

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
JULY 22, 2013
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Assistant City Administrator/Planner Taylor called the regular Bayport Planning Commission meeting of July 22, 2013 to order at 6:00 p.m.

ROLL CALL

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

Commissioners Absent: Todd Gilles

City Staff Present: Assistant City Administrator/Planner Sara Taylor, Planning Consultant Dan Licht, City Council Liaison Patrick McGann, City Engineer Barry Peters, and City Attorney Andy Pratt

APPROVAL OF MINUTES

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

PUBLIC HEARINGS - None

OLD BUSINESS

Consider a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration Phase III-B: Commissioner Obler stated the application was continued to give the applicant an opportunity to address comments and concerns expressed at the public hearing held June 10. He explained the public hearing on the application was closed and no further public comment or questions would be heard. Planning Consultant Licht noted the city extended the application review process to September 13, 2013 to allow city staff and the developer to address the issues that were raised at the public hearing. He reviewed that the architectural review process was established as a function of the homeowner's association (HOA) through an Architectural Review Committee (ARC), and the city has no official controls over the architectural requirements. In response to a concern about the planned three-quarter access to Stagecoach Trail at Inspiration Parkway North, he reiterated that Washington County has control of the intersection, and city staff feels the existing and proposed additional access to Stagecoach Trail is satisfactory to handle traffic entering and exiting the development. He indicated staff is recommending approval of the application, subject to the 18 conditions of approval noted in the July 18, 2013 planning report.

Ron Mullenbach, DR Horton, reviewed the changes made to the application since the last meeting, detailing changes to the front porches, garage doors, offering smaller home sizes, process for retiring color schemes, and marketing optional "Inspired by Nature" upgrades. He stated DR Horton would welcome one or two current Inspiration residents to serve on the HOA Board. He added the revised plan eliminates Periwinkle Place as a through street, adds a village green, and provides a paved trail from the village green to the city's park property.

Discussion followed on DR Horton retiring elevations and home styles in the future and placing additional conditions of approval for the homes adjacent to Stagecoach Trail. Commissioner Obler proposed that additional conditions of approval include an amendment to the Master Declaration of Covenants for the development to establish a majority membership of Inspiration resident homeowners on the ARC, assurance that this is incorporated into the PUD permit and enforceable documents, with a section addressing how the guidelines be administered. He proposed a stipulation regarding the design guidelines and the defined standards with respect to the bulk height and density of buildings to create consistency with the existing

residential neighborhood. He noted the residents have been trying to accomplish the original intent of the architectural values and traditional design guidelines for several years and recognized that the city should not be responsible for regulating the requirements. He believes the landscaping requirement needs to revert back to 2.5% calculation that is exclusive of hardscape, sprinkler systems, retaining walls, etc. Commissioner Richtman inquired whether the proposed stipulations could be incorporated into tonight's action and Planner Licht stated additional stipulations could be added to staff's conditions of approval. Planner Licht noted the apparent misunderstanding related to the architectural standards and reiterated that the intent was never for the city to regulate or enforce the standards, so as not to inflict subjective opinions and/or consume city resources.

Mr. Mullenbach stated the additional stipulations appear subjective and open-ended and he's not clear what DR Horton is being asked to agree to. In reviewing homes throughout the city, he echoed Commissioner Richtman's comment that there does not appear to be a defined historic style to Bayport architecture. He added that DR Horton has expanded the styles of homes available and believes they fit well with the neighborhood. He expressed concern that DR Horton may not have a vote on amending the Master Declaration, if the vote is taken prior to them becoming the declarant or owner of the property, because they would not yet own lots in Phase III-B.

It was moved by Commissioner Obler and seconded by Commissioner Ritzer to recommend to the City Council to approve a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration Phase III-B, subject to the findings and conditions listed in the staff report, and the following additional stipulations: amending staff condition #2 to state that the landscaping requirement will not include the cost of irrigation and/or retaining walls, establish design guidelines to encourage homes that are architecturally compatible with historic neighborhoods and inline with traditional design standards, and encourage homes to be designed/ renovated in character and size with the historical nature of the city; adding condition #19 to amend the HOA Master Declaration prior to application for final plat approval of any portion of Inspiration Phase III-B to establish a majority membership by Inspiration resident property owners on the HOA Architectural Review Committee, to be elected by a majority of property owners; and adding condition #20 stating that the architectural requirements applicable to construction of new dwelling units within Inspiration Phase III-B will be incorporated within and made part of the PUD permit, with an administrative section addressing how such guidelines are to be administered with respect to new housing applications and future amendments.

With regard to density, lot size, and setbacks, Planner Licht noted these would be similar to Phase I of the development, with a net reduction in the total number of single-family lots proposed for Phase III-B. Councilmember Obler expressed concern with final grade and lot type suitability for the different home styles. Planner Licht stated the developer is required to submit a grading plan that specifies the type of house that is capable of being built on each lot, which is reviewed by city staff. Commissioner Hallett shared a document that was recently circulated amongst Inspiration homeowners that included information and photographs of the neighborhood that demonstrate the architectural variety of home styles built earlier in Phase I of the development versus the recent DR Horton homes. He believes the DR Horton construction defeats the purpose of the original vision for the neighborhood. Councilmember Obler added that some residents feel that the recent construction creates a sterile environment and does not promote a sense of a nature-inspired development. Mr. Mullenbach noted the open dialogue his company has promoted with the current Inspiration homeowners and expressed disappointment and concern that he was not given the opportunity to view this document nor respond to the written concerns before the meeting. Planner Licht noted the proposed stipulations to include the two comprehensive plan policies regarding design guidelines and standards are ambiguous and not defined, making it problematic for DR Horton to respond to the stipulations.

Commissioner Ritzer commented on the original homeowners buying into the vision of the planned development and the varying factors over the years that have created a different character than originally marketed. Planner Licht stated that the city continues to work within the context and authority of the approvals granted in 2004, and DR Horton is following the same architectural requirements as previous builders in the development. Commissioner Hallett believes the architectural standards have changed since

2004 and stated a desire to work towards a compromise that will assure the recommendations made by the Planning Commission are incorporated into future construction within Inspiration.

Attorney Pratt commented that amending the Master Declaration to establish a majority membership of Inspiration resident property owners on the ARC, prior to final plat approval, could be problematic as DR Horton does not have the ability to complete that action. Commissioner Ritzer added that it seems unfair to allow the residents to have control of something they don't own, but Commissioner Obler believes the homeowners could provide an objective viewpoint for ARC approvals. Discussion followed on approving DR Horton's compromise of appointing a minimum of two current homeowners on the ARC and their willingness to work through the issues identified by the homeowners. Commissioner Obler indicated he would consider amending his motion relative to composition of the ARC to include one Inspiration resident property owner, a Bayport resident at large, and the declarant. He further suggested adding a stipulation to the motion that city staff regulate the architectural guidelines.

Assistant City Administrator/Planner Taylor noted that when Inspiration was originally proposed in 2004, the Planning Commission and City Council were very clear that the covenants and special conditions that were implemented for the development, such as the architectural standards, were not to require additional city resources or become burdensome for the taxpayers and city staff. As such, review and approval of the architectural standards were to be a component and function of the homeowners association and reiterated the importance of retaining this requirement.

Planner Licht reminded the Planning Commission that a motion was on the floor, and summarized the conditions of the motion made by Commissioner Obler and seconded by Commissioner Ritzer, as follows:

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 and the additional items recommended by the Planning Commission:
 - Cedar front porches will be standard design.
 - Concrete porches will not be allowed in the new phases.
 - Composite front porch decking will be an option for buyers.
 - Tongue-in-groove wood patio ceilings will be an option for buyers.
 - Porch swings will be an option for buyers.
 - Additional exterior light fixtures will be an option for 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 to the standard design.
 - Garage doors with windows in the top panel will be an option for 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 doors that include glass in the main door or side lights will be an option for buyers.
 - Wood grain fiberglass doors with glass options will be an option for buyers.
 - The number of color pre-selections will include new colors from Sherwin Williams.
 - Color pre-selections will be "retired" once used on 18% of the homes in a phase and/or the overall site so that popular color schemes do not get overused.
 - The developer 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.).
 - The landscaping requirement will not include the cost of irrigation and/or retaining walls.

- Establish design guidelines which encourage development that is architecturally compatible with historic neighborhoods and in keeping with traditional design standards.
 - Encourage buildings to be designed and/or renovated in character and size with the historical nature of the city.
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 Outlots 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 by 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.
19. The HOA Master Declarations shall be amended prior to application for final plat approval of any portion of Inspiration Phase III-B to establish majority membership by Inspiration resident property owners on the Home Owners Association Architectural Review Committee to be elected by a majority of the property owners.
20. The architectural requirements applicable to construction of new dwelling units within Inspiration Phase III-B shall be incorporated within and made part of the PUD Permit with an administrative section addressing how such guidelines are to be administered with respect to new housing applications and future amendments.

Several of the commissioners expressed their support for the overall preliminary plat application and commended DR Horton for their willingness to incorporate or modify their original application, in response comments and/or concerns expressed at the June 10, 2013 public hearing. Commissioner Richtman noted that he was supportive of the preliminary plat application with staff's recommended conditions of approval; however, he did not feel the additional conditions related to the architectural standards that Commissioner Obler included in the motion were warranted. Upon conclusion of discussion, the motion passed 3-1, with Commissioner Richtman voting nay.

Planner Licht stated the City Council would be considering the application at the September 3, 2013 meeting.

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM – None

ADJOURN

It was moved by Commissioner Hallett and seconded by Commissioner Richtman to adjourn the meeting at 8:37 p.m. Motion carried.