



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 23, 2014**

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

COMMISSIONERS PRESENT: Williams, Dodson, Kreimer, Larson, Haggard, Dorschner, and Lundgren.

COMMISSIONERS ABSENT: Morreale.

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

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: June 9, 2014

M/S/P: Dorschner/Dodson move to approve the minutes as presented, **Vote: 6-0, motion carried** with Haggard not voting.

Public Hearing: Hunter's Crossing Preliminary Plat-Ryland Group

Klatt started his presentation of the Preliminary Plat for a 51 single family lot development located on the present site of Country Air Golf Facility. To provide background of the site, Klatt highlighted the location of existing gravity sewer main on the site. He noted that water is being extended to the site via a project set to be completed later in 2014. Moving on, Klatt noted that the proposed subdivision is consistent with the Comprehensive Plan and the LDR – Urban Low Density Residential zoning district.

Klatt presented the Preliminary Plat, showing the general lot layouts. In addition, he highlighted the grading plan and stormwater plan, noting that the applicants are proposing to use an iron filtration system. The storm water plan must be approved by the Valley Branch Watershed District. Klatt also presented the preliminary landscape plan.

Staff is recommending approval of the Preliminary Plat application subject to 13 conditions of approval.

Dodson asked staff about the review comment from Washington County related to a concern about traffic noise. Klatt noted that the County will always provide review comments when lots back up to a County road. He noted that the landscape plan does include screening and landscaping in those areas. Dodson asked about the shoulder of Lake Elmo Ave.

Haggard asked about required screening for the property to the east, which is guided for Business Park development. Klatt noted that screening is required for higher intensity uses next to lower intensity uses. Also, staff has been communicating an expectation that both properties include some level of screening or buffering. Haggard asked about the landscaping requirements for 5th St. Klatt noted that the portion of 5th St. in this area will have to meet City standards to be an accepted public improvement.

Kreimer asked why a trail is not planned for Lake Elmo Ave. Klatt noted that there may not be a lot of future opportunities without a larger project coming forward, likely from Washington County. Kreimer asked if the applicant is required to construct 5th Street to the adjacent property to the east. Klatt noted that they are required to do so. Kreimer asked about the iron filtration system being proposed for the storm water facilities. Klatt noted that these systems are typically used in areas that have less suitable soils for infiltration.

Dorschner asked if the 5th Street alignment is acceptable to the property owner to the east. Klatt noted that the applicant has engaged this landowner and the alignment is acceptable. Dorschner asked how the phasing of 5th Street will occur as it is being constructed in different areas. Klatt noted that the City has developed a typical section for 5th St., and the Engineer is reviewing all plans for consistency with the 5th St. design.

Williams asked about the trail extending to the southeast, if it was eligible for parkland dedication. Klatt noted that the trail would be public and the land that the trail is located on is eligible for parkland dedication.

Tracey Rust, Ryland Homes, gave a general overview of Ryland's goals with the project. She noted that they intend to purchase the property and begin construction in 2014. As they are intending to have 5th Street be a public project that will likely occur in 2015. Rust also gave further detail regarding the stormwater management plan.

Commissioner Dodson asked about the ownership of Outlot B now that the stormwater facilities have been removed. Rust said they are still working on that, but it would likely be owned by the HOA.

Dorschner asked if the entire site is going to be mass graded and inquired about the phasing. Rust referenced the plans regarding the phasing. They would start to the North and continue as 5th Street is completed.

Public Hearing opened at 7:51 pm.

Linda Anderson, 275 Lake Elmo Ave. N., She noted her concern about the lack of improved shoulders on Lake Elmo Ave. The buffering to the north could be improved. She noted that her greatest concern is the highway speeds and lack of shoulder on Lake Elmo Ave. N.

Becky Gernes, 10950 3rd Street Place, she is concerned about the temporary access that will exist directly across the street from the Forest neighborhood.

No written comments were received.

Public Hearing closed at 7:56pm

Williams asked staff to address the question of Ms. Gernes. Klatt noted that the temporary access is acceptable to Washington County, as long as the number of units utilizing the temporary access does not exceed 25. There is an existing right-turn lane, and the access is used to serve the golf practice facility on that site. Haggard asked who determines what access is acceptable, and the longevity of the access. Klatt noted that the County and City work together.

Dodson asked what would happen if the applicant is not able to construct the 5th Street minor collector road. Klatt discussed the various options the City would have in ensuring that the road would be constructed.

Dodson also asked if there is a way to get more assurance from the County when the improvements to Lake Elmo Ave. will be completed. Klatt stated that Staff will work to engage the County. However, he wanted to clarify that the only mechanism the City would have is to require improvements in front of the subject property, which would not resolve the overall issue of the problematic shoulders on long stretches of Lake Elmo Ave.

Williams asked if it would be acceptable to insert the word "paved" to condition # 8. Also, Williams asked if it would be appropriate to add Condition #14 that "water service be made available to the development". Klatt noted that staff would be amenable to adding the condition, but the City would not approve a final plat or development plans without these improvements.

Haggard asked about condition #3. Klatt noted that landscaping plans will be incorporated into Final plans. Haggard asked about condition #4 with the requirements for 5th Street. She asked that staff work with the developer to finalize the landscaping for 5th Street.

Williams noted that the draft findings should be included in the motion.

M/S/P: Dorschner/Haggard, move to recommend approval of the Preliminary Plat of Hunter's Crossing with the thirteen conditions as drafted by Staff, while amending Condition #8 to include "paved trails" and adding Condition # 14 to require water service, based on the findings drafted in the Staff Report, **Vote: 7-0, motion carried unanimously.**

Public Hearing: Eagle Point Medical Center – PUD Development Plan

Klatt started his presentation of the Eagle Point Medical Center PUD Development Plan. He noted that the project is in the Eagle Point Business Park, and is therefore subject to the standards of the Eagle Point planned development. Klatt provided some background information about the Eagle Point Business Park.

Klatt discussed the Staff review of the application. The most important element of the Staff review relates to storm water management. Staff is recommending that the City and applicants enter into a maintenance agreement for the storm water facilities. Klatt highlighted the other elements of staff review, including the Design Guidelines and Standards Manual.

Staff is recommending approval of the project subject to 7 conditions of approval. He noted that the building is well designed and meets the City's expectations for architectural standards.

Mike Davis, the Davis Group, noted that the facility will mainly serve a neurological medical group. Patrick Giodarno, architect, described the building from the architectural perspective.

Public Hearing opened at 8:40pm.

No written comments were received.

Public Hearing closed at 8:41pm.

M/S/P: Dorschner/Larson, move to recommend approval of the Eagle Point Medical Center PUD Development Plan subject to the 7 conditions with findings of fact in staff report. **Vote: 7-0, motion carried unanimously.**

Public Hearing: Hammes Shoreland Variance

Johnson presented an overview of a request from Hammes West, LLC for a variance that would allow for a reduced riparian dedication and setback to the southern channel of Goose Lake. He noted that this request is connected to the City's review of a 163-unit single family subdivision on the Hammes Property in the I-94 Corridor Planning Area.

Johnson reviewed the key issues concerning the DNR review of the variance, and stated that the DNR is requiring that the southern channel be subject to the shoreland standards regardless of how the channel was created. The DNR recommended the restoration of the natural shoreline of Goose Lake as an alternative to the variance. The developer is planning to comply with wetland buffering requirements. Johnson further discussed the City's Comprehensive Plan for this area, Keats Avenue access spacing requirements, the broader City infrastructure and planning efforts,

Johnson reviewed the process that would need to be followed by Hammes West, LLC as the developer of the land should the variance not be approved by the City. He noted that the variance would allow the plat to proceed, and that the plat would need to be amended to close the southern channel should the variance not be approved.

Johnson noted that the riparian buffer would be owned by the City and that there would need to be some monitoring and oversight of these areas.

Brian McGoldrick addressed the Commission on behalf of Hammes West, LLC. He expressed concern that the issues associated with the southern channel had been raised at the last minute. He stated that the channel is man-made and that it had been dug by the Hammes family as part of the gravel operation at some point in the past. He noted that the alternative being considered would preserve the wetland feature while provide for appropriate buffering from homes.

Kelly Bopray, wetland expert with Bopray Environmental, reviewed his conversations with the DNR and watershed district. He stated that the DNR had previously indicated that they would not be exercising authority over the channel, in which case the watershed district would be the body issuing permits for any work in the channel. The watershed districts' technical panel has previously determined that the channel could be filled. At this point, the developer is seeking a variance to utilize wetland buffers instead of filling the wetland. Bopray presented an aerial image from the 1960's that indicates there was no southern channel at this time. He also presented a 1940's era USGS map that shows no channel, and documents a large amount of land in this area, and instead depicts a completely separate pond much further south on the site. The current wetland delineation does not line up with this lower pond.

Williams asked how long the permitting would take to fill the channel. Bopray replied that there is a public notice period, and that it would likely take 60-90 days to work through this process. Bopray noted that the berm would need to be high enough to prevent the flow of water between the two areas and would likely need to be at least 100 feet in length depending on the site conditions.

Dodson asked for clarification on why setbacks and buffering is required in the first place. Bopray commented that the buffering provides room for filtering of storm water runoff and habitat for native species.

There was a general discussion concerning the City's shoreland regulations and the implications of platting smaller lots within shoreland areas. Larson asked if it would be possible to require a certain type of landscaping at the rear of the proposed lots to help reduce any negative impacts. Ryan Bluhm responded that the intent of the buffer area is to plant native species that would improve water quality around the channel.

Chairman Williams opened the public hearing at 9:43 p.m.

Wayne Prowse, 697 Julep Avenue, asked that the Planning Commission consider another alternative that would add park land to the development in order to bring the development up to current City standards for park land dedication. He expressed concern that a wetland buffer would be reduced over time due to encroachments and that this would impact water quality. He noted that there is potential for homes to be impacted by flooding when wetlands are being moved closer to homes. He asked that the City consider requiring additional land dedication rather than accepting fees in lieu of land dedication.

Michael Doyle, 723 Jewel Avenue, noted that the shoreland lots in Stonegate have a considerable natural area between the individual lots and the shoreline. He expressed concern over asking a private home owner to be the steward of the property.

Lori Heinrichs, 781 Jewel Avenue, Stated that she supports the intent and purpose of the shoreland ordinance as written. She stated that the variance would not be in keeping with the spirit and intent of the shoreland ordinance, and that the variance was not a reasonable use of the property. She also questioned how the location of the road could be considered a unique circumstance because the road could still be built in its present place with the removal of some homes. Heinrichs noted that the developer had created the issue by dredging the channel in the first place.

Mike Anderson, 655 Jewel Avenue, indicated that there has been a loss of habitat in this area due to the construction that has been taking place. He urged the Planning Commission to keep the 150 foot setback requirement and noted that he was opposed to any berming of the channel.

Fred Pomeroy, 687 Jewel Avenue, noted that he enjoys Goose Lake and that he has 75 to 80 feet of forested land between the lake and his property. He supported the closing off of the channel as opposed to the granting of a variance, and encouraged the developer to bring forward another alternative that was agreeable to all parties.

Planning Commission closed the public hearing at 10:25 p.m.

Dorschner stated that the intent of the shoreland ordinance was to protect public waters and that the variance was not consistent with City's variance requirements.

Dodson expressed concern that there is limited information concerning potential environmental impacts, although there is a general sense that there will be increased impacts to the lake with additional lots along the shoreline. He suggested that the better option might be the closing off of the channel, which will help promote water quality by keeping the developed lots separate from the rest of Goose Lake.

Williams stated that he would support denial of the variance, but indicated that he would like to see the preliminary plat move forward with a condition that the lots within the setback area not be approved until the applicant obtained proper permitting from the DNR.

Haggard and Lundgren did not believe that the City's variance requirements were met.

M/S/P: Lundgren/Larson, move to recommend denial of the Hammes Shoreland Variance with findings of fact that: 1) the DNR recommends denial, 2) that denial of the variance will not result in a hardship for the applicant, 3) that the need for a variance was created by the applicant, 4) that there is an alternate solution, berming, that would reduce impacts to Goose Lake.

Discussion – Larson commented that denial of the variance would give the developer a choice of complying with the shoreland standards and 150 foot setback or to separate the channel from the rest of Goose Lake by restoring the original shoreline.

Vote: 7-0, motion carried unanimously.

Business Item: Hammes Estates Preliminary Plat Cont.

Johnson reviewed the Planning Commission's previous action concerning the Hammes Estates Preliminary Plat and noted that the Commission had tabled taking action on the preliminary plat at an earlier meeting. He reported that the applicant has been working to address the comments from the previous meeting, and noted that the meeting materials included a chart with an update on previous discussion items.

Johnson recommended that, based on the Commission's recommendation concerning the applicant's shoreland variance request, that the preliminary plat include an additional condition of approval concerning the restoration of the shoreline and that none of the impacted lots could be platted until such time that the restoration permitted has been completed.

Johnson reviewed other updates from the previous review, including any specific responses from the applicant where applicable. He further reviewed proposed findings of fact that support a recommendation of approval from the Planning Commission. He stated that Staff is recommending approval of the preliminary plat with 16 conditions of approval.

Lundgren asked if the trails are all paved. Johnson noted that all trails are planned for an eight-foot bituminous surface except when going through a wetland buffer area. Staff is still working with the watershed district to define an acceptable surface for trails in wetland buffer areas.

The Commission asked for clarification concerning the proposed park improvements and proposed trail corridors. Kreimer stated that there may be opportunities to bring the trail further south in the buffer areas in order to keep the trail closer to the proposed residential homes. Ryan Bluhm stated that the applicant would be open to meandering the trail through areas outside of wetlands, and that he would work to do this where space is available.

Kreimer asked the applicant if they were aware of some of the past runoff issues and asked how the system would function when it was completed. Bluhm stated that there is ongoing work to perform soils corrections, but that this spring has been one of the wettest on record. He noted that he is currently working with the watershed to ensure that the project will meet water quality and runoff standards. Johnson noted that the City Engineer is aware of some of the past issues and has taken this information into account in reviewing the plans.

M/S/P: Dorschner/Haggard, move to recommend approval of the Hammes Estates Preliminary Plat with the 16 conditions of approval as recommended by Staff and with the findings as drafted by Staff. Dorchner amended the motion to add a condition concerning the meandering of trails adjacent to the Stonegate subdivision whenever feasible. ***Vote: 7-0, motion carried unanimously.***

Updates and Concerns

Council Updates – June 17, 2014 Meeting

1. Wildflower at Lake Elmo PUD Concept Plan approved with additional conditions.
2. Wildflower at Lake Elmo Comprehensive Plan Amendment was tabled due to lack of super majority.

Staff Updates

1. Upcoming Meetings
 - a. June 30, 2014 – Special Meeting Requested

- b. July 14, 2014
- c. July 28, 2014

Commission Concerns -

Haggard noted that there seems to be a lot of variances. Klatt stated that for a city of our size with the number of homes built before zoning was in place, there are actually a relative small number of variances.

Dodson is concerned that trails are being used for parkland dedication. There was a general discussion about trails and the recommendations of the Park Commission.

Williams noted that the meeting minutes are still too long. He requests staff to reduce the length of the minutes.

Meeting adjourned at 11:20pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant