



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 28, 2013**

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

**COMMISSIONERS PRESENT:** Haggard, Lundgren, Dorschner, Dodson, Larson, Kreimer and Morreale;

**COMMISSIONERS ABSENT:** Williams; and

**STAFF PRESENT:** Planning Director Klatt, City Planner Johnson, City Clerk Bell and Deputy Clerk Gumatz.

**Approve Agenda:**

The Planning Commission accepted the agenda as presented.

**Approve Minutes:** October 14, 2013

M/S/P: Kreimer/Morreale, move to accept the minutes of October 14, 2013 as presented, **Vote: 5-0, Motion Carried**, with Haggard and Lundgren not voting.

**Public Hearing:** Comprehensive Plan Amendment – Diedrich Property

Johnson explained that there is a request by the property owners to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of the property located within the I-94 Corridor planning area from HDR to MDR. The applicants have a contract with Pratt homes and have submitted a preliminary sketch plan. This property is 14.3 acres and is a critical pinch point for the minor collector road (5<sup>th</sup> Street) that is to serve East-West traffic in the I-94 Corridor. The property to the South, the Landucci Property, was recently granted a similar amendment contingent on approval of the Met Council.

The small size of this parcel will not have a large impact on the City to achieve the population forecast. The current lack of interest in high density housing makes it important to be responsive to market driven development to provide a reasonable return on major infrastructure improvements. The City is continuing to work towards reduction of growth targets in the MOU.

There was some concern that there was no park land included in this development and none in the Landucci development. Dodson asked if the 2 properties could partner

together to at least put a tot lot in place. Johnson stated that the City is working to partner with ISD #834 to put a park at Oakland Junior High. Johnson stated that he will pass along the concerns to the Parks Commission, but he thinks that Parks Commission is looking more at adding trails and having area parks and not a park for every development.

Morreale stated that he is concerned about making this decision before we have a formal reduction by the Met Council. He is concerned that a reduction in one area could ultimately force a higher density in another area. Johnson stated that the future reduction of RECs will likely occur in the commercial and high density areas.

Dorschner stated that his understanding is that it is likely that the number will go down and that there is low risk that we will have to add density to another area. Johnson confirmed that it is his opinion that based on the model, those numbers will go down. We have an opportunity for a development and it does help us utilize the infrastructure that is being planned for this area.

Public Hearing opened at 7:30pm

Len Pratt, homebuilder, and Tammy Diedrich, the property owner, spoke about the reasons for the amendment request. Mr. Pratt explained why the amendment is necessary, as the market is not responsive to the amount of density that the property is currently programmed for. He noted that they are planning a townhome development that is consistent with the City's MDR category. The homes that are being planned for the site are empty nester type homes.

Steve Delapp, 8468 Lake Jane Trail, spoke about the purpose of the Planning Commission. He stated that they are there to support the Lake Elmo residents. He also noted his support for the Comp Plan Amendment, as the City should take every opportunity to reduce density.

Public Hearing closed at 7:44pm.

Haggard supports the staff's effort to work with the Met Council and she stated that she trusts the staff in that this action won't lead to more density in another location in the future.

Kreimer agrees and supports the request, especially with the reduction of the Landucci property.

Morreale supports the request, especially if it is what the market will support.

Larson made a comment that it would be nice to have more open space and trails that connect so there would be a general flow.

M/S/P: Dorschner/Morreale, move to recommend approval of the Comprehensive Plan Amendment request with the findings outlines in the Staff Report, **Vote: 7-0, motion carried unanimously.**

**Public Hearing:** Zoning Text Amendment – Design Review

Johnson started his presentation regarding the design review procedures for development activity in urban residential and commercial districts. The design standard manual is a comprehensive approach to design standards. This action would replace the existing language and would move the review process to the zoning administration section.

Public Hearing opened at 7:55 pm

Greg McGrath, 1509 15<sup>th</sup> St. Ct. N., asked who is in charge of reviewing the design standards. Johnson stated that whoever is authorized to issue the permit is the review body.

Public hearing closed at 8:01pm

Rolf asked who at the City would respond to concerns or problems regarding the design standards. Johnson noted that staff would work with the applicants. Dorschner stated that there is always a process for a resident to voice their concerns.

M/S/P: Dodson/Haggard, move to recommend approval of the Design Review Ordinance, **Vote: 7-0, motion carried unanimously.**

**Business Item:** *Design Standards Manual*

There were a number of changes requested by the Planning Commission at the last meeting that have been incorporated.

Dodson asked about the Damon Farber document. He would have liked to see more of that in the document. Johnson mentioned that it was incorporated by a couple of images and the streetscape subsection included references. Johnson stated that the theming document is widely distributed to developers. The two documents are closely related, but do serve two different purposes.

Haggard would like to see more of the 2007 images or ones that are really amazing or our ideal. In addition, she recommended excluding vinyl siding as a primary building material in the commercial district. There was consensus regarding this change.

Haggard also inquired if the property guided for commercial at TH-55 and Manning would fall under commercial standards or mixed use as it is the entrance to the Village area. Johnson stated that the underlying zoning determined the design review. Also, he noted that Planning Commission does have the authority to work with the applicant regarding architectural and site design at the time of final development approval.

M/S/P: Larson/Lundgren, move to recommend approval of the Lake Elmo Design Standards Manual with discussed amendments, **Vote: 7-0, motion carried unanimously.**

**Business Item: *Rural Growth Discussion***

Klatt began his presentation by providing history about Lake Elmo comprehensive planning efforts related to the current rural land use categories. The adoption of the 1979 Comp Plan initiated the adoption of the A and RR zones, requiring 10 acre minimum lots. This zoning did not apply to the existing lots of record that were platted in the earlier history of the community. Klatt moved forward by describing the changes to the regulations for rural areas: These changes include:

- Residential Estates Zoning (1990)
- Open Space Preservation Development Zoning (1996)
- The urban growth plan, creation of the RAD land use category (2005)

At the time of the 2005 Comp Plan Update, the RAD-2 category was also incorporated into the Land Use Plan.

Klatt moved on to explain how the various rural land use categories were utilized to account for future growth in the Rural Planning Area. The City studied three scenarios of growth: conservative, moderate and aggressive. These scenarios differed by how the zoning rules would apply for future Open Space Preservation (OP) developments. He noted that the conservative approach did not meet the required growth targets for the rural area (1,259 households needed).

Klatt also highlighted the ongoing discussion being led by the Council to reduce the population forecast to 18,000 for the City's 2040 Comprehensive Plan. Klatt moved on to describe the land use categories of RAD and RAD-2 as described by the current Comprehensive Plan.

To wrap up his presentation, Klatt asked 6 questions of the Planning Commission as they relate to future growth in the Rural Planning Area. The questions are the following:

1. Should the minimum lot sizes in the A and RR zones be reduced?
2. Does the City need to retain the RAD-Alt land use category?
3. Would an increase in the types of allowed uses with rural areas (senior housing, community services, townhomes, etc.) be consistent with the City's stated goal of preserving open space character?
4. Are the current uses allowed within rural areas appropriate?

5. Is the density allowed within OP developments acceptable or is it too high or low?
6. The City's Land Use Plan does not allow for the expansion of RS – Rural Single Family or RE – Residential Estates areas. Should new developments be allowed that are zoned in this manner?

Klatt recommended that the 2040 forecast be finalized before any major changes are initiated.

Haggard asked what land use designation the parcels would revert to if changed from RAD-2. Klatt noted that these parcels would revert back to simple RAD.

Lundgren asked about the location of the parcels guided as RAD-2. Klatt described where the 3 parcels totaling 156 acres are located.

Kreimer asked if the RAD-2 areas are intended to be sewerred. Klatt noted that they are not intended to be sewerred.

Dodson asked if the City intends to serve any areas outside the urban service boundary with municipal sanitary sewer. Klatt stated that for the 2030 planning projections there is no intention of expanding outside the areas planned for sewer other than for the Hamlet on Sunfish Lake development that has a non-compliant system. Klatt further stated that the Comprehensive Plan gives the City the ability to expand outside the MUSA lines if it so chooses.

Dodson asked about septic systems that serve OP developments. Klatt explained that properties in OP neighborhoods are allowed to be served by on-site individual sewage septic system. The Pollution Control Agency only gets involved if a system reaches a certain size.

Larson asked if the areas guided for rural area development are considered by the Memorandum of Understanding. Klatt noted that they are not part of the sewerred growth as guided by the MOU.

Haggard asked how the population forecasts were developed. She noted concern about the figure related to the Village. Klatt explained that it is a little misleading as it includes existing units as well. Klatt stated that they want to try to get back to a more typical model of land use planning and get away from a rec unit count to drive planning.

Dodson asked how often the City receives inquiries or requests related to development in the rural areas. More specifically, he asked how prevalent the requests are for the RAD-2 areas. Klatt explained there has not been any surveying, but do hear occasionally from developers. There is not much activity going on right now.

Haggard stated that if people wanted to use their land differently and we want to consider that, we need to notify people.

Public comments were accepted by the Planning Commission:

Larry Weiss, 9302 Stillwater Blvd, would like to see the Friedrich property go back to RAD.

Ed Nielson, 9498 Stillwater Blvd, feels that RAD-2 is not an appropriate zone and does not fit the surrounding area.

Susan Dunn, 11018 Upper 33<sup>rd</sup> St, stated that she felt that RAD-2 should go away. She noted she supports the OP Ordinance, RS and RE developments.

Steve Delapp, 8468 Lake Jane Trail, corrected the legislative history of the RAD-2 land use category and stated that nothing north or 10<sup>th</sup> street other than the Old Village should have this type of density.

Klatt asked the Planning Commission how they wanted to address the questions related to the rural planning area. The Planning Commission would like to just continue to discuss the rural areas as a whole rather than to discuss individual properties. The Commission wanted this to come back to their next meeting.

Haggard and Kreimer both feel that there is more to discuss than just RAD and RAD-2. They would like to see RE & RS discussed as well as other things.

**Business Item:** Animal Ordinance Update

Bell presented the updates to the animal ordinance. The cats and dogs section was recently updated. Bell stated that there have been a lot of inquiries in regards to livestock, especially chickens and bees. The trend in the metro is that people are interested in making their own food. Currently the livestock section is in the zoning code, but staff would like to see that moved to the animal section. Currently the code limits the keeping of livestock to 10 acres. That is one of the questions that should be addressed. Staff is proposing that chicken and bees would be allowed on ½ acre with a permitting process. This seems consistent with the metro trend.

Johnson stated that a lot of communities are going the direction of allowing bees and chickens on smaller acreage, but the staff has also gotten a lot of inquiries about the keeping of chickens on smaller acreage.

Morreale would like to see a scale for chickens that is more in line for personal consumption. It seems that if you can have 32 chickens on 2.5 acres that is more commercial in nature and would create problems with waste, etc. He feels that the

scale is too high. Bell stated that homeowners associations might also limit some of these things. Bell said that these were preliminary numbers and they are looking for input.

Haggard stated that there are a lot of properties that do not have HOA's and it could be a problem. She also asked that with the 2 year licensing, will the staff be sending a notice out when that license is to expire. Bell confirmed that the permitting period is correct.

Johnson stated that this activity is already taking place and if we put in good regulations that are followed respectfully, there should be less problems.

Lundgren stated that she likes that the education component is required for the beekeeping.

Dodson feels that the chart is confusing and should be cleaned up. The animal units are confusing. Bell stated that it has to do with grazeable acreage. You need a minimum of 5 acres for any livestock other than bees or chickens. Staff will work to clean up the table. Dodson was wondering why there was a distinction between chickens and other fowl. Bell stated that it is how other Cities have their code. The requests have been for chickens. Also the different birds have different needs with chickens being the easiest to care for.

Dodson asked who was able to have roosters. Bell stated that anyone over 5 acres would be allowed to have roosters.

## **Updates and Concerns**

### *Council Updates*

1. Variance – 09.029.21.22.0025 (Hill Trail North) was approved at the October 15, 2013 meeting with the 2 conditions discussed at the Planning Commission meeting.
2. Met Council 2040 Growth Forecast Discussion.

### *Staff Updates*

1. Planning Commission has meetings upcoming on November 13<sup>th</sup> and 25<sup>th</sup>. The meeting on 11/13/13 is on a Wednesday due to the Veterans Day holiday.
2. Discussed having finding of facts worksheets that sets out what the criteria is and helps to formulate how to come up with your decision. Worksheets were handed out by Planner Johnson.

*Commission Concerns – None*

Meeting adjourned at 10:45pm

Respectfully submitted,

Nick Johnson  
City Planner