

APPROVED MINUTES

EDEN PRAIRIE PLANNING COMMISSION

MONDAY, JULY 27, 2020

**7:00 PM—CITY CENTER
Council Chambers
8080 Mitchell Road**

COMMISSION MEMBERS:

John Kirk, Ann Higgins, Andrew Pieper, Ed Farr,
Michael DeSanctis, Rachel Markos, Carole Mette,
Lisa Toomey, William Gooding

CITY STAFF:

Julie Klima, City Planner; Matt Bourne, Manager of
Parks and Natural Resources; Rod Rue, City Engineer

I. CALL THE MEETING TO ORDER

Chair Kirk called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE – ROLL CALL

Commission member DeSanctis, Pieper, and Farr were absent.

III. APPROVAL OF AGENDA

MOTION: Markos moved, seconded by Mette to approve the agenda. **MOTION CARRIED 6-0.**

IV. MINUTES

MOTION: Gooding moved, seconded by Toomey to approve the minutes of July 13, 2020. **MOTION CARRIED 6-0.**

V. PUBLIC HEARINGS

PRAIRIE HEIGHTS (2020-06)

Request for:

- Planned Unit Development Concept Review on 9.6 acres
- Planned Unit Development District Review with waivers on 9.6 acres
- Zoning District Change from Rural to R1-9.5 on 9.6 acres
- Preliminary Plat to create 24 lots and 4 outlots on 9.6 acres
- Preliminary Plat to create 1 lot on 2.85 acres

Pat Hiller of Norton Homes presented a PowerPoint and detailed the application. The development planned a series of 24 single family detached villas in a full “snow and mow” association. Finished homes ranged from 3,000 to 3,500 total

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square feet, and prices ranged from \$700,000.00 to the \$800,000.00s. Hiller explained these types of one level living developments were very popular in the Twin Cities. Site development (site grading) would begin in September if this application was approved. This was a PUD application requesting the site, currently zoned low density residential, be rezoned to R1-9.5.

Hiller displayed the site plan. Water and sewer connections would be made at the northeast, and there would be a road connection to the west onto Pioneer Trail. He displayed the three styles of building homes and pad sizes and their numbers: there would be 18 “Mitchell” home lots, three “Staring” home lots and three “Bryant” home lots. This development fell within the Flying Cloud Zone C area and the developer would take out permits to build residential homes with an interior noise mitigation plan and building/construction equipment height limitations. There would be noise reducing windows and doors. The building and construction equipment heights were well below allowable limits, and Flying Cloud Airport disclosure would be included with each home sale.

Sustainability features included storm water infiltration basins conforming to watershed district standards. The developer would work with staff to plant native species in and around storm basins and was also willing to donate the outlot north of Pioneer Trail to the city for permanent open space. The garages would be electric vehicle-ready. There would be increased STC window noise rating to minimize impact of airport noise.

The developer completed a traffic study that was based on analytical cases because an actual traffic count due to the Covid-19 pandemic was impossible. This study found the impact would be minimal, and no improvements were recommended.

The developer did hear from neighbors. Neighborhood concerns included construction traffic coming through the existing neighborhood and the plan to build out the right in, right out connection to Pioneer Trail in a second phase rather than during Phase One. The plat application had been amended to request the existing driveway from Pioneer Trail to the north of the site to remain open for site development and for home construction traffic to use. The developer eliminated project phasing to construct all 24 lots in one phase.

The plat proposed a future connection to MAC property through the right-of-way off Liberty Court. MAC objected this connection would impact the possible future development on its site, so an alternate access was being proposed. This would cause the loss of a lot at Pioneer Trail but would provide right-of-way access to MAC property in the future.

Mette asked if Hiller would consider having the access on Pioneer Trail align with the Outlot A to create a right-in, right-out, or connect on Surrey Street and

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connection with a mini cul-de-sac and turnaround to the southwest. Hiller replied every combination was looked at and a full intersection was not warranted by the traffic study. Hennepin County was opposed to new connections to Pioneer Trail location due to sight lines. Markos asked if the existing curb cut would be used only for construction, or if it was a part of the Prom property as well. Hiller replied the curb cut had to remain and the developer would relocate the driveway so the resident would have a dedicated driveway. Markos asked what impact the MAC connection would have. Hiller replied it would take out one of the lots and leave only 23 building lots for the final design.

Higgins expressed concerns regarding water flow and runoff, noting the slopes were considerable and were now being regraded. She asked Hiller to reacquaint the commission with its thought process to get to this water flow plan. Dave Nash with Alliant Engineering replied their geotech work resulted in a grading plan that determined the lowest areas on the site to adjust grades. The result was significant retaining walls. The ponds were infiltration ponds which most of the time would be dry but were designed for 100-year storm events. This was a common and preferable solution in developments with a sand and porous site base. This plan had gone through several comments from the City and those were addressed, along with the watershed comments.

Klima presented the staff report. The applicant proposed 24 single family lots and 4 outlots, three of which were intended for stormwater management purposes, and one to remain undisturbed. All outlots would be deeded to the City. The properties were currently zoned Rural and the applicant was requesting to be rezoned to R1-9.5, which was consistent with the Comprehensive Plan. The lots would be accessed by extending Surrey Street to the west and by creating a right-in, right-out intersection on Pioneer Trail. A cul-de-sac would also be created to the south of the Surrey Street extension. As part of the PUD, the applicant was also requesting waivers for minimum lot size, minimum lot width, and front yard setback. Staff recommended approval subject to the conditions in the staff report.

Mette asked if Klima had comments regarding the fate of outlot A. Klima replied it was a remnant parcel and there might be an opportunity to perhaps provide for stormwater needs in the future, but that was to be determined. Mette noted zoning change requests from Rural to R1-9.5 had come before the Commission before and she asked if the City had considered looking at this zoning, since it has so many exceptions. Klima replied the R1-9.5 district was not routinely used until recently. Through the Aspire housing and land use conversations the City heard the need to have a variety of housing types. Single-level living situation is appealing to empty nesters and younger homeowners. Staff was seeing more requests now because of a change in market trends. This zoning could be looked at in the future.

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Pat Pappas, resident at 9631 Tree Farm Road, asked for assurance that construction traffic would not be going down Surrey Street and Woodridge Road and that there would be a right-in, right-out connection with sufficient signage.

Dana Nelson, Director of Stakeholder Engagement MAC, stated MAC operated the Flying Cloud Airport which was less than one mile west of the development site. Her comments were similar to a letter sent to the City Planner in 2016 upon review of the zoning and preliminary plat request, and a letter containing her current comments would be submitted. She gave background of the Flying Cloud Airport and its community benefits and described her efforts to identify noise impacts and minimize them in accordance with the Aspire 2040 Comprehensive Plan and the Metropolitan Council's Land Use Compatibility Guidelines for Aircraft Noise. Construction near the airport would increase noise complaints. MAC had no way to restrict aircraft activity or noise at Flying Cloud. Neither the MAC nor the FAA could provide noise mitigation materials. The MAC requested the following: that the City draft aviation easements for each parcel, notify potential homebuyers of the nearby airport, waive all claims against MAC for future noise and air quality impact, ensure homeowners are notified of the zoning site and conform to height limits and zoning restrictions, communication MAC's intention to develop the site to the site, install fast-draining ponds so as to deter waterfowl which are incompatible with aircraft, avoid fruit-bearing and ornamental tree plantings, design access points that did not require permanent easements on MAC property and that construction of the stub road be concurrent with the construction of this development. She also asked for clarification of setback.

Markos asked if MAC had any proposed future development. Nelson replied there were no confirmed plans but an office complex was possible. There would be no residential development. Mette asked for and received confirmation that MAC was requesting access and intersection be completed as a part of this plan and there was no curb cut there now. Bridget Rief, MAC Vice-President of Planning and Development, replied this only concerned the stub road causing the loss of the 24th lot. Kirk asked for and received confirmation there were no plans to develop the rest of the intersection at this time.

John Fedora, resident at 9820 Tree Farm Road, stated the proposed developed area south of this development was Parcel Six, which prevented the fulfillment of contiguous open space required by the JAZB Zoning Code. Therefore, Parcel Six could not be developed. He asked that this m be addressed.

Patrick Prom, resident at 12661 Pioneer Trail, expressed frustration that he could not hear well in the Council Chambers with the existing speaker system, and asked for further clarification. Kirk offered to repeat the questions as they were addressed by the Commission, and Mette reminded the audience a follow-up letter with these conditions would be submitted for the public to also see.

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MOTION: Toomey moved, seconded by Mette to close the public hearing.
MOTION CARRIED 6-0.

Kirk repeated the request for an assurance the construction traffic would come in the old driveway off Pioneer Trail to the north of the project, and the right-in, right-out would be off Pioneer Trail. He mentioned the noise issue, the request for education around what the MAC could do in the future, the request from MAC to have proximity to airport notifications so new homebuyers were not surprised, construction of the ponds and landscaping to minimize water fowl or bird issues near the airport, and an alternative roadway proposal that would bring Surrey Road parallel to feed into a larger intersection west of the project.

Klima stated the majority of those comments and requests were expected and standard comments the City receives on any development in proximity to the airport. The City has standard language in development agreements regarding proximity and noise mitigation building construction materials. Hiller had addressed those and the City would include those in the development agreement. Regarding Zone C requirements, this development would be in compliance, and there would be an airport permit as a condition of approval.

Toomey asked if there was a mandatory curfew at the airport. Klima replied it did not have a curfew. Kirk replied it was a 24-7 operation. Nelson agreed and added there was a voluntary nighttime quiet time asking users not to utilize the airport between 10 p.m. and 7:00 a.m. Kirk reminded the audience a written letter would be submitted. Klima gave an overview of Parcel Six. Parcels Two through Five were approved for office or commercial rezoning. Parcel Six was not approved due to lack of a specific development plan being imminent. The final slide by Hiller gave the conceptual development on that parcel. Any future development on Parcel Six would have to start with the rezoning process. Kirk agreed open space was needed and asked if there was any ambiguity in the Ordinance regarding this land.

Brad Juffer, Manager of Community Relations for MAC, replied the northern portion of Parcel 6 had become JAZB Zone C, which was a less restricted zone for development. Zone B, to the south, would have development opportunities but would be limited by density. There would be no restriction on development in Zone C except for height and some specific uses.

Rue stated the construction access and the right-in, right-out had both been approved by Hennepin County. Construction access on one lot would be left open and minimal traffic would use it, and the right-in, right-out would be eliminated per County direction. Mette asked if the proposed road was approved by the City and the County. Rue replied the access was not approved; the location was ideal under County standards. This was a proposed future intersection. Discussion

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followed on the configuration of this road to enable a possible future development of the MAC parcel. Rue explained the roadway would ultimately likely be reconfigured, perhaps into a half cul-de-sac. The right-in, right-out would stay until full access was developed.

Hiller agreed to follow the County requirements of the stub road and offered to work with staff. What he had presented was not fully conceptualized, and it would ultimately be decided upon.

Gooding asked if the significant amount of retaining walls would be in private lots or in common areas, and who would be responsible for the cost of maintenance and repair. Nash replied some were on private lots and some on City outlots, and the City outlots would require an encroachment agreement. The HOA would maintain all retaining walls. Markos asked for and received clarification the stub road was decided on to accommodate a request by the MAC. A right-of-way could be left there instead as an alternative option.

Mette noted her understanding was the right-in, right-out on Pioneer Trail would be built and would address neighborhood concerns. She was pleased to hear the developer was willing to work with MAC on the access. She would align Surrey Street differently in order not to lose a house. She was concerned a lot of planning served an unapproved, nonexistent intersection to serve an unknown future use in an unknown time for an unknown owner—a considerable concession by the developer.

Gooding stated he visited the site, which was a very hilly area. It required considerable regrading and he shared concerns about drainage. It was close to the airport. He was concerned about the walls being HOA responsibility, which could be expensive down the road, but he found the development impressive and was encouraged by the developer's willingness to work with staff. Kirk concurred, and added he liked the development and its design. He added within reason the commission and developers must work with MAC and take its requests and concerns into consideration. Discussion followed on a possible motion to address all concerns.

MOTION: Mette moved, seconded by Markos to approve the Planned Unit Development Concept Review on 9.6 acres, Planned Unit Development District Review with waivers on 9.6 acres, Zoning District Change from Rural to R1-9.5 on 9.6 acres, and Preliminary Plat to create 24 lots and 4 outlots on 9.6 acres based on plans July 16, 2020 and the staff report dated July 27, 2020 and stipulating the condition that prior to presentation to the City Council the applicant and MAC work out an agreement on how to address Lot 22 and how to provide a connection to MAC's property. **MOTION CARRIED 6-0.**

VARIANCE #2020-02

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Location: 16740 Rogers Road

Request for:

- To decrease side yard setbacks from 10ft to 7ft for a shed

Marla Ekman, property owner, displayed a PowerPoint and presented her application. Her variance request was to decrease the side yard setback from the required 10 feet to seven feet. There were existing structures, egress windows, and mature trees on the site limiting the location of the shed. The applicant wished to preserve the mature trees on the site and was requesting the variance to encroach three feet into the side yard setback. She displayed photographs to illustrate the site and explained its limitations which prevented her from following the 10-foot requirement.

Klima presented the staff report. Variances may be granted if it was in harmony with the general purposes and intent of the ordinance and meet statutory criteria. The proposed variance met the general purposes and statutory criteria as identified in the Staff report as well as the three-part test, and staff recommended approval subject to the conditions in the staff report and in the Final Order.

MOTION: Higgins moved, seconded by Mette to close the public hearing.

MOTION CARRIED 6-0.

Markos stated her concern was the applicant's neighbor and commended the applicant for having a good-faith conversation. She also suggested plantings along the shed, and Ekman replied she was planning to put in hostas.

MOTION: Higgins moved, seconded by Mette to approve the application based on the findings in the staff report dated July 27, 2020 and the findings and conditions of the Final Order #2020-02. **MOTION CARRIED 6-0.**

VI. PLANNERS' REPORT

Klima stated there was a memo in the commissioners' packets concerning EV charging stations. Residents had come forward to the City Council's open podium to state St. Louis Park had adopted an EV charging ordinance and requested Eden Prairie to do the same. The City Council asked the Planning Commission to review and weigh in on this. There was a sliding-scale requirement in terms of number of EVCS based on parking stalls required. A cost cap had been included in the St. Louis Park ordinance. Staff prepared a report which was included in the commission's materials. The City of Bloomington adopted EVCS requirements in December, 2019 and Golden Valley included EV charging stations as one of 17 options for PUD consideration.

Toomey asked for confirmation all the new home construction in Eden Prairie had these stations included. Klima provided a list of properties that included them, and replied it was not a requirement, but an ordinance doing so was the subject of this request by

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residents. Kirk noted it was more the exception than the rule. Toomey asked if the City of Eden Prairie could partner with commercial business to install these in park parking lots. Discussion followed on free versus fee/targeted-client EV charging stations. Mette stated the Commission should not require the stations be free of charge but should leave it up to the property owners. She urged the City treat residential, multi-family and commercial differently. She stated she was not against a requirement but more in favor of providing incentives to developers for EV stations or wiring. Providing capacity was a laudable goal for housing and especially at multi-family developments, where it could be required. It would be impractical to require it for retail development, where people did not park for long, but office and the Mall would make more sense. She argued against aggressive commercial enforcement in favor of offering them where they would actually be used. Markos agreed, and added a wired option for single-family was a forward-thinking idea. Mette added requiring it at every commercial development would be like requiring all commercial development to have a gas station. Gooding agreed, and stated Xcel had set up a system wherein if a resident charged overnight that person paid less than during the day. The most logical place to charge was at one's home, and pre-wiring up-front was relatively inexpensive. Kirk agreed, and added the Commission encouraging this capacity in new residential was very important. It was possible an ordinance was not needed if this became part of the building code. He agreed with Mette it should be required at multi-family housing. Commercial development could offer it if market forces allowed them to benefit. He also commended Markos's idea to partner with commercial entities to help pay for their installation. Mette recommended the City reach out to multi-family developments in Eden Prairie to determine demand and interest. Kirk urged Eden Prairie be proactive on this.

VII. MEMBERS' REPORTS

VIII. ADJOURNMENT

MOTION: Toomey moved, seconded by Gooding to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 8:51 p.m.