

Planning Commission Meeting
Thursday, February 16, 2023 6:00pm
Minutes

Planning Commission Members Present: Markert, Olson, Zanto, Wolf

Planning Commission Members Absent: None

Others Present: City Planner Cindy Nash & City Clerk Karen Donovan (both via Zoom)

Pledge of Allegiance

Chair Markert opened the February 16, 2023, Planning Commission meeting with the Pledge of Allegiance.

Chair Markert thanked Council Member Zanto for attending the February Planning Commission Meeting. Calvin Casey and Thane Tande will be joining the Planning Commission as new members in time for the March 16th, 2023 meeting.

1. Approve or Amend Agenda

Motion to Approve Agenda as Presented.: Planning Commission Member Wolf
Second: Vice Chair Olson
Motion Passed: 4-0

2. Consent Agenda

2.1 December 15, 2022 - Planning Commission Meeting Minutes

Motion to Approve Consent Agenda as presented.: Planning Commission Member Zanto
Second: Vice Chair Olson
Motion Passed: 4-0

3. Public Hearing(s) – None

4. General Business

4.1 Concept Plan - Yellowstone of Credit River

Chair Market introduced Ted Kowalski, Developer, who spoke about the property and the new concept plan for The YellowStone of Credit River. The original preliminary plat and new concept plan were reviewed and compared. Mr. Kowalski believes the new concept plan is an improvement that will utilize the land better.

Planner Cindy Nash next provided Staff's comments regarding the proposed concept plan for The YellowStone of Credit River.

ME Development Company purchased the land that was previously approved for development as Creekside at Territory and Territory 5th Addition. They submitted a new concept plan for review by the city to change some portions of the design of the original plan. The existing approved plans contained 25 CSTS lots and 52 larger rural residential lots and also provided an outlot for the open space that was required as part of the original Territory PUD and preliminary plat.

The proposed concept plan includes 39 CSTS lots and 40 rural residential lots. These CSTS lots are located more contiguously with the existing CSTS lots in Territory. No open space outlots are provided. It is also planned that this development would not require a Homeowners Association.

High-level comments were then provided by City Planner Nash as outlined in her and City Engineer Shane Nelson's February 10th, 2023 staff memo to the City Council. Those comments included:

- The subdivision layout proposed in this Concept Plan is not consistent with the previously approved preliminary plat of the Territory. Therefore, a new preliminary plat would be required to be submitted and it would be reviewed as a new application.

- The existing approved plans are part of a Conditional Use Permit for an Open Space Design Development approved in approximately 2005 by Scott County. These types of developments had a number of requirements that had to be met in order to receive a density bonus to have more and smaller lots. Generally, the Developer's offered The Yellowstone of Credit River Concept Plan permanent open space and subdivision amenities as a "trade off" for allowing increased density. Neither the Credit River nor Scott County ordinances permit new Open Space Design Developments to be approved. Staff needs to review the underlying documentation as well as current ordinance requirements to determine if it is possible to amend the previously approved Open Space Design Development in any manner.
- Legal documents associated with the original development of Territory and establishment of the CSTS system will need to be reviewed by legal staff to determine if it is possible to change the layout of the proposed plans and to add additional lots to the CSTS system. Even, if possible, there may be various other documents that would need to be amended to allow for this possibility.
- The Concept Plan does not depict any proposed permanently preserved open space or subdivision amenities. As the Developer continues to explore the feasibility of this subdivision layout, we would recommend that permanent open space and subdivision amenities are also incorporated into the design (similar to those subdivisions approved in the early 2000's under Scott County zoning) An increase to the number of homes on the CSTS system may result in a need to invest in additional infrastructure components to the CSTS system. The costs of any capital improvements would be required to be paid for by the developer.
- Although the City operates and manages the subordinate service district for the sewer, the treatment and disposal facilities are located on property which is owned by the Territory Homeowner's Association. An expansion to the CSTS system would likely require additional land (which is owned by the Territory Homeowner's Association) to be encumbered by expanded treatment and/or disposal components. Therefore, staff assumes that the Territory Homeowner's Association may be required to approve the expansion and/or use of HOA owned property.
- A title commitment should be submitted for review by the city to assist in reviewing any applicable underlying documents of record pertaining to this project.
- Although staff recognizes and generally agrees that the Concept Plan provides for a more contiguous lot layout for properties served by the CSTS, there are several challenges with this development plan which are not fully understood at this time. Further, staff recommends that any proposed new or expansion of an Open Space Design development should contain permanently preserved open space and amenities.

Planning Commission Questions Included:

Vice Chair Olson: Are there any precedents we can look at for how to treat the Open Space Design issue?

Planner Nash: Not a lot of similar types of developments in terms of an open space design with a CSTS. Cities do amend PUDs as situations arise that require them to be amended – but, like this situation, it is important to check all the legal background documents first in order to make a change.

Chair Markert: How long will it take to review the legal documents for this proposed development?

City Planner Nash: will need to sort through that with Ted in determining what needs to be done and how long it takes.

Commission Member Wolf: Has Territory had problems with their CSTS?

Ted Kowalski: They have not had septic issues but have had well issues. All the hurdles regarding capacity of the existing CSTS have to be crossed to ensure the existing system can handle the new homes connected to it. Will need to work with MPCA.

Planner Nash advised the Preliminary Plat would need to be approved which would also require the need for the CSTS to be approved again with MPCA approval.

Commission Member Wolf: What is developer's next steps?

Ted Kowalski: Make sure we have access to the CSTS. Figure out the open space design hurdles – whether its CUP or another way. Work on the septic system design. If Planning Commission recommends that this concept is acceptable, then its up to the developer to make it work.

Commission Member Wolf: Is the concept plan non-binding?

Planner Nash confirmed the Concept Plan is non-binding. Developer is looking for guidance – should he continue down the path as proposed?

Commission Member Wolf also asked a question regarding the lot sizes of the CSTS Lots and whether wetland delineation will be considered?

Planner Nash: Proposed CSTS lots are larger than the current Territory lots or typical to the current size. Wetland delineation is good for 5 years but will be looked at again. The developer will have to meet all the requirements.

Commission Member Zanto: Is the developer willing to adjust CSTS lots if needed to scale back?

Mr. Kowalski: Yes, if needed. He thinks it will also help reduce the overall CSTS costs per lot for the current Territory CSTS system.

Commission Member Wolf: Would Developer need to meet the City Shoreland Ordinance?

Planner Nash - Yes this would be reviewed. Developer is aware and it would affect 18 lots.

Chair Markert stated he liked the plan as long it can work. It sounded like developer is flexible to make this work and adjust, if necessary.

Commission Member Wolf stated concept plan it looks fine. Biggest concern is what impact adding these lots to the existing CSTS will have to the city and residents that pay for the system.

Vice Chair Olson: Agreed the developer's plan seems reasonable.

Chair Markert confirmed no action is required at this time by the Planning Commission.

5. Adjourn

There being no further business before the Planning Commission, a motion to adjourn was heard.

Motion to Adjourn the February 16, 2023 Planning Commission Meeting: Commission Member Wolf
Second: Commission Member Zanto
Motion Passed: 4-0

The February 16, 2023 Planning Commission Meeting was adjourned at 6:52pm.

Recorded by:

Karen Donovan

Karen Donovan
City Clerk-Credit River

Approved by:

WDM

William D. Markert
Chair Planning Commission- Credit River