



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of December 14, 2015**

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

**COMMISSIONERS PRESENT:** Dodson, Dorschner, Haggard, Fields, Kreimer, Larson, Dunn and Williams.

**COMMISSIONERS ABSENT:** Griffin

**STAFF PRESENT:** City Planner Stephen Wensman & Interim Administrator Schroeder

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** October 26, 2015

M/S/P: Dorschner/Williams move to approve minutes as amended, ***Vote: 5-0, motion carried unanimously.***

**Public Hearing – Conditional Use Permit and Zoning Map Amendment – Arbor Glen Senior Living**

City Planner Wensman started his presentation regarding the Conditional Use Permit request from Arbor Glen Senior living to construct a facility on property located at Lake Elmo Ave and 39<sup>th</sup> Street. The proposed 2 story building will include 84 units with memory care on the main level and assisted and independent living on the 1<sup>st</sup> and 2<sup>nd</sup> floors. The application also includes a request for a zoning map amendment to change the zoning of the site from GB (general Business) to VMX (Village Mixed Use – sewerred). Staff recommends a continuation of this public hearing because the density of this project exceeds 5-10 units per acre. Staff is suggesting a Comprehensive Plan amendment to change the density for this type of facility in the VMX zoning.

There are 24 units of memory care that are not considered as housing units. There are 49 underground parking spaces and 46 above ground that would be used for staff, assisted living residents and visitors. Access is off of 39<sup>th</sup> Street and there is a trail that connects from Wildflower and Village Preserve and connects to 39<sup>th</sup> Street. The proposal complies with the Cities design standards manual. The City will require a tree preservation plan, but it would appear that they will exceed the code for landscaping.

When County Road 17 is widened, it will decrease the setback from County 17. It will make the facility even closer to a County Road. The Engineer for the project stated that he spoke to Ann Pung-Terwedo at Washington County, and according to her when the street is widened, the trail still would be outside the Counties required clear zone.

Wensman stated that the applicant is proposing a monument sign in 2 locations as well as a wall sign. At this time, there is no sign plan application, so that will need to be reviewed when that is submitted.

Williams asked about the impervious surface calculation. Wensman stated that he did not review that. Williams asked if the Cities landscape architect has reviewed the landscape plan. Wensman stated that he is a certified landscape architect and he feels it is a good plan. Williams stated that the Cities contract landscape architect should be used per code. Interim Administrator Schroeder stated the Wensman is a licensed landscaped architect and based on the limited scope of this project, he is qualified to do the review.

Haggard asked if there is a definition of congregate housing in the code. Wensman stated that there is a definition in the code.

Dorschner thinks the parking seems rather low for this size of facility. Wensman stated that the number actually exceeds what is required by code. Dodson stated that the concern would be on Holidays or high visitor days that there would not be parking in the street.

The applicant stated that there are 31 independent residents and the employees would use the underground parking. The applicant stated that they feel confident that the 46 outside stalls would be more than enough to accommodate the parking.

Susan Farr, Ebenezer, stated that they run numerous of these buildings, and this amount of parking is more than adequate. In some of their facilities, there are even fewer parking stalls and they do not have problems. The only day that gets busy is Mother's Day, and they are still able to accommodate.

Dunn feels that memory care should be counted as a unit as that person is still living there. She also wants to know what kind of precedent that this would set for future VMX. Dunn asked if the residents will require more EMS or 911 calls. Farr stated that with medical staff on hand, they are usually staying ahead of the 911 calls, whereas the elderly living in the community would be the ones making the 911 calls. Dunn also asked what the WAC & SAC determinations would be for the facility. Would it be 84 or would it drop down to 60? Wensman stated that it is a quasi of commercial and residential. The applicant stated that the WAC & SAC determination is approximately 50.

Dunn stated that she is concerned that the City Engineer stated that the underground parking would require a variance as it is only 2 feet about the flood plain and that is a concern.

Haggard asked about the building height. She thought the height in the VMX district was 35 feet.

Kreimer is wondering about the additional drainage that is going to the Village Preserve. Wensman stated that there is excess capacity to the North and this was actually suggested by the City Engineer. The applicant stated that VBWD is also in favor of this drainage plan.

Williams asked why the number of units is so high and does not comply with the code. The applicant stated that there is a sweet spot in density to make the project feasible which is around 80 units. This density is necessary to provide the services that are required to have a mix of resident types.

Haggard asked if there was additional land available that they could purchase to comply with the City Code. The applicant stated that there is open land available for possible expansion, but this is the amount of land the owner wanted to allocate for this project.

Williams asked about the impervious surface calculations. The applicants engineer stated that they have impervious surface of 51 %, greenspace of 44% and ponding of 5%.

Dodson asked if there was a market study that showed there was an area of need here. The applicant stated that there was one done last summer and it did show the need.

Williams asked the engineer regarding the landscaping between the trail and clear zone for the increase on Lake Elmo Ave. He is wondering if the trees are located in the clear zone. Applicant stated that they are not in the 25 foot clear zone and that they are part of the overall landscaping plan.

Public Hearing opened at 8:06 pm.

No one spoke.

There was no written or electronic correspondence.

M/S/P: Williams/Fields move to continue the public hearing to the January 25, 2016 Planning Commission meeting and request a letter from the applicant confirming this, ***Vote: 7-0, motion carried, unanimously.***

Williams is concerned about how the comprehensive plan amendment will be worded. He would like to see the City consider it from the City's perspective and not the applicants.

Haggard feels that changing the zoning from Commercial to VMX is not appropriate because it changes the lot line setbacks. She thinks the setback is too close to Lake Elmo Avenue for such a large structure. She does not agree with increasing density when the met council has reduced the density. She feels there is other land available adjoining this and that they should try to get more land to comply.

Haggard is concerned about what will happen when the next property goes to develop if we change the density.

Larson stated that the senior living might have higher density, but there won't be the intense use. They will use our businesses downtown as well.

Dunn is concerned about a comp plan amendment and changes in the densities. If we do this will it change it in all of VMX? Williams stated it was for a certain type of housing unit. He is concerned about making any type of exception. Dunn is concerned that if we change it for one applicant, the next applicant could ask for a change as well. Wensman stated that it would apply to senior congregate living only. Dodson thinks there should be a new definition that applies only to senior congregate living as there are other types of congregate housing.

Dorschner is supportive of this type of housing. He is a little concerned about the size of the lot and impervious, but not the density.

Haggard feels that this is almost double what the density is and she feels that the City should get something in return.

Fields thinks that we need to look at the Village model and see how this project fits in. If it isn't VMX than it is commercial. He feels this property is slated for a more dense project vs. something with rural character. He doesn't feel that the greater density is a detriment to the village area. He just wants to make sure that this doesn't create a loophole for others to do more dense things.

Kreimer stated that while he would like to see it on more acreage and be less dense, but given the cost of land and to run a facility like this, he is ok with it. Since it is senior living and the vehicle trips will not be as intense as if it was an apartment building.

Dodson is in favor of the project based on the same comments as Kreimer and Williams. He just wants the City to be careful that there are no unexpected consequences if we change the density.

Haggard asked about the tree preservation plan. Wensman stated that the applicant has met the intent of the plan, but the City can require something more formal. The Planning Commission would like to require a written plan. The applicant stated that they have the data as part of their survey and can easily provide it as a narrative.

Haggard would like feedback on how the density will be written and if there will be another definition for this type of facility. She does not want to see a precedent so that an apartment unit or something else can come in.

Williams would like to see a draft Comprehensive Plan amendment at the first meeting in January so that the Commission can see if that is the direction they want to go.

Interim Administrator talked about the current language of the letters of credit for the developers. Currently the way it is written, there is no reduction until all record plans are submitted to the City. The staff has been working on looking at language to propose that developers can request a 50% decrease for the security.

#### **Council Updates – December 1, 2015 Meeting**

1. Reider Preliminary Plat Extension – Tabled to the Dec 15<sup>th</sup> meeting.
2. Inwood Development Contract Addendum – approved.
3. Interim Administrator talked about the current language of the letters of credit for the developers. Currently the way it is written, there is no reduction until all record plans are submitted to the City. The staff has been working on looking at language to propose that developers can request a 50% decrease for the security

#### **Staff Updates**

1. Upcoming Meetings
  - a. January 25, 2016
  - b. February 8, 2016
2. Update regarding a driveway access on Legion Ave.
3. Code enforcement on 50<sup>th</sup> Street – 2 homes on 1 lot.
4. Rural districts zoning amendment is moving forward, but they are removing the recommendation for removing cemetery on advice of the City attorney.
5. The County is asking for info regarding how we do minor lot splits. They are requesting a graphic with a lot shown as it is easier for the County to process.
6. State building code has changed for fire code and in essence cannot have building closer together than 7 feet including overhang. If it is closer, there needs to be specific things for fire protection. We might want to look at the setbacks in future if building code doesn't change.
7. Verizon is proposing a cell tower in VFW park in exchange for the pole.
8. Auto Owners is ready to submit building permit application.
9. Ben Gozola is working on the OP Ordinance.

10. Wensman has been working on the pigeon ordinance.
11. Wensman has also been working on the hunting ordinance.
12. 3M is still in negotiations for the sale of Tartan Park and they are not willing to disclose the potential purchaser.
13. The City Council will be voting 1/5/16 on the gateway corridor on alignment.

### ***Commission Concerns***

Dodson received a call regarding the lighting in the Hans Hagen development. Wensman stated that he talked to the City Engineer and the fixtures are not in compliance with the City's lighting ordinance. They are waiting for Xcel Energy to change the fixtures to the appropriate ones. Wensman also stated that there is another development that has the correct fixtures but the wrong poles and those also will be fixed.

Dorschner is wondering where we are at about getting experts in for information regarding the septic. Schroeder stated that he has sent out a notice to the City Council to get approval for the speaker fee of \$1500. He has heard back from one Council member that would be in favor of spending the fee. Williams would be concerned that someone from the U of M might not have the regulatory background and experience regarding these systems. Fields stated that Universities typically are good at design but not the operations. He thought it would be interesting if we could find someone who deals with the problems that come up and what have they done to solve these problems.

Dunn asked about the status of the Comprehensive Plan Amendment to change the densities.

Meeting adjourned at 9:22 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant