



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of November 14, 2016**

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

**COMMISSIONERS PRESENT:** Larson, Dodson, Williams, Dunn, Kreimer, and Lundquist

**COMMISSIONERS ABSENT:** Fields, Griffin & Haggard

**STAFF PRESENT:** Planning Director Wensman and City Administrator Handt

**Approve Agenda:**

Agenda was accepted as presented.

**Approve Minutes:** October 24, 2016

M/S/P: Williams/Dodson, move to approve the October 24, 2016 minutes as amended and including the letters and petition for Tartan Park, ***Vote: 6-0, motion carried unanimously.***

**Business Item – Wildflower 2<sup>nd</sup> Addition Final Plat and Final PUD Plans**

Wensman started his presentation stating that this is a continuation from the last meeting. The Planning Commission was looking for more information about the storm ponds and about Mr. Smith's agreement. The stormwater issues have been reviewed by the VBWD. They have made some findings, but nothing that would be detrimental to the development moving forward. Everything is being corrected through the development process.

Dodson is concerned that in the report it says that 32 inches of rain is unusual. He is concerned that with climate changes, this might not be unusual in the future. How can we be sure that this design is appropriate? Wensman stated that all stormwater planning is being built to 100 year flood elevation. Rainfall did not surpass that standard this year.

Wensman researched the Mr. Smith issue that had to do with access and utilities to his sight and a couple of the neighbors. These are private agreements between the developer and the neighbors. It was discovered however that full access was to be granted to Mr. Smith with approval of phase II. This is a condition of approval for this phase. Wensman stated that there will be no encroachments allowed in the drainage

and utility easements without engineering approval and an executed encroachment agreement.

Wensman is recommending 10 conditions for approval.

M/S/P: Dunn/Larson, move to recommend approval of the final plat and PUD development plans for the Wildflower at Lake Elmo 2<sup>nd</sup> addition with 10 conditions based on the findings listed in the staff report, ***Vote: 6-0, motion carried Unanimously.***

### **Business Item – Comprehensive Plan Amendment Review by HC Golf Course LLC**

Staff has brought back another version creating a new land use designation called “Golf Course Community”. The area that would be guided with this land use designation is a smaller area than was previously presented. There would be 4 changes required to the comprehensive land use plan. 1) a new land use category would be created called “golf course community” and suggests a future new zoning district 2) table needs to be updated to reflect the density of 1.5-2.49 and planned land use acreages 3) updated planned land use map 4) “Preservation of Community Amenities” added which further describes the need and intent of the “Golf Course Community”. MUSA amendments would also be required (not included).

Dodson asked if there was any feedback from the Met Council. Wensman stated that they did meet with Lisa Barajas from the Met Council. She stated that they would accept the Village Transitional, but she would not commit one way or the other if we would get credit for these sewer units. It sounded like it would not be a bonus, but there was nothing stated concrete. This includes lower densities than are required, so that it could affect other densities in the MUSA south of 10<sup>th</sup> Street. Dodson is wondering if developers are going to want to do higher density developments. Wensman stated that it is all about how the land is guided. The City is required to have a certain amount of high and medium development to meet the affordability numbers. If it is guided with higher density, it just might mean that it takes a while for the market to catch up.

Larson stated that there is more than 20 years to meet those requirements. Wensman stated that they will be starting work on the Comprehensive Plan next year so the decisions on how to guide the land will happen in the next year or two.

Williams talked about why he came up with the recreation community proposal. He thinks it might be good to have one type of zoning category that would work on this property and else where in the City.

Dodson is concerned about the conservation easement in the Williams proposal. He is wondering if there is some other type of easement that could be used. Williams feels that since this is a new zoning district, the criteria needs to be in the comprehensive

plan so that they can be used as a basis for the zoning district. Wensman stated that item number 6 on Commissioner Williams comments would be problematic. It states that the area used for recreational facilities would be subject to a conservation easement for a minimum of 25 years after which the land may revert to the Rural Transition guidance at the owner's option. Wensman stated that this is problematic as any reguidance would have to go back to council for a comprehensive plan amendment to reguide the property. The reversion could not be automatic.

Larson is concerned about how long it would take to set this up. What type of delay would be created by going to a different zoning? Wensman stated that the zoning district should be figured out ahead so that you know what the rules are going to be for when the plat comes forward. Wensman feels it would be at least a month delay depending on how quickly they could turn it around. Wensman stated that the developer is in favor of Village Transitional because there would be no delays.

Dodson asked if Wensman could go through what the major diffences are between the Village Transitional and Golf Course Community. Wensman stated that the Village Transitional is an overlay district that when certain conditions are met, we would allow development at the Urban Low Density levels with a PUD and sewer.

Dunn is glad to see that the area being discussed is being scaled back. Dunn is struggling with trying to keep the golf course tied to the residential as that is how the residential development will be marketed. Dodson is wondering if there is a way for the City to regulate what the golf course can be in the future. Wensman stated that without a conservation easement in place, the process would be similar to what we are doing now. Based on the criteria for this zoning district, the golf course would probably qualify for redevelopment. Larson thinks that it is not their job to speculate on what can happen in the future, but should focus on what is before them right now.

Clark Schroeder, HC Golf, spoke to the density issue of the sewerred area in the City. It was brought up that if this development goes through, the density in other areas might need to be increased to keep the density to at least 3 units per acre in the sewerred areas. Right now, the City is at 3.2 units per acre. If this development goes through as shown, the density would change to 3.15 units per acre. Schroeder stated that eventually Cimarron will be hooking up to sewer and that is 500 units right there, and the average will go back up again. Schroeder talked about the 3 components that will need to be addressed in the 2040 comprehensive plan. Those are population, sewerred units and employment numbers. Schroeder has also talked to residents north of 20<sup>th</sup> Street that are opposed to being guided for sewer. Currently there is a pressurized main line running along Lake Elmo Ave. For the residents north of 20<sup>th</sup> Street to connect, there would need to be a lift station which would be quite costly. Schroeder stated that no one knows what will happen with the golf course in the future. Schroeder stated that through the PUD process, there could be an agreement crafted that if the golf course failed, how many homes or what could go there. They are working with Mr.

Emerson to obtain an easement across his property to connect to 10<sup>th</sup> Street. Schroeder would like to see the City use the LDR PUD process, rather than going to the golf course community. If the city doesn't like the project of the 290 sewer units, they should just deny the project.

Williams was wondering if Mr. Cagner would be willing to accept a 25 year easement to the City. Schroeder is guessing that he would not be willing to do that, but would be willing to enter into an agreement as to what could be done with the property in the future if the Golf Course fails. Schroeder would like to see the LDR PUD Village Transitional that would include the Tartan property and Mr. Emerson's property, but would exclude the area between 20<sup>th</sup> and 30<sup>th</sup> Street.

Dunn is wondering where things are with the EAW and the transportation study. Wensman stated that the comment period ends at the end of the month. The only formal comments received were from VBWD.

Ann Bucheck, 2301 Legion Ave, wanted to remind the Commission that there was a petition that had 147 names that would like to see the Comprehensive Plan for the area stay the same with OP development. She is wondering what assurance the residents between 20<sup>th</sup> and 30<sup>th</sup> Street and in the Meadows and Tartan Park will have that they will not need to connect to sewer. There is a great deal of land between 20<sup>th</sup> and 30<sup>th</sup> street that could be developed and if it is sewer, that could have a great impact. She would like to know what the PUD bonuses are and would like to know if this is a zoning district or an overlay district. She would like to know if the Emerson property will be included or not included. Bucheck is in favor of some sort of a conservation easement.

Shelli Wilk, 11253 14<sup>th</sup> Street, this is a great plan, but needs to fit into Lake Elmo. She is concerned about the EAW and the traffic study. It was done when there was a closure of Lake Elmo Ave in downtown and may not give an accurate picture. She wants people to really think about what kind of traffic 292 additional homes, a golf course, weddings, etc. will create.

Tim Mandel, 2479 Lisbon Ave, is curious as to why we would have this LDR transitional between open space properties. It just seems odd that just because we have this large piece of property wanting to develop with sewer, we would throw this zoning right in the middle of the open space developments. This is not listening to the Comprehensive Plan and is not listening to the area.

Dodson feels that creating a new land use category of Golf Course Community is a bigger process and he thinks they should go back to focusing on Village Transitional overlay and vote either yes or no. Williams stated that any type of residential development in the Tartan Park area requires a comprehensive Plan amendment. Wensman stated that if we use the Urban Low Density district, we would need to create the standards for that zoning district as they currently don't exist. If we use the overlay

district, we could use the VLDR and just have it between 20<sup>th</sup> and 10<sup>th</sup> street which Met Council is ok with. Kreimer asked if they basically get to the same place if they use the overlay vs. the Village transitional LDR. Wensman stated that the only real difference is the timing of having to do a new zoning district. Williams asked if the Commission felt the need to have a recreational community designation. Lundquist asked how the overlay district would apply to Homestead and Tartan Meadows. Wensman stated that the conditions would apply and it would only be if there was failing septic and they petitioned for sewer that they would get sewer. Handt stated that as an added layer of comfort for residents, the MUSA line will only be extended as sewer becomes available. Like down by Stonegate, the MUSA line actually excludes them. Williams and Lundquist would prefer to exclude The Homestead and Tartan Meadows development from the transition area right from the beginning.

Wensman stated that in order for the Emerson property to be included in the Village Transitional, he would have to be part of this plat to meet the 40 contiguous acres requirement. It could be an outlot to be developed in the future. If he is not included, he would be considered a rural development. They could change the requirement to 20 contiguous acres for the Village Transitional and make that work. That might open it up for someone else to ask for a Comprehensive Plan Amendment to be considered for Village Transitional, such as the Durand property.

M/S/P: Kreimer/Lundquist, move to recommend approval of the comprehensive plan amendment to extend the Village Transition area to include land bordered by 10<sup>th</sup> Street, 20<sup>th</sup> Street, Lake Elmo Ave and Manning Avenue, excluding the Homestead and Tartan Meadows developments, ***Vote: 5-1, motion carried, with Dunn voting no because there was no permanent conservation easements.***

Williams stated that he was not in favor of extending sewer to the Old Village and he was not in favor of extending sewer to this property, but he was out voted on both. If it is going to happen, he wants to see it done right. He feels that this is the best way to do that, so he plans to vote in favor of the motion.

Dunn feels that once sewer went in, it seems to keep moving along.

Wensman briefly went through what the Village Urban Low Density is and what the criteria is that is necessary for it.

M/S/P: Williams/Kreimer, move to recommend that the suggested language on page III-13 and III-14 that includes the first 2 criteria, be deleted and define the geographic area that it applies to, ***Vote: 6-0, motion carried unanimously.***

#### **Business Item – Rural Density Discussion**

Wensman started his presentation by stating that during a recent City Council meeting after the approval of the Open Space Preservation amendment, there was a discussion regarding the subdivision of property in the rural zoning districts into smaller lots than what is currently allowed. The City Council wanted the Planning Commission to start the discussion to see if there is a direction that the Commission feels the City should go. Open Space Preservation Developments recently changed to require a land area of a nominal 20 contiguous acres. Land that does not meet the minimum 20 acre parcel requirement may only subdivide if parcels meet the minimum lot size for the zoning district. There is a limitation on rural estate development in favor of OP developments. Under the old OP Ordinance standards of a 40 acre minimum parcel size, the City could expect around 524 new rural households. With the new OP Ordinance standards of a 20 acre minimum, the City could expect around 1018 new rural households, an increase of 494 new rural households. If the remaining lots between 5-20 acres were allowed to be subdivided to 2.5 acre lots, that could create an additional 418 lots, which would total 1436 new rural households. Wensman stated that adding density to the rural areas gives people options for what they can do with their property, but it does not help with the numbers for the Met Council requirements, but would be in addition to the required additional sewer and affordable household numbers. The question before the Planning Commission is if the City should allow smaller lots to be created with lower minimum acreage in the rural districts.

Williams stated that the irony is pretty striking. If the Comprehensive Plan doesn't apply to Tartan Park, why should it apply anywhere else? He is in favor of allowing 2.5 acre Residential Estate zoning City wide.

Dunn stated that Residential Estates zoning is something that people have always asked about. She likes it and it is nice development. Kreimer likes residential estates development and would like to see more throughout the City. Dodson is concerned about how much blacktop is added to go to Residential Estates. Williams is not concerned with additional pavement. Dodson asked if the City needed to provide water to the new development.

Handt stated that the development would need to petition the City to provide water. Kreimer would like to not limit what type of development could be done based on parcel size. He would like to see the land owner having the option of either OP or RE based on what would work best with the land. Williams thinks that any AG parcels that are under 20 acres should be rezoned to RR. Wensman stated that they would not rezone anything, but would reguide it in the Comprehensive Plan. As a development is brought forward, the request would be made to rezone the property at that time.

Larson brought up the idea of exploring what other types of homes or configurations might work. Possibly having smaller homes and lots in these areas. Wensman stated that there is a movement for these small houses, but typically they are in the sewer areas because of the small lots. There are some minimum sizes of what a home can be,

which would preclude mobile homes being put on lots. Williams stated that isn't a land guidance issue but a subdivision and zoning issue.

Williams said that he would rather have the staff work on the Village Urban Low Density zoning than on this project. He feels that it is much more of a priority. Wensman stated that he is bringing the 2017 work plan to the next meeting. He will add both of these items to the work plan and the Planning Commission can prioritize them.

### **City Council Updates – None**

1. Upcoming Meetings
  - a. November 28, 2016
  - b. December 12, 2016

### ***Commission Concerns***

Williams is concerned with the language and statements made during the election. Referring to the development status sheet, for some reason, some members of the City Council don't seem to understand that once we have guided an area for sewered development at a certain density, and someone comes in and proposes a development that meets our requirements, the City can't refuse it. They also don't seem to understand that the reason we have fought sewer for so long is that once sewer comes in, there will be high density development. This is where we are at and we need to deal with it.

Lundquist wanted to thank Wensman for following up on the water issue at Village Preserve and Wildflower. Wensman stated that it caught some things that needed to be followed up on. Dunn is thankful that these issues were caught and it makes everyone a little more aware of things to watch for.

Meeting adjourned at 9:24 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant