



# **CITY OF BAYPORT**

294 NORTH 3<sup>RD</sup> STREET  
BAYPORT, MN 55003

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**PLANNING COMMISSION MEETING**  
**City Hall - Council Chambers**  
**May 20, 2013 – 6:00 p.m.**

**A. CALL TO ORDER**

**B. OATH OF OFFICE TO NEW MEMBER J. BRAD HALLETT**

**C. APPOINTMENT OF CHAIRPERSON**

**D. APPROVAL OF MINUTES**

- **September 17, 2012 regular meeting**

**E. PUBLIC HEARINGS**

**F. OLD BUSINESS**

**G. NEW BUSINESS**

- **Consider a final plat for Phase III-A of the Inspiration development**

**H. GENERAL INFORMATION**

- **Next meeting tentatively scheduled for June 10, 2013**

**I. OPEN FORUM**

**J. ADJOURNMENT**



**CITY OF BAYPORT**  
**294 NORTH THIRD STREET**  
**BAYPORT, MINNESOTA 55003**  
**PHONE 651-275-4404 FAX 651-275-4411**

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**Date:** May 13, 2013  
**To:** Planning Commission  
**From:** Sara Taylor, Acting City Administrator / Planner  
**Subject:** Appointment of Chairperson

***BACKGROUND***

The bylaws of the Planning Commission state that officers (Chairperson and Vice Chairperson) are to be appointed at the first meeting of each year, for a two year term or until their term expiration. Since David Levy no longer serves on the Planning Commission, a new Chairperson will need to be appointed.

Commissioner Jason Obler recently stated that he would be willing to serve as Chairperson. As such, a motion to appoint Jason to this position for two years or until his term expires would be appropriate. Commissioner Joe Ritzer will continue to serve as Vice Chairperson.

***RECOMMENDATION***

Staff recommends the Planning Commission adopt a motion appointing Jason Obler as the Chairperson for two years or until his term expires.

**CITY OF BAYPORT  
PLANNING COMMISSION MEETING MINUTES  
CITY COUNCIL CHAMBERS  
SEPTEMBER 17, 2012  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Chairperson Levy called the regular Bayport Planning Commission meeting of September 17, 2012, to order at 6:25 p.m.

**ROLL CALL**

Commissioners Present: David Levy, Todd Gilles, Jason Obler, Jeff Richtman and Joe Ritzer

Commissioners Absent: None

City Staff Present: City Administrator Mitch Berg, Assistant City Administrator/Planner Sara Taylor, City Council Liaison Michele Hanson, and Attorney Andy Pratt

Others Present: Brady Halverson and Kendra Lindahl, Landform Professional Services

**APPROVAL OF MINUTES**

It was moved by Commissioner Ritzer and seconded by Commissioner Gilles to approve the March 19, 2012 meeting minutes as presented. Motion carried 5-0.

**PUBLIC HEARINGS**

A public hearing to consider proposed modifications to the original restoration and management plan for the open space contained within the Inspiration development: Assistant City Administrator/Planner Sara Taylor explained that when the Inspiration development was approved in 2005 as a planned unit development, it included 145 acres of restored native prairie open space. Since that time, due to the collapse of the housing market, the development has struggled financially and had multiple property owners. As a result, the open space restoration plan has not been completed and maintenance issues with the open space have been identified. Bayport Mainstreet Holding is the current owner of the development and has hired Landform Professional Services to lead development of the final open space restoration and develop a maintenance/management plan for the area. The current management team noted that some of the techniques and plants utilized by the original plan have not been conducive to the natural conditions on the property, resulting in some unsuccessful outcomes. For that reason, the owner is proposing to modify the original plan in order to establish and sustain native plant species. Planner Taylor reviewed the proposed modifications to the restoration and management plan and noted the proposal is consistent with the spirit and intent of the original plan. The Minnesota Land Trust, which holds the conservation easement for the open space and oversees management of the land, has indicated their support for the proposed modifications. Staff recognized the need to be flexible with the restoration program and recommended approval of the proposed modifications, subject to the conditions stated in the staff report. Notice of the public hearing was published in the Stillwater Gazette and mailed to property owners within 350 feet of the subject property. The city received multiple inquiries on the application, but no official public comments were received.

Chairperson Levy opened the public hearing and the following were heard:

Nate Dejarnett, 1014 Pioneer Trail, Bayport, stated his general support for the proposed modifications and asked for clarification on whether the modifications call for continued use of the original native Minnesota prairie seed mix. Kendra Lindahl, lead consultant on the project, stated the proposed plan would modify the original mix, but it would still be a 100% native plant mix. Mr. Dejarnett also recommended that two restored wetland areas, currently surrounded by landscaping, should be managed under the realm of the open space maintenance plan instead of the homeowner's lawn maintenance company. Ms. Lindahl indicated that the areas identified by Mr. Dejarnett are not part of the common open space under the conservation easement and are owned and maintained by the homeowner's association (HOA). She also indicated the property owner would be restoring two additional wetland areas not included in the original open space plan (areas 10 and 11 on the exhibit map); however maintenance would be the HOA's responsibility. Mr. Dejarnett also questioned general maintenance responsibility. Ms. Lindahl explained that when the restoration plan is complete, the open space would be conveyed to the city under a Minnesota Land Trust conservation easement. This would trigger establishment of a conservation easement stewardship foundation compromised of seven entities, which would be primarily funded by HOA dues.

Commissioner Obler inquired about responsibility for areas outside of the restoration plan, specifically an area with leftover construction debris, and Ms. Lindahl indicated she would look into this concern. She stated the developer met with homeowners on July 17, 2012, to update them on the proposed plan to complete the open space restoration and will be responding to neighborhood concerns identified at that meeting. She indicated a major issue with the original plan was the failure of trees planted in the prairie and savannah areas, due to lack of irrigation and deer grazing. The proposed plan calls for more native prairie grasses and plants that require minimal long-term maintenance. She stressed that no viable native plants would be removed and they plan to get the buckthorn under control and will look into the removal of dead or unhealthy trees.

Ron Van Zee, 470 South 5<sup>th</sup> Street, Bayport, inquired about the plan for area 5, and Ms. Lindahl stated the area was identified by the Minnesota Department of Natural Resources (DNR) as a previously established, stable plant community and the area would be cared for as part of the ongoing maintenance. Mr. Van Zee asked about the qualifications of the vendors doing the prescribed burns, and it was noted all applications for burn permits are reviewed and issued by the Bayport Fire Department.

It was moved by Commissioner Obler and seconded by Commissioner Richtman to close the public hearing. Motion carried 5-0.

Commissioner Richtman questioned the wide range of bids to complete the restoration work, with Sandstrom Land Management being the low bidder. Ms. Lindahl stated Sandstrom has done a good job with maintenance of the prairie over the past three years and is well qualified to complete the restoration work. Ms. Lindahl said the proposed restoration plan would reduce the ongoing maintenance costs for the open space, which are paid by the HOA.

Commissioners Levy and Obler noted concerns about herbicide applications and appropriate notification to residents. Brady Halverson, landscape architect for Landform, stated there are generally two herbicide applications per year and mowing will be done twice a year, to follow best practices to control thistle and noxious weed growth. Resident Nate Dejarnett expressed concern that the fast growing Canadian goldenrod in area 5 should be controlled or it may overtake the area. Mr. Halverson stated the goal of the restoration is to establish a stable community of plants dominated by native species. The area will be inspected by the Minnesota Land Trust on an annual basis, as well as

monitored by the Minnesota DNR, the HOA, and the city to ensure the proposed maintenance schedules are followed.

Commissioner Obler inquired about plans for the education building once it is conveyed back to the city. Planner Taylor indicated no decision has been made and the city would begin discussions on this once the prairie restoration is complete.

It was moved by Commissioner Ritzer and seconded by Commissioner Richtman to recommend to the City Council to approve the proposed modifications to the original restoration and management plan for the open space contained within the Inspiration development, with the findings of fact listed in the staff report and presented at this meeting. Motion carried 5-0.

The recommendation will be presented to the City Council at the October 1, 2012 meeting.

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**GENERAL INFORMATION**

Update on term expiration/reappointment: Planner Taylor indicated that the terms for Commissioners Levy and Obler expire on December 31, 2012. She requested that the commissioners notify her by October 15, 2012, of their desire to retain their seat on the Planning Commission.

**OPEN FORUM** – None

**ADJOURN**

It was moved by Commissioner Levy and seconded by Commissioner Gilles to adjourn the meeting at 7:10 p.m. Motion carried 5-0.

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# MEMORANDUM

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**DATE:** May 8, 2013  
**TO:** Planning Commission (May 20, 2013 meeting)  
**FROM:** Sara Taylor, Acting City Administrator/City Planner  
**SUBJECT:** Consider a final plat for Phase III-A of the Inspiration development

## **A. BACKGROUND**

The Inspiration development was preliminary platted and approved by the city in 2004 as a planned unit development (PUD), which included 328 residential housing units and 145 acres of restored native prairie open space. Unfortunately, due to the collapse of the housing market, the development has struggled financially and seen multiple property owners, which has prolonged new home construction and completion of the development.

Despite the challenges associated with the market and the economy, the city has been encouraged by recent growth within the development. The current owner, Bayport Mainstreet Holding (BMH), LLC, in partnership with builder DR Horton, is committed to continuing this growth and creating an attractive and viable neighborhood for both existing and future residents. With the infrastructure and build out of the 121 single-family lots of Phase I nearing completion, BMH and DR Horton would like to move forward with final platting the second addition of single-family lots. As such, they are requesting a final plat of Phase III-A, which consists of 16 lots and related infrastructure improvements in the south portion of the development along Prairie Way South.

The following informational items are attached:

- Project narrative by applicant
- Illustration of Inspiration development delineating project area
- Aerial rendering of Phase III-A final plat area
- Final plat
- City Engineer's plan review comments

## **B. STAFF COMMENTS**

As stated above, the preliminary plat for Inspiration was approved in 2004, which is a master plan for the overall development. The development was also approved as a PUD, which allows flexibility and deviation from the city's zoning code for certain elements of the development, such as lot dimensions and setback requirements.

Once the preliminary plat process for a development is complete, city ordinance requires final plat approval for each phase of the development. The purpose of a final plat is to record the division of land, which delineates final property boundaries, streets and rights-of-way, and easements. It is not uncommon for final plats of sizable developments to be sought in stages, to manage labor and costs associated with installing infrastructure, as is the case with Inspiration. As part of the review process for a final plat, land use conditions and infrastructure improvements are examined, to ensure the proposed final plat complies with preliminary plat approvals.

As referenced above, Inspiration was designed to be developed in three phases. Phase I consisted of 121 single-family lots, Phase II consisted of 75 multi-family units, and Phase III consisted of the remaining 132 single-family lots. A final plat for Phase I was approved in 2005 and included installation of key utility and infrastructure improvements for a large portion of the development. Phase I is almost complete and therefore the developer is ready to proceed with a final plat of additional single-family lots within Phase III.

### **C. FINAL PLAT ANALYSIS**

Due to the economy and recovering market, a final plat for the remaining 132 lots within Phase III will be sought in multiple stages. The applicant has submitted a request for final plat approval of the first stage of Phase III, which consists of 16 traditional lots and right-of-way in the south portion of the development, referred to as Phase III-A. The following is city staff's analysis of the final plat for this area:

#### **Overall Site Review**

Because much of the grading and infrastructure for this area was completed in Phase I, required site improvements will be minimal. The proposed final plat is consistent with the overall design approved during the preliminary plat stage. Implementation of conditions or improvements approved as part of the preliminary plat for this area will be required.

#### **Lots, Streets, and Lighting**

This area includes 16 single-family traditional lots, which each consist of at least 9,600 sq. ft., with lot frontage along Prairie Way South. The lot and block design is consistent with the approved preliminary plat and PUD. The access road to the Department of Natural Resources Scientific and Natural Area (SNA) will remain between Block 2 and 3 in its existing location. The loop of Prairie Way South northeast of the SNA will need to be completed to provide access to these lots and tie in to Inspiration Parkway. A stop sign will need to be installed at the Prairie Way South and Inspiration Parkway intersection. Street lights will need to be installed per the approved preliminary plat lighting plan dated February 7, 2005.

#### **Sidewalks and Trails**

A five (5) foot concrete sidewalk will be installed along Block 1 on the west side of Prairie Way South, to complete this loop to Inspiration Parkway and comply with the preliminary plat. Trails surrounding this area are complete; however, the trail system for the overall development has not been completed. The master developer's agreement states that the trail system approved for Inspiration must be completed before subsequent phases of the development are approved by final plat. Upon review of the trail plan, staff has determined that this requirement is impractical, considering the unfinished portion of the trail is located in the northwest quadrant of the development, which has yet to be graded or equipped with utility infrastructure. As such, staff feels it would be unreasonable to require completion of this trail until this area is graded, which would be part of the next stage of development in Phase III, anticipated to begin this summer.

#### **Grading, Drainage, and Utilities**

Grading for the Phase III-A area will comply with the plan dated January 30, 2007 previously approved by the city in conjunction with the preliminary plat. Measures will be taken to prevent erosion and control sediment related to grading activity. Water and sanitary sewer services, fire hydrants, and storm sewer outlets will be located and installed per the City Engineer's specifications (see attached for specific comments).

#### **Landscaping**

Landscaping for the Phase III-A area will comply with the plan dated February 23, 2005 previously approved by the city in conjunction with the preliminary plat, as well as the conservation easement

and open space restoration and management plan. Landscaping on the individual lots will be the responsibility of the builder, per the covenants of the development.

**Park Dedication**

To comply with the master developer's agreement, the developer is required to submit a cash park dedication fee to the city, equal to ten percent (10%) of the land value, for each phase of the development. The developer is in the process of obtaining an appraisal for all of Phase III, to determine the current land value. Payment of park dedication fees for Phase III-A are due within 90 days upon final plat approval or prior to final plat approval for subsequent stages of Phase III, whichever shall occur first.

**Outlots and Easements**

Several existing outlots, as well as a conservation easement, drainage and utility easements, and SNA access road easement are in the vicinity of this area of the development. However, none of these easements will be impacted or modified as part of the final plat.

**Developer's Agreement and PUD Permit**

The applicant and/or developer will be required to enter into a separate developer's agreement and PUD permit specifically for Phase III-A of the development, associated with the final plat approval. The City Attorney will coordinate execution of these documents upon final plat approval by the city.

***D. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL***

Because the proposed application is consistent with the overall design of the approved preliminary plat and PUD, staff recommends approval of the final plat for Phase III-A, with the following conditions:

1. The developer will be responsible for complying with all conditions required by the city as part of the preliminary plat and PUD approvals, as well as conditions listed within this staff report, and as required by the City Council.
2. The final plat for Phase III-A shall not constitute modifications to the Inspiration Master Developer's Agreement or Planned Unit Development (PUD) Permit. Execution of a separate developer's agreement and PUD permit specifically for Phase III-A will occur upon final plat approval by the city.

***E. RECOMMENDATION***

Staff recommends approval of a final plat for Phase III-A of the Inspiration development. Suggested findings of fact and conditions of approval are stated in section "D" of the staff report. The Planning Commission is asked to make a recommendation on the final plat, which will be considered by the City Council on June 3, 2013.



April 12, 2013

Sara Taylor  
Assistant City Administrator/Planner  
City of Bayport  
294 North 3<sup>rd</sup> Street  
Bayport, MN 55003

**RE: Inspiration**

Dear Ms. Taylor:

On behalf of D.R. Horton, Inc.-Minnesota, I am pleased to submit this application for the final plat of sixteen (16) lots in Inspiration, to be known as Inspiration 2<sup>nd</sup> Addition.

**Project Background:**

In 2004 and 2005, Contractor Property Developers Company ("CPDC") received preliminary plat approval for the 328-unit Inspiration neighborhood and began construction of the first phase in 2005. The project approvals included 121 single family homes in Phase I, a 75-unit condominium in Phase II, 132 single family homes in Phase III and 145 acres of restored prairie/open space. The approvals allowed flexibility in the timing of the Phase II and Phase III areas.

Unfortunately, the collapse of the housing market and the related oversupply of homes and lots eventually resulted in the decision by CPDC to voluntarily let the neighborhood go back to their lender in 2007. Neighborhood Development Partners, dba Bayport Mainstreet Holding, LLC ("NDP") acquired the neighborhood from the bank in February of 2008. Along with the land, NDP inherited responsibility for all outstanding developer obligations.

Unfortunately, NDP could not make the project feasible either and allowed its assets to go back to their investment firm in 2010. The investment firm, Bayport Mainstreet Holding, LLC ("BMH"), hired an asset manager to assist in marketing the project. There were a number of complicated restructuring elements that the asset manager proposed to the investment firm. After reviewing their options, however, BMH

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hired Landform to manage their asset in 2012. Since that time, BMH and Landform have worked together to restore proper management of the neighborhood and create a workable plan toward completion of all developer obligations.

To-date, development of Phase I has substantially been completed. Currently there are two outstanding issues related to Phase I improvements: 1) completion of the Open Space/Prairie Restoration Plan, and 2) painting of existing fire hydrants. The City is currently holding a letter of credit from BMH to guarantee this work. The prairie restoration will be completed by fall of 2015 according to the plan approved by the City Council in October, 2012. Repainting the fire hydrants will be completed in summer of 2013.

#### D.R. Horton Role:

D.R. Horton ("Horton") is a publicly-traded national homebuilder with local operations based in Lakeville. The local division operates with a great deal of autonomy in the local market and has employees that have worked with the company (including time with its local predecessor, Joe Miller Homes) for over thirty years.

Horton entered into a contract with NDP in late 2010/early 2011 for the purchase of its developed Phase I single family lots with lot closings to be staged over a 2+ year period. It closed on the first group of lots on April 15, 2011. Over the last two years, Horton has: acquired all 43 lots included in the contract; built on 35; closed with 19 new Bayport families; and has just five home sites left to sell.

Based on the renewed success of this neighborhood, Horton entered into a new contract in late 2012/early 2013 to purchase all of BMH's remaining assets in Inspiration. The two parties are now wishing to partner with the City of Bayport to follow a process to successfully build-out the neighborhood in a manner that respect the investment that the City of Bayport, existing residents and new residents have made in the community.

#### Entitlement Process:

The first phase of this process is the application currently before the City of Bayport, which includes the final plat of 16 lots extending between the current termini of Prairie Way, along the southerly side of Inspiration Parkway South. The final plat exactly matches the design of this area originally approved by the City back in 2005 and includes the extension of improvements exactly consistent with existing improvements on Prairie Way:

- 395' of sanitary sewer and corresponding services to lots;
- 450' of watermain and corresponding services to lots;
- 450' of sidewalk extending along the same side of the street as it exists now on Prairie Way;
- 450' of street between the existing dead end streets;
- 270' of storm sewer;
- One new fire hydrant at the midpoint of the new section of roadway; and
- Street lights consistent with the spacing guidelines established throughout the neighborhood.

Bringing these 16 lots to market quickly will help maintain the important sales momentum that has been restored in the community and is essential to its success. Development of these 16 lots will complete this southern portion of the neighborhood in its entirety. To help keep the Inspiration neighborhood

informed, Horton will be mailing a summary of the final plat proposal to property owners to provide an opportunity to discuss any questions or concerns. The City Attorney will be guiding us through any development agreement and planned unit development permit questions as part of this process, although a final plat approval is typically straight-forward provided it complies with the approved preliminary plat.

Following final plat approval for these 16 lots, Horton would make application to the city for consideration of a slightly reconfigured preliminary plat and final plat for the remaining 116 single family lots within the development. We look forward to working with the City of Bayport and other stakeholders to successfully turnover this renewed community to Horton and see it through completion. At this time, we respectfully request approval of the 16 lot final plat as the first step in this process.

In you have any questions about this request, please contact me at 612-366-2589 or at [ramullenbach@drhorton.com](mailto:ramullenbach@drhorton.com).

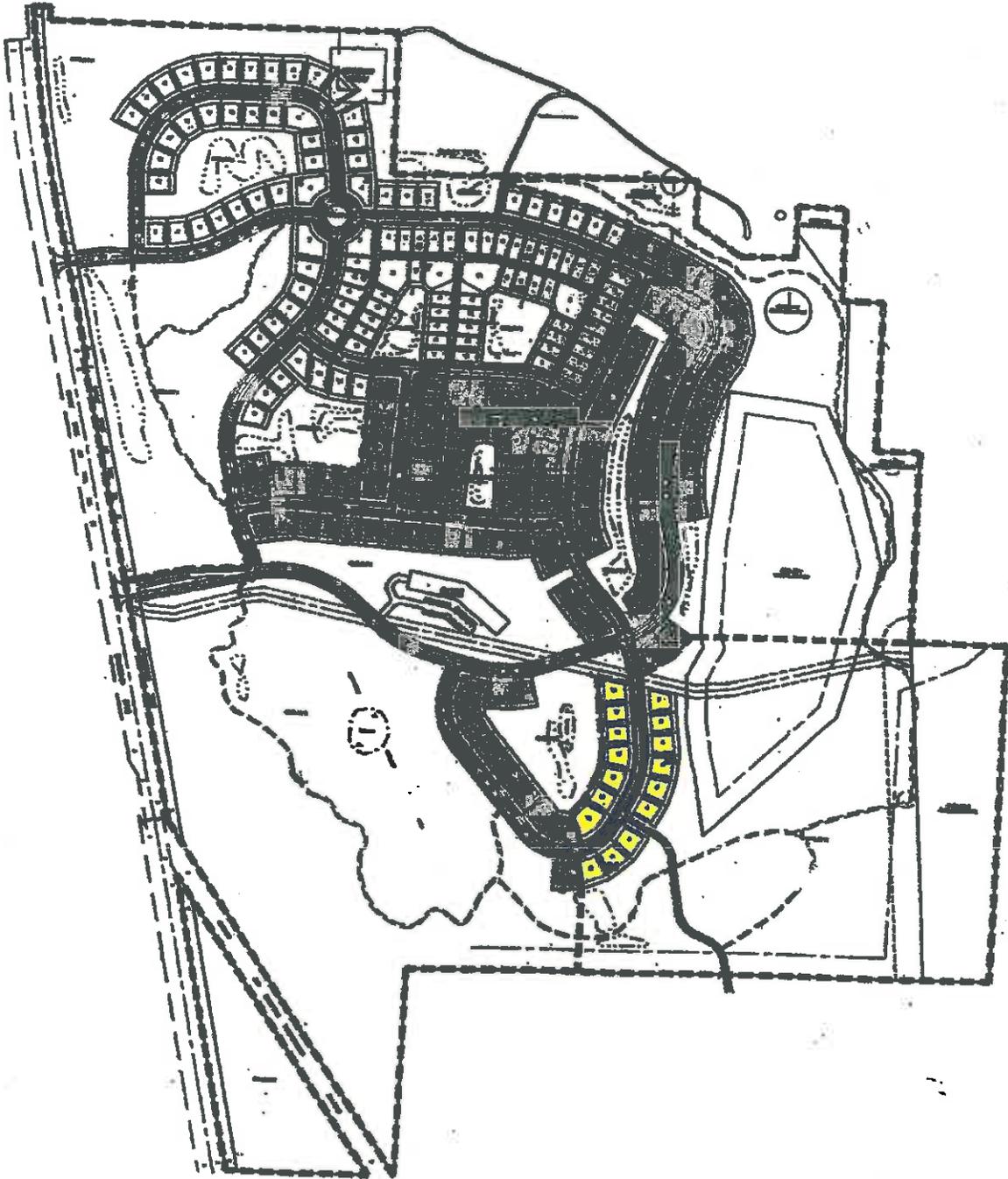
Sincerely,



Ron Mullenbach  
Land Manager

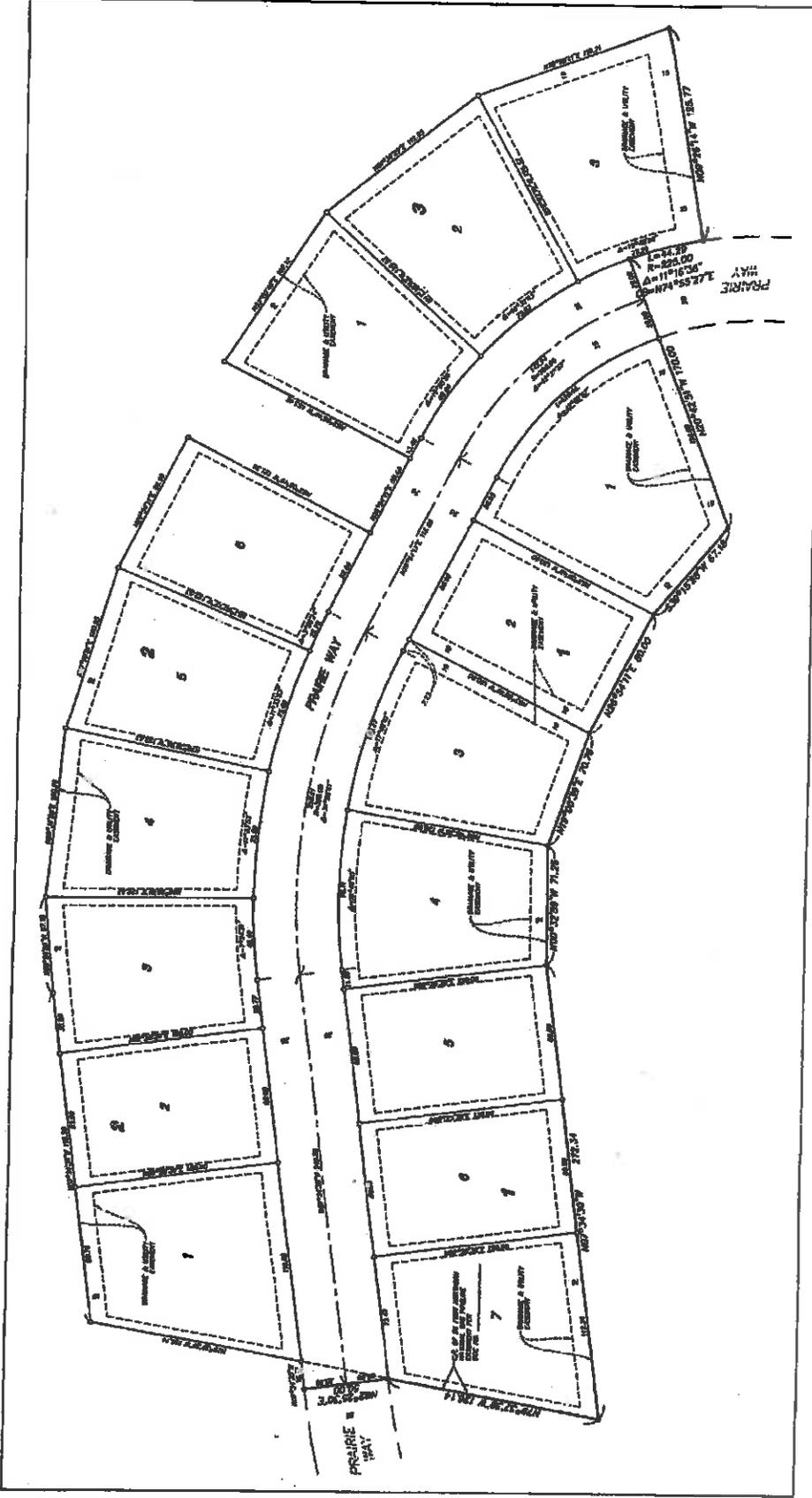
cc: Kendra Lindahl, Landform

# INSPIRATION OF BAYPORT FINAL PLAT SITE AREA





# INSPIRATION 2ND ADDITION



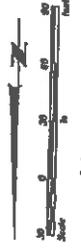
Dimensions and Utility Elements are shown here



Shows 2 feet to utility elements including  
and adjacent to them and to lot lines and  
adjacent to them and to them on the plan.

- Shows 1/8 inch by 1/4 inch line dimensions  
and utility elements of Utility No. 10217
- Shows 1/8 inch by 1/4 inch line dimensions  
and utility elements of Utility No. 10217, 10218,  
10219 and 10220
- Shows 1/8 inch by 1/4 inch line dimensions  
and utility elements of Utility No. 10221, 10222,  
10223 and 10224

The utility elements of this drawing, including the location of  
the utility elements, are shown as they are shown on the  
ground plan in the 10217, 10218, 10219, 10220, 10221, 10222,  
10223 and 10224.



Scale: 1 inch = 20 feet



## MEMORANDUM

**TO:** Fran Hagen, Westwood Professional Services, Sara Taylor, City Administrator, Andy Pratt, Eckberg, City Attorney

**FROM:** Barry Peters, City Engineer

**DATE:** May 7, 2013

**RE:** Inspiration Plan Review  
SEH No. A-BAYPO 122136 14.00

I've looked through the Final Plat, Grading Plans and Construction Plans (dated April 5, 2013), submitted by Westwood Professional Services for the Inspiration 2<sup>nd</sup> Addition project in Bayport. I have the following comments that need to be addressed prior to approval. City staff may have other comments following their reviews.

**1. Final Plat**

- In general the Final Plat for Inspiration 2<sup>nd</sup> Addition is consistent with the approved Preliminary Plat submitted in 2004. There appears to be a minor drafting issue that should be corrected. The easement lines between Lots 1 and 2 of Block 1 are shown at what appears to be 7.5 feet (total 15 feet).

**2. Grading Plan**

- The grading plan submitted is the approved Record Grading Plan dated January 30, 2007 and is approved.

**3. Construction Plans – General Comments**

- Add Alignment Sheet for horizontal curve information.
- Is Stop Sign proposed to be installed at Inspiration Parkway?
- Construction traffic will need to be directed to north entrance to utilize rock entrance.
- Provide City with copies of all permits.

**4. Construction Plans - Overall Plan Sheet 2**

- No comments.

**5. Construction Plans - Sanitary Sewer and Water Main Sheet 3**

- Hydrant at station 29+90 to is shown in the rural section where a ditch will be constructed. For ease of access, the hydrant needs to be placed level with curb, not on the down slope. A culvert will need to be installed behind the hydrant.

- Sanitary Sewer profile shows that the stub provided with the original construction is at a 0.40% grade. Do not change grade to 0.73% as shown. Maintain the original 0.40% grade to MH-10. This will affect MN-10 inverts and grade to MH-11.
- In General notes, remove un-needed notes: duplicate wye information, drop manhole.

**6. Construction Plans – Storm Sewer and Street Sheet 4**

- The grades on the storm sewer outlet is relatively steep. Check for velocities at outlet apron to ensure that rip-rap is sufficient to reduce velocity.
- Add sawcut note at connections of new street to existing street.

**7. Construction Plans – Details Sheet 5**

- Utility Location Detail should show the hydrant raised to shoulder level, not on the down slope in the ditch.

**8. Construction Plans - Details Sheet 6**

- Hydrant detail should note the need for a 5" Storz connection.
- Ensure that the hydrant is yellow color.
- Service details show stubs to property line instead of to edge of Drainage and Utility Easement.

**9. Construction Plans – SWPP Narrative Sheet 7**

- Revise Note 3 under Erosion Prevention and Sediment Control Measures (top of far left column) to include "Project Name" or revised to note "...once the project has been...".

Please make the noted changes and resubmit for review. Please contact me if you have any questions.

BCP