



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 22, 2016**

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

COMMISSIONERS PRESENT: Fields, Dodson, Williams, Larson, Griffin, Kreimer, and Lundquist

COMMISSIONERS ABSENT: Haggard & Dunn

STAFF PRESENT: Planning Director Wensman & Administrator Handt

Approve Agenda:

Agenda accepted as presented.

Approve Minutes: August 8, 2016

M/S/P: Dodson/Fields, move to approve the August 8, 2016 minutes as amended, **Vote: 7-0, motion carried Unanimously.**

Public Hearing – Concept PUD Plans

Wensman started his presentation for the Concept PUD Plan from HC Golf Course Development LLC for the Tartan park site which is nearly 500 acres. The residential development would surround the golf course. This would be roughly 300 residential housing units. The biggest question is should the comprehensive plan be updated in response to the unforeseen event of the sale of Tartan Park. Tartan Park was a fixture in Lake Elmo for over 50 years and was thought to remain so. It was not on the City radar as far as the Comprehensive Plan. This is not just a blanket yes or no, and it is not approving anything at this time. It is just providing feedback for the applicant.

This site is currently guided as public facility and is 8 parcels that make up 477 gross acres. A PUD is required because much of the site is in the Shoreland area and is environmentally sensitive. There are a number of considerations for reguiding this property 1) environmental considerations 2) the land is between 2 sewer districts 3) variable densities surrounding the site 4) OP & LDR are not realistic options 5) extension of sewer to properties along Lake Elmo will likely happen over time.

A decision that needs to be made is should the site be reguided and rezoned. If reguided and rezoned, there are three options to do that. 1) new land use designation

and new zoning district 2) guide for urban low density 3) guide for village urban low density.

Wensman stated that the density for Urban low density is 1.5-2.5 and LDR is 2.5-4.0 units per acre. Dodson asked if the golf course area would be split out as separate from the residential. Wensman stated that it is not, but is being considered through the PUD process. Dodson asked why OP was not an option if the golf course fails, it could be used for open space. Wensman stated that this development would not be profitable as an OP and to convert a golf course would be very expensive. Staff feels that the Village low density is the best option for the Tartan Park site. For a PUD, one or more of the 10 potential objectives needs to be met. Staff feels that there is justification related to 5 objectives. 1) protecting the environmental features 2) the preservation and enhancement of the golf course 3) Utilization of open space in golf course for storm water management, cluster of homes to limit site disturbance and extending sewer to preserve and enhance environmental features 4) facilitate the redevelopment of the golf course 5) four sided architecture. Wensman went through the PUD standards that were met by this proposal. They meet the required minimum area, the open space requirements, street layout can be met with some changes, density depends on future comp plan designation, lot design and structures. Connectivity is important and there are some options to provide connections.

In regards to the development moratorium, Royal Golf is outside the limits of the moratorium. Over 200 acres of the site is within the shoreland district. Shoreland regulations require developments to be connected to municipal sewer & water. There is an unnamed wetland on the site that is included in the cities shoreland ordinance, that is not recognized by the DNR. It should be removed from the ordinance. This development appears to comply with shoreland ordinance tiering, but the development is subject to DNR approval. At this point, not enough information has been submitted to determine if the plans conform to the Shoreland PUD rules. There are no buffer requirements for PUD's. There are buffers in the comprehensive plan for sewer areas, but this was never planned as a sewer area.

Fields asked if we had the authority to require buffers. Wensman stated that since it is a PUD, that could be negotiated.

Wensman stated that of the 205 acres for residential, roughly 33% is open space with wetlands, bluffs, open water and private open space. The concept plans have not addressed screening, entrance monuments, boulevard plantings or private open space plantings. The preliminary PUD plans will need to comply with the City's landscaping standards.

Wensman talked about parkland dedication and trails. This will need to be looked at closely to see what is feasible. Interconnectivity of streets needs to be addressed. There are issues regarding access management and proposed private streets that need

to be worked out along with a few other things. The concept plan does not address the water supply. Tartan Park is excluded from the 2030 Comp water supply plan, although water is nearby. A water service capacity and hydraulic study is needed to evaluate the ability to service Royal Golf. This new service could move up the timeframe to construct a new water tower. All improvements are at the developers expense.

The sanitary system is not addressed in the concept PUD plans. They do intend to connect the golf course and development to sanitary sewer. This development area is outside of the MUSA area and a comprehensive plan amendment would be needed. There are some issues with lift stations and concerns of the City Engineer that will need to be addressed.

Stormwater and grading are all subject to state, VBWD and City regulations. Some of the plans do not meet those regulations. Wensman went through some of those items.

Wensman went through the developments phasing plan. It is anticipated to be a 3-5 year phasing or 60 units per year. The phasing plan will need to be addressed ahead of time at the time of the preconstruction meeting.

The developer is working on an EAW that will be submitted to City and adjacent jurisdictional review prior to City Council approval of the preliminary plat.

The site contains 15.99 acres of wetland and 9.74 acres of wetland buffer. These need to be located outside of lot areas. The VBWD is responsible for administering the wetland conservation act requirement and a VBWD permit is required.

The golf course is required to have 2 entrances for emergency access, but only has 1 now. They will also need to comply with off-street parking requirements. There are a number of amenities being proposed for the golf course area which include a pool, fitness center, trails and a childrens golf course.

Other considerations for this PUD application are that signage plans should be submitted with preliminary plat, fire hydrant and streetlight locations will be required on the plans, erosion control and floodplain issues will need to be addressed.

Dodson asked if the golf course should be zoned commercial. Wensman stated that it is a private golf course open to the public. He said that the public facility zoning is appropriate. Dodson asked if this could be construed as spot zoning. Wensman stated that according to the City attorney, it is not spot zoning as it is a large enough area with lots of lots, etc.

Kreimer asked about the stormwater ponds being dedicated to the City. He said the developer indicated that they wanted to use the ponds for irrigation and such. How would that affect the dedication. Wensman stated that Inwood is doing the same thing

and there would be a whole host of approvals that would need to happen for it to move forward.

Clark Schroeder, works for Hollis Cavner, and gave a history of what got them to this place. When 3M wanted to sell, options were looked at to see if there were options to keep it a park. That did not transpire, so 3M actively marketed the property. Since purchasing the property, they have started grading to restore the golf course. They want to create a sustainable development that will help keep the golf course open.

Rick Packer, HC Golf, went through the Concept PUD Plans for the development. They are dedicated to creating a high quality and high amenity neighborhood with recreational facilities, forming a strong sense of identity. Packer stated that they have changed all of the private roads to public streets. For density, they are not including the golf course, but only the residential component. They are working on a transportation study along with the EAW. The EAW is expected to be completed Mid-August.

Build out is expected to occur within 5 years based on market demand. The golf course is expected to open in 2017. They are working on a proposed connection to 10th street with Mr. Emerson. There are no buffers required, however, they plan to be good neighbors and work with the residents. There are also mature trees that provide a screened buffer. Packer talked about city fees and trails throughout the development.

Hollis Cavner, owner, his intent was to sell off the residential portion of land to a developer. After talking to developers, he decided to do it himself, because he wants this to be a spectacular place. He is not going to give this to a national builder because he wants to have control over the finished product.

Williams asked about their response to the need for 2 entrances to the golf course. Schroeder stated that they met with the Fire Chief and Building Official and they have a couple of plans that would work. They will be working out the details for preliminary plat.

Lundquist asked if they have any intentions of improving 20th street. Schroeder stated that they have been studying that.

Larson was wondering if there were opportunities for other non-golf related activities. Schroeder stated that they would like to put in a pocket park or community park for the HOA. Packer stated that they are looking at the ballfield as a possible location.

Public Hearing opened at 8:45 pm

Ann Bueck, 2301 Legion Ave, she is happy that they are going to keep the homes and thinks that they should be able to build homes, however, they need to follow the comprehensive plan and meet the future land use plan. She says that the

comprehensive plan states that the City is committed to preserving rural character and that areas north of 10th street and outside the village area would be in the form of Open Space Development Cluster neighborhoods. Ms. Bucheck touched on other aspects of the Comprehensive Plan that she feels this development does not meet. She urges the Planning commission to require the development to choose density that is consistent with the surrounding properties.

Dan Rice, 11364 14th Street, President of the Homestead Development HOA. This development went in with 18 homes and was developed in 1997 as an open space development. He feels this development represents a substantial and dramatic departure from the current Comprehensive Plan. Businesses and Homeowners rely on the comp plan and zoning when purchasing their property. They are prepared to support residential development as long as it is designed in a way this is not detrimental to their neighborhood.

Jim Voeller, 11314 12th Street, he is very disappointed in the progress of this development. He feels there has been very little consideration for the existing neighborhoods that have been there for years. The design that was shown back in march showed a significant buffer of 125 foot buffer and a lot less houses.

Louis Speltz, 11326 14th Street, he shares the concerns raised by the previous speakers. He feels if an exception is made to the Comprehensive Plan, there never was a plan to begin with. The developer purchased the property knowing full well that all of the land was targeted for recreation, not residential property. Is rural character something we just give lip service to with no buffers to existing neighbors.

Ellen Johnson, 11050 14th Street, concerned that they do not have the EAW and traffic study that should have been done for today. She wants this to move slow enough that they are very careful with this sensitive site.

Tim Mandel, 2479 Lisbon, this area was never mandated for high density development and sewer was never intended for this area. This development looks like solid impervious. He would like to see this developed as RE or R1. He is concerned that if sewer is brought to this property, it won't stop there.

Michael Zueffel, 2055 Manning Trail, would like to reinforce that Comprehensive Plan designates this area as rural. There are 21 residents that live off of Manning Trail and there is no buffering. There is no obligation to approve this.

Michael Biebl, 12020 18th Street, agrees with prior statements. He is concerned about the buffers and statements are misleading. The access points on Manning Trail are on West Lakeland township and he doesn't believe they have been contacted yet. It will probably come out in the traffic study, but Washington County is concerned about the traffic impact with this development. He is concerned with the density. He is concerned

with how close the homes are being built. He is also concerned with how the water will flow. He is also concerned with the intersections on 20th Street. He doesn't feel that the West Lakeland residents have been kept informed regarding this project.

Shelli Wilk, 11253 14th Street, would like to echo the concerns regarding density, rural character and zoning.

Jeffrey Kluge, 11234 14th Street, concerned with the added traffic along Lake Elmo Ave.

Bob Schwartz, 12040 18th Street, West Lakeland resident, he is wondering why would they do this when it goes against zoning and comprehensive plan. This density is so out of whack with surrounding properties and the Comprehensive plan.

Tom & Pam Barnes, 1734 Manning Trail, concerned because a number of years after purchasing their home, they discovered that the property line was not where they thought it was. They came up with an easement agreement with 3M. The new plan looks like there is very little buffer other than the narrow easement that they negotiated. Their garage and home is only about 10 feet from the new homes. They want to have a decent buffer in there. They would also like to see some open space left for the wildlife on the property.

Audrey Kopp, 2040 Manning Trail N, she is concerned with the intersection. She feels it is not a safe intersection now, and with more traffic, will be much more dangerous. She is also concerned about the wildlife in the area.

There were some written statements that were submitted as well and were in the packet.

There were also additional that were submitted after the packet went out. Kreimer summarized those statements Bonnie & Glen Welch, Karen Cook, Mike Tate & Jim Burns would like to see a trail on south side of 20th street for safety. Vicky Johnston would like to see public walking paths. Judy Toft is concerned about 1 entrance and small lot sizes.

Public hearing closed at 9:41 pm.

Williams stated that the number one question to answer is if this number of houses that will require public sewer and water is an appropriate change. He feels that it is not appropriate. There is nothing distinguishing this property from others in the area. He does not feel that they should expand the sewer area north of 10th street. He supports redevelopment and housing on this property, but not at this density.

Dodson wants to understand why Williams feels that way and how would it be different.

Lundquist is thinking if developed as an open space it would be developed at about 230-240 homes. Wensman stated that this was the case. Fields has concerns about the lack of interconnectivity and access points, regardless of concerns with density. He feels that when there is no obligation to rezone the property at all, the developer should have come to the city with something in between park land and Open Space to be respectful of existing neighbors and the Comprehensive Plan.

Lundquist is concerned that on every boundry of this proposal there are significant concerns with buffers and streets not being adequate. Williams stated that if you drove into Tartan Meadows and Homestead and looked at the layout and the lots and then drove to Savona, you would see a significant difference. This proposal is similar to Savona in density and he does not feel that it is appropriate for this area. The City does not have a need to add any additional sewered development. He feels that 10th street is somewhat of the sacred border, with the exception of the Village area, for sewered development. Williams does not buy the argument that an OP development is not economically viable. Wensman stated that the DNR requires sewer in the shoreland area. There are roughly 200 acres are within the Shoreland district in this development.

Larson is wondering what it would take to increase the buffers. Some of the issues seem to relate to privacy and space. He feels there are a lot of creative tools that could be used to help with buffers.

Hollis Cavner stated that there is a huge misconception about the buffers around the surrounding property. They are transplanting trees to create a buffer and they are not taking out any trees. They are willing to build berms for the Homestead and put trees in. Unfortunately, with the shoreland buffer setbacks, they are forced to go to the perimeters of the land. The infrastructure alone on this project will be upwards of 32 million dollars and unfortunately, that does dictate how much density they need to make this work.

Larson hopes that some middle ground can be found. This development has good things and is trying to keep some of the history there. He hopes with some creativity, some middle ground can be found.

Kreimer thinks it is appropriate that this area be sewered because of the shoreland and the area that needs to be protected. He does not feel that the buffering is acceptable. He would like to see at least 100 feet of buffering. The plans do not show distances. He feels in order to preserve this golf course, sewer is necessary. Fields stated that on Olson Lake Trail, there are properties slated to be sewered. Those properties are all approximately 150 feet wide and are of a value that can afford a higher assessment. He feels that with this property there can be lower density with sewer, with homes that could afford the higher assessment.

Dodson would like to see a study of what the lowest density is that can have sewer. He is also concerned about the buffers. He doesn't like the design in the Homestead area. He is concerned about that density of homes in this area. He also doesn't like the buffer area against West Lakeland.

Griffin agrees that sewer is something that is necessary because of the lakes on this property. She is also concerned about the traffic. She would like to see the density lowered and the buffers expanded. She wants to make sure that the City is doing the right thing. She does not believe that individual septic will perk on the soils that are on this property. She wants us to work with West Lakeland on what butts up against that property.

Williams wants to give some findings. He feels the staff report is biased. It assumes that the desired outcome is sewerage this area and he feels that is false. He does not feel that there is adequate findings in the staff report.

M/S/: Williams/Dodson, move to propose the following findings of fact:

- 1) The housing density proposed, approximately 2.2 units per acre, would require service by a municipal sewer and water.
- 2) Any form of residential development will require a comprehensive plan amendment.
- 3) The property could be developed under the city's OP or RE development standards.
- 4) The City has no need to guide for more sewerage residential development based on the Comprehensive Plan and the Metropolitan Council's population forecast for 2040

M/S/P: Williams/Lundquist, move to amend the findings to include a 5th finding of fact to include that there are unresolved issues of buffer, access points, cul-de-sac lengths and connectivity, **Vote: 7-0, motion carried unanimously.**

/P: Original motion with 5 findings of fact, **Vote: 7-0, motion carried unanimously.**

Larson asked why the golf course and housing development were not treated as separate entities.

M/S/P: Fields/Lundquist, propose a finding that changing the zoning from a park to housing consistent with this proposal will increase the city's tax base and lessen the tax burden on the rest of Lake Elmo. **Vote: 6-1, motion carried.**

Dodson does not think this is a finding as it isn't the current situation. Williams also doesn't agree with the finding because they don't have knowledge of where that break point is for net gain. The information he has seen is that residential does not pay for itself.

M/S/P: Williams/Dodson, proposed an additional finding that any area between 10th Street and 30th Street, East of Lake elmo Ave, with existing residences is not expected to require sewer before 2040, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Williams, proposed an additional finding that the total number of houses proposed for the residential portion, exceeds by 30% the total number of houses that would be allowed if the entire property, including the golf course, was developed in OP, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Williams, proposed an additional finding that the golf course is an amenity to the City of Lake Elmo, **Vote: 7-0, motion carried unanimously.**

The Commission decided that the first question that they needed to answer is if taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted.

Dodson believes that it is warranted because he feels that when the Comprehensive Plan is reviewed, this area will need to be dealt with anyway. Fields does not agree. He feels they do not need to do that at this time based on the findings and this proposal. If the proposal changes, or the findings are no longer relevant, they can do so at a later date.

Larson thinks that the golf course and residential should be separated and dealt with as separate entities. Fields does not understand why a comp plan amendment is necessary when it was privately owned before and is privately owned now. Wensman stated that it could remain as parkland. He stated that the residential and golf course are together because the 2 are inter-related as trails and some amenities for housing development are on the golf course property. They also share some shoreland and ponding and it gets really hard to separate them. Usually when there are different uses on a property owned by the same entity, a PUD is the way to address it such as Inwood with residential and Commercial.

Fields stated that he feels the key elements of this question is “at this time” and “changes that have occurred”, meaning the sale of the property and also the proposal that is before them. He would prefer to wait to recommend a comp plan amendment until there is a proposal that serves a broad public purpose. He does not feel that this proposal does that. Dodson agrees that at this time the comp plan amendment is premature until it goes to preliminary plat.

M/S/P: Williams/Lundquist, motion to not recommend approval for a comprehensive plan amendment to accommodate the current development proposal at this time, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Kriemer, the applicant has demonstrated that the application meets at least one of the objectives to be considered for a PUD, **Vote: 7-0, motion carried unanimously.**

The Planning Commission gave these issues as areas of concern: The buffer areas, lower density, cul-de-sac lengths, trails, especially on 20th Street, significant improvements on 20th street, improvements at the intersections of both Manning Trail and 20th Street and Lake Elmo Ave and 20th Street, access areas (discussion with West Lakeland), demonstration from a regulatory vs. economic standpoint that non-sewered development is not viable, alignment of intersections especially on 20th street, engineering report to be followed, minimum of 100 or 150 foot buffer from property line to property line, and 2 access points for the golf course.

Public Hearing – Easement Vacation – GWSA Land Development

Wensman stated that there was a drainage and utility easement on outlots. Now those outlots are being developed into residential lots, and the easements need to be vacated in order to record the plats. New easements will go into place where appropriate on the new plat. This is really just a housekeeping matter.

Public Hearing opened at 11:22 pm

There were no written or electronic comments received

Public Hearing closed at 11:23 pm

M/S/P: Dodson/Griffin, move to recommend approval of a request to vacate drainage and utility easements of Outlots C, G, & H as recorded on the Final Plat of Village Preserve, **Vote: 7-0, motion carried unanimously.**

Business Item – Zoning Text Amendment Open Space Development

Wensman stated that this is the same information that was presented at the last meeting. He would like to point out something that he did not highlight at the last meeting. On page 8 of 27 in the green notes it was speaking in favor of more vague language and the reason it was changed. That was because being a PUD, everyone will probably ask for changes.

Williams likes the more specific language because these are all areas we want to monitor very carefully and calling them out specifically developers know they have to pay attention. If they ask for modifications, at least they are highlighted.

Lundquist asked if the intent of going through this code was just to clean it up. Wensman stated that the Council asked the Commission to address some issues in the

ordinance. The Commission responded and the Council wasn't quite satisfied and the whole structure was questioned. It was thought that a PUD was more appropriate tool than a CUP for this ordinance.

M/S/P: Fields/Dodson, move to recommend approval of ordinance 08-___, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations, **Vote: 7-0, motion carried unanimously.**

Business Item – Fence Ordinance Discussion

Wensman stated that the council would like the Commission to consider if a portion of the fence code that is highlighted on the copy that was handed out, should be repealed.

Dodson asked why this item came up. Wensman stated that there is an issue with a residence where this is being questioned.

Fields said that he was at the City Council meeting, but he couldn't figure out what it was they were looking for. Wensman stated that there is a specific property that feels that the ½ acre provision is not fair. The Council wanted the Commission to give their feedback. Dodson stated that he feels it is appropriate for the

M/S/P: Dodson/Lundquist, move to recommend staff to draft an ordinance and conduct a public hearing, **Vote: 7-0, motion carried unanimously.**

Ann Buchek, 2301 Legion Ave, spoke regarding the 1% rule. She wanted to point out that the state guidelines are adequate for average situations across the state, however, Lake Elmo has many un-outleted low areas and ponds which are not average. She would like the City Council to reinstate the more stringent stormwater rules that were rescinded on October 13, 2013 and calling for NO increase in runoff compared to pre-construction.

City Council Updates – August 16, 2016 Meeting

- i) Boulder Ponds rezoning – Tabled
- ii) Temporary Health Care Facilities – Passed
- iii) Pigeon Ordinance – Denied
- iv) Developer Agreements for Village Preserve 2nd and Hammes Estates – Passed with changes

Staff Updates

1. Upcoming Meetings
 - a. September 12, 2016

b. September 26, 2016

Commission Concerns

Meeting adjourned at 11:40 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT