

**PLANNING COMMISSION REGULAR MEETING MINUTES  
SEPTEMBER 27, 2016  
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**I. Regular Meeting**

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on Tuesday, September 27, 2016. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners VanderWiel, Clements, Forester, Henrie, and Mele. Commissioner Freeman was absent. Also in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, Project Engineer Hatcher, and Recording Secretary Roudebush.

The Pledge of Allegiance was said.

**Additions to Agenda:** None

**Audience Input:** None

**Consent Agenda:**

- a. Approval of the August 23, 2016 Meeting Minutes.
- b. Approval of the September 13, 2016 Work Session Meeting Minutes

**MOTION** by Clements.

**Second** by Forster.

Ayes: 5. Nays: 0, Henrie abstains as he wasn't present for the meeting.

**Public Hearing:**

**5.a. Request by Donna Adams and Clayton Adams for an Administrative Plat to Reduce Three Parcels into Two (16-39-SMP).**

Planner Nemcek gave a brief summary of the staff report.

Commissioner Clements inquired about the location of the Michelson Addition in relation to the subject site. Nemcek stated it is located to the west of the subject property. Clements also inquired why obtain the right-of-way. Nemcek stated it is standard procedure and the platting process allows the city and county to obtain necessary right of way.

Commissioner Forster inquired about the history of outlot A and if was always part of the applicant's property. Nemcek confirmed it has been owned by current owner for some time. The applicant could come back and subdivide again if they wanted; an administrative plat would only allow three lots but could apply for a preliminary and final plat to redraw the parcels completely.

The public hearing was opened at 6:44 pm.

Public comments:

Les Kasten, 12501 Danbury Way, inquired if the widening of McAndrews would need a 25ft easement on both sides of McAndrews. Staff is unsure and directed Mr. Kasten to contact Dakota County for further information. He also inquired about what options he would have for his property, he would like to put an additional building on his property but it isn't allowed. Community Development Director Lindquist stated that Mr. Kasten has a much smaller lot than the applicant's property, and therefore it may not allow for the same options as the subject property.

Mary Lancy, 12501 Danbury Way, inquired how many parcels there will be when all said and done and why there is a need for the Lot Combination. Nemcek stated there will be two lots when completed and this will make it easier to transfer the lots in the future. Ms. Lancy also inquired if residents get to vote on the item. Lindquist explained that the approval process; the Planning Commission takes public testimony at the meeting and then based on the city ordinances

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make a recommendation to City Council. She also inquired if the Commission can help with planes flying over her property. Lindquist stated that airplane traffic is not in the purview of the Planning Commission.

**MOTION** by VanderWiel to close the public hearing.

**Second** by Clements.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 6:52 pm.

### **Additional Comments:**

Commissioner Forster clarified that in the future someone could come before the Planning Commission again to change the parcels. Lindquist stated that an administrative plat combines the preliminary and final plat into one, and could come back to have lot split again assuming it complies with the ordinance standards.

Chair Kenninger stated that other citizens can meet with staff if they are interested in subdividing their properties and understand what their options are for their property.

**Motion by Henrie** to recommend approval of administrative plat of the Adams 1st Addition subject to condition:

1. An additional 25 feet of Right of Way be dedicated along CSAH 38 (McAndrews Road).

**Second** by Mele.

Ayes: 6. Nays: 0. Motion Passes.

### **5.b. Request by St. Croix Home Builders for a Major Amendment to a Planned Unit Development and Simple Plat to Construct 11 Townhouse Units on Lot 2, Block 1 of Rahns Ninth Addition. (16-43-SMP, 16-44-PUD)**

Senior Planner Klatt gave a brief summary of the staff report.

Chair Kenninger inquired if the road would be private. Klatt confirmed it would be private. She also inquired if there would be an association; Klatt stated it is a requirement of approval.

Commissioner Forster inquired about the ability for emergency vehicles to access the hammerhead. Klatt stated it isn't ideal to only have one exit but Fire Marshall is comfortable with the proposal so long as there is restricted parking on the private road to permit access for emergency vehicles.

Commissioner Henrie asked what is east of this project and whether or not it would require rezoning. Klatt stated that the property is owned by the Chippendale Association and in his research he did not find any history that it was rezoned. Henrie inquired what the relation of this project is to the Harmony townhomes. Klatt stated the reference was in terms of façade and design elements not zoning.

Chair Kenninger inquired if the project is consistent with the existing zoning for the property, whereas the Comprehensive Plan guides it for low density. Klatt stated that is correct.

Commissioner Forster questioned if the 20' setback from curb line to the garage meets the City's regulations. Klatt stated that code doesn't specifically state a requirement on a private road for the distance from the road to a garage. Staff had requested the distance to ensure cars can be parked on the driveway and not overhang into the street.

Public Comment opened at 7:22

Public comments:

Wade Prozeller, 3353 Chevelle Court North, stated that he checked out a similar design in Woodbury. He looks forward to the site being built but is concerned about traffic and the electricity grid. He explained that he had to go to the Public

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Service Commission to get power grid fixed, and that there were six issues last year and two this year. He wanted to make sure traffic and power grid are addressed.

Greg Malmberg, 3376 Upper 149<sup>th</sup> Street West, representing Chippendale Condominium Homeowner Association, sees two conditions he would like added. First he would like to have a point of contact with developer to address construction issues. He also requested a 6 foot fence to divide two properties so current residents don't fight over parking and yard space.

Norm Dupre, President of St. Croix Homebuilders, explained that he would be happy to give out his cell number to address construction issues and that he believes the fence would detract from the looks of the development.

**MOTION** by Mele to close the public hearing.

**Second** by Henrie.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 7:29 pm.

### Additional Comments:

Chair Kenninger asked staff to address the traffic and power grid. Klatt stated that the Fire Marshall has reviewed the plan and it does allow for emergency vehicle turnaround. The Fire Marshall is asking for stripping along certain portions of the private street so that parking doesn't block the ability to accommodate emergency vehicles. Klatt noted that the site is very constrained because there is no room for any connections into the adjacent parcels. Staff indicated that the Planning Department was not aware until tonight that there were issues with the power grid. Staff will look into the issue. Klatt stated that screening is not an ordinance requirement between to similar residential development and that these are private lots and should function like other single family lots where some might want to put up a fence and some will not.

Commissioner Forster inquired if there are any issues about traffic on Chippendale. Klatt stated that when a site is planned the city takes into account the future development and future traffic of the area. Engineer Hatcher stated that there are currently no concerns on Chippendale at this time.

1. **Motion** by VanderWiel to recommend the City Council approve a Major Amendment to the Rahns Ninth Addition Planned Unit Development subject to the following conditions:
  - a. Execution of a Planned Unit Development Agreement.
  - b. Submission of final building plans and elevations for each of the proposed residential buildings that comply with the City's single-family attached standards and the front elevation requirements listed below.
  - c. The front elevation design shall include one of the following elements:
    - i. A minimum of three and a half (3.5) feet of brick or stone wainscoting, excluding doors, windows or the wall behind the front porch that extends to any façade facing a private or public street;
    - ii. A front porch with a minimum depth of four feet with railing that extends at least 30% of the width of the front elevation, including the garage;
    - iii. No more than 70% lap siding, excluding doors and windows.
  - d. A deviation from City Code Section 11-4-8 (F.5.a.) to reduce the side yard setback to twenty five (25) feet for the eastern property line, and fifteen (15) feet for the western property line.
  - e. A deviation from City Code Section 11-2-18 (G) to reduce the number of required parking spaces within common areas to four (4).
  - f. A deviation from City Code Section 11-2-18 (M.1.) to eliminate the requirement for playgrounds or passive recreation space.
  - g. Documentation that there is sufficient maneuvering space around each of the common parking stalls located at the east and west ends of the private driveway. The plans for these parking areas shall be amended to provide additional space if necessary. Final resolution should occur prior to City Council review.

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- h. Compliance with Section 11-2-8 (M) of the City Code concerning homeowners' association and maintenance of common areas.
- i. Installation of fire hydrants in accordance with City standards.
- j. Obtain all required permits and securities for work within the Upper 149th Street West right-of-way.
- k. Trees installed on within the development shall be planted in a location that does not interfere with curb stops or individual sewer or water connections.
- l. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 21, 2016
- m. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated September 22, 2016.

**Second** by Henrie.

Ayes: 6. Nays: 0.

- 2. **Motion** by VanderWiel to recommend the City Council approve the Simple Plat for St. Croix Home Builders Addition with the following conditions:
  - a. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 21, 2016
  - b. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated September 22, 2016.
  - c. All easements as requested by the City shall be documented on the Final Plat.

**Second** by Henrie.

Ayes: 6. Nays: 0.

## **5.c. Request by CalAtlantic Group, Inc. for a Preliminary Plat, Planned Unit Development Master Development Plan with Rezoning and Final Plat to Develop a 170 Lot Subdivision named Greystone III (16-42-PUD, 16-40-PP, and 16-41-FP)**

Community Development Director Lindquist gave a brief summary of the staff report.

Chair Kenninger inquired about the access for the northern property. Lindquist stated it will be off of Bonaire Path. She also asked if construction of the northern access point could be pushed up to accommodate the construction traffic. Lindquist deferred to the applicant.

Commissioner VanderWiel inquired about the six deviations from City Code, if they are the same as previous approvals. Lindquist said yes, these deviations are consistent with the previous phases of Greystone; early on they made commitment for smaller lots and more affordable single family homes. This allowed a boost in density while still allowing single family homes.

Commissioner Forster inquired about what is happening on the triangular property. Lindquist stated currently both pieces are only one parcel, which is the reason it is included in the application. The owner is not interested in developing that piece at this time and the conditions do not apply to that piece. He also inquired about the access off of Bonaire and if there is required length from the railroad. Hatcher stated he is not aware of a requirement for distance but access is pushed as far east as possible without going to other private property

Commissioner Henrie noted that currently Bonaire is dirt road, what is the plan to pave. Lindquist said nothing is planned right now but it is on the City's radar.

The public hearing was opened at 7:56 pm.

Public comments:

Mavis Gerber, 14089 Addison Court, inquired when the homeowner's association will be turned over to the residents, it keeps getting pushed out with each addition. Residents should have a say in the Association and when it will be turned over to the residents. Lindquist stated the city is aware of the HOA but does not regulate the documents. The structure is setup by developer not the city. Gerber is also concerned about one entry into the development.

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Mark Sonstegard with CalAtlantic Homes stated the second access point will be done in fall of 2017 so construction traffic can come in through north entrance. They want to keep sales office where it is at and continue the process of building homes, don't want to stop for 4-5 months to build road. There would be one homeowner association for all of Greystone, he stated they are planning on starting a homeowner association committee to address issues maybe add residents to architectural review committee. The turnover of the association would be around until 2020 at this time.

Commissioner Clements inquired about any other plans to develop to the east. Mr. Sonstegard stated that Flint Hills owns land to the east and the south is zoned differently. Clements also asked what is the home prices start at, Sonstegard noted they start at about \$275,000-345,000 for base prices.

Commissioner Forster inquired how many homes were in the phases 1 and 2. Sonstegard stated there are about 120 homes the in previous phases. He also inquired if staff foresees any issues with only two access points all those homes. Lindquist stated that Dakota County limits spacing on Akron and the railroad limits adding another access point.

Commissioner Clements inquired if there are any new plans for the northern exception lot. Staff stated they would have to ask the landowner.

Darin Johnson, 1450 Bonaire Path E, stated he is the owner of the exception lot and has had no problems working with CalAtlantic. All of his concerns have been addressed.

Brian McMenemy 1283 Bonaire Path W, inquired who will get assessed if Bonaire is paved. Lindquist stated the City hasn't determined the project is at this point and would speculate that from Akron to the entrance of the northern entrance would be paved. Flint Hills and City own most of the property not included in this proposal. Mr. McMenemy also inquired where utilities would come from; Lindquist stated they will come from the south off of Akron Avenue.

**MOTION** by Henrie to close the public hearing.

**Second** by Clements.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 8:19 pm.

### **Additional Comments:**

Commissioner Henrie inquired about the plan for the park. Lindquist not sure what the plan is but the Park Commission has approved it, and this is a neighborhood park and isn't anticipated the need for parking.

Chair Kenninger struggles with only two access points and would like to have the second access done sooner. She also inquired if there is a requirement for access depth, Lindquist there are standards for cul-de-sacs. Staff doesn't want to limit access into neighborhoods but there are requirements set forth by the County and railroad. Kenninger then inquired if 141<sup>st</sup> Street could be extended to the east for an additional access for construction traffic to bypass the existing residencies. Lindquist stated that is not an option. Kenninger also inquired if the Planning Commission could add a condition to require Bonaire Path to be paved. Lindquist stated that City Council would need to approve the project since it would require the City to spend money on the road improvement. Kenninger stated that she would strongly encourage the paving of Bonaire to the eastern entrance of Greystone.

Commissioner VanderWiel stated she doesn't feel comfortable waiting until 2017 to deal with construction traffic. Lindquist explained that not all 23 homes will be built next summer, the infrastructure for those 23 homes will be built then once that is complete they will start on northern access point. Engineer Hatcher further explained that the construction of the roads wouldn't be started until June of 2017, so residents wouldn't be dealing with the road construction from now until next fall of construction.

Commissioner Forster inquired if there is a plan for pedestrian traffic to access the Flint Hills Complex to the north. Lindquist stated that will be addressed in the future but no plans have been created at this time.

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1. **Motion** by Clements to recommend the City Council approve the Preliminary Plat for Greystone III, subject to conditions:
  - a. Approval of a Major Planned Unit Development rezoning the subject property and designating minimum lot requirements and setbacks.
  - b. Payment of \$110/ft for the parcel frontage along Bonaire Path Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 21, 2016
  - c. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated September 22, 2016
  - d. Outlots C, E & F should be incorporated into the plat. Outlots A and D should be dedicated to the City with Outlot B owned and maintained by the Homeowners Association.
  - e. Drainage and utility easements should be dedicated over all ponding and wetland areas with a conservation easement provided over the designated wetlands.
  - f. The property owner enter into an agreement for Lot 1, Block 1 Greystone III which waives an appeal of future assessments for upgrades to Bonaire Path up to \$110/front foot and recognizes future payment of park dedication fees upon site development.

**Second** by VanderWiel.

Ayes: 6. Nays: 0. Motion Passes.

2. Motion by Clements to recommend the City Council approve the Planned Unit Development Master Development Plan with the Rezoning of the Property from AGP – Agricultural Preserve to R1 PUD – Low Density Residential Planned Unit Development, subject to conditions:
  - a. The front elevation design shall include one of the following elements:
    - i. Three and a half (3.5) feet of brick or stone wainscoting, excluding doors, windows or the wall behind the front porch;
    - ii. A front porch with railing that extends at least 30% of the width of the front elevation, including the garage;
    - iii. A side entry garage;
    - iv. Or, no more than 70% lap siding, excluding doors and windows.
  - b. A deviation from City Code Section 11-2-15 F. so that the home designs do not need to include an option for a three garage stall.
  - c. A deviation from City Code Section 11-4-5 F.1. to reduce the interior lot minimum area of 10,000 to 8,600 square feet and corner lot minimum area from 12, 000 to 10,400 square feet.
  - d. A deviation from City Code Section 11-4-5 F.2. to reduce the minimum lot width to sixty (60) feet for interior and seventy five (75) feet for corner lots.
  - e. A deviation from City Code Section 11-4-5 F.4. to reduce the front yard setback to twenty five (25) feet.
  - f. A deviation from City Code Section 11-4-5 F.5. to reduce the side yard setback to seven and one half (7.5) feet except in areas where existence of larger drainage and utility easements require additional setbacks.
  - g. A deviation from City Code Section 11-4-5 F.9. to reduce the maximum lot coverage to forty percent (40%) for lots less than 9,750 square feet in size and thirty five percent (35%) for lots between 9,750 square feet and 11,250 square feet.
  - h. Each corner lot will have two overstory trees, one fronting on each road and all interior lots will have one boulevard planting. The seed mix in the ponding areas should be modified to include more wildflowers in the mix. The applicant shall modify the landscape plan to address the noted concerns and include a maintenance plan for the open space areas of the site.
  - i. The developer will include the Bonaire Path intersection and road extension in the second phase of development to provide an alternative access for residents and construction traffic.
  - j. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 21, 2016
  - k. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated September 22, 2016.
  - l. The property owner enter into an agreement for Lot 1, Block 1 Greystone III which waives an appeal of future assessments for upgrades to Bonaire Path up to \$110/front foot and recognizes future payment of park dedication fees upon site development.

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**Second** by VanderWiel.

Ayes: 6. Nays: 0. Motion Passes.

3. Motion by Clements to recommend the City Council approve the Final Plat for Greystone 3rd Addition, subject to conditions:
  - a. Approval and execution of a subdivision agreement.
  - b. Trees installed on individual lots shall be planted in a location that does not interfere with curb stops or individual sewer or water connections.
  - c. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 21, 2016
  - d. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated September 22, 2016
  - e. The final plan reflect the modifications to the preliminary plat relating to outlot reconfigurations.

**Second** by VanderWiel.

Ayes: 6. Nays: 0. Motion Passes.

**5.d. Request by Copperhead Development Inc. and Warren Israelson for a preliminary plat, site plan review with rezoning and reguiding, and final plat to construct a development named Rosewood Commons that would consist of 232 multi-family units. Rezoning the property from BP: Business Park and R-1: Low Density Residential to R4: High Density Residential Planned Unit Development. (16-35-SP) Continued to the October 25, 2016 Planning Commission Meeting.**

The public hearing was closed at 8:31 pm.

**Motion** by VanderWiel to continue to next meeting.

**Second** by Mele.

Ayes: 6. Nays: 0. Motion Passes.

**Old Business:** None.

**New Business:**

**7.a. Adopt Updated Meeting Schedule**

Ayes: 6. Nays: 0. Motion Passes.

**Reports:**

Klatt thanked commissioners for their help at the September 22<sup>nd</sup> City wide Comprehensive Plan meeting.

**Adjournment:** There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Amy Roudebush, Recording Secretary