

PLANNING COMMISSION REGULAR MEETING MINUTES

APRIL 9, 2019

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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, April 9, 2019. Chair Kenninger called the meeting to order at 6:30 pm. with Commissioners VanderWiel, Freeman, and Mele. Also in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, Assistant City Engineer Smith and Recording Secretary Barikmo.

The Pledge of Allegiance was said.

Oath of Office

Swearing in of new Commission Members Lundquist, Rivera, and Schmisek by Mayor Droste.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

- a. Approval of the March 26, 2019, Regular Meeting Minutes.

Chair Kenninger noted that new commissioners may abstain from voting since they were not present at the March 26, 2019 meeting.

MOTION by Freeman.

Second by Reed.

Ayes: 4. Nays: 0.

Public Hearing:

6.a. Request by US Home Corporation, (Lennar) for Approval of a Lot Division for the Cliff Property at 12523 Akron Avenue (19-18-LS) Public Hearing continued from the March 26, 2019 Planning Commission Meeting

Director Lindquist gave a brief summary of the staff report for the Planning Commission.

Kenninger questioned if staff had any recommendations on where the new lot line would occur between Parcel B and the property to the north or if that was up to the property owner. One of the purposes of the lot split is to bring the southern accessory building on Parcel B into conformity and maybe Condition 5 should be clarified. Director Lindquist stated that item 5 of the conditions is addressing the conformance issue, although the new lot line location has not been decided.

VanderWiel inquired why the item was not presented as a PUD amendment instead of a lot split. Director Lindquist explained that the lot split is required so that the parcel can be separated to allow for the sale of Parcel A to Lennar. The platting or lot-division process allows the overall process to advance.

Public Comments:

Steve Ach, Lennar, and Michael Clements, eXp Realty, stated that they are in general agreement with the staff report. Steve went over the lot split map and explained that they are currently working with the Cliff owners to bring the property into conformance. The final decision about combining Parcel B with the

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northern lot will be determined by the Council Meeting on April 16, 2019. If the parcels were combined the condition relating to the sewer extension easement should be eliminated since it will no longer be needed.

Ach and Clements had a question about the second condition asking for the perimeter easements. On Parcel A, which Lennar will purchase, a blanket easement will be established. For Parcel B, Lennar did not see the need to establish a perimeter easement at this time. When Lennar plats the final phase, including the Cliff property, all of the easements will be dedicated at that time.

Chair Kenninger requested that staff address the applicant's comments on the second condition. Director Lindquist stated that standard drainage and utility easements are always required and staff does not believe this request would be an exception.

Ach confirmed that Parcel A's conservation, drainage and utility easements are all being established. The Right-of-Way easements have been drafted. Easements, with exception to Parcel B's perimeter easement, will be submitted to staff on March 10, 2019.

MOTION by Reed to close the public hearing.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing was closed at 7:01 pm.

Additional Comments:

Kenninger requested staff's thoughts on the applicant completing the easements for Parcel B with the final plat versus doing it with the lot division. Lindquist advised that staff would always request easement dedication when the opportunity arises than waiting until a future uncertain date.

Reed questioned what the risk would be if the easement wasn't there. Lindquist clarified that easements on the sides are mainly for drainage. If the parcels stay split, the north parcel won't have any perimeter utility easement. Lindquist stated that another option is that the applicant could plat the parcel now and provide the easements.

VanderWiel stated she believes that it is better for the City to obtain the easements now. VanderWiel explained that it is easier to vacate an easement, than it is to obtain. Commissioners Freeman, Kenninger, and Reed stated that they all agree.

MOTION by VanderWiel to recommend that the City Council approve a Lot Split for Lennar for the Cliff Property at 12523 Akron Avenue, subject to the following conditions:

1. Dedication of 50' Akron Avenue right of way along the entire east side of the property with the recording of the lot division.
2. Dedication of standard drainage and utility easements along the perimeter of both lots and over the stormwater improvements constructed north of 127th Street as part of the Meadow Ridge 1st Addition with the recording of the lot division.
3. Dedication of drainage and utility easements over all designated wetlands and provision of a conservation easement over the required buffer area with the recording of the lot division.
4. Dedication of drainage and utility easement across Parcel B to permit extension of sanitary sewer service to the property north of the homestead parcel with the recording of the lot division.

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5. The applicant and property owner replat Parcel B and the property to the north, currently owned by the Cliffs, with the last phase of the Meadow Ridge final plat that contains 10 or more lots to relocate the existing property line to bring the existing accessory structure on Parcel B into setback conformance and bring the sites more into conformance with City zoning regulations.

Second by Freeman.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by VanderWiel to authorize staff to work with the applicant in the event that the lots are combined and to make the necessary changes for the recommendation.

Second by Freeman.

Ayes: 7. Nays: 0. Motion Passes.

New Business: None.

Old Business: None.

Reports: Kenninger stated that the next Planning Commission meeting is on Tuesday, April 23, 2019. A public hearing is scheduled for the 2040 Comprehensive Plan on Tuesday, May 14, 2019

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 7:14 pm.

Respectfully submitted,

Jessie Barikmo, Recording Secretary