



**City of Lake Elmo
Planning Commission Meeting
Minutes of January 14, 2013**

Chairman Williams called to order the workshop of the Lake Elmo Planning Commission at 7:00pm

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

COMMISSIONERS ABSENT: Hall and Haggard;

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

Election of Officers:

M/S/P: Reeves/Kreimer motion to nominate Todd Williams as Chairman of the Planning Commission; ***motion carried: Vote: 7-0.***

M/S/P: Williams/Kreimer motion to nominate Julie Fliflet as Vice Chairwoman of the Planning Commission; ***motion carried: Vote: 7-0.***

M/S/P: Williams/Reeves motion to nominate Tom Kreimer as Secretary of the Planning Commission; ***motion carried: Vote: 7-0.***

Approve Agenda:

Chairman Williams added a discussion about parliamentary procedure to the Agenda before the approval of the minutes.

Parliamentary Procedure Discussion

Chairman Williams handed out an informational handout regarding Robert's Rules of Order. He noted that the Planning Commission generally follows Robert's Rules for guidance. In addition, Williams declared his intention to vote on all matters, being that he is the Chairman. Also, he noted that members should not vote for items or minutes at which they did not attend. Finally, Williams noted that in Robert's Rules, an abstention vote is the same as voting no. If a Commissioner wishes to not vote on an item, then they should simply not vote as opposed to abstain. The Commission engaged in a discussion regarding voting. To wrap up, Administrator Zuleger noted that tabling an agenda items signals the Planning Commission's intention to return to that item later in the meeting. If the Commission wishes to put off an agenda item to the next meeting, than the correct action is to postpone the discussion of the item.

Approve Minutes: *December 10, 2012*

Chairman Williams suggested one change pertaining to the discussion of the Subdivision Ordinance.

Williams moved to accept the minute of December 10, 2012 as amended; **Vote: 7-0.**

Approve Minutes: *December 18, 2012*

Minutes were accepted as presented.

Public Hearing Item: *Variance – 3549 Lake Elmo Ave N. (Christ Lutheran Church)*

Klatt presented a summary of the request. The request includes a variance for lot size and lot width. The minimum lot size in the GB Zoning District is 1.5 acres, and the minimum lot width in the GB Zoning District is 150'. After describing the request, Klatt shared some information and history about the site. The site is 0.79 acres, and is larger than many of the parcels in the downtown or Village. In addition, he presented a snapshot of the area surrounding Christ Lutheran Church.

Moving on, Klatt explained where the proposed minor subdivision would occur. The parcel would be split so that the Church retained the parking stalls on the northern half of the parking lot, as well as the stormwater retention area. The southern half of the lot would stay with the commercial property to the south. The resulting properties would be 0.25 acres and 0.54 acres.

In terms of the reason for the request, the Church has noted that a potential buyer is only interested in half of the parking area. Klatt explained that the amount of parking required depends on the use of the building. Whatever the ultimate use becomes of the former bank building, Staff is confident that there is enough parking to address the needs of the commercial building. If there is a scenario where more parking is needed, Klatt noted that Staff recommends that the Church and the user of the former bank property should enter a shared parking agreement.

Klatt finished his presentation by noting that Staff is recommending approval of the Variance with the condition that the applicant seek a shared parking agreement with the future user of the former bank building.

Fliflet asked if the shared parking agreement can be structured in a way that the portion of the lot that would be grouped with the commercial user can also be used by the Church. Klatt noted that the agreement could be structured in such way.

Reeves asked if the City would be locked into this variance if the sale of the former bank building fell through. Klatt noted that the shared parking agreement would be recorded on the deed on the former bank building at the time of the split.

Morreale asked what the property could be used for if the future owner was interested in some other use than parking. Klatt noted that under the current zoning, the parcel would not be considered a buildable lot. If the zoning was to change and the parcel was sewerred, than the minimum standards would change.

Obermueller asked about procedural items related to deeds and minor subdivisions.

Mr. Jim Kelly, Christ Lutheran Church, explained the reason for the variance request. He noted that the size of the former bank parcel affects the purchase price for the potential buyer.

Reeves asked if the applicant knew how many parking stalls the potential buyer typically uses in a day.

Mr. Kelly noted that the potential buyer's business does not attract large amounts of walk-up traffic. The potential buyer has noted that the parking would primarily be used for a limited number of employees that work at the business.

Fliflet asked about the amount of parking that is used at peak times for the Church. Mr. Kelly noted that a majority of the church-retained portion of the lot has been used at large services such as Christmas or Easter.

Williams asked if the Church investigated the option of using an easement over the parking area as opposed to splitting the parcel and the proceeding with the sale. Mr. Kelly noted that the Church is interested in the long-term control of the property. Williams also asked if the property is currently tax exempt.

Public Hearing opened at 7:43pm

Williams read a letter into the record from Kathy Weeks, 3647 Lake Elmo Ave. North.

Public Hearing closed at 7:44pm

Obermueller commented that the Church portion of the parking lot may need lighting in the future. She asked that the Church consider including lighting that is consistent with the theming of the downtown area. Klatt noted that the Planning Commission can make a separate motion to encourage the Church to include lighting that is consistent with downtown design or theming.

M/S/P: Reeves/Larson, move to recommend approval of the variance with condition that Church record a reciprocal shared parking agreement with the commercial property, **Vote: 6-1 with Williams voting no.**

Williams noted that he is opposed to the subdivision of a non-conforming parcel into two, smaller non-conforming parcels. He added that a reciprocal shared parking agreement could be recorded between the property-owner after the fact. He noted that he is not in favor of the motion as it stands now.

Fliflet noted that her concerns have been relieved in that the minimum lot standards in the current zoning district reflect lots that are not sewered. Given that the sewer is coming to the Village, she feels that the variance is appropriate. In addition, she supports bringing activity to the downtown that needs additional activity. Kreimer noted that other businesses have a lot less parking than the former bank building would have.

Public Hearing Item: Conditional Use Permit – Valley Branch Watershed District: Raleigh Creek Culvert Removal

Nick Johnson presented staff report and recommendation concerning a request from the Valley Branch Watershed District to remove a culvert located along Raleigh Creek at 28th Street. The request is for a Conditional Use Permit, which is required in order to perform grading work within a Floodplain District.

Fliflet asked about the need for future access to the site. Johnson noted there is one additional buildable lot, but no other land that would need access (most of the land is unbuildable).

Reeves asked if there might be any unforeseen City costs associated with the project. Staff noted that the City Engineer has reviewed the projects and did not anticipate any unusual city costs.

Nathan Campeau of Barr Engineering, representing the Valley Branch Watershed District, had the opportunity to speak as the applicant. He discussed schedule of the project, with the work likely being done in late summer. The VBWD is hoping to do work when the flow in the creek is seasonally dry to minimize potential erosion control issues.

Williams opened the Public Hearing at 8:10 p.m.

Glen Wickleman, 9065 28th St. N., spoke in favor of the project.

Jim Palacek, 2798 Jamley Ave. N., spoke in favor of the project, noting that his trees have been flooded out during the winter due to freezing in the culvert.

Tom Regan, 8875 27th St. N., provided some background history of the culvert and spoke in favor of the project.

Williams closed the Public Hearing at 8:17 p.m.

M/S/P: Fliflet/Kreimer, move to recommend approval of the Conditional Use Permit,
Vote: 7-0.

Business Item: *Zoning Text Amendment – Planned Unit Development (PUD) Ordinance*

Nick summarized discussion from previous meeting and reviewed the objectives for the proposed amendments to the PUD ordinance. The proposed ordinance include three major changes, including the addition of identifiable objectives for granting exceptions, potential density bonus for projects that meet certain criteria, and a listing of preferred site amenities related to the bonus.

Reeves would like to see the identified objectives better tied to the amenities required for density bonus.

Williams asked Chief Malmquist to discuss which structures require sprinkler systems.

Malmquist noted that under the fire code, single family and twin homes are not required to have a sprinkler system as long as they are under a certain square footage. Malmquist noted that sprinklers will help contain fires, save property and lead to lower insurance rates. He noted that the improvements necessary to add sprinklers to single family homes are relatively minor in terms of cost compared to other work within a residential structure.

Williams suggested that the Planning Commission review the proposed ordinance section by section.

In §800 of the ordinance, the Planning Commission had no comments or concerns.

Regarding §801, Williams asked if the identified objectives should be listed in order of preference. Johnson noted that the objectives do not need to be listed by priority because it is the responsibility of the developers to address which objectives their proposed development is meeting.

Reeves asked if it would read better if the primary objectives were highlighted, followed by descriptions. Johnson noted that that could definitely help.

Williams noted that language within item B, “corridors and transitional areas”, should be removed. The Planning Commission supported this proposal.

Williams suggested that Staff clarify item D.

Williams suggested that “adaptive reuse” be removed from item F.

For item G, Williams suggested compatibility be stressed within and outside of the development. The Planning Commission followed with a discussion on the intent of provision. Reeves suggested keeping language more general.

In item J, Williams noted an editorial change of removing the unnecessary “and”.

Finally, Williams suggested adding a final objective “K” to encourage the inclusion of certain site amenities that are not otherwise specified by this ordinance or other areas of the Code. Reeves shared his concern with this objective potentially being the only objective for which that the applicant complied. He suggested that additional amenities could be considered with the other site amenities in the density sections to keep the ordinance consistent.

In item C of §802, Kreimer noted his concern related to the size of the bonus and the ability of developers to exceed the ultimate number of residential units contained within the City’s land use plans. Johnson reviewed the general development process and explained that Staff can track the number of residential units that are added as projects come forward. Further down the line, the City will have the opportunity to adjust its Comprehensive Land Use Plan to reduce the amount of units if the City is projecting that more residential units will be added than previously agreed to. Fliflet also noted that she has some concern that the 20% might be too much additional density.

Reeves suggested that the number of amenities points be more limited and restricted to things that are only in the identified objectives.

Fliflet noted her concern regarding the objective for open space, noting that clustering would allow more density which might not be the ultimate objective. The Planning Commission and Staff engaged in a general discussion regarding the requirements for open space.

There was additional discussion pertaining to density and floor ratio bonuses. Obermueller expressed her concern that the bonuses may lead to development that does not meet expectations for Lake Elmo. Klatt suggested that PC consider 20% with additional clarification from Staff regarding the relationship of a planned development to the Comprehensive Plan and Memorandum of Understanding with the Metropolitan Council. Additional discussion followed about incentives and how to incorporate them into the Code.

Regarding §803 of the ordinance, Williams suggested that the minimum lot area should be larger than 5 acres, particularly for the I-94 Corridor. He suggested a minimum of 20 acres. The Planning Commission discussed the proposal and determined that 5 acres seemed like a reasonable minimum area.

Fliflet expressed her concern with density bonuses and how they will apply on a site by site basis. She noted that the actual impact of the amenities will depend on the specific site. Reeves shared that some of the descriptors or standards for the amenities are hard to pin down. He also wanted to know how the City can greater incentivize more of the objectives verses the specific site amenities. Johnson noted that some of the standards are more easily quantified while others may be more subjective.

Kreimer noted that he would like to see the language of “maximum density increase”, and the number of amenity points awarded should be subject to Planning Commission/Council review (i.e. points could be assigned a little lower). Staff expressed concern with the process being subjective when different levels of points may be awarded for the same amenity type. Klatt noted that this approach relies on Staff to make judgment calls.

Williams asked if any other amenities should be discussed. They included the following:

- Underground Parking (10) – Larson felt that a range of numbers is more appropriate.
- Historic preservation (10) – There was a general consensus that this was worthy of 10 points.
- Open Space (10)
- Public ROW Dedication (10)
- LEED Standards (5)
- Pedestrian Improvements (5)
- Adaptive Reuse (5)
- Plaza (5) – The Planning Commission suggested that Staff consider a minimum standard rather than percentage.
- Enhanced Storm Water Management (3) – Planning Commission suggested that Staff make this standard more general, as opposed to solely rain gardens.
- Theming – Johnson explained that this standard may be better suited to a range approach as far as the number of amenity points is concerned.
- Natural features (3)
- Landscaping (5) – Williams thought that landscaping could be a range up to 5 points.

Fliflet would like to see more of a range for all of the amenities.

Larson asked if farmland preservation could be included as a separate amenity. There should be some bonus for farming within a development.

The Planning Commission wrapped up its discussion of the PUD Ordinance for the evening. Williams suggested postponing the ordinance for further consideration until next meeting

M/S/P: Williams/Fliflet, move to postpone consideration on PUD Ordinance until next available Planning Commission meeting, **Vote: 7-0.**

Business Item: *2012 Community Development Department Annual Report*

The Planning Commission suggested reviewing the report at the next meeting. Klatt will present the report at the next meeting.

Updates and Concerns - None

Meeting adjourned at 10:56p.m.

Respectfully submitted,

Nick Johnson
Planner