



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 22, 2016**

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

COMMISSIONERS PRESENT: Haggard, Kreimer, Dunn, Larson, Griffin, Lundquist and Williams.

COMMISSIONERS ABSENT: Fields & Dodson

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

The agenda was accepted as amended.

Approve Minutes: January 11, 2016

M/S/P: Williams/Kreimer move to approve the January 11, 2016 minutes excluding the vote on the November 23, 2015 minutes, ***Vote: 7-0, motion carried unanimously.***

Public Hearing Interim Use Permit Application – Commercial Wedding Ceremony.

Wensman started his presentation regarding the Palmquist Commercial Wedding Ceremony Venue. This request is for a 10 year interim use permit on an agricultural property at 12202 55th Street N. The applicant is requesting wedding ceremonies adjacent to the vineyard with turf parking. There would be 3-4 employees and up to 200 guests. There would be up to 4 events per week from May – October, with no more than 3 venues on any Saturday. Hours would be 10 am – 10 pm. The noise ordinance would be complied with and there would be a traffic attendant during venues. There will be trash receptacles and temporary tents that comply with code.

Access from the site would be off of 55th Street. 55th street becomes a gravel drive after Carriage Station. The engineer is concerned about long term maintenance. There are a couple of options 1) there could be a maintenance agreement or 2) they could require a paved cul-de-sac and assess the improvements. All activities will be taking place in an open field. There is no structure being used in this case, however, there would need to be restroom facilities. Staff is recommending approval with 12 conditions.

Williams asked about the tent. The ordinance states that it has to be taken down within 72 hours of the event. Based on the comment of the Building Official, will they need a permit each time a tent is put up. Wensman stated that yes they would.

Dunn asked about the storm water management plan. Wensman stated that the City is requiring upgrades to the driveway for safety purposes. Williams asked if there is a turn around. Wensman stated that there is not a structure and it is not as difficult of an entry.

Carol Palmquist, 12202 55th Street, is the applicant and stated that she has maintained the gravel road. She is not prepared to pay the assessment for a paved road or a cul-de-sac.

Kreimer asked why she is asking for 10 years for the IUP. Palmquist stated that she is asking for 10 years as she has additional expense to get the business off the ground.

Griffin asked about the field road. She is wondering how far it will go into the property and how wide it will be.

Public Hearing opened at 7:38 pm.

Chip Longacre, 12058 55th Street N, is dismayed that it is being made so difficult for Ms. Palmquist to make a little money from her property. The City has done a poor job of maintaining the gravel road in front of property.

Carolyn Cary, 5201 Linden Ave, wants the City to understand how to abate the noise. There are a number of environmental issues that have an impact.

Donna Sloan, 12208 Marquess Lane, she does not have a problem with this venue as long as it complies with the sound, traffic, and other issues. She would like to know what happens if it does not comply.

Wensman stated that if there is a problem, the City would contact Ms. Palmquist to bring it into compliance. If there is a chronic problem, staff would document that and take appropriate steps to revoke the permit.

There were no electronic or written comments.

Public Hearing closed at 7:49 pm.

Dunn does not think that the paved 7 ton road is necessary as her driveway is paved. She would like to see condition #2 removed. She is in support of this application.

Lundquist is concerned about the road and the path. She thinks there should be a condition that rectifies the problem. She is concerned that people coming to this venue will come up Manning.

Haggard wants to make sure that the street is safe and maintained. As far as the financial aspect, that is for the Council to decide. She is in support of this application. She would like to see number 4 include "responsible designee".

Williams is concerned about #6 stating for 10 years. He does not think the expenses mentioned relate to the length of the permit. He would like to see it be 5 years which would give the City the opportunity to review the wedding venue.

Williams thinks there needs to be a maintenance agreement, but what that is, is up to the City Council. He would also like to add a condition that the applicant submit a report regarding the noise levels.

Williams would like to see condition #2 remain as the applicant does not intend to use her primary driveway for the venue.

Lundquist stated that driving a fire truck or an emergency vehicle on a gravel driveway or field, is no different than driving on them at the county fair grounds.

Williams thinks that since this is a commercial application, we should stick to the commercial standards.

Griffin thinks it makes more sense to use the homeowner driveway for emergency access and then use a gate to the venue.

Wensman stated that he would be comfortable with the field road entrance at 18' wide and designed to a 7 ton standard and that the regular driveway be for emergency access and that the main driveway remain clear during all events.

The Commission would like Chief Malmquist to look at the driveway prior to this going to the City Council.

Move to amend condition #2 to read that the access road be 18 feet wide and be to a 7 ton standard to accommodate emergency vehicles to the northernly area of the parking area or that the private drive remain clear during the venue, **Vote: 7-0, motion carried, unanimously.**

Move to amend condition #6 to read "The interim use is valid for a period of five years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site", **Vote: 7-0, motion carried, unanimously.**

Move to add condition number 11 that would be to enter into a maintenance agreement with the City regarding the maintenance of the road only through the term of the interim use, ***Vote: 7-0 motion carried, unanimously.***

Move to add condition number 12, to require an erosion control plan with any extension of the gravel entrance road, ***Vote: 7-0, motion carried unanimously.***

Move to add a condition 13 that the applicant is required to submit the results of an instrumented measurement of sound at the east and west property lines at the wedding ceremony site to demonstrate compliance with the City's noise ordinance, ***vote: 7-0, motion carried unanimously.***

M/S/P: Williams/Griffin, move to recommend approval of the Interim Use Permit for a commercial wedding venue based on the finding of facts in the staff report and with the 13 conditions of approval as discussed, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Open Space Development – Legends of Lake Elmo

Wensman started his presentation by showing the location of this development and presenting some of the background information from previous meetings. With the current plan, there are 40 lots and there are 5 outlots that are platted as ghost lots. These are held in reserve in case of ordinance change and will be held in reserve for future development. Staff is recommending that the 5 outlots be platted as one outlot as we do not know what will happen in the future and they will need to be replatted anyway.

A big discussion is the interconnectivity of neighborhoods for safety. Currently Sanctuary only has one access. The future of signalization at 50th Street and Manning is dependent on connectivity of neighborhoods. The County has made it clear that if the City does not have interconnected neighborhoods, they will not invest in signalization.

There was a new plan for the development submitted today that is in response to negotiations with the Heckers. Nothing has been finalized, as those negotiations are ongoing. Those negotiations include agreeing to screening to the north of the Hecker property and access management on 50th Street for driveway access to the Legends entrance. There is no park shown on this plan to connect to the Sanctuary Park as the slopes are high. There are 5 standards for open space in this type of development. There should be conservation easements, contiguous parcels not less than 10 acres (60% must meet this standard), maintained for the purposes for which it is set aside, maintained by the HOA and contiguous with adjacent open space. Buffering is still an issue to the Hecker parcel. The road and 3 parcels violate this setback. This is not fully resolved with the Heckers. This can be waived by 4/5 vote of the Council.

Parks is recommending to construct a trail to the Sanctuary Park and the rest of the dedication will be cash in lieu of park dedication. The City Engineer is recommending 50th street right of way and a trail.

The deviations from the OP Ordinance for this plan are that the homes are on the least fertile soils, Lots 4, 32 and 37 and entrance road are within the buffer area. The deviations require a 4/5 vote. Phase I is going to start to the North. Staff is recommending a condition that construction traffic access the site off of 50th street.

Haggard asked if the ghost lots were factored in for the open space. Wensman stated that they were not. Haggard asked about the trail maintenance. Wensman stated that it is in the public right of way and would be the City's responsibility.

Todd Erickson, representing Landucci Homes, talked about the trail system and the connection to the Sanctuary Park. They are concerned about connecting the Legends road to the Wedding venue driveway. Erickson stated that they are close to an agreement with the Heckers. He discussed some of the issues with the individual septic systems.

Public Hearing opened at 9:31 pm.

Carolyn Cary, 5701 Linden Ave, the roads in Sanctuary are narrow. They are curvy and have many blindspots. There are a lot of pedestrians and kids and others riding bikes, etc. in the street. The trail system in Sanctuary is shared with Carriage Station and will be shared with Legends. Any additional traffic will affect this trail system. She would like to see a trail connection and cul-de-sac rather than a connected road.

Michelle Chickett, 5711 Linden Ave, she agrees with previous speaker. She would like to refer to the ordinance that talks about the distinct neighborhoods. She thinks a Cul-de-sac is a good compromise. She presented MNDot data regarding the intersection at Manning.

Pamela Chickett, 5711 Linden Ave, she agrees with the previous speakers. She would like their neighborhood to be distinct and separate. She thinks there is more of a safety concern by making that a through street because it places the children in the neighborhood at risk.

Todd Nimmo, 11679 58th Street, he is opposed to Linden Ave going through. He believes that the dangers of running this road through far outweigh the benefits.

Danny Hecker, 11658 50th Street, they are heavily impacted on 2 sides by this development. They are not ok with the buffer setbacks being violated, but they have had some good conversations with Nate regarding options. They would prefer to keep their driveway, but that may not be an option.

Jessica Erickson, 5760 Lily Ave, she is opposed to the connection of Linden Ave for safety reasons. Their neighborhood is safe and peaceful, but increasing the traffic will change the feel of the development.

Mark Cotton, 11797 56th Street, agrees with previous comments.

Ben Backberg, 5693 Linden Ave, his lot is the closest lot that would be impacted by Linden going through. The research from MNdot is that the Manning intersection is one of the worst in the state. Lake Elmo only owns a portion of the road and Stillwater Township owns the rest.

Charles Cadenhear, 12190 Marquess Lane, he is a civil engineer and believes that MNdot will be required to provide access during construction times. He does not feel there is a need for a connection for those 2 developments.

There were 14 written comments received via email today. In effect, they are the same comments previously heard. Wensman read the names into the record and they will be attached to the minutes.

Public Hearing Closed at 10:10 pm.

Williams does not think it is clear in the staff report what the findings are. He would like to propose some findings as follows: 1) that the concept plan is consistent with the Comprehensive plan 2) Concept plan provides acceptable compromise of lot location and design 3) plan meets the density and open space requirements of the open space standards 4) the plan requires relaxation of the OP development standards in the following areas a) buffer encroachment of lots 32, 37 & 38 in the plan dated February 22, 2016 b) buffer encroachment of the entrance road by the Hecker property.

Larson wanted to know if the Cul-de-sac would impact the number of lots in the development. Landucci stated that at the last Planning Commission, they were directed to provide the connection. They could rework the Cul-de-Sac and it would not affect their lots. They are willing to go either way.

Williams is not comfortable with the idea of a Cul-de-Sac being this long. The City code does not allow it to be longer than 600 feet. He feels that it is not uncommon for there to be increased traffic when developments happen around them. There was a paved road planned to be connected when Sanctuary went in and he feels it should go through.

Haggard is torn in regards to the road going through. She believes if there is a connection, the roads in Sanctuary need to be maintained better. She asked about the

Cul-de-sac and if the City Engineer had comments about that. Wensman stated that they are not in favor as they are harder to maintain and snow plow. Lundquist asked about a round about to slow traffic. Erickson stated that roundabouts are typically used at a 4 way intersection, but they could look into that.

Larson stated that there a number of options to use to slow traffic like treads and bump outs.

Williams is suggesting an additional condition to read “to file an agreement with the City, between the developer and the Hecker family for a driveway from the new road and the buffer encroachments”.

Williams is also concerned about the configuration of the open space. There are a lot of long thin outlots that he does not feel meets the spirit of the ordinance. Haggard had the same concern and adding the ghost lots, will take some of the open feeling away. Kreimer is ok with it as shown as these are larger lots which makes it harder to accommodate the open space.

There is concern about the driveway for lot 40 from an access management standpoint. The Heckers are being required to remove their driveway and this lot might be creating the same sort of situation.

M/S/P: Williams/Haggard recommend approval of the Legends concept plan dated 1/25/16, based on the findings of fact as earlier discussed, and with the conditions as listed in the staff report, with the additional one regarding the agreement with the Heckers, **Vote 6-1, motion carried.** Dunn voted no as there are many developments with only one exit and entrance such as the Forest, Tana Ridge and Fields of St. Croix.

M/S/P: Williams/Lundquist, move to amend the motion to include the trail shown in the northwest corner on the concept plan dated 2/22/16 as part of the concept plan, **Vote 7-0, motion carried unanimously.**

Business item - Final Plat –Savona 4th

Wensman started his presentation regarding Savona 4th which is the final phase of the Lennar development. This phase is for 78 single family lots over 20.4 acres. This phase will complete 5th street from Keats to Boulder Ponds. This phase is LDR. The issues to discuss are setbacks, lot fit, landscaping and agreements. The setback issue is that LDR setback is principal building 10 feet and garage 5 feet. If there is living space behind the garage, what do you do? Preliminary Plat report talks about averaging. How should we move forward? Lot fit is that they lost some lots due to ponding and other issues and they are adding back 2 lots in this phase. They seem to still meet the requirements and staff feels it is acceptable. They would like to use the boulders from their development

for landscaping. The City engineer wants to review to ensure there is no problem getting to storm ponds. There are a number of agreements that need to be resolved.

Paul Tabone, Lennar, explained the phasing of the trail. He spoke about the lot fit and the setback issue. Lennar would like to continue with the setbacks that they used in 1st, 2nd and 3rd addition in 4th addition. He touched on adding 2 lots which conforms to the Preliminary Plat. They are working on finalizing the landscape plan. Tabone stated that they are meeting with staff next week to discuss the agreements. He explained some of the issues they are trying to work through.

Kreimer is concerned about the street names. They are not in a good sequence. It was in the Fire Chiefs comments. He would like the street names to be reviewed.

Williams would like 2 minor changes to the draft findings. On the 4th bullet point, he would like to add after requested by the City Landscape Architect the words "letter dated 2/10/16." On the last bullet after requested by the City Engineer the words "letter dated 2/15/16."

M/S/P: Williams/Larson, move to recommend approval of the Final Plat for Savona 4th addition with draft findings and conditions of approval included in staff report and as amended, **Vote 6-0, motion carried unanimously.** (Haggard left meeting early).

M/S/F: Williams/Larson, move that the Planning Commission endorse using aerially spaced boulders in erosion control structures pursuant to the landscape architect approval, **Vote 1-5, motion fails.**

M/S/P: Kreimer/Dunn, move that the Planning Commission endorse using boulders in erosion control structures pursuant to the landscape architect approval, **Vote 6-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move that the Planning Commission endorse the 7.5 foot average setback for Savona 4th addition and that in no case should living space be closer than 7.5 feet and also that the code be changed to increase the lot width and change the setbacks for future developments, **Vote 6-0, motion carried unanimously.**

Commission discussed increasing lot size and lot width from 65-70 and being strict with setbacks to 10 feet.

Council Updates – February 16, 2016 Meeting

1. Commercial Wedding Ceremony Ordinance – Passed.
2. Commercial Wedding IUP – Passed.
3. ZTA Senior Living – Passed.
4. Arbor Glen – Rezoning & Conditional Use Permit – Passed.
5. Appointment of Kristina Lundquist as 2nd Alternate.

Staff Updates

1. Upcoming Meetings
 - a. March 14, 2016
 - b. March 28, 2016

Commission Concerns

Lundquist is concerned about people driving on the walking path on 55th street. She would like to either see the road opened back up or to see it clearly marked as a trail.

Dunn wants us to stay on top the transportation issues so that people have safe access to highway 5 and highway 36.

Meeting adjourned at 12:27 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant