



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of December 9, 2013**

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

**COMMISSIONERS PRESENT:** Williams, Lundgren, Yocum, Dodson, Kreimer and Larson;

**COMMISSIONERS ABSENT:** Haggard, Dorschner and Morreale; and

**STAFF PRESENT:** Community Development Director Klatt, City Planner Johnson, and City Administrator Zuleger.

**Approve Agenda:**

Williams moved to add a discussion item after Item 5b to discuss financial considerations related to land use and Planning Commission debate and decisions.

M/S/P: Williams/Dodson, move to accept the agenda as amended, **Vote: 6-0, Motion Carried Unanimously.**

**Approve Minutes:** November 25, 2013

M/S/P: Kreimer/Larson, move to accept the minutes of November 13, 2013 as presented, **Vote: 6-0, Motion Carried Unanimously.**

**Public Hearing:** *PUD Concept Plan for Boulder Ponds*

Johnson presented an overview of the request for a Planned Unit Development (PUD) Concept Plan submitted by Amaris Company, LLC. The planned development is to be called Boulder Ponds of Lake Elmo. This is the first PUD since the recent amendment to the Zoning Ordinance. The Concept Plan includes 93 single family homes and a 64-unit multi-family dwelling. They are pursuing a PUD because they are requesting some flexibility related to setbacks, lot width and lot sizes. This property is in Stage 1 of the I-94 Corridor Planning Area and consists of approximately 58 acres. Staff is recommending approval with 11 conditions of approval.

Kreimer asked if access is required or requested to 5<sup>th</sup> Street by the adjacent parcels owned by Star River Holdings (Cranky Ape) and Lampert Lumber. Johnson stated that it is smart planning for the City to provide access to adjacent sites when platting is occurring. However, access to 5<sup>th</sup> Street may not be possible due to Municipal State Aid (MSA) access spacing requirements.

Lake Elmo Planning Commission Minutes; 12-9-13

Kreimer also asked how changing the 5<sup>th</sup> Street alignment on the property to the northwest impacts the City's Land Use Plan. Johnson noted that moving the alignment of the road further north increases the amount of land guided for Business Park or High Density Residential. However, most of the development interest the City has received thus far has been for single family homes.

Dodson asked if the north-south access road to Hudson Blvd. is going to see a major amount of traffic. Johnson noted that 5<sup>th</sup> should carry a more significant amount of traffic, dispersing it to County arterial roads.

Williams asked if there was no construction of 5<sup>th</sup> street within Phase 1 of the proposed Phasing Plan. Johnson stated that is correct, that the collector road would be built in later phases under the applicants proposed Phasing Plan. Williams also asked if there was any information for grades on the site, especially for 5<sup>th</sup> street. Johnson stated the applicant does have a survey of the property and will be able to present better information concerning existing grades.

Williams asked if the County should have some input on design of 5<sup>th</sup> in terms of final alignment. Johnson said that the County has identified where the possible touch down points are located. In addition, the property owners to the northwest, Azure Properties, have met with the County to discuss possible connection points. The reason that the Boulder Ponds application is showing a possible alignment of the road on the northwest property is that the City wanted to ensure that the alignment met MSA standards, particularly through the Bremer-Stonegate Park pinch point.

Dodson asked how the road impacts Stonegate Park. Will there be another access point to the park, and will it impact the ballpark. Johnson stated that there still is some work to do regarding the future use and design of Stonegate Park. Staff must work with the Park Commission on the future design of the park.

Mr. Ray Pruban, Amaris Company, LLC, introduced himself to the Planning Commission. He noted that he contracted Rick Harrison to design the proposed development. He introduced Rick Harrison to the Planning Commission.

Rick Harrison explained the defining principles behind his designs. He noted that maintaining travel flow is an important consideration related to neighborhood design. He then discussed the importance of meandering walks. He stated that they do not increase the expense of the sidewalks by more than 1 or 2%. He noted that meandering walks add value to the neighborhood and City. He noted that meandering walks requires public use easements that extend at least 2' on both sides of the sidewalks. Next, Mr. Harrison discussed the principal of coving. Coving maximizes setbacks by constricting lot width, creating less overall pavement. The proposed plan calls for oversized cul-de-sacs with landscape islands, while at the same time reducing the overall amount of paving for streets through building placement and design. The proposed design promotes open

space in addition to the perception of open space through coving. The plan was adjusted to account for a 60 foot street right-of-way width, and the applicant is seeking a front yard setback reduction to 20 feet in certain circumstances. Harrison reviewed the general lot configurations and setbacks throughout the development. Harrison presented an overview of the street and sidewalk system, which is intended to increase safety by keeping pedestrian crossings on one-way streets and by moving crossings further away from street intersections. He presented a three dimensional computer model of the development that depicts the overall layout and topography of the site.

Williams asked if the applicant has a contour map of the pre-development conditions. Ray Pruban presented a survey of the site. Pruban explained that the site topography presents unique challenges, based partially on the fact that there is existing development on three sides, requiring the Boulder Ponds development to meet existing grades. There is also a further restriction due to the location of a gas pipeline that runs through the eastern portion of the site. Pruban explained that the requirements to build 5<sup>th</sup> Street to MSA standards places further restrictions on the site. Pruban reviewed the process and thinking that was used to identify the proposed alignment of 5<sup>th</sup> Street through the site. This proposed alignment is intended to minimize impacts to all surrounding property and minimize the amount of grading that will be necessary.

Finally, Ray Pruban asked to comment on the conditions of approval. He made the following comments:

- The Boulder Ponds team is working to resolve the road alignment issues to the east. However, he is concerned about requiring the alignment to be resolved before the next phase of development application.
- There are two possible alignments of the collector road by the Bremer site. Similar to the eastern alignment, Boulder Ponds is concerned that requiring Bremer's consent for an alignment may present roadblocks to his development moving forward.
- Regarding the requirement to provide access to the adjacent parcels, Star River Holdings and Lampert Lumber, Pruban noted that it is not possible to provide access to the Lampert site due to the spacing requirements associated with the 5<sup>th</sup> Street minor collector road.
- In terms of the condition related to the proposed Phasing Plan, Pruban wanted it noted that they are proposing to mass grading the site, meaning that 50% of the cost for building the collector road would be completed in the 1<sup>st</sup> phase of the development.
- Mr. Pruban asked that the Planning Commission allow meandering walks and trails through the use of maintenance easement that would allow the City to maintain these improvements.

Dodson asked why the City would require access to an adjacent property when the adjacent property has not requested access. Johnson noted that it is good planning practice to provide access in order to avoid land locked parcels.

Kreimer asked if the property be properly developed without 5<sup>th</sup> Street. Pruban stated that they do not need 5<sup>th</sup> street to develop the first phase of the property.

Public hearing opened at 8:42 pm.

Curt Monteith, 331 Julep Avenue, wants to make sure that we are adequately looking at places for new residents to use for parks and recreation. There was no mention of parks or playgrounds concerning use of open space and outlot areas. He state that he sees green space, but no parks on the Boulder Ponds plan. He also reiterated that the Staff Report noted that open space must serve active recreation purpose to be accepted as park land. Monteith asked if Xcel Energy will allow trails under a power line easement. Monteith then presented an overview of the surrounding area, including the location of Stonegate Park. He showed a map depicting existing and proposed parks and trails in the area. He expressed concern that there is not an adequate amount of parkland within the newly developing areas to serve the expected population. If this park is going to serve a regional population, then there needs to be improvements and upgrades within the park.

David Anderson, representing Bremer Financial Services, noted that they own the land immediately west of the applicant's site. They have plans for an expansion of the Bremer facility in the future, and the collector road may have an impact on these plans. It is a necessity to preserve land to allow for future expansion, storm water management, and to deal with other site issues. He stated that there is some critical infrastructure that is needed to serve the Bremer facility along the eastern portion of the property. He would like to coordinate elements of Bremer's future facilities plans as the Boulder Ponds subdivision moves forward.

John Jarros, 429 Julep Ave, has concerns about park, as well as the amount of development in one small area in Lake Elmo. He does not think that the amount of proposed park space will be adequate. He added that the location of the buffer trail is at the extreme northern portion of the property and immediately next to Stonegate. He requested that this trail be moved further to the south. Pruban stated that the location of the trail could be adjusted.

Public hearing closed at 9:10 pm.

Williams commented that he thinks this is a nice plan. He accepts the explanation for why the 5<sup>th</sup> street alignment is moved to the south. He notes that the PUD Concept Plan is consistent with the Comprehensive Plan, but minor issues need to be worked out.

Dodson agreed it is a nice plan, but is concerned about the lack of parks in this area of the City. Administrator Zuleger and Klatt made some comments concerning the City park system. Klatt stated that they are required to dedicate land or pay a fee to meet the parkland dedication requirements. Zuleger stated that they have been listening to Planning Commission's concern about the lack of parkland. The City will be looking at a park within the Hammes Estates development. In addition, the City has also been in discussions with Azure properties about expanding Stonegate Park to the west and north. Zuleger added that the City is looking at a more regional recreation facility next to Oakland Junior High School that will be a joint project between the school district and the City. Finally, the Parks Commission has agreed to put \$220,000 into refurbishing existing parks. Some of this money could be used for improvements at Stonegate Park.

Larson would like to encourage a tot lot or smaller park area for residents within the development.

Kreimer asked if trails can be built within the power line easement. Johnson stated that it can be allowed. Larson asked if the power lines can be buried. Zuleger said it is not feasible due to enormous costs.

Williams asked about the engineer's report, which requires a minimum 120-foot right-of-way (R.O.W.) for the collector road. Johnson explained that roadway can be accommodated in smaller right-of-way, but road as proposed will serve a regional need and has been planned for landscaping, trail, and other transitional elements that support the 120' R.O.W. He noted that if there is one area that would warrant a reduced right-of-way, the pinch point between Stonegate Park and the Bremer site would be a good candidate due to the limited space and site challenges.

Williams asked if anyone has any concerns regarding the findings. Williams has a concern that a finding is listed related to only one variation from engineering standards. He notes that other variations and exceptions are requested than simply the road sub-grade. Williams would like to see finding #5 removed. The Planning Commission generally consented to this request.

Williams thinks that condition #8 needs to be re-worded. He suggested rewording the condition to "the developer shall come to an agreement acceptable to City Staff to accommodate meandering walkways within acceptable easements or public right-of-way.

Williams thinks Condition 1 should state there should be relief from 120-foot right-of-way along the Bremer Bank property line. More specifically, he suggested allowing a 100-foot right-of-way.

Williams also asked about the access to Cranky Ape and Lampert Lumber property. Staff proposed an amendment related to this condition that addressed this concern. The Planning Commission was comfortable with the condition as amended by Staff.

Williams noted that he is concerned with that way that Condition #5 is worded in that it indicates that flexibility from zoning requirements is being granted with this approval. Johnson explained that intent is to make sure that any requests for flexibility are documented before preliminary plat is submitted. It is intended to document and record requests for flexibility from zoning requirements in the future. Klatt suggested adding a sentence, "that all requests for flexibility must be approved by City at the time of PUD Preliminary Plan approval".

M/S/P: Dodson/Larson, move to recommend approval of the Boulder Ponds PUD Concept Plan with findings of fact and conditions of approval as discussed and amended, **Vote: 6-0, Motion Carried Unanimously.**

**Business Item: 2013 Community Development Department Annual Report**

Klatt provided a high level summary of the activities in 2013. The high level includes 2 major Comp Plan amendments, adoption of the Design Standards Manual and Theming Study, Zoning Ordinance Update project, and others.

Williams noted that Community Development Department and Planning Department is used interchangeably. Klatt noted that it is now the Community Development Department.

Lundgren asked about the location of the Hammes West proposed development. Klatt identified the parcel.

Dodson asked about the MOU Amendment. Klatt indicated that the action was the adoption of a revised MOU by Met Council that was incorporated into the Comprehensive Plan.

Williams asked about core success looping. Johnson explained that creating success loops is an internal effort to focus on continuous improvement of City processes. He noted that the purpose of a success loop is to focus on the necessary steps to achieve a process effectively.

M/S/P: Kreimer/Lundgren, move to accept the 2013 Community Development Department Annual Report, **Vote: 6-0, Motion Carried Unanimously.**

**Business Item: 2013 and 2014 Work Plan**

Klatt presented the 2013 Work Plan and identified the progress or completeness of the various goals and tasks.

Regarding the 2014 Work Plan, Klatt presented the draft City Council 2014 Plan of Work, specifically the Land Use Planning portion. They include: 1) adoption of the City Zoning Code, 2) Adopt form based code for the Old Village, 3) Develop policy and procedures for routine land use matters, 4) reduce population forecasts & eliminate MOU, 5) efficiently process and approve pending or anticipated final plats, 6) resolve airport zoning conflicts with MAC and MnDOT Aeronautics, 7) add the planning module for Permit Works software for project tracking, and 8) Implement escrow and developers agreement processes.

Other high priority projects internal to the Community Development Department and Planning Commission include: 1) Village Area AUAR 5-year update, 2) Rural Development Areas Study, 3) Zoning Updates, including specific development standards and others.

Klatt noted that the Final 2014 Plan of Work will be presented in January. Staff is seeking specific feedback for 2014 Work Plan at the first meeting in January. Dodson asked about the Rural Area Development analysis. Klatt noted that Planning Commission has asked about allowing further development in rural areas in the future.

Williams noted that the Planning Commission did a large amount of work in 2013. Administrator Zuleger concurred.

Williams suggested the Commission Members review the 2014 Plan of Work when it is available and let Klatt know if they have any suggestions.

**Business Item:** *Discussion of Financial Considerations Pertaining to Planning Commission Review of Land Use Policy and Applications.*

Mayor Mike Pearson discussed a recent council action, as well as the reasons for the action. He noted that the City Council is the fiduciary agent for the City, and the Planning Commission should not solely focus on financial items when reviewing a land use application.

Williams respectfully disagreed with the Mayor. He stated it is appropriate to consider financial implications of development projects. He feels that all bodies should consider financial implications in all decisions.

Mayor Pearson would like to see Planning Commission specifically focus on the land use aspects of projects rather than the financial aspects.

Dodson also feels that it is appropriate to look at financial considerations, but also feels they could have done a better job on the review of the land use considerations of the District 916 school project.

Larson feels that in some instances it is more important for the City to look at the greater good of a project as opposed to the financial components.

Klatt explained that under State Statute there are 3 objectives or tasks with which the Planning Commission is charged. Those are 1) the adoption, review and amendment of the City's Comprehensive Plan, 2) reviewing and adopting procedures to implement Comprehensive Plan and 3) reviewing applications to comply with the Comprehensive Plan. There may be financial impacts, but the main thing that the Planning Commission should be looking at is the land use. The City Council is the body to look at the financial impacts.

**Business Item: 2014 Meeting Schedule**

The 2014 proposed meeting schedule was presented and accepted.

**Updates and Concerns**

*Council Updates*

1. Conditional Use Permit and PUD Amendment Northeast Metro 916 Intermediate School District – Approved on 12/3/13.
2. Comprehensive Plan Amendment and Zoning Map 10689 60<sup>th</sup> Street– Denied on 12/3/13.
3. Driveway Ordinance – Approved 12/3/13 with minor amendments.
4. PZ recommendation to adopt a Moratorium on RAD alt -Took no action 12/3/13, but did direct the Planning Commission to hold a public hearing to consider changing one parcel guided RAD-Alt back to RAD classification.

M/S/P: Williams/Dodson move to consider changing all RAD-alt parcels back to RAD.

Kreimer discussed why the Planning Commission recommended the moratorium. He feels it is not a good idea to change any parcels without knowing the final approved Met Council forecast. Williams feels that the public hearing could be held on all parcels, but the recommendation could be that only one be changed back. Mayor Pearson stated that the Council does not like the term moratorium, especially with the current Met Council negotiations. In addition, he feels the Friedrich property is viewed as separate and unique because of size, location and lack of utilities. The Council feels that the other 2 can be discussed after the Met Council decision. Klatt stated that if we changed all 3 parcels, that would be a significant change in the eyes of the Met Council and they might raise it as an issue.



Dodson withdrew his second to the motion. The motion died for lack of a second.

*Staff Updates*

1. Upcoming Meetings
  - a. December 23, 2013 - Cancelled
  - b. January 13, 2014
  - c. January 27, 2014

*Commission Concerns - None*

Meeting adjourned at 11:00 pm

Respectfully submitted,

Nick Johnson  
City Planner