city council adopt the resolution on pages A19-A26 of the staff report, which grants preliminary approval to Dalmation Ridge Second Addition, date-stamped April 29, 2010. Approval is based on the finding that the plat meets the required standards and ordinances. Approval is subject to the following conditions:*
 - a. Prior to final plat approval, complete the following:
 - (1) Submit a plan showing all existing and proposed drainage and utility easements.
 - (2) Show the following on the final plat:
 - (a) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.

- (c) Drainage and utility easements over the delineated wetland edge, 100-year floodplain elevation of 932.0, and filtration basin, as determined by the city engineer.
 - (3) Pay a park dedication fee of \$5,000.
 - (4) If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- b. The following items must be completed before the city releases the final plat:
 - (1) The existing house and shed must be removed from the property.
 - (2) Pay any required engineering/utility inspection fees.
 - (3) Submit an electronic CAD file of the final plat in microstation or DXF.
 - (4) 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:
 - (a) Title evidence that is current within thirty days before release of the final plat.
 - (b) Conservation easements over the wetland buffer. The wetland buffer must extend a minimum of 25 feet from the edge of the delineated wetland edge. The easement may allow removal of hazard, diseased, or invasive species. The easement must include a drawing of the easements, and the easements and drawings must be recorded with the final plat.
 - (c) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat.

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

- (5) Any other requirements included with final plat approval.
- c. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit applicant 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, drainage and erosion control plans must be submitted for staff approval. The filtration basin must be relocated to the west side of the driveway for Lot 2 unless there are site conditions that require the basin be located as shown on the grading plan date-stamped April 29, 2010. The final location and design of the filtration basin must be approved by the city engineer and natural resources staff.
 - (b) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit and to restore the site. The developer may submit one itemized letter of credit, if approved by staff. The city will not release or reduce the letters of credit or cash escrow until work has been completed according to the plans approved by the city.
 - (c) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
 - (d) A stormwater maintenance agreement for the filtration basin. The property owner must be responsible for maintaining required drainage ponding and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of

the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.

(2) Prior to issuance of a grading permit:

(a) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for staff inspection. These items must be maintained throughout the course of construction.

(b) The final plat must be released by the city and filed with Hennepin County for recording.

d. Prior to issuance of a building permit for any of the lots within the development:

(1) Submit the following items for staff review and approval:

(a) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance.

(b) Final grading and tree preservation plan for the lot. The plan must:

(i) comply with the preliminary grading plan as depicted on the preliminary plat;

(ii) must preserve trees designated for preservation at the time of preliminary plat approval;

(iii) 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.

- (c) Final utility plan for the lot. The utility connections must be revised to connect perpendicular to the water and sewer mains.
 - (d) 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.
 - (e) 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.
- (2) Submit the following documents:
- (a) A recorded copy of the preliminary plat, all required easements, stormwater maintenance agreement, and restrictive covenants.
 - (b) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - (c) 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.
- (3) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff.

- (4) 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.
 - (5) Install heavy-duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
 - (6) Pay a hookup fee for sanitary sewer and water.
 - (7) The proposed homes must take driveway access and utility connections from Coyote Court. No homes may be constructed prior to construction of the public improvements for Coyote Song.
- e. Notwithstanding the requirements outlined above, all lots and structures within the development are subject to the all R-1 zoning standards. In addition:
- (1) Required principal structure setbacks are as follows:

	REQUIRED SETBACK
Front Property Line	25 feet
Side Property Line Exterior to the Development	15 feet
Side Property Line Interior to the Development	10 feet
Rear Property Line	20% of lot depth or 40 feet whichever is less
100-Year Floodplain	20 feet
Delineated Wetland Edge	35 feet

- (2) Minimum floor elevation is 934.0.
- (3) Houses within the development must be protected with 13D automatic fire sprinkler systems if:
 - (a) Access to the property on which the house is being constructed is via a private roadway;
 - (b) Any portion of the first-story walls, as measured by an approved route around the exterior of the house, is more than 150 feet from a public street; or
 - (c) The property on which the house is being constructed is located more than 499 feet from a public, looped water line.
- f. If the outlots are conveyed to adjacent property owners, they must be combined with the parcel to establish a single lot of record.
- g. Signage must be installed and maintained which delineates the edge of any required conservation easement. This signage is subject to the review and approval of city staff.
- h. During construction, the streets must be kept free of debris and sediment.

- i. 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.

Sjeklocha, A. Thomas, Adams, Blatz, Lehman, and Cheleen voted yes. Walker was absent.

Chair Cheleen stated that the city council is tentatively scheduled to review the item May 24, 2010.

10. ADJOURNMENT

Sjeklocha moved, second by Adams, to adjourn the meeting at 8:32 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary