

Call to Order and Flag Pledge.

Commission Chair Vince Johnson called the meeting to order.

Roll Call.

Chair Vince Johnson and Commissioners Randy Dalheimer, Kevin Faulds, Bob O'Brien, Steve Fowler, Council member Kevin Anderson, Council member Scott Hoke were present as was City Administrator Samantha Orduno, Assistant to the City Administrator Erin Stwora, Assistant City Planner Mike Elhard and Planning Consultant Tina Goodroad of Bonestroo.

Approval of the Agenda.

Motion to approve the agenda by Johnson, seconded by O'Brien, no additional discussion, All ayes.

Open Forum.

Johnson opened the open forum.

No one came forward.

Johnson closed the open forum.

City Council Update.

Hoke provided the update.

Consent Agenda.

- A. Approval of the August 6, 2009 Planning Commission Meeting Minutes.

Motion to approve minutes by O'Brien, seconded by Fowler, no additional discussion, All ayes.

JOINT MEETING WITH THE DAYTON CITY COUNCIL

1. Discussion - Proposed Adult Use Ordinance

Elhard presented an overview of the proposed adult use ordinance.

Stwora stated the attorney's office had drafted the ordinance for the League of Minnesota Cities. Stwora and Orduno stated the ordinance has been upheld in a court of law.

Fowler questioned the meaning of an adult use hotel. Stwora stated the attorney would need to answer the question. Stwora stated adult uses are only permitted in the industrial park and hotels are not permitted in industrial areas.

Elhard stated the ordinance prohibits adult uses within 500 feet of housing which will further restrict the ability of an adult use to locate in the community. Goodroad stated maps would be prepared to ensure businesses were able to locate with the current language in the ordinance.

Fowler and Faulds questioned if a business could locate in an existing business. Stwora stated if standards were met the business could locate in Dayton. Fowler questioned the floor space requirements. Stwora stated she will have the attorney address the questions.

Motion to approve minutes by Fowler, seconded by Faulds, no additional discussion, All ayes.

2. Discussion on the following Residential District Ordinances:

R-1A – Single Family Residential District (averaging)

Goodroad presented an overview of the proposed R-1A ordinance.

O'Brien questioned if the ordinance would permit 9,000 sq. ft. lots. Goodroad and Stwora stated some of the lots could be 9,000 sq. ft.

Fowler questioned if R-1A would be low density residential. Goodroad stated it would be low density residential. Hoke questioned if a developer could ask for an area guided low density residential be zoned R-1A instead of R-1. Stwora stated the type of development would determine the difference between R-1A and R-1. Stwora stated a developer would not benefit from R-1A over R-1.

Stwora stated the zoning district R-1S currently is in the zoning ordinance. Stwora stated a development could propose R-1S standards today and allow 6,000 sq. ft. lots similar to some lots in Nature's Crossing with an underlying zoning district of R-1S.

Goodroad stated the R-1A ordinance has been tested against the proposed development Sundance Woods. Marty Campion of Campion Engineering joined the discussion.

Hoke questioned the benefit of an R-1A over a PUD. Stwora stated each PUD is drafted as a separate zoning book. Stwora stated a PUD controlled development will lead to confusion in the future if new employees are in place and PUD's continue. Orduno stated PUD's are traditionally used for a development that offers something unique to the community.

Hoke questioned the approval process of a development zoned R-1A over a PUD. Goodroad stated the process is faster because there is no negotiation. Fowler stated the current ordinances have been in place for years. Stwora stated no development has used the current ordinances. Hoke stated the benefits of limiting subjectivity and allowing R-1A could be a benefit but a developer could always be lead to a PUD if necessary.

Campion stated the entire city could not develop at 15,000 sq. ft. lots due to Met Council requirements. Campion stated the largest tracts of lands will require different size lots to make the lots appeal to a variety of different buyers. Campion stated architectural plans exist for smaller lots. Campion stated Sundance Woods has many constraints to making the site work and variable lot sizes help. Campion stated a PUD requires a longer process while the R-1A gives more certainty to what is required by a developer.

Stwora stated drafting and reviewing multiple districts will not be necessary if the group would prefer a PUD approach. Stwora stated a stronger PUD ordinance will be necessary if this is the approach the group elects to go.

Stwora stated the City Council has directed staff to create strong ordinances that require a high standard of construction to occur in Dayton. Goodroad stated if the ordinances are not strong the city will become a target for developers to build because the ordinances are weaker than other communities.

Johnson questioned the process used to develop with an R-1A development. Stwora stated it would be the same as it currently is beginning with a concept plan review. Johnson questioned the number of times a development proposing R-1A standards would be reviewed by the Planning Commission. Stwora stated the development would be presented to the Planning Commission as a concept, preliminary plan and final.

Goodroad and Stwora stated the ordinance needs further work but feedback from the Planning Commission and City Council was desired before further work on the ordinance was done.

Faulds questioned how much of Dayton would use the R-1A zone. Stwora stated much of Dayton could use the R-1A zone due to current market demands. Stwora stated the R-1A ordinance will give Dayton an advantage over other community's by offering a variety of lot sizes and life cycle housing.

Faulds questioned if the City was giving something up by not using a PUD. Stwora stated the City is not giving anything up. Campion stated a developer would highlight benefits they are choosing to provide while the R-1A zone determines which benefits should be provided.

Orduno questioned the 'worst case scenario' for Dayton to the commissioners. Dahlheimer stated higher density development. Orduno questioned the maximum size permitted in an R-1A district. Goodroad stated 3.9 units per acre is the maximum permitted in the R-1A district. Dahlheimer questioned why the DNR restricts lot sizes along the river. Goodroad stated restrictions are placed on the river and the City will talk with the DNR in the future on the issue.

Goodroad stated Sundance Woods provided information regarding average lot sizes for the development the City Council and Planning Commission has already viewed. Goodroad stated the average lot size in the development is 11,000 square feet for the single family homes and 7,600 square feet for the detached townhomes proposed.

Goodroad stated the R-1A is a unique approach that could work. Goodroad and Stwora stated the ordinance can be changed if it does not work.

K. Anderson stated a variety of home sizes is desirable to different people that may not already live in the community.

Campion stated developers would not build smaller homes on smaller lots if it were not desirable and a product that could sell.

Hoke stated mixing the smaller lots with the larger is the preferred alternative to creating areas of all small and all large lots.

Campion stated the land prices are high enough in Dayton the smaller homes built will be a high quality product. Dahlheimer stated the city cannot control the quality of the product. Stwora and Goodroad stated the design standards will require high quality homes.

Orduno questioned Goodroad on the number of community's with architectural design review boards. Goodroad stated few communities have gone this route. Campion stated developments with homeowners associations (HOA) often have review boards. Orduno questioned if all new developments have HOA's. Campion stated they do not but many do.

K. Anderson questioned if an ordinance could be revoked if it does not produce desirable practices. Orduno stated a moratorium can always be placed on development to review an ordinance.

Goodroad stated some language could be added to require certain amenities closer to the smaller lots.

Stwora questioned the group on their feeling of the proposed R-1A zone. Hoke stated he was supportive of the proposed zone, K. Anderson stated his support, Fowler stated the PUD approach is his preference, O'Brien stated he has reservations on the proposed ordinance, Johnson stated he is more supportive of the proposal but has reservations, Faulds stated the current PUD ordinance outlines performance standards he would like to see in the proposed R-1A ordinance which he could support, Dahlheimer stated his concern is the future.

Stwora questioned the Planning Commissions what concerns they have in the proposed R-1A zone. Stwora questioned if density is a concern. Stwora stated the city needs to meet the Met Council requirements of 3 units per acre. Fowler questioned if the maximum could be lowered. Stwora and Goodroad stated the maximum and minimum densities cannot be changed without rewriting many chapters of the Comprehensive Plan. Johnson stated there would be no visual difference between 2.3 units/acre and 2.5 units/acre. Stwora questioned what the threshold could be. Johnson questioned if lowering the density would benefit the city. Goodroad stated lowering the density may prohibit the city by not giving more options. Campion stated lowering the density would limit the number

of smaller lots permitted. Goodroad suggested a maximum of 3 units per acre and the medium density would start at 4 units per acre.

Campion stated all projects he has worked on in Dayton have required a PUD because there was not a zoning district that fit his proposal. Campion stated other communities which he has built single family homes in do not require a PUD because they permit smaller lot sizes.

Campion and Goodroad stated the ordinance would be reviewed each year. Stwora stated changes would be made and the ordinance would be reviewed again at the October Planning Commission meeting and a public hearing in November.

Orduno questioned the group on 60 feet lots. Dahlheimer stated he prefers 70 feet, Johnson stated he defines larger as better but he cannot determine what other people are going to want.

Goodroad stated lot variety will offer homes for sale for different types of families not currently able to purchase new homes in Dayton. Faulds stated a mixed residential area with a variety of lot sizes would give opportunities to future residents to stay in the community as they move up.

Stwora suggested asking developers planning to attend the Community Development Summit scheduled for Friday, September 25th, 2009 for their opinion on the proposed R-1A.

Stwora stated a revised ordinance will be reviewed at the October meeting with a public hearing in November.

Notices and Announcements

- a) Future and Continued Planning Commission Agenda Items.
- b) Commissioner Updates
- c) Staff Notices and Announcements.
- d) The next Planning Commission meeting will be held on October 1, 2009.

Adjourn

Motion to adjourn was made by Johnson, seconded by Fowler, no additional discussion.

Ayes: All.