



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING

City Hall - Council Chambers

July 22, 2013 – 6:00 p.m.

A. CALL TO ORDER

B. APPROVAL OF MINUTES

- **June 10, 2013 regular meeting**

C. PUBLIC HEARINGS

D. OLD BUSINESS

- **Consider a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration Phase III-B**

E. NEW BUSINESS

F. GENERAL INFORMATION

G. OPEN FORUM

H. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
JUNE 10, 2013
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Acting City Administrator/Planner Taylor called the regular Bayport Planning Commission meeting of June 10, 2013 to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Todd Gilles, Brad Hallett, Jason Obler, Jeff Richtman and Joe Ritzer

Commissioners Absent: None

City Staff Present: Acting City Administrator/Planner Sara Taylor, Planning Consultant Dan Licht, and City Attorney Andy Pratt

APPROVAL OF MINUTES

It was moved by Commissioner Gilles and seconded by Commissioner Richtman to approve the June 10, 2013 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Consider a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration Phase III-B: Planning Consultant Dan Licht stated that builder DR Horton, Inc., working with Bayport Mainstreet Holding, LLC, has submitted an application for preliminary plat approval and a revised Planned Unit Development (PUD) general development plan for Outlot C in the northwest corner of Inspiration, known as Phase III-B. They are proposing the development of 110 traditional single family lots and 163 acres of open space in this outlot. He noted 116 lots were approved in the original master plan approved in 2004. The process for approval and changes from the 2004 PUD general development plan and preliminary plat to the subdivision design were reviewed in detail. Architecture guidelines, lot requirements, setbacks, open space, landscaping, access off Stagecoach Trail, streets, trails/sidewalks, grading plan, utility and street lighting plans, easements, and park dedication fees were reviewed. He noted that the plans have been revised to provide more active open space in Outlot F, after the applicant received comments from current Inspiration residents. Based on comments from Washington County, a three-quarter intersection only will be installed at Inspiration Parkway North and Stagecoach Trail, with no left turn allowed to southbound Stagecoach Trail. The trail segment along the south side of Inspiration Parkway North will also be modified to direct pedestrian traffic to the south entrance that will have a delineated pedestrian crossing. The developer plans to build out Phase III-B in three sub-phases, with the first phase of 45 single family lots and completion of Inspiration Parkway to Stagecoach Trail. The second phase provides for the connection of Primrose Path and Periwinkle Place and includes 33 single family lots. The final phase involves construction of Primrose Place and development of 32 lots. The developer will be required to enter into a separate developer's agreement and PUD permit for Phase III-B as a condition of approval for final plat approval. He noted that administration of architectural review was originally deferred to the HOA and has not changed since 2004, and this component is not under the city's purview. Separate from the application being considered tonight, Planner Licht noted the protected burial mounds are not affected by the Phase III-B development, and the city and developer will need to decide on

conveyance of the nature center and acquisition of Outlot M in the future. He stated the proposed project meets the requirements and intent to provide a single-family neighborhood surrounded by open space and amenities, within the context of the city's original approvals in 2004/2005. The project also meets the technical requirements of the city's subdivision ordinance. As such, city staff recommended approval of the project, subject to the 16 conditions listed in the staff report dated June 5, 2013.

Ron Mullenbach, representing applicant DR Horton, introduced Mike Suel and Rob Crosstue, DR Horton; Corey Meyer and Fran Hagen, Westwood Professional Services; and Kendra Lindahl with Landform (asset manager), representing the co-applicant Bayport Mainstreet Holding (BMH). He noted the developer's desire to complete the traditional single-family development within the constraints of today's marketplace. One of the changes is the elimination of planned alleyways, which are maintained by the homeowner's association, and provide access via the extension of Periwinkle Place. To reduce city maintenance costs, a roundabout has been replaced by a traditional four-way intersection. He added the intent of application is to reduce the amount of impervious surface and increase or hold the amount of open space.

Commissioner Obler requested background information on DR Horton's involvement with the Inspiration development. Mr. Mullenbach stated his company was pleased with their efforts as a builder in Phase I of Inspiration during the past few years, and recently entered into a purchase agreement with BMH to serve as the developer for the final phase to install streets and utilities and serve as the builder for the remaining 132 single family home sites. He added they want to honor the original intent of the development as a conservation, open space neighborhood, and said DR Horton would be taking over maintenance of the conservation easement area.

Commissioner Hallett requested information on the original architectural standards, and Mr. Mullenbach stated as a builder they follow the original standards as regulated by the homeowner organization association (HOA) documents. He noted that BMH serves as the board of directors for the HOA at this time, and building plans are submitted to the architectural review committee (ARC) of that entity for review.

Commissioner Ritzer asked how the current marketplace affects the proposed application versus the original 2004 plan. Mr. Mullenbach stated the original builder, Rottlund Homes, constructed the initial homes in a manner similar to the proposed application, marketing a certain number of floor plan styles with an umbrella policy to avoid repeating styles in a certain area. Commissioner Obler mentioned a concern about two adjacent similar style homes and believes the Planning Commission needs to be responsive to this type of concern to ensure an adequate umbrella policy is maintained. Planner Licht stated the city is aware of the issue with the two homes built by DR Horton and is reviewing information; however, Landform, the HOA representative, reported the two homes meet the guidelines of the HOA requirements. He added that approval of the final plat and PUD is separate from the architectural controls that are imposed as part of the private HOA documents and are outside the scope of the city's jurisdiction. Commissioner Obler is concerned the Inspiration residents have not received any assurances that the applicable restrictions, standards, and covenants of the original developer's agreement will be maintained, especially with DR Horton serving as the HOA board. He expressed concerns that the DR Horton proposal would not fit with the development's original plan and not support the small town feeling promoted by the original developers.

Corey Meyer, landscape architect with Westwood Professional Services, explained the open space changes in Outlot F, in response to concerns voiced at an Inspiration homeowner's meeting last week.

Commissioner Obler opened the public hearing and the following were heard:

Patrick McNeil, 921 Inspiration Parkway, expressed concerns with the owner/builder/developer, DR Horton, having total control of the property and architectural review, with no recourse available to the residents. He also had concerns with replacing village greens with landscaped passive open spaces, management of the open spaces and weed control, and removing passive open space on the south side of Inspiration Parkway with lots that back up to Stagecoach Trail. He questioned whether the plans include the availability of running water to the planned fire pit. He noted it was a long process to grant the original approval for the development and encouraged the city to take the necessary time to review this application.

Russ Morlando, 1202 Pioneer Trail, expressed concern with traffic in the development and recommended the developer complete a traffic study to gauge congestion levels and traffic patterns, as the volume and speed of vehicles has increased. He believes the new three-quarter intersection will restrict access to Stagecoach Trail for many residents and questioned whether the original approval called for a three-quarter intersection. Planner Licht indicated the original plan called for a full intersection at the second entrance at Inspiration Parkway North, but Washington County has updated their traffic management plan for this county road and is requiring a restricted intersection. Mr. Morlando is also concerned with DR Horton complying with HOA regulations, if they serve as the HOA board, and requested open and honest conversation between all parties.

John Nelson, 301 Periwinkle Place, stated the proposed thoroughfare will develop two open spaces on the original plan and bring additional traffic past his home, and he reinforced the need for sidewalks and boulevard trees. He suggested the city could offer a counterproposal on the architectural review at this time and believes the city's vision needs to be long-term with regards to the marketability of the village lots.

Nate DeJarnet, 1014 Pioneer Trail, expressed concern that the proposed changes are being made in response to current market conditions to produce a typical single family development instead of a unique community oriented, nature based neighborhood.

Ben Lee, 908 Inspiration Parkway, who bought a home from DR Horton in October 2012, expressed concerns with their building practices, workmanship, subcontractors, limited number of models available, and their general lack of knowledge of the development. He also noted the importance of having a variety of home styles and colors because he believes his home style and color is the same as a neighboring property.

Sasha Graybill, 1026 Pioneer Trail, questioned the approval process and believes the homeowners' concerns are not being acknowledged, noting the neighborhood was not based on the proposed passive open space. She believes DR Horton is taking advantage of the current housing market because they were able to purchase the bankruptcy lots at a cheap price and build "big box" homes, without a true understanding or respect for the original planning and approval that promoted a small town feel. She encouraged the city to require compliance with the original intent and vision for the neighborhood and questioned why the city had changed their minds on developing a "big box" neighborhood. She requested that the application be denied and recommended the original plan be implemented.

Randall Ahola, 4727 Stagecoach Trail, stated his property is on the north end of the development and questioned who owns a 54-foot gap on the south side of his property, running between

Stagecoach Trail and Barker's Alps Park, and if there are any future plans for the area. It was noted that staff will research ownership of the area.

Greg Friedman, 325 Periwinkle Place, echoed the concerns expressed by Sasha Graybill and challenged DR Horton's elimination of the village single family homes because they are not marketable. He wants Inspiration to be known and remembered as a uniquely special neighborhood.

Christopher Grecian, 966 Inspiration Parkway North, said his family specifically chose Inspiration for their home because of the unique development and noted the importance of the emotional connection residents have with their neighborhoods.

Dustin Vincent, 526 Prairie Way South, said his family chose their DR Horton home because of the community feel and requested delaying approval of the application until 2015, when the HOA architectural review responsibility would be turned over to the residents.

Jeff Todd, 467 Prairie Way South, questioned the reasoning for the proposed changes from the original plan due to market conditions, noting that DR Horton has built and sold multiple homes in the development since last winter, following the original development plan. He stated there are many new homes in nearby Baytown Township developments that remain consistent with the original architectural standards and will ultimately add to their value. He had concerns with DR Horton controlling the HOA board until 2015, and being able to change the architectural values to meet their marketing needs. He believes this could impact home values in the entire development, as well as Bayport's tax base, and requested that the city have input on the residents' concerns in regards to the private agreements between the developer and residents.

Sandy Conroy, 720 Minnesota Street South, questioned whether other developments, such as Liberty in Stillwater, have similar problems that need to be reconciled between the homeowners association and the developer and encouraged conversation to resolve the issues.

Lee Stoerzinger, 300 Periwinkle Place, asked the developer to respond to the many resident concerns addressed at the meeting.

Ron Mullenbach indicated no changes were proposed to the administration of the HOA board but recognizes it is an important issue to the residents and DR Horton would be open to working with residents to establish representation on the HOA. He noted Alliance Bank owns the Phase II area, approved for the development of condominiums, and DR Horton has no control over maintenance of this area. Regarding a concern with lots backing up to Stagecoach Trail, he stated the plans shift the westerly intersection of Primrose Path and Inspiration Parkway to the east so that the lots on Primrose Path are more than a football field from the road. Adding water service to the fire pit area will be easy to accomplish. He noted the proposal actually reduces the number of homes, which would decrease traffic volumes, and indicated Washington County is requiring the restricted second access off Stagecoach Trail. He stated that installation of the infrastructure needed for alleyways to support the originally proposed village lots is too costly to support what today's market will pay for this type of home and acknowledged the market may change in the future. He later clarified that based on the cost to bring certain homes to the market, his company would not be able to offer them at a price that would be accepted by the market. He stated his company stands behind their product, they are constantly updating the available floor plans to provide diversity in the neighborhood and open to conversation with residents on this issue. Based on his experience with other developments, he believes the proposed plan meets residential design standards for traffic and will work with the city engineer on this issue as needed.

Fran Hagen, Westwood Professional Services, stated he worked on the current PUD application and was the original engineer when Inspiration was approved in 2004. He reviewed the original village green plans and the proposed changes, noting ponding has always been a significant part of the development plan. He added that no tot lots were proposed in the original approval for any of the open spaces that are being revised with this application.

Commissioner Ritzer inquired whether DR Horton had provided a comparison of current HOA costs with estimated costs after this project is built out, so residents will know how it will affect them financially. Mr. Mullenbach stated this has not been calculated but will provide the information as part of future discussion. Mike Suel added that currently the City of Bayport plows the alleyways, but this cost will become the responsibility of the homeowner's association at some point, since the governing documents state alley maintenance is a HOA responsibility. Kendra Lindahl, Landform, added that since the city is currently plowing/sanding the private alleyways, the HOA is not assessing these homeowners with an extra fee for alley maintenance. Over the past year, her company has been working to address homeowner concerns with the prairie restoration plan and internal landscaping. She believes the current HOA budget is sufficient to meet the development's maintenance needs and reviewed the action plan in response to concerns raised at last week's HOA meeting.

It was moved by Commissioner Obler and seconded by Commissioner Hallett to close the public hearing. Motion carried.

Attorney Pratt stated the city has 60 days from the time of submittal to either approve or deny the application that was submitted in mid May; however, the city can extend the application review process an additional 60 days if further information is deemed required.

Commissioner Richtman requested further information on landscaping revisions and maintenance plans for the open space in Outlot F. Commissioner Gilles expressed concern regarding the residents' issues with the HOA master board but acknowledged this is not in the city's scope of approval. Commissioner Obler expressed concern with meeting the 60 day application review deadline.

It was moved by Commissioner Obler to deny a Planned United Development (PUD) General Development Plan and a Preliminary Plat for Inspiration III-B, subject to the findings and conditions listed in the staff report. He would like to see a compromise between the public and owner, whereby each party would be able to protect its interests. The motion was seconded by Commissioner Ritzer. Motion carried.

In lieu of denial, Planner Licht recommended continuing the application to allow city staff time to work with the developer on the HOA and site design issues, e.g., alleyways, additional financial information requests, and plans for Outlot F. He added staff could review the conditions of approval in light of the concerns raised at the public hearing. Acting Administrator Taylor added that continuing the application to the July Planning Commission meeting would allow for discussion on the concerns brought forth tonight, prior to the application being considered by the City Council.

It was moved by Commissioner Obler and seconded by Commissioner Richtman to retract the previous motion. Motion carried.

It was moved by Commissioner Obler and seconded by Commissioner Gilles to continue the application for a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration III-B, subject to the findings and conditions listed in the staff report, to the July meeting. Motion carried.

Acting Administrator Taylor stated the July Planning Commission date has not been finalized, but notice of the meeting will be posted, as required.

Consider variances to construct a detached garage in front of the principal dwelling and within the required front yard setback at 424 5th Street South: Planner Licht reviewed a variance application submitted by J. P. Bush Homes, on behalf of the property owner David Klinger, to build a detached garage with attic space on the northeast corner of the property. The applicant is seeking the variances due to the steep slope and width of the existing driveway that make access to the existing attached garage difficult during the winter. The application would require two variances from the city. The proposed garage would not be set back the required 20 feet from the public right-of-way, and it would be built forward of the principal building on the lot. Planner Licht reviewed staff's analysis of the variance requests based on the applicant having practical difficulties with reasonable use of the property and the intent of the zoning ordinance. He noted the home was built in 1988 and the property has enjoyed reasonable use for 25 years. He added that placing the garage at the right-of-way line compromises the intent of the zoning ordinance and blocks visibility for the public street. He reviewed alternatives to address the homeowner's difficulties with use of his property and added the homeowner planned to continue using the existing attached garage, upon construction of the new garage. Based on the suggested findings of fact listed in Section C of the June 3, 2013 staff report, city staff recommended denial of the variance application.

Commissioner Obler opened the public hearing and the following were heard:

Co-applicant Joe Bush, J. P. Homes, 330 Myrtle Street, Stillwater, Minnesota, stated the variance application for a garage meets the practical difficulties criteria for this unique property. He indicated staff had discussed a seven foot setback for a side-loaded garage. They are requesting a 0 foot setback and indicated the building would still be 30 feet from the asphalt and would not affect public use of the street. However, the applicant would consider a seven foot setback if the variance to allow the garage to be in front of the principal structure is approved. He noted there appears to be other structures in the area that are encroaching into the public right-of-way, and he added the Public Works supervisor indicated there is adequate space for city maintenance and utilities if the variance is granted.

David Klinger, 424 5th Street South, said he was aware of potential driveway issues when he purchased the home two years ago and has discovered it is even difficult to traverse when raining. He commented that the alternative to construct a pad in the space would not be appealing and his vehicles would be unprotected. He stated the investment of upgrading and/or heating the driveway could not be financially recovered.

Commissioner Ritzer noted some structures in the city were built prior to adoption of the zoning ordinance and are grandfathered in, but it is the city's responsibility to regulate the current zoning standards. He added there are multiple wide offsets of right-of-way throughout the city, but that does not justify the granting of a variance for the proposed garage.

It was moved by Commissioner Richtman and seconded by Commissioner Hallet to close the public hearing. Motion carried.

Planner Licht reported that both he and the city engineer are opposed to applying an alley standard to this situation because it a city street, not an alley, and would set precedent for other offset properties in the city. Acting Administrator Taylor stated initial discussions with the applicants, prior to inspecting the site, included the concept of the seven foot setback as a compromise. However, based on the site visit and existing site conditions, this would be difficult to justify.

Commissioner Richtman asked what kind of ground disturbance and retaining wall would be needed, noting the necessary ground disturbance/retaining wall could be an eyesore. The applicant indicated a topographical survey would be completed as part of the permitting process that would determine what is needed, but he estimates a 4-6 foot high retaining wall, 15-feet long, and stated it would match the architectural detail of the structure. He stated a door from the attic level of the proposed garage would facilitate access from the new structure to the house. Commissioner Ritzer also noted the garage could negatively affect the property values of surrounding values and would affect future efforts to improve the city street.

It was moved by Commissioner Richtman and seconded by Commissioner Ritzer to deny the request for variances to construct a detached garage in front of the principal dwelling and within the required front yard setback at 424 5th Street South, subject to the findings and conditions listed in the staff report. Motion carried.

The application will be considered by the City Council at the July 1, 2013 meeting.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM – None

ADJOURN

It was moved by Commissioner Hallett and seconded by Commissioner Ritzer to adjourn the meeting at 8:50 p.m. Motion carried.



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PLANNING REPORT - *addendum*

TO: Bayport Planning Commission

FROM: D. Daniel Licht, AICP

RE: Bayport – Inspiration Phase III-B; PUD General Development Plan/Preliminary Plat

REPORT DATE: 18 July 2013

120-DAY DATE: 13 September 2013

TPC FILE: 195.02 – 13.01

A. BACKGROUND

DR Horton, Inc. has entered into an agreement with Bayport Mainstreet Holding (BMH), LLC to acquire Outlot A, Inspiration and has submitted application for a Planned Unit Development (PUD) general development plan and preliminary plat. The PUD general development plan and preliminary plat submitted by DR Horton proposes alterations to the approved subdivision design and PUD standards for this portion of Inspiration. The Planning Commission conducted a public hearing at their meeting on 10 June 2013 to consider the application. Following public testimony and discussion by the Planning Commission, the public hearing was closed and the application tabled to allow the developer an opportunity to respond.

The developer met with a group of residents from the neighborhood following the Planning Commission meeting to discuss issues related to their proposed PUD general development plan and preliminary plat. Based on this meeting, the developer prepared a revised site plan that was submitted via email on 3 July 2013 to both the neighborhood group and City staff. City staff provided formal comments on the revised site plan to which the developer made modifications and resubmitted the revised site plan for consideration by the full Planning Commission. The Planning Commission will again consider the application at their meeting on 22 July 2013.

Exhibits:

- DR Horton Letter dated July 12, 2014
- Inspiration Overall Land Use Component Plan (2004)
- Proposed Phase III-B Preliminary Overall Plan(dated May 16, 2013)

B. ANALYSIS

Architecture. A significant issue raised at the public hearing and discussed by the developer were residents' concerns regarding architectural requirements for the single family homes to be built within the remaining vacant lots in Phase I, those now final platted in Phase III-A and those that would be built in Phase III-B. The Inspiration Master Declaration of Covenants, Conditions, Restrictions and Easements document establishes the architectural guidelines as a function of the Homeowners Association and outlines administration through an Architectural Review Committee (ARC).

The earliest copy of the architectural guidelines City staff has been provided is dated June 2008. The architectural guidelines are a two page document of basic standards without specific reference to detailed architectural design requirements. The City is not to be involved in subjective or implied interpretation of architectural requirements and the City has not reviewed plans for houses built within Inspiration except as required to determine compliance with the Building Code and Zoning Ordinance. The ARC oversees the review of individual house plans and issues a certificate of compliance with the architectural guidelines that is submitted to the City with the building permit application.

City staff is recommending that the property owner and developer modify the architectural guidelines to include the more specific architectural elements outlined in the email of 3 July 2013. This would be made a condition of PUD general development plan approval and be required to be completed prior to application for final plat approval for any portion of Phase III-B including the following:

- Cedar front porches as standard.
- Concrete porches not allowed as an option available to buyers in the new phases.
- Composite front porch decking as an option available to buyers.
- Add tongue-in-groove wood patio ceilings as an option available to buyers.
- Add porch swing as an option to buyers.
- Add new exterior light fixtures as an option to buyers.
- Garage doors will be painted a color to match/compliment the rest of the home; color to be selected at the design center consultation when the home colors are selected.
- Garage doors will have hardware added as standard.
- Garage doors with windows in the top panel will be an option available to buyers.
- Front doors will be painted a color to match/compliment the rest of the home; color to be selected at the design center consultation when the home colors are selected.
- Two additional front door options that include glass in the main door or side lights have already been added to provide additional options available to buyers.
- Wood grain fiberglass doors with glass options will be added as an option available to buyers.
- The number of color pre-selections will be increased including new colors from Sherwin Williams.

- Color pre-selections will be “retired” once it has been used on 18% of the homes in a phase and/or the overall site so that popular color schemes do not get overused.
- A sales and marketing team will create an “Inspired by Nature” marketing piece to guide buyers toward exterior upgrades and features desired by the neighborhood (front door, garage doors, paint, exterior lighting, patio ceiling, porch swing, landscaping, outdoor living spaces, etc.).
- Utilize available option upgrades when making selections for spec/inventory homes (those that start without a buyer in place) so as to showcase some of the features and enhance diversity.

Homeowners Association. The Homeowners Association was established with the Inspiration Phase I final plat. The issues discussed by the developer and residents with regards to membership on the HOA Board of Directors and Architectural Review Committee are issues that the City is not party to and should not be a consideration of the Planning Commission in evaluating this request.

Development Plan. The following is a summary of the changes as shown on the revised site plan submitted dated 11 July 2013:

- The overall number of single family lots within the area of Phase III-B has been decreased by seven and the total acreage devoted to open space is increased by 0.78 acres from the 2004 PUD general development plan. This is one less single family lot on the revised site plan than the initial Phase III-B development plan dated 16 May 2013.
- The area bounded by Inspiration Parkway North, Primrose Path, Planters Path and Prairie Way has been extensively revised from the initial Phase III-B development plan dated 16 May 2013:
 - Extension of Periwinkle Place between Inspiration Parkway North and Planters Path has been eliminated and a loop street accessing 15 lots is proposed.
 - At the center of the proposed loop street is an open space outlot to be developed as a village green with patio seating, a pergola structure, fire pit and open play area.
 - On the outside of the lots accessed by the loop street is an open space outlot that will be developed with native plantings and trees primarily functioning for stormwater management. A trail between the village green outlot and Inspiration Parkway North will be provided to allow pedestrian access from south portions of the neighborhood through the block to access Barker’s Alps Park. Maintenance of this trail will be an HOA responsibility along with the improvements in the village green.

- The revised site plan includes a landscaped roundabout at the intersection of Inspiration Parkway North and Primrose Path consistent with the original 2004 site plan. The design of the roundabout remains subject to City Engineer approval to ensure adequate turning movements for vehicles navigating the intersection.
- The revised site plan includes additional sidewalks along the south side of Inspiration Parkway North, west of Primrose Path, along Primrose Path, north of Inspiration Parkway, and at the perimeter of the roundabout.
- The proposed Phase III-B subdivision design includes nine lots on the south side of Inspiration Parkway between Stagecoach Trail (CR 21) and Primrose Path. This area was approved to be a landscaped passive open space within Outlot C with the 2004 PUD general development plan and preliminary plat. City staff is recommending that the restoration plan for Outlot C be revised to provide for the same number of plantings as originally approved but that they be shifted to the south of the lots fronting to Inspiration Parkway North to provide visual screening of the back of the houses and rear yards as well as buffering the houses.

Lot Requirements. Inspiration was approved with unique lot requirements that deviated from the standard requirements of the City's R-2, Single Family Urban Zoning District. The developer is proposing a single set of minimum lot requirements that are larger than the village lots and smaller than the traditional. Within these minimum standards there are three different lot sizes shown on the revised site plan, including seven lots 65 feet wide, 91 lots that are a minimum of 70 feet wide and 11 lots that are a minimum of 80 feet wide. Given the context of the overall site plan and preliminary plat that includes permanent open space and the ability of these lots to accommodate a range of house styles and sizes, the proposed lot requirements are consistent with the intent of the flexibility from the R-2 District standards approved in 2004.

	R-2 District	Inspiration (2004)		Phase III-B
		Village	Traditional	
Min. Lot Area	10,000sf.	5,500sf.	9,600sf.	7,800sf.
Min. Lot Width	75ft.	50ft.	80ft.	65ft.
Min. Lot Depth	130ft.	100ft.	100ft.	100ft.

Setbacks. Likewise, Inspiration was approved with setbacks that deviated from the requirements of the R-2 District, particularly for the small village lots, some of which had alley access, compared in the table below. Except for the side yard setback, the requirements proposed for the modified PUD general development plan and preliminary plat are consistent with the setbacks of the R-2 District. Requiring a 7.5 foot setback from interior side lot lines regardless of whether the building is part of the dwelling or part of an attached garage simplifies construction upon each lot and ensures a minimum 15 foot separation between principal buildings for rear yard access and fire safety. City staff considers the proposed setbacks to be appropriate given the context of the 2004 approvals and the demonstrated ability to construct a variety of house styles and sizes upon these lots.

	R-2 District	Inspiration (2004)		Phase III-B
		Village	Traditional	
Front	20ft.	15ft.	20ft.	20ft.
Side Corner	20ft.	20ft.	20ft.	20ft.
Interior	10ft./House 5ft./Garage	10ft./House 5ft./Garage Total 15ft.	10ft./House 5ft./Garage Total 15ft.	7.5ft.
Rear	30ft.	23ft./House 5ft./Garage	20ft.	20ft.

Open Space. The revised site plan includes six outlots with a preliminary total area of 34.78 acres. Outlots A-D and F are to be deeded to the City, preserved through a conservation easement and held by Minnesota Land Trust and maintained by the Inspiration Stewardship Foundation consistent with the 2004 Inspiration PUD general development plan and preliminary plat approvals.

Landscaping. The revised site plan generally shows proposed landscaping in a general form. The landscaping will be required to be consistent with the types and quantities shown on the original 2004 PUD general development plan as well as the amended open space restoration plan approved in 2012.

Access. The subject site will have access via Stagecoach Trail (CR 21) with an intersection at Inspiration Parkway North, the location of which is the same as approved in 2004, as well as connections to existing local streets within Inspiration Phase I. The design and access of the north intersection of Inspiration Parkway and Stagecoach Trail (CR 21) is subject to Washington County approval. Washington County is requiring that this intersection be designed to allow only three-quarter turning movements prohibiting a left turn from Inspiration Parkway North to southbound Stagecoach Trail. This requirement by Washington County is being made in conjunction with the installation of a traffic signal at Inspiration Parkway South and Stagecoach Trail, which Washington County believes is warranted based on the school development west of the roadway and increasing traffic on Stagecoach Trail (CR 21).

Washington County originally approved a full intersection at this location but has the authority to change the required traffic controls as they deem necessary. With the new development and increased traffic in the area, Washington County finds that additional control of the Stagecoach Trail (CR 21) and Inspiration Parkway North intersection is now warranted, resulting in the required three-quarter intersection design. City staff had extensive discussions with Washington County staff to maintain at least three-quarter turning movements at Inspiration Parkway North and Stagecoach Trail (CR 21) for neighborhood access. With at least three-quarters turning movements at Inspiration Parkway North and Stagecoach Trail, the City Engineer finds that there will be no traffic impacts within the neighborhood as:

- There are a limited number of homes within Inspiration (and seven fewer than originally approved per the revised site plan) and the potential traffic volume on the streets within the neighborhood would not exceed the capacity of a local residential street.
- Some portion of the traffic generated within the neighborhood can still be expected to utilize the intersection at Inspiration Parkway North to access northbound Stagecoach Trail (CR 21).

- Placement of a signal at Stagecoach Trail (CR 21) and Inspiration Parkway North may entice more traffic to utilize that intersection to access southbound Stagecoach Trail (CR 21) even if the turning movements at Inspiration Parkway North were not restricted.

Streets. The Inspiration PUD general development plan and preliminary plat approved in 2004 allowed for platting of 50 foot wide rights-of-way for public streets. The streets were to be constructed at 26 feet wide with either an urban section curb and gutter or rural section ditch as part of the planned drainage train. The developer is proposing to utilize the same street sections as part of Phase III-B but with additional urban sections. A rural section street will be used to match into existing streets with rural section designs. The 26 foot wide streets are to be posted on one side for no parking to provide adequate width for emergency vehicles at all times, which will be done by resolution adopted by the City Council concurrent with approval of a final plat application. All street designs and construction are subject to review and approval by the City Engineer.

Park Dedication. Development of the site remains subject to the Inspiration Master Development agreement entered into with approval of the original final plat on April 4, 2005. The Master Development agreement requires that subsequent final plats of Inspiration after Phase I would satisfy park dedication requirements established in Section 8 of the Subdivision Ordinance through payment of a cash fee in lieu of land equal to 10 percent of the fair market value of the subject site. The fair market value of the subject site is to be determined by an appraiser agreed to by the developer and the City at the time of application for final plat approval.

Development Agreement and PUD Permit. The developer will be required to enter into a separate developer's agreement and PUD permit specifically for Inspiration Phase III-B as a condition of approval for a subsequent application for final plat approval. The City Attorney will coordinate execution of these documents upon final plat approval by the City.

Burial Mounds. Three burial mounds were identified within the area of the Inspiration development and were to be protected by being established as separate outlots within Outlot N, Inspiration approved with the Phase I final plat. No portion of Outlot N is being affected by the proposed Phase III-B development so there will be no negative impacts to the burial mounds. The obligations of the property owner related to the burial mounds remain enforceable under the Phase I development agreement and are not a subject of the current application.

Nature Center. The 2004 PUD general development plan approval included a condition that the nature center to be conveyed to the City for use by the public upon completion of the open space restoration. The conveyance of the nature center hasn't occurred to date. The status of the nature center will need to be resolved between the City and the BMH and the issue should not be a factor in considering the current application. The open space restoration is anticipated to be completed in 2015.

Outlot M, Inspiration. The final plat of Inspiration Phase I included Outlot M at the southwest corner of the development. This parcel is separated from the balance of the Inspiration development by railroad right-of-way and has sufficient area to be a buildable parcel. The Master Developer's Agreement for Inspiration Phase I provides that the City be given first opportunity to acquire the parcel for a future public purpose use. City staff and the developer have discussed the conveyance of Outlot M to the City for \$1. Finalization of the property transfer requires approval of the City Council and would be transacted separately from consideration of the Phase III-B application.

C. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL

The Planning Commission is asked to consider recommending approval of the Inspiration Phase III-B PUD general development plan and preliminary plat subject to the following stipulations:

1. The developer shall revise the plan set dated 16 May 2013 and open space restoration plan to reflect the proposed site plan dated 11 July 2013 and any additional conditions outlined herein and submit these for City staff review prior to City Council consideration of the PUD general development plan and preliminary plat.
2. The developer shall amend the architectural guidelines to include those elements addressed in their email correspondence dated 3 July 2013 prior to application for final plat approval of any portion of Phase III-B.
3. Issuance of a building permit shall be contingent upon certification from the Homeowners Association Architecture Review Committee that the proposed structure complies with the Inspiration architectural guidelines.
4. Single family lots shall be subject to the following lot and setback requirements:

Lot Requirements	
Min. Lot Area	7,800sf.
Min. Lot Width	65ft.
Min. Lot Depth	100ft.
Setbacks:	
Front	20ft.
Side Corner	20ft.
Interior	7.5ft.
Rear	20ft.

5. Outlots A-D and F as shown on the revised site plan shall be deeded to the City, preserved through a conservation easement and held by Minnesota Land Trust and maintained by the Inspiration Stewardship Foundation consistent with the 2004 Inspiration PUD general development plan and preliminary plat approvals.
6. The Homeowners Association shall retain ownership of Outlot E and all improvements therein as well as be responsible maintenance, repair and replacement for the trails within Outots A and F.
7. The builder shall provide a cash escrow with application for each building permit guaranteeing installation of two street/yard trees to be installed after home construction is complete.
8. The developer shall submit a detailed landscape plan indicating the type, size and quantities of plantings in Outlots A-F to be consistent with the revised restoration plan approved in October 2012 and the developer shall complete the restoration plan prior to the City assuming responsibility for the maintenance of the outlots as has been agreed.

9. The developer shall be required to install plantings at Stagecoach Trail (CR 21) and Inspiration Parkway North in accordance with the landscape plan approved with the 2004 Inspiration PUD general development plan and preliminary plat.
10. Construction of the north intersection of Inspiration Parkway and Stagecoach Trail (CR 21) is subject to Washington County approval and the developer will be required to reimburse the City for all costs related to obtaining the required access and right-of-way permits.
11. The City Council shall adopt a resolution concurrent with approval of a final plat application designating one side of all public streets as no parking zones and the developer shall be required to install no parking signage as deemed necessary.
12. All street designs and construction, including the proposed roundabout at Inspiration Parkway North and Primrose Path, are subject to review and approval by the City Engineer.
13. All grading, drainage and erosion control plans and issues are subject to review and approval by the City Engineer with wetland issues additionally subject to review and approval by Washington County and the Middle St. Croix Watershed District.
14. All sanitary sewer, watermain, storm sewer and street light plans are subject to review and approval by the City Engineer.
15. All easements are subject to review and approval of the City Engineer.
16. Satisfaction of park dedication requirements established in Section 8 of the Subdivision Ordinance shall be through payment of a cash fee in lieu of land equal to 10 percent of the fair market value of the subject site to be determined by an appraiser agreed to by the developer and the City at the time of application for final plat approval.
17. The developer will be required to enter into a separate developer's agreement and PUD permit specifically for Inspiration Phase III-B as a condition of approval for a subsequent application for final plat.
18. The developer shall submit a complete application for final plat in accordance with the approved phasing plan no longer than one year after said approval, or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing by the applicant and approved by the City Council in accordance with Section 4-2-1.16 of the Subdivision Ordinance.

D. RECOMMENDATION

The developer has made a concerted effort to address the comments made at the Public Hearing by the public and the Planning Commission regarding the modifications to the original site plan now presented for approval as Inspiration Phase III-B that maintain original elements of the site design and makes improvements to others. Our office and City staff recommends approval of a PUD general development plan and preliminary plat for Inspiration Phase III-B. The Planning Commission is asked to make a

recommendation on the application. Suggested findings of fact and conditions of approval are stated in section "C" of this report.

- c. Sara Taylor, Acting City Administrator/City Planner
Andy Pratt, City Attorney
Barry Peters, City Engineer
Ron Mullenbach, DR Horton
Fran Hagen, Westwood Professional Services



July 12, 2013

Ms. Sara Taylor
Interim City Administrator
City of Bayport
294 North 3rd Street
Bayport, MN 55003

RE: Inspiration North Preliminary Plat Application

Ms. Taylor:

As you know, the above-referenced application was tabled at the June 10, 2013 Planning Commission and we were directed to meet with existing residents of Inspiration to discuss their concerns related to the application, as well as their concerns related to association-related matters.

On June 24, 2013, our division president, operations manager and I were able to meet with all five members of the association advisory committee (members that I understand have been asked by the residents at large to represent them in the past and with this request) at our model home. At that meeting, the committee members presented what they had determined to be a neighborhood consensus on main issues, organized under five general areas: homes, association, landscaping, development plan, and transportation. While there was some discussion of possible solutions, we treated this meeting as primarily a listening session. Following the meeting, we went back to the rest of our management team (sales, construction, and purchasing) to discuss ways that we could incorporate what we heard into a specific approach to developing, marketing, building and enhancing the community.

On July 3, 2013 we were able to complete revisions to an alternative neighborhood plan and summarize and present our proposals to the association advisory committee members and to City staff. A copy of the email correspondence and the alternative neighborhood plan (dated July 2, 2013) are included with this letter as Attachment A and Attachment B, respectively. As of the end of the day yesterday, we had received feedback from individuals (some positive and some not as positive), but not anything formal from the committee

members as a whole which we could use to modify the proposal further. It is certainly possible that adequate turnaround time did not exist over the holiday weekend and this week to reach consensus on a neighborhood response. Since I didn't receive specific instruction to share the responses I did receive with you and put them into the public record, I have not attached them to this correspondence. It is my understanding that some members of the committee and/or residents will be in attendance when this matter is brought back before the Planning Commission.

We did also receive comments from City staff. The attached concept plan, dated July 11, 2013 reflects plan revisions requested by City staff. We did, however, maintain some of the proposed mowed paths. The original development plan included 6' wide mowed paths and they were a feature desired by residents during our meeting with the advisory committee. We would propose that these trail (as well as the proposed "bridge feature in Outlot F" be maintained by the association and not the City.

It is our understanding that City staff has discussed their recommendation for restricted access to Stagecoach with County staff and that County staff is unwilling to change their position. As part of this re-submittal, we understand that a complete set of plans will be required to be submitted to City staff prior to City Council consideration of this request. It is also our understanding that neighborhood architectural guidelines would have to be revised per City comments prior to final plat.

Please let me know if you have any questions in advance of the July 22, 2013 Planning Commission meeting at which this item will be further discussed.

Sincerely,



Ron Mullenbach
Land Manager

From: Ron A Mullenbach
To: "Jason Obler"; "Lee Stoerzinger"; "Nate"; "John Nelson"; "LuAnn Novak"
Cc: "Dan Licht"; Sara Taylor (staylor@ci.bayport.mn.us); James R Slaikeu; Robert M Krostue (RMKrostue@drhorton.com); Linda A Manning; Cory Meyer (cory.meyer@westwoodps.com); Michael Suel; "Fran Hagen"
Subject: Inspiration North
Date: Wednesday, July 03, 2013 1:38:00 PM
Attachments: [13-07-02 Alt Concept Plan 100_sc.pdf](#)

Jason, LuAnn, Lee, Nate and John

Thanks again to you all for the discussion last week. Over the last ten days we've been working with our site designer to incorporate changes to the overall plan and have been meeting internally to discuss if and how we can address non-plan comments. The results of this work is outlined below in roughly the same format as it was presented by the committee.

Homes:

We've had extensive discussions internally about what we can do to address concerns while still bringing a home to the marketplace that will both sell and appraise. We'd be able to do the following:

- Cedar front porches as standard.
- We are willing to no longer allow concrete porches as an option available to buyers in the new phases
- Composite front porch decking as an option available to buyers
- Add tongue-n-groove wood patio ceilings as an option available to buyers
- Add porch swing as an option to buyers
- Add new exterior light fixtures as an option to buyers
- Garage doors will be painted a color to match/compliment the rest of the home; color to be selected at the design center consultation when the home colors are selected
- Garage doors will have hardware added as standard
- Garage doors with windows in the top panel will be an option available to buyers
- Garage door design to match the architecture are already standard; the garage door on the "C" or cottage elevations are a significant design upgrade already standard
- Front doors will be painted a color to match/compliment the rest of the home; color to be selected at the design center consultation when the home colors are selected
- Two additional front door options that include glass in the main door or side lights have already been added to provide additional options available to buyers
- Wood grain fiberglass doors with glass options will be added as an option available to buyers
- We are working on smaller floor area home plans to introduce into the neighborhood and will continue to evaluate, update and expand our home offering on an ongoing basis
- The number of color pre-selections will be increased (we feel strongly that most buyers are overwhelmed by the options if given a full color palette to choose from; buyers can still select whatever they want but we need the pre-selections as a starting point)
- We're considering some new colors from Sherwin Williams <http://www.sherwin-williams.com/homeowners/color/find-and-explore-colors/paint-colors-by-collection/exterior-color-schemes/>
- Color pre-selections will be "retired" once it has been used on 18% of the homes in a phase and/or the overall site so that popular color schemes do not get overused
- Our sales and marketing team will create an "Inspired by Nature" marketing piece to guide buyers toward exterior upgrades and features desired by the neighborhood (front door, garage doors, paint, exterior lighting, patio ceiling, porch swing, landscaping, outdoor living spaces, etc.)
- Our team will utilize available option upgrades when making selections for spec/inventory homes (those that we start without a buyer in place) so as to showcase some of the features and enhance diversity

HOA:

- We support appointing an existing resident to the ARC committee, along with someone from DR

- Horton and someone from the current Declarant to review new applications.
- If Horton becomes Declarant we would appoint a second existing resident to the ARC committee.
- We support immediately adding residents to the HOA board.
- We will commit to a minimum 2 of 5 existing residents on the master board when we are Declarant.
- We support immediately forming a committee to work on monthly educational programming for the Nature Center (which was its original function), most likely only during the summer months, but we're not against it being a year-round function. Some ideas we have thought of include outdoor living spaces design, rain garden design, gardening, making rain barrels, etc. I sit on the planning commission for the Vermillion River watershed and can assist with connecting to some good resources for additional programming.
- We would like to work with the City, current property owners and residents to determine the long term plan for the Nature Center so that it can be an asset to the community.

Landscaping:

- We looked back and the landscaping percentage required has always been and still is 2.5%; it may be that with lower home prices that it seems like this is now lower than it was. Unfortunately, appraisals don't take into account landscaping value so we are not willing to increase the percentage and want to address the issue in other ways
- We are going to add a landscape design consultation into our home buying process for this neighborhood
- The landscape plan will be developed later in the process than it is currently so as to increase the chance that a buyer will be making the decisions

Development Plan:

I've attached the revised neighborhood plan, which incorporate the following concepts:

- Incorporation of active use areas to the open space plan, including a fire pit with pergola and an open play area with turf
- Village green central to the site that eliminates the cut-through route on Periwinkle Place
- Round-about for traffic calming, but also used as a landscaping focal point as you enter the neighborhood
- Entrance median similar to the existing entrance
- Eleven wider lots where we plan to build our wider homes to provide more housing diversity
- Utilized the concept of the mowed trail currently in use by residents as a more natural, lower maintenance alternative for making low traffic pedestrian connections
- Interconnected open space areas to create wildlife habitat corridors
- Trail corridor from the village green to the City park property with a pedestrian crossing "bridge" feature over the stormwater management feature

Transportation:

- Round-about as traffic calming feature where there was previously a 4 way intersection
- City to address access at Stagecoach Trail directly with the County
- Eliminated connection of Periwinkle Place as a through street
- Enhanced trail and sidewalk connections

We're hoping to be able to visit early next week some time with the HOA advisory committee so that we can finalize some type of submittal to the City for the July 22nd Planning Commission. Please let me know what you all think.

Thanks again.

Ron Mullenbach

Land Manager

D.R. Horton, Inc.-Minnesota

20860 Kenbridge Court, Suite 100

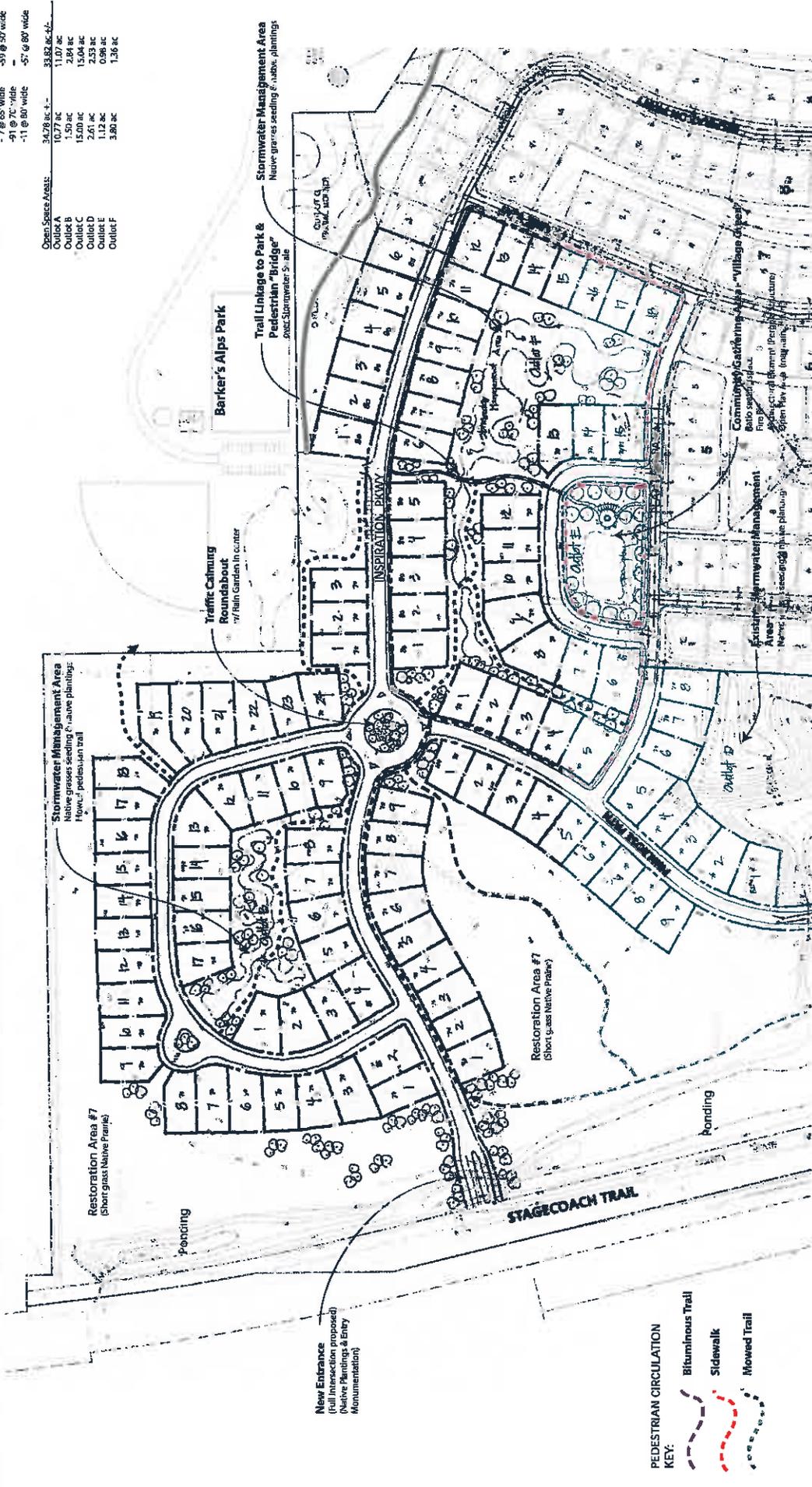
Lakeville, MN 55044

Inspiration North

Alternative Neighborhood Concept Sketch

Concept Comparison:	Current Layout:	Original Layout:
Proposed Lots:	109	116
	-7 @ 65' wide	-59 @ 50' wide
	-41 @ 70' wide	-57 @ 60' wide
	-11 @ 80' wide	

Open Space Areas:	34.28 ac. ±	33.82 ac. ±
Outlet A	10.77 ac.	11.07 ac.
Outlet B	1.50 ac.	2.04 ac.
Outlet C	15.00 ac.	15.04 ac.
Outlet D	2.61 ac.	2.53 ac.
Outlet E	1.12 ac.	0.98 ac.
Outlet F	3.80 ac.	1.36 ac.

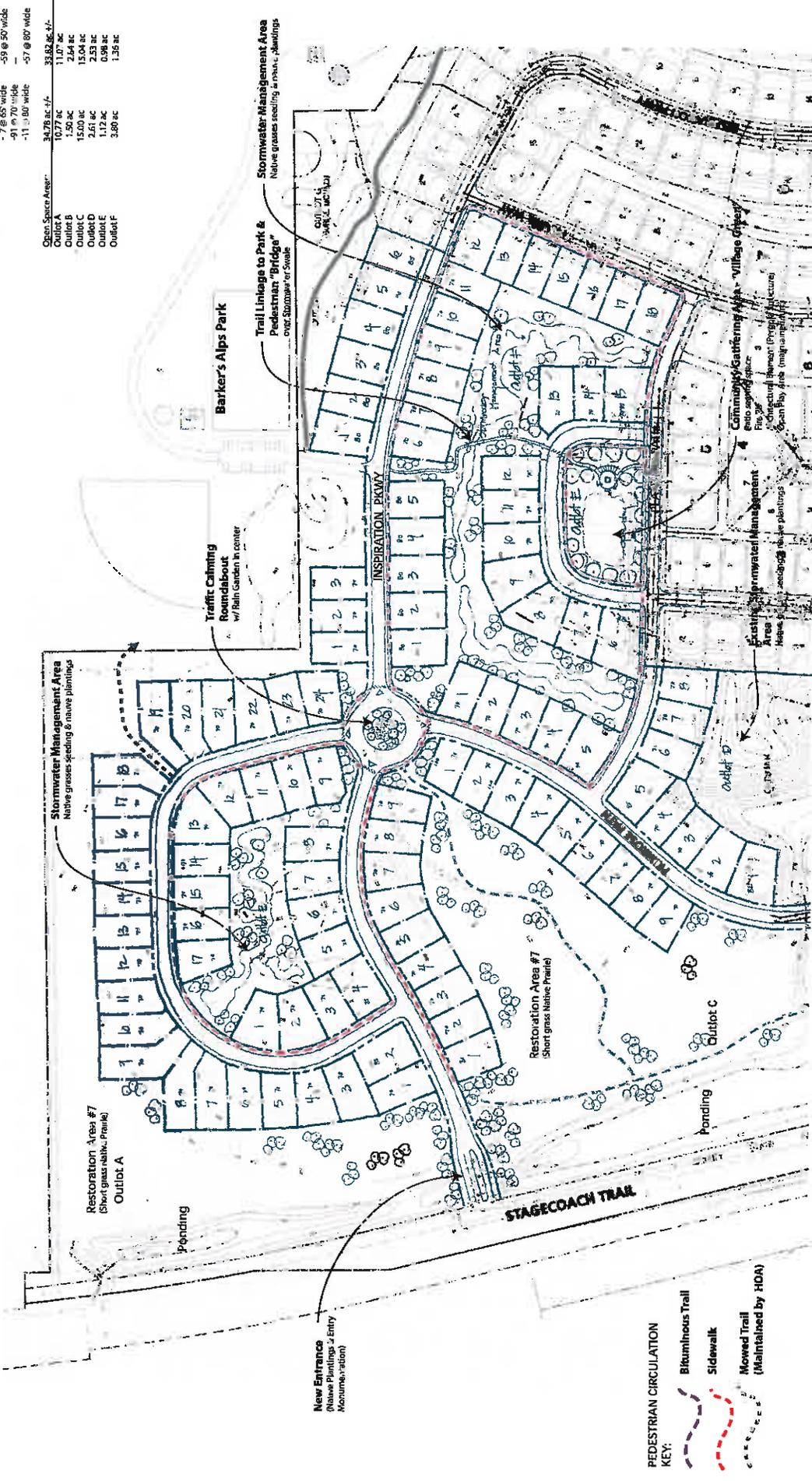


Inspiration North

Alternative Neighborhood Concept Sketch

Concept Comparison:	Current Layout:	Original Layout:
Proposed Lots:	109	116
	-7 @ 65' wide	-59 @ 50' wide
	-91 @ 70' wide	-
	-11 @ 80' wide	-57 @ 80' wide

Open Space Area:	34.76 ac +/-	33.93 ac +/-
Outlet A	10.77 ac	11.07 ac
Outlet B	1.50 ac	2.64 ac
Outlet C	15.04 ac	15.04 ac
Outlet D	2.61 ac	2.53 ac
Outlet E	1.12 ac	0.98 ac
Outlet F	3.80 ac	1.36 ac



PEDESTRIAN CIRCULATION
KEY:
 - - - - - Bituminous Trail
 - - - - - Sidewalk
 - - - - - Mowed Trail (Maintained by HOA)

