

- 1 ▪ Access on Hunter Drive was moved north away from Elm Creek Drive and closer
- 2 to the Nolan property
- 3 ▪ A second access point added for the Townhomes
- 4 ▪ Reduced wetland impacts
- 5 ▪ Altered and reduced MUSA Amendment area

6
7 Grittman suggested that the Commission may wish to discuss the Comp Plan Amendment
8 first, since the other requests are contingent. Grittman stated that staff strongly
9 recommends that “low density residential” portion of the land should be zoned for mostly
10 R1, rather than the proposed R2 zoning. Staff estimated that to do so would result in a net
11 loss of 8 total single family units.

12
13 Grittman described the conditions recommended by staff, which could be found in the
14 staff report.

15
16 V. Reid asked if the Commission would be indirectly making a decision on the Nolan
17 property with the access proposed. Grittman said the purpose of showing the Nolan
18 property to the north is to make sure the access is positioned in a logical location to verify
19 it makes sense. He said the Nolan family can then choose that location or choose to
20 relocate at a later date when they develop the property. V. Reid asked if the R-2 district
21 was the same as medium density. Grittman replied yes.

22
23 Grittman said when applying a public use credit, the land area must be useful for
24 something like a park or pedestrian trail.

25
26 Carol Toohey of Lennar explained the issue of home site sizes and why they were
27 proposing smaller lots in areas. She said Lennar doesn’t think having 75 foot wide lots in
28 the middle of a block would have a negative impact on the overall development. She
29 explained the total reduction of home sites they calculated would be nine rather than
30 staffs estimated eight home sites. She said it’s a difference of 75 foot wide lots, versus
31 90 foot wide lots.

32
33 Toohey explained they feel they’ve compromised by preserving the wooded area on-site,
34 which wasn’t preserved on the previous proposal. She explained they are proposing a
35 new type of grass that is more drought resistant. The grass is Scott’s thermal blue hybrid
36 bluegrass. She said they are reluctant to escrow money for a guarantee. She said Lennar
37 would market the development as “an irrigation free development.” She also said they
38 continue to want lot lines to run through the ponds; otherwise the lots wouldn’t meet
39 minimum square footage requirements. In regards to the Nolan property, she wanted to
40 make sure the Nolan parcel was not affiliated with Lennar.

41
42 Nielsen asked Toohey how many lots would not meet lot size minimums in the area of
43 the lot lines running through the ponds. Toohey said 7-8 lots wouldn’t meet
44 requirements.

1 Nielsen asked if the proposed bluegrass had been installed in other locations in
2 Minnesota. Toohey said they have two developments in Maple Grove, but they are
3 newer. She said research has been done since 2003 on the thermo bluegrass and Lennar
4 will be installing it in all their yards starting in 2011.

5
6 The Public Hearing continued at 7:51 p.m.

7
8 Leonard Greene of 2800 Hunter Drive stated he lived south of the proposed development
9 and had concerns with the project and asked for PC to alleviate his concerns. His first
10 concern is the Nolan area. He noticed nine single family homes in that area. He asked if
11 nine would be the maximum number of single family homes and if townhomes could be
12 allowed. Second, he said at a Council meeting he attended it was suggested the traffic
13 would be diverted north to Hamel Road and east to Brockton Lane. He was wondering if
14 the intent was to have all the rush hour traffic vomit off onto Hunter Drive. He asked if
15 the City completed a feasibility study for Hunter Drive to review the increased traffic.
16 Third, he said the MUSA line is being proposed to move further south and asked if the
17 City had plans to allow it to move further south to Medina Road. He said the Minnesota
18 Division of Toll Brothers had been going around and offering to buy up properties
19 between Hunter Drive and Brockton Lane to Medina Road to construct 78 homes. He
20 asked if the MUSA line could be extended further to develop that area. He asked if some
21 of his questions could be answered to resolve some of his suffering.

22
23 Finke said no urban services are planned for that area.

24
25 Grittmann explained that the purpose of the ghost drawing as it pertains to the Nolan
26 property was to review access, but that when it develops they would have to bring in their
27 own plan. He said the Nolan property could accommodate approximately 9 homes and is
28 guided MDR and R-2, which is similar to the Lennar property. He said the Nolan
29 drawing shows what could be allowed within an R-2 zoning.

30 Finke explained that 9-13 townhome units would be consistent with the Comp Plan
31 guidance of the property.

32
33 V. Reid asked if staff was recommending the Nolan property be rezoned. Finke said yes.
34 Grittmann said currently it is zoned PUD-2 and staff is recommending it to be rezoned to
35 R-2. He said the owners may reapply for a rezoning later, but staff recommends zoning
36 be consistent with the Comp Plan.

37
38 Grittmann said the traffic was reviewed under the EAW. Finke said, in terms of capacity
39 improvements, the City Engineer is not recommending more lanes for Hunter Road, but
40 the condition of the roadway would have improvements.

41
42 Finke said he has heard there are folks out there talking to people south of the Lennar
43 property to further develop the area, but he has not met with anyone.

44
45 Neil Wolf of 3390 Elm Creek Drive asked which City staff members spoke with Lennar
46 regarding the intersection revisions. He asked where the current staff study came from,

1 because if the traffic count is at 1500 vehicles per day and is proposed to have an
2 additional 500 vehicles per day it would be an impact, yet staff is saying their isn't an
3 impact on the roadway. He said he is concerned with the roadway realignment since
4 there is a 20-foot pit of water under the road and doesn't think it should be dug up again.
5 He doesn't feel it has been researched properly. He asked about the status of the
6 townhome driveways for fire access. Gritman explained the townhome drive
7 aisle/roadway width had been increased in width and a secondary access point provided.

8
9 Wolfe indicated numerous issues existed pertaining to the easements. He said until the
10 issues are resolved and someone comes and talks to him he said the project is at a
11 standstill. He said no one has ever come over to talk about the project. He informed the
12 Commission that no one will be able to come a 1/16th of an inch past the bike path since it
13 is his property.

14
15 Nielsen asked if he was on the west side of Hunter. Wolfe said yes. Nielsen asked what
16 the concern was. Wolf said he has an issue with the realignment and the impact to Elm
17 Creek.

18
19 Leonard Green of 2800 Hunter Drive said Navajo was a public street, not private, since
20 the City has been plowing it for 20 years. He asked the Commission to put the project on
21 hold until the infrastructure issues were resolved.

22
23 Charles Nolan of 2935 Willowood Farm Road said he represents his family that owns
24 property north of the proposed project. He stated he has no opposition to the proposed
25 plat and MUSA line.

26
27 He said his issues relate more to his family's parcel. He said he doesn't understand the
28 requirement of including his property as part of the plat and having to accept the burden
29 of a project he had nothing to do with. He has no objection to ghost platting his property
30 as long as it's looked at independently. He didn't understand the benefit to the City of
31 moving the access to the south or forcing them to have a larger island cul-de-sac. Nolan
32 also stated that he was concerned about potential assessments for street improvements.

33
34 He pointed out the Planning Consultant had gone so far as to recommend they be part of
35 their phasing plan. He decided the Lennar application will have an impact on their
36 property and provided a drawing of what could be done on that property. Lennar
37 graciously added it to their plans, but didn't expect their property to be tied into their
38 application. He said ideally he would like to be left alone, yet they are part of the impact
39 and have to deal with it. He said he would prefer Lennar's project be looked at
40 independently since their site is relatively small and is challenging given density, since
41 they have demonstrated how they can meet the City's density requirements by showing
42 how it can be an independent project. He asked that their project not have to go through
43 the Lennar property. He said the City doesn't like cul-de-sacs and yet he said he drove
44 around and found over 100 in Medina. He said he has shown a cul-de-sac on his property
45 and now is being asked to create a larger center island. Moving the entrance further to
46 the south entraps them to be part of the Lennar project and prohibits them from having a

1 different identity, limits Lennar as sole buyer, and puts them at total risk if the Lennar
2 project doesn't succeed. Lennar supports his argument. He said the traffic onto Elm
3 Creek Drive is insignificant, yet a greater impact to his property.

4
5 Gritman explained the County Recorders office shows the Nolan property being part of
6 the Lennar property which would need to be resolved. He also said the City requires
7 development detail of the Nolan land during the Lennar application to show access
8 between the two properties.

9
10 V. Reid said she didn't understand why the City should have to know where the Nolan
11 access onto Hunter would be and why it isn't an option to leave the Nolan property alone.
12 Gritman explained according to the City Attorney the City needed to show some sort of
13 separation of the two parcels. He said any time a property develops next to vacant
14 property it typically accommodates the neighboring property for access or provides an
15 option. He said the objective is not to tell Nolan how to develop his property, but rather
16 provide limited access to Hunter Drive. He said utilities would have to come from
17 Hunter Drive so when a plat is approved the last remaining piece is accommodated.
18 Nolan said he agrees with 90% of staff's recommendation, except for what he can do
19 with his property. He said the proposed road design limits his ability to sell the property
20 to any one other than Lennar. He sees no significant value or benefit to moving the
21 access point. He said the OSI was recently approved with an alignment, yet with his
22 property he feels it is at his cost. Weir asked Finke for clarification. Finke explained
23 OSI needed to improve the distance from Highway 55 and assist in paying for Meander
24 Road improvements, so they signed a petition of waiver to pay for the costs of the
25 alignment in the future. Nolan said the intensity is far greater than what is planned for
26 the Lennar project. Williams asked if there were plans for a trail across Hunter Drive.
27 Finke said there are high priority trails projected for that area.

28
29 Nolan said he understands why the City wouldn't want another access drive for only 9
30 homes. He said he doesn't see any significant value to move the access further to the
31 south. He said the City had the access point moved to balance the lots and he felt there
32 was no real compelling reason to allow the realignment. He said the proposed Lennar
33 project could potentially have a significant cost to him.

34
35 Williams asked if there would be a trail on the west side. Finke said there is a trail across
36 Hunter Drive. Crossings for the trail would be easier if it had a four-legged intersection,
37 since it is a better way to control traffic. He said where the crossing is located would be a
38 Park Commission decision.

39
40 V. Reid asked staff if they preferred the roadway access onto Hunter Drive to be aligned
41 with Elm Creek Drive, or positioned further north of Elm Creek Drive. Finke said it
42 would be dependent on whether single family homes or townhomes were proposed on the
43 Nolan property. Nolan said for now single family homes appear to be fine, but said he
44 doesn't want to be part of the Lennar development. Nolan said he doesn't object to the
45 R-2 zoning; he just doesn't want to be dependent on only selling to Lennar.

46

1 Harry Schleeter of 1585 Medina Road asked for clarification of the MUSA line.

2
3 Michael Fine of 550 Navajo Road said he felt Mr. Green brought up an interesting point.
4 He said he felt he was fighting a fight with his hands tied behind his back. He said with
5 another company looking to purchase property south of the MUSA line he appreciated
6 what Ms. Weir said regarding being careful what you wish for. He said the process had
7 been extraordinarily frustrating to listen to. Grittmann stated changing the MUSA line is
8 very discretionary and it doesn't necessarily carry over to other project areas. Fine said
9 he has been told countless times not to worry, yet he said he should have been worried.
10 Weir said she just learned about the Toll Brothers, but that it would be more of a Leap
11 Frog to expand the MUSA line in the area they are looking at. She said in her opinion it
12 would be unlikely to happen, but there would be a change of Council in January.

13
14 R. Reid asked if the Lennar proposal was dependent on the MUSA line changing.

15
16 V. Reid said she felt the revisions are really an improvement from the previous design.
17 She said she liked the conservation area and would vote in favor of the project.

18
19 Anderson agreed with V. Reid's comments.

20
21 Nielsen said she also agrees with Anderson and V. Reid.

22
23 Williams said he has concerns with the change of the MUSA line, yet understands it
24 technically. He said he just heard about Toll Brothers looking at property south of the
25 Lennar project at the meeting and can't take that into consideration since it is only
26 speculation. He added the Lennar project changed from 20 homes to 6 homes below the
27 MUSA line with a lot of the woods being preserved. He does have concerns with
28 extending the R-1 zone below the MUSA line, but felt it made sense to go with staff's
29 recommendation. R. Reid said the MUSA line extension wasn't going to hold up the
30 project in her opinion. She said it is a unique situation and felt it was a very minor
31 deviation.

32
33 Finke said the location of the MUSA line change is more of a swap, since Lennar is
34 taking out land that is developable in exchange for the extension of the MUSA line and
35 would like this to be included in the findings of facts.

36
37 R. Reid commented that during the Comprehensive Plan Amendment many people were
38 arguing for the sewer to be extended and it didn't happen at that time. She thinks the
39 City has a pretty high standard for extending the sewer line (MUSA).

40
41 The major issues:

- 42
43 1. Rezoning – Williams said if the MUSA line was being extended he would like that
44 area to be zoned R-1. Nielsen, Anderson, V. Reid and R. Reid didn't have strong
45 feelings about it. R. Reid did say the applicant had given up a lot already and
46 didn't feel it was necessary. Finke explained the difference between the R-1 and

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3 2. Roadway Alignment with Elm Creek Drive – R. Reid said she understands the
4 beauty of a four-lane intersection. The Commission discussed vehicles
5 accelerating and turning, and Finke explained a four-lane intersection would
6 reduce that issue. It was explained the more access points onto a roadway would
7 possibly cause more accidents. Nielsen said if there were turn lanes it would take
8 away from the acceleration and deceleration. R. Reid said the northern
9 intersection would almost eliminate the possibility for a 3rd access for Nolan’s
10 project in the future. Nielsen would like to see the road realigned. The remaining
11 Commissioners said they were ok with its current location.
12 3. Moving the MUSA Line - All Commissioners agreed to move the line, subject to
13 Williams recommended changes.
14

15 Ed Holasek explained he represented the owner of the property. He explained they had
16 already made an exchange with the conservation easement, and felt to have to
17 change the R-2 zoning area to R-1 zoning would be another exchange and thereby
18 losing 8-9 more homes. He felt they had already made a sufficient exchange in
19 giving the conservation area. Williams felt the MUSA line extension would be a
20 burden on the City. Holasek said he didn’t think it was fair with the amount of
21 buildable land area. Finke suggested the R-1 zoning be predominately applied to
22 the land area south of the MUSA line. Williams said his issue is Block 5 being R-
23 1 zoning. Weir explained the property to the east of the proposal is medium
24 density in the Comprehensive Plan. Nielsen said she would be in favor of Weir’s
25 recommendation.

- 26 4. Townhomes – Toohey explained they were able to provide additional guest parking
27 per staffs’ request. R. Reid said the design is an improvement from previous
28 plans. She asked Toohey if the garages were smaller than other townhomes in the
29 metro area. Gritman explained there are a variety of garage sizes throughout the
30 metro area. He explained they tend to be on the upside of 400 square feet and
31 said if the footprints of the townhomes weren’t going to be changed then the
32 project would at least need more guest parking. R. Reid said she had concern
33 with moving the floor plans around, since it makes them even smaller. She asked
34 if the association would have a rule about keeping the garbage cans inside.
35 Toohey said in their other townhome developments they do require trash
36 containers to be stored inside. Finke suggested a condition be added to require
37 trash containers to be stored inside each unit and placed in the Home Owners
38 Association (HOA) agreement.
39 5. Trees and Wetlands - No concerns were raised with trees or wetlands.
40 6. Reduced Driveway Setback Requirement – The Commission did not have an issue
41 with reducing the driveway setback from ten feet to five feet from the side yard.
42 Finke explained the ordinance change would be added to one of the next
43 ordinance amendments for the Commission to review.
44 7. Lot Lines through the Storm Ponds – Williams said he was not sure how to resolve
45 the issue, since the lot sizes would then be too small if they didn’t run the lot lines

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3 8. Irrigation – John with Lennar suggested the Commission call other communities to
4 talk about how their projects were working without irrigation. Finke explained
5 the proposed type of grass was risky. Nielsen asked if there was a way to
6 establish an escrow after the first phase. John with Lennar explained how water is
7 handled. Nielsen asked if grass was impacted by treated water. Toohey
8 explained that irrigation was still a luxury and said sprinklers were still an option
9 when they sell a property. She said many properties are without irrigation and
10 have done fine without.
- 11 9. Nolan Property – Nolan said he didn't have a problem with being part of the plat as
12 long as he favored the design. He understands it resolves the City's issues, but
13 wanted to still be somewhat independent. Williams stated he didn't like the
14 Nolan piece being part of Lennar. It was recommended by the Commission that
15 the Nolan property be rezoned R-2.

16
17 Public Hearing closed at 9:28 p.m.

18
19 **Motion by V. Reid, seconded by Williams** to approve the Comprehensive Plan
20 Amendment, Rezoning, and Preliminary Plat with recommended changes. Motion
21 carried unanimously. (Absent: None) Recused: Nolan and Martin.

22
23
24
25 7. **Public Hearing - Helmuth Von Bluecher – 1425 Tamarack Drive (PID #26-**
26 **118-23-21-0003) - Preliminary Plat to subdivide one existing 42 acre parcel into**
27 **three lots, to be known as “Fortuna Farms.”**

28
29 Finke presented the application, explaining the proposed plat met all minimum lot
30 standards for its zoning district. He explained suitable soils were being contested. He
31 also explained that staff reviewed the driveway access, dedication of right-of-way,
32 wetland impacts, floodplain impacts, tree removal, and dedication of easements. Park
33 Dedication would be reviewed and discussed by the Park Commission. Finke provided
34 background of an existing CUP for the property for a commercial horse facility and
35 suggested a CUP be allowed for the existing accessory structures.

36
37 V. Reid asked about the existing CUP being revoked. Finke explained the language was
38 general in nature and could be discussed. Williams said it seemed as though the suitable
39 soils data is incorrect. Finke explained it would be updated in the future. Nolan raised
40 concern of what was a 12 percent slope, since measuring it depends on where you start
41 and stop. He said he was surprised by the amount of land that was being contested.

42
43 Nolan asked if percolation tests were completed. Finke stated septic designs were
44 completed. Weir asked if the lots didn't sell after three years, could the existing CUP go
45 back into effect. Martin asked what the timeline was for filing a plat. Finke said six
46 months after preliminary approval and 120 months after final plat approval.

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2 Public Hearing opened at 10:02 p.m.

3
4 Cindy Piper, owner of 1500 Tamarack Road spoke in support of the application.

5
6 Public Hearing closed at 10:03 p.m.

7
8 Anderson asked if this applicant used the same surveyor as the Carlson applicant. Finke
9 said yes.

10
11 The Commission reviewed the recommended conditions and agreed with them, except for
12 the use of accessory structures.

13
14 **Motion by Anderson, seconded by Martin** to approve the Preliminary Plat, subject to
15 changing the language pertaining to the use of the existing accessory structures. Motion
16 carried unanimously. (Absent: None)

17
18 **8. Public Hearing – Comprehensive Plan Amendment and Rezoning for three**
19 **parcels at the northeast corner of Highway 55 and Arrowhead Drive as follows: to**
20 **change the future land use of PID 02-118-23-34-0002 to Medium Density Residential**
21 **and the zoning designation to Rural Residential-Urban Reserve (RR-UR); to change**
22 **the future land use of PID 02-118-23-34-0002 to Commercial and the zoning**
23 **designation to Commercial Highway (CH); and to change the zoning designation of**
24 **PID 02-118-23-33-0003 to Mixed Use (MU).**

25
26 Finke presented the staff report.

27
28 Williams asked how they were subdivided without staff review. Finke explained they
29 were divided by Hennepin County. He explained that just because a lot was subdivided
30 by the Hennepin County didn't mean it was a buildable lot.

31
32 Public Hearing opened at 10:18 p.m.

33
34 Joe Cavanaugh, property owner of property under review, stated he was in favor of staff's
35 recommendation, except for its proposed zoning district. Finke explained the proposed
36 zoning district that puts the property into a holding district has no practical impact on the
37 property relating to future use.

38
39 Nolan explained it would be similar to the Lennar project. Finke explained the
40 Cavanaugh's would like some more certainty. Williams explained that the City Council
41 had staff send out separate public hearing notices regarding this application to all
42 neighboring properties.

43
44 The Commission discussed their previous recommendation related to the parcels and
45 their rezoning of the properties within the City at the previous meeting. V. Reid said she
46 had concerns with Lot 3.

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Joe Cavanaugh explained the land area is less than the Ryan property (Target) and how a larger project or big box user would generate tax revenue and would assist in lowering residential tax base.

Anderson asked if it was zoned commercial and the City received an application for a mixed use project, would the City be in favor. Finke explained a mixed use project would either be a Planned Unit Development or a Rezoning.

Public Hearing closed at 10:37 p.m.

Motion by Williams, seconded by Nielsen to approve the Comprehensive Plan Amendment. Ayes: Williams, Nielsen, Martin and R. Reid. Nays: Nolan, Anderson, and V. Reid. Approved with 4/3 vote (Absent: None)

Motion by Williams, seconded by Martin to approve the Rezoning. Ayes: Williams, Nielsen, Martin and R. Reid. Nays: Nolan, Anderson, and V. Reid. Approved with 4/3 vote (Absent: None)

9. City Council Meeting Schedule

- Oct. 19 - Williams
- Nov. 8th – V. Reid

10. Adjourn

Motion by Anderson, Seconded by Nielsen to adjourn the meeting at 10:40 p.m.