



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 23, 2013**

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

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

**COMMISSIONERS ABSENT:** Larson; and

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

**Approve Agenda:**

The Planning Commission accepted the agenda as presented.

**Approve Minutes:** September 9, 2013

M/S/P: Dodson/Lundgren, move to accept the minutes of September 9, 2013 as presented, **Vote: 7-0, Motion Carried.**

**Public Hearing:** *Variance (Cont.) – 09.029.21.22.0025 (Hill Trail N)*

Johnson presented the updated information submitted by the applicant, including an updated site plan and a proposed septic system design. The septic system does comply with Washington County regulations concerning subsurface sewage treatment systems. Johnson reviewed the updated site plan and noted that impervious surface coverage had been reduced from the previous plan. Moving on, Johnson noted that staff had performed an analysis at the request of the Planning Commission of the size and location of lots within the Hill Trail North area. He briefly discussed the City zoning regulations concerning substandard lots and situations in which a property owner owns several lots next to each other. Johnson reviewed comments and letters received and noted that staff is recommending approval of the variance with two conditions of approval.

Dorschner asked when the homes south of the applicant's site were constructed. Johnson replied that staff does not have this information on hand, but he did note that they had to have been built prior to the 1979 Code adoption, or received a variance.

Nancy Hanson, 8024 Hill Trail N., noted that her family has been maintaining and improving the lot for many years. They decided not to build a home of their own on the lot due to their age.

Paul Hanson, 8024 Hill Trail N., noted that he and his wife currently own the property. He noted that they have been taking care of the lot and that it would be a very nice lot for a new home.

Gale Dworak, 12325 Upper Heather Ave., noted that she and her husband are the applicants and are asking the Planning Commission to take action based on meeting the Code requirements.

Dean Dworak, 12325 Upper Heather Ave., stated that 11 of the 14 people notified for this variance offered no objection. He believes that the people objecting to the variance are doing so in part because they have enjoyed a vacant lot next to their home for many years. The staff states that all of the requirements are met.

Brad Gustafson, 8120 Hill Trail N., reviewed the variance requirements and feels that the variance is in direct conflict with the intent of the Ordinance and does not meet the required findings for a variance.

Kevin Clemmons, 7920 Hill Trail N., stated that he lives on Lake DeMontreville. He shared his concern that people should make sure that the aquifer can support a new home, and possibly more in the future.

Bonnie Weisbrod, 8111 Hill Trail N., lives across from this property. The City has dealt with variances in the past for other lots in the area and previous requests were denied. She stated that this is not a buildable lot and expressed concern regarding runoff from the street to her lot.

Dick Nelson, 8123 Hill Trail N., lives across the street and built his home in 1973. The City has criteria concerning what is considered a buildable lot; the City should follow those rules.

Vickie Iverson, 8108 Hill Trail N., stated that her main concern is that the lake will turn into a White Bear Lake and that the aquifer is going to be drained. We need to take care of the lake and she doesn't want all of the small lots to be built on.

Williams noted receipt of two written comments; one letter from an attorney representing the Gustufson family, and another from Mr. Gordy Grunden. Both letters indicated opposition to the variance request.

Williams closed the Public Hearing at 7:39 p.m.

Dodson asked questions about the aquifer and capacity in case another well is drilled. Zuleger replied that Lake Elmo area aquifers have been studied as part of the City's water plan. He noted that the City has been assured that the aquifer intended to be used for the municipal water system has substantial capacity. Dodson also asked if the DNR commented on the population density for this area. Johnson stated that the DNR looks at adherence to the shoreland ordinance. They look at the amount of impervious surface, grading, erosion control and drainage. Based on what has been proposed, the DNR has not offered any objection to the Variance request.

Haggard asked how does new development affect the County ground water plan. Zuleger stated that the plan primarily deals with quantity.

Dorschner was wondering if the City has considered the domino effect. How many more variances can be sustained? Klatt stated that in the mid 1980's, the City passed a restriction that before any of the lots in this area can be sold, the sale must be reviewed & stamped by the City. This was done to ensure that these smaller lots can't be split off by an owner and considered buildable. It should also be noted that the variance standards are more lenient now with the practical difficulties test as opposed to the undue hardship test.

Kreimer asked if the concern regarding runoff is enough to require a rain garden. Johnson stated that the proposed home is under the amount of impervious surface allowed, therefore, a rain garden is not required.

Williams is concerned about the loss of the City's rural character and thinks we should maybe consider raising lot size requirements rather than lowering it. He suggested looking at average lot size to determine whether or not to build on a piece of property.

Dodson is concerned with private property aspect of the rules and regulations. He does not think that the proposed home will change the density of the area. In addition, he felt that Tri-Lakes area should not be considered a rural area.

Haggard has concerns about aquifer, runoff to lake, etc. You can't just look at one home, but need to look at the whole area and the future potential for more homes. She noted that the Ordinance is in place to protect aquifer and is concerned about damaging the lakes.

The Planning Commission had a general discussion about the aquifers.

Zuleger noted that this summer there were discussions regarding bringing sewer to this area when it would be feasible. There have been petitions in the past to try and serve the peninsula with sewer. Dorschner stated that sewer would be a game changer, but there is no guarantee that it will happen.

Morreale is concerned about the aquifer. One house may not seem like a big deal, but if it opens the door to additional homes, it may add greater pressure. He feels that it is an important consideration.

Haggard stated that she recommends denial based on water quality concerns – that the request may negatively impact the essential character of the neighborhood.

Dorschner feels that lot was purchased with knowledge that it was unbuildable and they are now asking for a variance. In his opinion, the variance request does not meet the test for a unique circumstance.

Haggard feels that property at present is not buildable. Williams feels that the difficulty is of the future property owner's making.

Dodson stated that he doesn't see any data to deny the variance based on water quality. Kreimer agrees and also notes that all the lots in the area are of similar size.

Williams would like to add a finding that the proposed variance is not consistent with the Comprehensive Plan. The Comprehensive Plan does not call for small lots in the area and calls for this area to have on-site systems with private services. The Comp plan also calls for the area to be rural which does not mean small lots. Haggard accepted the amendment.

Recommend denial based on 3 findings – There is not unique circumstances, the degradation of the aquifer and water quality would alter the essential character of the neighborhood, and the variance is contra to the comprehensive plan.

M/S/P: Haggard/Morreale, move to deny Variance request at 09.029.21.22.0025 (Hill Trail N) based on three findings: **Vote: 5-2, Motion Carried**, with Dodson and Kreimer voting no.

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

Klatt explained that the request by Ryland homes is related to a Sketch Plan submittal of 50+ single family homes. The proposal would require a Comprehensive Plan Amendment, as it is currently guided as Medium Density Residential in the Comp Plan. Klatt moved on to provide a description of the existing surrounding land uses and proposed land uses in the Comp Plan. In addition, he described the location of future 5<sup>th</sup> street minor collector road. This collector road is an important consideration for the subject parcel and parcel to the north.

Moving forward, Klatt provided proposed finding of fact for approval of the request. He noted three findings:

1. The parcel is relatively small and would not significantly impact the City's ability to meet the required growth forecasts as required by the MOU.
2. The marker is not favorable to medium density housing at this time. The change would allow the city to hook up additional users to the planned utility projects, providing cash flow for these major investments.
3. The City is continuing to work towards potential reductions in the 2030 growth targets with the Metropolitan Council.

Klatt completed his presentation by noting that staff is recommending approval of the Comprehensive Plan Amendment.

Haggard asked about the possibility of a single family parcel being located next to a high density parcel. She would like to know who is responsible for screening. Dodson shared this concern. Klatt said that at present they are not concerned with this because they have been in discussions with property to the north and it looks like it will be similar density and the location of the collector road serves as a natural buffer.

Dorschner stated that he is concerned that the Met Council will not approve our request. He noted that we just started this process, and it seems unlikely that the Met Council would accept this request. Klatt noted that based upon recent meetings with Met Council, the City believes that the Met Council will be responsive to the request.

Dorschner asked if the lower density will create problems in paying for the infrastructure. Zuleger stated that the project will help cash flow infrastructure sooner rather than later. In addition, there is a strong signal from the Met Council that there is a willingness to reduce our numbers in population and units to 2040. If we can come up with a strong forecast that is agreeable to the Met Council, it is possible that the MOU could go away completely.

Public Hearing opened at 8:49pm.

Steve Schoonmaker, 11490 Hudson Blvd., noted that the minor collector road runs right through their property. He would like to see that road as close to the tree line to the North. Williams stated that was not a topic for this particular public hearing.

Mark Sonstegard, Ryland Homes, noted that he appreciates the Planning Commission's review of the Comp Plan request. He stated that he is available for any questions.

Nicole Park submitted a letter stating her support for the Comprehensive Plan Amendment.

Public Hearing closed at 8:53pm.

M/S/P: Dorschner/Haggard, move to recommend approval of the Comprehensive Plan Amendment on the Landucci property, **Vote: 7-0, Motion Carried Unanimously.**

Dodson asked about Met Council approval. Klatt explained that the action is contingent upon Met Council approval.

**Public Hearing:** Zoning Text Amendment – Village Mixed Use (VMX) Zoning District

Staff will hold a workshop on October 7<sup>th</sup> to allow for members of the Village Work Group to discuss the background of what went into the Comprehensive Plan Amendment. Klatt is suggesting to open the public hearing and continue it to October 14<sup>th</sup> meeting.

Public Hearing opened at 8:59 p.m.

M/S/P: Haggard/Williams, move to postpone consideration until the next Planning Commission meeting, October 14, 2013: **Vote: 7-0, Motion Carried Unanimously.**

**Business Item:** *Sketch Plan Review – Landucci Property*

Sketch Plan includes 51 single family lots on a 19.5 acre parcel. Klatt noted that Sketch Plan review does not require formal action by the Planning Commission and Council. Klatt described the key highlights of the Sketch Plan, including:

- The location of the minor collector road (5<sup>th</sup> Street)
- Considerations of secondary access

Klatt moved on to explain that the Development Review Committee provided review found in the Staff Report.

Dodson asked about the required improvements at Lake Elmo Ave. Klatt noted that the County will likely require additional turn lanes at the site of 5<sup>th</sup> Street minor collector road.

Kreimer asked if the 5th Street collector road will include trails and sidewalks as similar to other projects in the I-94 Corridor.

Haggard asked where the closest park is. Johnson stated that the closest park is the Park Preserve. Johnson notes that in the park plan it indicates that this general area needs a park. Smaller parcels have limited space to accommodate, so sometimes the park dedication fee is used to acquire land for the park.

Williams asked what the minimum spacing is for streets intersecting a minor collector. Johnson stated 660' is the minimum requirement.

Dodson asked about the proposed storm water management. Klatt noted that the City has its own storm water management ordinance.

Mark Sonstegard noted that Ryland has been working with the City Staff for some time. He also provided background information about Ryland Homes. Ryland has been working in the Twin Cities since 1995. They currently have 24 neighborhoods in the Metro. He noted that Ryland would propose to build homes that are approximately 50' in width on lots that are 72' wide.

Jill Lundgren asked about the temporary access to Lake Elmo Ave. Sonstegard stated that it would be a temporary access as the development is built. Dorschner asked about the average square footage of the homes. Sonstegard noted that they are two-story homes ranging in size from 2,200 to 3,000 square feet.

Williams asked if they intended to establish an HOA. Yes

Kreimer asked if they had any elevations to show the look and design of the proposed homes. Sonstegard noted that many elevations are found on their website. He also stated that they are constantly tweaking to meet consumer demand.

Haggard asked about the size of the garages. Sonstegard noted that the two-car garage is 20' in width. The 3 car garage is 30-32' width. Haggard asked about rules about requiring different elevations on adjacent lots.

Dodson asked about the projected build out of the neighborhood. Sonstegard noted that he anticipated the final build out to be completed by 2017, with most of the activity occurring in 2014 and 2015.

Williams asked about secondary access. Sonstegard mentioned that the trail could provide emergency access. Klatt mentioned getting the Parks Commission to discuss possibly looping the trails to Lake Elmo Ave.

Kreimer noted his concern about a lack of a tot lot or other park areas. Morreale & Haggard also shared this concern.

Linda Anderson, 275 Lake Elmo Ave, noted that she shares some of the concerns of the Planning Commission. She stated that Lake Elmo Ave. is challenging due to the gravel shoulders. She also supports a signal at 5<sup>th</sup> Street and Lake Elmo Ave. She asked about the speed limit of Lake Elmo Ave. In addition, she asked when the 5<sup>th</sup> Street minor collector road would be built. Klatt stated that currently the trees are being cut to

accommodate for the sewer line and the part of 5<sup>th</sup> street that will serve this development will be constructed in conjunction with this development.

Steve Schoonmaker, 11490 Hudson Blvd., noted that he supports the alignment of the collector road. He asked that the collector be as far north to the Trans City property. Williams asked if he has met with Landucci or the property to the north. He has not. Haggard suggested that additional buffering be required for single family areas adjacent to sewer areas. Johnson stated that those types of issues should be discussed at the preliminary plat.

Morreale asked what the park dedication should be for this development. Klatt stated it is 10% or approximately 2 acres. Morreale also asked about the common or recreations areas in Cimarron Park. Klatt described some of the facilities and noted that these are considered private at this time.

Dodson expressed concern about the lack of shoulders on Lake Elmo Avenue. He asked how we facilitate a project like that with the County.

### **Updates and Concerns**

*Council Updates - None*

*Staff Updates*

1. Planning Commission will have a workshop at 7:00 p.m. with the Village Work Group.
2. Planning Commission meetings upcoming on October 14<sup>th</sup> and October 28<sup>th</sup>.
3. Planning Commission received hard copy books of Chapter 154 zoning code.
4. Staff attended the State Planning Conference in Rochester. They had the opportunity to receive training and information and network with staff from other Cities.

*Commission Concerns –*

Meeting adjourned at 9:55pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant