

7.02: Public Hearing: Review Comprehensive Plan Amendment Creating New Urban Residential Low (URL) District and Re-Guiding Subject Properties

Public Hearing

Chairperson Bauer called the public hearing to order at 7:47 p.m.

Presentation

Planning Manager McGuire Brigl presented the staff report stating that staff recommends approval of the Comprehensive Plan Amendment.

Chairperson Bauer asked if in order to provide City services, the City would need to be at a certain level not only for the parcels but city-wide.

Planning Manager McGuire Brigl confirmed that in order to stay on the Metropolitan Council's wastewater, the City would need to have three units per acre as a whole. She stated that the City is already close to three units per acre as a whole. She stated that this is about placing the right densities in the right locations.

Chairperson Bauer commented that it is important for the City Council to review the ability to allow smaller lots in other parts of the community in order to ensure the City does not fall below three units per acre. He stated that placing more density near The COR will allow the City to allow lesser density in other areas.

Councilmember Woestehoff commented that is something on the radar of the Council. He stated that the Council had a unanimous decision to not allow for smaller lots in the Trott Brook development. He stated that generally speaking the majority of the Council agrees that higher density and medium density should remain around The COR.

Commissioner VanScoy asked why there are issues with density. He asked if this is net density.

Planning Manager McGuire Brigl confirmed that it is net density.

Commissioner VanScoy asked the issues with this development, at it would seem that if the areas of parks and wetlands are excluded, they would only be looking at developable land.

Planning Manager McGuire Brigl replied that when calculating density, the Metropolitan Council allows exclusion of wetlands and park but roads, wetland buffers, easements, density transitioning, and those types of items are not allowed to be excluded from the density calculation. She explained that because of that formula, with quarter acre lots, the City is not meeting four units per acre. She stated that Andover ran into the same issue. She stated that this is a large site which requires more ponding, and the layout is odd because of wetlands and related buffers. She stated that there is also the density transitioning buffer and pinch points at both sides of the development. She stated that because of those site constraints they are not able to meet the density requirements. She stated that this site and the North Brook Crossings site will also not meet the density requirements.

Commissioner VanScoy asked how many of these sites can be approved before the City does not meet the density requirements of the Metropolitan Council.

Planning Manager McGuire Brigl commented that the City completes plat monitoring each year to review the overall density. She stated that the City would allow more of these developments but would have to provide denser development in other areas to offset. She stated that the City cannot continue to allow sewer development less than three units per acre. She noted that Riverstone South will provide the City with a bump in terms of density. She noted that continued development in The COR should allow the City to continue to allow more rural development in other areas.

Commissioner VanScoy asked if a variance could be used rather than a Comprehensive Plan Amendment.

Planning Manager McGuire Brigl commented that a Comprehensive Plan Amendment would be necessary in order to comply with the Metropolitan Council. She noted that the alternative would be to allow smaller lots in order to increase the density.

Commissioner VanScoy expressed concern with the future impact of the amendment as written. He commented that some of the measures are subjective, which is a concern.

Planning Manager McGuire Brigl commented that in order to use this, an applicant would need to request a Comprehensive Plan Amendment based on the criteria and the decision would then be of the City Council and Metropolitan Council. She stated that even though some of the language may seem subjective, it is the same language within the variance criteria. She stated that the areas where this could be used need to be mapped and that has been done very narrowly only incorporating the two properties where the City would like to use this.

Commissioner VanScoy referenced the required density of three units per acre and asked if a unit could be an apartment or townhouse.

Planning Manager McGuire Brigl confirmed that to be true.

Commissioner VanScoy referenced the current moratorium that the City Council has on high density residential for City owned property within The COR and commented that would seem to create a potential issue.

Planning Manager McGuire Brigl commented that if this passes tonight, the City would still be over the three unit per acre threshold. She stated that apartments typically come in around ten to 15 units per acre which does help to boost the City's density calculation. She stated that if the City Council wanted to allow the City to seek development of apartments that would help the density calculation but commented that is not a need at this time. She noted that there is available land within The COR that could be developed into apartment buildings that is not City owned.

Commissioner VanScoy commented that part of the issue that drove the development of The COR and its density was to allow the City to develop while maintaining its rural character.

Chairperson Bauer commented that he believes that a buffer should be created to prevent the City from dipping below the three units per acre threshold. He asked if an applicant could meet two criteria to apply.

Planning Manager McGuire Brigl confirmed that an applicant could apply for a Comprehensive Plan Amendment if two of the criteria are met.

Commissioner Dunaway stated that he has a similar concern with the proposed language, noting that E and F are very similar in meeting a threshold. He asked why similar criteria were added. He stated that if only two criteria are required, if an applicant met E, it could most likely also meet F.

Planning Manager McGuire Brigl provided clarification noting that the intent was related to existing rural residential development. She suggested merging E and F into one criteria.

Commissioners VanScoy and Dunaway confirmed that they would prefer to merge those items.

Commissioner Walker commented that the City Council has stated that it does not want smaller lots in this area. He stated that only two options are provided, and he does not like either option. He stated that he was told that once there is an open development case, the Comprehensive Plan and/or zoning could not be changed, yet here is a request to change both. He asked if this would be a great time to try to come up with a compromise to have larger lots on the outside and smaller lots on the inside to create the desired density.

Commissioner VanScoy commented that was the initial proposal.

Commissioner Walker disagreed and believed that the original proposals included 55-, 65-, and 75-foot lots. He commented that there has never been a compromise for the existing residents and asked if this would be the perfect time to provide larger lots on the outside of the development. He stated that if the density could be increased, the Comprehensive Plan would not need to be changed and everyone would get what they want. He stated that he would not even say full acre lots on the border, although ideally that would be preferred, but stated perhaps 120 foot lots are placed on the border to protect the existing residents. He noted then perhaps 70 or 65 foot lots are placed in the middle of the development.

Planning Manager McGuire Brigl commented that they did review that option with the applicant and even with larger lots they cannot get over the density threshold. She stated that the Preliminary Plat has already been approved and therefore the discussion tonight is related to density and whether the Commission would support the Comprehensive Plan Amendment. She noted that the alternative would be to amend the zoning to allow smaller lots to meet the three units per acre threshold of the Metropolitan Council and the City Council has already stated it will not support that option. She stated that if nothing is done, that would be considered a taking and therefore these are the only two options to consider at this time. She stated that staff supports the lower density as that is desired by the existing residents and City Council.

Councilmember Woestehoff acknowledged the comments of Commissioner Walker. He stated that this is paperwork to a certain extent as the plan has not changed from what was approved and is something required by the Metropolitan Council at this time. He commented that the Metropolitan Council provides a huge cost savings to the City even just in terms of sewer. He noted that the only way to meet the density threshold on this site with one acre lots on the outside would be to have an apartment building on the inside, which would not be approved.

Commissioner Walker asked what would happen if the Comprehensive Plan Amendment were not approved and the zoning were not changed to allow for smaller lots.

Planning Manager McGuire Brigl replied that the City could not grant the sewer permit to the final project and the City would get sued. She believed that the option of lesser lots should be chosen to benefit the existing residents.

Citizen Input

Jeff Uecker, 17121 Variolite Street, commented that this meeting seems pointless as the City Council has already approved everything and is not going to go back and change what has been done. He expressed frustration in the process and wanted to continue to express his opposition. He stated that there was one lot that could have been rezoned in an area where no one lives and stated that could have been rezoned to allow the additional lots in the density calculation. He stated that the residents have always been told that the density would remain in the town center to maintain the rural feel and yet this development destroys the rural feel. He noted that the park has always been sold to the residents as an amenity, but it recently was discovered that the park would have a price of over \$1,000,000 and would come with an event center. He stated that while he would ask the Commission to do something, it seems pointless.

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

A roll call vote was performed:

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| Commissioner Peters | aye |
| Commissioner Gengler | aye |
| Commissioner Walker | aye |
| Commissioner Anderson | aye |
| Commissioner VanScoy | aye |
| Commissioner Dunaway | aye |
| Chairperson Bauer | aye |

Motion Carried.

Chairperson Bauer closed the public hearing closed at 8:25 p.m.

Commission Business

Commissioner Walker commented that the more he thinks about this, the problem was created in 2011 when the City decided to place this property in the MUSA district. He stated that time should have been spent determining the density that could be created before the rezoning occurred. He stated that he is frustrated as this is an action he was told could not be done.

Motion by Commissioner Dunaway, seconded by Commissioner VanScoy, to recommend that City Council adopt the Comprehensive Plan Amendment, combining points E and F into one.

A roll call vote was performed:

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| Commissioner Anderson | nay |
| Commissioner VanScoy | aye |
| Commissioner Gengler | aye |
| Commissioner Peters | aye |
| Commissioner Dunaway | aye |
| Commissioner Walker | nay |
| Chairperson Bauer | aye |

Motion Carried.

DRAFT