

**5.03: Public Hearing: Consider Conditional Zoning Amendment to Planned Unit Development for proposed Plat known as Northfork Meadows located near Puma Street and Alpine Drive; Case of Paxmar (Project No. 17-126).**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 7:24 p.m.

**Presentation**

Community Development Director Gladhill presented the staff report stating the purpose of this case is to consider a recommendation on a Zoning Amendment for R-1 Residential (MUSA) to Planned Unit Development. The Planning Commission has reviewed this project on multiple occasions. The current proposal has been modified by the Developer in order to address comments received by the Public, Planning Commission, and City Council. Key issues at that time included, but were not limited to the following.

1. Density Transitioning
2. Reliability/Consistency of the Comprehensive Plan

Community Development Director Gladhill explained the original concept has undergone Sketch Plan Review with the Planning Commission. The Planning Commission outlined a number of concerns indicated in the attached minutes from June 13. The City then held a public workshop on August 3, 2017. A follow up workshop was scheduled to be held on Thursday, October 12.

Community Development Director Gladhill reported the original proposal was classified as a medium density residential development (4-7 units per acre). This area is guided as low density residential (2-4 units per acre) in the City's Comprehensive Plan. The original proposal would have required a Comprehensive Plan Amendment and a Zoning Amendment. There were subsequent revised concepts prepared and reviewed.

Community Development Director Gladhill indicated the current proposal has been modified in an attempt to remain in the low density residential category. This is the fifth revised concept prepared by the Developer. The gross density is 3.69 units per acre. However, the City (and Metropolitan Council) calculate Net Density, which would subtract wetlands from the net buildable area. Staff has requested this calculation, as the net density appears to be close to the maximum density allowed within the low density residential classification. Finally, the proposal still requires a Zoning Amendment to Planned Unit Development (PUD). While the density of the current concept is within the range of the Comprehensive Plan (planning/visionary document), the actual proposed lot sizes and lot widths are deficient of the minimums required by the Zoning Code (official controls/implementation tool) for the R-1 Residential (MUSA) District. Said Zoning District does allow density up to four (4) units per acre with the use of a PUD.

Community Development Director Gladhill reported the City has significant discretion in review of this project. Since the project requires a Zoning Amendment, the City is not obligated to approve

and the Developer must demonstrate a compelling reason to approve the change. This results in a higher standard of review compared to projects that meet all minimum standards of their respective zoning district. Finally, since the concept has changed significantly from the original proposal when the current set of public comments were received, Staff has removed these comments from the agenda packet and is re-setting the public hearing and public comment period.

### **Citizen Input**

Chairperson Bauer commended the neighbors and developer for working together on this proposal.

Commissioner VanScoy asked if the greenway could be marked on the site plan.

Community Development Director Gladhill reviewed the location of greenway on the site plan with the Commission noting it would continue to the south and east. Further discussion ensued regarding the trail within the proposed project and surrounding area. It was noted no dead-end trail segments would be created.

Commissioner Brauer questioned how many lots could be within this development if the developer followed the R-1 zoning requirements.

Community Development Director Gladhill stated this would be approximately 70 lots.

Commissioner Surma inquired if the proposed project layout was more acceptable to the adjacent homeowners than was previously discussed.

Community Development Director Gladhill commented he did not want to speak for the adjacent homeowners. He encouraged the Commission to take comments from the public. He stated it was his understanding that the neighbors have reached a compromise with the developer.

Commissioner Surma asked if the developer supported the proposed project design.

Community Development Director Gladhill reported the developer did not support this design.

Allen Roessler, Paxmar, thanked staff for the thorough presentation. He reviewed the steps that he had gone through to date and commented on how the project plans have changed from 150 units down to 97. He believed the trail corridor and landscape buffer was addressing the neighbors' concerns. He explained that if the project were only 70 units within the development, he would not be pursuing the project as it was not economically feasible.

Commissioner VanScoy requested further information regarding the landscaping buffer.

Mr. Roessler commented on the proposed landscaping berm and noted the property owner was proposing to donate the greenway to the City.

Commissioner Nosan asked if the properties on the north side would have a transition space.

Mr. Roessler explained the road would provide a natural buffer and no additional plantings were being proposed.

Commissioner Nosan stated she would like to see a row of trees along this roadway.

Val Kruger, 15210 Kangaroo Street, thanked the Commission for raising interesting questions. She commented on the process this development has taken and was pleased to learn that the City had a choice in the matter. She was pleased the neighbors would not have to compromise given the fact the property was zoned R-1. She fully supported the proposed development having 80-foot lots.

Leslie Clark, 15150 Kangaroo Street, stated she would prefer 80-foot lots. She stated she was willing to compromise with slightly smaller lots, but she wanted to see the greenway remain in place.

Michael Altimari, Hagman Holding (landowner), thanked staff for their work on this project. He stated he appreciated the collaboration efforts between the City, the developer and the neighbors. He explained the developer has made it clear this project would not work with only 70 lots. He reported he was willing to donate the greenway space to the City in order for the parkway to be completed. He encouraged the City to continue to work with the developer in order to reach a compromise for this property.

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Brauer, Gengler, and Nosan. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 8:06 p.m.

### **Commission Business**

Motion by Commissioner Anderson, seconded by Commissioner Nosan, to recommend that City Council approve the Conditional Zoning Amendment to Planned Unit Development, conditioned upon substantial compliance with the Sketch Plan dated September 18, 2017.

### **Further discussion**

Commissioner Brauer stated he was a person of principle and noted he was a first generation American. He explained his grandfather put together a coalition that opposed Hitler and was sentenced to death in 1933. He was told that was the best he could get. He expressed frustration that all he has heard from the developer were financial concerns and noted the Comprehensive Plan has never been changed in the past for this reason. He believed that this development was not the best it could be. He reported he has been on the Planning Commission for the past 16 years and he has made a promise that this property would remain R-1.

Community Development Director Gladhill explained the City does not have to amend the Comprehensive Plan for this development, however, a Zoning Amendment was required.

Commissioner Brauer thanked staff for their hard work on this development.

Commissioner VanScoy understood that a PUD was needed for this development and noted the greenway portion of the project would greatly benefit the City. However, believed the proposed transition was still inadequate. He recommended more be done for this portion of the project.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Gengler, and Nosan. Voting No: Brauer, Surma and VanScoy. Absent: None.

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