

6.02: Public Hearing: “Rum River Retreat” – Preliminary Plat and Variance Request for 17400 and 17650 Erkium Street NW (Project No. 26-106); Case of Sundance Woods, LLC

Public Hearing

Chairperson Gengler called the public hearing to order at 6:41 p.m.

Presentation

Senior Planner Anderson presented the staff report stating that staff recommends approval of both variances and the Preliminary Plat, contingent upon compliance with staff’s review comments. He noted that two written comments were received and emailed to the Commission. He stated that at the time of the Sketch Plan review, a “petition” was received identifying concerns related to traffic, emergency access, environmental/wildlife impacts, and infrastructure capacity. He explained that an EAW is only mandatory for 250 or more unattached units, and this proposal would create 15 lots (14 new units). Engineering has reviewed traffic and road capacities and did not have any concerns. Public Safety has reviewed the plans regarding access and did not have any objections or concerns.

Commissioner Musgrove comments that the custom grading is a good plan in an attempt to preserve trees.

Citizen Input

Paul Olson, 5750 177th Avenue NW, asked that the cul-de-sac be evaluated as a dead-end road, as there is no mechanism to extend the road in the future. He also noted that the Commission would need to evaluate the hardship that would make an overlength cul-de-sac necessary. He stated that the question is not whether 15 lots can be created through variances, but what could be created through reasonable use of the property. He asked that exceptions not be granted to fit a lot count, noting that the plan should meet City standards, and asked that the Commission deny the variance requests and Preliminary Plat until the applicant provides a less dense and Code-compliant proposal.

Elvis Lomosi, 17630 Cobalt Street NW, commented that he has concerns with traffic and emergency access. He noted that equipment has been sold in the neighborhood through auctions, which has caused traffic issues in the area. He commented that the neighbors have not received prior notice about this, and it is causing issues for the people who live there. He believed that construction would cause similar problems for neighbors. He asked for better coordination from the developer and communication with the neighborhood. He commented that while the plan looks practical on paper, it would not be as fluid in person.

Senior Planner Anderson replied that there is an ordinance that regulates hours of construction between 7 a.m. and 10 p.m. Monday through Saturday, and any work on a Sunday would require Council approval. He noted that the end time could be negotiated to an earlier time if needed.

Tom Dean, applicant, 11261 Fernbrook Lane, St. Francis, stated that he is not the property owner, so he did not hold the auction. He stated that he was told the last piece of equipment was removed on Monday.

Jim Steffen, 5431 173rd Avenue NW, asked for clarification on the location of lots one and two.

Senior Planner Anderson identified the two lots and explained that both lots are over 2.5 acres in size and have more than 200 feet of lot width, but each has a depth of 185 feet because of the location of the existing road easement.

Mr. Steffen asked if there would be two or three lots along Trott Brook.

Senior Planner Anderson explained that the existing home would remain and three additional lots would be along Trott Brook, noting that those are larger lots, all over five acres in size.

Mr. Steffen asked if the homes on those lots would be placed away from Trott Brook.

Senior Planner Anderson identified the potential home pads for those lots and explained that homes cannot be placed within the identified floodway. He noted that those homes would be closer to the road than the Brook.

Mr. Steffen asked if those lots would have any special considerations for the scenic overlay.

Senior Planner Anderson reviewed the related requirements for those four lots, noting that all four of those lots would meet the scenic river overlay district requirements.

Mr. Steffen agreed with Commissioner Musgrove that the custom grading would be a great idea to preserve trees. He asked if the trees within the floodway would be protected.

Senior Planner Anderson explained that those trees were not counted because they would not be touched as part of the project. He stated that when homeowners purchase a lot, there would be nothing preventing them from removing a diseased tree.

Mr. Steffen asked if there is another similar development with lots ranging from 2.5 to nine acres.

Senior Planner Anderson replied that there is rural residential development that occurs, although it is not as common as more urban developments. He referenced a recent plat along 175th Avenue which had acreage lots and received a variance for a long cul-de-sac.

Mr. Steffen asked if the mentioned petition has any relevance.

Senior Planner Anderson stated that staff feels that the points of concern raised through that petition have been adequately addressed.

Mr. Steffen commented that this is a beautiful piece of property along the Trott Brook corridor and asked that they do this right, not cut any corners, and pay attention to the custom grading and tree removal to ensure it stays a beautiful property.

Motion by Commissioner Musgrove, seconded by Commissioner Lubarski, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Gengler, Commissioners Musgrove, Lubarski, Allshouse, Cochrane, and Sanoe. Voting No: None. Absent: Commissioner Bauer.

Chairperson Gengler closed the public hearing at 7:23 p.m.

Commission Business

Commissioner Musgrove asked if the road easement is driving the size of the lots in that area.

Senior Planner Anderson stated that there is an existing road easement that runs through the property and provided information on dedications that were made as a part of a previous development. He stated that the applicant is proposing to divide that land in half, with one lot to the north and south of the dividing lot. He explained that it is not a result of a request of the applicant, but the applicant working with the existing conditions, noting that the dedicated land would become right-of-way dividing the two lots.

Commissioner Musgrove asked the reasons that could be used to deny the variance request.

Senior Planner Anderson replied that, based on the staff review and input from the City Attorney, they feel that this request would meet the practical difficulties test for a variance, as the existing road easement is in place and was not created by the applicant. He stated that shifting the line by 15 feet would result in additional tree removal, and tree removal was a top concern of the existing residents in that neighborhood. He stated that when the Commission reviewed the Sketch Plan, direction was given to the applicant not to adjust that line because it would result in more tree removal.

Commissioner Musgrove commented that she does agree with that variance, as the alternative would result in more tree removal.

Motion by Commissioner Musgrove, seconded by Commissioner Lubarski, to recommend that City Council adopt Resolution #26-187 Granting a Variance to Lot Depth for Lots 1-2, Block 2.

Further discussion

Mr. Olson asked why the cul-de-sac length was removed from the variance request.

Senior Planner Anderson stated that the cul-de-sac is considered a temporary turnaround for a potential future street. He recognized that temporary could mean one year or 50 years.

Mr. Olson commented that they just purchased the adjacent property and have no plans to sell. He expressed concern with the extended length of the cul-de-sac and believed it to be irresponsible.

Todd Blanchard, 17500 Erkium Street, commented that they would not lose more trees if the property line and road were shifted west.

Senior Planner Anderson stated that ideally, they like to center a road within the right-of-way and believed that there would be additional tree loss if the road corridor is shifted or bent. He noted that there are also significant slopes to the west.

Motion Carried. Voting Yes: Chairperson Gengler, Commissioners Musgrove, Lubarski, Allshouse, Cochrane, and Sanoe. Voting No: None. Absent: Commissioner Bauer.

Motion by Commissioner Musgrove, seconded by Commissioner Allshouse, to recommend that City Council adopt Resolution #26-188 Approving the Preliminary Plat for Rum River Retreat.

Further discussion

Commissioner Musgrove commented that the developer has tried to maintain the rural character of the lot and area, so she will be supporting this request.

Motion Carried. Voting Yes: Chairperson Gengler, Commissioners Musgrove, Allshouse, Cochrane, Lubarski, and Sanoe. Voting No: None. Absent: Commissioner Bauer.