



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Wednesday, October 12, 2011, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. June 13, 2011
 - b. June 27, 2011
4. Public Hearing
 - a. CAPITAL IMPROVEMENT PLAN: Review of a 5-year capital improvement plan for the city of Lake Elmo for the years 2012 to 2016.
5. Business Item
 - a. REVIEW OF MNAPA CONFERENCE. Verbal update from Staff concerning 2011 MnAPA Conference attendance.
6. Updates
 - a. City Council Updates – October 4, 2011 Meeting:
 - i. Street Vacation Request for 12th Street ROW. Denied by the City Council.
 - ii. Special Event Permit Ordinance: tabled to the October 11, 2011 workshop.
 - b. Staff Updates
 - c. Commission Concerns
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of June 27, 2011**

Vice Chair Fliflet called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m. COMMISSIONERS PRESENT: Hall, Obermueller, Fliflet, Ziertman, and Williams (7:02). Absent: Pelletier, Bidon, Van Zandt, and Haggard. STAFF PRESENT: Planning Director Klatt and Planning Intern Johnson.

Agenda

M/S/P, Hall/Williams, move to approve the agenda. Vote: 5:0.

Minutes- *None.*

Public Hearing- *Zoning Text Amendment*

Planning Director Klatt asked the commission to consider an ordinance that would amend the variance section of the Lake Elmo City Code. This zoning text amendment is in response to revised Minnesota State Statutes regarding the use of variances in land use cases. As an overview, Planning Director Klatt explained the reasons behind the legislative change in the state statute regarding variances. In the period since the Minnesota Supreme Court ruled on the interpretation of undue hardship, the City of Lake Elmo has passed only two variances, both in cases of replacing failing septic systems.

Vice Chair Fliflet asked whether City Staff wrote the new ordinance or if the text came from a standardized new ordinance from another source. Planning Director Klatt explained that the new language came from three different sources: ordinances from other municipalities, language from the Lake Elmo City Code, as well as language from the state statute.

Planning Director Klatt explained that due to the change in variance statute from “undue hardship” to “practical difficulties”, “hardship” should be struck from the definitions section of the City Code.

Commissioner Hall asked if “hardship” was written into the City Code after the Supreme Court ruling, or if it was present beforehand. Planning Director Klatt explained that “hardship” was in the definitions section before the Supreme Court ruling.

Commissioner Williams felt that it would be useful to have the definition of “practical difficulties” in the definitions section of the City Code. Planning Director Klatt stated that Staff can place the term “practical difficulties” in the definitions section to add clarity.

In response to the language regarding appeals, Vice Chair Fliflet commented that using the name “Board of Adjustment” instead of “City Council” could be confusing to normal residents who are not familiar with the City Code. He explained that the name “City Council” could be included to provide clarity.

Planning Director Klatt continued reviewing the new language. He highlighted that what is required of the applicant has not changed for the most part. However, one recommendation from Staff is to include the same process of alerting nearby residents that occurs for conditional use permits should be incorporated into variance as well. Another recommendation from Staff is that the application process for variances be grouped into an all encompassing application section of the Administration chapter in the future. Finally, Klatt explained that the Staff recommends adding a condition of expiration of the variance if it is not used in 12 months after the variance is granted.

Commissioner Williams proposed a hypothetical situation and asked Planning Director Klatt if this would be considered “practical difficulties”. Planning Director Klatt explained that the process of evaluating “practical difficulties” will be ongoing as Staff begins to work on variance requests.

Commissioner Williams commented that he believes that there are going to be many variance requests in the future, and the Commission will have a difficult time making decisions.

Vice Chair Fliflet noted that she feels the wording of the state statute is less definitive and therefore better because it does not include the language “must” and is open to more interpretation. Planning Director Klatt felt that a substitution of wording using the state statute would be acceptable.

Commissioner Ziertman felt that we should remain flexible.

Planning Director Klatt reminded the Commission that in order for a variance to be approved, all four findings must be made.

The Planning Commission suggested a change to the wording of finding #2 in the variance language to “The plight of the land owner is due to circumstances unique to the property not created by the land owner” (the word “must” has been removed) which is in line with the state statute.

Planning Director Klatt noted that Staff recommends approval as presented. In addition, he highlighted the three changes to the variance language recommended by the Planning Commission. First, a definition for “practical difficulties” was added to the definitions section. Second, a note was made that the City Council serves as the Board of Adjustment. Third, a change to the language in finding #2 of the variance test.

VICE CHAIR FLIFLET OPENED THE PUBLIC HEARING AT 7:36

No one spoke.

THE VICE CHAIR CLOSED THE PUBLIC HEARING AT 7:36

M/S/P, Ziertman/Williams, moved to pass the motion with the aforementioned changes.
Vote: 5:0.

Business Items- *“Design Review for Officials” Presentation/Training Session*

Planning Director Klatt stated that this presentation should be helpful considering the potential changes to the Comprehensive Plan in light of future planning initiatives in the Village Area and South of 10th St. Area. In addition, it should be noted that potentially implementing Form Based Code should allow for greater control of design review moving forward.

Commissioner Williams noted that the Planning Commission has an overall lack of training in terms of design review.

Commissioner Obermueller explained that the planner from West Palm Beach Florida highlighted the fact that variation from the design standards is allowed with exceptional design.

Updates

Planning Director Klatt noted that the Bremer Bank PUD Amendment was approved by the City Council. In addition, the City Council accepted the vision statements for the South of 10th St. Area as reviewed by the Planning Commission. Finally, Klatt noted that the City Council went through some deliberation and decided that the Planning Commission will be reduced to seven voting members and two alternates. The quorum has also been reduced from five members to four members.

Commissioner Ziertman wondered whether the reduction to quorum affected the Village Area and South of 10th St. Area work groups as far as voting on those issues.

Planning Director Klatt felt that the numbers should be ok.

Commission Concerns

None

Adjournment

Meeting adjourned at 8:45PM

**City of Lake Elmo
Planning Commission Meeting
Minutes of June 13, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Fliflet, Hall, Haggard, Pelletier (7:05), Van Zandt, Williams, Ziertman. Absent: Bidon, Britz, Obermueller. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

Agenda

Chairman Van Zandt asked to move 5c earlier on the agenda. M/S/P, Hall/Williams, to approve the agenda as amended. Vote: 6:0.

Commissioner Pelletier arrived at 7:05 p.m.

Minutes - March 28, 2011

Commissioner Haggard said on page 3 she voted to approve the Park and Ride. M/S/P, Williams/Hall, to approve the minutes as amended. Vote: 7:0.

April 25, 2011

M/S/P, Haggard/Hall, to approve the minutes as presented. Vote: 3:0. Abstained: Fliflet, Pelletier, Williams and Ziertman.

May 23, 2011

Commissioner Williams stated there is a typo on page four and that Obermueller abstained because she was unclear as to what was being voted on. M/S/P, Williams/Fliflet, as amended. Vote: 6:0. Abstained: Pelletier.

Business Item – Discussion of Planning Commission Meeting Process

Chairman Van Zandt said he would like to reach a consensus of the commission as to how the group will conduct business and how they will utilize Robert's Rules. He distributed a copy of the City Council's approved meeting rules.

M/S/P, Hall/Williams, move to approve utilizing the City Council's approved meeting rules as a guideline for conducting meetings. Vote: 7:0.

Chairman Van Zandt said he has a cheat sheet for Robert's Rules of Order he would also like the commission to consider using. He stated Staff suggested having a workshop before the next meeting on this item at 6:30 p.m.

Public Hearing – Bremer Bank – PUD Amendment

Planning Director Klatt said the applicants are requesting a PUD Amendment for the Eagle Point Business Park to allow additional parking (155 parking stalls). This would amend the setbacks and general development plans approved as part of the Eagle Point Business Park Planned Unit Development. He said this proposed improvement would

not impact the ability to put a road through as planned as an East/West connector through the south of 10th Street area. There will still be a 20 foot buffer between the parking lot and future residential development that could be landscaped, but portions are difficult due to topography. The storm water management plan has been reviewed and approved by the City Engineer. Staff is recommending approval of the amendment with four conditions of approval.

Kathy Tucci, Employee of Bremer Bank

Ms. Tucci said they are fortunate that they have been successful and have added many employees in this location. She said people are currently parking on the street and are trying to carpool.

Commissioner Williams said there is no significant change in elevation and he is concerned in general with future screening.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:40 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:40 P.M.

Commissioner Williams asked if we can require a certain amount of evergreens so during the winter there is still some vegetative screening.

Planning Director Klatt said that is a fair condition to be added and that Staff has requested a revised landscape plan from the applicant.

M/S/P, Williams/Haggard, move to recommend approval of the amendment with conditions as stated in staff report with added condition that the landscaping on north side shall provide year round visual screening from properties to the north as reviewed and approved by the Planning Director. Vote: 7:0.

Business Item – *Southern Lake Elmo – Process, Goals and Vision*

Planner Matzek stated through a public participation process including City Council members, Planning Commissioners, property owners and the public at large, a Vision Statement and Goals were drafted for the area south of 10th Street. She asked for a recommendation from the Commission.

Commissioner Fliflet commented that one aspect that is absent from the vision statement is the goal for the development in Lake Elmo to remain different from other developments along major highways.

Chairman Van Zandt wanted to include bike trails to the transportation section

Planning Director Klatt suggested that the vision statement in terms of transportation encompass all modes of transportation.

Commissioner Fliflet asked for clarification as to what diverse neighborhoods referred to.

Commissioner Williams explained that it meant different housing types and suggested “shall be known for safe and walkable neighborhoods with a variety of development patterns, including convenient access to park, trails, and open space.” He then suggested the following language: “Travel through and within the area shall include many forms of motorized and non-motorized transportation, including access to parks trails, and open space.”

Commissioner Fliflet noted that in order to meet the population targets, the majority of the housing has to be denser, which is in conflict with the idea of having various housing types.

Planning Director Klatt explained that some flexibility does still remains in the type of housing that can be incorporated into development.

Planner Matzek then explained that the land use goals may be changed as the planning process moves forward.

Commissioner Fliflet felt that statement number one was missing the need for increased public facilities.

Planning Director Klatt reiterated the importance of the village area and south of 10th street area complementing one another.

Commissioner Williams suggested changing the language from “Be cognizant” to “Encourage.”

Commissioner Hall suggested changing the heading to “business development goals.”

Planner Matzek suggested rewording number two with the word “encourage” and move the vision point to the land use section.

Commissioner Haggard asked whether there was any discussion about public access to the lakes in Lake Elmo. She would like some bike trails around the lakes.

Commissioner Hall suggested adding a third point about creating access to the lakes.

Chairman Van Zandt said that number three should reflect the idea that residents should be able to use the lakes as areas of recreation, including for exercise, picnicking, etc.

Commissioner Williams suggested the goal should be to “develop design guidelines that would be unique to the area and are consistent with Lake Elmo’s rural heritage.”

Chairman Van Zandt asked to add “Creative rural style architecture should be encouraged.”

M/S/P, Williams/Van Zandt, move to recommend approving the vision statement and goals with amendments. Vote: 7:0.

Form Based Code

Planning Intern Johnson outlined the formats of Form Based Codes: Exclusive and mandatory format, parallel code format, and “floating zone” format. He reviewed a number of case studies – Benicia, California; Grass Valley, California; and Petaluma, California.

Commissioner Williams asked Mr. Johnson to explain transects and subsections.

Commissioner Hall said the Work Group he is on had some question about the current applicability of New Urbanism.

Planning Intern Johnson said he believes form based zoning and New Urbanism are related in that they are trying to create a walkable environment and encourage mixed uses.

Commissioner Williams said the I-94 Work Group discussed designating the first 1/8 of a mile as open for uses, but with strict architectural design regulations. He said it would stimulate a lot of development.

Planning Director Klatt said one way is to make the process easier and make the City’s less desired alternative more difficult to entice developers to create the development the City would like to see.

M/S/P, Van Zandt, Pelletier, move to recommend advising Staff to process with Form Based Codes.

City Council Updates

Planning Director Klatt said the City Council discussed having a Council liaison for the Planning Commission.

Staff Updates

Planning Director Klatt said there was an open forum on June 8th to talk about Washington County extending trails and a potential west trail entrance to the Lake Elmo Regional Park Reserve which was well attended. He said another open house will be held later in the process.

Commission Concerns

Commissioner Williams said in the future, he would like to see any report from the engineer or staff member on an application proposal clearly identifying if the application does or does not meet the City standards.


Adjournment:

The meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Kelli Matzek
Planner

ITEM: Hold a public hearing on the 2012-2016 Capital Improvement Plan

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: As part of its responsibility to review and approve a Comprehensive Plan (CIP) for the City, the Planning Commission is also required to review a five-year capital improvement plan, which is typically prepared in conjunction with the preparation of a budget for the following year. Staff scheduled a public hearing to review the 2012-2016 Capital Improvement Plan with the Planning Commission on October 4, 2011; however, the draft plan has not yet been completed. The Commission is therefore being asked to continue the public hearing until the November 14, 2011 meeting, at which time the draft plan will be prepared and distributed to the Commission for review.

The Planning Commission will be asked to take the following action on November 14, 2011:

- To open and conduct a public hearing on the proposed 2012-2016 Capital Improvement Plan
- To close the public hearing on the proposed 2012-2016 CIP
- To forward the proposed 2012-2016 CIP and the comments received during this Public Hearing to the City Council for subsequent review, assessment and adoption.

BACKGROUND: MN State Statutes views the Capital Improvement Plan as an element of the Comprehensive Plan, which requires a Public Hearing by the Planning Commission and subsequent formal adoption by the City Council. Consistent with State Statute a Notice of an October 12, 2011 Public Hearing was published in the City's official newspaper.

ADDITIONAL INFORMATION: The proposed Capital Improvement Plan will be distributed to the Planning Commission prior to its November 14, 2011 meeting.

RECOMMENDATION: Staff is recommending that the Planning Commission continue the public hearing concerning the Capital Improvement Plan until the November 14, 2011 meeting.

ORDER OF BUSINESS:

- Introduction Planning Director
- Report by staff Planning Director
- Questions from the Commission Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair

- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS: None