

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JULY 28, 2015
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of July 28, 2015 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Judy Coughlin, Mathew Engstrom, Mark Lobermeier, Ken Meyers, and Frank Storm.

Members Absent: None.

Also Present: Council Liaison Mayor Eric Peterson and Zoning Administrator Fred Weck.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for July 14, 2015.**

A MOTION WAS MADE BY PLANNING MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JULY 14, 2015.

Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.

Voting Nay: None

Abstain: None

SCHEDULED PUBLIC HEARINGS

2.

Variance V-15-002	Impervious surface area in a Shoreland District
Conditional Use Permit C-15-001	Conditional Use Permit for a Planned Unit Development in the Shoreland District
Conditional Use Permit C-15-002	Conditional Use Permit for a residential development consisting of housing restricted to the elderly, including independent living.
Preliminary Plat D-15-002	“Heims Lake Villas”
	PIN’s of 21.11124.00 and 21.11125.00

Commissioner Engstrom asked about comments from the MNDNR. Zoning Administrator Weck

explained that the MNDNR considers the lake impervious and it cannot be included in the area calculations, he added that the MNDNR worked with the applicant and did not have any comments on the applications before the Commission tonight.

Chairman Storm opened the public hearing at 7:03; there being no public wishing to speak the public hearing was closed.

A MOTION WAS MADE BY PLANNING COMMISSION CHAIRMAN STORM, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF THE REQUESTED VARIANCE FROM SECTION SEC. 40 – 328, (5), (A), OF THE CITY OF WYOMING ZONING ORDINANCE TO ALLOW AN IMPERVIOUS SURFACE AREA OF 30.2% INSTEAD OF THE MAXIMUM ALLOWED 25% WITH THE FOLLOWING CONDITIONS:

1. That the site shall be developed in substantial compliance with the approved Preliminary Plat and Stormwater Plans.

Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.

Voting Nay: None.

Abstain: None.

Conditional Use Permit C-15-001 Conditional Use Permit for a Planned Unit Development in the Shoreland District.

Commissioner Coughlin asked about whether the residents would be able to do a patio or a shed. Jason Rudd and Joe Shimanski, representatives for the applicant explained that the lots are too small for sheds and that they will also be addressed in the development by-laws. Commissioner Engstrom asked about plowing of the “eyebrow” on the street. Weck responded that the Public Works Superintendent does not have an issue with it. Commissioner Lobermeier questioned the proposed density of the development being too large and using the same type of justification for the number of lots with both the impervious surface calculations and the PUD development. Weck replied that the PUD tiering allowances could have netted more lots than what are proposed, but that without the shoreland density increase a regular PUD, not in a shoreland district, does not allow for density increases. Jason Rud explained to the Commissioners how they had laid out what the property could have had for lots with a conventional layout in order to determine what the density increases could be and presented that for review to city staff and the MNDNR.

Chairman Storm opened the public hearing at 7:13; there being no public wishing to speak the public hearing was closed.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL PLANNED UNIT DEVELOPMENT IN THE SHORELAND DISTRICT WITH THE FOLLOWING CONDITIONS:

1. That the site shall be developed in substantial compliance with the approved Preliminary Plat and Stormwater Plans.

2. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the City Attorney.

Voting Aye: Coughlin, Engstrom, Meyers, and Storm.

Voting Nay: Lobermeier.

Abstain: None.

Conditional Use Permit C-15-002 Conditional Use Permit for a residential development consisting of housing restricted to the elderly, including independent living.

Zoning Administrator Weck explained to the Commissioners that The City Attorney explained that the City cannot make the age of the residents a condition of approval but that it can be addressed in

the development by-laws and covenants. Commissioner Lobermeier questioned whether a residential development is the correct use for this property next to an Industrial use and whether it's consistent with the Zoning Ordinance. Commissioner Coughlin asked about the enforcement of the covenants. Weck explained that covenants that the City has a specific interest in would be enforced by the City. The Commissioners discussed revisiting the uses in the Office and Health Care District when the Comprehensive Plan is updated.

Chairman Storm opened the public hearing at 7:30; there being no public wishing to speak the public hearing was closed.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A RESIDENTIAL DEVELOPMENT CONSISTING OF HOUSING RESTRICTED TO THE ELDERLY, INCLUDING INDEPENDENT LIVING, WITH THE FOLLOWING CONDITIONS:

1. That the site shall be developed in substantial compliance with the approved Preliminary Plat and Stormwater Plans.
2. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the City Attorney.

During discussion after the motion Commissioner Coughlin expressed her concerns about enforcement of the covenants and if a condition including "restriction to the elderly" could be included in the conditions of approval. Weck explained that "restricted to the elderly" will be in the title of the Conditional Use Permit and that the covenants would need to be included with the Final Plat for approval and that no lots could be sold before the final plat is approved.

Voting Aye: Engstrom, Meyers, and Storm.

Voting Nay: Lobermeier.

Abstain: Coughlin. Abstention based on not being comfortable with the language in the conditions of approval.

Preliminary Plat D-15-002 "Heims Lake Villas"

Commissioners Lobermeier and Meyers had no concerns with the preliminary plat except for providing a landscape plan. Commissioner Coughlin asked about the maintenance of the stormwater ponds. Weck explained that like the recent Rosenbauer and Polaris projects the ponds are protected with easements but maintenance of the ponds is through a maintenance agreement so the owners are responsible for their care.

Chairman Storm opened the public hearing at 7:44; there being no public wishing to speak the public hearing was closed.

A MOTION WAS MADE BY PLANNING COMMISSION CHAIRMAN STORM, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF THE PRELIMINARY PLAT OF THE "HEIMS LAKE VILLAS" WITH THE FOLLOWING CONDITIONS:

1. The City Engineers approval of the street, utility, grading, and drainage plans.
2. That the applicant provide a landscape plan for review and approval by the Zoning Administrator must be submitted. The plan must show how the applicant will provide residential privacy and minimize views of houselots from the exterior road and abutting properties.
3. That after the City Engineer has approved the construction plans and specifications; new Preliminary Plat drawings and construction plans that reflect the approved revisions are submitted to the City (three full size and two reduced sets).
4. That all required local, state and/or federal permitting must be obtained and proof of such permits submitted prior to the pre-construction conference with staff.

