

Regular Planning Commission

6. 1.

Meeting Date: 06/03/2021

By: Chris Anderson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Preliminary Plat and Variance for Williams Woods (Project No. 20-138); Case of Bill Boyum

Purpose/Background:

The City has received an application from Bill Boyum (the "Applicant") for a Preliminary Plat and Variance for a nine (9) lot subdivision involving six (6) total parcels all affiliated with 7363 175th Avenue NW (the "Subject Property"). The Planning Commission previously reviewed concept plans for the Subject Property in December, 2020 (this included a 9-lot configuration and a 19-lot configuration), and a formal Sketch Plan in April, 2021. Furthermore, the City Council reviewed the concept plans in January, 2021 with general support for the nine (9) lot concept.

Notification:

The City attempted to notify Property Owners, as reflected in the Anoka County Property Records, within 700 feet of the Subject Property of the request.

Observations/Alternatives:

General Background Information

The Subject Property is approximately ninety-four (94) acres in size. Aside from a roughly 160 foot stretch along 175th Ave, the Subject Property does not border any public roads. Thorn Lake and associated wetlands sit to the west, as does a public park (Caroline Acres Park) and a residential neighborhood with lot sizes ranging between about one (1) acre to two and a half (2.5) acres. North and east of the Subject Property are larger lot, residential properties (ranging from about 10 to 20 acres in size). The Preliminary Plat proposes a total of nine (9) lots, ranging in size from approximately 3.5 acres to just over 22 acres.

There have been multiple public meetings regarding proposed development of the Subject Property, as well as a public open house (dating back to 2018). Generally speaking, participants in those public meetings stated a desire for fewer lots of larger size rather than more lots. The current proposal appears to have taken those comments into consideration.

Zoning and Land Use

The Subject Property is zoned R-1 Residential (Rural Developing) as are all surrounding properties. This zoning designation requires lots to have a minimum lot size of 2.5 acres, a minimum lot width of 200 feet (100 feet if on a cul-de-sac bulb), and to be serviced with private utilities (septic system and well). The 2040 Comprehensive Plan guides the Subject Property and all surrounding parcels as Rural Developing, which a maximum density of one (1) unit per 2.5 acres. As proposed, the Preliminary Plat complies with both the bulk standards of the zoning district as well as the Comprehensive Plan.

Natural Resources Inventory and Tree Preservation

The City's Natural Resources Inventory (NRI) identifies multiple moderate quality natural areas within the Subject Property, including both Oak Forest and Dry Prairie. Due to the limited number of proposed lots, the project has the potential to minimize impacts to these natural areas. While there will be some disturbance, it appears that grading will be limited mostly to the public road and house pad locations. Due to the oaks present on the Subject Property, any clearing activities will need to occur outside of April 15 to July 15 due to concerns with potential introduction

of oak wilt to the area.

Due to the size of the Subject Property and the limited areas of site disturbance, the Applicant had proposed limiting the tree inventory to just those designated areas of potential impact. This approach seemed reasonable and was approved with the understanding that the project must still comply with the tree preservation standards in City Code (retaining at least thirty percent [30%] of the significant tree diameter at breast height [DBH] inches on site).

Based on the submitted Tree Inventory and Preservation Plan, approximately 64% of the existing significant tree Diameter at Breast Height (DBH) inches will be preserved. Again, this only includes the trees that were inventoried (only those that were in areas of proposed disturbance), there are many more trees on the Subject Property overall, meaning that an even greater percentage of tree inches are actually being preserved.

Wetlands and Floodplain

There are both wetlands and floodplain on the Subject Property. Approximately thirty (30) acres of the Subject Property contain either wetland and/or floodplain. The floodplain is designated as General Floodplain, meaning that there has not been detailed modeling done to determine Floodway and Flood Fringe boundaries. However, as long as there are no proposed buildings within the floodplain boundary, which there are not, additional modeling is not required. Staff is working with the MN DNR Floodplain staff to verify that the proposed driveways and public road are permissible (they do cross the floodplain boundary). The developer will likely need to provide documentation that neither would create a rise of more than 0.5 feet. Additionally, the developer will also need to provide documentation that no driveway, nor the public road, will be more than two (2) feet below the Regulatory Flood Protection Elevation.

A wetland delineation has been completed. The Preliminary Plat does include the required sixteen and a half foot (16.5') wetland setback; however, it appears that the drainage and utility easements need to be adjusted to encumber these areas. There will be some minimal impacts to wetlands on some lots (Lots 3-5), simply due to needing the driveways to access buildable locations on each of the lots, as well as the public road. Wetland mitigation will be necessary and will be reviewed and addressed by the Lower Rum River Watershed Management Organization (LRRWMO).

Landscaping

Each of the nine (9) lots have existing trees that will be located between the proposed house pads and the public street. Additionally, based on the amount of trees being preserved across the Subject Property, no additional plantings would be required.

Streets and Access

The project proposes a single public road off of 175th Avenue to provide access to the nine (9) lots. Originally, the proposed road width was twenty-eight (28) feet. However, based on feedback from Staff, Planning Commission, and City Council, the plans were revised to provide a thirty-two (32) foot wide paved road section. The road terminates in a cul-de-sac with a length of approximately 1,600 feet, a paved diameter of 100 feet, and a right-of-way diameter of 130 feet (the dimensions of the cul-de-sac bulb itself comply with City Code). City Code limits cul-de-sac length to no more than 600 feet. Thus, as proposed, a variance for the length is required.

City Code notes that the intent with development is to connect new roads to existing street stubs or, in the instance where land is undeveloped, to provide street stubs to facilitate future development. There are no existing stub roads that connect to the Subject Property. Abutting the northwest corner of the Subject Property is Caroline Acres Park, which is accessed from 178th Lane (a cul-de-sac). However, this is a dedicated park and while there is a process to undo that dedication, it time consuming and complex. Furthermore, during the Sketch Plan review, multiple property owners from that neighborhood opposed not only making that road connection but also eliminating the park. In addition, the northern portion of the park area is mostly wetland and the park only has forty (40) feet of frontage along the cul-de-sac. Thus, making this road connection would require at least partial acquisition of one of the two adjacent residential properties (to accommodate a right of way width of sixty-six [66] feet) and result in additional wetland impacts.

It could be possible to provide a corridor (in the form of an outlot deeded to the City, a permanent road easement, or

dedicated right of way) to the east, between Lots 8 & 9 and/or over the southern portion of the Lot 7. While this may provide a potential opportunity for future development to the east, due to existing wetlands, it still seems unlikely that a connection to another public road could occur. This is not included in the currently proposal.

There is a forty (40) acre parcel west of the Subject Property that is presently landlocked. That property owner has requested a sixty (60) foot wide corridor be reserved and extended to this parcel to eliminate the landlocked status. The southwestern portion of the Subject Property has a lot of wetland area, making any sort of future road connection to the west very challenging. It appears that the forty (40) acre parcel is entirely wetland and would not be considered as buildable land. The Preliminary Plat does not include the requested corridor.

Public Safety staff (Police, Fire, and Public Works) have reviewed the request. With the road width increased to thirty-two (32) feet, Public Works has indicated support for the proposed layout. Fire Staff has stated that their preference would be for a connection to an existing public street or a reduced cul-de-sac length; however, they have noted that with the increased road width (to 32 feet), this would be functional and workable. Police Staff do not support the project as proposed due to a single point of access and the length of the cul-de-sac.

Variance Request

As noted, the project proposes a cul-de-sac length of approximately 1,600 feet, which requires a variance. A three (3) factor test to determine practical difficulties must be considered when contemplating a variance:

1. **Reasonableness** - The project does appear reasonable as it is proposing nine (9) total lots over ninety-four (94) acres of land. There is only limited access to an existing public road (about 160 feet), which eliminates the opportunity to create a second access point without impacting wetland, putting a road through a dedicated park, and at least a partial acquisition of one of the adjacent, existing residential parcels.
2. **Uniqueness** - There are unique conditions applicable to the Subject Property. There is limited existing road frontage to access the Subject Property. The project is attempting to minimize impacts to existing natural site conditions (wetlands, flood plain, tree cover). Adding additional roadway to create a 'loop' would increase impacts to wetlands and tree cover while still not creating a second access point. Connecting to 178th Lane is not feasible as outlined above in #1.
3. **Essential Character** - The proposed subdivision would not alter the essential character of the neighborhood. In fact, the project includes far fewer lots than would be allowed by City Code. The current configuration has the least impact to existing site conditions and includes lot sizes more compatible with surrounding properties.

Alternatives

Variance

Alternative 1: Motion to adopt Resolution #21-155 granting a variance to cul-de-sac length. While the length of the proposed cul-de-sac more than doubles what City Code allows, the project is only proposing nine (9) lots when, based on the acreage, more than thirty (30) would be possible. This layout minimizes impacts to wetlands and tree cover, avoids impacting an existing park, and eliminates the need to potentially acquire a portion of another existing, residential lot to make a connection to 178th Lane NW.

Alternative 2: Motion to deny the variance. It appears that this project does meet the 'practical difficulties' statutory standards. Based on existing conditions on the Subject Property and surrounding areas, it does appear that the proposal is reasonable, that there are unique conditions, and that it would not alter the essential character of the locality. If the Planning Commission does not support the variance, Findings of Fact should be developed to document the denial. Furthermore, this would require modifications to the preliminary plat, which would then need to be reconsidered by the Planning Commission.

Preliminary Plat

Alternative 1 (*Assuming the variance is approved*): Motion to recommend City Council adopt Resolution #21-156 granting approval of the Preliminary Plat for Williams Woods. Approval of Preliminary Plat grants entitlement to the project as long as the Final Plat substantially matches the Preliminary Plat. The with the exception of the cul-de-sac length, the proposed project complies with all bulk standards for the R-1 Residential (Rural Developing) District.

Alternative 2 (*Assuming the variance is approved*): Motion to recommend City Council adopt Resolution #21-156 granting approval of the Preliminary Plat for Williams Woods with the following modifications: Provide a 66 foot wide corridor to the 40-acre parcel to the west to ensure potential future access and/or provide a 66 foot wide corridor to the abutting property to the east, both with the requisite area for a cul-de-sac bulb. While Staff does not necessarily oppose this action, due to wetlands and existing residential homes, neither would likely result in a second access point to this neighborhood.

Alternative 3 (*Assuming the variance is denied*): Motion to recommend City Council deny the Preliminary Plat. If the variance is not approved, the Preliminary Plat, as proposed, could not be approved either. This would require modifying the Preliminary Plat with a compliant cul-de-sac, which would then required another Public Hearing and review by the Planning Commission. The proposed subdivision appears to address comments that the public have made (dating back to 2018 and as recently as April, 2021) regarding number of lots and minimizing impacts to natural resources.

Funding Source:

All costs associated with this request are the Applicant's responsibility.

Recommendation:

Based on discussion/Planning Commission Action on Variance. Previous Council Direction recommends approval of both the Variance and the Preliminary Plat.

Please note that Staff's Recommendation includes revising the proposed Street Name to match the Public Safety Grid for Anoka County.

Action:

Motion to adopt Resolution #21-155 granting a Variance to cul-de-sac length.

-and-

Motion to recommend City Council adopt Resolution #21-156 approving the Preliminary Plat for Williams Woods.

Attachments

Site Location Map

Civil Engineering Plan Set

Landscape Plan Set

Department Review Status as of May 28, 2021

Changemarks as of May 28, 2021

Planning Commission Meeting Minutes Dated December 3, 2020

City Council Meeting Minutes Dated January 12, 2021

Adopted Resolution #21-018 Supporting 9-Lot Subdivision

Planning Commission Meeting Minutes Dated April 8, 2021

Comment from Adjacent Property Owner Requesting 60 Reservation of 60 Foot Corridor

Comments from Police Chief Dated April 8, 2021

Resolution #21-155: Variance

Resolution #21-156: Preliminary Plat

Form Review

Inbox

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Date

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Form Started By: Chris Anderson
Final Approval Date: 05/28/2021

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