



**City of Lake Elmo Planning Commission
Meeting**

**City Council Chambers – 3800 Laverne
Avenue North**

**Minutes of Regular Meeting of
September 26, 2022**

CALL TO ORDER: Commission Chair Risner called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Risner, Mueller, Rehkamp Vrieze

COMMISSIONERS ABSENT: Steil

STAFF PRESENT: Planning Director Just, City Planner Hetzel

Pledge of Allegiance at 7:00 PM

Approve Agenda:

M/S/P: Mueller / Rehkamp made a motion to approve the agenda. **Vote: 4-0, motion carried unanimously.** (Steil absent)

Approve Minutes:

M/S/P: Mueller / Vrieze made a motion to approve the 8-22-22 meeting minutes. **Vote: 4-0, motion carried unanimously.** (Steil absent)

Public Hearings:

a) 10212 Stillwater Lane N Variance Request. Thomas Buege (Property Owner/Applicant) recently submitted a variance application to install a replacement sewage treatment system and septic tanks within 75 feet of a delineated wetland boundary located at 10212 Stillwater Lane N, parcel 14.029.21.32.0003 (Subject Property). The property owner is proposing to construct a mound septic system to replace the existing failing septic system. To do this, the applicant is proposing to plant a 25 foot vegetative buffer between the rock and sand bed and the delineated wetland boundary. The proposed mound system would consist of a 10 foot by 45 rock and bed, a 14 foot by 45 foot sand absorption area, and three tanks.

City Planner Hetzel gave presentation and answered questions.

A. REVIEW AND ANALYSIS/DRAFT FINDINGS:

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 set forth by the MN Stat. 462.357 subd.6 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant's request.

1) Practical Difficulties. A variance to the provision of this chapter may be granted by the Board of

Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS:

Strict enforcement of the code would create an inability to properly dispose of domestic wastewater. The parcel configuration, existing structures, and fill material south of the home leave a limited amount of area for a replacement sewage treatment system. The only usable soils are within the 75 foot wetland setback area. Granting a variance would allow the applicant to use the property in a reasonable manner as there is no public sewer service available at this location.

- 2) Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

The applicant is not responsible for the parcel configuration, existing structures, or the placement of fill on the southern portion of the parcel. The applicant purchased the property in 2007 with all existing conditions in place.

- 3) Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

The proposed sewage treatment system would not alter the essential character of the neighborhood. The proposed mound system would be located in the rear yard with limited visibility from surrounding properties. Upon installation, a vegetative cover would be established to prevent erosion and make the mound system more inconspicuous.

Surrounding residential properties also have private sewage treatment systems due to public sewer service not being available to the area.

- 4) Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

FINDINGS:

The proposed request will have no effect on the supply of light and air to adjacent properties or increase congestion in the public streets. Property values should not be diminished from the request. Residential properties in the area are to be served by similar private or community wastewater treatment systems. The system is designed as a Type 3 sewage treatment system, which treats wastewater at higher standard prior to effluent being dispersed to the mound system.

The applicant Thomas Buege spoke regarding the need for this variance.

The city received an email from Steve & Linda Kallevang (10120 Stillwater Lane N) stating they have no objections to this variance.

Public hearing opened at 7:12 PM.

No public response

Public hearing closed at 7:13 PM

M/S/P: Vrieze /Mueller moved to recommend approval of the request from Thomas Buege for a variance to install a sewage treatment system and septic tanks within 75 feet of a delineated wetland boundary at 10212 Stillwater Lane N, with recommended conditions of approval. **Vote: 4-0, motion carried unanimously.** (Steil absent). Vrieze stated that the applicant has done his due-diligence and this variance is acceptable, Mueller, Risner and Rehkamp in agreement.

b) Crossroads East Conditional Use Permits Request. Heppner's Auto Body, Delwin Transfer, and Carden Equities have applied for Conditional Use Permits to operate in the already constructed Crossroads East business park warehouse at 11160 Hudson Blvd.

Commissioner Vrieze recused himself due to conflict of interest.

City Planner Hetzel gave presentation and answered questions.

Planning Director Just answered question regarding water supply for this property and reiterated that there is adequate water supply. Director Just also explained the process of revocation should the tenant not be in compliance with the code standards.

Owners and representative of Crossroads and Launch Properties David Johnson and Mike Connors spoke regarding the three tenants and the general overview of the tenants that have been vetted and will be residing at the Hudson Blvd Crossroads and Launch properties.

B. RECOMMENDED CONDITIONAL USE FINDINGS

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met. Staff recommends the following findings:

HEPPNERS AUTO BODY

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The proposed use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The site has already been rezoned to the zoning guided by the 2040 Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is within the Crossroads East First Addition development that has similar uses that may be readily permitted***

or also require conditional use permit approval.

4. The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The use meets all the specific development standards for a commercial vehicle repair use set forth in LEC 105.12.950(h).***

5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use is not in a flood plain management or shoreland area.***

6. The proposed use will be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use does not require the construction of any new buildings or change in appearance of the Crossroads East Office Warehouse. The building has already been approved and near completion.***

7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The use is not hazardous and will not create a nuisance. Vehicles arriving onsite have already had body work completed and just need sensor calibration inside the building.***

8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The proposed use will be served adequately by essential public facilities and services.***

9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at a public cost.***

10. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors. ***The propose use will not produce excessive traffic, noise, fumes, glare, or odors.***

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***The use will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.***

12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. ***The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.***

CARDEN EQUITIES

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The proposed use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City.***

2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The site has already been rezoned to the zoning guided by the 2040 Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is within the Crossroads East First Addition development that has similar allowable uses that may be readily permitted or also require conditional use permit approval.***
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The use meets all the specific development standards for an automotive maintenance and repair service use in LEC 105.12.950(h).***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use is not in a flood plain management or shoreland area.***
6. The proposed use will be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use does not require the construction of any new buildings or change in appearance of the Crossroads East Office Warehouse. The building has already been approved and near completion.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The use is not hazardous and will not create a nuisance. All work is to be conducted indoors.***
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The proposed use will be served adequately by essential public facilities and services.***
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at a public cost.***
10. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors. ***The propose use will not produce excessive traffic, noise, fumes, glare, or odors. All work is confined to the dedicated space indoors.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***The use will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.***
12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. ***The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.***

DELWIN TRANSFER

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The proposed use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The site has already been rezoned to the zoning guided by the 2040 Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is within the Crossroads East First Addition development which has similar allowable uses that may be readily permitted or also require conditional use permit approval.***
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The use meets all the specific development standards for a motor freight and warehousing use in LEC 105.12.110(b).***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use is not in a flood plain management or shoreland area.***
6. The proposed use will be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use does not require the construction of any new buildings or change in appearance of the Crossroads East Office Warehouse. The building has already been approved and near completion. Semi trucks and trailers will be parked in a secure parking area which has already been approved,***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The use is not hazardous and will not create a nuisance.***
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The proposed use will be served adequately by essential public facilities and services. A utilities plan has already been approved.***
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at a public cost.***
10. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors. ***The propose use will not produce excessive traffic, noise, fumes, glare, or odors. The semi- trucks will not be onsite the majority of the day. Any maintenance work will be conducted indoors.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere

with traffic on surrounding public thoroughfares. *The use will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. Semi-trucks leave the site once a day early in the morning and then returning once a day midafternoon.*

12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. *The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.*

Public hearing opened at 7:44 PM.

The city received an email from Brittany Walker (11135 3rd Street North) stating that the tenants Heppner's Auto Body and Carden Equities are acceptable, but was opposed to Delwin Transfer as a tenant.

The city received an email from Brooke Vrieze (11075 3rd Street North)) stating that the tenants Heppner's Auto Body and Carden Equities are acceptable, but was opposed to Delwin Transfer as a tenant.

Linda Anderson (275 Lake Elmo Avenue North) spoke in regards to tenants that work with vehicles and/ or produce dirt / debris, fumes and/or noise, and the current water issue.

Dennis Larson (9381 Jane Circle North) Owner of Carden Equities: spoke regarding the type of work and operating hours for this tenant space.

Micha Vrieze (11075 3rd Street North) spoke regarding the contractor's working outside of the hours of operation as per City code, the incorrect height of the berm, and urges the Planning Commission to vote no for the Delwin CUP.

Public hearing closed at 7:57 PM.

M/S/P: Rehkamp / Mueller moved to recommend approval of a conditional use permit with conditions for a commercial vehicle repair use in suites 215-220 at 11160 Hudson Boulevard N. **Vote: 3-0, motion carried unanimously.** (Steil, absent, Vrieze recused) Rehkamp stated that this meets the city standards, Mueller and Risner agree.

M/S/P: Mueller / Risner moved to recommend approval of a conditional use permit with conditions for an automotive maintenance and repair service use in suites 140-145 at 11160 Hudson Boulevard N. **Vote: 3-0, motion carried unanimously.** (Steil absent, Vrieze recused) Mueller stated that he hopes that the noise does not become a problem, but this does meet city standards. Rehkamp asked for the history for Lake Elmo getting responses from the Washington County Sheriff Department. Risner also commented on the hours of operation.

M/S/P: Rehkamp / Risner moved to recommend approval of a conditional use permit for a motor freight and warehousing use in suite 345 at 11160 Hudson Boulevard N. **Vote: 0-3, motion failed.** (Risner, Mueller, Rehkamp – Nay) (Steil absent, Vrieze recused) Rehkamp has concerns regarding noise levels and hours of operation and screening near a residential area, Risner has the same concerns in addition, traffic concerns, Mueller doesn't think this is a good mix for this area.

M/S/P: Risner / Mueller moved to recommend denial of the request for a conditional use permit for a motor freight and warehouse use in suite 345 at 11160 Hudson Boulevard N. **Vote: 3-0, motion carried unanimously.**

There was a eight minute recess.

Unfinished Business

- a) **Preliminary Plat/PUD and Zoning Map Amendment.** GWSA Land Development, LLC for an approximately 295-unit single family detached residential project on 123 acres generally located at 10880 and 10830 Stillwater Boulevard.

Planning Director Just gave presentation and answered questions

Recommended Finding for Rezoning: Staff recommends approval of the Rezoning of the subject property from RT (rural transitional) to V-LDR (village low density residential) based on the following finding:

That the proposed rezoning will be consistent with the land use designation of the site which is V-LDR (village low density residential) as depicted in the 2040 Comprehensive Plan.

Recommended Findings for Preliminary Plat/Preliminary PUD. Staff recommends approval of the Preliminary Plat/Preliminary PUD for PID 14.029.21.14.0001, 14.029.21.41.0003, 14.029.21.41.0001 and 14.029.21.41.0002 based on the following findings:

1. That the Preliminary PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary PUD Plan complies with the general intent of the Village-Low Density Residential zoning district with PUD modifications.
3. That the preliminary PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
4. That the preliminary plat generally complies with the City's Subdivision regulations.
5. That the preliminary plat generally complies with the City's design standards.
6. That the preliminary plat generally complies with the City's Zoning Code (including Shoreland Zoning) with the exceptions provided for in the PUD.
7. That the preliminary plat and PUD Plan must be revised to address the comments noted in the City Engineer's memorandum.
8. That the preliminary plat and PUD Plan must be revised to address the comments noted in the memo from Washington County dated September 14, 2022.
9. That the preliminary PUD Plan must be revised to be consistent with City's landscape plan and tree replacement standards pursuant to the Landscape Architects memo dated September 14, 2022.
10. That the preliminary plat and PUD Plan must be revised to address the comments noted in the Fire Department memo dated September 9, 2022.
11. That the preliminary PUD Plan meets the minimum requirements for a PUD.
12. That the preliminary PUD Plan meets items c, d, f and g from the identified PUD objectives identified in Section 105.12.1130. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.
 - a. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

- b. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- c. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection and other public facilities than would otherwise be provided under conventional land development techniques.
- d. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- e. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- f. Preservation of historic buildings, structures or landscape features.
- g. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- h. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- i. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- j. Higher standards of site and building design than would otherwise be provided under conventional land development technique.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the preliminary PUD and preliminary plat for PID 14.029.21.14.0001, 14.029.21.41.0003, 14.029.21.41.0001 and 14.029.21.41.0002 as proposed with the following conditions:

- 1. That the City approves a Zoning Map Amendment to rezone the site from rural area development (RAD) to V-LDR (village low density residential).
- 2. That the application for final plat and final PUD Plans identify all requests for flexibility from the City Code.
- 3. That prior to the City finding any application for final plat and PUD plan complete the applicant shall address all comments in the City Engineer's memo to the satisfaction of the City Engineer.
- 4. That prior to the City finding any application for final plat and PUD plan complete the applicant shall demonstrate MNDNR approval of the PUD plans and tiering plan.
- 5. That, consistent with MNDNR requirements, prior to City approval of any application for final plat and PUD plan the applicant shall provide for the preservation and maintenance, in perpetuity, of the open space required by the Shoreland Overlay Zone. The easement must prohibit:
 - i. Commercial uses;
 - ii. Vegetation and topographic alterations other than routine maintenance;
 - iii. Construction of additional buildings or storage of vehicles and other materials; and
 - iv. Uncontrolled beaching of watercraft.
- 6. That prior to the City finding any application for final plat and PUD plan complete the applicant shall resubmit the storm water management plan and it shall be found complete to the satisfaction of the City Engineer.
- 7. That prior to the City finding any application for final plat and PUD plan complete the applicant shall revise the landscape plan in accordance with the City Landscape Architect's memo dated September 14 to the satisfaction of the City Landscape Architect.
- 8. That prior to the City finding any application for final plat and PUD plan complete the applicant shall revise the preliminary plat and PUD Plan to address the comments noted in the memo from Washington County dated September 14, 2022.

9. That prior to the City finding any application for final plat and PUD plan complete the applicant shall demonstrate compliance with the items listed in the September 9, 2022 memo from the Fire Department to the satisfaction of the Fire Chief.
10. That prior to the City finding any application for final plat and PUD plan complete the applicant shall demonstrate that the plans reflect compliance with Valley Branch Watershed (VBWD) preliminary review comments and that the applicant provide the City evidence that all conditions attached to a VBWD permit will be met before the starting any grading activity on the site.
11. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
12. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements. Improvements in Lake Elmo Avenue and Stillwater Boulevard shall be consistent with Washington County standards.
13. The Final Plat/Final PUD shall include all necessary and additional public right-of-way and easements.
14. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
15. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
16. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
17. That the PUD overlay zoning allow for the following:

	Existing Shoreland Overlay Zone (NE)	Existing V-LDR Zone	Proposed Single Style Lots	Proposed Villa Style Lots	Proposed Multi Style Lots 40 ft	Proposed Multi Style Lots 38 ft
Number of Lots			75	126	53	40
General Location			Western portion of project	Middle and eastern portion of project	South of Stillwater Blvd	South of Stillwater Blvd
Minimum Lot Width	125 ft	70 ft.	65 ft. (No more than 53 lots at minimum)	51 ft. (No more than 82 lots at minimum)	40 ft.	38 ft.
Minimum Lot Area	20,000 sf non-riparian lots	9,000 sf	7,898 Only (1) one lot at minimum	6,250	2,960	3,477
Average Lot Area			9,308	7,613		

Minimum Front Yard Setback		25 ft.	25 ft.	25 ft.	25 ft. garage 20 ft. house	15 ft. (non-garage)
Minimum Side Yard Setback		10 ft. 5ft for accessory structure or attached garage	7 ft. (15 ft. between structures)	7 ft. (15 ft. between structures)	5 ft. /5 ft.	4 ft. (patio) / 6 ft.
Minimum Corner Side Yard Setback		15 ft.	See min side yard setback	See min side yard setback	See min side yard setback	See min side yard setback
Minimum Rear Yard Setback		20 ft.	Met	Met	10 ft.	Met
Minimum Setback from County Roads		50 ft.	Met	Met	Met	Met
Maximum Impervious Surface	30%	35%	50%	50%	55%	55%
Minimum Low Floor Elevation Above the 100' flood elevation	2 ft		TBD	TBD	TBD	TBD
Basements			See "Basements Single Style Lots"	Not allowed - slab only	Not allowed - slab only	Not allowed - slab only
Basements Single Style Lots	Not allowed – slab only. Lots 59 and 60 Lookout (LO) only. Lots 3-5, 9, 10, 16-18, 27-29, 36-47, 52-58, and 62 Walkout (WO) only. Lots 6-8, 11-15, 19-22, 30-35, 63-75 Full Basement (FB). Lots 23-26 and 48-51					

18. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
19. Before the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
20. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall

delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore. The Agreement shall outline any approved phasing plan.

21. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat/ PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document the extent of any proposed grading on the site.
22. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans and other materials shall meet all of the above conditions before the City will find complete any final plat or final PUD application for the development and before the start of any clearing or grading activity on the site.

That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

FISCAL IMPACT: Approval of a Zoning Map Amendment, Preliminary Plat and Preliminary PUD grant entitlements to a developer however there would be no fiscal impact to the City at this time. When the property begins to develop it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

Developer Craig Allan with GWSA Land Development (10850 Old County Road 15 Suite 200, Plymouth, MN 55441) gave a brief overview of what they are offering for a compromise at this time, and answered questions posed by Planning Commissioners.

M/S/P: Mueller / Rehkamp move to recommend approval of the rezoning of the subject property as requested by GWSA Land Development, LLC from RT (rural transitional) to V-LDR (village low density residential) based on the findings listed in the staff report. **Vote: 4-0, motion carried unanimously.** (Steil absent). All agree that this is consistent with the 2040 Comprehensive Plan.

M/S/P: Mueller / Vrieze move to recommend approval of the preliminary PUD plan and preliminary plat as requested by GWSA Land Development, LLC for the subject property based on the findings of fact and recommended conditions of approval listed in the staff report. **Vote: 2-2** (Vrieze, Mueller - Aye: Risner, Rehkamp - Nay:), **motion does not pass.** (Steil absent). Mueller stated that there will be changes, but this is a good start for this project, Vrieze agrees. Rehkamp stated that this may be an issued with density Risner agrees and questions the open space verbiage.

Communications/Updates - City Council Updates

- a. Adopted ordinance amendment to allow Commercial Kennels by CUP in the LC District
- b. Adopted ordinance amendment requiring 40 foot setback from public ROW for most residential development in South Planning Area
- c. Approved CUP for new chapel at Carmelite Hermitage
- d. Approved DA Amendment for Crossroads East
- e. Approved Variance for side yard setback at 1567 Ivory Ave
- f. Approved Preliminary Plat/PUD, CUP and Rezoning for 9450 Hudson Boulevard
- g. Placed a moratorium on sale of cannabis products
- h. In Workshop, reviewing screening requirements between more and less intense uses

Upcoming Meetings

- a. October 12th, 2022

b. October 24th, 2022

Meeting adjourned at 9:48 PM.

Respectfully submitted,

Diane Wendt
Permit Technician