



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 13, 2016**

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

COMMISSIONERS PRESENT: Dunn, Fields, Larson, Griffin, Dodson, and Williams.

COMMISSIONERS ABSENT: Haggard, Kreimer, & Lundquist

STAFF PRESENT: Planning Director Wensman & City Planner Becker

Approve Agenda:

Agenda is approved as presented.

Approve Minutes: May 23, 2016

M/S/P:Dunn/Fields, move to approve the May 23, 2016 minutes as amended, **Vote: 4-0, motion carried with Griffin and Dodson not voting.**

Public Hearing – Easement Vacation 8574 Eagle Point circle

Becker started her presentation regarding the easements related to Auto Owners water mains and hydrants. The city moved the location of the water mains and hydrants, so new easements were recorded. Auto Owners is requesting the old easements be vacated.

Public hearing opened at 7:07 pm

No one spoke

There was written comment from Machine Shed, but once the application was explained to them, they were fine with the item.

Public hearing closed at 7:08 pm

Dunn stated it was straight forward and she has no issue with it.

M/S/P: Dunn/Griffin, move to recommend approval of the request to vacate the easement as outlined in Exhibit B-2/2138129 Water Main Easement as recorded, **Vote: 6-0, motion carried unanimously.**

Lake Elmo Planning Commission Minutes; 6-13-16

Public Hearing – Zoning Text Amendment – To amend the fencing regulations to allow administrative approval of encroachment agreements.

Becker stated that the current code the way it is written requires any easement encroachment agreement be approved by the City Council. This change would allow for those agreements to be approved administratively by staff. The current process is time consuming for staff as well as the resident and delays the issuing of the permit. The fee for this agreement is \$150.00, making a fence permit \$225.00. In the future, we might be able to reduce the fee with the reduced staff time.

Dunn is wondering why this was added in 2011 and how often this happens. Becker stated that it has happened quite a bit since she has been here. The new developments all have the utility easements located on the properties.

Larson asked what happens if there is conflicting rules between the City and the HOA. Becker stated that this change doesn't in effect change any of the rules other than who is allowed to make the approval. Wensman stated that the City does not regulate HOA covenants between property owners.

Public hearing opened at 7:20 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:21 pm

M/S/: Fields/Dunn, would like to add a sentence at the end of the suggested motion to read that the fee be reduced to \$50 when the city Council considers the fee schedule.

M/S/P: Williams/Dunn, would like to make an amendment to the motion that the fee not be specified, but only that it be reduced. **Vote: 6-0, motion carried unanimously.**

Original motion as amended to add "that the fee be reduced when the City Council considers the fee schedule", **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Griffin, move to recommend approval of an ordinance to amend Chapter 154: Zoning Code; Section 205: Fencing Regulation; Subp. (D) (6) to allow approval of a fence easement encroachment agreement by the Planning Director or his/her designee after review and approval and furthermore recommends that the fee be reduced when the City Council considers the fee schedule, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – To amend the accessory Structure Regulations

Becker stated that staff is bringing forward 3 suggested changes to the accessory structure ordinance. The first is to exempt fish houses to the requirement that a primary structure not be required prior to a fish house being located on the lot. The second is removing the portion of the code that allows an accessory structure to be located closer to the front lot line by resolution. Staff would like this removed because it is essentially granting a variance without the requirement to go through the variance process. The third change is to change the size of a tool shed from a maximum of 160 square feet to 200 square feet and move that to the exempted section with one being allowed on a residential lot.

Dodson is wondering why a fishhouse would be any different than something like a camper trailer. Wensman stated that the concern was that there would be storage on vacant lots if there are not specific standards.

Williams was wondering if the tool shed size is calculated into the overall size of accessory structure. Becker stated that no it would not be included for size or number.

Dodson thinks it might be beneficial to have the 120 square feet in the definition. Becker stated that there are fish houses that are larger. The size limit only applies if there is no primary structure.

Public hearing opened at 7:47 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:48 pm

Williams is not in favor of exempting the tool shed from size and number in all districts and thinks it should adhere to the limitations of the district. Wensman stated that if that is the direction the Planning Commission wants to go, there should be some language added in the old "F" and would specify one.

M/S/P: Williams/Fields, move to change the wording of the definition for storage or tool sheds to be: Storage or Tool sheds: One storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings, provided it complies with the maximum area requirements of the zoning district, providing a principal structure exists on the lot. **Vote: 6-0, motion carried unanimously.**

Williams is wondering about separate lots of record owned by the person who lives next door. This might open up the door for someone to have a fishhouse on both lots.

Becker stated as it is written, that could happen. Williams is uncomfortable with this possibility because it could create a lot of clutter for the neighbors.

Dodson thinks that this seems like a really small problem and that there is not a lot of lots this would pertain to. Dodson wants the 3 proposals to be separate motions.

Williams would like to separate out the fishhouse portion and know how many parcels this would apply to.

M/S/P:Dodson/Williams, Move to recommend approval of Ordinance 08- the exception to 154.406, subd D, and the definition of “storage or tool shed” as amended, **Vote: 6-0, motion carried unanimously.**

Becker stated that there is roughly 50 parcels that are adjacent to the lake and could potentially put a fishhouse on the lot without a primary structure. Fields is comfortable with the language written as this is not a permanent structure.

M/S/P:Williams/Dodson, move to recommend the following finding of fact that there is some concern that if every one of these lots had a fishhouse, it may lead to complaints by the neighbors. **Vote: 6-0, motion carried unanimously.**

M/S/P: Dunn/Griffin, Move to recommend approval of the accessory structure ordinance as it pertains to fishhouses as amended, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Comprehensive Plan Text Amendment to allow connection to sanitary sewer in Rural Single Family zoning where practical.

Wensman stated that the Met Council suggested that we amend the definition of the rural single family definition in the Comprehensive Plan so that it would allow connections to sanitary sewer where reasonable.

Dodson would like it to also read to municipal water where practical. Wensman stated that we are really just talking about areas in the MUSA and the water system extends outside the MUSA.

Williams is wondering about the term practical. Wensman stated that it was what was suggested by Lisa Barajas at the Met Council. Williams asked what if the resident did not want to connect. Wensman stated that the connection would be determined by the City Council.

Dunn would like the “when practical” changed to “when requested”, which gives the resident much more control. Wensman stated that the MUSA dictates where the sewer can go, but this basically allows for Rural Single Family to connect.

Public hearing opened at 8:34 pm

No one spoke and there was no written comments received.

Public hearing closed at 8:35 pm

Dunn would like to see the option of sewer or private septic. She doesn't think that they should be forced to connect to sewer. Wensman stated that the comprehensive Plan is not in compliance with the projects that we are doing. If we don't do this amendment, the land use designation would need to be changed.

M/S/P: Fields/Dodson, Move to recommend the City Council approve the comprehensive plan text amendment to amend the planned land use category in the Comprehensive Land Use Plan to read as written, **Vote: 5-1, motion carried. Dunn voted no because she feels it is important that people have an option regarding connection.**

Business Item – Zoning Text Amendment to discuss the VMX Zoning Text .

Wensman began his presentation by showing the areas that are zoned as general business, but guided as VMX in the Comprehensive Plan. To bring the zoning into compliance with the Comprehensive Plan, Wensman would like to see these properties rezoned. Wensman believes by rezoning, it would actually eliminate some non conformities. The area that would change the most, would be in the Northern area by 39th Street. Wensman stated that this was intended to bring the district more in conformance than it is now and should be done as a district vs. one at a time. If there are things about the district that the Commission does not like, then changes should be made to the district.

Dunn feels that the premise is based on the Village Master Plan. Where is the master plan? Wensman stated that the plan was based on transfer of density and he is not sure what happened to that plan. Dunn did a rough calculation on what could be done if the maximum densities were used. With her calculation, there is potential for upwards of 3000 people. She feels it is quite intense and not appropriate for this target area. She would like to see more work done on the reductions for the comprehensive plan and possibly look at form based code. Dunn would like to see the Comprehensive Plan revisited as soon as possible for population reductions. She thinks we should take our time and do this right.

Dunn pointed out some of the differences between GB and VMX. She feels one of the biggest differences is the impervious surface coverage maximum goes from 40% based on acreage in GB to 75% in VMX.

Fields is confused because if the comprehensive plan is guided the way we want it, the rezoning should happen. If we are considering if the guiding is correct, then it should not be rezoned, but should be discussed what the guiding should be.

Larson thinks that what brings the guiding for VMX into question is that the density of this area is in transition. Larson understands the feeling of discomfort as this zone is less restrictive. There are still a lot of questions that make it uncomfortable for people to buy into this zone.

Williams thinks it would be good to ask the City Council if past projections of population in this area are still valid.

Dodson is wondering how big a project form based code is. Wensman stated that it is something that takes some technical skill to do and it would need to be contracted out.

Williams thinks it would help facilitate the vision, but would not be necessary to do the rezone.

M/:Dunn/, Move to recommend not rezoning the parcels to VMX until the City Council can review the target numbers and there is a form based code, **motion dies for lack of second.**

M/S/P: Williams/Dunn, Move to ask the City Council to give the Planning Commission guidance on updated population and development projections for the areas guided for VMX in the Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like to know what the driving force was for the VMX. If it was to bring more people to the downtown to make it more vibrant, or if it was to meet the Met Council mandates for housing population. Williams recollection was that it was for both of those reasons in addition to form based code to make it a more picturesque downtown and to incorporate business and residential in the same building, which general business does not do.

M/S/P: Williams/Dodson, Move to ask the City Council to approve funds for a consultant to work on a form based code for the downtown Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like any information that he could get on form based code. Williams believes that the City has a couple of videos on this topic.

Staff Updates

1. Upcoming Meetings
 - a. June 27, 2016
 - b. July 11, 2016

Commission Concerns

Dunn asked about the AUAR. Wensman stated that the City is overdue for the update and it is in the City Engineers hands right now.

Meeting adjourned at 9:28 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant