

**MINUTES OF THE REGULAR MEETING
PLANNING COMMISSION
LITTLE CANADA, MINNESOTA**

JULY 14, 2022

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 14th day of July, 2022 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Chris Kwapick called the meeting to order at 5:30 p.m. and the following members of the Planning Commission were present at roll call:

PLANNING COMMISSION: Kulousek, Kwapick, Mitchell, Buesing, Thorson, and Quarles.
Absent: Johnson.

ALSO PRESENT: Community Development Director Corrin Wendell

ADOPT AGENDA

The agenda was approved as presented.

MINUTES

Commissioner Mitchell made a motion to approve the June 9, 2022 Planning Commission minutes as submitted. Commissioner Buesing seconded the motion. The motion was unanimously approved.

OPEN TO THE PUBLIC

No comments.

PUBLIC HEARING

**COMMISSIONER BUSINESS: PRELIMINARY PLAT AND VARIANCE – 0
EDGERTON STREET – CASE #1414**

The Community Development Director presented a request for preliminary plat to subdivide the parcel to build eight single family homes and variance for a reduction in the rear yard setback and lot depth of each lot, and lot size reduction for six of the eight lots. She reviewed details of the proposed preliminary plat, major subdivision requirements, zoning code requirements, variance requirements, and variance findings. She also provided input from the Development Review Committee and other City staff members. She stated that the City Council will hold a public hearing on July 27th.

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Chair Kwapick asked if the hardship for the variance would be the wetlands to the north.

The Community Development Director replied that with the topography of the site, it was best for the cul-de-sac to begin on the northern side of Edgerton noting that there will be a slope to get to those properties. She identified the floodplain on the northern part of the parcel, which eliminated the opportunity to build on that portion. She stated that the homes then had to shift to the south and the road still had to be fit in as well. She noted that there are only a few of these properties left to develop and the applicant did their best to work with the conditions of the site.

Commissioner Quarles asked if the applicant has completed a wetland delineation.

The Community Development Director confirmed that the applicant is working with the Watershed District on that.

Commissioner Quarles stated that she was unsure whether that area would be a wetland or floodplain.

The Community Development Director confirmed that they will continue to work with the watershed and recognized that the acreage of the site may change based on the delineation.

Commissioner Quarles asked what would happen if the wetland were the full area of the floodplain and it changes the density above four units per acre.

The Community Development Director stated that if that were the case, they would come back to review as they would need to reduce the number of lots to meet four units per acre or less.

Chair Kwapick asked if the variance would still be required if one lot were eliminated.

The Community Development Director replied that if there were a reduction in the number of lots, that may shift the parcels and the lot area perhaps could increase but was unsure that would impact the rear yard setbacks.

Chair Kwapick stated that he was not concerned with the lot size, but more the setback especially for those that will go against the homes on Schletty Drive.

Commissioner Quarles stated that she understands that lot depth may not be something they can avoid if the desire is to have a standard cul-de-sac with homes on both sides of the street. She stated that the issue of lot size, however, seems to be one that could be fixed as she did not see a practical difficulty that would result in needing eight homes.

Commissioner Buesing stated that the City went through an almost two-year process to review and update the City Code. He stated that while he understands there are hardships, they have required other developers to meet the standards. He did not believe lot depth would be achieved

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because a street is needed and therefore supports that request. He stated that he does believe the side yard setback should be met, unless flexibility was provided to the other recent development request the City approved.

The Community Development Director reviewed the required front, rear, and side yard setbacks. She stated that the other development request asked for a reduced front yard setback but met all other setback requirements. She noted that this request does meet the required side yard setbacks.

Commissioner Mitchell asked how the development of the roadway would result in any adjustments.

The Community Development Director replied that the applicant would create a new street to support the units in the development which would gain access from Edgerton. She stated that the roadway would be built to City standards.

Commissioner Quarles asked the slope of the roadway.

The Community Development Director replied that the slope would be to eight percent.

Commissioner Quarles asked the height of the retaining wall.

Sean Keatts, Cara Builders, replied that the height is not yet known for the retaining wall.

Chair Kwapick welcomed any members of the public to provide input.

Justin Parda, 2655 Edgerton, stated that R-1 requires a maximum of 35 percent impervious without wetland area and asked if that is met.

The Community Development Director confirmed that as proposed each lot would meet impervious standards. She explained how that is calculated.

Mr. Parda stated that the variance is requested for six of the eight lots to have lots under 10,000 square feet with a few of those under 8,000 square feet. He stated that the layout would make it impossible to meet the rear setback. He stated that Schletty Drive is almost identical but all of those lots meet the lot size requirements. He stated that the development could meet the lot size requirements by removing one lot. He believed there would be a market value impact to everyone already existing in the neighborhood if this is constructed. He recognized that it would be difficult to build on this lot and believed that more than one survey should be completed. He stated that he purchase his home 12 years ago, the developer that built his development proposed to build three homes on this property and the City denied the request. He noted that the request is now for eight homes. He noted that the original issue was related to Edgerton Street access and that will remain as an issue. He stated that he has no problem with someone developing the

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property, but this will place a cul-de-sac against his backyard. He believed that this should be looked at differently.

Aaron, 2680 Edgerton, supported the comments of the previous resident. He agreed that the City previously denied a request to build three homes on the lot. He stated that decision supported his decision to purchase his home. He stated that if he would have known that this property could be developed to this extent, it would have impacted his decision to purchase his home. He stated that if this is passed, he would most likely sell his home immediately. He stated that he would propose to purchase the property through GoFundMe donations and propose a trail or free mini golf course on the property. He believed that would be a better idea for everyone. He wished people luck not sliding down the sloped street into traffic on Edgerton. He recognized the right to build on property but did not believe a street should be created. He stated that while he appreciates the spirit of the law as it was mentioned, it is the letter of the law that must be followed.

Jessica Turcotte, 2674 Schletty, commented that the lots in her development are very different because of the steep slopes. She stated that anything that happens with the watershed will need to be watched closely as she already has two sump pumps and has regraded her yard twice in attempt to manage the water. She recognized the option for park dedication and asked if the developer would plan to donate land which would allow the walking path around the lake to be kept. She also referenced a previous proposal which had three lots using a shared driveway or private drive and ultimately did not pass. She stated that she spoke at those meetings asking about setbacks and was told that she would not have to worry about it because the lots would be large, and they would want trees and privacy. She asked why the road would not be placed forward, similar to a frontage road, that would allow for larger homes and maintain the character of the neighborhood. She referenced the setback variances and believed that there are ways to build on the property that does not require a rear yard setback variance. She stated that the economic realities are not considered as a hardship. She stated that if three homes were okay, she would wonder if the density has been changed for the property that would allow for the additional homes. She stated that a home on her street recently sold for \$700,000 and believed that having homes of 4,000 square feet backing up to homes of about 1,200 square feet would impact values. She wanted to ensure that things are being built that fit the tone of the neighborhood, do not impact the culture of the lake, or cause issues with stormwater or privacy.

Nate Price, 2728 Edgerton, stated that he has a number of concerns with the proposal. He stated that he walks his dog four to five times per day and his office overlooks the park. He commented that the park is appreciated and well used by residents and this development would have an impact on the adjacent residents and residents as a whole that use the park. He commented that what would have to be done to build on the property would have impacts on other properties, to the lake and to the creek. He stated that there is a blind spot on Edgerton where the proposed road is supposed to connect. He asked what would be done to address that safety concern as Edgerton is a dangerous street, noting that his mailbox has been hit multiple times per year.

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Kathy Vinet, 2682 Schletty Drive, stated that as this has been discussed her neighborhood has been meeting to discuss the impacts this would have. She stated that a big reason they purchased their property is because of the views of the park and privacy. She noted that this development would change the feel of the neighborhood. She noted that these homes would look down into their windows. She expressed concerns with water management as the trails in the park regularly flood, even in a light rain. She asked if the path around the lake would remain as many residents enjoy that amenity. She also agreed that it does not seem feasible to connect a road with eight homes onto Edgerton at the grade that would be needed.

Robin, 2679 Schletty Drive, echoed the comments of her neighbors. She stated that they have been in their home for 3.5 years and love the overlook of the park. She commented that if that is taken away, it would take away the reason she purchased her home. She expressed concerns with safety as well, noting that she cycles on the road and there are already concerns. She noted that she would also have concerns with vehicles using the slope proposed to get on Edgerton in the winter. She stated that when thinking about development they should ask what this will add to the neighborhood and noted that this development will instead take away value from existing homes, views of the park, and add safety concerns. She stated that perhaps a small development would better fit on the property.

Mr. Keatts, applicant, commented that he does understand the concerns expressed. He stated that he has built homes for 15 years and spends a lot of time creating homes to fit with the neighborhood. He stated that this would add opportunity for eight families to come into Little Canada with homes ranging from 2,500 to 3,500 square feet. He stated that this land is not part of the park, and he would not impact the park in any way as all the work would remain on private land. He commented that the walking path is not on the private property. He stated that the overall width of the land is 248.6 feet and with the size of the road required, that would dictate the depth of the lots. He stated that the survey identifies a lot size and buildable area size but noted that he would not be building to the full extent of the buildable area. He recognized the concern with the neighborhood but noted that he would work with residents and provide a product that would fit into the area.

Commissioner Mitchell stated that he is very concerned with flooding.

Mr. Keatts stated that the land will be graded to ensure the drainage is not pushed onto other properties. He stated that they are working with the Watershed District to develop plans that will meet all required codes. He stated that the water from the site will be routed to designated holding areas to manage the water onsite. He stated that he would be willing to meet with existing residents to address their concerns.

Chair Kwapick thanked the residents for providing their input tonight. He stated that this is not the last opportunity for the residents to provide input as the City Council will be holding a public

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hearing. He noted that this is preliminary plat, and additional work would be done between this time and consideration of final plat.

Commissioner Thorson asked for details on the meeting with the Watershed District.

The Community Development Director replied that the next meeting with the watershed would be Wednesday. She noted that if the plan needs to be adjusted due to the delineation, that plan would come back to the Commission. She stated that if that were to occur, a new letter would be sent to notify residents as well.

The Community Development Director stated that she was not working at the City when the three homes were proposed. She reviewed the density range for R-1, but was unsure what the density range was previously, which could have allowed less homes.

Commissioner Buesing commented that if this approved tonight, it would be for preliminary plat. He asked if comments could be made if approval is recommended.

The Community Development Director confirmed that conditions or additional comments could be added. She noted that this would return to the Commission for consideration of final plat as well, which would be scheduled for August.

Commissioner Kulousek confirmed that whether or not the Commission recommends approval, this will still move forward to the City Council.

Commissioner Quarles stated that when there are motions of approval with conditions, those conditions should be specific. She stated that she is not comfortable with the lot size, as six of the eight lots are closer to the R-2 standards than the R-1 standards. She stated that the lot depth variances are unavoidable and believed that a cul-de-sac would be needed as well. She stated that when looking at variance criteria they must consider whether this is the only way to use the property and she did not believe this is the only use of the property. She stated that if there were a development of six or seven homes, more of the standards would be met and the developer could still build rambler starter homes. She recognized that park dedication is not the purview of the Commission but would love to see 10 percent of land donated along the existing path on the northern boundary. She stated that she cannot comfortably approve this when there are 24 variances. She stated that she would be excited to see the developer come back with a slightly lower number of lots.

Commissioner Buesing stated that he would support a motion that would require the minimum lot size to be met but recognized that the lot depth and rear yard setback variances will be unavoidable.

Commissioner Quarles noted that would be a significant change to the layout as it would eliminate at least one lot.

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Chair Kwapick explained that the Commission is a recommending body, therefore the same plan could be presented to the City Council with the recommendation of the Commission.

Commissioner Thorson stated that perhaps the vote should just be based off the request as is and the concerns and comments of the Commission could still be communicated to the Council.

Commissioner Quarles stated that she would recommend denial as presented. She noted that the applicant would then have the option whether to make adjustments or continue to the City Council.

The Community Development Director replied that the City Council will review the entire proposal, regardless of the recommendation of the Commission. She noted that the Council may add conditions and/or changes that would need to be made between preliminary and final plat. She confirmed that she would communicate the concerns and conditions stated by the Commission and residents to the Council.

Commissioner Buesing stated that he does see the point of Commission Thorson but recognized that the Commission is only a recommending body.

Chair Kwapick confirmed that minimum lot size, improved sight lines at the proposed connection to Edgerton, contingency on the Watershed District decisions, stormwater management, and concerns for privacy by neighbors are the main priorities.

Kwapick introduced the following motion:

RECOMMENDING THE APPROVAL OF A PRELIMINARY PLAT AND VARIANCE APPLICATION FOR THE PROPERTY LOCATED AT 0 EDGERTON STREET (PID 052922340061) TO SUBDIVIDE THE PARCEL INTO EIGHT LOTS AND A REDUCTION IN THE REAR YARD SETBACK AND LOT DEPTH FOR LOTS 1-8, AND A LOT SIZE REDUCTION FOR LOTS 2-5 OF BLOCK 1 AND LOTS 1 AND 2 OF BLOCK 2; ADDRESSING THE FOLLOWING:

- ***CONCERNS WITH MINIMUM LOT SIZE***
- ***IMPROVED SIGHT LINES AT THE CONNECTION TO EDGERTON***
- ***CONTINGENCY ON THE DECISIONS AND INPUT OF THE WATERSHED DISTRICT***
- ***ADDRESSING CONCERNS RELATED TO STORMWATER MANAGEMENT AND PRIVACY.***

The foregoing motion was duly seconded by Mitchell.

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Ayes (5). Nays (1) (Quarles). Motion passed.

REPORTS FROM STAFF

Community Development Director commented that the City is having a Community Build for Rondeau Park on Friday and Saturday and that volunteers are encouraged to sign up to help build a new playground for the community.

REPORTS FROM COMMISSIONERS

No comments.

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Amanda Staple
TimeSaver Off Site Secretarial, Inc.