



**City of Lake Elmo Planning Commission  
Meeting  
City Council Chambers – 3800 Laverne  
Avenue North  
Minutes of Regular Meeting of August  
08, 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, Steil, Vrieze

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Planning Director Just, City Planner Hetzel

**Pledge of Allegiance** at 7:00 PM

**Approve Agenda:**

M/S/P: Steil / Rehkamp made a motion to approve the agenda. **Vote: 5-0, motion carried unanimously.**

**Public Hearings:**

- a) **Kokoro Volleyball Conditional Use Permit and Variance.** Kokoro Volleyball has submitted applications for an indoor athletic facility at the southeast corner intersection 39<sup>th</sup> Street North and Lake Elmo Avenue North (PID 1302921220011). The applicant is requesting a variance to allow one access point onto a public street. Two access points are required for an indoor athletic facility.

City Planner Hetzel gave presentation and answered questions:

Applicant Raymond Luczak spoke regarding some of the community benefits that this business would offer.

- At this location there will likely be 4 events (tournaments) per year on 4 courts.
- Plenty of parking is proposed. Will handle the peaks.
- Building mounted sign only and no variable message board
- Mostly training at this location
- Will put in sidewalk
- Peak for traffic (drop off and pick up) will be about 7pm

Aaron Sundean (Derrick Companies – New Richmond, Wisconsin) spoke regarding the project and answered questions.

**A. RECOMMENDED CONDITIONAL USE PERMIT FINDINGS**

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 should not be

detrimental or in any way endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city if plans are meeting all stormwater management requirements for State, Valley Branch Watershed District, and City requirements.

2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. The proposal conforms to the Comprehensive Plan.
3. The use or development is compatible with the existing neighborhood. The proposed use is permitted in the Village Mixed Use District as a Conditional Use. The properties to the south and west are non-residential uses (City Hall and Day Care Center). The residential development to the west is separated by Lake Elmo Ave and the senior living center to north gathers a congregation of people similar to that of the indoor recreation facility.
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. The proposed use requires a minimum of two accesses as per 105.12.550. This criteria would be satisfied with the proposed variance approval.
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 will be compatible in appearance with the existing character of the general vicinity and will not change the essential character of the area.
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. The proposed use indoor athletic facility should not create be hazardous or 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.
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 public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
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 proposed use will not produce noise, smoke, fumes, glare or odors. Traffic amounts will increase in the area, but these increases will occur during typical low traffic volume time periods. All activities are to occur indoors.

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. Traffic amounts will increase in the area, but these increases will occur during typical low traffic volume time periods.

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

#### **B. RECCOMENDED VARIANCE FINDINGS**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 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.

a. The applicant is unable to obtain a second access point as required by City Code for an indoor athletic facility. Access along Lake Elmo Ave N would require Washington County approval. Washington County will not support an access along Lake Elmo Ave N due to the existing turn lane and proximity to the intersection of 39<sup>th</sup> Street North and Lake Elmo Ave N. The applicant explored other alternatives such as a shared access with the existing Day Care Center access to the south. The County would like to remove the day care access in the future with an alternative access. Washington County has recommended to not move the proposed Kokoro Volleyball access any closer to Lake Elmo Ave.

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

b. The unique circumstances were not created by the applicant or property owner. The existing turn lane and intersection were not created by the applicant or property owner. Nor is the proposed site design prohibiting a second access opportunity.

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

c. The request will not alter the essential character. The proposed single access is to align directly across from the existing Senior Living Facility. The directly adjacent parcels are also of a nonresidential use. Adjacent parcels to the south and east also have one access.

- 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.

The proposed request should not impair adjacent property values. Traffic numbers will increase, but these increases will occur during typical low traffic volume times. Hours of operation are proposed between as 3:30 pm- 9:30 pm Monday-Friday and 8am -4pm Saturday and Sunday.

C. FISCAL IMPACT:

None

Public hearing opened at 7:34 PM.

Rusty & Julie asked about the traffic at that intersection.

Public hearing closed at 7:36 PM.

M/S/P: Steil / Rehkamp made a motion to recommend approval of the request from Kokoro Volleyball, approving a conditional use permit to construct an indoor athletic facility a property described as Brookman 3<sup>rd</sup> Addition, Lot 1, Block 1 with the recommendations of approval. **Vote: 5-0, motion carried unanimously.** (Commissioner Steil, Commissioner Rehkamp, Commissioner Vrieze, and Commissioner Mueller, Chairman Risner all stated that this would be good for the community and city growth.)

M/S/P: Mueller / Vrieze made a motion to recommend approval of the request from Kokoro Volleyball, approving a variance to allow one access to a public street where a minimum of two is required. **Vote: 5-0, motion carried unanimously.**

- b) **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.

Director Just gave presentation and answered questions.

**Recommended Finding for Rezoning:** Staff recommends tabling a vote on the rezoning so that a motion can be made on the three land use applications at one time.

**Recommended Findings for Preliminary Plat/Preliminary PUD.** Before recommending approval of the Preliminary Plat/Preliminary PUD the following findings must be met:

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).
7. That the preliminary PUD Plan must be revised to be more consistent with the City's engineering standards to address other comments in the City Engineer's memorandum dated August 3, 2022.
8. That the preliminary PUD Plan must be revised to be consistent with the City's landscape plan and tree replacement standards pursuant to the Landscape Architects memo dated August 1, 2022.
9. That the preliminary PUD Plan must be revised to be consistent with the City's fire department memo dated July 26, 2022.
10. That the preliminary PUD Plan meets the minimum requirements for a PUD.
11. That the preliminary PUD Plan meets one or more of the required PUD objectives identified in Section 154.751 including providing: 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.

**FISCAL IMPACT:** Approval of a Zoning Map Amendment, Preliminary Plat and Preliminary PUD grant entitlements to developer. The plat and plans depicted should not be approved as-is as there are many unknown costs to successful development of the house lots that should not be borne by the public.

Applicant Craig Allan with GWSA spoke regarding this project and answered questions.

Public hearing opened at 8:46 PM.

Bryan Wittner -10870 38<sup>th</sup> Street North – spoke about concerns regarding the cul-de-sac being turned into a through-road.

Jose Chavez – 3505 Kelvin Avenue North – spoke in support of the new development as then they would have access to their property.

Todd Bruchu – 3150 Klondike Avenue North – spoke about concerns regarding density, property taxes, school overpopulated schools, water supply issues, high traffic issues and not any new baseball fields.

Public hearing closed at 8:53 PM

M/S/P: Mueller / Steil motioned to table the request for Zoning Map Amendment, Preliminary Plat and Preliminary Planned Unit Development while the applicant updates the plans to address staff comments.

**Vote: 5-0. motion carried unanimously.** Commissioner Mueller states that there is more work that needs to be done for this development to be approved. Commissioner Steil was in agreement with Commissioner Mueller. Commissioner Vrieze spoke that the lots are too small the traffic is going to be an issue, and more work needs to be done for this development to be approved. Commissioner Rehkamp is in agreement with Commissioner Vrieze and spoke that there needs to be more room for kids, and would like more resources and assets for the community. Commission Chair Risner spoke in agreement that this project needs more work before this development can be approved.

### **Communications/Updates - City Council Updates**

a. August 3, 2022

- Approved Conditional Use Permit with conditions for the Carmelite Hermitage Chapel.
- Approved the Animal Inn Zoning Text Amendment request from Animal Inn Training LLC. To allow a Commercial Kennel as a Condition Use in the Limited Commercial Zoning District.
- Approved a second amendment to the development agreement for Crossroads East 1<sup>st</sup> Addition.

### **Upcoming Meetings**

a. August 22<sup>nd</sup>, 2022

b. September 12<sup>th</sup>, 2022

Meeting adjourned at 9:07 PM.

Respectfully submitted,

Diane Wendt

Permit Technician