

Motion by Commissioner Anderson, seconded by Commissioner Hunt, to approve the consent agenda as presented.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Hunt, Gengler, Peters, and VanScoy. Voting No: None. Absent: Commissioner Walker.

## **6. PUBLIC HEARINGS**

### **6.01: Public Hearing: Consider a Sketch Plan, Preliminary Plat, and Variance to Minimum Lot Size for Cedar Acres (Project #22-136); Case of Tom Dehn**

#### **Public Hearing**

Chairperson Bauer called the public hearing to order at 7:02 p.m.

#### **Presentation**

City Planner McCann presented the staff report stating that staff recommends approval of the variance to minimum lot size as well as the Sketch Plan and Preliminary Plat for Cedar Acres.

Chairperson Bauer asked and received confirmation that the drainage would be proposed south of the cul-de-sac and the cul-de-sac would then line up. He asked if the proposed cul-de-sac would be at the same elevation as the partial cul-de-sac that exists.

City Planner McCann stated that it would appear to be about the same elevation.

Chairperson Bauer referenced the property to the north and asked if that is vacant.

City Planner McCann replied that there is a home on that property.

Planning Manager Larson provided additional details on the elevations.

Commissioner VanScoy referenced the low area designated as stormwater and asked if that is wetland.

City Planner McCann replied that there is not verification but believed it to just be open land and not wetland.

#### **Citizen Input**

Tom Dehn, applicant, commented that the water from the cul-de-sac would go south to the retention area. He noted that they previously considered connecting to the Lennar development which would have included a request to include the property in the MUSA but instead have submitted a request for rural subdivision. He commented that they have verified that there are no wetlands on the site.

Chairperson Bauer referenced the two proposed lots on the south side and asked if those align with Lennar or the fire hall.

Mr. Dehn believed that those align with Lennar. He stated that the existing home on the property aligns with the fire barn.

Chairperson Bauer asked where the water from north of the cul-de-sac would go.

Mr. Dehn replied that he did not ask his engineer that question but noted that his engineer was confident that all the water would flow south.

Commissioner Peters stated that there was a case recently where development was proposed but the cost to connect to City services would have been so extensive that it was not required. He noted that this project is very close to City services and asked if that would be an issue.

City Planner McCann replied that the property is zoned and guided rural developing and therefore the property only allows for private utilities.

John Statton, 8050 152<sup>nd</sup> Lane, commented that when he purchased his lot in 1986, he was told that the row of trees on the south side would be drainage for the 11 acres. He commented that about 10 to 12 years ago there was some excavating that impacted the drainage in the area. He believed that his drainage pond is currently on the area proposed for cul-de-sac.

Chairperson Bauer asked where water ponds on the property after rain events.

Mr. Statton identified the area where water pools and the path that drainage follows.

Mrs. Statton commented that they have a cul-de-sac on the front of their home and now would have one on the back as well. She asked for details on the size of the property.

City Planner McCann reviewed the size of the subject property and proposed lot sizes between the existing lot and two new lots.

Mr. Statton asked what happened to the requirement to have 2.5-acre lot size.

Chairperson Bauer stated that part of the request includes a variance for the smaller lot size.

David Hlavka, 8111 151<sup>st</sup> Lane NW, commented that this property is in his backyard. He identified the low-lying area where drainage follows. He commented that along the back of his property he has stormwater easement and on the front of his property he has utility and stormwater easement. He believed that this property also has stormwater easement along the back. He commented that years ago one foot of water was common to find within that easement, noting that it has been dryer but that is still wet. He noted that Anoka County has also dropped mosquito pellets into that area.

Planning Manager Larson replied that Metropolitan Mosquito Control handles that duty and does treat hot spots but will also respond to resident requests.

Mr. Hlavka commented that there are berms on the property to divert and slow down water. He stated that if the cul-de-sac is installed, he is concerned with the high volume of water in the springtime.

Dave Foresman, 8100 151<sup>st</sup>, stated that his main concern is the water runoff pond proposed which is adjacent to his property. He was concerned with the nuisance that could be created from the pond such as bugs, mosquitos, and snakes. He asked who would maintain the pond and where water would go if the pond were to overflow.

Mr. Dehn commented that he has not spoken with the neighbors prior to tonight and could understand their concerns. He commented that they did not just draw lines to split the lots, noting that they are working with the engineer that is also working on the Lennar project. He stated that his engineer is working with the City Engineer to develop the appropriate stormwater plans.

Motion by Commissioner Anderson, seconded by Commissioner Peters, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Peters, Hunt, and VanScoy. Voting No: None. Absent: Commissioner Walker.

Chairperson Bauer closed the public hearing closed at 7:30 p.m.

### **Commission Business**

Commissioner Gengler asked the zoning of the Lennar property to the south.

City Planner McCann replied that property is R-1 MUSA.

Commissioner Anderson asked how comfortable staff is with the engineering details, as there have been a lot of comments about water tonight.

City Planner McCann replied that in the first round of review there were corrections to the plans. He stated that new plans were received this morning and he has not heard any new comments.

Planning Manager Larson replied that the stormwater had to do with around the cul-de-sac and out, noting that the flow area is unbuildable and would not impact the lots or septic areas.

Commissioner Anderson stated that he does have concerns with the adjacent property and the impact that this development could have on drainage and pooling water. He stated that he would like to hear from engineering that the stormwater pond would work.

Commissioner VanScoy stated that there have been a lot of concerns related to drainage and ponding. He asked the process that the City uses to validate plans. He asked if the Commission would need to wait to make a decision or whether the normal process would resolve those issues.

City Planner McCann replied that the normal process would address any concerns, as engineering holds the expertise in that area, not planning staff.

Commissioner VanScoy stated that if the variance and sketch plan were to be approved, engineering would then ensure that drainage would not impact adjacent properties.

City Planner McCann confirmed that one condition of approval would be to address the concerns and comments of staff.

Chairperson Bauer asked if the variance were to be approved but the project not move forward, the smaller lot sizes would then be allowed for something going forward.

City Planner McCann noted that the variance could be tied to the approval of the plat.

Commissioner Hunt commented that he is satisfied with the answers that have been provided, noting that there are not many properties in this area holding to the 2.5-acre lot size and therefore he supports the variance. He stated that he would agree with tying the approval of the variance to the approval of the preliminary plat.

Commissioner VanScoy commented that the lot sizes proposed would be similar to all other lots in this area with the exception of the lots to the north.

Councilmember Woestehoff asked if this would be reviewed by the Lower Rum River Water Management Organization (LRRWMO).

City Planner McCann replied that the LRRWMO review would not be triggered by this request.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to adopt Resolution #22-232 Approving a Variance to Minimum Lot Size for Cedar Acres, contingent upon approval of preliminary plat and sketch plan.

Motion Carried. Voting Yes: Commissioners VanScoy, Peters, Anderson, Gengler, and Hunt. Voting No: Chairperson Bauer. Absent: Commissioner Walker.

Chairperson Bauer commented that he is not comfortable with the drainage without additional review by engineering.

Motion by Commissioner VanScoy, seconded by Commissioner Hunt, to recommend that City Council adopt Resolution #22-233 Approving a Sketch Plan and Preliminary Plat for Cedar Acres, with a real focus for engineering to consider drainage.

Motion Carried. Voting Yes: Commissioners VanScoy, Anderson, Gengler, Hunt, and Peters. Voting No: Chairperson Bauer. Absent: Commissioner Walker.