



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, September 14, 2022
7:00 PM**

**Montrose Community Center
200 Center Avenue South
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
 - A. August 10, 2022 Planning and Zoning Commission Meeting Minutes
6. Old Business
 - A. Creekside Hollow Preliminary Plat Update
7. New Business
 - A. Discussion on Tree Preservation Ordinance
 - B. Updates from City Planner
8. Next Meeting
 - A. Wednesday, October 12, 2022 to be held at the Montrose Community Center – 7:00 p.m.
9. Adjournment

*** * Please note that a quorum of the City Council may be present at the Planning
and Zoning Commission Meeting. * ***

City of Montrose
 Planning and Zoning Commission Meeting
 Montrose Community Center
 200 Center Avenue South
 Wednesday, August 10, 2022
 7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, August 10, 2022 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Commissioner Charles Smallwood
 Commissioner Catherine Neiberger
 Commissioner Sylvia Henry
 Commissioner Roger Fraumann
 Commissioner Shawn Cuff
 City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator
 Mr. Stephen Grittmann, City Planner

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the August 10, 2022 Planning and Zoning Meeting Agenda with the addition of item "B" under New Business: Commission Member Attendance – Shawn Cuff. Commissioner Fraumann seconded the motion. Motion carried 5-0.

5. APPROVAL OF THE MINUTES

A. July 13, 2022 Planning and Zoning Commission Meeting Minutes

Commissioner Henry motioned to approve the May 18, 2022 Planning and Zoning Commission Meeting Minutes. Commissioner Neiberger seconded the motion. Motion carried 5-0.

6. PUBLIC HEARING

A. To Consider a Request for a Preliminary Plat for Creekside Hollow, an 80-lot Single Family Development on Approximately 40 Acres of Land Zoned R-1, Single Family Residential

Commissioner Henry motioned to Close the Planning and Zoning Meeting and Open the Public Hearing at 7:03 p.m. Commissioner Cuff seconded the motion. Motion carried 5-0.

Mr. Gritman went through the Planner's report as follows:

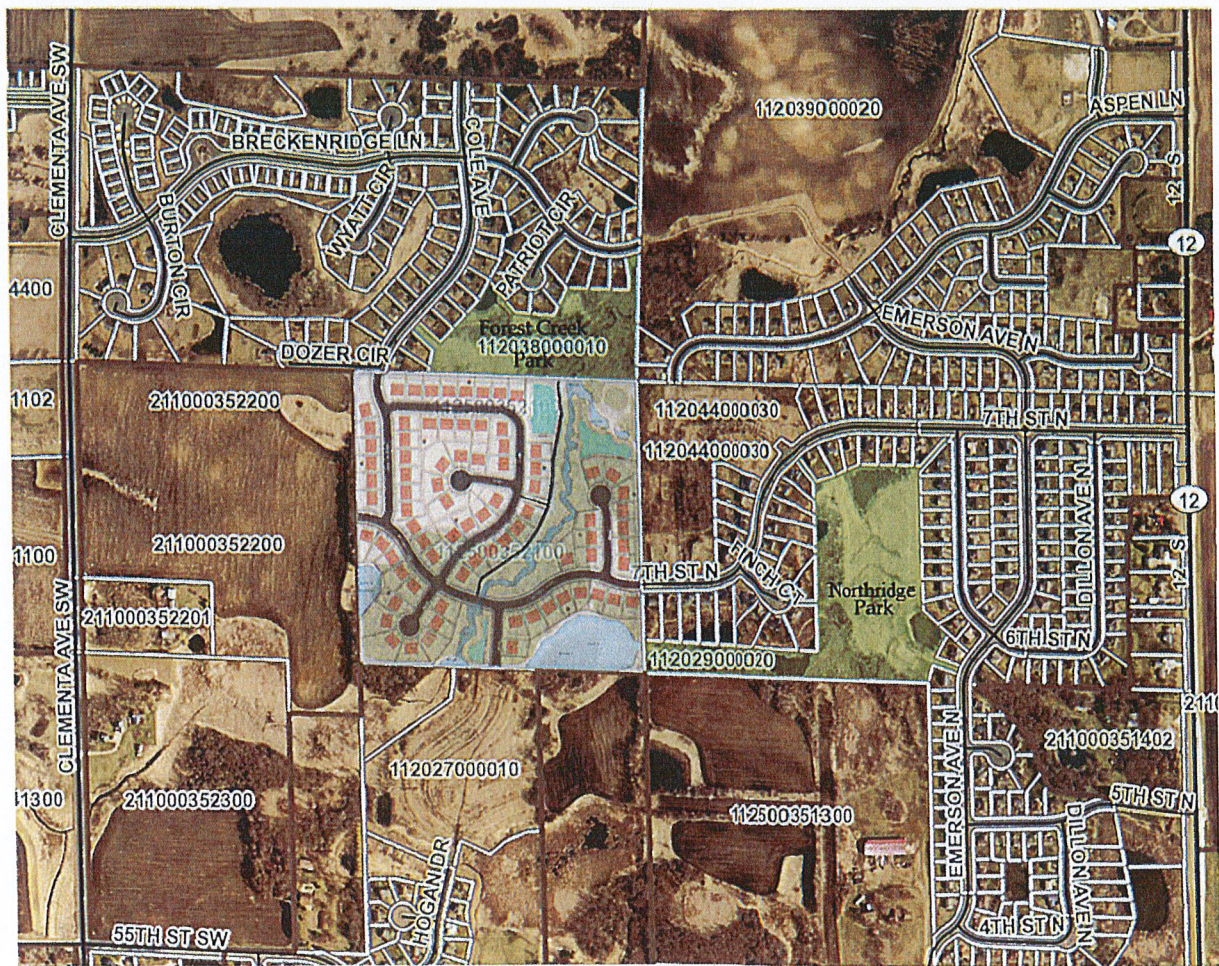
Background and Analysis

The subject property consists of approximately 40 acres and is currently broken into 3 phases. Per the submitted plans, the property is planned for 80 units. The property is zoned R-1, Single Family Residential, and is adjoined by other single-family parcels to the north and east, with suggested future uses towards the west and south parcels.

Creekside Hollow Preliminary Plat

Lot Sizes: The proposed subdivision consists of 80 proposed lots. The applicant illustrates home sites on each of the 80 parcels, consistent with the City's R-1 zoning regulations, which require lots of 10,000 square feet in area and 80 feet of width. Setbacks are shown to be consistent with the requirements for 25 feet front, 10 feet side, and 20 feet rear. Corner lots are required (and are shown) to maintain a 25-foot setback from both streets.

The current design meets/exceed all lot requirements. The proposed lots are a combination of Rambler (26), Lookout (28) and Walkout (26) homesites along the west side of Aspen Lane, with full basement lots along the east side of Aspen. The easterly extension of Fieldcrest Avenue show full-basement walkouts and lookouts.



Street and Subdivision layout: The subdivision property lies in an area that has seen a significant amount of development activity on surrounding properties. To the east is the Northridge plats, including the recently approved Northridge 6th Addition. To the northeast is the Rolling Meadows subdivisions. To the north is the Forest Creek subdivision. To the south is the Park View subdivision, with some yet-to-be developed land adjoining the subject Creekside Hollow property. Lands to the west are as yet unplatted.

Each of the subdivisions mentioned have provided street extensions that are planned to interconnect with the various plats, including the Creekside Hollow property. Connections to the external major collector street system is a critical factor in subdivision design. Without these interconnections, long stretches of street end up serving isolated neighborhoods.

This condition raises two issues. First is the availability of, and response time for, emergency services including police, fire, and ambulance. When the service route is complex and the need is isolated, each of these service responses are impaired and threaten public safety. Moreover, in some circumstances such as storms that result in blocked streets, access to emergency services can be cut off completely.

The second issue relates to the nature of low-density residential neighborhoods, and the traffic levels created by the long single-access street designs. Common residential design will work to avoid concentrations of street traffic over 300 trips per day, with a maximum planned level of 500 trips per day. A standard trip generation expectation for single family homes is 10 trips (actually “trip ends”) per day. A trip end is a trip that originates or terminates at a certain location.

In practice, residential streets that carry more than 500 trips per day begin to lose the safety and character of low-density areas. As such, residential design requires a system of street interconnections to avoid an over-concentration of trips in any particular location. When we review subdivision proposals, we apply this standard by ensuring that there is at least one street connection for every 30 lots to 50 lots, at minimum.

An example of how this is more commonly applied is through the Subdivision Ordinance limitation on cul-de-sac length. The City’s 500-foot cul-de-sac length regulation is designed to limit the total number of homes – thus the traffic generated by those homes - before the neighborhood must have another outlet to an external street.

This design consideration comes into play both as a part of the overall development planning, and in the phasing proposed for multi-phase projects. The street design issues for Creekside Hollow relate both to the immediate ability to serve the subdivision with external street connections, and are then complicated by the phasing of this and nearby subdivision development.

To be noted is that connections to the west are purely speculative at this point, since there has been no imminent subdivision interest for that property. To the south, the still remains a future connection but additional property must be developed to create that connection. To the north, the connection to be made to the Forest Creek subdivision is to a street that already is far over the short-term capacity – only one connection through this subdivision to Clementa Avenue serves the entire subdivision of nearly 150 homes.

A connection from the Creekside Hollow project’s 3rd phase of 20 lots is proposed to 7th Street to the east, which itself will connect to Aspen Lane with the addition of the Northridge 6th project. The 3rd phase also shows a future connection to land to the south.

Phases 1 and 2 of Creekside Hollow (30 lots each, total of 60 lots), would have one connection to the

north immediately (through the Forest Creek subdivision of 150 homes as noted); a second connection would provide future access to the west when that land is proposed for development. These first two phases would push development utilizing the single road connection to Clementa to more than 200 residential units.

The design proposed by the applicant relies on a future connection to the west, as noted, and a connection between Phases 2 and 3 to the east. However, the applicants argue that the easterly connection to 7th Street serves not as an advantage for this subdivision, and because it crosses the creek – a relatively expensive additional cost – the applicants are suggesting that the City should pay for that expense, since the route benefits only the surrounding property.

Planning staff disagrees with this assessment. Without that connection – and in a very early phase of development - it is arguable that none of this subdivision is buildable due to the additional traffic burden it would place on already over-burdened external local streets. The city has treated this east-west connection as a “minor collector” street, which is one that is designed to carry a bit more than the standard traffic of a residential neighborhood, but which is still permitted to have direct driveway and lot access. Major collectors, by contrast, would not typically have direct lot access.

The overall street arrangement proposed is an acceptable design for the subject property, and should result in an attractive subdivision with conforming single-family lots. However, street connections and construction would appear to raise a significant issue with project timing. Staff would recommend that the connection to 7th Street to the east is a vital connection to make as an initial aspect of the project development.

Moreover, that connection is necessary to make the overall project feasible rather than a connection that benefits off-site property. If practical, planning staff would recommend that Phase 3 be the first phase of this project, including a connection across the creek to be timed with Phase 2 construction to the west. If not due to utility service concerns, some connection of the streets between Forest Creek to the north, and Park View to the east should be required as a part of first phase construction. Efforts to minimize the design needs or cost of the creek crossing would be supported, pending City Engineer approval, but these costs are attributable to this project.

Tree Preservation/Replacement: A significant amount of tree cover is impacted by the proposed plat. The City’s Subdivision Ordinance allows 50% of the trees on a subdivision property to be removed for development activity. When more than 50% are removed, the additional removals are to be replaced at a 1.5 caliper inch replanting rate per 1.0 caliper inches removed.

For this project, the applicant’s survey summary indicates that 71% of the caliper inches of existing trees are being removed, resulting in excess above the 50% threshold of 4,298 caliper inches of tree replacement requirement. At a typical size of 2.5 caliper inches at the time of planting, this would result in a replacement requirement of approximately 1,719 newly planted trees.

The applicant believes that this requirement is unreasonable. They have requested the approval of the submitted landscape plan, which has, “as many trees as can be planted on site while maintaining best horticulture/landscape practices.”

The applicant also wants to bring in “high quality” trees, these trees must meet the code of 1020-4B, or be approved by city staff. The proposed landscaping plan shows a planting plan of 243 new trees, or 607 caliper inches.

The Subdivision Ordinance establishes two alternative replacement options for excess removal. That clause reads as follows:

- 1) **Cash Payment.** The subdivider may mitigate the tree loss via cash payment to the City. Such payment shall equal the product of the total required caliper inches to be replaced multiplied by the fee per diameter inch as set forth by the City fee schedule. The cash payment shall be utilized for City forestry projects as determined by the City.
- 2) **Off-Site Planting.** The subdivider may plant replacement trees upon either property located within the City which is either under the control of the subdivider or owned by the City of Montrose.

Due to the nature of the property in question, there is a significant amount of tree cover that is inevitably going to be lost for street construction, house pad grading, and the associated lot and stormwater grading necessary. However, it must be noted that much of the woodland on the site consists of high-quality trees (Maple, Basswood, Bitternut Hickory, Ironwood, Hackberry, Oak).

In planning staff's estimation, there are three areas of consideration toward tree preservation on the site:

- **Larger Sized Trees Installed:** The landscape Plan utilizes 2.5" (minimum) sized replacement trees. The trees have been located on the site in an acceptable manner, however, larger than minimum sizes could be proposed to raise the caliper inches to meet the required removal threshold.
- **Grading Limits:** It would appear that the limits of grading could be altered in several locations to preserve significant trees—particularly in rear lots. Lessening rear yard "flat" area size, utilizing walls, or utilizing steeper slopes would save more of the existing tree cover—resulting in a lower tree removal over the 50% allowed.

In this review—500" inches of trees to be removed were identified that were within the 50' OHWL creek setback (Wetland C). Keeping grading out of the creek wetland buffer would reduce the tree loss by this amount.

- **Stormwater Pond (Basin 200P):** A large number of significant trees have been removed for the location/construction of basin 200P—while the area in the NE corner of the site appears to have a limited number of significant trees, yet a comparable area in size. If possible, shifting the pond to the north would reduce tree loss. As noted below, this area is of marginal use for park land.

Once these options are explored, the remaining gap, if any, should be assigned according to the ordinance cited above.

One option for replacement is planting in other areas of the community, specifically including parks or open spaces where additional tree cover is desired. The City should address the applicant's request to waive this requirement. If this is to be considered, it may be appropriate to do so by addressing the ordinance requirements with a more generally applicable ordinance amendment rather than a case-by-case waiver.

Naturally, the purpose of the tree replacement requirement is to encourage developers to design subdivisions in a way that preserves existing tree cover wherever possible.

Water and Sewer

The proposed neighborhood will be serviced with water and sanitary sewer from existing infrastructure

located to the south, east, and north. The City Engineer will comment on utility services, including stormwater management.

Parks, Trails, and Open Space

The Subdivision Ordinance provides for park dedication from every subdivision, either land or cash. No park land is proposed with this project – a cash payment in lieu of land per City fee schedule would be expected. A portion of the very northeast corner of the plat could be used for park if the City is interested in that area. However, it is across the creek from the Forest Creek park area, so its use and accessibility is questionable.

The plat shows the extension of a planned trail along the creek as has been planned from the Rolling Meadows subdivision, terminating eventually at the 7th Street creek road crossing. With connections to the internal sidewalk system, this plan would serve the pedestrian and bicycle transportation needs of the area.

Sidewalk is currently in place along the west side of Aspen Lane to the north. The proposed plat drawing includes an extension of this sidewalk along the west side of the street to 7th Street. In addition, the plans show sidewalk along the north side of Fieldcrest Avenue, linking 7th Street and Aspen Lane, in accordance with the Ordinance. Sidewalk is in place along the south side of 7th Street for its full length - no gaps are foreseen as a part of this project.

Summary and Recommendation

The proposed preliminary plat for Creekside Hollow sizes for all lots are consistent with that plan, and with those of the surrounding neighborhoods. All lots meet the dimensional standards of the R-1 District, and as such, planning staff recommends approval of the Preliminary Plat, with the following conditions:

1. The applicant considers modified grading as noted in this report, reducing tree loss and minimizing replacement requirements.
2. The applicant provides additional replacement tree planting not possible in the proposed plat in accordance with the Subdivision Ordinance noted above, including either or both tree planting in eligible off-site locations and/or cash payments according to city policy and ordinances.
3. The plat layout and phasing to be timed to ensure that street connections from the north through to the east are made as part of the initial phasing to avoid further overburdening of the street traffic in adjoining neighborhoods.
4. The applicant enters into a development contract securing the various public and private improvements and the established required park dedication.
5. The applicant provides for and financially secures tree and lawn planting as a part of their plat construction.
6. The applicant complies with City Staff's decision related to the waterway crossing.
7. The applicant complies with the requirements of the City Engineer related to street, utility, grading, and stormwater requirements.
8. Other recommendations of staff and/or Planning Commission following public hearing.

The City Engineer recommends approval of the Preliminary Plat contingent on the below referenced comments and any other comments provided by other city staff, commissions, and the City Council:

1. The phasing plan shall be revised to include the creek crossing and connection to 7th Street North as an early part of the development phasing instead of the last phase as currently proposed.
2. The right of way for all roads except cul-de-sac roads and the collector road shall be 60-feet. The right of way for the collector road shall be 80-feet and cul-de-sac roads shall be 50-feet.
3. All streets shall be named on the plat and plans.
4. Drainage and utility easements shall be expanded to include the wetland buffers on lots 6 through 12 Block 4, Lots 1 through 6 Block 3, and Lot 4 Block 1.
5. Outlots A, B, C, and D which contain wetlands and ponds shall be deeded to the city upon final plat recording.
6. The loop road and cul-de-sac roads street width shall be thirty-three feet (33').
7. A 5' boulevard shall be placed between all sidewalks and curb.
8. Lot 1 Block 5 and Lot 12 Block 4 will be un-buildable until such a time that the collector street is extended to the west and the temporary cul-de-sac is removed. A building restriction document shall be recorded against the lots or other means to restrict building shall be completed as approved by the city.
9. An easement shall be placed over the temporary cul-de-sac on Lot 9 Block 3.
10. Driveways shall be located off of the side streets instead of the collector road on Lot 1 Block 9, Lot 8 Block 4, and Lot 8 Block 3.
11. The collector road shall have minimum 300' radii on all curves.
12. Driveway widths within the right of way shall be a minimum of 20 feet.
13. A potential trail extension south of the collector road shall be discussed with the city.
14. An additional catch basin shall be added in the vicinity of the rear yard of Lot 18 Block 9.
15. The lookout elevation for Lot 6 Block 5 shall be added.
16. The lookout elevations for Lots 14 and 15 Block 9 shall be raised to 972.5 to meet the 2' minimum EOF separation.
17. The low floor elevation for Lot 1 Block 7 shall be raised to 964.0 to maintain 3' above the adjacent pond NWL.
18. Pond 200P shall have a rip-rap EOF.

19. Maintain minimum 2 feet above the EOF for low opening elevations on Lots 1, 2, 3, 4 and 21 Block 9.
20. At least one additional catch basin shall be added in the rear yard in the vicinity of Lot 5 Block 2.
21. The creek running through the site is located in the Shoreland Overlay District. The structure setback requirement is 50-ft from the ordinary high-water level. According to the site plan, several lots do not meet this criterion. The layout shall be adjusted accordingly.
22. The proposed 100-year creek OHWL shall be shown on the grading plans.
23. The rear yard drainage in Lot 19 Block 9 shall be adjusted to achieve a minimum 2% grade from the back of the house pad.
24. Street plan and profile sheets shall be submitted with final plans. Include labeling of all radii on the plan.
25. Include a typical section specific to this development in the final plans. The typical section shall consist of a 5' boulevard and 5' sidewalk all located within the right-of-way.
26. Utility plan and profile sheets shall be submitted with the final plans.
27. Proposed water and sewer services shall be shown on the final plans.
28. All storm sewer shall have a minimum cover of 3' over the top of the pipe.
29. Minimum storm sewer size is 12-inches. Storm sewer pipe sizes can be reduced to 12-inch diameter if capacity allows.
30. All catch basins within the roadway shall have rings coated with Flex-Seal.
31. Easements shall be 30' wide in all storm sewer locations.
32. The outlet control structure detail information does not match what is shown in the Storm Water Management Plan. The details on sheet 9.3 shall be adjusted accordingly.
33. CBMH-302 and CBMH-311 shall be tied together, which may require an additional structure, to eliminate one FES into pond 300P.
34. The outlet elevation of FES-150 shall be adjusted to 961.00
35. A storm sewer structure table shall be included in the final plans that includes structure sizes, castings, etc.
36. The HWL's for wetlands B, D and the proposed HWL in wetland C on the upstream and downstream side of the collector street shall be calculated.
37. The NRCS soils map shows a majority of the upland soils in the development to be Type C soils. The Curve Numbers in the HydroCAD calculations should be updated to reflect this soil type.

38. Several of the time-of-concentrations are very small, less than 5 minutes. The NRCS Velocity Method is the preferred method for determining the time of concentration. The calculations shall be adjusted accordingly.
39. Storm sewer sizing calculations shall be submitted.
40. Sizing calculations for the culverts crossing under the collector street shall be submitted.
41. The Developer has requested financial contribution by the city for the culverts at the creek under the collector roadway. It is not standard practice or policy for the city to contribute to these items. Any contribution would have to be specifically approved by the City Council. The City should consider setting precedent for contributions to private development when considering this request.
42. All sanitary sewer shall be PVC.
43. The watermain on the cul-de-sac in Block 9 shall not be located under the curb.
44. The gate valve at the connection to 7th Street shall be removed and replaced.
45. If possible, the cul-de-sac for Block 2 shall be raised up to provide additional cover over the sanitary sewer.
46. All watermain shall be PVC C900 complete with a tracer system.
47. All watermain fittings shall be secured using COR-BLUE-T-BOLTS or approved equal.
48. Two large zinc anode caps shall be installed on all fitting glands.
49. All watermain fittings shall be fusion bonded, epoxy coated, with a minimum thickness of 6-8 mils.
50. The connection to the existing sanitary sewer manhole shall include a Kor-n-Seal boot or approved equal.
51. All requirements of the Floodplain Overlay District of the City Zoning Ordinance shall be met, including but not limited to submittal of floodway impact statement for all fill placed within the flood plain. The City Engineer and DNR shall approve all impacts to the floodplain.
52. A SWPPP shall be submitted that meets the current MPCA Construction Stormwater General Permit requirements (MNR100001) in Section 5.
53. A signing plan shall be included with the final plans.
54. All proposed trees shall be located outside of the drainage and utility easements.
55. The tree preservation plan and landscape plan shall be subject to review and comment by the City Planner.
56. The applicant shall enter into a development agreement prior to recording of final plat.

57. All construction shall be in accordance with the City of Montrose Standards and Ordinances.
58. A soils report, including soil borings, shall be submitted.
59. A wetland delineation has been approved. The wetland lines shown on the plans shall match the approved delineation. It appears some of the linework might be different than the approved delineation.
60. As part of the final plat submittal, the Developer shall be responsible for obtaining all permits including but not limited to Corps of Engineer Wetland Impact Permit (if applicable), Wetland Conservation Act Wetland Impact Permit, DNR Public Waters Permit, MDH Watermain Extension permit, MPCA Sanitary Sewer Extension permit, and MPCA NPDES Construction Stormwater permit.
61. Revised plans and documents incorporating the above referenced comments shall be submitted for review by the City Engineer prior to final plat approval.

Public Comments:

Commissioner Cuff asked Mr. Grittmann asked for clarification that the city will require, based on recommendations, the through-road be completed as part of the first phase of the project, Mr. Grittmann stated that yes, that was correct. Commissioner Neiberger asked if Phase 3 in their proposed plans should be Phase 1 as that includes the creek crossing with the road connection. Mr. Grittmann stated that the developer could alter these plans, but that yes something that would include the through-road and creek crossing. Commissioner Cuff asked about the traffic patterns and how much traffic would be feeding out of Forest Creek versus going out the other way onto 7th Street. Mr. Grittmann stated that it is hard to know exactly which people would use which way to get out of the new development, but that the requiring of the crossing going in first would hopefully help to disperse the traffic and lessen the burden of the amount of traffic driving through Forest Creek. Commissioner Neiberger asked about the property to the west that would allow access directly to Clementa Ave, allowing an additional outlet for the development. Mr. Grittmann stated that property has not yet been annexed to the city, nor has the city had any calls for interest in development of that area.

➤ Mike Green – 820 Cole Avenue

Mr. Green stated that his property is adjacent to the new proposed development and asked about the lot and block numbers from the plans and whether that would determine the order in which they would be built. Mr. Grittmann stated that those lot and block numbers are to identify the parcel and not the order in which the development would be built. Mr. Green asked about the trees on the north boundary of the development property and whether or not this area would be preserved for the tree cover. Mr. Grittmann stated that the trees that are within the property of the developer may get cut down, but there is a tree replacement requirement depending on how many are cut down. Mr. Grittmann stated that if the trees can be saved, they are looking at opportunities for that. Mr. Green asked about the lot sizes and how much these homes would be selling for and Mr. Grittmann stated that the lots are standard size based on city requirements, but that the city cannot determine how much a developer will sell houses for.

➤ Ellen Sones – 5324 Clementa Ave SW

Ms. Sones submitted the following comment in writing and read her comment at the meeting:

We are writing to express our opposition to the preliminary plat for Creekside Hollow that has been submitted for review. The following highlights some of the concerns we have with the current land use proposal:

Tree Loss

Almost 10,000 trees are being removed from this 40-acre parcel of old growth forest containing many hardwoods such as Bitternut Hickory, Sugar Maple, Bur Oak, Red Oak, American Basswood, and Ironwood. This represents an exceptionally large impact to high quality canopy cover. Contiguous canopy in a forested area retains between 55-75 tons of carbon per acre (2200-3000 tons for a 40-acre parcel) and captures an additional 2.5 tons of carbon per acre per year from the atmosphere (100 tons for a 40-acre parcel) that also becomes stored. (See <https://extension.umn.edu/managing-woodlands/carbon-minnesota-trees-and-woodlands>). There is no way to regain the air quality benefit once contiguous canopy is removed from our landscape. Mitigated trees will need to grow for 40-50 years to develop significant canopy cover to support carbon sequestration at somewhat the same level. Even the locations where stormwater ponds are being proposed are within wooded areas. It is not a sound land use strategy to sacrifice high quality woodland and natural ecosystem and replace with stormwater practices in order to protect water quality.

Floodplain, Future Flooding Potential and Stormwater Management

Some of the proposed floor footprints are near or within the 100-year floodplain. Will floodplain impacts be mitigated to maintain flood storage as part of this project? Also, house lots near the existing creek may be impacted by future flood events since much larger storm events are projected to occur by mid-century. The two-foot floor elevation increase to maintain EOF separation being required by the city's engineer may not be adequate to prevent future flood damage to property.

A single tree stores 100 gallons or more of stormwater which means a 40-acre parcel of trees is retaining an astronomical amount of stormwater. By eliminating almost 10,000 trees on the subject parcel and replacing with traditional lawns, we will have lost the natural capacity of this parcel to absorb water and will increase the likelihood of localized flooding in the future.

Impacts to Wildlife

As adjacent property owners, we have witnessed numerous herds of deer, fox, eagles, and hawks that migrate between the subject parcel to a woodland on our property and then to a woodland southwest of our property. Many woodland animals call the subject parcel their home and rely on existing vegetation for food and cover. They will be displaced once the woodland is gone.

General Comments and Recommendations

Just because a development meets the minimum requirements, in terms of housing options, does not mean it is in the best interests of the city that is trying to attract future residents with housing that looks all the same. It probably makes financial sense for a developer to plan in this way, but it offers very little for quality of life, sustainability/resiliency, and land use planning that should be adapting to a hotter climate and greater likelihood of major storm events.

This parcel location is where the city should be investing in "green" infrastructure to preserve and

conserve what they have for future generations. Montrose already has an abundance (and over-abundance) of these traditional residential layouts. Does having one more make Montrose more desirable to new residents? We believe it makes far better sense to dramatically scale back the overall footprint of this proposed development and entertain the notion of a higher density housing development (such as a PUD) while preserving most of the woodland and creek area. It would make sense for the residents of a PUD who have increased property values by living next to a high-quality woodland, increase in parkland for the community, the city (less hard surface to maintain, stormwater ponds to manage, and, of course, the environment!

➤ Jolie Holland – 207 Garfield Ave N

Ms. Holland has concerns about the loss of natural area and trees. Ms. Holland stated that many children play in the wooded area that is in the development area, even though this is private property and not city property or a park. Ms. Holland suggested the city purchase the development area from the developers and turn it into a park or other natural space to preserve the wildlife and trees.

➤ Kayla McKluskey – 901 Cole Ave

Ms. McKluskey is concerned about the access to the development and construction equipment and traffic during and after construction of this development without a main road in and out of the new development. Ms. McKluskey stated that she lives on Cole Ave, which would be the main access point for the construction traffic and equipment, and is concerned about damage to the roads and the traffic with so many children living on Cole Ave and in that area. Ms. McKluskey also asked about the planning process and what are the next step(s) for the developer. Mr. Grittmann stated that if the Planning Commission recommends approval, it will go to City Council for consideration for approval for the preliminary plat. If the preliminary plat is approved, the developer will be asked to make alterations on their plans and come back to Council with a final plat, incorporating all of the recommendations from the planner, engineer, city staff, planning commission and city council. Mr. Grittmann stated the City Council has 120 days to make a final decision on the final plat once the application is submitted – the application was submitted mid-July. Mr. Grittmann stated that if final plat approval is granted, the developer would be starting next spring with grading and installing underground infrastructure.

➤ Les Thoreson – 210 Garfield Ave N

Mr. Thoreson is concerned about potential flooding on his property that would be caused by the construction, especially with the removal of so many trees. Mr. Thoreson stated that the last time a development was completed near his property, his property flooded severely and he had to put in a bigger culvert on his property due to the work the developers completed. Mr. Thoreson is concerned with the engineers and developers having integrity and doing what they say and ensuring no adjacent properties are impacted with drainage issues due to the construction. Mr. Thoreson is concerned about the loss of the old-growth trees and old woods/tree cover for that property.

➤ Courtney Emerson – 907 Cole Ave

Ms. Emerson has concerns regarding the construction traffic and large vehicles driving down Cole Ave because of the children that live on the street and the damage it could cause to the street. Ms. Emerson stated that there needs to be another access point, or the developer be

responsible for repairing or replacing the street on Cole and Breckenridge. Ms. Emerson also has concerns regarding construction vehicles speeding down the street.

➤ Amy Palmlund – 912 Cole Ave

Ms. Palmlund was unable to attend the meeting but sent the following message to the City Administrator which was read at the meeting:

“I would like to express my concern for the safety of our community both during the construction process as well as access to our neighborhood.

Cole Ave currently is a dead-end street with upwards of 30 kids just on this street ranging from infant to teenagers. Our children, mine and neighbors included, are always playing together, biking, playing basketball, baseball, taking walks etc., around this street. Making this a through street will heavily increase the traffic and in turn the danger to our children's safety. Please consider having this new neighborhood have its own separate exit and entrances just as our neighborhood does. I am sure the new residents (who more than likely will be families) would appreciate the safety as well.

Additionally, the equipment used for future construction will be a danger to our children if they plan to use Cole Ave as their path to the new lot. These large machines will also severely damage our roads. For months and months now, we have had a simple request to fix a very dangerous section of our path leading to a children's park and still have yet to see that get fixed. I cannot imagine the length of time it will take to get a whole road or 2 fixed let alone it being our tax dollars that will be responsible for it.

While the growth of Montrose is exciting, I don't believe your proposed plan of how to do so is in the best interest of our neighborhood or the new one. Please consider my voice, those of others in attendance tonight, and most importantly, the safety of our children as you proceed.”

➤ Kaitlyn Ostrander – 905 Wyatt Circle

Ms. Ostrander was unable to attend the meeting but sent the following message to the City Administrator which was read at the meeting:

“I won't be able to make to it to the meeting tonight but I wanted to comment on the preliminary plat for Creekside Hollow. I know myself and many others that live in the Forest Creek development greatly appreciate that our neighborhood is a dead end. It brings us a sense of safety knowing that there is only one way in and one way out. I feel we all work together as neighborhood watch making sure there is no suspicious activity happening in the development. If our development were to connect with Creekside that would take away the sense of safety and being able to watch over suspicious activity. Our roads would also get a lot more wear and tear with the traffic going through. And I can only imagine how much worse the dirt part of Clementa would get with the extra traffic the new development would bring through. I hope the city will take all of this into consideration when making a decision on the plat.”

➤ Lisa Kleinow – 904 Wyatt Circle

Ms. Kleinow has concerns regarding the increased traffic and children being in the street playing or catching the school bus. Ms. Kleinow stated she agrees with all other concerns raised by people

in the neighboring development.

The developer, Jake Machacek, was present at the meeting and stood for questions and him and the engineer, John Molinaro, answered questions. Mr. Machacek stated he is aware there are still some issues with the development, based on the comments heard tonight and the reports from the city. Mr. Machacek invited the engineer to stand for questions regarding phasing that is based on financial and sanitary sewer aspects of the plan. The development will have to start at the north end in order to connect to the existing sanitary sewer. Mr. Molinaro stated there is quite a bit of tree removal that will need to happen because of underground work and location of the trees, and they did their best to minimize tree loss in the area. Ms. Jolie Holland re-approached the podium to state that she knows the developers do not live in the area and they will just come in to build the development and leave as they are not invested in the community and the residents will have to deal with the loss of trees and natural space as well as the added traffic and any other issues that come with this development. Commissioner Cuff asked if the developers own the land in question, and the developers stated that they did own the land. Commissioner Cuff stated he thinks it is important for everyone to know that the developers own the land and would possibly take an offer to buy the land to develop as a different kind of space, but that offer has not been put forth as of yet. Commissioner Cuff stated that since they own the land, this is the proposal for the land use they are putting forward to the city for consideration. Commissioner Cuff stated that he would like to save the land and trees as well, but unless someone is going to step forward to purchase the property to turn it into a park that would be one thing. Ms. Sones approached the podium again to state that there are government programs available to purchase pieces of land to preserve the natural aspects of the area. Commissioner Cuff stated that Ms. Sones would probably be the person to look at these options given her position working on climate issues for Hennepin County. Commissioner Neiberger stated she believed the preliminary plat seems premature, and there are many issues that still need to be addressed.

Council Member Solarz stated that he lives in Forest Creek and his main concern is having just one exit from the Forest Creek neighborhood at the beginning of the development if the through-road is not constructed as part of the initial phase of the project. Council Member Solarz asked if the Fire Chief has looked at this development yet, and how that would work as far as emergency services without a through-road and safety is a big concern. Council Member Solarz stated another concern he has is the area between the new development and the Forest Creek Park area is currently a natural/wooded area with trees and grass and he would like to see this area preserved if at all possible. Mr. Molinaro stated they will be connecting the collector road through the development which will give the additional outlet to 7th Street North, connecting Cole Avenue to 7th Street North. Mr. Molinaro stated that phase one includes the north section because of the sanitary sewer connection that is available, and the road would likely not be part of the first phase because of financial concerns with the expense of the road with no houses built. Commissioner Cuff asked about adjacent parcels of land and if the developer owned any of that property. Mr. Molinaro stated that they just own the parcel in question for the development, but that future development could allow access out to Clementa to the West and out to 1st Street North to the South. Mr. Molinaro stated that the current development will have two access points to existing city roads – one to the east to 7th Street North and one to the north-west to Cole Avenue. Mr. Green stated that the White Tail Development put in all of the roads first before the homes were built and wondered if it would be possible for the developer to complete the roads within the development and then complete the houses. Mr. Grittmann stated that staff's recommendation is to finish at least the main collector street connecting 7th Street North to Cole Avenue to be done as part of the first phase of building.

Commission Chair Smallwood asked for additional comments, and asked for a motion to close the Public Hearing.

Commissioner Henry motioned to close the Public Hearing and Open the Planning and Zoning Meeting at 8:12 p.m. Commissioner Cuff seconded the motion. Motion carried 5-0.

Commission Chair Smallwood stated he walked the property and in looking at the plans, thinks this was the largest tree inventory he had ever seen and that there are a lot of trees being removed for this development. Commissioner Cuff asked about changing the phasing to include the connection road as the first phase and to come back to get approval for the wooded area. Mr. Grittmann stated that there will likely be phasing as part of the development, but stated that staff or council would not have authority to approve only part of the development plat contingent on the road being built and not wanting to remove forest area. Commissioner Cuff asked about the expected time to complete the development. The developer stated that if the market continues to be good, they would expect major completion within about three years. Commissioner Cuff asked about having actual large construction equipment on site and how long that would be in the area for grading and tree removal. Mr. Machacek stated that he would not have that level of detail information at this time, but that they would do what they could to mitigate large vehicles driving through the existing developments. Mr. Molinaro stated he would expect a grading operation to take about a month with the heavy equipment. Mr. Molinaro stated that each phase would likely have a few months of heavy equipment work and they would perhaps do one phase per year to stay on track. Mr. Molinaro stated that construction would occur during the daytime and during the weekdays. Commissioner Cuff asked if it would be feasible to complete the roads before the houses are installed. Mr. Machacek stated that it would not be financially viable to grade basically the entire development first in order to put the roads in to connect the roads across the development.

Commission Chair Smallwood asked for any additional comments or questions for the developer.

Commissioner Fraumann motioned to recommend approval of the Creekside Hollow Development with all recommendations received from the Planner, Engineer, City Staff, and City Council and to ensure the road connection across the development as a first priority for developers. Commissioner Neiberger seconded the motion. Motion carried 5-0.

7. OLD BUSINESS

No old business.

8. NEW BUSINESS

A. Updates from City Planner

Mr. Grittmann stated that the City Council adopted the new Fence Ordinance amendments that the Planning Commission had recommended for approval.

B. Commission Member Attendance – Shawn Cuff

Commission Chair Smallwood stated that Commissioner Cuff has missed three consecutive meetings and the bylaws of the Commission state that missing three meetings consecutively is grounds for dismissal from the Commission. Commission Chair Smallwood stated he would like to hear from Shawn regarding this issue. Commissioner Cuff stated that he understands the concerns with attendance, but he had been coaching baseball for his children. Commissioner Cuff stated that Mayor Moynagh told him that his absences with the baseball coaching would not be an issue and that everyone has a life to live.

Commissioner Cuff stated that going forward, he would likely miss meetings in the summer during coaching season and that coaching his kids is a priority for him. Commissioner Neiberger stated that she

understood but that it is also important to attend the meetings and that she thought he was a valuable asset to Planning and Zoning but everyone has to follow the rules. Commissioner Henry stated that attendance at the meetings is very important and should be a priority. Commissioner Fraumann stated that Commissioner Cuff is a great asset and has been missed. City Council Member Solarz stated that Commissioner Cuff is a great asset to Planning and Zoning and understands sometimes meetings get missed but to try to make attendance a priority. Commission Chair Smallwood stated that it is hard to get someone to step up and serve on commissions, and to dismiss someone that is valuable for missing a couple meetings would not seem right and would cause the commission to have an uneven number of commissioners.

Commissioner Fraumann motioned to recommend to City Council that Shawn be allowed to remain on Planning and Zoning as a Commissioner, despite the absences. Commissioner Henry seconded the motion. Motion carried 4-0-1 with Commissioner Cuff abstaining from the vote.

9. NEXT MEETING

A. Wednesday, September 14, 2022 to be held at the Montrose Community Center – 7:00 p.m.

10. ADJOURNMENT

Commissioner Chair Smallwood motioned to adjourn the meeting at 8:30 p.m. Commissioner Henry seconded the motion. Motion carried 5-0.

Charles Smallwood
Planning and Zoning Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose



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MEMORANDUM

TO: Montrose Planning Commission

FROM: Stephen Gritman

DATE: September 9, 2022

MEETING DATE: September 14, 2022

RE: Montrose – Tree Replacement Regulations

FILE NO: 273.02

This memorandum forwards a copy of the City's tree preservation and replacement regulations for Planning Commission review and discussion. A copy of the relevant section of the zoning and subdivision ordinances are cited below.

The discussion relates to the impact of these clauses on development (usually subdivisions) and how the code operates. Applying the code to new development, a property owner is permitted to remove up to 50% of the trees within a development area, as well as any dead or dying trees, to allow for grading and construction of streets, building pads, and stormwater or other utilities. When the plan results in more than 50% removal, the replacement requirements kick in – at a rate of 1.5 caliper inches of tree per every 1 inch removed.

The issue with this formulation is that in a relatively mature woodland, most trees are well over 6 inches, or 10 inches, and often much more. So removal of a 24 caliper inch maple tree requires 36 caliper inches of replacement. But when replacing trees, the typical planting size is a 2.5 caliper inch tree. As a result, a subdivider has to plant 15 trees to replace the one lost. A fully mature tree crown may cover more than 2,000 square feet of land area (in mature woodlands, it is almost certainly less as trees are more crowded). But new planting should be done to maintain healthy spacing, which means those 15 trees will cover an acre of land.

The math does not help developers eliminate tree loss, as the value of an extra lot is more critical than the cost of replanting – this is because the loss of a couple of lots

does not lessen the infrastructure cost of developing the land. The same amount street and utilities need to be built – they just serve fewer parcels. The same amount of grading has to occur, again to be spread over fewer parcels. As such, loss of a lot or two (to save trees) is a direct hit to the economics of the revenue side of a development project.

For additional background, two recent subdivisions have been reviewed in areas of extensive tree cover that have resulted in significant tree replacement requirements. Northridge 6th Addition, a subdivision of 27 lots, had a tree replacement requirement of more than 2,000 caliper inches of trees, a calculation that would require more than 800 new trees to be planted. While the subdivision covered about 10 acres, a planting of 800 new trees would typically cover an area of more than 50 acres when properly planted. This is despite the fact that the subdivider was preserving approximately 500 caliper inches of existing trees on the site.

In Creekside Hollow – a subdivision still in process – the developers have a 40 acre parcel, of which about 30 acres is actually under development. In this plat, more than 1,700 trees would be the required replacement – requiring more than 100 acres of land to plant replacement trees .

Both projects can (and should) be able to modify their grading plans to save a few more trees on site, and thus minimize the resulting replacement. However, the density of current woodland cover on those parcels makes the replacement requirement completely impractical, mean that there is likely to be a punitive replacement – either of cash or off-site tree planting as provided for in the Subdivision Ordinance below.

1020- 6: TREE PRESERVATION: (Zoning Ordinance)

Prior to the issuance of building permits for all new and/or expanded multiple-family residential, commercial, industrial, and institutional uses, a tree preservation plan shall be submitted. The plan and its implementation shall be in accordance with the requirements as outlined in the Subdivision Ordinance and shall be subject to the review and approval of the City Engineer and Zoning Administrator. The City may exempt an applicant from the submission of a tree preservation plan upon demonstration by the applicant that such a plan is not considered relevant to the site in question.

1107-14 F. Replacement. (Subdivision Ordinance)

1. Replacement Rate. Planned, unplanned and unauthorized tree removal shall be replaced on a caliper inch per caliper inch basis in accordance with the following rates:

- a. Planned Removal Authorized by City. Trees planned for removal beyond the allowed fifty (50) percent shall be subject to a required

replacement as defined by this section. For every tree planned to be lost beyond the allowed fifty (50) percent, cumulative replacement shall be required at a rate of one and one-half (1½) caliper inches for every one (1) caliper inch of tree loss.

b. **Unplanned Removal Authorized by City.** In the event a tree tagged for preservation is identified for removal in conjunction with a permitted activity, cumulative replacement shall be one and one half (1½) caliper inches for every one (1) caliper inch of tree loss. The tree inventory shall be updated to reflect the change.

c. **Unauthorized Removal.** In the event a tree identified for preservation is removed without authorization, cumulative replacement shall be two (2) caliper inches for every one (1) caliper inch of tree loss. The tree inventory shall be updated to reflect the change.

1107-14 F. (Replacement)

3. Mitigation Alternatives. In the event removal limits are exceeded and required replacement cannot occur on-site, the subdivider may mitigate the tree loss via one (1) of the following alternatives as determined by the City:

a. **Cash Payment.** The subdivider may mitigate the tree loss via cash payment to the City. Such payment shall equal the product of the total required caliper inches to be replaced multiplied by the fee per diameter inch as set forth by the City fee schedule. The cash payment shall be utilized for City forestry projects as determined by the City.

b. **Off-Site Planting.** The subdivider may plant replacement trees upon either property located within the City which is either under the control of the subdivider or owned by the City of Montrose.

There are alternative models for tree replacement if the Planning Commission and City Council believe changes are appropriate. These include:

- Require replacement based on tree crown cover removed. This approach requires – rather than an individual tree survey – a calculation of the existing tree crown cover removed from a project area, and a replacement of the crown cover with an appropriate number of trees to be planted in the subdivision. Some ordinances in this respect require planting of larger trees to more quickly grow and replace the lost crown.
- Require replacement per the current formulas, but cap the total amount of replacement at a fixed number of trees per acre of disturbed land. This approach

uses the same process as the current code does, but suggests a maximum replanting requirement, such as 60 caliper inches of replanting per acre of disturbed land. In this model, a development that loses trees to grading and/or building areas would plant an additional 6-10 trees per lot – a feasible planting plan for most lots in an attempt to reforest the area under development.

- Keep the process currently in place, but recast the replacement requirement to number of trees being removed, rather than calculating the caliper inches lost. In this method, developers replace tree for tree, although obviously, replacement trees will be much smaller than those being removed.

A final consideration for the Planning Commission's discussion would be to increase the replanting size from 2.5 caliper inches to a larger size, including the possibility that a percentage of replacement would be required to be in tree-spaded specimens for more immediate landscape impact.

There may be other aspects of the ordinance that would be of interest to the Commission for your discussion. We will be prepared to have that discussion, with any changes to be scheduled for a public hearing at a subsequent meeting.