



# City of Mendota Heights

December 18, 2002

Ron Clark  
7500 W. 78th Street  
Edina, MN 55439

Dear Mr. Clark,

The City Council of the City of Mendota Heights, at their regular meeting on December 3, 2002, discussed your application for a Rezoning, Preliminary Plat, Conditional Use Permit for a Planned Unit Development, and Variance for an owner-occupied multi-family residential development at the north end of Pilot Knob Road. The Council voted 3-2 to grant conditional approval, conditional approval in this instance meaning only a vote of confidence, for the application based on the following conditions:

1. This City decision to issue this conditional approval is unique and the City is varying from the standard environmental review process for the important reason that if it does not, the developer is in jeopardy of losing the right to purchase the property; and
2. Nothing in this conditional approval should be interpreted by the Developer as a decision by the City not to require the Developer to make changes to the project or implement mitigation measures that are warranted based on review of information during the environmental review process; and
3. The City wishes to inform the Developer that issuance of this conditional approval will not be a factor in determining whether an EAW or an EIS will be required for the project; and
4. The issuance of this conditional approval by the City should not be interpreted by the Developer as an indication from the City that it will not recommend another alternative for the property or even the "no build" alternative after it has completed the environmental review process for the project. The City will evaluate all alternatives and the "no build" alternative as required by Minnesota Statute as if this conditional approval never took place.
5. The total impervious surface coverage of the development shall be reduced to 30%.
6. All setbacks from public streets and around the perimeter of the development shall be met according to the requirements of the R-3 zone.
7. The applicant shall remove 15 of the verandah homes from the development.
8. The applicant shall reassure the City that the verandah units will sell for \$250,000 to \$300,000 and the classic townhomes shall sell for \$450,000 to \$500,000.
9. The applicant shall provide all prospective buyers of the housing units an airport noise disclosure statement and shall require that all buyers certify in writing that they have received and read the statement.

At the next regular Council meeting on December 17, 2002, the Council took the following actions regarding your application for a Rezoning from B-1A to R-3, a Conditional Use Permit for a Planned

Unit Development, a Variance for impervious surface coverage, and a Preliminary Plat to allow the construction of a multi-family housing development near the north end of Pilot Knob Road (Planning Case #02-50):

1. The Council voted to continue consideration to the next regular Council meeting on January 7, 2003, of adoption of Resolution No. 02-\_\_ : "A RESOLUTION ORDERING AN ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE MUTI-FAMILY RESIDENTIAL DEVELOPMENT KNOWN AS 'THE BLUFFS', IN THE VICINITY OF THE NORTH END OF PILOT KNOB ROAD, PLANNING CASE #02-50"
2. The Council also extended the 15-day period for deciding whether or not to order an EAW for an additional 15 days, as is its right pursuant to Minnesota Administrative Rules. The 15-day period commenced when the City was notified of the petition for an EAW for this proposed development by the EQB on December 9, 2002. This means that the total 30-day decision period for an EAW will expire on January 8, 2003, unless further extended by action of the EQB.
3. The Council voted to continue consideration to the next regular Council meeting on January 7, 2003, of adoption of Resolution No. 02-\_\_ : "A RESOLUTION APPROVING A REZONING, PRELIMINARY PLAT, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, AND VARIANCE FOR A RESIDENTIAL DEVELOPMENT AT THE NORTH END OF PILOT KNOB ROAD"
4. The Council also extended the 60-day review period for this application for an additional 60 days, in order to provide time for the Council to consider the above two Resolutions. The 60-day review period for this application commenced when you submitted your application on November 5, 2002 and was stayed by the EAW process on December 9, 2002 when the Council was designated as the RGU for the EAW petition, pursuant to M.S.A. 15.99 subp. 3(d) which says that when the 60-day review period is stayed, "The deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order." In this case the last process required Minnesota Rules Sec. 4410 et. seq., is either the Council's determination that no EAW is warranted for your project or completion of the environmental review process required by the Council. In either case, the 60-day review period described in M.S.A. 15.99, subp. 3(d) begins to run after the environmental review process is complete. This means that until the Council decides on a course of action for the environmental review process, the end of the 120-day review period cannot be calculated at this time. Please also be aware that the 120-day review period can be further extended by mutual consent of the applicant and the City.

If you wish to submit any additional materials for the Council agenda packet for their January 7, 2003 meeting, you must deliver fifteen copies of each item to City Hall by noon on December 31, 2002. Feel free to call me if you have any questions.

Sincerely,

*Patrick C. Hollister*

Patrick C. Hollister

Administrative Assistant

Cc: Cari Lindberg, City Administrator  
Jim Danielson, Director of Public Works  
Daniel Schleck, Winthrop and Weinstine

cc *John Urban*  
*Gerry Dobby*