

**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
APRIL 13, 2021
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for April 13, 2021 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, Kevin Teel, Bryan Murdock, Katie West, and Roger Carr.

ABSENT: None

Also Present: Fred Weck, Zoning Administrator; Robb Linwood, City Administrator; Council Liaison Brett Ohnstad; Mayor Lisa Iverson; and Tom Ramler-Olson, City Planner - WSB

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota Planning Commission for March 23, 2021

A MOTION WAS MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER WEST, TO APPROVE THE MINUTES OF THE "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR MARCH 23, 2021 AS SUBMITTED.

Roll Call Vote:

Voting Aye: Murdock, West, Teel, Carr, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None

NEW BUSINESS - A:

2. Sketch Plan: D-21-004 Diamond Ridge
Location: Emerald Avenue
Applicant: Beckman Custom Homes; Charles (Chuck) Beckman
Property ID Numbers: 21.00040.01 and 21.00040.06

Chuck Beckman, Beckman Custom Homes, gave a brief history on the background of this property. He explained that he was under the impression that this was a recorded plat. He stated that he is assuming it was approved in 2006 with all of the homes to have full basement walk-outs, but the individual that owned it let the property go for back taxes and then someone else bought it and he is not sure of the details on that purchase. He stated that he is now third in line and explained that he was told that he would just need to bring everything up to what the current standards are, however, he has not been able to get anything to fit there. He stated that he has met with Zoning Administrator Weck to discuss

the possibility of rezoning to a PUD and would most likely need some variances.

City Planner Ramler-Olson gave a brief overview of the subdivision request to create 10 lots for detached, single-family townhomes that will be served by City sewer and water. It is a continuation of what was originally platted in 2006, but has been modified and increased from 6 lots to 10 lots. He noted that the staff report includes some measurements that are proposed and identifies some approvals based on what has been submitted thus far. He explained that there is a need to obtain a 10 feet wide front yard utility easement to accommodate the request to reduce front yard structure setbacks. A variance will also be required to reduce the minimum setback to approximately 22 feet and noted that staff supports that measurement, but anything less than that, staff would see potential conflicts with accommodating cars that are parked, front-loaded, into the driveway. He reviewed the setback requirements and the possibility for variances to reduce them. He stated that staff has identified that there are required easements that will need to be secured along each side of each lot. He offered to answer Commission questions and give them more detail if they were interested.

Commissioner West asked if there had been any consideration into having less lots in order to accommodate some of the setback requirements, since the original plan was for only 6 lots.

Mr. Beckman stated that they ran into issues getting everything to fit and also the overall cost associated with running the sewer and water through, so they were looking for more units because it was increasing the cost of the lots too high so the land value ratio would have been out of whack relative to the total price of the home package.

Commissioner Murdock stated that the setbacks on the north properties from the street being only about 14 feet and the City is looking for at least 22 feet, with the minimum setbacks in the back of 10 feet. He asked how the City can approve building in those particular lots without the structure getting smaller.

City Planner Ramler-Olson reviewed the four lots that Commissioner Murdock was referring to and explained that what is shown is a 50 foot right-of-way, so there should be approximately 11 feet on either side in order to add more room from the edge of the curb to the face of the garage. He explained that would end up being 11 feet added onto the 14 feet may be able to accommodate the length of a full vehicle. He noted that what was not shown on the sketch plan are the actual curbs that would line Emerald Avenue which would add more depth.

Commissioner Murdock asked about the setbacks to the wetland boundary.

City Planner Ramler-Olson explained that the wetland setback that staff was comfortable with of 10 feet was irrespective of the physical constraints that are present and they were merely reacting to people's need to move around the structures and however that setback is accommodated they would strongly urge a rethinking and noted that there are some instances where that is possible.

Commissioner Teel stated that he was able to drive to this parcel and asked how this was laid out back in 2006 when it was approved for 6 lots.

Zoning Administrator Weck noted that he could share this information if the Commission could give him a few minutes. He suggested that they continue asking questions while he accessed the file.

Commissioner Teel asked if there was any reach out to residents of the development back there because this proposal does not match that development. He stated that he would like to know if any of the neighbors were concerned about putting a detached townhome in a development where there are larger lots.

City Planner Ramler-Olson stated that he is unsure if the applicant reached out to the adjacent neighborhood. He noted that the difference between what is being proposed today and what was approved in 2006, are the wetland setbacks. He stated that he does not believe the 30-foot wetland setback existed in 2006, so that is what is posing a considerable constraint with this proposal and influencing the layout being presented.

Commissioner Teel stated that from what he could see by driving around is that the land is very low and

asked if by putting 10 lots instead of 6 lots, if it would hinder the wetlands and questioned if there were guidelines that would need to be followed if they are putting more structure on that land.

Zoning Administrator Weck gave an overview of the original preliminary plat that had 6 walk-out lots. He stated that this began as a 100-acre parcel and the 80 acres to the northwest was all wet and was turned into wetland banking credits. He noted that the watershed district was sent a copy of the sketch plan and noted that they also have buffer rules but is unsure where their line may end up. He agreed that the ground is fairly wet, but where the road is going through is sort of the high spot.

Chair Lobermeier explained to Mr. Beckman that the goal of tonight is to give him some direction and hoped that he could see that the City wanted to work with him and get something that will fit this parcel despite the challenges of making the setbacks work and still get an economically viable project. He asked Mr. Beckman to continue to work with staff to see what can fit. He asked if there had already been discussion about using a PUD in this instance.

Zoning Administrator Weck stated that it was discussed however the issue with a PUD is that there is a trade-off, which is the green space area. He stated that if Mr. Beckman still had the outlot as part of this development it could have become the greenspace area, however that parcel is now owned by a neighbor.

Chair Lobermeier stated that it will take some creativity to get something to work in this situation, but the City is trying to work with him to get something to function in this location.

Mr. Beckman stated that he appreciates the input from the Commission and noted that they were looking for guidance so they weren't just throwing darts and hoping something would stick.

Chair Lobermeier suggested Mr. Beckman may want to put the setbacks on the plans first and then see what he can get to fit.

SCHEDULED PUBLIC HEARINGS:

3. Rezoning: 0-21-001 Rural Residential I District (R1) to Office and Health Care District (OHC)
Conditional Use Permit: C-21-001 for a Planned United Development in the Shoreland District and a Residential Development Consisting of Housing Restricted to the Elderly including Independent Living.
Preliminary Plat: D-21-005 Approval of the Preliminary Plat "Heims Lake Villas North"
Location: 257th Street and Fairview Avenue
Applicant: J. Johnson Development, LLC; Jaren Johnson
Property ID Numbers: 21011122.00 and 21.11123.00

Zoning Administrator Weck stated that he had not received any notification of anyone who would like to speak to this issue.

City Planner Ramler-Olson gave an overview of the request for Preliminary Plat approval, a Conditional Use Permit, and rezoning from R1 to Office and healthcare. He noted that the subject property is two properties that are both located north of the original Heims Lake development. This will create 33 single family lots for detached villas that will be served by sewer and water. There will also be a connection to 257th Street at two locations. They are requesting a rezoning to Office Healthcare in order to align with its guided land use in the most recent Comprehensive Plan. The applicant is proposing to design the subdivision for 55+ community. He noted that these two parcels comprise about 20 acres, however there is only about 13 acres that is upland so there will need to be some accommodations made for smaller sites. The fire department has requested an additional hydrant in the open area north of Lot 1, Block 1. Staff has reviewed all the criteria, there were no red flags and found the proposal met all criteria. Staff is recommending approval with the conditions listed in the report.

Commissioner Teel asked if there would be a crosswalk installed at either entrance so people can get to the bike path. He stated that he would just like there to be a crosswalk somewhere in the area so people can get around and get to the walking path

Jaren Johnson stated that he agreed a cross walk in this location is a good idea.

Commissioner Teel asked if the original drainage pond would be used as part of this project.

Mr. Johnson stated that Block 2 is intended to be an infiltration idea and explained that it would not hold water, but will be similar to what is in place in the First Addition. He stated that it is intended to hold water for a big rain event but clarified that it is not a pond with visible water.

Chair Lobermeier asked Mr. Johnson to share a bit about his development.

Mr. Johnson stated that his plan is to have the same basic idea that he used for the first phase. He stated that he is hopeful that watershed district won't ask him to take the down the trees in the back because he would like to keep that area unique because it hasn't been touched for about 70 years.

MOTION BY TEEL, SECONDED BY WEST, TO OPEN THE PUBLIC HEARING FOR THE REZONING, CONDITIONAL USE PERMIT, AND PRELIMINARY PLAT REVIEW FOR PID 21.11122.00 AND 21.11123.00 FOR "HEIMS LAKE VILLAS NORTH".

Roll Call Vote:

Voting Aye: Murdock, West, Teel, Carr, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None

There were no comments.

MOTION BY CARR, SECONDED BY MURDOCK, TO CLOSE THE PUBLIC HEARING FOR THE REZONING, CONDITIONAL USE PERMIT, AND PRELIMINARY PLAT REVIEW FOR PID 21.11122.00 AND 21.11123.00 FOR "HEIMS LAKE VILLAS NORTH".

Roll Call Vote:

Voting Aye: Murdock, West, Teel, Carr, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None

MOTION BY WEST, SECONDED BY CARR, TO APPROVE THE REZONING, CONDITIONAL USE PERMIT, AND PRELIMINARY PLAT FOR PID 21.11122.00 AND 21.11123.00 FOR "HEIMS LAKE VILLAS NORTH", WITH THE CONDITIONS AS LISTED IN THE STAFF REPORT.

Roll Call Vote:

Voting Aye: Murdock, West, Teel, Carr, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None

Chair Lobermeier noted that this will go before the City Council on April 20, 2021.

Mr. Johnson stated that Mr. Beckman has a nice idea for his project and would be open to having a conversation with him about it.

Zoning Administrator Weck stated that he will let Mr. Beckman know that Mr. Johnson is interested in perhaps having a conversation about that project.

NEW BUSINESS – B:

4. Sketch Plan: D-21-002 Sunrise Riverbank

Location: East Viking Boulevard, Greenwood Golf Course Site

Applicant: Northern Tier Development, LLC; Gerald Green

Property ID Numbers: 21-00009.30, 21.00012.00, 21.10298.30, 21.10298.40, 21.10302.00, 21.10320.10, 21.10320.20 and 21.10320.30

Gerald Green gave a brief overview of his plans for this property. He stated that this would re-subdivide the 222 acres into three separate lots each with a distinct zoning district. He stated that one would be agriculture and create a wetland bank, Outlot A would be for 17 residential lots, and Outlot B would be commercial and may eventually hold a hotel. He stated that he would like to hold off on discussion surrounding the Outlots tonight because there still needs to be more discussion between them, staff, and the County, but explained that they would like feedback on the 190 acres that are wet and would like to be zoned Agriculture.

City Planner Ramler-Olson stated that the bulk of the staff report was focused on the proposed residential lots. He noted that the current zoning is not in line with what the Comprehensive Plan shows and explained that it is guided for Mixed Use in the Comprehensive Plan. Staff feels that this proposal needs to be reworked to accommodate what is laid out in the Comprehensive Plan and plans to have this area served by City water and sewer.

Chair Lobermeier stated that it may be difficult for the Commission to only give feedback on only the wetland bank portion of the property. He stated that this is a very difficult site particularly with the wetland areas to the north. He stated that he believes the City is looking for developable opportunities, however, he is personally a little hesitant to embrace a wetland bank for the entire property and would encourage Mr. Green to see if there are ways to find more developable land without sacrificing that much of what appears to be there.

Mr. Green stated that this property has been through hydrology studies, water table studies, and some modeling tests to determine where the water is located on this property. He explained that there is a lot of water and noted how spongy the ground was even back when it was farmed. He noted that the last modeling that they had in mind for the single-family homes, they maximized as much as they could with safe soils. He noted that for Outlot B their modeling shows that it is suitable for a 70-unit hotel. He explained that because of the situation with the water and the tower on the other side of the road he doesn't think the Commission should even discuss Outlot A and Outlot B at this point. He stated that they plan to have had more meetings with staff to find out what can be done.

Zoning Administrator Weck stated that the Commission does need to consider the Outlots because once the rest of the land is put into a wetland bank, it is no longer available, and so it needs to be part of the discussion. He stated that agrees that the use of the Outlots is a future discussion.

Commissioner Murdock showed the County wetland map so the Commission could look more closely at the area in question.

Chair Lobermeier stated that there is no question that there is a lot of wetland on the property. He stated that the next step for Mr. Green is to take his concept and evolve it a bit further, whether that will be on the developable lots of the other areas.

Nick Haus, asked if there was anything they could do to convince the Commission and staff of the state of the area included in the wetland area being undevelopable.

Chair Lobermeier stated that this is an unusual situation because normally the Commission is pointing out places that people cannot develop so this is a bit of a role reversal because they are asking them to consider developing more of this land. He suggested that it may be helpful if the City is given more detailed information about things like the water table.

Mr. Haus stated that Barr Engineering did a hydrology study which he thought was shared with staff that modeled what would happen if the ditches in the northwest part of the bank were plugged and showed what would happen to the water table around the residential lots and over to the hotel lot. He stated that it showed that there would be around a 10-inch water table rise which is what many of the lot lines were based and essentially showed what would be too wet to develop. He stated that there is still a bit of upland buffer that is included in the wetland mitigation bank which was intended to provide a buffer from the residential activities and the wetlands for protection purposes. He stated if anything was to be evaluated, he would say it would be that 200-foot strip, but does not think there is much else beyond that.

Chair Lobermeier asked if the ditches he was referring to are private.

Mr. Haus stated that there is a main ditch that runs under the interstate and follows the eastern side of the property which will remain unplugged and open, but noted that the lateral ditches will be plugged as part of the wetland banking process.

Chair Lobermeier stated that it seemed like the premise is to block the ditches in order to create the wetland bank and when that happens it will cause a rise in the water table which then creates even more of a constraint for development that could occur. He stated that the past development proposals that did not include a wetland bank and had planned to maintain a drained condition by either maintaining the ditches or rerouting the water which is why they were able to present more possible lots.

Mr. Haus noted that he cannot comment on other plans because there was never any applications made to BWSR or the Corps of Engineers and have just been proposals. He noted that none of them would have actually been vetted by State agencies or gone through the sequencing process for wetlands. He stated that he is fairly sure that none of those proposals would have made it through that process.

City Administrator Linwood stated that Mr. Haus brought up a point that at a staff level they have discussed regarding the wetland setback and that it may be a request that the City askes WSB to look at this and possibly request it be reduced with the idea of the possibility of more developable land.

Mr. Green stated that he understands that previous proposals looked to bring New York City onto this site which the City found exciting, but the reality is that you cannot build on ground that isn't solid and believes what he has presented is a realistic expectation of what can be put on this land.

Commissioner Murdock asked if there was any opportunity in the wetland mitigation area for any type of park or dedication for anything with the upland area. He asked if the mitigation would end up swamping the upland areas.

Mr. Green explained that once it is put into a mitigation bank, there are regulations about what can and cannot be done.

Mr. Haus stated that it would be qualified as a wetland, but it would not be anything that people couldn't walk on and there will be a conservation easement placed over the lands so it would then be up to the applicant on what they want to do in terms of access. He stated that Mr. Green could work with the City to allow public access onto the property. He stated that it would have to be a more natural area without motorized vehicles.

Zoning Administrator Weck stated that staff will continue to work with Mr. Green and Mr. Haus on this project.

5. Final Plat: D-21-003 Hunter Hill (formerly Aadland West)

Location: Pioneer Road and Hunter Avenue

Applicant: PPP Aadland, LLC; Perry Aadland

Property ID Number: 21.10387.30

City Planner Ramler-Olson stated that this is a Final Plat review of the remaining 14 lots of the original 15 from the subdivision. He noted that the proposed lots meet the lot width, depth and the R2 zoning district requirements. He stated that it was discussed at the Sketch Plan review in February of 2019 that the 2.36-acre density would conflict with the Comprehensive Plan guidance with regard to future land use category provisions, however, the Commission discussed the low likelihood of the area being serviced by City sewer and water. He stated that it was found that the proposed density is appropriate and does comply with the Comprehensive Plan. He noted that soil borings have been done that identify that there is enough land on each lot to accommodate private septic. Staff recommends approval with the conditions included in the staff report.

Commissioner Murdock asked about the tree clearing happening on the site.

Mr. Aadland stated that the tree clearing is really just clearing trees that should have been cleared long ago. He stated that the crop land has been shrinking over the last 30 years or so because trees grew or fell over and weren't taken care of. He stated that he is really just doing some tidying up on the land and removing dead trees in some of the wooded areas.

Commissioner Teel asked if this type of development required any kind of walking path or sidewalk because there is nothing along Pioneer Road to connect to.

Zoning Administrator Weck stated that the Joint Park Planning Board did discuss a trail along the frontage of Pioneer Road, but one property owner did not want to participate and the cost to put it in along the shorter section did not warrant it, especially because it wasn't going anywhere. He clarified that for right now, there is nothing planned for this development because it was just be a 600-foot trail and that is all. He stated that the Joint Park Planning Board recommended a cash dedication for this project.

MOTION BY COMMISSIONER MURDOCK, SECONDED BY COMMISSIONER WEST, TO RECOMMEND APPROVAL OF THE FINAL PLAT FOR HUNTER HILL (FORMERLY AADLAND WEST), PID #: 21.10387.30, SUBJECT TO CONDITIONS AS LISTED IN THE STAFF REPORT.

Roll Call Vote:

Voting Aye: Murdock, West, Teel, Carr, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None

OLD BUSINESS:

6. Comprehensive Plan Update (If time allows)

Chair Lobermeier noted that he has been speaking with City Engineer Erichson about the water and sewer sections as well as the road section. He stated that since that time, City Engineer Erichson has had conversations with City Administrator Linwood and Zoning Administrator Weck which determined that WSB was going to update their water and sewer model so the Comprehensive Plan will be based on updated numbers. He stated this was not part of the original proposal, but now sees that it will make the most sense for them to update that model. He stated that he expects the updates as well as comments on the sections he has asked City Engineer Erichson to look over be ready for discussion by the next meeting. He stated that the Park Advisory Commission has also had a chance to review their section and gave a favorable review of the Comprehensive Plan. Their only comment they had was regarding a comment that he had made that the City was not looking for additional park land. He stated that they had asked that comment not to be included because there may be a time in the future where the City would like to see additional park land.

COMMUNICATIONS:

Zoning Administrator Weck noted that City Administrator Linwood has invited the EDA to attend the next Planning Commission meeting but does not think there will be any development applications for the April 27, 2021 meeting.

7. Land Use Training and Education

Zoning Administrator Weck noted that there was a link and information included regarding the Land Use Training and Education. He stated that if anyone on the Commission has not taken the training, he highly recommends it and noted that they can turn in their payment receipt for reimbursement.

UPDATES:

Commissioner Carr asked which sections of the Comprehensive Plan will be reviewed at the next meeting.

Chair Lobermeier stated that the Commission will discuss the chapters up through Natural Environment, Sustainability, and Economic Development.

A MOTION WAS MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER TEEL, TO ADJOURN THE APRIL 13, 2021 “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 8:36 PM.

Roll Call Vote:

Voting Aye: Murdock, West, Teel, Carr, and Lobermeier

Voting Nay: None

Abstain: None

Absent: None