

EAST BETHEL PLANNING COMMISSION MEETING
November 28, 2023

MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, Gabriel Hanschen, Randy Plaisance, and Joe Reiter

MEMBERS ABSENT: Sherry Allenspach

ALSO PRESENT: Aaron Berg, Community Development Director
Bob DeRoche, City Council Liaison

1.0 Call to Order

Chair Balfany called the Planning Commission regular meeting to order at 7:00 pm.

2.0 Adopt Agenda

Commissioner Balfany moved and Commissioner Terry seconded to adopt the agenda as presented. Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

3.0 Approve October 24, 2023 meeting minutes

Commissioner Johnson moved and Commissioner Terry seconded to approve the October 24, 2023 regular meeting minutes as amended. Balfany asked any discussion?

Johnson stated on page 5, line 204, Balfany made the comment, not Berg and Allenspach had made some positive comments also but she could not remember what Allenspach said.

To the motion, all in favor say aye. **Balfany, Johnson, and Terry.** Balfany asked any opposed? **Plaisance, Reiter, and Hanschen abstained.** That motion passes. **Motion passes 3-0-3.**

4.0A CUP – Team Drywall, Inc., - 18533 Buchanan Street NE

Berg reviewed staff's report stating Jennifer O'Brien, owner of TEAM Drywall, Inc., an East Bethel based commercial and residential drywall company for over 32 years has purchased 18533 Buchanan Street NE (formally Norther Asphalt) with the intent to grow and expand operations.

Berg noted the 2.19-acre property has an existing 6,000 Sq. Ft. Office/Warehouse, with 6,300 Sq. Ft of customer parking lot, and 40,500 Sq. Ft. of screened exterior rear and side yard storage.

Berg indicated 18533 Buchanan Street NE; Lot 5, Block 1, Saunters Commercial Park, PID: 32-33-23-24-0006 is zoned Light Industrial (I) and in accordance with Appendix A, Sec. 48 (4), Construction, Trade, and Service Business are permitted by a Condition Use Permit (CUP).

Berg stated Sec. 24 (4) states that: *Exterior storage is permitted in I-1 and B-3 districts as a conditional use permit and subject to the following conditions:*

1. *Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.*
2. *Maximum amount of exterior storage cannot exceed 2 times the square footage of the Principal Building.*
3. *Exterior storage cannot exceed the maximum allowable height of the principal building.*

Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square

footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

Berg stated the 18533 Buchanan Street NE location has an existing exterior storage area, rear, and side yard, approximately 6 times the size of the principal building; however, it's fully fenced meeting all of the screening requirements of the ordinance and reducing the visual impact from the right of way.

Berg indicated accessory storage containers, as defined in Section 01. General Provisions of Administration shall not be permitted.

Berg noted TEAM Drywall, Inc. currently has one employee and equipment will be out on jobsites daily as this is skilled labor residential or commercial jobsite service-based business. The existing 6,300 sq. ft. parking area is designated for 17 vehicles and with the abundance of exterior yards there should be sufficient parking for employees in the event more employees are added. Vehicles over 20,000 GVWR, construction equipment, and trailers shall be required to be parked in the Exterior Storage yard or behind screening.

Berg indicated the light industrial (I) district is intended and designed to provide areas of the City suitable for activities and uses that are industrial in nature. The proposed use aligns with the approved 2040 Comprehensive Plan.

Berg recommended the Planning Commission review the CUP request, hold a public hearing and make a recommendation of approval to City Council, with the conditions set forth in Resolution 2023-83.

Balfany opened the public hearing at 7:05 p.m.

There were no comments made.

Balfany closed the public hearing at 7:06 p.m.

Commissioner Reiter moved and Commissioner Johnson seconded to recommend approval to City Council Resolution 2023-83 with the conditions set forth in the provided Resolution. Balfany asked any discussion? Hanschen stated he noticed a discrepancy between the square footage of the parking areas described. Berg responded he likely copied this over from another CUP and thanked him for pointing that out. To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

This item goes before City Council on December 11, 2023.

4.0B IUP Farm Animals – Wendy Cisneros – 716 192nd Avenue NE

Berg reviewed staff's report stating in late July 2023, the City of East Bethel received a complaint about building and zoning code violations at 716 192nd Avenue NE. During the investigation, the Code Enforcement Officer discovered that in addition to the code violations there was also a horse on the property. A standard City Code enforcement letter was issued identifying the code issues and a request that the property owner contact the City.

Berg stated the property owners Wendy Cisneros and Leyva Pinal, came to East Bethel City Hall to discuss the identified code issues with staff. At the conclusion of the discussion multiple permit applications and Interim Use Permit were applied for by Cisneros the following week.

Berg indicated upon review of the building permit applications it was discovered by the City's Residential Building Inspector there were construction Code related deficiencies, as well as excessive number of detached accessory buildings, and the IUP requirements for farm animals (horse) were not met.

Berg noted a subsequent meeting was scheduled with the property owners and the issues were identified along with a plan to remedy the City's concerns by November 15, 2023. The applicants completed all of the necessary corrective actions regarding buildings and detached accessory structures and an inspection was completed on November 3, 2023.

Berg stated the applicants are requesting an Interim Use Permit to keep the one horse on the property.

Berg indicated the applicants property is zoned Rural Residential, is located in Brookside Place Subdivision and is 4.86 acres in size.

Sec. 10-151. – Interim use permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited. *No animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. Provided further, that if 80 percent of the lots within a platted subdivision are larger than three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than three acres.*

Berg noted Brookside Place was platted in 1978 with ten lots of which only four lots meet the three acre or larger requirement.

Sec. 10-152. - Domestic farm animal shelter setbacks, paddocks, and pastureland. During the November 3rd inspection staff were able to verify that the minimum requirements for the keeping of one horse have already been met (one acre of fenced pasture, an adequate 12 foot by 30 foot shelter, food, water, and all setbacks distances are met).

Sec. 10-157. - Interim use permit required. *The keeping of animals regulated under this article will be allowed only after issuance by the City of an IUP for such keeping. The procedure for an IUP will be in accordance with the City's zoning ordinance, set forth in appendix A to this Code. The required public hearing will be before the planning commission. The final decision on the IUP will be made by the City council not earlier than seven days after the public hearing.*

Berg recommended the Planning Commission review the IUP request, hold a public hearing and make a recommendation of approval or denial to City Council, with the conditions set forth in attached Resolution. If approved staff requests the Planning Commission recommend a term of one to three years to determine if the deviation from the zoning standard identified in Sec. 10-151(c) has an impact on the neighborhood.

Balfany opened the public hearing at 7:12 p.m.

There were no comments made.

Balfany closed the public hearing at 7:13 p.m.

Commissioner Hanschen moved and Commissioner Johnson seconded to open for discussion.

Balfany asked any discussion?

Hanschen stated he did not know why he would consider denying this with everything they had gone through and when they have met all of the standards, but he questioned how it was platted with only 4 of the 10, so less than 80 percent.

Johnson questioned setting precedent. She believed there might have been similar requests in the past that had been denied and she was unsure about the fairness of it.

Balfany commended the applicant for their efforts to get things to be compliant, but he did agree with the other points made. He stated he had been on the record multiple times about creating precedent and where did they draw the line. He indicated he struggled with an approval as this was in an area where it should not technically be.

Terry pointed out as far as he knew, the neighbors were not complaining about the horses as well as the property was not in a development where they were encroaching with the horses upon immediate neighbors. He noted there was a lot of open space, which was a lot different than a development where you have 2.5 acres right up on each other. He believed this circumstance was different than previous ones that had been denied where it had to do with how close neighbors were.

Balfany stated he was struggling with that right now it was not compliant. Terry noted the rules were guides and they could not necessarily fit every circumstance that came before them. He stated it was up to the Commission to discern whether it was a legitimate reason to do it or not and he did not see it as a precedent because this was not the same condition due to the setting of how the land was situated. He again noted this was not due to a neighbor complaint either, where the other ones had complaints from the neighbors.

Johnson stated the public hearing also had no opposition either and that was one thing she believed was different than some of them they had seen in the past. She asked if there had been any complaints other than this zoning. Berg responded he did not know the full details of the original complaint. He noted this was brought to him by code enforcement. He noted the applicant had put everything in compliance when asked and they were very cooperative with staff.

Balfany agreed the applicants were doing their best to comply however, he believed it did “kind of fit the precedent.” He noted right now the property to the south of this property was not developed, but that did not mean it would remain that way in the future. Berg responded there was no sewer or water in this location, so the maximum density they would get was one resident per ten acres in this rural residential area.

Balfany stated if it were not this specific lot, and this was in another area, and someone did not have building behind it, and they looked at it the same way, but was able to be buildable would that not then change it. He indicated he was empathetic to the situation, but he struggled with the precedent piece. He asked at what point did they draw the line on where residents needed to be sure they were doing their due diligence beforehand on these things instead of it always being after the fact. Berg pointed out that the applicant as Lot 3 on this plat and they were sandwiched in the four lots that were more than three acres. He indicated they was no neighboring lot that was less than three acres in the ten.

Terry stated it if were strictly the matter of the letter of law, then why would this be before the Commission and why wouldn't staff just have said, “No, you can't do that.” Balfany responded it was because the applicant had every right to apply at any time for anything.

Terry noted this indicated to him that the Commission had the ability to look at a case-by-case basis and make a decision on the merits of the case rather than the general broad spectrum of the rule. Balfany stated that again was where precedent came into play and what precedent did they set moving forward.

Hanschen stated he was kind of siding with Terry. He noted they needed to be willing to meet people where they were at versus if it does not fit inside this box, then they were out. He indicated with this scenario, it was the property itself and he believed it made sense. He did not believe they were setting a precedent for everyone who wanted a horse to come in. He understood Balfany's point, but he was looking at this from a different angle.

Balfany stated in the end it was not their final decision either and this will go the City Council for the final decision.

Berg stated there were conditions in the Resolution and if the applicant was not in compliance with the conditions, the applicant would be told to move the horse from the property and that was why he suggested giving the applicant a one to three year trial period and after the trial period, if there were no issues, he believed the applicant should be allowed to come back and apply for one that would go for perpetuity.

Johnson asked when this was renewed, would the applicant need to pay a fee each time. Berg responded yes, and he believed it was a \$300 fee.

Reiter asked if the horses would be behind the tree line or up by the house. Berg responded the horse shelter had a small, fenced area one acre area around the shelter which was behind the tree line and could not be seen from the right-of-way. He noted the only way anyone would know there was a horse there was that there was a horse trailer in the front yard. He indicated the applicant was in attendance if the Commissioners wished to hear from her.

Johnson stated she was in agreement with this request and she did not need to hear from the applicant unless the applicant wanted to come up and speak.

The discussion was closed by consensus.

Commissioner Johnson moved and Commissioner Terry seconded to recommend approval to City Council of the IUP and the Resolution granting an Interim Use Permit for the keeping of no more than one horse on the property. Balfany asked any discussion? Plaisance, Johnson, Terry, Hanschen, and Reiter. To the motion, all in favor say aye. All in favor. Balfany asked any opposed? Balfany. That motion passes. Motion passes 5-1.

This item goes before City Council on December 11, 2023.

4.0C Preliminary Plat – Capstone Homes, Inc., - 1788 Viking Blvd NE – Viking Meadows

Berg reviewed staff's report stating on November 8, 2023, a Preliminary Plat and PUD application from Capstone Homes, Inc. for the redevelopment of Viking Meadows was received. The proposal show the redevelopment of 155 acres of land which spans across the zoning classifications of Mixed Use and Single Family Residential. The proposal shows 95 acres of developable land will contain a proposed 242 lots. In addition, the proposal contains 60 acres of open space which also includes over 10 acres of park and recreation space.

Berg noted at the June 27, 2023 Planning Commission Meeting a Public Hearing was held and feedback was provided to the developer on a Concept Plan proposal.

Berg stated at the July 24, 2023 City Council Meeting the Concept Plan proposal was presented to the City Council for feedback.

Berg indicated on August 22, 2023 a revised Concept Plan was presented to the Planning Commission and by a 6-1 vote, a recommendation of approval was forwarded to the City Council.

Berg stated on August 28, 2023 the revised Concept/PUD Plan was presented to the City Council along with the Planning Commission's Recommendation. The City Council unanimously voted to approve the Concept Plan by Resolution 2023-61.

Berg noted according to City Code Section 49 – 6 Development Procedure. Mixed-use and single-use projects. The application procedure and applicable general requirements pertaining to planned unit developments (PUD) shall apply to the MXU district, subject to any exceptions, modifications, or additions set forth in the ordinance. Amendments to the PUD can be proposed and implemented upon City council approval.

Berg stated the application procedure shall include submittal and approval by the City council of a concept plan prior to the submittal of a PUD request.

According to Section 56 - PLANNED UNIT DEVELOPMENT (PUD), Subsection D. – A Planned Unit Development is required in Mixed Use Districts in the City. Mixed use allows for commercial, residential, parks and open space and, as such, are in compliance with the East Bethel Comprehensive Plan. The purpose of a PUD is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

Berg stated as part of the preliminary plat/ PUD review, staff has offered the following comments:

- Access – Ingress and egress to the development will be accessible from two locations, Sandhill Parkway NE, and Viking Blvd. NE. The original proposal contained a potential connection at 189th Ave NE however, after public comments and discussion, City Staff requested this to be configured only as an emergency access point.

The Developer, City Engineer, Public Works Manager, and City staff have met with and are working in conjunction with the Anoka County Highway Department to evaluate and address the overall traffic considerations of the area.

Additionally, an independent contracted traffic study is ongoing and the results are to be presented to the City Council and Staff in early December 2023.

- Open Space - A primary function for a PUD is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. Capstone has proposed over 60 acres of open green space which includes over 10 acres of community park and recreation space with walking trails and unique landscaped buffers.
- Streets – Streets and cul-de-sacs, along with utilities should be constructed in compliance with City Code Section 66 – 164 which requires that streets shall provide for future connections to adjoining un-subdivided land. Staff recommends that the streets be City-maintained public streets throughout the development.
- Housing - The amended plan consists of 242 new single-family homes on a combination of 55', 70', and 80' lots.
- Commercial – The plan includes a 15-acre Commercial Outlot, at the intersection of Highway 65 and Viking Blvd. NE, identified for future commercial space.
- City Services - The plan indicates the new single-family homes will each be connected to the City sewer and water as the entire development is within the Metropolitan Urban Service Area (MUSA).
- Density - The plan consist of an overall density for the proposed developable land that is under 3 units per acres, which is the Citywide density standard based on the 2040 Comprehensive Plan for all properties in the MUSA.
- Parks Commission – On November 14, 2023, the developer presented the Preliminary Plat Parks Plan to the Parks Commission. The Parks Commission was agreeable to the \$1,500 fee per lot

and 10.95 acres of upland and recreation space with the Park Dedication Fees being directed back to the Viking Meadows public park improvements.

- HOA – The plan proposes a Homeowners Association which will be responsible for common areas, landscaping along the entrances of Sandhill Parkway and Viking Blvd NE, as well as proposed .7-acre park.
- Design Standards - The plan calls for a minor deviations from design standards however a PUD provides the City flexibility in allowing for exceptions. Exceptions will be defined and approved in PUD/ Developers Agreement.

Berg indicated as part of the approval process, the PUD must demonstrate the public benefits to the surrounding neighborhoods and the City as a whole. Public benefit includes, but is not limited to the following:

Preservation and enhancement of desirable site characteristics and open space. There are a vast number of wetlands/low areas on the properties. The developer will protect and enhance the areas and create additional amenity areas such as open space/gathering areas and trails. The amenities will be accessible to the public. Once the entire development is completed/built out, trails and open spaces will be connected throughout the development as well as to the adjacent development areas.

The pattern of development preserves natural resources that significantly contribute to the character of the City. The existing wetlands will be further enhanced to provide open space and accessible trails. Wetland impacts will be mitigated on-site. Storm water management basins will be enhanced by additional plantings and designed as wet ponds.

The use of design, landscape, and architectural features will create a pleasing environment or other special development features. Additional landscaping will be added throughout the site. Also, areas of the site that are wooded will be preserved wherever possible.

Variety of housing types will be available in accordance with the City's housing goal. The development will provide a variety of Rambler, Multi-level, Split Entry and Two-Story style homes positioned between existing Rural Residential parcels and complementary to the adjacent Elevage townhome and Commercial Development. (Attachment 9)

Development to enhance the local economy and strengthen the tax base. The preliminary plat projected plan would generate a conservative estimate of \$280,100 in annual City property tax revenues at build out in 2028. The City will also collect \$1,431,360 in City SAC and WAC fees over the life of the project (2024 -2028). This amount would pay off approximately 70% of the principal balance of the METC Reserve CapaCity Loan. In addition, the increased housing units would improve the demographics in the local market area which are needed to attract basic retail, food, and grocery services to the City.

Berg stated the proposed preliminary plat/PUD meets the intent of the criteria for granting a PUD based on ordinance Section 56. PLANNED UNIT DEVELOPMENT.

Berg requested the Planning Commission hold a public hearing, review the proposed preliminary plat/PUD, and recommend approval of the preliminary plat/PUD to City Council with conditions in Resolution 2023-XX and Resolution 2023-XX.

Balfany opened the public hearing at 7:38 p.m.

Keith Saarela stated he owned the Pharma Insurance Agency directly across the street on Viking Boulevard. He indicated he was in full favor of this development and he believed it would enhance the value of their property.

Balfany closed the public hearing at 7:40 p.m.

Commissioner Reiter moved and Commissioner Terry seconded to open the discussion. Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

Reiter stated in reading through the Preliminary Plat and looking through the R2 zoning, there were properties with frontage as low as 37 feet, which was a significant departure from what the regulations say, which were 80 feet unless it was a townhome and he believed this was going to be a significant issue as here would not be any areas to put the snow. He indicated if there was no HOA involved in hauling snow, then it was going to be the City's responsibility.

Reiter indicated he was also having trouble with 40 acres of ponds. He stated it was his experience that ponds filled up fast and it would be the responsibility of the City and he did not understand how that would help the City with dredging costs between \$50,000 and \$100,000 per acre. He stated the City was not capable of doing this, so it would need to be contracted out.

Reiter noted this was a mixed use and planned unit development and it was not in compliance with the City's planned unit and mixed-use guidelines – specifically 20 percent of the property should be commercially developed. He noted on Lot 1, which was 15 acres was all peat and wetland was not developable, which directly conflicted with the City's PUD guidelines that emphasize sustainable development and environmental stewardship.

Reiter stated 19 acres of the developed land should be commercial mixed use. He pointed out multiple setbacks and frontage violations throughout the project. He stated many plots were smaller than this minimum location and interconnectivity concerns. He believed the proposed development's limited egress points and insufficient interconnectivity pose potential challenges for traffic flow and accessibility in the County to the transportation goals outlined in the Comprehensive Plan.

Reiter indicated since they did not have a traffic study, the best estimate was between seven and ten trips a day with over 100 homes in one area. He indicated at that intersection, they were going to see 1000 cars on a residential street and he believed that would contribute to people being stuck in their driveways trying to back out. He stated snow piles would also be extremely high in this area with limited visibility on a very busy road.

Reiter stated the cul-de-sac was not in compliance with the City's length requirements. He noted 500 feet was allowed. He acknowledged they had provided exceptions in rural residential areas. He stated this development was proposing eight times more density and was concerned this would lead to a risk for emergency response. He also indicated a longer cul-de-sac could contribute to increased traffic congestion, especially during peak hours, which could lead to longer travel times with resident difficulty in navigating the neighborhood and overall decrease the efficiency of the local transportation network.

Reiter believed this was a contradiction for urban planning best practices. He stated such noncompliance not only went against the City's regulations, but also undermined the efforts to create a more livable and well-connected community. He indicated because they did not have a traffic study they could not make an informed decision on this.

Reiter stated he had environmental impact concerns with the proposal to transform extensive land and deep-water retention ponds that might pose significant environmental risks that would lead to unsustainable maintenance costs and liabilities for the City.

Reiter stated it was not clear what management responsibilities the HOA had and the lack of a detailed HOA plan created uncertainty about management of common areas and long-term sustainability, which was critical for the project's viability projects.

Reiter indicated the Liberty Homes section appeared to reflect the two guidelines, yet the planning documents indicated the entire project was R1 and R2 was allowed. He stated he wanted to see if the HOA described the financial costs of pond, snow removal, and lawn care and how they would be addressed. He noted that based on the frontage and setbacks of the plan, snowplow or a snow maintenance plan should be presented and also a plan for dredging ponds as well as a timeline.

Reiter stated the Anoka County traffic engineer presented the noise area classification issue, which was a State statute. The absence of a commercial buffer zone or barrier on Viking raised concerns about potential noise impact on residential areas necessitating alternative noise mitigation status strategies.

Reiter stated he had more concerns, but these were some of his issues with the development proposal.

Hanschen stated with respect to the HOA, was that not something that was proposed by the developer to include and would they not cover snow mitigation. Balfany responded he believed that was what Reither was alluding to, but it was not detailed in the documents.

Reiter stated that usually these would be presented in the final plan, but because it was such an important part of this approval, he believed it was probably warranted to be submitted. He indicated there was such an extreme departure from the regulations.

Hanschen noted the paperwork indicated they were still waiting on a traffic study and asked for an update on that. Berg responded there was a lot of things happening and the traffic study was one of them.

Balfany noted if there was a Resolution on this, he believed it would be in the recommendations that any recommendations or concerns the City staff and the City Engineer would have to be addressed, which included any concerns with the traffic study. Berg responded the Anoka County Transportation Department had indicated they were not going to allow the City to issue any permits to any developer on this until they had approved all of their comments in the letter, but regardless of how many pages the City's comments were, they are not going to even be able to address them until they address all of comments that encompassed Viking Boulevard, the intersection at Viking Meadows and they also indicated they want to see the traffic results and none of this was going to move forward until that was done. He stated the City was not going to issue a final plat until this was satisfied and all four pages were cleaned up.

Balfany asked if it would be a fair statement to say that anything the Commission was working with tonight was under the assumption that these items being taken care of anyway, so to save time and energy he believed they should focus on what they had and moving forward with the assumption that until these things would be taken care of, or they would not be allowed.

Hanschen indicated most of the reason he brought it up was to respond to what Balfany had mentioned with respect to his concerns that were being addressed. He noted all of this was partial hieroglyphics to him, and this at least eased his mind on some of Balfany's concerns.

Reiter stated he did not like to assume that both of the engineers had a hefty list of issues that should be addressed, and he believed they were premature in approving this until some of those issues were addressed. He indicated some of the issues were very large issues that should not just get passed.

Reiter indicated he did not see an issue with potentially tabling this and letting the developer catch up with the requirements of this plan, but the concept plan was a different level than the approval of the preliminary plat. He stated preliminary was much further down and offered a lot more legal rights to the developer and he did not think they were there yet because the plan was not complete and it was missing the traffic study.

Reiter stated the City did not have a Roads Commission any longer, so now this was just going to be passed onto the Council unless that was what they wanted to do. He believed they have to have a look at that before providing a recommendation. He indicated he tried to keep his personal opinions out of this and these were the guidelines and regulations in the City's R1 Ordinance guidelines regulations.

Balfany stated he did not think it was assuming if it were clearly stated that nothing would be approved without conditions being met, so therefore it was not an assumption at that point. He indicated he was just trying to help narrow the list to keep it moving forward.

Johnson stated she believed Reiter had some valid concerns and the Minutes of the meeting were being taken so those concerns would be passed on. She indicated these things were typical concerns in any development and there was a lot of professionals that were working on this, so she personally did not see a reason to slow it down, but she did believe Reiter's concerns were valid and should be addressed.

Balfany indicated the developer could address some of the concerns also and was available tonight. He noted again that the Planning Commission was not the final say in this, and it was part of the Commission's job as an advisory committee to make sure they were doing due diligence to make the best recommendations as they saw fit, but the City Council would make the final decision on how they wanted to look at this.

Balfany stated the "road thing" got to him but felt it would be addressed. He indicated he had some of his own opinions on some of the items Reiter brought up, but the developer was in attendance who could address some of those concerns.

Reiter stated he would be very concerned about having his kids run around in the neighborhood with that much traffic without a parkway or a two-lane boulevard with a median in the middle. He indicated that might be more reasonable than a single two-way street with 1000 trips per day. He noted that was only in the middle and they were looking at a right-hand turn only egress which they probably want to prevent because that was going to be sent over to Greenbrook. He believed the comments from the City Council when they asked why would they be looking at what was going on at Viking over by the Fire Department when that was so far away while this development was sending traffic over that way because they can only have a right-in-right-out egress on their secondary access point.

Reiter indicated he believed the other one on Sandhill was probably going to be where everyone went because no one was going to want to turn right. He stated they were going to want to go out and get to the highway so they were looking at potentially 2,700 cars per day coming in and going into that intersection, which seemed pretty excessive to him. Berg stated the City did have an obligation to improve the intersection at Sandhill Parkway and Viking Boulevard by the end of 2025. He stated as part of the connection with that project, they signed a Joint Agreement that they would not necessarily reconfigure but add an additional bypass lane along with some other items to that intersection based on the requirements of the County Engineer to make that safe enough for traffic. He noted it also mentioned in the comment letter from the traffic engineer from the County that a plan had to be in place in and had to work simultaneously so there was some obligation on the City to get that done as well within the comment letter.

Terry stated he was concerned about the length of the cul-de-sac without any other option other than going halfway through the development to exit. Berg responded the cul-de-sac of concern was a temporary cul-de-sac. He noted the City's Ordinance required that undeveloped land had to be made available for a future connection.

Plaisance asked if they "gave it a pass" because they knew it was going to be connecting to another development. Berg noted when they looked at the Bear Hollow request for a variance where that street ended in a cul-de-sac which was over a mile, and there was future expansion built in that one which

would probably never happen. He noted the City had over 200 cul-de-sacs and when he spoke with the City's Public Works Director, there was a lot of that that, if they measured, probably did not meet the City's Ordinance based on the way the land was laid out, so it was not uncommon to have a cul-de-sac or a street that ended on undeveloped property. He pointed out on the map how people could enter and exit if they were blocked off from getting out in the event of an emergency. He stated that would not be open all of the time and the developer and City requested there be some form of a barrier put up, which could be removed for emergency purposes.

Terry asked why they did not want to have that continued. Berg responded there had been feedback from the neighborhood where they asked that there not be a connection street in which they felt the pushback from the neighborhood was warranted and the City decided to make it an emergency only access.

Reiter noted they would have to put a stoplight on Greenbrook as there was a blind corner there. Berg responded there was also another consideration as the corner was very difficult to navigate to get back out on Greenbrook from that location if a volume of traffic was traveling that way. He indicated in an emergency situation, the City could always stop traffic to allow cars to evacuate if needed.

Hanschen asked with respect to the commercial development he believed at one of the Council meetings comments had been made about an outlet on the northwest corner. He asked if that had been something that had been discussed more extensively. Berg responded in 2018 Kwik Trip was intent on building their location at this site, but they ended up with a better deal down the road. Reiter believed Kwik Trip's plan were probably hampered due to the peat deposits behind there.

Johnson asked how many businesses could go on the 15 acres. Berg responded it depended on how big the business was. He noted the City did have design standards or lot sizes for their commercial development. He indicated with the availability of sewer and water at that location and 23,000 sq. ft. is a quarter of an acre in size, so conceivably a quarter of an acre divided by 60. He indicated he did not believe that whatever happen that way though unless someone could figure out a way to "sardine them in there."

Berg stated there was also peat and wetlands there and any remediation would require State permitting. He indicated there was no way to have a final answer without any soil research.

Matt Barker, Capstone, reviewed where they have been over the past eight month.

Mr. Barker stated there had been a question as to why this was R1. He noted this was actually R1 and mixed use, which meant they had to follow the standards of R1 and R2, which took their lot sizes from what they originally proposed to increase to meet the R1 and R2 standards.

Mr. Barker indicated there was also a comment about the study that looked for endangered species, which has been done. He noted what had been approved as a concept was what was coming before the Commissioners now. And the only thing that changed was when they got into stormwater development. He indicated water runoff would go into the ponds where it would be treated. He indicated there was a private ditch system that had been created and managed.

Mr. Barker stated there was now ten acres of park space that was going to come to the City as well.

Mr. Barker pointed out the areas where there would be green space that would require the HOA to maintain. He noted there was no snow removal or lawn service for the individual lots and residents would be responsible for maintaining their own driveways. He indicated they also had some recreational private space which the HOA would manage. He stated the HOA structure was very sound within their company.

Mr. Barker stated there was also a setback differential between R1 and R2. In R1 there was a 30-foot setback and in R2 there was a 25-foot setback. He explained the comments made about the narrow lots and the setbacks on those lots.

Mr. Barker stated with respect to the traffic study there had been a lot of meetings over the last several months with the County trying to figure out exactly how they want to see their highway managed. He indicated the County wanted to make sure that the Joint Powers Agreement they have on Sandhill was followed through by 2025. He indicated the County also had some initial comments that was directed towards the right end on Viking Boulevard and moving traffic to Sandhill Parkway because Sandhill Parkway had just been developed and expanded to manage traffic so that Sandhill Parkway had become the focus to move traffic to the full intersection at Viking Boulevard. He indicated the traffic study was also looking all of the intersections and they were confident that the study was going to come back with supporting evidence that there was not going to be a negative impact, but rather an improvement. He stated there was also continued planned improvement for a lot of the areas that are really going to help buffer some of the traffic concerns. He indicated the traffic study would come before the Council for them to see and review as they get into their review of the project.

Reiter noted there is an issue with snow maintenance and that a dump truck would need to haul the snow out of there because there was no where to push it.

Reiter stated Capstone could not mix and match what they were doing – take R1 rules and apply them to the R-2. Mr. Barker responded they were not doing a mix and match and they were using R1 for the R1 homes. Berg indicated the other overarching component was that the planned unit development standards allowed for design flexibility for more desirable elements.

Berg pointed out Viking Preserve as another planned unit development in the City that was approved a few years back, and this one was in a very similar location in the MUSA area. He noted design flexibility was allowed and the Council had to help define what those standards were.

Balfany stated this was the whole purpose of a PUD to begin with, which was a compromise.

Johnson stated she believed that was really a big basic point was this is a PUD and there was flexibility.

Mr. Barker indicated their goal was to meet the R1 and R2 standards with their plans and it was their hope to have a plan that was conducive to the current zoning standards of R1 and R2 throughout the entirety, but they also wanted to make sure to create some transition.

Reiter stated he was not against development of this property, but he believed this was seriously over developed and exceeded the City's guidelines in multiple ways which would get them going in the wrong direction on the Comprehensive Plan and the mixed uses. He indicated they were going to be giving up 19 acres commercial space on a road that they just built, as well as putting in too many offices communities. He stated it was up to the Council to make that decision.

Commissioner Reiter moved for denial of the proposal. Motion died for lack of a second.

Commissioner Johnson moved and Commissioner Hanschen seconded to recommend approval of the Preliminary Plat of Viking Meadows for the property legally described in the Resolution.

Balfany asked any discussion?

Plaisance asked when this gets built out, at what point will the parks be transferred to the City. Berg responded it was his understanding that as the development progressed, the park system would match the areas that get done and the City would take over those as they were finished off. He indicated he assumed the infrastructure was going to come in, they were going to put in the main roads, and then start in different locations.

Plaisance asked if the ponding would have been developed before it got turned over to the City. Berg responded yes, and the Parks Commission had agreed to \$1,500 per house and that money could be put into the parks budget to be reused back in the community for upkeep, maintenance, additions, and other amenities but it would be specifically in this community. He noted there was a private HOA managed green space that the City would not have any responsibility to do anything for. He indicated that area would be maintained by the developer or the property management group that was dealing with the HOA.

Mr. Barker stated the plan was to definitely have a phased development and as was stated, as they get to components or portions of the development some of it would come to the City while others would stay within their own planning. He indicated this would be done in phases. He noted this had not yet been defined as they needed to get through the first step of getting a Preliminary Plat approved and then they will start working out what their phasing would look like as they went through them.

Reiter stated he wanted to submit his comments and notes for the Minutes because he was sure people were looking for some written comments. (See Attachment)

Balfany stated it was his impression that this area was not being overdeveloped and he knew there were a lot of residents asking for some commercial businesses to come in. He acknowledged this was one step at a time to get there and they do not always get to pick and to decide what moves forward. He believed they were doing their due diligence in this matter. He believed the developer had done an excellent job and worked with the residents and the City well.

Reiter asked for a fiscal impact study because he believed that a lot of these discussions and recommendations were being driven on the WAC/SAC opportunity and he saw a lot of liabilities in this with those ponds and pond maintenance.

Reiter inquired about insurance on the ponds. He asked what would happen if a child fell in and drowned. He asked who would be responsible for that since the City owned the property. He inquired about the snow removal and hauling. He believed these were all valid concerns and \$258,000 in tax revenue for the City and a \$1.3 million WAC/SAC might not justify this. He believed the fiscal impact of what was being proposed was going to be very significant on the City. He asked for an ecological impact study as well on the sell side rural wells. Berg stated the developers had already done environmental assessments and if Reiter wanted to see them he could come to his office. He indicated the City Engineer would review them all before anything moved forward.

Balfany asked if there were any other questions or discussions. To the motion, all in favor say aye. **Plaisance, Hanschen, Terry, Johnson, and Balfany.** Balfany asked any opposed? **Reiter.** That motion passes. **Motion passes 5-1.**

Commissioner Johnson moved and Commissioner Hanschen seconded to recommend approval for the planned unit development of Viking Development for properties legally described as in the Resolution. Hanschen legally described in the Resolution. Balfany asked any discussion?

Reiter stated that the purpose of the planned unit development in Section One were going to be a pattern of development which preserved natural vegetation, topographic and geologic features. He indicated this plan proposed digging up 40 acres and moving it to the other side of the property. He noted the tree plan basically had seven of the old growth trees on the property and the rest was going to be a complete clear cutting. He stated this very clearly went against the guidelines.

To the motion, all in favor say aye. **Plaisance, Hanschen, Terry, Johnson, and Balfany.** Balfany asked any opposed? **Reiter.** That motion passes. **Motion passes 5-1.**

This item goes before City Council on December 11, 2023.

5.0 Updates

Council Liaison DeRoche updated the Commission on recent Council actions.

Plaisance stated that it had been his commitment over many years to support the City to the best of his ability, and centered on that principle was his absolute dedication to principles and ethics. He indicated he had been very clear that he would not compromise on any perception that would cross that line. He stated it had become clear to him that he could no longer allow his name to be involved with conduct that in his view, was detrimental to the principals he held dear. He stated he was humbly submitting his resignation from the Planning Commission effective immediately and he would continue to have an open door to support the City. He indicated it had been his honor and he wanted to thank all of the residents for the opportunity to serve.

Balfany thanked Plaisance for his time and dedication for the last 15 plus years in the City. He indicated he could not say enough good things about him. He wished him the best of luck in any and all endeavors moving forward.

Johnson stated this distressed her a lot and she was sorry to see Plaisance go.

Reiter stated that while they do not always agree on things, he found Plaisance's insights good and that Plaisance was committed to his principles. He stated he appreciated Plaisance, even though they did not agree on many things.

Terry stated that this was a "little bit off the wall," but he wanted to say sometimes when Plaisance brought up Rules of Order and such...when they table something that meant that they were putting it away for a later time, but in the Roman period table meant to present the topic. He acknowledged this probably had nothing to do with anything, but he thought it was an interesting point since Plaisance was really up on the Rules of Order.

Johnson stated she appreciated Plaisance's knowledge of the Rules of Order.

6.0 Adjournment

Commissioner Plaisance moved and Commissioner Johnson seconded to adjourn at 8:50 pm.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.

Attachment One: Reiter's written comments and notes

Attachment Two: Commissioner Plaisance's resignation