



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 13, 2015**

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

COMMISSIONERS PRESENT: Dodson, Dorschner, Williams, Fields, Larson, and Kreimer

COMMISSIONERS ABSENT: Griffin and Haggard

STAFF PRESENT: City Planner Johnson & Planning Program Assistant Ziertman

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: June 22, 2015

M/S/P: Williams/Kriemer, move to approve minutes as presented, ***Vote: 6-0, motion carried unanimously.***

Public Hearing: Preliminary Plat and Final Plat – Cemetery

Johnson started his presentation summarizing the final plat request for a cemetery at 11050 50th Street. The staff is recommending approval subject to 8 conditions. The site is surrounded by other rural residential properties. This property is currently zoned rural residential and is used as a single family home. According to the Lake Elmo Zoning Code, cemeteries are considered a permitted use in the AG & RR zones. The Valley Branch reviewed this application and approved a permit.

The access for the site would come in off of 50th street. This site would be served with City water, and a new septic system would need to be constructed. As far as the platting goes, there will be an additional amount of road right of way of 25 feet needed on Lake Elmo Avenue. Along 50th street, an additional 5 feet of right of way will be required by the City.

The engineer comments include the required additional right of way for 50th Street. In addition, the private stormwater management system must be privately owned and operated, and a maintenance agreement is required with the City. There were also some construction plan revisions identified by the Engineer.

Washington County comments include the additional right of way on Lake Elmo Ave. and the need for a county right of way permit to remove the existing driveway and conduct grading in the right-of-way.

The review comments of the Fire Chief include the need for a proposed hydrant location, fire suppression equipment, proper turning radii and emergency vehicle movements, and height of proposed entrance canopy on the structure to allow for emergency vehicles.

Concerns that staff heard from surrounding property owners regarding the application are increased traffic, effect on property values and permanent care of the cemetery.

Dorschner asked what this lot could be developed at. Johnson stated that it is a 10 acre minimum, so it is at the maximum residential use.

Williams asked about the crematory. The City's definition includes the ability to have a crematory. Williams asked if that mean that at a future date this use could be added. Johnson stated that yes they could if the current definition of cemeteries did not change.

Kriemer asked about the areas planned for future phases on the plan, specifically asking about setbacks. Johnson stated that beyond the 5 foot setback, there is no other setbacks in place. Kreimer asked if the fence was on the property line. Johnson stated fences can be put on the property line.

Dodson asked who enforces the private drainage. Johnson stated that the City falls under the MS4 program and the property owner is required to submit annual reports.

Fields asked how much this property currently pays in taxes. Johnson stated that once this property becomes a cemetery, it becomes tax exempt.

Lee Rossow, applicant, stated that there would be normal hours of operation, 7 days a week. Rossow stated it is a low impact use and takes a long time to ramp up. There is a permanent trust fund for maintenance that is statutorily required.

Williams asked if Rossow would enter into an agreement not to build a crematorium on this site. Rossow stated that putting one on the site would be almost impossible. He stated he would be willing to sign a document saying he would not do so.

Dodson asked where the future gravesites would stop. Rossow stated that he would be surprised if they reached 1000 gravesites in 30 years, so they left that future site a little vague so it could be re-evaluated in the future. Dodson asked how the transfer of ownership worked from generation to generation. Rossow stated that presently there is

an association planned with 3 committed members. After about 8 years, he plans to go to a non-profit with a board of 8, which should should sustain itself.

Kreimer asked about how many burials are shown right now. Rossow stated that there is close to 2000 shown and when it is built out it is around 4500.

Public Hearing opened at 7:45pm

Jean Madrinich, 11420 50th Street N, she stated that when the well house went in, they had a lot of problems with the floodplains and she is wondering how this will be addressed. Rossow stated that the VBWD stated that no one can be buried below the 100 year flood plain. Madrinich is also very concerned with the traffic on the road and there is another property that wants to do a commercial endeavor. She was also wondering about signage. Rossow stated that there would be an identifying sign that will probably be made out of granite.

Deb Krieger, 4552 Lake Elmo Ave, she is wondering about the parkland dedication. She believes that if it is RR there should be a 4% park land dedication. Johnson noted that the subdivision ordinance calls for land dedication for residential subdivisions, whereas the proposed project is a public/civic use under the City's Zoning Code. She is also wondering about the board and the trust fund. Rossow stated that they will follow the state statute. Krieger asked if a fence is required around a cemetery. Johnson stated that our code does not require it or exclude it. Krieger stated that she would like to see no fencing. She is worried about the traffic, especially with a funeral procession. She is wondering about setbacks. 50-80% of deaths are cremations and she is wondering where those will happen. She reiterated the need for a permanent care fund and following state statutes as they relate to cemeteries.

Dodson asked Rossow how they handle winter burials. Rossow stated that there is equipment that is used to prepare the ground. He stated that the bodies would be stored in a mausoleum until the ground is thawed. Rossow stated that a fence is a must for security and to deter vandalism.

Janet Thompson, 11491 50th Street, stated that she believes this use to be a large commercial venue placed within their residential area. They purchased their property in a rural area, not to be placed next to mausoleums.

Rebecca Tenpas, 11330 50th Street, ask the Planning Commission to think about the rural areas and what people think about for that type of environment. She thinks this commercial venue does not fit in with the rural character. She is concerned about the traffic. 50th street has become a very busy road. The surrounding uses around this are all single family homes and this should be a single family home as well.

Rich Day, property owner on 50th Street, is wondering if there is an environment impact statement with this request. The storm water from the Rossow property runs to his property to the south. He wanted to ensure that this project would not increase the water flow to his property. Johnson noted that the Valley Branch Watershed District did review the proposed storm water facilities and found them to be in compliance with watershed rules. State requirements do not allow post development water volume and velocity to increase from the existing condition. Johnson also stated that the proposed use would likely not meet the threshold for an environmental assessment worksheet, but the City has the discretion to require one.

Jeffrey Saffle, 11180 50th Street, noted that they have an easement that runs to the east of this property. He is concerned about the LED lights and would like assurance that this will conform to the dark sky ordinance. Rossow stated that the only LED lights would be in the parking lot. At night they will go down to almost off when the day is over and they will all have hoods on them.

Saxe Roberts, 11165 50th Street, did research about property values and the results are mixed or inconclusive as staff suggested. However, some people just don't like cemeteries. They put a significant investment into their property and feel that it will affect the value. He is also concerned about the traffic and especially with funeral processions.

The City received no written or electronic correspondence.

Public Hearing closed at 8:25 pm

Williams heard 4 major concerns. Traffic, property values, commercial in residential and storm water. VBWD is the custodian of storm water. They are the experts, so if they issued the permit, it must be on track.

Dorschner stated that usually the funeral processions are during business hours and not during rush or peak travel hours.

Kreimer would like to add a tree transplant warranty, he would like to see trees planted around the property line, add something regarding the crematorium and would like to stipulate that the trust fund be governed by the Minnesota cemetery association.

Dodson feels that this should be split between preliminary plat and final plat with more detailed plans. Johnson stated that applications that proposed to proceed with preliminary and final plat concurrently are accepted when there is little to no public infrastructure. In addition, the scope or size of the plat also determines if the process can be expedited.

Williams is wondering if a condition could be added that if any design changes occur to the main structure, that it complies with the Cities design standards.

M/S/P: Fields/Dorschner, Move to add a condition that development of a crematorium is excluded from use on this property. Motion withdrawn

M/S/P: Williams/Fields, move that any future expansion of the site, including plans to install a crematorium, must be reviewed and approved by the City, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to add condition that the Cities dark sky ordinance will be followed, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move that any alterations to existing building conform to the City's design standards. **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move that draft finding number 5 read "That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's comments documented in a letter dated July 8, 2015 and the Fire Chiefs letter dated July 7, 2015. **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move to add draft finding number 6 that the applicant has committed to a permanent trust fund according to state statute. **Vote: 6-0, motion carried unanimously.**

M/S/P: Kreimer/Larson, move that if trees that are transplanted die within two years, they will be replaced, **Vote: 6-0, motion carried unanimously.**

M/S/P: Kreimer/Williams: Landscape plan shall be amended to add plantings along the Eastern and Northern property lines consistent with screening requirements specified in 154.258.F of the City Code, **Vote: 6-0, motion carried unanimously.**

M/S/P: Fields/Dodson Move that any annual financial reporting regarding the permanent care trust fund that is sent to state or federal authorities also be submitted to the City. Withdrawn

M/S/P: Dorschner/Williams, move that minutes from annual meetings, including the annual financial reporting, be submitted to the City. **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, Move to recommend approval of the Halcyon Cemetery Preliminary & Final Plat with the conditions of approval as drafted by Staff and amended

by the Planning Commission and based on the findings of fact listed in the Staff Report and amended by the Planning Commission **Vote: 6-0, motion carried unanimously.**

Public Hearing: Final Plat and Final PUD Plan – Wildflower at Lake Elmo

Johnson started his presentation regarding the Final Plat and PUD submitted by Robert Engstrom Companies. The Final Plat application represents Phase 1 of the Wildflower development, which includes 60 single family residential lots. This project will have access to sanitary sewer and City water. This property will be zoned MDR with a PUD designation. The zoning map amendment is recommended to be initiated by staff once the east village trunk sewer is started.

Staff has reviewed the final plat and found it to be consistent with the approved preliminary plat. This has been reviewed by the City Engineer, Fire Chief and Landscape Architect. The City attorney will be reviewing all of the conservation easements being proposed. The City is requesting the attorney to review the easements to make sure it does not impede the future connection of Fields of St. Croix to sanitary sewer. This development has an extensive trail system. There must be public easements over all city owned trails. Staff is recommending an additional condition to require a trail connection along Lake Elmo Avenue to connect to the Gonyea development.

Due to the joint improvement between the Wildflower and Village Preserve development, either Gonyea must record their plat first or Engstrom must secure easements before development can occur. There are 13 conditions of approval, including the trail connection to Village Preserve. There are 9 draft findings in the staff report.

Williams asked about the names of the streets. The Planning Commission asked that it match the County naming system. Johnson stated that the City Council determined that the street names presented in the preliminary plat were acceptable.

Dodson asked about the eyebrow cul-de-sacs with medians or islands. Johnson stated that the design is easier to address snow than the open cul-de-sacs because there is a more defined area to store the snow.

Bob Engstrom, stated he was under the impression that the County was going to install a trail along Lake Elmo Avenue. Johnson stated that there are plans to add them to Manning, but not Lake Elmo Avenue.

Public Hearing opened at 10:00pm

Richard Smith, 11104 Stillwater Blvd N, stated he is concerned that the critical issues #1A mentioned in the staff report is not included as a condition of approval. It talks

about the developer having a binding agreement to prevent further subdivision of outlots for residential or commercial development. In addition, Mr. Smith noted that there is a gap between Blazing Star Land and his driveway. The street stops short by about 100 feet to connect to his property in phase 1. Engstrom stated that they are committed to giving the Smith's driveway access.

Robert Eischen, 11674 Stillwater Blvd N, stated that on the Western and Southeastern property line there should be foliage between them and the new residents. He would like assurance that the foliage that was agreed to would be done in writing. Engstrom stated that it is no problem and they are committed to what was agreed upon.

The City received no written or electronic correspondence.

Public Hearing closed at 10:15 pm

M/S/P: Dorschner/Williams move to add condition 1A from the preliminary plat back in to the final plat conditions, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dorschner/Fields, move to add a condition to add blacktop for the smiths driveway, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dorschner/Dodson, move that the agreement between the Eischens and Engstrom regarding plantings be memorialized and completed during phase I, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Dorschner, move that the street names follow the County naming system so that it is not a burden to the safety personnel. **Vote: 4-2, motion carried unanimously**

M/S/P: Williams/Dodson, move to recommend approval of the requested Zoning Map Amendment for the Wildflower planned development based on the findings of fact listed in the Staff Report, **Vote: 6-0, motion carried unanimously**

M/S/P: Williams/Larson, move to recommend approval of the Final Plat and Final Development Plans for Wildflower with the 17 conditions of approval as listed in the Staff report and amended by Planning Commission and the 9 findings of fact, **Vote: 6-0, motion carried unanimously.**

Public Hearing: Zoning Text Amendment – Accessory Building Setbacks

Johnson started his presentation by stating that in LDR, MDR and HDR, the rear yard setback is not differentiated between accessory buildings and principal buildings and is currently 20 feet from rear yard. Staff is recommending a change from 20 feet to 10

feet for rear yard setback for accessory structures in urban districts. This setback would be consistent with other Cities that were researched. These structures are typically not very large and are sometimes regulated further by covenant.

Public Hearing opened at 10:28 pm

No one spoke.

The City received no written or electronic correspondence.

Public Hearing closed at 10:29 pm

M/S/P: Dorschner/Fields, move to recommend approval of a Zoning Text Amendment to change the rear yard setback for accessory structures in urban residential districts from 20 feet to 10 feet, **Vote: 6-0 motion carried unanimously.**

Public Hearing: Zoning Text Amendment – Subdivision Identification Signs

Johnson presented the proposed Zoning Text Amendment for subdivision identification signs. He noted that staff is recommending a maximum of two signs located at entrances of developments. In addition, there would be an allowance for 2 sub-monuments, smaller signage that is incorporated into landscape features.

Williams asked about variable message signs and copy signs and would like to see a definition. Johnson stated they are both in our code and either or both could be excluded.

M/S/P: Fields/Williams, Move to add variable message and copy signs as an exclusion, **Vote: 6-0 motion carried unanimously.**

Kreimer asked what the definition of a subdivision is. Would all of Inwood count as a subdivision. Inwood would count as a subdivision as each part is brought forward. Johnson stated that it depends how it is brought forward. If it is brought together as one subdivision, max number would apply.

Public Hearing opened at 10:45pm

No one spoke.

The City received no written or electronic correspondence.

Public Hearing closed at 10:45 pm

M/S/P: Williams/Larson, move to recommend approval of the Zoning Text Amendment to add greater detail to the subdivision identification sign provisions in the City's Sign Ordinance, **Vote: 6-0 motion carried unanimously.**

Council Updates – July 7, 2015 Meeting

1. Lennar Reider/Deidrich Twin Home Preliminary Plat – Tabled
2. Interim Ordinance - Passed

Staff Updates

1. Upcoming Meetings
 - a. July 27, 2015
 - b. August 11, 2015

This is Planner Johnsons last meeting and he thanked the Commission for all of their kindness. Chair Dodson thanked Planner Johnson for all his hard work and dedication to the City.

Commission Concerns

Dorschner would like to have Village Workshop meetings noticed to members of the Planning Commission.

M/S/P: Dorschner/Williams, would like staff to draft a text amendment to remove crematorium from the definition of cemetery. **Vote: 6-0 motion carried unanimously.**

M/S/P: Dorschner/Dodson, would like to make a motion to examine the cemetery issue city wide. **Vote: 6-0 motion carried unanimously.**

Fields would like to look at the capacity that we have and what the demand is for cemeteries. He would also like to know acreage for scale.

Meeting adjourned at 11:05 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant