

**CITY OF EYOTA  
PLANNING COMMISSION MINUTES  
OCTOBER 16, 2014**

**Present:** Members: Barry Karsjens, Chad Ohl and Janet Hughes  
Council Rep: Ray Schuchard      Secretary: Marlis Knowlton

**Absent:** Member: Dana Allen-Tully      Council Rep: Bryan Cornell

**Call to Order:** Chair Barry Karsjens called the meeting to order at 7:00 p.m.

**Approve Agenda:** Motion was made by Ohl and seconded by Hughes to approve the agenda as presented. Ayes 3, Nays 0. Motion carried.

**Minutes:** Motion was made by Ohl and seconded by Hughes to approve the May 21, 2014 regular meeting minutes. Ayes 3, Nays 0. Motion carried.

**Public Hearing – Stone Garden Estates Preliminary Plat:**

Preliminary Plat submitted by John Keefe for Stone Garden Estates. Located in Section 10-106-12, Gross Area 5.89 acres, Number of Lots 15, currently zoned R-1. See "Exhibit A"

Motion was made by Hughes and seconded by Ohl to close the regular meeting. Ayes 3, Nays 0. Motion carried.

Motion was made by Hughes and seconded by Ohl to open the public hearing. Ayes 3, Nays 0. Motion carried.

Attending: John Keefe, developer and land owner; Craig Britton, Keefe's engineer, Widseth Smith Nolting (WSN); Bill Angerman, Eyota's engineer, WHKS & Co. and Mayor Tyrel Clark.

Chair Karsjens requested Angerman to discuss the comments submitted by WHKS.  
See "Exhibit B"

1. *A portion of Whetstone Place NW appears will be constructed outside of the platted area. This portion of the street will need to be permitted or incorporated in a development agreement to allow for construction outside the plat.*

Angerman explained normally a developer only builds (referring to infrastructure) inside the plat. Keefe is intending to build this portion of Whetstone Place (adjacent to Lot 1, Block 2 of Stone Ridge Second Addition) but will require permission from the City in the development agreement.

2. *The new NPDES (National Pollutant Discharge Elimination System) permanent storm water management will need to be addressed for the proposed subdivision.*

Angerman noted the storm water rules changed in January and are stricter. The original plat infrastructure was constructed some years ago, but now the rules have changed.

Angerman's opinion is that Keefe has met the requirements. The existing pond has the capacity for this proposed subdivision; but additional subdivision development in the area might not meet the new requirements. A letter from WSN will be required and it will be dealt with during the final plat review.

Schuchard expressed concerns when more development is done, and more houses are constructed, it will be miserable to put in another pond. Angerman said it would probably not be another pond, but instead other means to control water: swales, rain gardens, etc. The City of Rochester argued with the new NPDES rules but was not recognized; the only other option is to sue the State of Minnesota. Karsjens questioned the size, needs and timing for future development in reference to anticipated rule changes. Angerman noted that the rules can change again by the time future developments are constructed.

3. *Sandstone Drive NW adjacent to Lot 9, Block 2 should be constructed and included within the preliminary plat. This will provide for the development of the adjacent property to the north of Sandstone Drive NW. If this street isn't built, a provision for who will pay for it should be included in the development agreement.*

Angerman explained it is customary to build adjacent to a plat. Britton suggested they prefer not to build now. But the interest of the City needs to be protected against future responsibility and expense. If someone else eventually owns the land north of this subdivision they could refuse to build that portion of the street stating it was the previous developer's responsibility. Angerman suggested Knowlton, city attorney and him work together to come up with language to protect the City; he felt that would be acceptable and put it in the development agreement. Have it recorded, if possible. This issue will come back to the Council in the final plat approval or in the development agreement. Britton said that the street extension was left out of the plat because: it could be \$30,000 to \$35,000 to build, it is unknown what will be constructed on the land north of the street, and MnDOT is suggesting needing an additional possible fifty feet of road right-of-way for the roundabout; that may dictate what can and cannot be built north of this development.

Schuchard asked if this is normal with other cities Angerman has worked with. Angerman said generally (not always) most often cities force the developer to build the street extensions.

4. *Final construction plans for the subdivision should be submitted with the final plat submittal. The plans should include all municipal streets, utilities, grading and sidewalks per City standards.*

Angerman submitted this statement as a reminder to the developer; specifically in regards to sidewalks. Sidewalks are required by the City, it is not Angerman's job (as the engineer) to force sidewalks to be included, it is the Planning Commission's responsibility to hear the developer's proposal and make a recommendation to the Council.

Britton said it would make sense to extend the sidewalk east on Sandstone Drive, from the commercial district. They could grade for sidewalks, and grade should be taken into consideration so driveway grades are set to accommodate future sidewalks, but not to install sidewalks now.

Schuchard stated the grade needs to be there now, but he did not care if the sidewalk went in right away because he does not want to see construction vehicles breaking them up. Britton stated the developer's proposal is to grade for future sidewalks but not to install them now and do not require the homeowner install one at the time the home is constructed. Angerman clarified that this is only a request. Keefe is suggesting grading for sidewalks but not requiring a sidewalk, during subdivision creation or when each individual home is built. Discussion: grade must be put in now to avoid possible problems later if a sidewalk is to be installed; base material would not be installed at this time. The Commission needs to make a sidewalk installation recommendation to the Council. Angerman said typically the developer would construct the pedestrian ramps (corners) for sidewalks and put in the subdivision covenants that sidewalks will be constructed at the time the house is built. But Keefe is suggesting that will not happen.

5. *The right-of-way width for Keefe Court should be 66 feet. This is consistent with the other cul-de-sacs in Stone Ridge Subdivision.*

Angerman stated City standards would be for Keefe Court to be sixty six feet wide and the plat shows only sixty feet. Britton said the sixty feet came from a previous general development plan, they can probably widen out the right-of-way on both sides by three feet. They will change it on the final plat. If for some reason they can not widen it they will address that with the Council during the final plat approval process.

Angerman recommends the Commission accept the subdivision preliminary plat contingent on these items being addressed.

Other review comments need to be discussed at this time.

Addressing – Rochester-Olmsted Planning Department requests the directional needs to be added to Keefe Court; should be Keefe Court NW. And Olmsted County GIS Impact fees on both the preliminary and final plats need to be paid with the application forms.

MnDOT – no response has been received from MnDOT after they asked for additional grading information.

Natural Gas – Minnesota Energy Resources – Angerman explained the City prefers gas lines be installed on both sides of streets to avoid digging up the street later to install service lines. Britton said that adds cost to the project, as much as \$400 per lot; and suggested installing only one line on the east side of Whetstone Place and stub in six services, to keep lot cost down. Angerman explained this is not a decision the Commission will make, it is up to the Council, but it is good to talk about it early.

Britton commented that not requiring a sidewalk would be consistent with the rest of the Stone Ridge developments, which have no sidewalks. Schuchard questioned if anything is noted in the City's new Master Sidewalk Plan for this area. Mayor Clark responded no; because this subdivision did not exist at the time the plan was created.

Clark also commented the land north will be a mixed use, potentially creating foot traffic; and Whetstone Place will be used by commercial and residential users getting to and from existing and future businesses. Angerman stated when a city implements a sidewalk plan they need to start somewhere; just finishing the Safe Routes to School project, wish we would have started this previously. Keefe commented that a sidewalk would add \$2,500 cost to each lot.

No other comments.

Motion was made by Hughes and seconded by Ohl to close the public hearing. Ayes 3, Nays 0. Motion carried.

Motion was made by Ohl and seconded by Hughes to open the regular meeting. Ayes 3, Nays 0. Motion carried. 7:27 p.m.

Ohl thought it would be acceptable if the Sandstone Drive is not built; if a guarantee can be put in writing stating the City will not be responsible for it later. Ohl did state he would like to see the sidewalks be put in the same time the houses are built; Summerfield subdivision was done that way. Ohl reminded the Commission that their issue is to follow the ordinances, it is the developer's decision how to pay for sidewalks, and he felt requiring the sidewalks to be graded should be approved.

It was discussed if sidewalks go in this development than a sidewalk should be required on Lot 1, Block 2 of Stone Ridge Second Addition or there would be a sidewalk to nowhere. The Council will need to deal with that.

Motion was made by Ohl and seconded by Hughes to recommend the Council approve the preliminary plat contingent on the City Engineer's recommendations are met; specifically #3 Sandstone Drive is not legally required to be built now but a legal agreement be created for future construction and #4 sidewalks will be constructed at the time of the house construction on the six lots on the west side of Whetstone Place and on the north side of Lot 6 adjacent to Sandstone Drive. Discussion: no concerns at this time that MnDOT has not commented. Ayes 3, Nays 0. Motion carried.

#### Finding of Facts:

1. Generally there is no need to construct the section of street extending Sandstone Drive, adjacent to Lot 9, Block 2 at this time; but need to have attorneys put in place a legal agreement in place to protect the City's interest for the future.
2. There is a need to continue with the sidewalk ordinance that is in place and require the developer to construct a sidewalk on the six lots on the west side of Whetstone Place and on the north side of Lot 6 adjacent to Sandstone Drive.
3. This preliminary plat is consistent with the other developments in the area.
4. Plat is consistent with the City's ordinances as written.

Motion was made by Ohl and seconded by Hughes to approve the Finding of Facts as written. Ayes 3, Nays 0. Motion carried.

**Other Business:**

J.B. and Mandi Mathison, 611 Madison Avenue SW front yard setback variance: Knowlton reported Mathison's withdrew the variance request prior to the October 9, 2014 Council meeting. Mandi Mathison explained that they do not have the building plans finalized, the exact size is still unknown and they have no intentions of completing the project for many years. For these reasons Mathison's withdrew the request. If they decide in the future to add on they will start the process over. The City Council took no action; the variance was not approved because it had been withdrawn.

Future meetings will be the third Thursday of the month.

**Adjourn:** Motion was made by Ohl and seconded by Hughes to adjourn. Ayes 3, Nays 0. Motion carried. Meeting was declared adjourned at 7:52 p.m.

  
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Marlis Knowlton  
Clerk/Treasurer