



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 25, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m.

COMMISSIONERS PRESENT: Obermueller, Fliflet, Hall, Larson, Kreimer, Reeves, Morreale, and Williams;

COMMISSIONERS ABSENT: Haggard; and

STAFF PRESENT: Planning Director Klatt, City Planner Johnson and City Administrator Zuleger.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: *February 11, 2013*

M/S/P; Reeves/Morreale to accept the minutes of February 11, 2013 as amended; **Vote: 5-0, Motion Carried**, Hall did not vote.

Public Hearing: *Zoning Text Amendment – Urban Residential Zoning Districts*

Klatt explained the purpose behind the proposed changes to the urban residential zoning districts. He noted that proposed changes to the minimum district standards include minimum lot width and side-yard setbacks. Klatt noted that the setback for the principal structure will be 10 feet, whereas the setback for the garage will be reduced to 5 feet.

Moving forward, Klatt explained the motivation for pursuing these proposed changes. The motivations include the desire to allow for greater clustering in residential subdivisions. In addition, many people from the building community have expressed the desire to allow for smaller residential lots, as well as reduced side-yard setbacks for the garage.

Kreimer asked about the variance process at the preliminary plat level. Fliflet mentioned that it would be difficult to grant a variance due to a lack of findings of fact.

Reeves asked if these proposed changes would affect existing property owners. Klatt noted that these changes are only for the urban residential districts. Therefore, existing properties would not be affected by these minimum district standards.

Larson asked where these zoning districts are located in the future land use plans for the community. Klatt noted that these zones are located in the I-94 Corridor and Village.

Williams asked about dimensional standards related to the HDR Zoning District. Klatt explained that the dimensional requirements are different for the HDR district because of the variety of different types of residential uses that may occur. He noted that it is important to take the bulk and massing standards into account as well.

Williams opened the Public Hearing at 7:18pm.

No one spoke

Williams closed the public hearing at 7:19pm.

Kreimer noted that he did not support reducing the lot size because he felt that a 60-foot lot feels extremely dense. Klatt noted that the Comprehensive Plan determines that allowed density of a land use category for a piece of land, regardless of the minimum lot size within the applicable zoning district. Larson noted that the ability to plat smaller lots does not change the density requirements on the Comprehensive Plan. Klatt noted that his sentiment is correct. Staff feels that the smaller lot will allow for greater amounts of open space.

M/S/P: Reeves/Hall, move to recommend approval of the proposed changes to the minimum standards of the urban residential districts: **Vote: 5-2, Motion Carried**, with Obermueller and Kreimer voting no.

In response to the proposed motion, Obermueller presented an amendment to the motion to keep the 70' minimum width in place for the LDR district.

M/S/P: Obermueller/Kreimer, move to amend the motion to keep the lot width 70' for LDR and 50' for MDR: **Vote 2-5, motion to amend fails**, with Williams, Larson, Hall, Fliflet and Reeves voting no.

Public Hearing: *Village Comp Plan Amendment*

Klatt began by giving a presentation about the purpose of the Comprehensive Plan Amendment. He explained how the process of formulating the Village Land Use Plan occurred. As part of explaining the process, Klatt highlighted the many meetings and opportunities for public engagement that were offered as part of the process. Klatt explained the role of the Village Work Group, noting their great efforts to refine the plan to prepare it for public hearing. In terms of integrating the document into the existing Comprehensive Plan, Klatt explained the necessary work to combine the Village Land Use Plan into the Comp Plan.

Moving on, Klatt explained some of the key decision point leading up to the formulation of the Village Land Use Plan. The key decision points include the following:

- Guiding the Village for 934 residential units per the Council's decision in 2009.
- Consideration of the Village Green or master planned mixed-use development downtown.
- Reconsideration of the MUSA boundary
- Elimination of State Highway 5 realignment proposal
- Establishment of the mixed-use planning area.

Klatt then presented how the City's overall Land Use Map would look as incorporated into the Comp Plan.

Johnson presented an overview of the proposed Village Comprehensive Plan Amendment and reviewed the proposed land use categories that are being recommended for this planning area. He reviewed the planned implementation measures that will be considered by the City, including development of a mixed-use zoning district, a form-based code, adopting design standards and working with property owners to realize the open space plan.

Johnson discussed various components of the land use plan, including the proposed open space plan, transportation plans, parks and other elements.

Klatt wrapped up the Staff presentation by explaining the next steps for the Village Land Use Plan. He noted that if the Planning Commission and City Council authorize the Village Land Use Plan, then the plan would need to be reviewed by adjacent communities and the Metropolitan Council.

Klatt finished the presentation by noting that the proposed draft of the Land Use Plan builds off of numerous previous planning efforts, most importantly the Village Master Plan. He thanked the members of the Village Work Group for their tireless efforts during the process.

Public Hearing opened at 8:12pm

Neil Krueger, 4452 Lake Elmo Ave. N., noted that he represents the 3rd generation of his family to live in Lake Elmo. He noted that he hopes to see the Village Center develop in a natural manner, not artificially. Second, Mr. Krueger noted that he would like his property removed from the urban portion of the Village in order to continue agricultural activities on his land. Third, Mr. Krueger noted that he adamantly supports the development of trails in the Village. Fourth, Mr. Krueger noted that he would like to see more small-scale single family uses continue in the Village.

Deb Krueger, 4452 Lake Elmo Ave. N., noted that she is pleased that the current plan takes many of the principles of the previous planning efforts forward. She also noted that residents offered input at a meeting at Oakland Jr. High School several years ago. She asked if the City is considering the transfer of density rights. She also noted that the City should consider the extension of greenbelt corridors up Lake Elmo Ave. to the north. Third, Ms. Krueger noted that she is concerned about the City not carrying forward cluster developments. She stated that cluster developments should be done in a way so that residents can see the maximum amount of open space.

Marjorie Williams, 3025 Lake Elmo Ave. N., noted that she previously served on the Planning Commission and Village study groups. She noted that she is concerned that historical preservation is not adequately addressed in the plan. In addition, the zoning code does not maintain the existing pattern of the built environment. It is important that the Village maintain the look and character as it stands today. Ms. Williams noted that she treasures the old homes in the Old Village.

Larry Lanoux, from the City of Grant, noted that the City of Lake Elmo is looking at growth due to Met Council Mandates. He noted that the City of Grant is experiencing some similar pressure. He reported that the Planning Commission was disbanded in the City of Grant. He stated that the City of Grant will be one of the communities to review the draft of the Comprehensive Plan. He wanted to applaud the efforts of the Planning Commission. He reported that there is no planning Staff in the City of Grant to review the Comprehensive Plan.

Klatt noted that Staff needs to clarify the communities and jurisdiction that should review the Comprehensive Plan Amendment.

Ann Bucheck, 2301 Legion Ave. N., also served on the previous Village efforts. She noted that she appreciates the efforts of Staff, but urges the Planning Commission to vote against the proposed Comp Plan. She noted that there is too much passive language in the Comp Plan allowing for too much flexibility in the document. She also noted that the plan should only allow for 934 units, not up to 1100 units. She also noted that there is another addition needed to the physical context of the Village, mentioning the storm water problems. Commercial should not be allowed in the Northeastern portion of the Village. She also noted that TIF financing should not be allowed. She submitted her comments in writing.

Todd Bruchu, 3150 Klondike Ave. N., noted that he is a lifelong resident. He wanted to know where the Village parkway will be located. He also wanted to know why the recreation area is labeled as a regional park. Mr. Bruchu also inquired about the difference between the Village Boundary and the MUSA Boundary. Mr. Bruchu noted that he is concerned about the recreation area being divided by the railroad tracks. Finally, he reported that he supports the preservation of Lions and VFW parks, but he is concerned about the amount of parking available to these parks.

Susan Dunn, 11018 Upper 33rd St. N., noted that she has reflected on what has made Lake Elmo special. She wanted to add the context of the Metropolitan Council mandates to the history of the planning process. She also added some key components of the physical context. She noted that the original Village Plan called for 600 residential units. She wanted the passive language to be removed from the document. She asked that the Art Center be added to the public spaces section. Ms. Dunn noted that she did not find any portion of the Comp Plan that discussed the protection of compliant and functioning septic systems. She also noted that the costs are not included in the document. She is glad that existing homes in the VMX area will not be considered non-conforming uses. She wanted to share her concerns pertaining to the ongoing problem to the lack of drinking water in the aquifers in the East Metro. She noted that she is glad that attention is paid to Hwy-5 safety. She wished to have images in the document. She is glad that the City is looking at design standards. The design standards should be considerate of building height, particularly near the existing Old Village. Finally, she thanked everyone who is working on these plans. However, she also emphasized that the financial issues related to sewer are very real for the residents.

Chairman Williams spoke about three letters that were submitted to the Planning Commission. The City received letters from Michael Lynskey, James MCleod and Steve DeLapp. Secretary Hall read the letters into the record.

Steve DeLapp, Lake Jane Trail, had three key points: (1) the residents should always come first; (2) Sustainability is a key practice, particularly in Lake Elmo. This is very important for storm water management; and (3) the residents should not accept anything that does not meet a high standard. Mr. DeLapp also noted that residents of Lake Elmo have always had the ability to use their property for agricultural purposes. He also noted that the level of density in the downtown reflects the needed density to create the critical mass of people to have a thriving downtown. In addition, Mr. DeLapp noted that the issue of the Met Council mandates should be included in the plan. Chairman Williams read other key points from Mr. DeLapp's letter.

Williams closed the Public Hearing at 9:12pm.

Fliflet asked for two clarifications pertaining to the storm water and runoff in the Village, as well as the letter submitted by James MCleod. Staff addressed these clarifications.

Reeves asked Chairman Williams about the best method to digest all of the public comment made during the Public Hearing. He is looking for direction regarding due process. He suggested that the Staff respond and incorporate the comments to the best of their judgment.

Commissioner Obermueller asked how the City will address architecture of single family homes (LDR and MDR). Administrator Zuleger noted that the City wants continuity with the new residential in the community in terms of character. In addition, the City is interested in life-cycle housing that is available for all generations. Zuleger added that Staff has communicated to developers that we are looking for a sense of place and special character. He suggested that the City use a document that outlines the City's architectural preferences.

Regarding process, Administrator Zuleger suggested that each Planning Commissioner share their thoughts that were generated from the Public Hearing. Chairman Williams liked the proposed process.

Reeves started by expressing his support for the Comprehensive Plan Amendment. He also wanted to reconcile the difference between 934 new housing units and the range that Staff is proposing. He also added that he enjoyed the policy discussion about existing septic systems that are functioning well and are compliant.

Obermueller noted that she does not support putting the language about the Met Council mandates into the introduction. She also liked the comment about the lack of drinking water in the aquifers. In addition, she supports the Commercial land use in the northeast corner of the Village. She stated she supports the document.

Fliflet started by addressing the letter from Mr. James MCleod regarding the land use near 30th St. She would be open to addressing that through an adjustment to the greenbelt. Next, Fliflet asked that the overall land use plan for the City reflect categories that are specific to the Village. In addition, the categories should be named "Village Low Density" for example. Fliflet noted that she could see some benefit in adding the Met Council mandate language if it is done in a tasteful manner. Moving forward, Fliflet noted that parking should be given a bigger priority in the planning of the Village. Regarding the passive language, Fliflet noted that she supports the language having some flexibility so that the City can proceed with an open mind. She also agrees with Mr. DeLapp that the City should demand great, not second best.

Kreimer noted his support of the Village Land Use Plan. He also noted that he is concerned about the recreation fields being bisected by the railroad. Johnson explained the reasoning behind the location of the park space of the map. Next he concurred that there needs to be a policy regarding existing open space. Kreimer also suggested that the City look at connections to the Gateway Corridor Trail. Finally, Kreimer noted that he does not understand how the mechanics of the Open Space are addressed.

Hall noted that he supports the document. He supports the language pertaining to the Met Council mandate, as long as it is done in a tasteful manner. Next, he supports the addition of storm water as a physical challenge in the Village. Moving forward, Hall supports the range of densities because it ensures that the City meets its Met Council obligations.

Morreale noted that he supports the document. He did want to explore the policy surrounding the situation of compliant septic systems. He also noted that he liked the comment pertaining to access to drinking water and the shortage in the aquifers.

Larson started by stating that it is difficult to know where the line bends in terms of how specific the document should be. Regarding the passive language, Larson noted that most of it is acceptable, but some things should be critical and not contain passive language. The City should always expect the higher standard. Larson noted that he supports smaller lots. Smaller lots would fit well with the existing context. Larson noted that the future Village square should connect the existing Old Village and the newer residential areas. This should act as a connection point. Finally, Larson noted that the regional Village park must include different uses so that kids aren't forced to walk across the railroad tracks frequently. He also noted that he would like to see tournaments being held at this facility. For this to occur, he would like to see the clustering of facilities.

Williams started by noting that he is concerned that not enough attention is paid to the historic preservation in the Village. Regarding passive language, he noted that he supports less passive language, but the City Council may feel differently. In addition, he supports the statement that storm water management is a definite physical challenge to the Village. Next, Williams asked where the Village Green should be. Administrator Zuleger noted that if the Council supports the Village Green, they would like to see it as close to Lake Elmo Ave. as possible. Williams asked about TDR and TIF. Johnson explained the City research pertaining to TDR programs. Next, Zuleger explained his experience with Tax Increment Financing (TIF). He explained that if a private or public project comes forward, the City can structure a TIF based upon an irrevocable letter of credit to conduct improvements related to infrastructure. The deal is structured in a way that the City draws off a letter of credit until the developer is able to pay off the increment. Further payments pay the general fund back. TIF in the manner that he has used it is not a handout.

Staff moved on to address many of the comments from the Planning Commission and from the Public Hearing, including the following:

- Klatt explained the purpose behind the density ranges. He also noted that it makes sense creating other land use categories for Village specifically given the different ranges of density.

- Klatt also discussed the issue surrounding the policy of compliant and well-functioning septic systems. Staff will add language to the public services section.
- Klatt addressed the issue of the MOU. He noted that the introduction of the Land Use Chapter addresses this issue. Zuleger noted that the City is working through various channels to look at relief from some of the requirements of the MOU.
- Next, Klatt addressed the issue of access to good groundwater. He suggested that Staff can add some discussion of this item. In addition, this can be tied to sustainability.
- Moving forward, Klatt suggested looking at some land use changes to address the concerns of Mr. MCleod.
- Next, Klatt noted that the land use categories should be changed to reflect the land uses in the Village. This will be reflected on the overall Land Use Map.
- Klatt noted that issue of trails can be further addressed.
- Moving forward, Klatt addressed the issue of the greenbelt, noting that it was part of the land use visions all along. This is different from the buffer in the I-94 Corridor.
- Klatt noted that Staff will certainly add the storm water as a physical challenge in the Village.
- Regarding passive language, Klatt explained that there is stronger language in the land use plan when necessary. Williams noted that historic preservation has been discussed for 20 years, and yet it has never been enacted. Staff noted that some language can be added to support historic preservation.
- Regarding minimum home standards, Klatt noted that the earlier zoning text amendment allows for smaller lots in urban residential districts. In addition, language can be added to encourage life-cycle housing.
- Speaking on the recreation facility, Staff noted that the facility should be noted as a community facility, not regional.

Klatt wrapped up Staff's responses to the comments from the public hearing and from the Planning Commission.

M/S/P: Fliflet/Hall, move to recommend approval of the Comprehensive Plan Amendment with the changes agreed upon by the Planning Commission, **Vote: 7-0, Motion Carried.**

Fliflet asked the Planning Commission to reaffirm its support of the Village Green concept in order to advise the City Council of its support of the concept. Larson supported Fliflet's motion in that he is passionate about the Village Green concept. Reeves explained that he is uncomfortable supporting the motion because he supports many other elements of the plan with the same passion as the Village Green concept. Williams agrees that there is no need to single out the need of the Village Green because it is already in the plan.

M/S/P: Fliflet/Larson, move to advise the Council of the Planning Commission's support of the Village Green concept, **Vote: 4-3, Motion Carried**, with Williams, Hall and Reeves voting no.

Williams wanted to publicly thank the members of the Village Work Group.

City Council Updates

City Council approved the PUD Ordinance at the meeting on 2/19/13.

Staff Updates

Staff updates include the upcoming public hearings on the updates to the rural zoning districts and a tree preservation ordinance.

Commission Concerns - *None*

Meeting adjourned at 10:45pm

Respectfully submitted,

Nick Johnson
Planner