

WACONIA PLANNING COMMISSION  
THURSDAY April 4, 2019

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairmen Hebeisen at 6:30p.m.

1. CALL MEETING TO ORDER.

MEMBERS PRESENT:	Meisch, Hebeisen, Grohmann, Ludford, Lesher
MEMBERS ABSENT:	All present
ALTERNATE:	Ludford-present
STAFF PRESENT:	Braaten, Nelson, Wurst
VISITORS:	See attached sheet
CITY COUNCIL LIAISON:	Charles Erickson- present

There are no changes to the agenda. Braaten announced the Zoning Ordinance Amendment – Section 900.10 – Sign Regulation under New Business is going to be tabled per staff request.

2. ADOPT AGENDA: MOTION BY MEISCH, SECOND BY GROHMANN, TO APPROVE THE AGENDA AS PRESENTED. ALL PRESENT VOTED AYE. MOTION CARRIED.

3. APPROVE MINUTES: MOTION BY GROHMANN, SECOND BY LESHER TO APPROVE THE MINUTES FOR THE MARCH 7, 2019 PLANNING COMMISSION MEETING. ALL PRESENT VOTED AYE. MOTION CARRIED.

4. NEW BUSINESS:

**A. CCWMO PRESENTATION – LINKING LAND USE TO CLEAN WATER.**

Braaten introduced Madeline Seveland with Carver County Water Management Organization. Madeline’s presentation included information regarding:

- Watersheds
- Management of land affects water
- Water pollution
- Role as Planning Commission members
- Tools to use

**B. PUBLIC HEARING – PRELIMINARY FINAL PLAT – LEGACY HEIGHTS TOWNHOMES – DAVE KENNETH.**

Braaten presented the application for Legacy Heights Preliminary and Final Plat applications. The parcel is zoned R-3, Medium Density Residential. This parcel is located northwest of the intersection of Main Street East and Vista Blvd. The parcel is approximately 6.28 acres and adjacent to a mix of low density and medium density housing along its east and west boundaries with commercial to the south.

Braaten explained the history of the property, explaining that the original developer planned 66 townhome units for the subject parcel. In 2018 the Legacy Village townhome project was approved, which proposed 42 townhome units. The Legacy Heights project is proposing a 24 unit two-family dwellings which is a permitted use in the R-3 zoning district. The proposed Legacy Heights construction plans are conforming to setback regulations and impervious surface calculations.

Braaten explained the proposed private streets for the duplex townhome development. Private streets are allowed in the R-3 zoning district if the following conditions exist:

1. The development pattern makes it unfeasible or inappropriate to construct a public street; and
2. After reviewing the surrounding area, it is concluded that an extension of the public street system is not required to serve other parcels in the area, improve access or to provide a street system consistent with the Comprehensive plan; and
3. The use of a private street will permit enhanced protection of the city's natural resources including wetlands and forested areas.

The access road public hearing concerns have been reviewed by the City Engineer and his response comments have been provided in the packet.

Braaten stated that the applicant is not proposing construction of an internal sidewalk system along the private road system. They are however, proposing to construct the trail segment along the east side of the property and a trail system connecting the development to the neighborhood to the west. The proposed trail systems provide an adequate circulation system and provide the additional link along Main Street East, which is consistent with the City of Waconia's Comprehensive Plan. The Planning Commission should determine if additional sidewalk is necessary to meet City Code requirements.

Braaten displayed the proposed townhouse elevations. The applicant meets the requirement for landscaping with the 72 trees. There has been discussion regarding the grouping of trees on the north side of the property. There will be removal of some of the trees, but not all as a part of the tree preservation plan. City Ordinance allows developments in residential districts to remove or disturb up to thirty (30) percent of the total tree inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution.

The applicant has provided a tree survey/tree preservation plan which indicates conformance with the City Code requirements. Based a review of the Tree Preservation Plan and City Ordinance the applicant is required to plant 12 trees and provide trees to meet the City's buffering requirements. The applicant is proposing the installation of 72 trees, which is conforming to City Ordinance requirements. The additional plantings also allow the applicant to meet the City's plant/buffering requirements sated in Section 900.07.

Braaten described the three outlots being a part of the Legacy Heights plat as presented below:

• **Outlot A** encompasses the area designated for the private street proposed to serve the development.

• **Outlot B** (.03 acres) is proposed to be platted as an outlot as there is a discrepancy in lot descriptions between the proposed development and the Old Orchard development to the west. The applicant should work toward resolution of this issue to determine if Outlot B should remain as part of the Legacy Heights development or be transferred to the Old Orchard development. The transfer of this property would not cause the parcel to exceed, or be in violation of, any zoning ordinances pertaining to the development of the parcel. Currently, Outlot B is identified as Permanent Open Space on the preliminary plat. A portion of the old fencing, which is known to be part of the previous agricultural site prior to development, is located within the boundaries of Outlot B. This issue requires resolution prior to building permits being issued for the development.

• **Outlot C** (2.57 acres) encompasses all of the remaining areas not platted as individual townhome parcels, roadways, or Outlot B. Outlot C is identified as permanent open space.

A review of the site's utility plans have been completed by the Public Services Director and City Engineer. Generally the plans are consistent with City standards, but a condition of approval has been included for final approval from Public Services and the City Engineer.

Braaten stated there is no park dedication required for this application. This was satisfied as part of the original Legacy Village at Waconia plat.

Braaten reminded the Planning Commission that the applicant had also requested Final plat approval. The proposed Legacy Heights final plat is consistent with the Legacy Heights Preliminary Plat and therefore staff recommends approval of the Legacy Heights final plat if the Planning Commission finds that the proposed townhome development is consistent with City standards.

The notice was published in the WACONIA PATRIOT on March 21<sup>st</sup>, 2019 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. The public hearing comments received were attached to the report.

Braaten directed the Planning Commission Members to consider all public comment and make a recommendation to the City Council regarding the Preliminary and Final Plat applications for the Legacy Heights townhome development.

Hebeisen indicated the exclusion of item number 12 in the recommendations of approval regarding the privacy fence as the applicant did not intend to build said fence.

Meisch asked about the tree requirements meeting City Ordinance even with the removal of the trees. Braaten reconfirmed the tree removal being the 30% of the specific diameter of the tree.

#### MOTION BY HEBEISEN TO OPEN THE PUBLIC HEARING

Michelle Bachmann, 809 Yellowstone Trail.

Comments and concerns: Statements regarding restrictive covenants not found or recorded for Outlot L. Bachmann read that building permits are not to be issued for Outlot L until the City is provided the recording information of the covenants. Braaten stated staff would look into the document referenced and make sure that it is covered as a part of this application. The Legacy Village Home Owners Association is requesting to see the color, square footage and price points of these new townhomes. Bachmann also stated concern regarding safety of the sidewalk, Main Street and the speed limit.

Hebeisen mentioned that our City Engineer has addressed some of Bachmann's concerns regarding access and traffic.

Meisch asked if a recent speed study had been completed. Braaten stated that a speed study could be put in place after the construction of the townhome units completed.

Leshner asked Bachmann to explain the Outlot being a part of Legacy Village falling under the Master Association restrictions what Legacy Village has in place. No discussion has taken place with the Master Association members and the builder regarding this outlot.

Myron Karki, 683 Old Orchard Road.

Comments and concerns: Old Orchard Townhomes Association is self-governing body. Karki's position is to oversee the buildings and grounds. Karki spoke of Outlot B regarding the amount of dead trees and the old farm fence.

Karki presented a list of comments and requests for the builder to comply with that included:

- An agreement regarding the property lines between Old Orchard townhomes and Woodridge Homes.
- Request for Old Orchard Townhome Association, Woodridge Homes and City staff to draft a plan for property clean up to include buckthorn, removal of old farm fence, stumps and old trees.
- Overall removal of certain trees, preferably all the trees, adjoining the property line to prepare for healthy, more suitable trees and shrubs. Also requesting a maintenance free fence to be installed adjacent to Old Orchard Townhomes.
- Storm water drainage to be addressed.

Debby Lochner, 661 East 1<sup>st</sup> Street.

Comments and concern: Indicated that she is happy with the townhome project being her neighbor. Lochner asked permission to plant vegetation on her property to create a privacy barrier.

Narvel Brooks, 682 Old Orchard Road.

Comments and Concerns: Voiced frustration regarding the lack of communication. Concerns with the speed limits on Main Street. Unsure if the trail is going to be constructed or not. Brooks stated the Preliminary Plat and the Final Plat should have been separate and not together for the purpose of additional discussion.

Tom Brown, property owner on East 2<sup>nd</sup> Street.

Comments and concerns: Comments regarding continued conversation regarding the inter connectivity trail system within the city.

Hebeisen reconfirmed information regarding trail connectivity within the city.

Paul Johnson, 649 East 2<sup>nd</sup> Street.

Comments and Concerns: Johnson stated that he did receive a letter and information regarding the Legacy Heights Townhomes from the builder. Johnson stated he was not in favor of the previous trail system proposed. Now with Legacy Heights having only 24 townhome units he feels the trail will not get used as much and he will most likely use it more himself.

JD Ludford, 1965 Starlight Drive.

Comments and concerns: Ludford asked for clarification regarding minor inconsistency's in the drawings. Some plans show additional off-street parking and some do not. Ludford wondered if the impervious surface coverage was also incorrect because of parking.

City Code requires two parking spaces per unit. Braaten mentioned that the parking requirement is satisfied although staff always recommends additional off street parking for guests. Braaten identified the area where the 4 additional parking spots for this development would be located. The percentage of hard surface coverage will still stay below the 70% even after calculating in the additional parking.

Meisch wondered who in the surrounding developments received a letter with a show of hands.

Dave Kenneth, Woodridge Homes.

Comments and concerns: Kenneth stated the letters were mailed to the Old Orchard Association president, and homes on 1<sup>st</sup> Street and 2<sup>nd</sup> Street as an invitation for a discussion regarding the Legacy Heights Townhome project. Kenneth explained that he was not made aware of a Master Association regarding the Outlot B. The issues of the trees is that some people want them and some do not.

Kenneth also described the townhome units being designed so that the elevations are placed so the only walk out units will face south toward the commercial property. This property is R-3 and the minimum amount of units is 24 and that is what he is proposing.

Cory Meyer, Westwood Professional Services.

Comments: Meyer pointed out the catch basin on this property where the majority of drainage will go. Meyer spoke about the tree preservation and the route they plan to taking for tree removal. Meyer commented on public sidewalks going into private spaces and the problems that arise.

Braaten reconfirmed to the Planning Commission members that the builder is in compliance regarding trees and all ordinance requirements have been met. Hebeisen and Braaten both agreed that the tree issues will not delay the process and all requirements have been met.

Adam Husky, 802 Yellowstone Trail.

Comments and concerns: Traffic is a concern.

Mary Loxtercamp, 640 East 2<sup>nd</sup> Street

Comments and concerns: Loxtercamp gave positive feedback with the amount of units going in on the property.

MOTION BY VILMAIN, SECOND BY GROHMANN TO CLOSE THE PUBLIC HEARING FOR PRELIMINARY AND FINAL PLAT – LEGACY HEIGHTS TOWNHOMES – DAVE KENNETH. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

Hebeisen indicated two variables to consider which are the sidewalk and the trail connecting to the cul-de-sac.

Hebeisen referenced a public hearing comment inquiring about lockable posts being placed at the end of the cul-de-sac to prevent cars from using the path. Members agreed to this as a 13<sup>th</sup> condition.

MOTION BY LESHER, SECOND BY GROHMANN TO APPROVE THE PRELIMINARY AND FINAL PLAT FOR LEGACY HEIGHTS TOWNHOMES WITH THE RECOMMENDED CONDITIONS OF APPROVAL LISTED BELOW STRIKING THE 12<sup>TH</sup> CONDITION AND ADDING A CONDITION REGARDING A LOCKABLE POST TO STOP CARS FROM UTILIZING THE TRAIL.

1. The Legacy Heights Preliminary and Final Plats shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any approvals or permits shall be submitted prior to any land disturbing activities.

4. The applicant shall obtain a General Construction Stormwater Permit (NPDES) from the Minnesota Pollution Control Agency and submit a copy to the City prior to any land disturbing activities.
5. All indirect costs related to the permitting, review, and plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The City shall provide the necessary street signage. The applicant shall provide the necessary escrow funds to cover all street signage and installation costs.
7. The water main, sanitary sewer, grading, and stormwater issues shall be resolved to the satisfaction of the City Engineer and Public Services Director prior to the issuance of the building permit for the Legacy Heights townhome development.
8. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.
9. Execution of a Developer's Agreement prior to the issuance of a building permit.
10. The development and maintenance of the proposed private streets shall be consistent with the standards indicated in Section 1000.06, Subd. 2.I. Private Streets.
11. The inspection and enforcement of the Tree Preservation Plan shall be done in compliance with Section 900.06, Subd. 8.D.10.
12. The trail connection to 2<sup>nd</sup> Street shall include the installation of locking collapsible bollards, or like product, which limits the access to only pedestrian use.
13. Ownership of Outlot B shall be determined and the property deeded, if necessary, to the Old Orchard Townhome Association. Outlot B shall not be developable. Further, it appears that portions of old fencing associated with the previous agricultural use are located within Outlot B, this should be resolved prior to any building permit issuance for the subject parcel.

ALL IN FAVOR VOTED AYE. MOTION CARRIED.

**C. PUBLIC HEARING - ZONING ORDINANCE AMENDMENT - SECTION 900.01 – SIGN REGULATION – STAFF REQUEST TO TABLE.**

Nelson gave a brief update on the zoning ordinance amendment regarding the sign regulations. The public hearing request is to be tabled due to additional changes per City Attorney that were not indicated in the Public Hearing notice.

This item will be presented at the May Planning Commission meeting with all the changes made.

MOTION BY HEIBESSEN, SECOND BY MEISCH TO TALBE THE PUBLIC HEARING FOR THE ZONING ORDINANCE AMANEDMENT – SECTION 900.10 – SIGN REGULATIONS TO BE TABLED AND RESCHEDULED FOR THE MAY PLANNING COMMISSION MEETING. ALL PRESENT VOTED AYE. MOTION CARRIED.

5. OTHER

A. STAFF UPDATES:

- Ridgeview Medical Emergency Department permits have been picked up and work started.
- Qdoba permits have been issued.
- South Point Financial Credit Union has submitted a building permit.
- Annexation submitted by Ken & Dian Plocher and Larry Plocher.
- Residential variance is scheduled for the May meeting.
- City Council approved the revised Comp Plan. Metropolitan Council has 15 days to review for completeness.
- 4 New Home Construction permits have been issued in 2019.

There being no further business, motion by Grohmann to adjourn at 8:10pm, seconded by Vilmain. All present voted aye. MOTION CARRIED.

Respectfully submitted,

Brenda Wurst  
Recording Secretary