

AGENDA  
CHAMPLIN CITY COUNCIL  
**MONDAY, JUNE 14, 2010**  
CITY COUNCIL CHAMBERS  
7:00 P.M.

**THIS CITY COUNCIL MEETING WILL BE CABLECAST LIVE ON CABLE CHANNEL 16**

***IF DUE TO A DISABILITY YOU NEED AUXILIARY AIDS OR SERVICES DURING A CITY COUNCIL MEETING, PLEASE PROVIDE THE CITY WITH 24 HOURS NOTICE BY CALLING 421-8100 OR FAX 421-5256***

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INTRODUCTIONS/ROLL CALL

AGENDA

MINUTES:	MAY 24, 2010	COMMITTEE-OF-THE-WHOLE
	MAY 24, 2010	REGULAR SESSION
	MAY 24, 2010	EXECUTIVE SESSION

BILLS: JUNE 14, 2010

ANNOUNCEMENTS:

COMMITTEE-OF-THE-WHOLE MEETING - MONDAY, JUNE 28<sup>TH</sup> AT 5:45 P.M. IN THE COUNCIL CHAMBERS

ECONOMIC DEVELOPMENT AUTHORITY MEETING – MONDAY, JUNE 28<sup>TH</sup> AT 6:30 P.M. IN THE COUNCIL CHAMBERS

CITY COUNCIL MEETING – MONDAY, JUNE 28<sup>TH</sup> AT 7:00 P.M. IN THE COUNCIL CHAMBERS

THE MANDATORY ODD/EVEN SPRINKLING BAN BECAME EFFECTIVE MAY 1<sup>ST</sup> AND WILL CONTINUE THROUGH LABOR DAY. THE BAN PROHIBITS THE WATERING OF LAWNS, TREES, OR SHRUBS BETWEEN 10:00 A.M. AND 7:00 P.M. CONTACT CHAMPLIN UTILITIES AT 763-421-0154 FOR MORE INFORMATION.

CONSENT AGENDA

*The Consent Agenda contains action items considered routine or non-controversial in nature, that need little or no additional deliberation based on the level of review, analysis or discussion that has been previously conducted by the City Council*

1. RESOLUTION NO. 2010-43 APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COUNTY STATE AID HIGHWAY NO. 14; DOUGLAS DRIVE, DOUGLAS COURT TO WEST RIVER ROAD (CITY IMPROVEMENT PROJECT NO. 20701)
2. RESOLUTION NO. 2010-44 DECLARING THE OFFICIAL INTENT OF THE CITY OF CHAMPLIN TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS ISSUED BY THE CITY FOR THE RECONSTRUCTION OF DOUGLAS DRIVE, DOUGLAS COURT TO WEST RIVER ROAD (IMPROVEMENT PROJECT NO. 20701)
3. RESOLUTION NO. 2010-45 DECLARING THE OFFICIAL INTENT OF THE CITY OF CHAMPLIN TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS ISSUED BY THE CITY FOR THE 2010 MILL & OVERLAY PROJECT (IMPROVEMENT PROJECT NO. 21002)
4. LICENSE APPLICATION FOR THE SALE OF CONSUMER FIREWORKS FOR RENAISSANCE FIREWORKS INC. AT 12450 BUSINESS PARK BOULEVARD (TRANSIENT MERCHANT TENT IN CHAMPLIN AMERICAN LEGION PARKING LOT)
5. LICENSE APPLICATION FOR THE SALE OF CONSUMER FIREWORKS FOR AMERICAN PROMOTIONAL EVENTS (TNT FIREWORKS) AT 8600 – 114<sup>TH</sup> AVENUE (TRANSIENT MERCHANT TENT IN CUB FOODS PARKING LOT)

CITY COUNCIL AGENDA

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CONSENT AGENDA (CONTINUED)

6. LICENSE APPLICATION FOR THE INDOOR SALE OF CONSUMER FIREWORKS FOR SUPERVALU, INC. (DBA CUB FOODS)
7. LICENSE APPLICATION FOR THE INDOOR SALE OF CONSUMER FIREWORKS FOR TARGET
8. ADOPT 2010 CITY COUNCIL WORK PLAN PRIORITIES
9. APPOINTMENT OF ELECTION JUDGES AND RESOLUTION NO. 2010-46 CREATING AN ABSENTEE BALLOT BOARD

OPEN FORUM

NEW BUSINESS

10. RESOLUTION NO. 2010-49 APPROVING A LAND USE AMENDMENT, FIRST READING OF A REZONING, AND RESOLUTION NO. 2010-50 APPROVING THE PRELIMINARY PLAT OF EMERY VILLAGE 4<sup>TH</sup> ADDITION: PULTE HOMES (PROJECT 2010-05)
11. RESOLUTION NO. 2010-51 APPROVING A 12 FOOT VARIANCE TO THE 30 FOOT FRONT YARD SETBACK ON PROPERTY LOCATED AT 6312 – 113<sup>TH</sup> PLACE: JOSEPH AND SUZANNE SCHELLER (PROJECT 2010-06)
12. RESOLUTION NO. 2010-48 APPROVING A LOT SPLIT TO ADJUST THE COMMON LOT LINE BETWEEN LOTS 9 AND 10, BLOCK 1, CASTLE ROCK ESTATES: FISHER CONSTRUCTION (PROJECT 2010-04)

PUBLIC HEARINGS

13. RESOLUTION NO. 2010-47 APPROVING THE VACATION OF DRAINAGE AND UTILITY EASEMENTS BETWEEN LOTS 9 AND 10, BLOCK 1, CASTLE ROCK ESTATES: FISHER CONSTRUCTION (PROJECT 2007-04)

ADJOURNMENT

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	ENGINEERING	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
1	<b>RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COUNTY STATE AID HIGHWAY NO. 14; DOUGLAS DRIVE, DOUGLAS COURT TO WEST RIVER ROAD, CITY IMPROVEMENT PROJECT NO. 20701</b>	TIM HANSON, P. E. CITY ENGINEER

**BACKGROUND**

A Public Hearing was held on May 10, 2010 for the Reconstruction of Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701. The project consists of one northbound lane, one southbound lane, and a continuous left turn lane. A second southbound lane extends south from 114<sup>th</sup> Avenue. The Douglas Drive improvements also include bituminous trails, watermain reconstruction, storm sewer improvements and ponding, landscaping, and street lighting.

**REVIEW OF ISSUES**

The plans and specifications for Douglas Drive reconstruction, Douglas Court to West River Road, Improvement Project 20701 have been completed by Hennepin County Department of Transportation. The plans will be placed on the front counter prior to the meeting for the City Council's review.

Based on the engineer's estimate of \$9,461,694, the City's share of the project cost is \$3,114,897. The City's share of the cost will be funded by MSA in the amount of \$1,885,411, the Capital Improvement Revolving Fund in the amount of \$449,676, the Sanitary Sewer Fund in the amount of \$25,019, the Water Fund in the amount of \$186,501, the Street Light Fund in the amount of \$150,000, Special Assessments in the amount of \$364,313, and Cash Escrows in the amount of \$53,977. The funding sources have been reviewed by the Finance Director. The Annual Municipal State Aid (MSA) allotment for 2010, 2011, and 2012 will be utilized for Douglas Drive reconstruction.

**RECOMMENDATION**

It is recommended that the City Council approve the plans and specifications for Douglas Drive Reconstruction, Improvement Project No. 20701, as completed by Hennepin County Transportation Department.

Attachment:       Resolution  
                           Location Map  
                           Exhibit A- Douglas Drive Cost Split  
                           Table 1 – Preliminary Opinion of Cost Summary  
                           Table 2 – City Funding Summary

Councilmember introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF  
COUNTY STATE AID HIGHWAY NO. 14;  
DOUGLAS DRIVE, DOUGLAS COURT TO WEST RIVER ROAD,  
CITY IMPROVEMENT PROJECT NO. 20701**

WHEREAS, A Public Hearing was held on May 10, 2010 for the Reconstruction of Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701. The project consists of one northbound lane, one southbound lane, and a continuous left turn lane. A second southbound lane extends south from 114<sup>th</sup> Avenue. The Douglas Drive improvements also include bituminous trails, watermain reconstruction, storm sewer improvements and ponding, landscaping, and street lighting, and

WHEREAS, Hennepin County is the lead agency, and

NOW, THEREFORE, BE IT RESOLVED by the Champlin City Council that:

The plans and specifications for the construction of CASH 14 on Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701, as prepared by Hennepin County, are hereby approved.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:  
and the following voted against the same:  
whereupon said resolution was

\_\_\_\_\_  
Mark W. Uglem, Mayor

ATTEST:

\_\_\_\_\_  
Roberta Colotti, City Clerk

**CITY OF CHAMPLIN**  
**REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	ENGINEERING	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
2	<b>RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF CHAMPLIN TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS ISSUED BY THE CITY FOR THE RECONSTRUCTION OF DOUGLAS DRIVE, DOUGLAS COURT TO WEST RIVER ROAD, IMPROVEMENT PROJECT NO. 20701</b>	TIM HANSON, P.E. CITY ENGINEER

**BACKGROUND**

The feasibility study for street reconstruction on Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701, identifies the construction of one northbound lane, one southbound lane, and a continuous left turn lane. A second southbound lane extends south from 114<sup>th</sup> Avenue. The Douglas Drive improvements also include bituminous trails, watermain reconstruction, storm sewer improvements and ponding, landscaping, and street lighting.

The feasibility study was accepted and the project was authorized on May 10, 2010 to reconstruct Douglas Drive.

**REVIEW OF ISSUES**

A resolution declaring the official intent of the City of Champlin to reimburse certain expenditures from the proceeds of bonds issued by the City for this project is required by the IRS.

**RECOMMENDATIONS**

It is hereby recommended that the attached Resolution Declaring the Official Intent of the City of Champlin to Reimburse Certain Expenditures from the Proceeds of Bonds issued by the City for the reconstruction of Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701 be approved.

Councilmember Introduced the following resolution and moved its adoption:

**CITY OF CHAMPLIN, MINNESOTA**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DECLARING OFFICIAL INTENT OF THE CITY OF CHAMPLIN, MINNESOTA TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR STREET RECONSTRUCTION IMPROVEMENT PROJECT NO. 20701**

WHEREAS, the City of Champlin, Minnesota (the “Issuer”) intends to reconstruct Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701 as described in Exhibit A attached hereto (the “Project”);

WHEREAS, the Issuer expects to pay certain expenditures (the “Reimbursement Expenditures”) in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer has entered into contracts or incurred expenses with regard to the Project within 60 days of the date of this resolution;

WHEREAS, the Issuer reasonably expects that debt obligations in an amount not expected to exceed the amount set forth in Exhibit A will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the Issuer to declare its reasonable official INTENT to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Champlin, Minnesota as follows:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct.

Section 2. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official Intent to use proceeds of indebtedness to reimburse itself for Reimbursement expenditures.

Section 4. This declaration shall take effect from and after its adoption.

Section 5. The staff of the Issuer is hereby authorized to incur costs, enter into contracts, and to take all steps necessary and desirable to proceed with the Project and the financing therefor.

Section 6. The Issuer is hereby authorized to designate appropriate additions to the Project as described in Exhibit A in circumstances where time is of the essence, and any such designation shall be reported to the City Council at the earliest practicable date and shall be filed with the official books and records of the Issuer.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof: \_\_\_\_\_, and the following voted against the same: \_\_\_\_\_, whereupon said resolution was passed this 14th day of June, 2010.

\_\_\_\_\_  
Mark W. Uglem, Mayor

ATTEST:

\_\_\_\_\_  
Roberta Colotti, City Clerk

The undersigned, City Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the City Council of said Issuer duly made at a meeting thereof held on the date specified below, and that said declaration has not been amended, modified, or revoked by said City Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roberta Colotti, City Clerk

**EXHIBIT A  
TO OFFICIAL INTENT RESOLUTION  
ADOPTED JUNE 14, 2010**

Principal Date of Declaration

May 10, 2010

Description of Improvement Project

Street reconstruction on Douglas Drive, Douglas Court to West River Road, Improvement Project No. 20701, consisting of one northbound lane, one southbound lane, and a continuous left turn lane. A second southbound lane extends south from 114<sup>th</sup> Avenue. The Douglas Drive improvements also include bituminous trails, watermain reconstruction, storm sewer improvements and ponding, landscaping, and street lighting  
This work is in collaboration with Hennepin County.

Maximum Amount of Debt For Project

\$8,791,197 which \$3,660,422 will be the responsibility of the City of Champlin

CITY OF CHAMPLIN

REQUEST FOR COUNCIL ACTION

AGENDA SECTION	ORIGINATING DEPT.	MEETING DATE
CONSENT	ENGINEERING	JUNE 14, 2010
ITEM NO.	ITEM DESCRIPTION	PREPARED BY
3	<b>RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF CHAMPLIN TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS ISSUED BY THE CITY FOR THE 2010 MILL AND OVERLAY PROJECT, IMPROVEMENT PROJECT NO. 21002</b>	TIM HANSON, P.E. CITY ENGINEER

**BACKGROUND**

The feasibility study for the 2010 Mill and Overlay Project, Improvement Project No. 21002, consists of bituminous mill and overlay street rehabilitation in the Forest Park Heights area of the City, consisting of Yorktown Lane from Linwood Forest Circle to the southerly plat line, Linwood Forest Circle from South Diamond Lake Road to Yorktown Lane, 133<sup>rd</sup> Circle, 134<sup>th</sup> Circle, 135<sup>th</sup> Circle, Linwood Forest Drive, and Wellington Circle, Improvement Project No. 21002.

The 2010 Mill and Overlay Improvement Project was ordered on May 24, 2010.

**REVIEW OF ISSUES**

A Resolution declaring the official intent of the City of Champlin to reimburse certain expenditures from the proceeds of bonds issued by the City for this project is required by the IRS.

**STAFF RECOMMENDATIONS**

It is hereby recommended that the attached resolution Declaring the Official Intent of the City of Champlin to Reimburse Certain Expenditures from the Proceeds of Bonds issued by the City for the 2010 Mill and Overlay Project, Improvement Project No. 21002 be approved.

Councilmember Introduced the following resolution and moved its adoption:

**CITY OF CHAMPLIN, MINNESOTA**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF CHAMPLIN TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS ISSUED BY THE CITY FOR THE 2010 MILL AND OVERLAY PROJECT, IMPROVEMENT PROJECT NO. 21002**

WHEREAS, the City of Champlin, Minnesota (the “Issuer”) intends to construct the 2010 Mill & Overlay Project, Improvement Project No. 21002 as described in Exhibit A attached hereto (the “Project”)

WHEREAS, the Issuer expects to pay certain expenditures (the “Reimbursement Expenditures”) in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer has entered into contracts or incurred expenses with regard to the Project within 60 days of the date of this resolution;

WHEREAS, the Issuer reasonably expects that debt obligations in an amount not expected to exceed the amount set forth in Exhibit A will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the Issuer to declare its reasonable official INTENT to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Champlin, Minnesota as follows:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct.

Section 2. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official Intent to use proceeds of indebtedness to reimburse itself for Reimbursement expenditures.

Section 4. This declaration shall take effect from and after its adoption.

Section 5. The staff of the Issuer is hereby authorized to incur costs, enter into contracts, and to take all steps necessary and desirable to proceed with the Project and the financing therefore.

Section 6. The Issuer is hereby authorized to designate appropriate additions to the Project as described in Exhibit A in circumstances where time is of the essence, and any such designation shall be reported to the City Council at the earliest practicable date and shall be filed with the official books and records of the Issuer.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof: \_\_\_\_\_, and the following voted against the same: \_\_\_\_\_, whereupon said resolution was passed this 14 day of June, 2010.

\_\_\_\_\_  
Mark W. Uglem, Mayor

ATTEST:

\_\_\_\_\_  
Roberta Colotti, City Clerk

The undersigned, City Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the City Council of said Issuer duly made at a meeting thereof held on the date specified below, and that said declaration has not been amended, modified, or revoked by said City Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roberta Colotti, City Clerk

**EXHIBIT A  
TO OFFICIAL INTENT RESOLUTION  
ADOPTED JUNE 14, 2010**

Principal Date of Declaration

May 24, 2010

Description of  
Improvement Project

The mill and overlay project involves bituminous street rehabilitation in the Forest Park Heights area of the City, consisting of Yorktown Lane from Linwood Forest Circle to the southerly plat line, Linwood Forest Circle from South Diamond Lake Road to Yorktown Lane, 133<sup>rd</sup> Circle, 134<sup>th</sup> Circle, 135<sup>th</sup> Circle, Linwood Forest Drive, and Wellington Circle, Improvement Project No. 21002.

Total Estimated Project Cost

\$382,000

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
<b>CONSENT</b>	<b>GOVERNMENT SERVICES</b>	<b>JUNE 14, 2010</b>
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>4</b>	LICENSE APPLICATION FOR THE SALE OF CONSUMER FIREWORKS FOR RENAISSANCE FIREWORKS INC. AT 12450 BUSINESS PARK BLVD. N. (TRANSIENT MERCHANT TENT IN CHAMPLIN AMERICAN LEGION PARKING LOT)	ROBERTA COLOTTI, CMC, CITY CLERK

**BACKGROUND**

A license for the manufacture, storage, display or sale of consumer fireworks requires City Council approval.

**REVIEW OF ISSUES**

Renaissance Fireworks Inc. has applied for a license to sell consumer fireworks as a transient merchant at 12450 Business Park Blvd. N. (Champlin American Legion Parking Lot). The license is requested to be effective from June 18, 2010 to July 18, 2010.

The Fire Department, as part of the license application, will conduct a site inspection once the fireworks tent is constructed. A certificate of insurance is required as part of the license and will be obtained and submitted upon approval of the site. A criminal background check has been conducted as part of the application, without issue. The required fees have been paid.

Renaissance Fireworks has held a license for the last several years for this site. They have approval from the Legion for the use of this site.

The proposed site layout is under review by the Planning Department. In 2006 staff identified two issues regarding this application, the first being the setback of the tent and the second being signage. In 2007 staff recommended approval of the site plan with the condition that the tent be set completely within the parking lot (not on the grass) and that they be restricted to one banner sign, no larger than 40 square feet. These restrictions were effective in 2007, 2008, 2009 and are recommended again in 2010. In addition it is required that they obtain a temporary sign permit for any signage from the Planning Department.

**ALTERNATIVES AND CONSEQUENCES (UPSIDE/DOWNSIDE)**

The City Council can approve, deny, or table the license request. If the license request is denied, there should be specific rationale for denial.

## **RECOMMENDATIONS**

Staff recommends that the application for a license for the sale of consumer fireworks submitted by Renaissance Fireworks Inc. for their business to be temporarily located at 12450 Business Park Blvd. N. (Champlin American Legion Parking Lot) be approved for the period June 18, 2010 to July 18, 2010, contingent on a City Planner, Fire Department and Building Inspector site inspection and tent layout approval, submission of a certificate of insurance and conditioned on the tent and storage box being set completely within the hard surface parking lot area.

The City further requires that they obtain a temporary sign permit for any signage (with a maximum of one banner sign no larger than 40 square feet). Failure to comply with the sign ordinance requirements will result in an immediate revocation of the license.

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	GOVERNMENT SERVICES	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>5</b>	LICENSE APPLICATION FOR THE SALE OF CONSUMER FIREWORKS FOR AMERICAN PROMOTIONAL EVENTS (TNT FIREWORKS) AT 8600 114 <sup>TH</sup> AVENUE NORTH (TRANSIENT MERCHANT TENT IN CUB FOODS PARKING LOT)	ROBERTA COLOTTI, CMC, CITY CLERK

**BACKGROUND**

American Promotional Events (TNT Fireworks) has submitted an application for the sale of consumer fireworks at 8600 114<sup>th</sup> Ave. North (Cub Foods parking lot) from June 22<sup>nd</sup> to July 7<sup>th</sup>. A license for the manufacture, storage, display or sale of consumer fireworks requires City Council approval.

**REVIEW OF ISSUES**

American Promotional Events (TNT Fireworks) has paid the required \$350 license fee and submitted a certificate of insurance. The Fire Department and Building Inspector will conduct a site inspection once the fireworks tent is constructed. The applicant has provided a letter of understanding from the property management company for the use of the parking lot. The proposed site layout has been reviewed by the Planning Department. In addition, they are required to obtain a temporary sign permit from the Planning Department, if they wish to have signage.

This is the fourth year American Promotional Events (TNT Fireworks) will be having a tent at this location.

**ALTERNATIVES AND CONSEQUENCES (UPSIDE/DOWNSIDE)**

The City Council can approve, deny, or table the license request. If the license request is denied, there should be specific rationale for denial.

**RECOMMENDATIONS**

Staff recommends that the application for a license for the sale of consumer fireworks for the period June 22 – July 7, 2010, submitted by American Promotional Events (TNT Fireworks) for their business, to be temporarily located at 8600 114<sup>th</sup> Avenue North (Cub Foods Parking Lot), be approved contingent on a City Planner, Fire Department and Building Inspector site inspection and tent layout approval.

The City further requires that they obtain a temporary sign permit for any signage (maximum of one banner sign no larger than 40 square feet).

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	GOVERNMENT SERVICES	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>6</b>	<b>LICENSE APPLICATION FOR THE INDOOR SALE OF CONSUMER FIREWORKS FOR SUPERVALU, INC. (DBA CUB FOODS)</b>	<b>ROBERTA COLOTTI, CMC, CITY CLERK</b>

**BACKGROUND**

A license for the manufacture, storage, display or sale of consumer fireworks requires City Council approval.

**REVIEW OF ISSUES**

SuperValu, Inc. (d.b.a. Cub Foods) has applied for a license to sell consumer fireworks at their business located at 8600 114<sup>th</sup> Avenue North. Sales will take place inside the store. There is also an application from a private vendor to sell fireworks outside in the parking lot. This is a separate sale and Cub Foods is supportive of their application. They have paid the required license fees. The license is proposed to run from June 14, 2010 to June 14, 2011.

The Fire Department, as part of the license application, will conduct a site inspection once the fireworks are received by the store.

SuperValu, Inc. (d.b.a. Cub Foods) has held a license in the past for fireworks sales in the City of Champlin, without issue.

**ALTERNATIVES AND CONSEQUENCES (UPSIDE/DOWNSIDE)**

The City Council can approve, deny, or table the license request. If the license request is denied, there should be specific rationale for denial.

**RECOMMENDATION**

Staff recommends that the application for a license for the indoor sale of consumer fireworks submitted by SuperValu Inc., (d.b.a. Cub Foods) for their business located at 8600 114<sup>th</sup> Avenue North be approved, contingent on a successful fire department site inspection, for the period June 14, 2010 to June 14, 2011.

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	GOVERNMENT SERVICES	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>7</b>	<b>LICENSE APPLICATION FOR THE SALE OF CONSUMER FIREWORKS FOR TARGET</b>	<b>ROBERTA COLOTTI, CMC, CITY CLERK</b>

**BACKGROUND** A license for the manufacture, storage, display or sale of consumer fireworks requires City Council approval.

**REVIEW OF ISSUES**

Target has applied for a license to sell consumer fireworks at their business located at 11990 Business Park Blvd. Sales will take place inside the store. They have paid the required license fees. The license is proposed to run from June 14, 2010 to June 14, 2011.

The Fire Department, as part of the license application, will conduct a site inspection once the fireworks are received by the store.

Target has held a license in the past for fireworks sales in the City of Champlin, without issue.

**ALTERNATIVES AND CONSEQUENCES (UPSIDE/DOWNSIDE)**

The City Council can approve, deny, or table the license request. If the license request is denied, there should be specific rationale for denial.

**RECOMMENDATION**

Staff recommends that the application for a license for the sale of consumer fireworks, for the period June 14, 2010 to June 14, 2011, submitted by Target for their business located at 11990 Business Park Blvd. be approved, contingent on a successful fire department site inspection.

CITY OF CHAMPLIN

**REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
<b>CONSENT</b>	<b>ADMINISTRATION</b>	<b>JUNE 14, 2010</b>
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>8</b>	<b>ADOPT 2010 CITY COUNCIL WORK PLAN PRIORITIES</b>	<b>BRET HEITKAMP</b>

**BACKGROUND**

The City Council reviewed the preliminary Work Plan Priorities at their May 24<sup>th</sup> Committee-of-the-Whole meeting. Attached is a copy of the 2010 Work Plan Priorities that are being presented for City Council approval at this time.

**RECOMMENDATIONS**

It is recommended that the 2010 City Council Work Plan Priorities be approved as presented.

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	GOVERNMENT SERVICES	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>9</b>	APPOINTMENT OF ELECTION JUDGES AND RESOLUTION CREATING AN ABSENTEE BALLOT BOARD	ROBERTA COLOTTI, CMC, CITY CLERK

**BACKGROUND**

The Primary Election will be held on Tuesday, August 10<sup>th</sup> and the General Election will be held on Tuesday, November 2<sup>nd</sup>. The attached list of potential Election Judges was developed from the responses received as a result of a solicitation of past Election Judges and new Election Judges identified by either the individual or a major political party.

Students are eligible to serve as Student Election Judges. They must be appointed by the City Council and attend the same training as the regular Election Judges.

The Primary Election training date is scheduled for August 4<sup>th</sup> and the General Election training is scheduled for October 27<sup>th</sup>. Two sessions will be offered each day for the convenience of the Election Judges.

The City has convened an Absentee Ballot Board in the past to accept and reject absentee ballots. This year the City is required to have an Absentee Ballot Board. The Board will be required to begin meeting five days after the receipt of the first ballot to begin the review process. Then five days before the Election they will begin to open the accepted ballots and run them through a dedicated voting tabulator. The absentee ballots will all be processed here at City Hall; they will not be brought to the polls as in the past. The results from the absentee ballot tabulator and the four wards will be combined by the County at the end of the night on Election Day.

**REVIEW OF ISSUES**

According to State Statute, the City Council is authorized to appoint Election Judges to serve at the polling locations. We have four polling locations scheduled for the 2010 Election including: Champlin Elementary School (Ward 1), Ice Forum at Champlin (Ward 2), Servant of Christ Lutheran Church (Ward 3) and Jackson Middle School (Ward 4). Assignments will be given during the training session. Election Judges are not required to serve within their own ward.

While the City has adopted a resolution in the past establishing an Absentee Ballot Board it was specific to the year 2008. The attached resolution is designed to establish the Board for this and future years.

Hennepin County is willing to complete the initial phase of the accepting/rejecting for all in-person absentee ballots received at the Hennepin County Government Center counter. However, in order for Hennepin County to

be able to accept/reject in-person absentee ballots we must include additional language in either our Election Judge appointment list or absentee ballot resolution.

**ALTERNATIVES/ IMPACTS (UPSIDE/DOWNSIDE)**

Not Applicable

**RECOMMENDATIONS**

It is recommended that the attached list of Election Judge and Student Election Judge Candidates be appointed to serve at the Primary Election on August 10<sup>th</sup> and the General Election on November 2<sup>nd</sup>.

It is further Recommended that the City Council adopt the attached Resolution Creating an Absentee Ballot Board.

**2010 Primary and General Election Judge Candidate List**  
**Appointment Date: June 14, 2010**

Connor Berndt  
Janice Buechler  
Elanor Bullivant  
Robert Burtness  
Karen Carter-Attia  
Lorraine Coan  
Irene Cox  
John Cummins  
Marlene Curtis  
Patricia Durand  
Natalie Ehret  
Frances Eue  
Robert Eue  
Marilyn Farden  
Carol Fast  
Waldeane Felix  
Janice Ferry  
Judy Flint  
Diane Gauvine  
Patricia Hagerty  
Evelyn Hanson  
Phyllis Harris  
Danielle Hiel (Student)  
Jacqeline Hofhenke-Beiring  
Sharon Holt  
Susan Huston  
Kathleen (Kathy) Jewell  
Barbara Johnson  
Carrie Johnson  
James Johnson  
Lucinda Johnson  
Marcella Johnson  
Margaret (Peggy) Judge  
Patrick Juenemann  
Rae Kara  
Dianne Kiser  
Rick Klemesrud  
Paul Kulas  
Marie Kynell  
Anita Kyro  
Joan Lamprecht  
Femi Jammie  
Ann Lundquist

Bruce Miller  
Kathleen Moore  
Geri Nelson  
Phyllis Nelson  
Mark Nyquist  
Thomas Olmstead  
Bernice Petersen  
Carol Pinto  
Janet Porten  
Sharon Putnam  
James Reed  
Katherine Remmers  
O'Dell (Dolly) Reynolds  
Victor Robelet  
Cindy Roberson  
Jacqueline Sandusky  
Lorene Sehm  
Marlys Shearer  
Joanne Shromoff  
Lorraine Spears  
Linda Steiner  
Jeffery Sutton  
Joshua Sutton (Student)  
Debra Taylor  
Susan Ward  
David Wischnefski  
Katherine (Kate) Wodtke  
Mary Woolf

Councilmember introduced the following resolution and moved its adoption:

**CITY OF CHAMPLIN  
HENNEPIN COUNTY, MINNESOTA  
RESOLUTION NO. 2010 -**

**RESOLUTION CREATING AN ABSENTEE BALLOT BOARD**

WHEREAS, cities are permitted to establish by ordinance or resolution a special Board of Election Judges to handle some or all of the processing of absentee ballots; and

WHEREAS, the membership of the Board must consist of at least two Judges from different political parties; and

WHEREAS, the actual membership and meeting times may be set administratively by the City Clerk; and

WHEREAS, the City of Champlin desires to have Hennepin County accept/reject in-person absentee ballots received at the Hennepin County Government Center for the City of Champlin.

NOW, THEREFORE, BE IT RESOLVED by the Champlin City Council that an Absentee Ballot Board is hereby established to process the absentee ballots received for the 2010 Election and all future elections; and

BE IT FURTHER RESOLVED by the Champlin City Council that the City Clerk is authorized to make appointments to the Absentee Ballot Board; and

BE IT FURTHER RESOLVED the Champlin City Council also appoints all members appointed to the Hennepin County Absentee Ballot Board as Authorized under Minn. Stat. 204B.21, subd.2 under the direction of the Election Manger to serve as members of the Champlin Absentee Ballot Board.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember , and upon vote being taken thereon, the following voted in favor thereof: and the following voted against the same: , whereupon said resolution was \_\_\_\_\_ this 14<sup>th</sup> day of June, 2010.

\_\_\_\_\_  
Mark W. Uglem, Mayor

ATTEST:

\_\_\_\_\_  
Roberta Colotti, CMC, City Clerk

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
NEW BUSINESS	COMMUNITY DEVELOPMENT	JUNE 14, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
<b>10</b>	<b>RESOLUTION APPROVING A LAND USE AMENDMENT, FIRST READING OF A REZONING AND RESOLUTION APPROVING THE PRELIMINARY PLAT FOR EMERY VILLAGE FOURTH ADDITION: PULTE HOMES (PROJECT 2010-05)</b>	SCOTT SCHULTE

**BACKGROUND**

In 2005, Centex Homes, now Pulte Homes, received approval to develop the residential component of Emery Village. The project, including 209 townhomes (112 row townhouses, 82 back-to-back townhouses and 15 vineyard units), was developed in phases consisting of the following:

Phase 1 (2005) – 148 units

Phase 2 (2007) – 16 units

Phase 3 (2008) – 30 units

To date, 155 of the 194 developed units are sold. To complete the project, Pulte is requesting to plat the final two townhome sites. They're also requesting to amend the development plan for the 2.5-acre high density residential site originally slated for a 52-unit senior cooperative. Pulte's interest is to replace the senior housing building with two 8-unit Legacy (back-to-back) multi-family buildings (see attached letter from Pulte). Centex/Pulte has made every effort to find a development partner for the senior-oriented site. Since 2005, numerous contracts have been entered into and cancelled. They indicate location and market conditions as primary reasons (see attached letter from Pulte).

To change the plan requires a land use and zoning amendment.

**REVIEW OF PLAN AMENDMENT**

Prior to Emery Village, the City established a "Development Framework" for the 46 acres located in the northeast corner of Highway 169 and 117<sup>th</sup> Avenue North (attached). The Framework suggested the area be guided for medium density residential townhomes or condominiums.

In creating Emery Village, Centex introduced the senior housing concept. After significant debate, the City conceded to Centex's plan to include the high density building; though design expectations were high. More specifically, the building would need significant masonry work, architectural relief and underground parking, while the site development required preservation of a stand of adjacent oak trees.

The site's current land use is Industrial. The recently approved Comprehensive Land Use Plan suggests a future high-density residential land use consistent with original Emery Village plans. For the proposal, a medium

density residential land use is suitable. A density reduction, however, has park dedication and building permit revenue ramifications as project revenues will fall short of original agreements and expectations. While the City does not make land use decisions based on expected park dedication, in this case, City investments were made in Emery Village with anticipated revenues in mind. In making up for lost revenue with the land use amendment, Pulte has agreed with staff recommendations to make financial contributions to the City amounting to \$92,623 for lost revenue (\$84,500 - park dedication and \$8,123 - building fees). The contribution, added to the park dedication paid to date, equals the park fees the City expected to receive when the project was originally approved. The building fee contribution equals the difference in estimated permit fees between a 52 unit building and two eight-unit buildings (see attached revenue analysis).

The Land Use Amendment requires Metropolitan Council approval. Their approval is predicted as cushion exists in the Land Use and Housing Components of the Comprehensive Plan to support the requested land use without the need to establish high density residential uses elsewhere in the community.

Staff sees merit in “down-zoning” the property under the following rationale:

1. A senior-oriented use might be better positioned in another area of Champlin, such as the Gateway Area;
2. Reverting to medium density residential use is consistent with the Development Framework. In all likelihood, Emery Village would have been better received if original plans did not include the high-density residential site;
3. Medium density residential uses are found north, south and east of the site;
4. The proposal does not force land use change elsewhere to meet Comprehensive Plan objectives;
5. The amendment allows Pulte to complete the project and all improvements in 2010;
6. In addition to required park dedication for the project, Pulte has agreed with staff recommendations to make financial contributions to the City amounting to \$92,623 for lost revenue associated with amending the development plan. The contribution added to the park dedication paid to date equals the park fees the City expected to receive when the project was originally approved.

## **REVIEW OF REZONING**

A rezoning is only necessary for the high-density site. The current zoning is Residential Agricultural (R-A). The appropriate zoning is Medium Density Residential (R-4) with a Planned Unit Development (PUD) overlay. PUD stipulations are those established for Emery Village in 2005.

## **REVIEW OF PRELIMINARY PLAT**

Emery Village Fourth Addition is a condominium plat, similar to other phases of Emery Village. As such, each building is provided a single utility service from the street accommodating individual units. Exterior and common area maintenance is outlined in condominium documents.

### **Streets**

Emery Village 4<sup>th</sup> Addition extends from the public street of Emery Village Drive North. The proposed subdivision extends three private driveways from Emery Village Drive North to serve the proposed condominium units. The driveway spacing's are typical for this residential neighborhood. Sight lines and distances are adequate from each driveway. The driveways must have stop signs at the intersection with Emery Village Drive North, with no traffic control on Emery Village Drive North.

### Sanitary Sewer

Existing 8-inch sanitary sewer lateral extends within Emery Village Drive North. This lateral provides service to Lots 3 & 4. An existing 8-inch lateral sanitary sewer extending along Shared Driveway "N" (existing) provides sanitary sewer service to Lots 1 & 2. Both lateral sanitary sewers have adequate capacity. The lateral sanitary sewer extends south by gravity flow within the Emery Village development and connects to the Metropolitan Councils Environmental Services CAB Interceptor.

The public sanitary sewer for Emery Village 4<sup>th</sup> Addition shall consist of 8-inch lateral sanitary sewer that can be directly accessed by manholes and lies within a drainage and utility easement or public right-of-way. Multi-user service stubs with sanitary sewer clean-out access are private facilities.

The proposed sanitary sewer extension must be located entirely within a drainage and utility easement that has adequate width for installation and maintenance of the facility.

The utility site plan indicates an easement and forcemain that have been vacated and abandoned accordingly. The current status of these items needs to be identified on all plan sheets.

Each unit will be subject to the sanitary sewer access charge (SAC) in effect at the time a building permit is obtained.

### Water Service

Proposed 6-inch watermain will be extended from 12-inch trunk watermain to serve the two buildings within lots 3 & 4. Existing 8-inch lateral watermain provides service to the proposed buildings within lots 1 & 2. The proposed watermain extensions for water service are adequate. The 6-inch watermain extension to lots 3 & 4 does not extend within a drainage and utility easement. This watermain extension must be located within a drainage and utility easement. The existing and proposed water system has inadequate hydrant spacing along Shared Driveway "O". It is recommended to extend a fire hydrant to the central portion of Shared Driveway "O".

The existing trunk watermain system and the City's trunk facilities are adequate to provide water service to the proposed subdivision. Each unit will be subject to the City's water access charge (WAC) in effect at the time a building permit is obtained.

### Storm Sewer and Drainage

The proposed subdivision has its runoff collected by proposed lateral storm sewer and existing lateral storm sewer. Runoff is collected by the storm sewer system within the Emery Village development and conveyed to a storm water infiltration area and ponding area located east and north of the site. The existing storm sewer facilities were designed and constructed with previous Emery Village subdivisions. The proposed drainage plan is consistent with previous drainage designs.

The proposed storm sewer facilities within Emery Village 4<sup>th</sup> Addition are all private storm sewer extensions as each extension is located within private lots or along a private driveway. The private storm sewer connects to public storm sewer along Emery Village Drive North at two locations and on shared Driveway "O". Connection points to the public storm sewer are public facilities.

The grading drainage & erosion control plan needs to clarify the drainage pattern adjacent to the south side of the building in Lot 1, surface drainage at the intersection on Shared Driveway "O" and Shared Driveway "N", several drainage arrows, and the connection locations of the proposed private storm sewer systems with the public system. Existing catch basin Manhole No. 64 must be reconstructed to a non-inlet structure.

### Trails and Sidewalks

Existing sidewalk extending adjacent to Emery Village Drive North will be crossed by driveways to Lots 3 & 4. Pedestrian curb ramps are required at each driveway crossing.

An internal private sidewalk connects Lots 1, 2, and 4 to a guest parking area.

### Street Lighting

Existing street lights adjacent to Emery Village Drive North are identified to remain in place. A private street light near the guest parking area and at the intersection of Shared Driveway "O" and Shared Driveway "N" is recommended.

### Landscaping & Tree Preservation

Landscaping is identified within the right-of-way and adjacent to Emery Village Drive North. The proposed landscaping is identified to be consistent with the approved landscape plan. The landscaping identified within the right-of-way of Emery Village Drive North is properly located.

Landscaping is also identified along the westerly plat line. This landscaping is located within a drainage and utility easement and above an existing trunk watermain. The development's Association shall be responsible for replacement of landscaping disturbed, resulting from any future maintenance of the trunk water main.

As required by the PUD, the one-acre wooded area north of the site is preserved with the exception of one large oak in the southeast corner. This tree is in poor condition and has remnants of three tree houses nailed to it. To improve the oak stand, it is recommended that invasive species, particularly buckthorn, be removed.

### Securities

Emery Village 4<sup>th</sup> Addition will be subject to securities for infrastructure improvements, fees, and escrows. The securities will be identified at the time of final plat approval.

## **PLANNING COMMISSION RECOMMENDATION**

On May 17, 2010 the Planning Commission held a public hearing regarding Emery Village 4<sup>th</sup> Addition. A representative of Pulte Homes testified in support of the request and outlined reasons for the change in zoning.

The Planning Commission was supportive of the land use amendment/rezoning. They felt the change would be a benefit for the entire neighborhood. The vote was unanimously in favor.

## **RECOMMENDATION**

It is recommended that the City Council approve the following:

1. Comprehensive Plan amendment for Outlots H and I, Emery Village from Industrial to Medium Density Residential. The land use amendment shall be contingent upon final plat approval of Emery Village Fourth Addition and Metropolitan Council approval.
2. First Reading of a rezoning for Outlots H and I, Emery Village from R-A to R-4 / PUD. Per the PUD, Legacy units facing Emery Village Drive shall have brick material facing the public right-of-way.

3. Preliminary plat for Emery Village Fourth Addition, subject to the following conditions:
  - 1) Pulte Homes shall pay park dedication fees in the amount of \$130,200 (31 units X \$4,200 per unit). Pulte shall also make additional financial contributions totaling \$92,623 as outlined and agreed to in the attached Revenue Analysis.
  - 2) The developer shall pay a seal coat fee of \$9,827 (31 units X \$317 per unit).
  - 3) Amenity and landscape improvements shall be installed consistent with the approved Emery Village Planned Unit Development Plan and approved landscape/amenity plans, including but not limited to the fountain and associated walkways.
  - 4) Adequate financial guarantees and escrow monies shall be carried over from previous phases of Emery Village to cover the Fourth Addition improvements.
  - 5) The developer shall provide a plan to eradicate invasive plant species and dead trees in the wooded area. The plan shall be approved by the City's Deputy Weed and Tree Inspector.
  - 6) The City Engineer shall approve final street, storm sewer, grading and utility plans. The plans shall incorporate items as addressed in the report.
  - 7) Condominium documents shall be submitted for City review and approval.

Attachments. Letter from Pulte  
Development Framework  
Concept rendering of senior coop building  
Emery Village Revenue Analysis  
Emery Village Fourth Addition plans  
Photo of Oak Tree  
Renderings of Multi-family buildings  
Emery Village PUD resolution  
Resolutions of approval

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

<b>AGENDA SECTION</b>	<b>ORIGINATING DEPARTMENT</b>	<b>MEETING DATE</b>
NEW BUSINESS	COMMUNITY DEVELOPMENT	JUNE 14, 2010
<b>ITEM #</b>	<b>ITEM DESCRIPTION</b>	<b>PREPARED BY</b>
<b>11</b>	<b>RESOLUTION APPROVING A 12 FOOT VARIANCE TO THE 30 FOOT FRONT YARD SETBACK ON PROPERTY LOCATED AT 6312 – 113<sup>TH</sup> PLACE: JOSEPH AND SUZANNE SCHELLER (PROJECT 2010-06)</b>	SCOTT SCHULTE

**BACKGROUND**

In 2002, Joseph and Suzanne Scheller, 6312 – 113<sup>th</sup> Place North (Lot 3, Block 3, CHAMPLIN RIVER PARK SECOND ADDITION) were granted a 12-foot variance to the 30-foot front yard setback to construct a 12-foot by 24-foot garage/home addition (resolution attached). The request included converting portions of the existing garage into living space, while expanding the second story living space and garage (photos of home attached).

Circumstances precluded the Scheller’s from constructing the home addition and, by Code, the variance became null and void after one year. The relevant Code language is as follows:

*Sec. 126-136. Lapse of variance by nonuse.*

*(a) Whenever within one year after the granting of a variance, the owner or occupant has not substantially completed the erection or alteration of a building or structure as described in such variance, then the variance shall become null and void unless a petition for extension of time in which to complete the proposed construction or alterations has been granted as provided herein.*

The Scheller’s would like to move forward with the structural addition and, therefore, request the same 12-foot variance (see attached letter from the Scheller’s).

**REVIEW OF VARIANCE**

At the time of the initial variance request, the Zoning Code provided four hardship criteria in evaluating variances. The Scheller’s request met those criteria. The current Zoning Code, however, lists three criteria that must be met in order to grant a variance; though the objective remains to ensure that unique circumstances are present. The criteria and staffs comments are below:

- 1) There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same classification;

*Double frontage lots (corner lots) are common in Champlin. However, the length of the cul-de-sac at 113<sup>th</sup> Court North and the angle of the northern property line create a pie shaped configuration that severely restricts use. This configuration is unique.*

(2) The granting of the application is necessary for the preservation and employment of substantial property rights of the petitioner; and

*The variance permits the applicant to expand a home that cannot be reasonably expanded in any direction due to setbacks and lot configuration.*

(3) That the granting of the application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

*If granted, the variance will not alter the neighborhood character or be detrimental to the public welfare or injurious to other property in the vicinity. Being partially on a cul-de-sac, neighboring views are not hindered by the expansion.*

#### **PLANNING COMMISSION RECOMMENDATION**

On May 17, 2010 the Planning Commission held a public hearing on the variance request. The applicant as well as two neighbors testified in support of the request.

Upon considering the variance, the Planning Commission made findings in support and unanimously recommended approval.

#### **RECOMMENDATION**

It is recommended that the City Council approve of the variance as requested with findings as noted in the report.

Attachments. Project location aerial  
Photos of home  
Lot Survey  
Resolution from 2002  
Letter from applicant  
Planning Commission minutes  
Approving resolution

**CITY OF CHAMPLIN  
REQUEST FOR COUNCIL ACTION**

<b>AGENDA SECTION</b>	<b>ORIGINATING DEPARTMENT</b>	<b>MEETING DATE</b>
NEW BUSINESS	COMMUNITY DEVELOPMENT	JUNE 14, 2010
<b>ITEM #</b>	<b>ITEM DESCRIPTION</b>	<b>PREPARED BY</b>
12	<b>RESOLUTION APPROVING A LOT SPLIT TO ADJUST THE COMMON LOT LINE BETWEEN LOTS 9 AND 10, BLOCK 1, CASTLE ROCK ESTATES: FISHER CONSTRUCTION (PROJECT 2010-04)</b>	SCOTT SCHULTE

**BACKGROUND**

In 2005, the final plat for Castle Rock Estates was approved. Five of the ten lots in the subdivision are developed. The developer/builder, Fisher Construction, is requesting to reposition the common lot line of Lots 9 & 10. Fisher Construction contends that the adjustment will improve the viability and marketability of the lots. Lot 10 has a recently constructed model home and Lot 9 is vacant.

The conveyance requires a metes and bounds lot split of Lot 10. Both lots are zoned Single Family Residential (R-1).

**REVIEW OF LOT SPLIT**

The land conveyance transfers a strip of land (2,781 square feet) from Lot 10 to Lot 9 (see attached survey).

The proposal is acceptable based on the following findings:

- Both parcels exceed minimum lot standards after the conveyance;
- Lot 9 is provided more buildable area, thus increasing marketability;
- Lot 10 loses a portion with minimal impact to viability;
- The existing drainage and utility easements between the lots shall be vacated;
- Five-foot wide drainage and utility easements shall be provided adjacent to the new lot line.

**PLANNING COMMISSION RECOMMENDATION**

On May 17, 2010 the Planning Commission held a public hearing regarding the lot split. No public testimony was offered.

Upon consideration and with minimal discussion, the Planning Commission unanimously recommended approval of the lot split, subject to conditions commensurate with staff's recommendations.

**RECOMMENDATION**

It is recommended that the City Council approve the lot split of Lot 10, Block 1, Castle Rock Estates, as outlined on the attached survey, subject to the following conditions:

1. The divided portion of Lot 10, Block 1, CASTLE ROCK ESTATES shall be attached to Lot 9, Block 1, CASTLE ROCK ESTATES.
2. Five-foot wide drainage and utility easements shall be described and recorded adjacent to the new lot line.
3. The lot split approval shall be contingent on City Council approval of the vacation of existing drainage and utility easements over Lot 9. The easements were established with the Castle Rock Estates plat.
4. The lot split must be recorded with the Hennepin County Recorder's Office within six months of City approval or the approval shall be null and void.

Attachments. Project location aerial  
Certificate of Survey  
Planning Commission minutes  
Resolution of approval

