

**AGENDA**  
**REGULAR PLANNING COMMISSION MEETING**  
**November 13, 2018 - 7:00 P.M.**  
**9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER
  - A. Roll Call: Chairperson VanderBloomer, Commissioners Bautch, Thorson, Koch and Murphy
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
5. Building Permits for October 2018 pg. 1-3
6. APPROVAL OF PLANNING COMMISSION MINUTES
  - A. October 9, 2018 pg. 4-6
7. DISCUSSION ITEM:
  - A. Discuss Proposed Planned Unit Developments Ordinance pg. 7-16
8. NOTE COUNCIL MINUTES:
  - A. October 4, 2018 pg. 17-20
  - B. October 18, 2018 pg. 21-24
9. PLANNING COMMISSION INPUT
10. ADJOURNMENT

**City of Lexington**  
**Permits Issued & Fees Report - Detail by Address**  
**Issued Date From: 10/1/2018 To: 10/31/2018**  
**Permit Type: All Property Type: All Construction Type: All**  
**Include YTD: Yes Status: Not Voided**

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>Permit Type: Building</b>													
<b>Permit Kind: Commercial Addition</b>													
<b>Permit Kind: Commercial Remodel</b>													
<b>Permit Kind: Commercial Roofing</b>													
<b>Permit Kind: Commercial Siding</b>													
<b>Permit Kind: Commercial Sign - Permanent</b>													
<b>Permit Kind: Multi-Dwelling (2+ Units) New Construction</b>													
2018-00078	10/24/2018	8854 N HIGHWAY DR	0		20,000.00	421.84	274.20	10.00					706.04
<b>Permit Kind: Residential Deck/Porch</b>													
<b>Permit Kind: Residential New Construction</b>													
2018-00070	10/09/2018	9164 Lexington	0		16,000.00	348.32	226.41	8.00					582.73
<b>Permit Kind: Residential Repair</b>													
2018-00076	10/23/2018	8864 ARONA AVE	0		4,100.00	146.14	94.99	2.05					243.18
2018-00079	10/29/2018	8802 Lexington	0		10,530.00	256.42		5.26					261.68
<b>Permit Kind: Residential Roofing</b>													
2018-00069	10/04/2018	9573 DUNLAP AVE	0			145.00		1.00					146.00
2018-00072	10/19/2018	9116 JACKSON AVE	0			145.00		1.00					146.00
2018-00073	10/22/2018	3445 RESTWOOD RD	0			145.00		1.00					146.00
<b>Permit Kind: Residential Siding</b>													
<b>Permit Type: Building - Totals</b>													
Period			7	0	50,630.00	1,607.72	595.60	28.31					2,231.63
YTD			53	0	14,328,502.46	86,740.98	53,131.09	2,755.10		92	228,620.00		382,647.17

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>Permit Type: Mechanical</b>													
<b>Permit Kind: Commercial New Construction</b>													
<b>Permit Kind: Commercial Remodel</b>													
<b>Permit Kind: Residential Addition</b>													
<b>Permit Kind: Residential Remodel</b>													
018-00074	10/23/2018	3841 BOSTON LN	0	0		40.00		1.00					41.00
018-00071	10/10/2018	8892 GRIGGS AVE	0	0		40.00		1.00					41.00
018-00075	10/23/2018	3972 LOVELL RD	0	0		40.00		1.00					41.00
018-00068	10/04/2018	3905 WOODLAND RD	0	0		40.00		1.00					41.00
<b>Permit Type: Mechanical - Totals</b>													
			Period	4	0	160.00		4.00					164.00
			YTD	11	0	12,060.00	7,605.00	301.50					19,966.50

<b>Permit Type: Plumbing</b>													
<b>Permit Kind: Commercial New Construction</b>													
<b>Permit Kind: Commercial Remodel</b>													
<b>Permit Kind: Residential New Construction</b>													
<b>Permit Kind: Residential Remodel</b>													
<b>Permit Type: Plumbing - Totals</b>													
			Period	0									
			YTD	5	0	19,308.80	4,926.20	477.22					24,712.22

  

<b>Permit Type: Zoning</b>													
<b>Permit Kind: Residential Driveway</b>													
018-00077	10/24/2018	8854 N HIGHWAY DR		0		60.00							60.00
<b>Permit Kind: Residential Fence/Wall &lt; 6 FT</b>													

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>Permit Type: Zoning - Totals</b>													
	Period		1	0		60.00							60.00
	YTD		7	0		420.00							420.00
<b>Report Total</b>													
	Period		12	0	\$50,630.00	1,827.72	595.60	32.31					2,455.63
	YTD		76	0	\$15,861,942.46	118,529.78	65,662.29	3,533.82		92	228,620.00		427,745.89

# Minutes

## PUBLIC HEARING & REGULAR PLANNING COMMISSION MEETING October 9, 2018, 2018 - 7:00 P.M. 9180 Lexington Avenue, Lexington, MN

### 1. CALL TO ORDER PUBLIC HEARING

A. Roll Call: Chairperson Vanderbloomer, Commissioners Bautch, Thorson, Koch, and Murphy

*Chairperson Vanderbloomer called to order the Public Hearing on October 9, 2018 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney.*

Public Hearing the purpose of the Public Hearing is to take public comments on the proposed amendments to Code of Ordinances – Zoning Section 11.34 Dimensional Requirements and adding an Ordinance authorizing and Regulating Planned Unit Developments

*No citizens were present to address the Planning Commission on the proposed amendments to Code of Ordinances – Zoning Section 11.34 Dimensional Requirements and adding an Ordinance authorizing and Regulating Planned Unit Developments*

### 2. ADJOURNMENT PUBLIC HEARING

*Vanderbloomer made a motion to adjourn public hearing at 7:02 p.m. Koch seconded the motion. Motion carried 5-0.*

### 1. CALL TO ORDER

B. Roll Call: Chairperson Vanderbloomer, Commissioners Bautch, Thorson, Koch and Murphy

*Chairperson Vanderbloomer called to order the Regular Planning Commission meeting on October 9, 2018 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney.*

### 2. CITIZENS FORUM

*No citizens were present to address the Planning Commission on items not on the agenda*

### 3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

***Bautch made a motion to approve the agenda as typewritten. Murphy seconded the motion. Motion carried 5-0.***

**4. LETTERS AND COMMUNICATION**

**A. Building Permits for September 2018**

***Some discussion on September building permits***

**5. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. September 11, 2018**

***Bautch made a motion to approve the September 11, 2018 minutes. Thorson seconded the motion. Motion carried 5-0.***

**6. DISCUSSION ITEM:**

**A. Recommendation to approve Proposed Changes to Code of Ordinances – Zoning Section 11.34 Dimensional Requirements.**

***Attorney Glaser provided a brief overview of the proposed Section 11.34 - Dimensional Requirements. Discussion ensued.***

***Thorson made a motion to recommend to the City Council approval of the amendments to the Code of Ordinances – Zoning Section 11.34 Dimensional Requirements. Bautch seconded the motion. Motion carried 5-0.***

**B. Recommendation to approve Planned Unit Development Ordinance**

***Attorney Glaser explained that the City does not have an ordinance on the book allowing Planned Unit Developments, and that we have had two developments where State Code was used as the tool to move forward with authorizing a PUD for both developers. He added that State Code is vague, and the model ordinance that is presented – City of Centerville’s ordinance – allows a much more uniform process to development. Discussion ensued.***

***Vanderbloomer asked about the Planned Unit Development – Development Agreement – Section 11.853, and whether this provision may conflict with other development agreements approved during the process. Glaser replied by saying that during a commercial or multi-family housing development, there can be more than one development agreement – TIF, public works, PUD, etc – and this provision won’t conflict with other agreements. Discussion ensued.***

***Vanderbloomer also asked about Section 11.810 regarding the conflict with the Comprehensive Plan language. Glaser replied by saying that generally, if a development doesn’t fit the provisions of our Comprehensive Plan, and it is a development good for the City, we would offer a plan amendment, like we did for the Ephesians and Landings of Lexington development. Discussion ensued.***

*Bautch and Vanderbloomer both stated they would like more opportunity to review the PUD regulations.*

*Bautch made a motion to table Planned Unit Development Ordinance until the November P & Z or later, if necessary. Vanderbloomer seconded the motion. Motion carried 5-0.*

**7. NOTE COUNCIL MINUTES:**

- A. September 6, 2018
- B. September 20, 2018

*The Commission discussed Joe Ackerman approaching the Council about speeding on Lovell Road.*

**8. PLANNING COMMISSION INPUT**

*Bautch asked about the Right-in and Right-out on the new services roads by George's Texaco and how vehicle driver's are not using them appropriately. Discussion ensued.*

*Bautch also asked about when the landscaping will be completed on Restwood Ave. Discussion ensued.*

**9. ADJOURNMENT**

*Vanderbloomer made a motion to adjourn at 7:47 p.m. Thorson seconded the motion. Motion carried 5-0.*

## **PLANNED UNIT DEVELOPMENTS**

### **Chapter 11.8**

#### **§ 11.800 OBJECTIVES.**

To help encourage a more creative approach to the use of land, departures from the city zoning chapter may be granted by the City Council in the form of Planned Unit Development (PUD) Districts, to achieve:

- (A) A maximum choice of living environments by allowing a variety of housing building types and permitting an increased density per acre and a reduction in lot dimensions, yard, building setbacks and area requirements;
- (B) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- (C) A development pattern which preserves and utilizes natural features, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- (D) A more efficient use of land and a resulting substantial savings through shorter utilities and streets; and
- (E) A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the comprehensive plan.

#### **§ 11.810 GENERAL REQUIREMENTS.**

A conditional or interim use permit shall be required of all planned unit developments. The city may approve the PUD only if it finds the development satisfies all the following standards:

- (A) The development shall be planned so that it is consistent with the city comprehensive plan;
- (B) The PUD is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain and similar areas;
- (C) The planned unit development proposal appears to harmonize with both existing and proposed development in the area surrounding the project site;
- (D) The proposed total development is designed in a manner as to form a desirable and unified environment within its own boundaries;



- (E) Any exceptions to the standard requirements of the zoning and subdivision chapters are justified by the design of the development;
- (F) The tract of land shall be under unified control at the time of application and scheduled to be developed as one unit. In addition, the development plan must include provisions for the preservation of natural amenities;
- (G) Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated;
- (H) The PUD will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the district;
- (I) The plans required under this section must be submitted in a form which will satisfy the requirements for preliminary and final plats;
- (J) Permission to develop specific parcels of land under the provisions which follow shall be binding on all construction. Any change in the development plan after approval by the City Council shall be resubmitted for consideration;
- (K) Subdivision review under the subdivision chapter shall be carried out simultaneously with the review of a PUD under this section; and
- (L) The Planning and Zoning Commission may apply additional criteria as may be necessary as due to the unique nature of a proposed site, neighborhood or type of development.

**§ 11.822 MINIMUM SIZE.**

- (A) A PUD may be used on any development of more than two (2) residential units. A PUD may be used for any commercial or industrial development or on developments that include a combination of uses. The Planning & Zoning Commission may require that any development be submitted as a PUD when in their opinion the proposed development could be best handled as a PUD.
- (B) The minimum lot size requirements of other sections of this chapter do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a general guideline to determine the maximum dwelling unit density of the total development.

**§ 11.824 SETBACK AND SIDE YARD REQUIREMENTS.**

Notwithstanding other provisions of this subchapter, setback and side yard requirements of lots in a PUD shall be at least equivalent to the spacing requirements of buildings similarly developed under the terms of this chapter on separate parcels.

**§ 11.825 ACCESS TO PUBLIC RIGHT-OF-WAY.**

The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to, at least one primary arterial, or neighborhood collector street.

**§ 11.826 UTILITY REQUIREMENTS.**

Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances, which can be effectively screened, may be exempted from this requirement if the city finds that the exception will be consistent with the objectives of this subchapter and the character of the proposed PUD.

**§ 11.827 OPEN SPACE.**

A minimum of 20 percent of the gross land area for private or public open air recreational use protected by covenants running with the land or by conveyances or dedicated as the Planning and Zoning Commission may specify shall be an integral part of the plan. These open space areas shall not include land devoted to streets, parking and private yards. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of a size, shape, character and locations as to be usable for its proposed purpose.

**§ 11.830 ARRANGEMENT OF COMMERCIAL USES.**

When a PUD includes commercial uses, commercial buildings shall be planned as groups having common parking areas and common ingress and egress points. Each commercial area shall be separated from abutting residential areas by appropriate screens or fences. The design of commercial areas shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic, circulation, landscaping and other features and facilities as may be necessary to make the areas attractive and efficient from the standpoint of adjacent noncommercial areas. Any area which is not to be immediately improved or developed shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the city.

**§ 11.840 ARRANGEMENT OF INDUSTRIAL USES.**

In any PUD including industrial uses, the industrial uses shall be provided in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas and outdoor storage of raw materials or products. An industrial area in a PUD shall provide for the harmonious design of buildings and a compact grouping in order to economize in the provisions of required utility services. Streets in a planned industrial area shall be kept to a minimum in order to reduce traffic. All spaces between the right-of-way line and the industrial building line and all intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained.

#### **§ 11.850 PRE-APPLICATION MEETING; PROCEDURE.**

Before submitting a formal application for a PUD under this chapter, the developer shall meet with the Planning and Zoning Commission. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained in this chapter, and to familiarize the developer with the city's comprehensive plan, including the land use plan, the major thoroughfare plan, and the parks and open space plan, and with the subdivision regulations and the drainage, sewer and water systems of the city.

#### **§ 11.851 APPLICATION.**

- (A) An application for approval of a preliminary development plan for a proposed PUD shall be made to the Planning and Zoning Commission, by at least one owner or lessee of property for which the PUD is proposed. The application shall be accompanied by a certified check or money order to cover the costs incurred in checking and processing the plans in an amount affixed by resolution of the City Council.
- (B) The application with accompanying outline development plan shall be submitted (16 copies) and shall include:
  - (1) A vicinity map at a scale of one inch equals 250 feet showing property lines, existing streets, existing zoning, and any other items as the Planning and Zoning Commission may require to show the relationship of the proposed PUD to the comprehensive plan of the city, to existing schools and other community facilities and services, and to the surrounding area;
  - (2) A preliminary plan of the PUD in schematic form showing the following:
    - (a) The existing topographic character of the land;
    - (b) A composite of all natural amenities of the site including steep slopes, drainageways plus marshes, ponds and lakes;
    - (c) The size of site and proposed uses of the land to be developed together with an identification of off-site land use;

- (d) The density of land use to be allocated to the several parts of the development;
  - (e) The approximate location of thoroughfares;
  - (f) The location of common open space including public schools, parks and playgrounds or private natural preserves; and
  - (g) The off-street parking system.
- (3) A written statement including the following:
- (a) A statement of the ownership of all land involved in the PUD together with a summary of previous work experience;
  - (b) An explanation of the general character of the planned development;
  - (c) A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structures and open spaces;
  - (d) A statement describing how all necessary governmental services will be provided to the development; and
  - (e) The total anticipated population to occupy the PUD, with breakdowns indicating the number of school-age children, adults and families.
- (4) The proposed schedule for the development of the site; and
- (5) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified in this Chapter.

**§ 11.852 ACTIONS.**

(A) *By the Commission.* Within 60 days of the filing of the application, the Planning and Zoning Commission shall hold a public hearing on the proposed PUD following written and published notice as required for amendments of this chapter. Following the hearing and within 60 days of the filing of the application or at a later time agreed to by the applicant, the Planning and Zoning Commission shall recommend approval or disapproval of the preliminary proposal with any changes and conditions as it may suggest and shall transmit its recommendations to the City Council. In its recommendations the Commission shall determine whether the proposed PUD is consistent with the objectives for PUDs specified in section 11.810 and with the comprehensive land use plan of the city; and whether the benefits, combination of various

land uses, if proposed, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations allowed by this chapter for PUDs.

- (B) *By City Council.* Upon receipt of the recommendations of the Planning and Zoning Commission, the Council shall consider the application and, after holding the public hearing as it deems desirable, shall approve or disapprove the application with the changes or conditions, if any, as it may deem appropriate. Refusal of any changes or conditions shall constitute denial of the plans by the City Council. Failure of the landowner to notify the City Council of his or her acceptance or refusal of the modification to the plan constitutes acceptance of these conditions. No building permits may be issued on land within the PUD until final plans for the development have been approved by the City Council under the procedures provided in the following sections.

#### **§ 11.853 PUD AGREEMENT.**

The Zoning Administrator shall instruct the City Attorney to review the PUD application and draft a PUD agreement (aka development agreement) which stipulates the specific terms and conditions approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor of the city, Administrator and the applicant within 30 days of the City Council approval of the PUD application and final plat. Where the PUD application and/or final plat is to be resubmitted or denied approval, the City Council action shall be by written report setting forth the reasons for its actions.

#### **§ 11.854 FINAL REVIEW AND APPROVAL.**

An application for review and approval of the final development plan shall be filed by the applicant with the Planning and Zoning Commission within six months of the date on which approval of the preliminary plan was given by the Council. If application for final approval is not made within the time required, the proposal shall be considered abandoned unless an extension period is requested and granted by the City Council.

#### **§ 11.855 DOCUMENTATION REQUIRED.**

The final application shall be accompanied by the following supporting documentation:

- (A) A final plan of the PUD in schematic form including the following:
- (1) The street system, lot layout and off-street parking and loading plan;
  - (2) The use, height, bulk and approximate location of buildings and other structures;

- (3) Land areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses;
- (4) A site plan for each building site and common open area, showing approximate location of buildings, structures and improvements;
- (5) Generalized elevations and perspectives of all structures;
- (6) A site grading plan indicating the direction of flow of surface drainage and all easements necessary for both ponding and runoff;
- (7) Plans, profiles and specifications for the distribution of water, collection of sanitary waste and stormwater;
- (8) A landscape plan indicating the location, size and type of plant materials to be used;
- (9) Plans, profiles, typical sections and specifications for proposed street improvements; and
- (10) The density of land use to be allocated to the several parts of the site being developed.

(B) A written statement including:

- (1) The approximate date when construction will begin by stage of development and the area of open space to be provided at each stage;
- (2) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the development and any of its common open areas; and
- (3) Other conditions specifically required by the Commission and the Council for the particular PUD.

#### **§ 11.856 ACTION ON FINAL APPLICATION.**

(A) Procedure for action by the Planning and Zoning Commission and the Council on an application for review and approval of the final plan for a PUD shall be the same as prescribed by this subchapter for the action on the preliminary proposal. In giving approval, the Council may specify the length of time within which construction of the project must be begun or completed, and it may attach other conditions as seem necessary. The final development plan shall be in general conformance with the preliminary development plan as approved.

(B) (1) *Criteria for approval.* The findings necessary for approval of both the preliminary and final development plans shall be based on the criteria in section 11.810 and shall describe in what respect the plan would or would not be in the public interest.

(2) *Noncompliance.* In the event the plan as submitted for final approval is not in substantial compliance with the preliminary development plan, the Zoning Administrator shall attempt to notify the applicant within 45 days of the date of application, setting forth the ways in which the plan is not in substantial compliance.

(a) The applicant may treat the notification as denial of preliminary approval;

(b) The applicant may refile his or her plan so that it does substantially comply with the outline development plan; or

(c) The applicant may file a written request with the Planning and Zoning Commission that it hold a public hearing on his or her request for final approval.

(3) *Final approval.* The City Council shall review and approve the final development plan if it is in substantial compliance with preliminary development plan. Following this, the applicant shall record the final development plan in the manner provided for recording subdivision plats. If the final development plan is not in substantial compliance, the applicant shall be requested to repeat the procedures outlined for the preliminary development plan. Approval may be conditioned on the applicant executing a PUD agreement.

#### **§ 11.859 OPERATION OF COMPLETION.**

(A) If work on the PUD is not started within the time limits prescribed in the final development plan or PUD agreement, approval shall terminate unless an extension period is requested or granted by the City Council.

(B) Completion of the PUD shall be certified by the Planning and Zoning Commission on the final development plan or PUD agreement. Thereafter, the use of land and the construction, modification or alteration of any buildings shall be governed by the recorded CUP or IUP.

(C) Changes may be authorized only under the procedures provided below:

(1) Minor extensions, alterations or modifications of existing structures may be authorized by the Planning and Zoning Commission if they are consistent with the intent and purpose of the final development plan and do not increase the cube of any building or structure by more than 10%;

- (2) Minor changes in the location, siting, and height of buildings and structures may be authorized by the City Engineer if requested by engineering or other unforeseen circumstances.
- (3) Changes in the use of common open space or the replacement of any building substantially destroyed which exceeds the intent and purposes of the final development plan may be authorized only by amendment to the final development.
- (4) All other changes in use, rearrangement of lots, blocks and open space, must be authorized by the City Council.

#### **§ 11.860 SITE IMPROVEMENTS.**

At any time following the execution of a PUD agreement and receiving a notice to proceed from the City Administrator, the applicant may, pursuant to the applicable codes of the city, apply for and the Zoning Administrator may issue grading permits for the area within the PUD for which development stage plan approval has been given.

#### **§ 11.861 CONSTRUCTION.**

The construction and provisions of all the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same phase as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he or she shall find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she shall forward this information to the City Council, which may revoke the PUD Permit.

#### **§ 11.862 MAINTENANCE OF COMMON OPEN SPACE.**

All land shown on the final development plan as common open space must be conveyed to a homeowners' association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the homeowners' association or similar organization subject to covenants, to be approved by the City Council, which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.



**§ 11.863 HOMEOWNERS' ASSOCIATION.**

If a homeowners' association or cooperative is created, the applicant shall submit plans at the time of final plan of development and documents which explain or set forth:

- (A) Ownership and membership requirements;
- (B) Articles of incorporation and bylaws;
- (C) Time at which the developer turns the association over to the homeowners;
- (D) Approximate monthly or yearly association fee for homeowners; and
- (E) Specific listing of items owned in common including items as roads, recreation facilities, parking, common open space ground and utilities.

**Unapproved minutes  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
OCTOBER 4, 2018 – 7:00 P.M.  
9180 LEXINGTON AVENUE**

**1. CALL TO ORDER: – Mayor Kurth**

A. Roll Call - Council Members: DeVries, Harris, Hughes and Murphy

*Mayor Kurth called to order the Regular City Council meeting for October 4, 2018 at 7:00 p.m. Councilmember's present: Devries, Harris, and Hughes. Excused absence: Murphy. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Dominion Representatives, Logan Schmid and Blaine Barker Representatives; Joe Ackerman, Citizen; Quad Press reporter. Other various citizens.*

**2. CITIZENS FORUM**

*Joe Ackerman  
3875 Lovell Road  
Lexington, MN*

*Mr. Ackerman presented a petition of citizens living on Lovell Road requesting permanent solar powered radar/detector to be placed on Lovell Road. Mr. Ackerman explained that he felt it was a positive experience obtaining signatures from residents along the road. He added that a few of the people were not interested in signing the petition. Discussion ensued.*

*Petracek provided an explanation to the email he received from Doug Fisher, Anoka County City Engineer, in response to the Resolution supporting the traffic control measures and the steps they would take toward traffic control on Lovell Road. Petracek read the email out loud to members of the Council and the audience. Discussion ensued.*

*Petracek stated he would forward the petition to Anoka County for their consideration.*

**3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*Councilmember Devries made a motion to approve the amended agenda presented at the meeting. Councilmember Harris seconded the motion. Motion carried 4-0.*

**4. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Harris) – *Councilmember Harris explained that the next meeting will be November 4th.*
- B. Cable Commission (Councilmember Murphy) – *No report.*
- C. City Administrator (Bill Petracek) – *No report.*

**5. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Reports
  - 9-12-2018 – 9-18-18
  - 9-18-18 – 9-24-18
- B. Community Leasing Partners – Fire Department Turnout Gear
- C. Council Workshop meeting minutes – September 20, 2018
- D. Anoka County Parks September newsletter

*Mayor Kurth discussed the proposal for lease/purchase of the fire department turnout gear. Discussion ensued. Petracek stated he will have a discussion item on the workshop agenda, and have the fire chief at the meeting.*

**6. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – September 20, 2018
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13593 through 13594  
Check #'s 43960 through 44018

*Councilmember Hughes made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Motion carried 4-0.*

**7. ACTION ITEMS:**

- A. Recommendation to approve Resolution NO. 18-24 A Resolution Calling For A Public Hearing On A Proposal For An Amended And Restated Housing Finance Program And Giving Preliminary Approval To The Issuance Of Housing Facility Revenue Bonds To Finance A Multifamily Housing Project Pursuant To Minnesota Law, And Authorizing The Publication Of A Notice Of The Hearing (Landings Of Lexington Project)

***Petracek explained the need to facilitate the additional bond issuance of \$8.0 Million for the “Landings of Lexington” project. He added that as he explained in his memo, there is no liability on the City’s part for this financing, and the City gets an additional \$80,000 for being the conduit for the financing.***

***Logan Schmidt, Dominion, stated that they had underestimated the cost of the project due to the cost of construction materials going up. Discussion ensued.***

***Councilmember Hughes made a motion to approve Resolution NO. 18-24 A Resolution Calling for A Public Hearing On A Proposal For An Amended And Restated Housing Finance Program And Giving Preliminary Approval To The Issuance Of Housing Facility Revenue Bonds To Finance A Multifamily Housing Project Pursuant To Minnesota Law, And Authorizing The Publication Of A Notice Of The Hearing (Landings Of Lexington Project). Councilmember Devries seconded the motion. Motion carried 4-0.***

- B.** Recommendation to approve Resolution NO. 18-25 A Resolution Changing Commercial And Residential Addresses Along Lake Drive Service Roads

***Councilmember Devries made a motion to approve Resolution NO. 18-25 A Resolution Changing Commercial And Residential Addresses Along Lake Drive Service Roads. Councilmember Harris seconded the motion. Motion carried 4-0.***

- C.** Recommendation to approve permanently hiring Mohamed Elsharkawy to Public Works as Part-time maintenance at \$15.00 per hour ( pending Bob Hunt’s resignation effective November 30, 2018).

***Councilmember Harris made a motion to approve permanently hiring Mohamed Elsharkawy to Public Works as a Part-time maintenance at \$15.00 per hour ( pending Bob Hunt’s resignation effective November 30, 2018). Councilmember Hughes seconded the motion. Motion carried 4-0.***

- D.** Recommendation to approve First Amendment To Purchase and Sale Agreement – Lovell Building 4175 Lovell Road, Lexington, MN

***Attorney Glaser explained the need to extend the purchase agreement with Dominion for the Lovell Building at 4175 Lovell Road. He added that the new agreement releases the cap on consulting fees due to the amount of changes to the development. Discussion ensued.***

***Councilmember Devries made a motion to approve First Amendment To Purchase and Sale Agreement – Lovell Building 4175 Lovell Road, Lexington, MN. Councilmember Harris seconded the motion. Motion carried 4-0.***

## **8. MAYOR AND COUNCIL INPUT**

*Mayor Kurth updated the Council on the Lexington Fall Festival results. He thanked all organizations involved – Lexington Park Board, Fire Auxiliary, and Fire Department; Station 57, YMCA, Heidi from Cowboys and anyone else involved.*

## **9. ADJOURNMENT**

*Councilmember Hughes made a motion to adjourn at 7:28 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.*

/mv

**Unapproved minutes  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
OCTOBER 18, 2018– 7:00 P.M.  
9180 LEXINGTON AVENUE**

**1. CALL TO ORDER: – Mayor Kurth**

- A. Roll Call - Council Members: DeVries, Harris, Hughes and Murphy

*Mayor Kurth called to order the Regular City Council meeting for October 18, 2018 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Murphy. Excused Absence: Harris Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Erik Edwards, Lexington Fire Dept.; Justin Templin, Attorney from Hoff Barry Law; Logan Schmidt and Blaine Barker, Dominion; Quad Press reporter; Centennial High School Students.*

**2. CITIZENS FORUM**

*No citizens were present to address the council on items not on the agenda*

**3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*Councilmember Devries made a motion to approve the amended agenda as presented. Councilmember Hughes seconded the motion. Motion carried 4-0.*

**4. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Reports
- 9-26-18 – 10-2-18
  - 10-3-18 – 10-8-18
- B. City Report – September 2018
- C. Mediation Services of Anoka County – Sip, Sample & Support
- D. Planning & Zoning meeting minutes – October 9, 2018

*No discussion or comments on Letters and Communications*

**5. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – October 4, 2018
- B. Recommendation to Approve Claims and Bills:

Check #'s 501442 through 501458  
Check #'s 44019 through 44083  
Check #'s 12207 through 12216  
Check #'s 12219 through 12239

- C. Financial Reports
- Cash Balances
  - Fund Summary -- Budget to Actual

***Councilmember Hughes made a motion to approve the consent agenda items. Councilmember Murphy seconded the motion. Motion carried 4-0.***

## **6. ACTION ITEMS:**

- A. First Reading of Ordinance No. 18-01 – Planning & Zoning Commission’s recommendation to approve Ordinance NO. 18-01 An Ordinance Amending City Code 11.34 Dimensional Requirements-Schedule of Zoning District Regulations For Area, Bulk, Placement and Land Use Intensity

***Attorney Glaser explained the statutory requirement to have two readings of an ordinance when it is being adopted to increase transparency. Discussion ensued. No action taken on the first reading of Ordinance No. 18-01***

- B. Recommendation to approve Resolution NO. 18-26 A Resolution Adopting Final Plat for the Landings of Lexington Development

***Councilmember Devries made a motion to approve Resolution NO. 18-26 A Resolution Adopting Final Plat for the Landings of Lexington Development. Councilmember Murphy seconded the motion. Motion carried 4-0.***

- C. Recommendation to approve Lot Combination/Split for Dave McNeil  
9561 Griggs Avenue & 4026 Edgewood Road

***Councilmember Murphy made a motion to approve Lot Combination/Split for Dave McNeil 9561 Griggs Avenue & 4026 Edgewood Road. Councilmember Hughes seconded the motion. Motion carried 4-0.***

- D. Recommendation to approve Resolution NO. 18-27 A Resolution Calling For A Public Hearing To Vacate An Easement To Accommodate The Plat For The Landings Of Lexington.

***Attorney Glaser explained the need to vacate a utility easement on the Otte Property. Discussion ensued.***

***Councilmember Hughes made a motion to approve Resolution NO. 18-27 A Resolution Calling For A Public Hearing To Vacate An Easement To Accommodate The Plat For The Landings Of Lexington. Councilmember Devries seconded the motion. Motion carried 5-0.***

- E. First Reading of Ordinance No. 18-03 - A Resolution of the City Council of Lexington, Minnesota Approving a Planned Unit Development and Conditional Use Permit for the Landings of Lexington.

***First Reading of Ordinance No 18-03 A Resolution of the City Council of Lexington, Minnesota Approving a Planned Unit Development and Conditional Use Permit for the Landings of Lexington. No action was taken.***

- F. First Reading of Ordinance No. 18-02 - An Ordinance Repealing Ordinance 16-03 Regarding the Regulation of Private Water Supplies

***Attorney Glaser read Ordinance No. 18-02 allowed to the audience. No action was taken.***

## **7. MAYOR AND COUNCIL INPUT**

***No input from Mayor Kurth or Councilmembers***

## **8. ADMINISTRATOR INPUT**

***No input from City Administrator.***

## **9. CONVENE FOR CLOSED EXECUTIVE SESSION-TO DISCUSS:**

Attorney – client privileged discussion with the City’s litigation counsel in the matter of Parkview Homes LLC v. City of Lexington, Court File No. 02-CV-17-2816. The matter requires absolute confidentiality because it is in active litigation and discussions during a public meeting would reveal litigation strategy, tactics and other private matters pertaining to the case and thereby risks undermining the City’s effective defense of the claim. The closed session is permitted by Minn. Stat. § 13D.05, subd. 3(b)

***Councilmember Hughes made a motion to convene for closed executive session at 7:18 p.m. to discuss: Attorney – client privileged discussion with the City’s litigation counsel in the matter of Parkview Homes LLC v. City of Lexington, Court File No. 02-CV-17-2816.***

***Councilmember Devries seconded the motion. Motion carried 4-0.***

## **10. RECONVENE FROM CLOSED SESSION**



*Councilmember Murphy made a motion to reconvene from closed session into open session at 8:15 p.m. Mayor Kurth seconded the motion. Motion carried 4-0.*

*Councilmember Devries made a motion to amend the agenda to add item 6(F) under Action items for the First Reading of Ordinance No. 18-02 - An Ordinance Repealing Ordinance 16-03 Regarding the Regulation of Private Water Supplies. Councilmember Hughes seconded the motion. Motion carried 4-0.*

## **11. ADJOURNMENT**

*Councilmember Hughes made a motion to adjourn at 8:21 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.*