

**City of Lake Elmo
Planning Commission Meeting
Minutes of June 14, 2010**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: McGinnis, Williams, Pearson, Van Zandt, Fliflet, Van Erem, Ziertman, and Britz. Absent: Hall, Pelletier and Bidon. STAFF PRESENT: City Engineer Griffin, Planning Director Klatt, Planner Matzek, and Planning Intern Bailey.

Agenda

M/S/P, Williams/Pearson, move to approve as presented. Vote: 8:0.

Minutes – December 14, 2009

Commissioner Britz stated he was in attendance, but Commissioner Pelletier was not. M/S/P, Williams/Pearson, move to approve as amended. Vote: 5:0. Abstained: Britz, Fliflet and Ziertman.

April 26, 2009

Commissioner Pearson said he and Commissioner Hall were swapped for attendance and in speaking references.

M/S/P, Pearson/Fliflet, move to approve as amended. Vote: 6:0. Abstained: McGinnis and Pearson.

Public Hearing – Open Space Preservation Development Concept Plan and PUD for Senior Housing and Farm School at 9434 Stillwater Boulevard North

Planning Director Klatt identified this as an item that was continued from a previous meeting. He provided a review and analysis of the project. He recommended approval of the application with conditions.

Commissioner Williams expressed concern that medical facilities associated with senior housing should also require licensing.

Commissioner Pearson asked if temporary access to a development has been done before.

Planning Director Klatt stated that it had been done in Sanctuary and the access can be limited with gates or other control means. In response to Commissioner McGinnis, he stated that MnDOT identified that they have to provide access, but that it does not meet MnDOT's or the city's spacing guidelines.

Commissioner Ziertman asked why the farm school is not a separate commercial use on the property like the office park was separated (zoned differently) in the Carriage Station development.

Planning Director Klatt said that an office building would need a rezoning, but the Planning Commission recommended approval of a zoning text amendment which

allowed Farm Schools as a permitted activity in this type of development to which the City Council agreed.

Commissioner Britz asked about the speed at the entrance location on Highway 5 after the roundabout is installed on Highway 5 and Jamaca Avenue North.

Engineer Griffin said the improvement will slow people down right before and after, but it will make a minimal difference in speed the further from the roundabout a vehicle is.

Commissioner Pearson suggested the developer be required to maintain the stormwater ponds as the city should not take on the liability.

Engineer Griffin stated that the regulations for maintaining stormwater ponds goes up every year and that the city is required to manage the maintenance, so taking over maintenance from the beginning may be favorable to ensure compliance.

Tim Freeman, FFE – Applicant’s Engineer

Mr. Freeman said the easement holder will not care about putting a septic system in their easement and they could not stop them from building it there. They agree that the city should take over responsibility of the ponds. He said they would agree to including an upgraded trail connecting to Jamaca Court North as an emergency access, but would rather not have a connection to the North as it would alter the development as proposed. He said MnDOT did not ask for the right hand turn and the bypass lane and that they had been offering that option all along. Mr. Freeman said the buffering requirement should be relaxed with this application through the PUD process as it will not be visible from State Highway 5. He said the height of the proposed building is like that of a two story house with a walkout basement, although it will be a few feet taller. Mr. Freeman stated that the MN Land Trust may not want the open space area as it is an oddly shaped parcels.

City Engineer Griffin stated that the agreement between the applicants and the easement holder is important as a septic system can not be driven over and the city needs to see how the two different infrastructures could coincide in the easement.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:31 P.M.

Tim Sauro, 9060 Jamaca Court North

Mr. Saura said he believes there is no need for an access off of Jamaca Court North and provided a petition (not fully signed at this point) with residents living on Jamaca Court opposed to a connection.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:33 P.M.

Commissioner Fliflet said she is supportive of a future access connection to the North as oftentimes a serious problem has to occur before MnDOT will do something to fix it on Highway 5.

Commissioner Pearson recommended requiring language be added in the HOA agreement to ensure future residents would be aware the septic system were located inside the easement.

Commissioner Williams asked if there was a mechanism in place for assessing a property owner to pay for the maintenance of the storm water ponds in cases where the city owns and maintains them. He asked that “and access” be required to the language in number three regarding outlots.

City Engineer Griffin said the stormwater utility fee goes toward that cost.

A straw vote was taken to include the language “and access” to number three regarding the stormwater pond outlots. Vote: 7:1.

Commissioner Fliflet said she is comfortable counting stormwater ponds as open space as it has been done in past practice.

Commissioner Fliflet called for a straw vote in favor of a full access to Jamaca Court North. No commission member vote in favor.

Commissioner Williams suggested the following language: “The developer shall provide an access for emergency vehicles to Jamaca Court North.” and “The developer shall also provide an easement for future development to the North.”

Planning Director Klatt identified two issues: the first is long range planning for the city, which the Planning Commission is tasked with and the second is who is going to pay for the improvement and when which is the task of the City Council.

City Engineer Griffin stated that this might be a cheap solution to a problem in the future and keeps options open for the city.

A straw vote was taken to see if an outlot or easement to the North for a future roadway should be taken. Seven voted in favor of an easement.

Commissioner Fliflet asked if MnDOT wasn't requiring a right hand turn lane and a bypass lane.

Mr. Freeman said that MnDOT is requiring it, but that they have been proposing that since the beginning.

Commissioner Williams suggested the number seven condition regarding the Oakdale Fire Chief's comments be reworded to say “meet all concerns” instead of “address...” He stated that the applicants are not complying with the side yard setbacks for townhouses.

Planning Director Klatt said the City Council put in condition number eight, but can be discussed more at a future meeting if they would like. He said it is important to note that the commission is not accepting the reduced setbacks proposed, but would like to discuss them later.

Commissioner Ziertman said the setback for the drainfield is not being met on the North side, the existing three farm buildings are not meeting setback requirements, and the animals are going to be too close to the neighbors. She said agricultural buildings should be 100 feet from property lines, but does not think the buildings would meet the definition of agricultural buildings.

Mr. Freeman said he is requesting diminished buffer setbacks.

Planning Director Klatt said he is hearing that the commission is okay with the roads in the setback, but not the buildings.

Commissioner Fliflet asked for a straw vote in favor of the reduced buffer setbacks as laid out in the concept plan noting issues with animal buildings. Vote: 7:1. Williams against.

Mr. Freeman said the community septic building will be located outside the easement and will need to be placed in relation to the septic system.

Commissioner Van Erem suggested striking the text regarding central location, but the screening requirement should be retained.

A straw vote was taken for striking the text regarding central location. Vote: 8:0.

A straw vote was taken in favor of item number ten of the conditions regarding the keeping of animals. Vote: 8:0.

Commissioner Ziertman said there is not ten contiguous areas near where the farm buildings are located.

Commissioner Williams identified the area where the barn is going to be constructed is counted as open space. He does not believe that should be counted as open space as there are structures and it is less than two acres in size.

Commissioner Ziertman agreed with Commissioner Williams.

Mr. Freeman said agricultural buildings are allowed by the ordinance. He said they would not have enough open space if that area were not counted towards the open space requirement.

Planning Director Klatt said our code is less clear than Mr. Freeman stated. He read the definition of open space and would assume past interpretation allowed the agricultural

buildings to be part of the agricultural component. He said we can consult city attorney to determine if the agricultural building should be included in the open space definition.

A straw vote was taken to see if the farm buildings should be included as open space.
Vote: 5:3 (Williams, Pearson, and Ziertman against)

Planning Director Klatt let the commission know that the last three conditions were added by the City Council.

Commissioner Williams identified that the last condition was unclear regarding phasing.

M/S/P, Fliflet/Pearson, move to recommend approval of concept plans with revisions to conditions the commission discussed. Vote: 6:2. Williams and Ziertman against.

Business Item – *Distribution of Final Comprehensive Plan Submittal*

Planning Director Klatt said staff has put together an updated Comprehensive Plan. The city is required to formally adopt the Comprehensive Plan, but no action is required of the commission. The city is waiting on Valley Branch Watershed District to sign off on our plan before formal adoption.

Planner Matzek said one chapter was left off and updated cds will be provided.

M/S/P, Williams/Pearson, move to adjourn. Vote: 8:0.

The meeting was adjourned at 10:32 p.m.

Respectfully submitted,

Kelli Matzek
Planner