

**CITY OF COLUMBUS
PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
CONDITIONAL USE PERMIT AMENDMENT, ST. CLAIR LAKES PLANNED UIT DEVELOPMENT
08-03-2022**

The 08-03-2022 Public Hearing to consider a request for a Conditional Use Permit Amendment for a Planned Unit Development to reduce the setback from garage to curb from 30 feet to 25 feet for a 21-lot subdivision (St. Clair Lakes) in the Mixed-Use Medium Density District. The meeting was called to order at 6:40PM by Chair Ron Hanegraaf at the City Hall. Present were Planning Commission members Ron Hanegraaf, Kris King, Barb Bobick and Bob Berens, City Administrator Elizabeth Mursko, Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer, Planner Dean Johnson, and Attorney Megan Rogers.

In attendance via interactive technology were Julie Lane, Park Construction Attorney Craig Kepler, and an unidentified iphone user.

Also, in attendance in person were Jeff Carlson, Sheila Waldoch, Barb Waldoch, John Waldoch, Donald Waldoch, Sue Wagamon, Steve Wagamon, Perry Wagamon, Roger Nase, St Clair Lakes/Joshua Markum Representative Mark Olson, Kelly Underdahl, Mayor Jesse Preiner, and Council Member Janet Hegland.

The meeting was held in an interactive technology meeting format.

Hanegraaf: We're going to go onto item number 7 tonight, a public hearing and discussion on St Clair Lakes planned unit development conditional use permit amendment, pages 1-69 and enclosure B. Ella, would you read the notice?

Notice was read at this time by the recording secretary.

Hanegraaf: Thank you Ella. At this time, for the record, would Mark J Olson, the applicant representing Joshua Markham Builders, please have a seat up front and state your name and your current address?

Olson: Markum Olson, 7867 Eastwood Rd, Mounds View, Minnesota, 55112.

Hanegraaf: Good evening, can I call you Mark?

Olson: Yes.

Hanegraaf: Thank you. The Commission received your application for the PUD and CUP amendment along with your project description of plans, as is normal protocol. For the record, could you give a little about the amendment to your project regarding the St Clair PUD and CUP, what you want to do?

Olson: So, the mylars were recorded when I first saw them, I took this development over from St Clair Terrain, Jamie Jensen. The mylar showed a 25 foot set back, but then when I was reading the developers agreement it stated a 30 foot set back. It would fall off the pads if I went to the 30 foot set back. I need every inch I can get pretty much on them on the buildable impervious condition pads, so that's my main reason here. They're all slab on grade, they're all LP front siding with stone. They're all in-floor heat. They all have cold storage above the garage. There are two master suite units, that's the big thing, the 25 foot set back.

Hanegraaf: Just for tonight's record, did you receive a copy of the report developed by Dean Johnson of Resource Strategies Corporation, dated July 27th, 2022, noting your project with its findings of facts and recommendations?

Olson: Yes, I believe I did.

Hanegraaf: And do you have any questions or comments about them that you like to talk about tonight?

Olson: No.

Hanegraaf: Okay, I guess to verify this will make it a little simpler for us if Dean could explain to us what he's asking for.

Johnson: The specific requests include what Mr. Olson described accurately at the preliminary plat. It showed building pads that were marked on the drawing, clearly at 25 feet at the time, that St Clair Lakes was approved. There was no builder involved so there were no building models, we couldn't distinguish between a 30 foot garage and a 20 foot living side and the home set back, so those were the standards that were put in the ordinance. But we have used the 25 feet in other situations. We also have a request for garage stalls that are slightly smaller than the city requirements by ordinance. And in some of the lots based on the models I looked at, I wanted a clarification of what the minimum rear yard setback would be. As well as the side yard, but the side yard in the original approval was five feet and we're going to maintain that but these are very compact parcels or lots, in many instances both the lot and the depth. There are five different models here which provide a variety for the different shapes of the parcels themselves. So, the main purpose here is to provide the clear concession for front yard for every building at 25 feet but it also specifies the rear yard, and it would also grant concession to the minimum garage spaces. When I spoke with Mr. Olson, back in February, the compromise of the garage space I had a little trouble with because, as you may recall, last year the homeowner association was only including street maintenance. This is a private street, and the purpose of the association is to certainly govern many aspects of a private development like this, but it was to establish a fund for the maintenance and ultimate replacement of the street. When Mr. Olson and I spoke, I just said I got a lawnmower and a snow blower in my garage because I take care of that, and he goes "Well, I'm going to change the homeowner association documentation where the HOA will do not only the street maintenance, it'll do street plowing, it'll do lawn irrigation, lawn mowing and provide garbage service." And I think as Mr. Olson alluded to, he's got storage space in the attic of each garage. That's his request to consider a compromise of the 11 by 24 foot depth to 10 1/2 by 22.

Olson: Also, I just recorded the HOA docs this afternoon and just so you know I'm adding \$28,000 worth of streetlights, that's for three. He didn't have any central water irrigation system, I since have added a central water irrigation system which will have its own electric meter its own water meter its own little address to it, and the HOAs will pay and maintain that also. So, they'll be maintaining the streets, the garbage, the driveways, the lights, irrigation system and all that. And another thing to note too is the lot sizes are 48 by 65. That's the impervious condition I can build on. My units are 63 by 40. I know these don't have much of a backyard for the folks, so what I'm doing when I lay these out, and I've got six of them sold, all six of them sold all on the lake there, I'm taking and turning them so when the people go into their screen porch, which isn't built into the corner of the home, it doesn't extend out it's built into the corner at their neighbor, so each screen porch will be to the left, but then I'm opening up room between the units. So, instead of having 10 feet between the units, I'm gaining 8 feet here and a little bit here, I might hold the 5 here, but now I'm at 18 feet on the closest points to where they would meet, so I'm just letting you know they're getting big side yards and I'm not using all the impervious condition up either, the buildable pad.

Hanegraaf: How many of these homes back up to private homes?

[Recording cuts out]

Olson: I'm not sure what I'm going to do back there, if it's going to be some pines or a fence or what there yet. But they're a little smaller homes, there's only two-bedroom homes on those lots, and the garage on, those ones will not be increased. I built these in Chisago City and the biggest complaint I had was the garages weren't deep enough, so I added two feet more to the front of the garage on these to get more depth for the guys trucks. But the ones that face the other neighbors, their backyard or side yard, them homes will have a smaller garage. They'll still have the storage upstairs, but they're a smaller home too. They're only a two-bedroom home because I don't have the length there and the width is a little narrower also.

Hanegraaf: Well, thank you. Dean, do you have anything else?

Johnson: I'd be happy to answer questions later.

Hanegraaf: We'll open it up to the Planning Commission here. Does anybody have any questions for Mr. Olson or Dean?

King: This is Kris. I do have one, when he mentions the street lights being added. Does that need to be added to the document as far as for finding out the facts and that they're going to maintain the street lights? Or is it documented somewhere else?

Olson: That might be in the new HOA doc, I asked my attorney who knows how to do it, and don't come cheap, to make sure everything was in there.

King: Well, it was nice to see your floor plans and the elevations and that I know the city has been wanting to see them for a while, so it was real good to see those. And it's good to have sold some, that it's moving forward.

Olson: Yeah, 6 of them are sold. 7 actually, 6 are sold and there's one lot on hold.

King: Now you made a comment that the houses wouldn't be on the pads or the pads are poured already.

Olson: They're not poured. No construction is happening.

King: Okay, I just wanted to make sure.

Olson: I just drove by today. The asphalt driveway, the first where the first lift went in, so that's down. I don't plan on putting the final wear or the second lift on until next year. It's best to escrow the money with the city or the letter of credit and then do it next year. It's always good to let that first wear go 1 winter.

King: Well, I think it was a nice add for the cold storage over the garage.

Olson: People really love that in Chicago City. The stairs is a pull down aluminum stairs, it's fire rated. And the garages are finished by the way, they're all knock down ceiling, all painted walls. And then I put two shelves out there right next to where you go into the mud room laundry room area from the garage and then inside there there's a little broom closet, it's big enough to hang coats in and stuff, but they got their bigger closet out by the front door.

King: And I know Dean you said that when this originally came in, it was at 25. And then because we didn't have any building lots or houses on the lots that because of the ordinance you went to 30 so there really is no problem with a 25 foot set back to the garage in my mind.

Rogers: Mr. Chairman and Planning Commission members. I just want to make one clarification. The 25 foot set back is from the curb to the garage, not the property line to the garage. Curb to garage.

Hanegraaf: Bob did you have something you want to say?

Berens: Yeah, this is Bob. Referring to the HOA, we haven't had a chance to see the document yet, so I have just a couple questions related to that. If this project goes into receivership, what happens to the current covenants under the HOAs? Who's responsible to enforce those covenants as future-

Olson: As people close on the lots they'll become vested in the HOA.

Berens: How many are on your board for the HOA?

Olson: Me, I'm 100% HOA I'm the secretary, treasurer, the head guy right now.

Berens: So, if a bank takes possession of the project due to foreclosure or whatnot, not that that's going to happen, and I don't want to jinx anything but things do happen, and so I'm curious as to the current people who live on site, as future development occurs down the road, is the HOA in its current state going to be enforceable under the new receivership?

Olson: Oh yeah, it's fully enforceable. Its recorded now. So whether it goes into receivership or not, or whatever happens, they'll have to accept or take that HOA on. They can't just say that's gone now, it's tied to every lot in there now.

Berens: I've seen it go both ways, so I understand what you're saying, but-

Olson: Well, we went through it once here, so we don't want to do it again.

Berens: Can you tell me if the project is fully funded at this point?

Olson: Project is fully funded right now yeah. I put cash up with the Lake Elmo bank in in the amount of 125% of the letter of credit. So, it's more than fully funded.

Berens: Sure, that's good.

Olson: Yep, it is.

Berens: You can understand why I would ask that question though, because we do have-

Olson: Absolutely, I just didn't want to go through the paperwork of and the legality of getting Lake Elmo Bank off the letter of credit and then me having to refile a check with the city and have the city rebate them and this and that. So, me the city and Lake Elmo have an agreement that basically I get the invoices, I okay them, I send them to Elizabeth and Kevin with Bolton Menk and also to Brian at Lake Elmo Bank, because Brian has been doing the draw requests, he knows the forms that have to be filled out for the city and for the county and whatnot, and so he fills them out. Kevin comes out, looks at it, inspects it, sees what they're wanting and checks it off and says yes and then gets that relayed back to Elizabeth. And then I think does it come up here for vote to pay or...?

Mursko: It'll come to Council for reduction, a letter of credit. And Mark can you tell Commissioner Berens, so you're the developer and you own 21 lots and that's why you're the sole person in the HOA. When do you turn it over? Is it 75% sold? Or is it 100?

Olson: It's at least 75% sold. I'd like to go further than that because with what the city wants with the architectural and the color schemes and stuff of the homes, I don't want 75% of the people now coming to me and saying 'we don't like that house', but me and you guys, we agree on it. The style, the colors

and everything. Now we got another player and I like having the HOA until it's at least 90%, it skims down the arguments and that might come up that we got to deal with enough, you know.

Bobick: I just wanted to comment, I was in property management and I really think that's a good idea to make the HOA take care of the garbage collection and irrigation. Then you have a uniform appearance in the in the-

Olson: Yeah, I use Sue, she's a paralegal with Cedar Management. And she actually manages a townhome community in Saint Francis for me right now and she helped me with my turn over in Chisago City, which is only 11 homes. And these guys will probably manage themselves, but Sue is great because she's not as pricey as an attorney would be for an HOA you know, and she's got it down, you know. So, she helps out a lot with her comments, what should be included, what shouldn't be. Yeah, driving down the road, I don't want to three different ones staring up that private role. If you've got garbage cans put them in the garage.

Bobick: Yep, exactly.

Hanegraaf: Any other comments, questions, Mr. Olson? Well hearing none we will open up the public hearing for the public. Anyone who has an interest in this matter and wants to present testimony as evidence on the issue, please acknowledge themselves by stating their name and address after which you have the floor to speak. Nobody on zoom? Having no one coming forth we'll close the public hearing and open up for discussion by the Planning Commission.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 6:56PM.

Ella Giefer

Respectfully submitted by Recording Secretary Ella Giefer.