

Watertown Planning Commission

June 11, 2019

Agenda Item: Consider Zoning Ordinance Amendment - Forest Hills PUD
Consideration to Eliminate Carriage Light Requirements

PC DATE: 5.23.2019

Request for Action: Adopt Ordinance #414, Amending Forest Hills PUD
Zoning District

CC Date: 6.11.2019**Department:** Planning

REQUEST: Consideration of an amendment to the City's Zoning Ordinance as follows:

1. An ordinance amendment to remove the carriage light requirements in Section 62.470 of the Forest Hills PUD (FH-PUD) zoning ordinance.

BACKGROUND:

The City has received an application from Loomis Homes (Developer of Forest Hills 8th Addition) asking to amend Section 62.470 of the Forest Hills PUD (FH-PUD) zoning ordinance eliminating the requirement to install carriage lights on each lot within the development. The City originally adopted several specific design standards for this particular development including the carriage light requirement, garage door detail and color requirements and connection of a sidewalk directly from the front porch to the street. One of the requirements provided for carriage lights to be installed at the intersection of the City's right of way and the sidewalk connecting the public sidewalk and the front porch to add pedestrian level character to the development. In practice, the City has been told that the lights have become a maintenance issue and likely have not achieved their originally intended purpose and design intent. Many residents have not maintained the lights and or have removed them on their own accord. The City does not have adequate staffing resources to sustainably administer enforcement of this provision given the total number of lots in the development and the subjectivity of confirming light "maintenance". This type of a requirement is often times associated with a restrictive covenant (not zoning ordinance), found in multi-family residential developments and enforcement is more commonly done by a Homeowners Association.

Staff has reviewed the requested amendment and discussed the issue with the Planning Commission. It should be noted that the City has had a difficult time administering this provision and does not find that the request would alter the essential character of the development moving forward. This design requirement has not been carried forward to other single-family developments within the City.

PLANNING COMMISSION DISCUSSION:

Planning Commissioners discussed this issue and asked questions of staff and the applicant. Commissioners asked if the light provided a necessary pedestrian level lighting within the development. It was noted that the City has regularly spaced streetlights throughout the development which provide adequate lighting for pedestrians. Commissioners found that the carriage lights did not provide the intended repetitive architectural element. Commissioners felt that long term enforcement of this requirement was not sustainable given the number of properties and limitation of staff resources. Based on these two findings, Planning Commissioners recommended approval of the requested ordinance amendment.

PUBLIC HEARING COMMENTS:

The City has received a wide array of public comments in writing and verbally at the Planning Commission Meeting. Residents voiced their opinions and provided information from both sides of the issue. Some of the

residents stated that the City should continue to require the carriage lights because the lights already installed were paid for and would no longer fit into the development if all of the remaining lots were not required to install the lights. Several residents noted that many of the existing lights are in poor repair and or are not in working order and create a visual and maintenance nuisance. The applicant noted that the lights are not that expensive, but ongoing maintenance of the lights once installed places a burden on the homeowners.

RECCOMENDATION:

The Planning Commission recommended approval of the zoning ordinance amendment to remove the carriage light requirement from all subzones within the Forest Hills Development.

ATTACHMENTS: Draft Ordinance Amendment
 Application
 Written Comment

CITY OF WATERTOWN
COUNTY OF CARVER
STATE OF MINNESOTA
ORDINANCE NO. 414

AMENDING CHAPTER 62 OF THE WATERTOWN CITY CODE
RELATING TO PUD-FH ZONING DISTRICT

THE CITY OF WATERTOWN DOES ORDAIN:

Section 1. AMENDMENT. The following sections of Chapter 62 of the Municipal Code of Watertown are hereby amended by adding the following underlined language and deleting the ~~striketrough~~ language:

Sec. 62-470.19. - Subzone district regulations.

A. *Subzone A. Low density single-family detached residential.*

4. *Accessory structures.*

~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

B. *Subzone B. Medium density single-family detached residential.*

4. *Accessory structures.*

~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

C. *Subzone C. High density single-family detached residential.*

4. *Accessory structures.*

~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

D. *Subzone D. townhomes.* Buildings shall be as located a part of an approved site plan. It is the goal of the zone to encourage a pedestrian oriented, walkable development. Therefore, it is necessary that pedestrian oriented amenities and features be incorporated into the house and site design.

4. *Accessory structures.*

- ~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

E. *Subzone E. row houses.* The ROW house subzone is unique from the townhome subzone in that it provides a more uniquely urban style of development. Excepting individual balconies and patios, there is no private exterior space. Recreational needs are supported by the closely adjacent public park system, including connecting sidewalks, trails, and ponds. Buildings in the ROW house subzone shall exhibit a superior architectural quality, captured with its use of brick and other high quality, low maintenance materials.

4. *Accessory structures.*

- ~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

F. *Subzone F. twin homes.*

4. *Accessory structures.*

- ~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

G. *Subzone G. high density attached residential.*

4. *Accessory structures.*

- ~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~

Section 2. RENUMBERING. Chapter 62-470.19. - Subzone district regulations shall be renumbered as necessary following deletion of the paragraphs.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 11th day of June 2019, by the City Council of the City of Watertown.

CITY OF WATERTOWN

By: _____
Steve Washburn, Mayor

ATTEST: _____
Lynn Tschudi, City Clerk-Treasurer

RECEIVED

By Shane Fineran at 10:49 am, Apr 30, 2019

CITY OF WATERTOWN

Text amendment application and checklist

APPLICATION:

PROJECT NAME, ADDRESS, OR LOCATION:

Forest Hills development

APPLICANT NAME:

Loomis Homes

ADDRESS:

1458 white oak dr Chaska MN 55318

PHONE:

952-200-8838

FAX:

EMAIL:

Scott@Loomis-homes.com

This handout describes the procedures for review and approval of Text Amendment Applications. For questions regarding the following procedural guidelines, please contact the City Planner at 309 Lewis Avenue S., Watertown, MN 55388, (952) 955-2681.

Text Amendment applications are reviewed by the City Staff prior to setting a public hearing and being placed on the agenda of the Planning Commission. The Planning Commission meets in the Council Chambers of City Hall, 309 Lewis Avenue S., on the fourth Thursday of each month, at 6:30 p.m. Requests will not be placed on the Commission agenda until Staff has determined that the application is complete, including application fee paid. The Planning Commission will hold a public hearing and make a recommendation to the City Council.

All applicants are advised that the City of Watertown retains planning, engineering and legal consultants who may be involved in the review process. All costs resulting from review of rezoning applications by the City's consultants are to be paid by the applicant.

PROCEDURE:

- 1. PRE-APPLICATION MEETING** (encouraged). The applicant and, if appropriate, their professional consultants meet with City Staff, prior to filing a formal rezoning application. The applicant may submit preliminary information for comment. This meeting may also help Staff and the applicant to clarify any potential issues related to the project. A pre-application meeting and/or any preliminary information is not a formal application for any time requirements imposed by law.
- 2. OBTAIN APPLICATION MATERIALS.** The Text Amendment application and checklist can be obtained from the City Staff. Questions on completing these forms should be addressed to the City Staff.
- 3. COMPLETE ALL APPLICATION MATERIALS.** The Text Amendment application and checklist must be filled out completely, and a signed original must be submitted. The supporting information shall include all of the items on the Text Amendment application and checklist.
- 4. SUBMIT APPLICATION, SUPPORTING INFORMATION (Electronically preferred) AND FEES.** Check the Fee Schedule for fee amounts. Upon submission, Staff will review the application for completeness. If incomplete, the application will not be accepted and returned to the applicant for further information.

5. APPLICATION REVIEW AND COMMENT. Staff reviews the submittal package for compliance with City requirements. If items are missing or incorrect, the City will notify the applicant listed on the Application form. The applicant is responsible for contacting the other professionals working on the project.

If the application is considered complete, Staff will inform the contact person, and place the item on the next available Planning Commission agenda.

6. SETTING THE PUBLIC HEARING DATE. After the application has been determined as complete, Staff will schedule a public hearing.

7. NOTIFICATION OF SURROUNDING PROPERTY OWNERS. Once Staff has determined the date for the public hearing, Staff will send notices by first class mail to all property owners within 350 feet of the subject property. Staff will use the labels provided by the applicant. State statute requires the notices to be mailed to the surrounding property owners no more than 20 or less than 10 days prior to the scheduled public hearing.

8. PLANNING AND ZONING COMMISSION MEETING. The applicant will have the opportunity at the Planning Commission meeting to present the request. Any other members of the project team may also testify. Members of the public will be allowed to comment on the request. The Planning Commission may continue the hearing or table action. The Planning Commission will vote to recommend to the City Council approval of the request, approval with conditions, or denial of the request. The recommendation will then be forwarded to the City Council.

9. CITY COUNCIL MEETING. The City Council will review the Planning Commission recommendation and either approve or deny the recommendation or approve with additional conditions on table for further information.

10. IF CITY COUNCIL APPROVES THE REQUEST, THE AMENDMENT WILL BE PUBLISHED IN THE CARVER COUNTY NEWS: After City Council approval, the updated text will be published in the *Carver County News*. Upon publication, the amendment will take effect.

11. CHECKLIST Please provide the following information as part of the text amendment application:

A. A letter of request, including the following:

- A copy of the current ordinance
- Requested changes to the current ordinance in redline format
- Reason for requested change
- Any other supporting information requested by City Staff or that the applicant feels necessary to support their case.

Sec. 62-470.19. - Subzone district regulations.

A. *Subzone A. Low density single-family detached residential.*

1. *Permitted uses.* Single-family detached residence.
2. *Conditional uses.* None.
3. *Bulk regulations.*
 - (a) *Setback.*

Side ten feet

Rear 35 feet

Corner side yard 30 feet
 - (b) *Height.*

Maximum height shall be 36 feet.
4. *Accessory structures.*
 - (a) *Sidewalks.* Each dwelling unit shall extend a walkway from the front door to the sidewalk along the street.
 - ~~(b) *Lights.* Each unit shall provide a carriage light, style as approved in writing by the city planner, to be located at the intersection of the sidewalk leading from the front door and the sidewalk along the street.~~
 - (c) *Sheds.* Accessory sheds may be permitted on the property, provided:

Maximum size is 120 square feet.

Maximum height is 12 feet or one story.

Sheds shall be permanently mounted on concrete slab at least four inches thick.

Sheds shall be finished of materials exactly like those of the principal structure, including, but not limited to shingle type and color, siding type and color. Sheds shall be located such that the structure is screened as much as possible from public streets and in no instance shall be located within a required yard.
 - (d) *Fences.* Fences may be permitted on the property, as provided for in section 62-477. The following additional regulations apply:

All fences in the front or corner side yard shall provide, at minimum 50 percent openness, meaning the open space shall be at least as wide as the picket width. Wire fences shall not be permitted.
 - (e) *Other accessory structures.* Other accessory structures may be constructed as permitted in section 62-477 of this Code, provided such construction is not inconsistent with the purpose and intent of this chapter.
5. *Design standards.* Buildings in subzone A shall be designed for permanent, reduced or maintenance free materials, and may include, at minimum:
 - (a) *Porches.* Porches shall include materials such as:

Foundation walls and piers: stucco, stone, rough faced concrete block, or brick. Open foundations shall be enclosed by privacy lattice; one inch maximum openings.

4/23/2019

Loomis Homes Mail - 1048 Hickory Curve, Watertown, MN 55388



Scott Loomis <scott@loomis-homes.com>

1048 Hickory Curve, Watertown, MN 55388

1 message

nlindquist@aol.com <nlindquist@aol.com>

Tue, Apr 23, 2019 at 8:46 AM

To: scott@loomis-homes.com

Scott,

It has come to our attention that the City of Watertown has noted that Carriage Lights have not been installed on our property at 1048 Hickory Curve.....

We are **not** in favor of adding the Carriage Lights and support the process of an amendment to **remove** the Carriage Lights from the city code.

Thank you for addressing this matter.

Sincerely,

Nancy and Kevin Lindquist
1048 Hickory Curve
Watertown, MN 55388

952.212.8427

4/23/2019

Loomis Homes Mail - Installation of a Carriage Light



Scott Loomis <scott@loomis-homes.com>

Installation of a Carriage Light

1 message

Paul Triff <paultriff@gmail.com>

Mon, Apr 22, 2019 at 3:07 PM

To: Scott Loomis <Scott@loomis-homes.com>

Scott,

As we discussed today, I really have no desire to have a carriage light installed on my property. The carriage light does nothing to enhance the beauty of my house or my property. I also think that this requirement is unnecessary and serves absolutely no purpose.

Thank you,

Paul Trifletti
979 Hickory Curve, Watertown, MN 55388

4/22/2019

Loomis Homes Mail - Carriage Light



Scott Loomis <scott@loomis-homes.com>

Carriage Light

1 message

Alexandria F <afish925@gmail.com>

Mon, Apr 22, 2019 at 2:02 PM

To: Scott Loomis <scott@loomis-homes.com>

Hi Scott,

We received a zoning violation letter regarding the carriage light.

We are in a cul-de-sac where few people come through, and no sidewalk. We also have a small front yard and would really rather not have the carriage light. Is this something we can forego?

Thank you,

Alexandria Fish

From: [Bill Roddy](#)
To: "sfineran@ci.watertown.mn.us"
Subject: Yard Light requirement - Forest Hills
Date: Wednesday, May 22, 2019 11:02:41 AM

Dear Mr. Fineran,

I hope to be able to attend the Planning Commission meeting scheduled for tomorrow, Thursday May 23rd. In case I am unable to attend I would like to share my endorsement for removal of the design standard yard light requirement under 62-470.19 A. 4(b) of the City code.

Jan Swanson and I find the lights unattractive. Upon purchase of our home last year we inquired if the installation could be skipped and we were told that due to the ordinance one must be installed at each residence. We do not feel the lights fit with the modern motif of the new construction.

From a safety perspective; we feel the inclusion of sidewalks and well placed street lighting in the Forest Hills development along with exterior lighting on all the homes, provide more than adequate pedestrian security during night time hours.

Please forward our endorsement for the removal of the carriage light requirement from the City Code to the Planning Commission.

Thank you,

William J. Roddy
Jan F. Swanson
1065 Hickory Curv

763-567-0278
wroddy@charter.net