

**APPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
MAY 23, 2023
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for May 23, 2023 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Katie West, and Dan Iverson

ABSENT: Commissioner Michael Naumann

Also Present: Fred Weck Zoning Administrator, Planning Consultant Kim Lindquist and Mayor Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Chair Lobermeier noted that usually Open Forum is a time for residents to bring up things to the Commission that are not on the agenda. He stated that he assumed many of those present tonight were here regarding Agenda Item #5, regarding a permit for apartment buildings. He explained that the Planning Commission closed the public hearing on March 14, 2023, and told the residents that if the City received large changes in the application that they would reopen the public hearing. He explained that the City feels that the new information from the applicant is very small. He stated that because he felt that the Commission had given a type of commitment for additional public comment, he would like to suggest that the residents use the Open Forum portion of the meeting if they believe there is something that has not yet been shared regarding this item. He asked that they make their comments brief and try not to repeat comments from others. He stressed that they were not re-opening the public hearing.

Rose Sundem, 25438 Heims Lake Circle, stated that based on the information that was sent out, she would like to bring up a logic check that she did not think had been brought up yet related to the hitching post comment that was made. She stated that the information says that there will be 13 resident units and 2 single level garages, but if you look at note #5, it says that they are proposing 21 parking stalls for each. She noted that she assumed that meant 21 parking stalls per building, which would equate 84 parking stalls, which averages about 6.5 cars per residence.

Chair Lobermeier stated that he believes there are 42 total parking spaces proposed which included 21 surface parking stalls and 21 garage stalls.

Planning Consultant Lindquist stated that there were a total of 42 parking spaces proposed.

Deb Thompson, 25319 Heims Lake Circle, stated that the units look like they are about 1,344 sq. ft. which is 3 bedrooms. She stated that the plans also show two ways out of each bedroom to outside. She asked how something like this could be pushed through and only have one window in 1,344 sq. ft. She stated that someone last time referred to it as the Hitching Post and she refers to it as the Hallberg Storage for Humans. She reiterated that she found it ridiculous that there was only one window for this entire space and expressed concern about property values in the

area if this moves forward. She stated that she did not understand how the City could approve putting something like this right underneath the cool City logo that says Wyoming.

Lon Erickson, 25337 Heims Lake Circle, noted that he was unable to attend the last meeting because he was out of state. He asked what use was being asked for with this application. He explained that he did not think the City or the residents could accurately reflect their opinion of it without knowing its actual use. He stated that in looking at the plans, he sees 3 bedrooms with 3 separate entrances and one small living space for each unit and questioned what type of family unit would live in that type of housing. He asked if the intent was for a criminal halfway house or a hospice type facility.

Chair Lobermeier explained that it was guided for apartments for 55+.

Mr. Erickson asked if the intent was for this to be a government assisted type facility.

Chair Lobermeier stated that the City did not know that information.

Mr. Erickson expressed concern that the City did not know if it would be used for a criminal halfway housing for individuals who are over age 55.

Zoning Administrator Weck stated that as far as the zoning goes, that information would not really matter. He stated that the applicant is proposing a 55+ apartment building.

Chair Lobermeier reminded the audience that the Planning Commission was allowing individuals to speak tonight as a courtesy because the actual public hearing had already been held.

Mr. Erickson stated that he had approached the City about purchasing this property and was told that the only way he could do it was to pay all of the taxes that were owed on the day of the sale. He stated that the day after the property was sold someone with the development came and started taking down trees that between his home and the swamp. He stated that when members of the neighborhood went out and discussed what was happening with this person, they were told that this was not a 'back room shady deal with the City' which they found to be an odd statement. He asked if the buyer paid the taxes and assessments in full on the day of the sale.

Zoning Administrator Weck stated that the City Council reassessed the property, so the payment had not yet been made, but they are all due this year.

Mr. Erickson expressed frustration that he had been told by the City when he was interested in purchasing the property that on the day of sale he would have to have a check for the full amount.

Chair Lobermeier stated that the question before the Commission tonight is whether or not to recommend approval of the proposed development. He stated that he understood that Mr. Erickson may feel that he was wronged in this process, but that is not what the Commission was here to discuss.

Mr. Erickson stated that he also wanted to comment on the architectural standards and noted that what is shown in the drawings were not any better than a Hallberg building because there is nothing pleasing to the eye. He stated that it will be located right next to the beautiful sign that says 'Welcome to Wyoming'. He reiterated that he felt the proposed buildings were not pleasing to the eye and stated that they brought to mind dog houses and, in his opinion, look worse than the storage buildings that the community is already well-known for. He stated that he thinks there are clearly still some issues that need to be looked at by the City.

Wayne Lund, 25330 Heims Lake Circle, stated that he understands that this property is zoned for 55+.

Zoning Administrator Weck clarified that it was zoned for Office Healthcare, so 55+ apartments is one of the things that it could be used for.

Mr. Lund stated that his understanding was that 80% has to be for 55 or older and asked if that

was based on the units.

Zoning Administrator Weck stated that it would be based on units and noted that it would be under the same standards as the Heims Lake development.

Sharon Morin, 25400 Farmstead Lane, stated that in the first information meeting they were told that there would not be wheelchair accessibility or handicap access and asked how they could have a 55+ development and not have those features.

Zoning Administrator Weck explained that the State building code addresses the earlier comment related to windows and also addresses how many units need to be handicap accessible. He stated that if this is approved and the applicant applies for a building permit, those items will be addressed during that process.

Julie Hinz, 25351 Farmstead Lane, stated that in the information sent out, it stated that the proposed development was to have peak traffic at 3:00 a.m. and 3:00 p.m. She asked why peak traffic would happen at 3:00 a.m.

Planning Consultant Lindquist stated that was just depicted as a general commute time and meant 3 trips during a.m. peak times, which are most likely 7:00 a.m. to 9:00 a.m.

Ms. Hinz asked if the next step in this process would be to take the application before the City Council.

Chair Lobermeier stated that the Planning Commission will make a recommendation that will be given to the City Council. He stated that he believes that this will go before the City Council at their June 6, 2023 meeting. He cautioned that while residents were welcome to attend, the City Council would not be holding a public hearing on this matter.

Ms. Thompson asked if this had already been approved.

Chair Lobermeier stated that it had not been approved.

Ms. Thompson asked who had paid for things like water level samples.

Zoning Administrator Weck stated that the developer would be responsible for those costs during the design process.

Darren Kolke, 25330 Farmstead Lane, stated that the permit application has a few things checked 'no' without any explanation. He asked if anyone had an answer on nearby property values and how they would be effected.

Melinda Deneen, 25347 Heims Lake Circle, asked how many paying tenants there would be per unit. She noted that typically for a 55+ development there is a husband and a wife or a widow or widower. She stated that she used to clean 55+ apartments and has never seen this kind of layout for that purpose. She stated that she feels it will be unsafe and did not feel this area would be the right location for this type of use.

Mr. Erickson stated that to go along with Ms. Deneen's point, when you plan this type of development, typically there needs to be transportation available for the residents. He stated that this is not on or near a bus line and does not feel it has been designed with that need in mind. He stated that he feels the City needs to get more answers from the developer as to what demographic would move into a 55+ unit with 3 bedrooms and one small common living area.

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota Planning Commission for April 25, 2023**

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER WEST, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR APRIL 25, 2023 AS SUBMITTED.

Voting Aye: Iverson, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: Naumann

2. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for May 9, 2023

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR MAY 9, 2023 AS SUBMITTED.

Voting Aye: Iverson, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: Naumann

SCHEDULED PUBLIC HEARINGS:

- 3. Conditional Use Permit for Sight-in Days Structure: C-23-003**
Location: 4648 240th Street
Applicant/Owner: Forest Lake Sportsman’s Club, Ron Westberg
Property ID Number: 21.10632.00

Zoning Administrator Weck explained that he was a member of the Forest Lake Sportsman’s Club, so Planning Consultant Lindquist would handle this item tonight.

Planning Consultant Lindquist gave an overview of the CUP request for a specific structure on the Forest Lake Sportsman’s Club premises. She noted that because it appears that many of the uses for the existing buildings may have existed prior to the City, there may be some grandfathering available. She explained that because this building would be removed, they would lose the grandfathering status. She stated that as they replace things the City would be looking at providing approvals that bring it into compliance with the legal requirements for the ordinance. She noted that the property is located in an agricultural zone with a shoreland district overlay and noted that the Comprehensive Plan has it guided for semi-rural neighborhood that recognizes the shoreland management. She noted that there are quite a few CUP standards that are appropriate for reviewing and noted that the proposed structure is just 200 sq. ft. which is slightly smaller than the existing structure. She stated that staff feels they meet the standards for issuance of the CUP and are recommending approval with the conditions as outlined in the staff report related to things like erosion control. She stated that they are planning to add electricity and an HVAC system so they will be getting permitting for those actions but are not running sewer and water utilities to the site.

Ron Westberg, Forest Lake Sportsman’s Club, explained that this structure will have small usage and will either have employees or club members. He stated that the public will not be going into this structure which is why they designed it this way. He stated that they expect that it will be used on weekends from the last weekend of September until the State deer opener which is generally the first weekend in November. He stated that they have discussed the possibility of

allowing the building to be used by members during other times of the year in order to socialize with each other or get out of the elements, but that had not yet been approved by the Board. He explained that the actual request is for a building to be used primarily as a check-in facility.

Chair Lobermeier stated that he has been there many times and noted that he would miss the old structure.

Commissioner West asked why they would tear down the old structure because it is so cool.

Mr. Westberg explained that they were concerned because it is rotting away at the base. He noted that when you spend time in it during the fall months, you end up sharing quarters with squirrels and mice.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO OPEN THE PUBLIC HEARING AT 7:30 P.M.

<i>Voting Aye:</i>	<i>Iverson, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>Naumann</i>

Mr. Erickson stated that this proposal looked better than the proposed apartment buildings that were discussed during the Open Forum.

Duane Sellman, 25353 Esquire Boulevard, stated that he shared a border with the Sportsman's Club. He noted that he did not have a problem with them updating the building, but he also likes the log building.

Jody Cowden, 24138 Elmcrest Avenue, she stated that she does not have a problem with the plans to update the building, but from her point of view it is open all day, every day, 365 days/year. She stated that it creates a lot of traffic and is not just in the fall and an occasional weekend.

Chair Lobermeier stated that he believes the statement made by Mr. Westberg about usage in the fall and on weekends, was just related to this particular building and not the Sportsman's Club itself.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO CLOSE THE PUBLIC HEARING.

<i>Voting Aye:</i>	<i>Iverson, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>Naumann</i>

Commissioner West reiterated that she would be sad to see the old building go, but understands the need because of the deterioration of the building.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO RECOMMEND APPROVAL CONDITIONAL USE PERMIT FOR SIGHT-IN DAYS STRUCTURE: C-23-003 FOR PROPERTY LOCATED AT 4648 240TH STREET FOR FOREST LAKE SPORTSMAN'S CLUB, RON WESTBERG, PROPERTY ID NUMBER: 21.10632.00, SUBJECT TO THE CONDITIONS AS LISTED IN THE STAFF REPORT.

Voting Aye: Iverson, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: Naumann

NEW BUSINESS:

4. Sketch Plan, Wildlife Estates Plat 5: D-23-001
Location: 24996 Fondant Avenue
Applicant/Owner: Brian Mulroy
Property ID Number: 21.11125.34

Planning Consultant Lindquist gave an overview of the proposed sketch plan to create two parcels from one at 24996 Fondant Avenue. She explained that the process for a Sketch Plan was to give the proposal a cursory review and raise any pertinent issues prior to the applicant coming back for the official approvals. She reviewed the current zoning and access for the new driveway onto Fondant Avenue. She stated that staff is recommending rezoning to R-1 since the lot sizes are more consistent with that standard and referenced the property directly to the east that had the same issue. She noted that the lot depth requirements would not be met due to the corner lot situation which means a variance would be required.

Commissioner Iverson noted that this appears to be a carbon copy of what was done with the property to the east and asked if there were other lots in this same situation.

Zoning Administrator Weck stated that he believes that there were not any others in the area that could be rezoned in this manner.

OLD BUSINESS

5. Conditional Use Permit for Apartment Buildings: C-23-001
Location: 257th Street, South end of cul-de-sac
Applicant/Owner: 257 Land Holdings, LLC; Brian Solsrud
Property ID Numbers: 21.10605.00 and 21.10542.10

Chair Lobermeier expressed his appreciation for the additional public comment that was provided earlier in the meeting.

Planning Consultant Lindquist noted that the Planning Commission had previously recommended a continuance with 8 reasons and explained that they should ensure that those have been adequately addressed in the information provided by the applicant. She stated that this is comprised of two different parcels that has a total acreage of about 14.2 acres, but only about 4.3 of it is actual upland acreage. She reviewed what they had applied for when this was last discussed and explained that they have now modified that plan by reducing the driveway and garage length and would be under the hard surface coverage requirements for the Shoreland District so a CUP for that would no longer be needed. She stated that this property was fairly recently rezoned to office and healthcare which allows elderly housing. She stated that the applicant has clarified that this is an independent 55+ community which means they would typically have their own means of transportation. She reviewed the site plan and noted that, while similar, there are some modifications that have been made that address some of the concerns expressed by the Commission. She reviewed the modifications for access and circulation on the property. She stated that the plans are still for 2 buildings with 6-7 rental units and one leasing office. She reiterated that there will be 21 surface parking stalls and 21 garage stalls which will also provide for visitor parking. She explained that this proposal equates to 2.85 units per acre

which is a fairly low density. She stated that the Fire Chief has reviewed the modified access plans for emergency vehicle access and while not wholly desirable, it is adequate. She noted that it will be tough to maneuver on the site because there is not a lot of extra space. She stated that the roadway and the utilities will be private utilities and installed and maintained privately by the developer, but will tap into the City's system. She stated that the City had required a traffic study be conducted and noted that they had used the ITE for elderly housing which has a lower traffic generator than a typical single family or multi-family use. She explained that their information came out to 42 trips per day which is nothing that would be concerning related to traffic volumes. She stated that she knows that there has been a lot of concern expressed about the unit layouts and what they may represent, and noted that the traffic study was based on the proposed use for elderly housing. She reviewed the previous and modified versions of the tree preservation and landscaping plans. She noted that staff recognizes that the best landscaping for this site would be to maintain the existing landscaping because it is mature and ungraded. She noted that staff recommends that they put in the preservation fencing prior to any grading activity and that the City should monitor this situation. She reviewed the architectural plans and noted that she thinks that everyone recognizes that what they are proposing is an odd layout and noted that the applicant has provided detail for the garage space and noted that it is similar to other detached garage spaces. She explained that the applicant had generally addressed the 8 items that were associated with the continuation by the Commission. She stated that they have also modified some of the technical information and addressed some of the watershed district comments. She stated that staff is recommending approval with 14 conditions as included in the staff report. She stated that some of the proposed conditions address some of the concerns raised by the neighborhood related to clarifying the site use and that use cannot be modified without amending the PUD.

Commissioner West asked about the fire and emergency access plans to the apartments that are along the lake front.

Zoning Administrator Weck stated that the plans are probably not the best way to get to those units, but it does meet the fire code as far as distance from where they would park. He reiterated that the Fire Chief had looked over the plans and while not ideal, it would technically meet the code.

Commissioner Iverson asked about access and noted that people will need to carry their groceries around the back of the building. He asked if there would be a covering over the sidewalk and asked how it would be maintained to prevent falls. He stated that, to him, this is not a safe set up at all for people 55+ with the way they have to access this facility.

Planning Consultant Lindquist stated that there were no plans to cover the sidewalk with any type of shelter.

Commissioner Iverson stated that there also does not appear to be any community space outside or inside.

Ed Severson, 257 Land Holdings, stated that a lot of work has gone into this proposal thus far. He stated that they could bring more planning to bring the greenspace areas to the forefront in specifying the paths towards the lakeside for a communal area. He noted that the concerns shared about the 3 doorways speaks to the ADA requirements and they chose to have this in all the units in order to allow for accessibility to outdoors.

Commissioner Iverson asked about the plans for a window in the main living area but not for other areas in the bedrooms.

Mr. Severson stated that their architect could not be here tonight and noted that when he leaves the meeting he would like to have a hard list of questions that have not been answered that he can get answers for.

Chair Lobermeier respectfully reminded Mr. Severson that the applicant had been before the Commission on March 14, 2023 where those comments and concerns were shared and noted that those elements were not changed in the latest version of the plans.

Mr. Severson stated that he does not have answers regarding the design but knows that they followed best practices and assured the Commission that they want it to look good today and in the future.

Chair Lobermeier stated that there had been a concern raised regarding the circulation on the back side of both buildings and access to the units. He stated that there is also no lighting provided on the back sides of the building according to the lighting plans that were submitted which leaves him extremely concerned about individual safety and access for emergency response.

Mr. Severson stated that he concurs with that concern.

Chair Lobermeier stated that this concern was clearly communicated with the applicant and he feels there is room on the site to do something different than what is being proposed.

Mayor Iverson stated that the applicant brought up the 3 doors as an ADA compliance item. She asked about the size of the doors and noted that based on the plans submitted, those doors would not be ADA compliant.

Mr. Severson stated that he knows that there were a few different iterations.

Zoning Administrator Weck explained that the ADA requirements would only be required for a certain percentage of the units and would not have to be for all the units. He explained that the ADA units would require one 3'-0" door to each unit, and for escape and egress, would require a window or a door. He explained that each bedroom would not need to have its own door to the exterior.

Chair Lobermeier asked how long a typical lease would last.

Mr. Severson stated that they would be market rate apartments that would have at least a 1 or 2 year lease length.

Chair Lobermeier asked about the trash receptacle location and stated that he would strongly suggest that this be relocated to the far west side of the development so it would be further away from the neighbors. He stated that he believes the Commission has a lot of the same questions as those raised by neighbors. He noted that he has multiple concerns with this project and noted that usually their discussion about the look of a building is related to materials. He explained that architectural design typically revolves around form and function and if the function of this facility is geared towards 55+, he feels the form does not speak to that at all. He shared examples of what would typically be seen in that type of space such as extra navigation space, common areas, and access to the back of the buildings. He stated that the plans show no walk-in shower units which would be more typical for an aging community. He stated that the lack of windows not only mean a not very attractive design from the exterior, but also no light on the interior. He reiterated that there is no lighting on the backside of these units but on the other side seems to be very brightly lit. He stated that they had also mentioned safety for residents but also for emergency access, snow, and trash removal. He noted that it appears as though these kinds of details were not thought about with the design plans. He stated that he feels the Commission has gotten a lot of good feedback from the public and felt that the staff report was very detailed and explained how this meets the zoning ordinances and the guidance of the Comprehensive Plan. He noted that typically if a plan comes and meetings those things, the Commission is able to approve the plans, but he believes that this plan fails to meet the architectural standard ordinance. He stated that the design, as it has been presented, is inconsistent with the targeted segment of the community for 55+.

MOTION BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER IVERSON, TO RECOMMEND DENIAL FOR THE CONDITIONAL USE PERMIT REQUEST FOR APARTMENT BUILDINGS: C-23-001 LOCATED AT 257TH STREET, SOUTH END OF CUL-DE-SAC FOR 257 LAND HOLDINGS, LLC; BRIAN SOLSRUD, PROPERTY ID NUMBERS: 21.10605.00 AND 21.10542.10.

Planning Consultant Lindquist stated that if the Commission was interested in recommending denial, staff would ask that they actually continue this item in order to allow time for them to prepare findings of fact appropriate with the feedback the Commission has given.

Chair Lobermeier referenced Division 5 of Ordinances, specifically 40-450 and 40-451.

Voting Aye: Iverson, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: Naumann

MOTION BY COMMISSIONER LOBERMEIER, SECONDED BY COMMISSIONER WEST, TO CONTINUE THE CONDITIONAL USE PERMIT REQUEST FOR APARTMENT BUILDINGS: C-23-001 LOCATED AT 257TH STREET, SOUTH END OF CUL-DE-SAC FOR 257 LAND HOLDINGS, LLC; BRIAN SOLSRUD, PROPERTY ID NUMBERS: 21.10605.00 AND 21.10542.10, AND DIRECT STAFF TO PREPARE FINDINGS OF FACT TO SUPPORT A RECOMMENDATION OF DENIAL.

Voting Aye: Iverson, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: Naumann

Chair Lobermeier clarified that this action meant that this would not be discussed at the June 6, 2023 City Council meeting. He expressed his appreciation to the public for attending the meetings and giving their input. He stated that he believes the Commission was concerned about many of the same things that the residents were and assured them that the Commission wants a good quality design. He stated that something 'like' what has been presented can go on this site, but it needs to be done right.

COMMUNICATIONS:

UPDATES:

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO ADJOURN THE MAY 23, 2023 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 8:23 PM.

Voting Aye: Iverson, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: Naumann