



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 25, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Williams, Lundgren, Dorschner, Yocum, Dodson, Kreimer, Morreale and Larson;

COMMISSIONERS ABSENT: Haggard

STAFF PRESENT: Community Development Director Klatt and City Planner Johnson.

Introductions:

Chairman Williams introduced and welcomed Sara Yocum as the newest member of the Planning Commission. She will fill the position as 2nd Alternate.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: November 13, 2013

M/S/P: Dorschner/Lundgren, move to accept the minutes of November 13, 2013 as amended, **Vote: 5-0, Motion Carried**, with Kreimer and Morreale not voting.

Public Hearings – *Conditional Use Permit and PUD Amendment – 33.029.21.42.0013.*

Before Klatt began his formal presentation, Chairman Williams asked about the Findings of Fact Worksheet. Dorschner asked if this worksheet would be included in the Planning Commission Agenda Packet. Klatt noted that it could be included in the future if the Planning Commission found it useful. Williams suggested discussing the document at the end of the meeting.

Klatt formally presented the CUP and PUD Amendment request to the Planning Commission. He identified the applicant as Northeast Metro 916 Intermediate School District. They are proposing to build a school intended to serve children with behavior and other developmental disorders, such as Autism. Regarding the background of the request, he explained the general PUD process, noting that the Eagle Point Business Park has Concept and Preliminary approvals in place. When an applicant wants to come forward to develop a specific site, they must pursue Final development approval. The

916 School District will ultimately need to obtain final development approval for the school plans to move forward. For the time being, they are only seeking land use approval by bringing forward a Conditional Use Permit request, as schools are a conditional use in the City's Business Park zoning district. In addition, the applicants propose to amend the Eagle Point PUD itself to include schools as a conditional use.

Moving forward, Klatt explained that the applicant will need to seek Final Plat and Final Development Approval to move forward with the construction of the school. He also noted that they will need to submit detailed plans including elevations, landscaping, signage, lighting, storm water management, grading, utilities, etc. These plans would be required in order to move the application forward.

As schools are exempt from property taxes, Klatt also noted that some communities have required schools to submit a Service Agreement in order to pay for public services provided to the school, such as police and fire protection.

Klatt then discussed the proposed site plan of the school. He noted that the site plan may be modified when the applicants seek Final Plat and Development approval.

Finally, Klatt noted that Staff is recommending approval of the CUP and PUD Amendment with 8 conditions that are outlined in the Staff Report.

Dodson asked if the action should be split into two separate motions. He noted that there may be other uses the Planning Commission wanted to add. Klatt noted that if the Planning commission wanted to add other uses, it would need to be brought back as a public hearing is required.

Larson asked about Northeast Metro Intermediate School District 916 and how it is different than ISD 834. Klatt noted that the applicants are in attendance and can provide better explanation of District 916's services.

Kreimer asked how the proposed building factors into the City's tracking of REC units. Klatt stated that the REC units are calculated at the time of the building permit. This project would be similar or higher than a light industrial building.

Morreale asked about the number of students at the facility. Klatt stated that the applicants could answer any specific questions about operations. Morreale also asked about the parkland dedication. Klatt noted that the school would likely pay a Commercial rate of parkland dedication as opposed to a land dedication.

Dodson asked why Oulot A was platted as an outlot vs. a buildable lot. Klatt noted that when the Business Park was first platted, not all of it was going to be built on right away. Those project that were ready to be developed were platted, and the remaining land

was platted as outlots. Now that prospective users for the land are present, they applicants must plat the site as part of final development approval.

Dorschner asked if the Staff has done any analysis about the loss of property taxes by approving the school in this location. Klatt explained that using a rough estimate of the value of the proposed building and the land, he noted that the annual revenue could total up to \$230,000.

Williams asked about other service agreements. Klatt noted that these agreements are specific to services provided by the City, such as fire, police, snow plowing, road maintenance, etc.

Dan Naidicz, Director of Special Education for Intermediate School District 916, spoke about the educational services of 916. There are 11 member districts that contract with District 916. They are one of 3 intermediate public school districts and they serve the east side of the metro. He noted that special education services provided by 916 are for students whose special needs are not well accounted for at normal public schools. He stated that 916 developed a facilities plan, resulting in the need to expand space. He noted that they are currently building a facility in Blaine and hope to build a future facility in Lake Elmo. They anticipate serving 80-120 students at this facility.

Lundgren asked what level 4 disability entails. Mr. Naidicz noted that level 4 means that the students are not integrated into the normal student population.

Dorschner asked why the applicants looked to Lake Elmo for a site. He also asked if any coordination with the Stillwater School District was possible to collaborate on facilities and services. Naidicz noted that the member school districts often refer students when their special education programs are filled out. Regarding the location question, Kristine Carr noted that it was important to select a site that was easily accessed for all the member districts in the area. Looking at different sites, the site in the Eagle Point Business Park was the best site in terms of transporting students from the surrounding member districts.

Dodson asked if the storm water ponds presented an attractive nuisance. The engineer stated that the ponds are natural infiltration basins. Naidicz noted that they take the safety of their kids very serious and this would not be a problem. Dodson also asked about the transportation. A large percent of the kids come from outside the community by bus from their home school districts. They estimate 20 buses in the morning and 20 buses in the evening. City Planner Johnson stated that the Washington County transportation planner reviewed the request and did not have any concerns.

Kreimer asked about the expansion areas on the site plan. Steve Erickson, BWBR, noted that the expansion areas represent possible additional classroom space.

Erickson noted that the applicants have met with South Washington Watershed District and they are confident that they will be able to meet SWWD's rules.

Williams asked about the Service Agreement. Kristine Carr noted that the service agreement is meant to directly pay for the public services that the school requires. Williams asked what happens after year 10 of the agreement. Ms. Carr stated that the school district and City will renegotiate at year 10.

Public Hearing opened at 7:58pm.

Kathy Tucci, Bremer Bank, noted that she would like to ensure that the access points allow for safe and efficient traffic flow on Eagle Point Blvd. She is concerned that the proposed access point may conflict with the Bremer entrance. In addition, she asked if the school would be opened up to K-12. She noted that serving older student may be problematic.

Mr. Erickson noted that the access points were intended to not cause any circulations issues.

Public Hearing closed at 8:05pm.

Williams noted that he is concerned about the tax issue. The Eagle Point Business Park is the premier commercial site in Lake Elmo. He noted that the area is expected to be a major generator of tax revenue. Dodson stated that he respects Williams' concern, but asked why this land has not yet been developed if it is the premier commercial site in Lake Elmo. Dorschner stated that he agrees with Chairman Williams. He doesn't know if this site is appropriate for a public use.

Kreimer agrees with Williams and Dorschner. He thinks that we should know what the REC requirements will be from the Met Council. Kreimer has a hard time giving up this land to Public Facility when the facility will not serve our own students.

Larson asked what our requirements are for regional planning. Johnson stated that there are no regional mandates for public facilities. Johnson also stated that REC units for schools are high. Erickson stated that the REC count is even higher for this facility than a regular school, as the fixture requirements for their students are higher.

Morreale thinks there are better sites to the east that might be better for traffic management and growth.

Lundgren asked about the Blaine facility. Kristine Carr described the area surrounding the Blaine facility. It is also located near a business park in Blaine, in addition to agricultural and residential areas.

M/S/P: Larson/Dodson, move to recommend approval of the Conditional Use Permit at 36.029.21.42.0013 and PUD Amendment for the Eagle Point Business Park with the conditions outlined in the Staff Report, **Vote: 2-5, Motion Fails**, with Williams, Lundgren, Kreimer, Dorschner and Morreale voting no.

Dodson supports the motion.

Williams stated he does not support the motion due to the lost tax revenue. Dorschner agrees with Williams and feels that it serves the greater community and not Lake Elmo.

Klatt provided further background regarding the Staff Recommendation and that the financial component should be negotiated at a later date with the city Council. He stated that reviewing the proposed land use should be the heart of the analysis.

Dorschner stated the proposed CUP fails to meet finding #9 of the required findings for CUPs. Lundgren added she feels that the CUP fails to meet the character of the area, finding #3.

M/S/P: Dorschner/Lundgren, move to recommend denial of the request to amend the Eagle Point Business Park to allow schools as a conditional use in the business park, **Vote 5-2. Motion Carried**, with Dodson and Larson voting no.

M/S/P: Williams/Dodson, move to amend the motion to state that Condition #8 as presented in the Staff Report is too vague to ensure that the City will be adequately compensated, **Vote: 6-1, Motion Carried**.

Klatt recommended passing an advisory motion to state which areas of the application the Commission thought do not meet the CUP standards. Dorschner stated that he feels that this is not necessary as they already highlighted items #3 and #9 in the discussion.

Public Hearing – *Comprehensive Plan Amendment and Zoning Map Amendment – 10689 60th Street North.*

Johnson presented information regarding an application for a Comprehensive Plan amendment and Zoning Map amendment for property at 10689 60th street to rezone the property from Rural Residential to Commercial. The request is intended to bring zoning of the property into compliance with the existing use of the property, which is a trade shop (landscaping business). More specifically, the subject property is the home base for 3 landscaping businesses. A trade shop is not a permitted use in the Rural Residential zone. The property is just less than 10 acres and has direct driveway access to Trunk Highway 36. The property is part of the Rural Planning Area according to the Comprehensive Plan, and the surrounding uses are agriculture, an open space development and 2 churches. Staff is recommending denial based on a number of

factors. First, staff does not feel that the request is consistent with the intent of the Comprehensive Plan. Second, rezoning this site would be consistent with a Spot Zoning action because it is not consistent with the Comprehensive Plan and is not compatible with the zoning of the surrounding properties. Finally, the site does not have adequate public facilities to be rezoned to Commercial. More specifically, the direct access to TH-36 represents a hazard to public safety and poor access management.

Brian Meyers, owner of Oak Meadows Landscaping spoke regarding access and characteristics of the property. He also spoke about surrounding properties.

Lundgren asked how many employees work on the site. Myers responded that he has 10 employees.

Dodson asked how long they have been on the site. Myers responded that they have operated there approximately 3 years.

Kreimer asked about what is happening with the house. Myers responded that they have a renter living in the house and there is a fully functioning septic. The employees use portable facilities.

Public Hearing opened at 9:24pm

Keith Bergman, 5833 Lake Elmo Ave. N., noted that the Bergmann family supports more Commercial zoning in the community, as well as more Commercial zoning along TH-36. However, he notes that he does not support this request due to concerns related to spot zoning. He also notes that the land owner has not taken good care of the property. They purchased the property as residential property and have paid taxes as such. They chose to covertly operate a business and turned the property into a mess. Over the years, the Bergmann's have had to deal with the dumping of asphalt and concrete debris on their adjoining property. If they are rezoned, anyone along 36 could illegally start a business and then when discovered, just ask to be rezoned to commercial.

Public Hearing closed at 9:28pm.

Dorschner stated he supports businesses such as these in rural areas. However, he notes that he is concerned about how this business has operated covertly, as well as the Spot Zoning issue.

M/S/P: Williams/Lundgren, move to recommend denial of the Comprehensive Plan and Zoning Map Amendment request based upon the findings outlined in the Staff Report, as amended by the Planning Commission, **Vote: 7-0, Motion Carried.**

Updates and Concerns

Council Updates

1. Design Guidelines and Standards Manual – Approved on 11/19/13.
2. Design Review Ordinance – Approved on 11/19/13.

Staff Updates

1. Upcoming Meetings
 - a. December 9, 2013
 - b. December 23, 2013 – Cancelled
 - c. January 13, 2014 (tentative)

Commission Concerns

Williams noted that he is not pleased with Staff presenting the “Findings of Fact” worksheet at the last minute. He would have liked staff to include it in the packet so that they could review it. Klatt noted that it was intended as a tool to support the drafting of findings.

Larson felt that the worksheet was very helpful and it came in handy as a summary tool.

Dorschner feels that it is useful, but shares the concern about it being handed out on the fly. He would like to see the worksheet in the packet so that they can use it as they are reviewing the materials.

Dodson would like to see the formality at the end of the worksheet removed.

Kreimer thinks it is a good tool and would like to see it used more as a tool and not signed and submitted.

Klatt stated that Council only gets draft minutes so this is another tool to better communicate the recommendation of the Planning Commission to the Council.

Meeting adjourned at 9:46pm

Respectfully submitted,

Nick Johnson
City Planner