



**City of Lake Elmo
Planning Commission Meeting
Minutes of October 10, 2016**

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

COMMISSIONERS PRESENT: Fields, Dodson, Williams, Dunn, Kreimer, and Lundquist

COMMISSIONERS ABSENT: Haggard, Larson & Griffin

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Lundquist/Dodson, move to approve the Agenda as amended, **Vote: 6-0, motion carried Unanimously.**

Approve Minutes: September 26, 2016

M/S/P: Dodson/Fields, move to approve the September 26, 2016 minutes as amended, **Vote: 6-0, motion carried Unanimously.**

Public Hearing – Inwood 4th Addition Final Plat

Wenman started his presentation for Inwood 4th Addition Final Plat which includes 38 single family homes. Wensman went through some background regarding the development. There is parkland that is adjacent to this phase. This phase is 10.91 acres for 38 single family lots. The lot sizes vary from 8171 sq ft to 13,650 sq ft. and lot widths are 64.3 to 105 feet. The landscape plans are consistent with approved plans, the city still needs some information for the irrigation system. There are 3 conditions from the Preliminary Plat that are not met. Condition #1) the street naming policy changes, and staff is recommending that the new road be named to Ivywood Circle N condition # 10) there is no maintenance agreement for phase 4 which will be required before the release of building permits #18) the developer shall install a multi-purpose trail along 10th Street. This condition will be met in a future phase.

There are 7 findings of fact for approval. Staff is recommending 7 conditions of approval which include complying with the engineers memo, landscape licensing agreement, a CIC Homeowners agreement, etc.

Kreimer asked if there would be water service in the park. The public works department and Engineering has been in communication with the developer to find the best location for the stub.

John Rask, MI Homes, they are phasing south to north based on where the water and utilities are coming from. This phase will have full basements and larger lots, but will be part of the overall HOA.

Kreimer asked if the same style homes will be built. Rask stated that some will be walk-outs, there will be 2 additional style homes, but many will be similar.

Public Hearing opened at 7:21 pm

Alan Stocker, 8680 Upper 7th Place, he is wondering about the completion of Island Trail through to 10th Street. All of the construction traffic comes right through their neighborhood. They were led to believe that Island Trail would go through to 10th Street.

Wensman stated that this phase was not platted to include that road. The road is intended to be platted in the next phase.

Rask explained how the sewer and storm water works for this development and that to make the connection, the other loop needs to be made. It is more of a sequencing thing. Utilities and infrastructure are dictating the phasing. The road connection is anticipated to be opened up in the Spring. They have started to work with Washington County to work out the details.

Lisa McGinn, 8756 Upper 7th Place N, they were all told that once the construction went through the first 4 cul-de-sacs, the construction traffic would come from the north for the next phase. There are children, buses, disabled, etc and there have been some circumstances where there have been some near misses. She is wondering why they can't use the construction road coming off of Inwood where it would not affect any of their homes, or not to start construction until they can put that road through to give this neighborhood relief.

Williams is wondering about where the construction access is located. Lisa McGinn stated that she believes it is 9th Street and there are currently construction trailers there.

Mike McGinn, 8756 Upper 7th Place N, he understands that it may be inconvenient and expensive, but he feels construction access is separate from sewer access and is typical for large construction sites. They could fence off the area so that you would not have residential traffic or speculative traffic. He feels that it would be a reasonable accommodation for the residents living there.

There were no other written or electronic comments received

Public hearing closed at 7:38 pm

Williams is not sure how they can legally tie another construction access to this plat. Wensman stated that he would defer to the developer. He does not feel that they can tie it to this plat.

M/S/P: Williams/Dodson, move to recommend approval of the Inwood 4th Addition Final Plat and PUD with the findings and 7 conditions of approval drafted by staff and listed in the Staff Report, **Vote: 6-0, motion carried.**

Fields would like to hear from the developer to see if they are willing to do anything to accommodate the traffic issues.

Rask stated that they are not starting this addition this year. This addition will probably coincide with the Island Trail road access. They are working with the County to work through some issues regarding this. The construction access previously talked about is a restricted access that they were granted early on and was intended to be that in between access point before roads were built.

Public Hearing – Wildflower 2nd Addition Final Plat and Final PUD Plan

Wensman started his presentation for the Wildflower 2nd addition final plat and final PUD plans. Wensman gave the background regarding the development. The lot area is 4.4 acres for 20 residential lots (10 villa and 10 regular). Average garden villa lot is .16 acres and average single family lot is .29 acres. The landscape plans are not approved yet, but will be required before building permits are issued. Wensman brought up an issue that was discovered with the development. The PUD agreement was written that the sideyard setback is from a public street vs. from a property line. For this phase, he clarified the language to “from the property line”, but shrunk the setback to 10 feet, specifically for Lot 1 Block 3 and Lot 4, Block 3. Parking has been an issue for this development during construction, so the engineer is asking for designated allowed construction parking for this development. There is an unmet condition that there be a recorded landscape license agreement to include the public art.

Wensman went through the findings for approval. There are 9 conditions of approval which include the CIC agreement, landscape/public art agreement, street B be to be named, 15' setback, etc.

Lundquist brought up the water problem at 43rd Street and Lake Elmo Ave. She feels that it is because the landscaping for first addition was not done correctly. There is a berm that isn't built high enough so that what used to be a marsh is now a lake and is

infringing on the Krueger property. She would like the landscaping looked at more closely. Wensman said he will follow up with the City Engineer to see if it isn't functioning properly.

Dodson had a question on the CIC agreement. Wensman stated that this new property needs to be incorporated into the agreement.

Williams asked if this development met the street naming ordinance. Wensman stated that it would meet the current ordinance.

M/S/P: Dunn/Williams, move to postpone consideration of the final plat and PUD development plans for the Wildflower at Lake Elmo 2nd Addition upon the completion of the next agenda item, ***Vote: 5-1, motion carried, with Dodson voting no.***

Public Hearing – Conditional Use Permit – 5699 Keats Ave – Additional Accessory Building in RR Zoning

Wensman started his presentation regarding a Conditional Use Permit for an additional accessory building in the RR zone at 5699 Keats Ave. This is located in the North/Central section of the city in a rural residential zoning district. On lots 10-15 acres, you are allowed 2 buildings up to a combined 2500 square feet. The applicant is asking for this building for agricultural purposes. They are being taxed as an agricultural property. They have (6) 650 foot rows of raspberries, pumpkins, squash and vegetables. They desire to expand their farm to house chickens and goats and for the storage of agricultural equipment. Agricultural production is an allowed use. The setbacks are met and the building will be put in a lower elevation. Right now there is a lot of exterior storage of equipment on this property and this will alleviate the need for that.

There currently are no development standards outlined in Article 7 which is referred to. Article 5 has standards for accessory buildings and structures generally. Notices were sent out and there was one public comment expressing concerns about drainage and if there was a need for storage on this property. A condition was added in response to this comment. Staff is recommending approval with 12 findings. Staff is recommending approval with 13 conditions of approval.

Williams asked for clarification of the allowed building sizes and numbers and if it was a total aggregate area. Wensman pulled up code and it confirmed it is aggregate maximum size. Williams is also wondering about the last condition that if the property subdivides does that mean the building has to come down. He is also wondering about the condition referring to Home Based Business. Wensman stated that the request is for an agricultural building and should not be used for a home based business. There is already a lot of storage on the site and some kind of limit has to be placed for the building to be used appropriately. Williams feels that condition number 5, might not be applicable and number 10 seems to cover it.

Dodson is wondering if they need a finding stating why they need a conditional use permit. Wensman stated that there really aren't standards so he thinks it would be based on implied need, but it is not really provided.

Kreimer asked if there were standards that it has to be compatible with the house. Wensman referred to the code and accessory buildings have to be compatible with the principle structure, but pole buildings are an exception to that rule.

Rod Sessing, 5699 Keats Ave, is asking for a conditional use permit to store his agricultural equipment inside as it deteriorates 10 times faster sitting outside. They would like to expand their farm to have organic chickens and eggs as well as milking goats. It bothers him that they talk about tearing down a building. When the variance went through for his neighbor, a tear down clause was talked about, but it was not approved that way. He would like the tear down clause to be removed. He agrees that it will only be used for AG, but to tear down a perfectly good building later on, doesn't make sense. Sessing stated that drainage is not going to be an issue as water flows to the south and there is a pond to the south to collect water.

Public Hearing opened at 8:35 pm

There were no other written or electronic comments received

Public Hearing closed at 8:35 pm

Dodson asked for more clarification regarding the drainage issue. Wensman stated it was just a concern that this building might increase the water drainage to the area. This would be addressed through the building permit process if there were any issues.

Dunn agrees with not needing the home occupation part in there and also with not tearing it down. Wensman stated that the Ziertman's building was obtained through the variance process and variances run with the land. Therefore, there was no condition placed on the building to be torn down. A CUP runs with the land, but they can expire if conditions are not met. If you want to take out that clause, you would need to strike the condition that it only be used for agricultural purposes and they could use it for whatever they wanted.

Fields does not feel that the condition should be struck. The request is for an additional building for an agricultural purpose and that is what it needs to be used for. If the agricultural use goes away, the building can be left vacant, but can't just be used for any use. Dunn and Lundquist agreed.

M/S/P: Williams/Lundquist, move to recommend approval of the request for a conditional use permit for an additional accessory structure in the RR – Rural zoning district for the property located at 5699 Keats Avenue N, subject to the amended conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Wildflower 2nd Addition Final Plat and Final PUD Plan

The applicant is now in attendance so Wensman briefly summarized for him. The issue of the Stormwater was brought up. Mr. Engstrom stated that his understanding from his engineer is that there is less water going into the county culvert now than there was before. Lundquist stated that she lives in the area and drives the road every day and she stated that there used to be a marsh and now it is a lake. She stated that it has backed up across the road onto the Kruegers property. Lundquist stated that her and Commissioner Dunn drove the property and the house in the NW section of the first addition has a berm on the corner of that property that has washed out so that the water is running down the ditch into what is supposed to be a marsh. Engstrom stated that she must be talking about the Gonyea property. Lundquist stated the it could be the Gonyea property with that particular problem, but there is also a series of Lakes on the North end of the Wildflower property that do not seem to be draining properly.

Wensman suggests that he meet with the Kruegers to determine exactly what the issue is so that he can bring that to the City Engineer to address if it is working properly. Dunn suggested that maybe the VBWD should look at it as well.

Engstrom is opposed to 15' setback from property line and would like it to be 10'. He says he doesn't know of any small utilities going in there. Wensman stated that there is a 10' utility easement there. There can be encroachments in setbacks, but not in the easement.

Public Hearing opened at 8:46 pm

Neil Krueger, 4452 Lake Elmo Ave, is concerned that the open space is fast becoming a lake and not usable open space. There are 2 problems from their perspective. The first is with Gonyea. The VBWD, Jack Griffin and someone from the County were out. The pond in the NW corner was not built according to design. It drains into the ditch along Lake Elmo Ave vs. draining to the East. It is water that was never going into the ditch before and it is causing that pond across the road to rise and is flooding into their ditch. It is somewhat tied to the Wildflower development as well. What used to be a basin to infiltrate the water is now a large berm. The other issue is that the trails on the Wildflower development are fast becoming waterlogged. That whole area does not have ponding that is working properly. VBWD is looking at the plan to see if it was designed and built properly.

Deb Krueger, 4452 Lake Elmo Ave, they are very concerned with this ponding situation. There is a very great system of trails in Wildflower, but they appear to be flooding. The water is running the wrong way. At Gonyea, there wasn't enough room to handle the water, so culverts were put in and now the water is running down to Wildflower. This is a case of what looks good on paper, but she would like the Planning Commission to take the time and walk the property so that they really know what is going on. There were culverts put in on their side at their property and they don't function properly because they are installed too high. She wants to be sure that this is addressed before any more homes go in. They were told that another 3 feet, and their garage will flood.

Richard Smith, 11456 Blazingstar Lane N, he thought that the Wildflower at Lake Elmo development would be done in 3 phases. If this is a step into phase 2, there were agreements with the surrounding neighbors of things that would be completed with phase 1 and those have not been met completely. He also wanted to say that a house can look really nice at 6 months old, but what happens at 5, 10, 15 and 20 years out. He feels if there is a problem with encroachments in easements, those need to be addressed.

Wensman requested a copy of those conditions. Smith said they are part of the public record, but he can get him a copy. Fields wanted to know what conditions haven't been met. Smith stated there was an agreement for underground services like sewer, water and small utilities. When they were putting those services in about 2 months ago for phase I, he called Mr. Engstrom and asked if this wouldn't be a good time to do this for them. He said he didn't think that was the kind of work that they did. He is not clear where that leaves him. If he needs to have the work done himself and send him the bill or what.

There were no other written or electronic comments received

Public Hearing closed at 9:03 pm

Dodson is wondering how this plays out in terms of the phasing. Wensman stated this is phase 2. He is wondering if they can add a condition that the work agreed to be done for the neighbors be completed before phase 2 can be started. Wensman believes if they were required to be done with phase I, that can be a condition that it needs to be completed before recording of the plat.

M/S/P: Dodson/Lundquist, move to add a condition that any conditions for the 3 adjacent properties that were required to be completed with phase 1 be completed before the plat for phase 2 is recorded, **Vote: 6-0, motion carried unanimously.**

Williams asked if these were conditions of approval from the City or were they part of a private agreement. Smith stated that they are part of the public record. They have been signed by both parties and part of the discussion at the City Council. He is not

sure about the legal part of it. Wensman stated that he will find out if it was part of the City conditions or if it is a private agreement. Williams is asking about the timeline for making a decision. Wensman stated that they are up against the 60 day timeline. The City however has the ability to ask for another 60 days. Williams would like more information about the drainage issue. Dunn said it is always hard to retrofit. She believes a large portion of this site is in the FEMA flood plain. She thinks it is imperative that the city be sensitive to water issues and get to the root of the problem and fix it up front rather than trying to retrofit it. Dunn would like to postpone this item. Williams would like to postpone until the stormwater drainage system has been constructed properly.

M/S/P: Williams/Dunn, move to postpone consideration of the Wildflower 2nd addition Final Plat and PUD plans until the Planning Commission receives a report from the City Engineer that the stormwater drainage system on the Village Preserve Property and the Wildflower at Lake Elmo Property has been constructed properly as these 2 properties were set up as part of the same stormwater drainage system, **Vote: 6-0, motion carried unanimously.**

Dunn is wondering if this issue can be expedited and the Planning Commission could possibly hold an additional meeting to resolve this issue.

Wensman stated that by the next regularly scheduled meeting there should be some sort of resolution. Kreimer asked if the Planning Commission could recommend approval, but with a condition that no construction would commence until these issues are resolved. Williams said he would like more control than that. Once they recommend approval, they are out of the loop.

Public Hearing – Conditional Use Permit Amendment – Rockpoint Church Parking Lot

Wensman started his presentation regarding the Conditional Use Permit for Rockpoint Church parking lot expansion. They are proposing 124 spaces with a future additional 116 spaces. This property is a PF zone on 19.67 acres. There was a CUP for an expansion in 2011 that expired. This expansion is much larger. This meets the provisions for places of worship. One condition staff is suggesting is that there be no parking in the second phase until it is paved. Wensman stated that they would need a certificate of zoning compliance when the second phase is built, so they can make sure it is built to standards. They will need to meet the lighting, landscaping and tree preservation requirements. They meet the impervious surface requirements and a VBWD permit will be required. There are also some engineering and fire safety requirements. Staff feels they meet the 12 findings for approval and is recommending 15 conditions of approval.

Dodson asked about the drainfield and pumphouse and where they were located. They are out in an outlot. Williams is asking about the landscape plans and why the City

contract landscape architect is not required to review them. Williams would like the condition to say approved by the City.

Bill Bartolic, Rockpoint Church, they have a parking problem because their membership is growing. They want to phase the parking lot as they can't afford to do the whole thing at once. They are parking in the street, which won't be desirable once there are homes in Hidden Meadows 2nd. Kreimer asked if it was intentional that there is no curbing shown on the parking lot drive lane at the top of the drawing. Bartolic said that was an oversight. They don't intend to use any of the phase 2 parking lot. They will make some sort of a barrier there. Bartolic is wondering if they can take responsibility for watering the trees without the irrigation system. The trees along Kelvin are not irrigated and they are flourishing. Wensman clarified that irrigation is not required, but if they choose to put it in, an agreement would be required.

Public Hearing opened at 9:39 pm

There were no other written or electronic comments received

Public Hearing closed at 9:39 pm

M/S/P: Williams/Dodson, move that all landscape plans be approved by the City prior to any building permits being issued, **Vote:6 -0, motion carried unanimously.**

M/S/P: Williams/Lundquist, move to recommend approval of the request for a conditional use permit amendment to allow a parking lot expansion for the property located at 5825 Kelvin Avenue N, based on the findings of fact and the conditions as amended in the staff report, **Vote:6-0, motion carried unanimously.**

Fields wanted to bring up the Wildflower setback issue so that it wasn't left up in the air. Wensman stated that there is a condition in the staff report that it is a 15 foot setback from the property line. If the Commission wants something different, that would need to change. Dunn stated that is what she finds difficult with PUD's that sometimes things deviate with unintended results. Fields would like it communicated to Mr. Engstrom that is what the intent of the City and Planning Commission is.

Williams is wondering if the language could be very specific as something like there needs to be a 10 foot unencumbered utility easement. Wensman stated that regardless of the setback, there needs to be a 10 foot unencumbered utility easement.

City Council Updates – October 4, 2016 Meeting

- i) OP Ordinance – Passed – with 4/5 vote back in
- ii) Horning Lot Size Variance – Passed
- iii) Fence Ordinance Amendment – Solid Wall Fences – Passed
- iv) Common Ground IUP – Passed

v) Wasatch Storage Partners CUP - Passed

Staff Updates

1. Upcoming Meetings
 - a. October 24, 2016
 - b. November 14, 2016

Commission Concerns

Dunn is concerned because they have been ripping up some of the concrete in the Old Village downtown as the water isn't draining properly. The surface water has always been a concern and how do people know that after something is approved, it is actually functioning properly. Wensman stated that there are requirements that they are inspected on a schedule.

Dodson is concerned that some outlots are permanent and some are temporary. He is wondering if there is a way to change the terminology for the outlots so it is clear what is permanent. Wensman stated that it is really up to the developer to communicate to their customers what that is.

Williams feels that Commissioners are reluctant to make amendments to motions. He wants to encourage Commissioners to speak up and say what they really think.

Kreimer is concerned that they are not getting the landscape plans with the packet. Dodson doesn't feel they need as much as they do for a preliminary plat. Williams is in favor in keeping the system the way it is, but if an individual wants a copy, they can request it from staff. Williams feels that the landscape consultant is doing a great job at looking at these things and he is comfortable taking his recommendations.

Dodson is wondering if it is sent to one person, if it should be sent to everyone. Fields thinks if it is sent electronically, that is easy enough to send to all.

Dunn feels that the issues brought up for the Inwood development were valid from a safety standpoint and might be because of phasing. Wensman stated that this is part of the argument for multi access developments.

Meeting adjourned at 10:02 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

We would like to register a concern with the Lake Elmo Planning Commission about the flowage & subsequent water problems due to the pending of both Wildflower & Conyers developments.

We have been monitoring the water flowing from the ponds around these two developments, & would like the PC to personally visit these sites before proceeding forward with more development:

→ Also, there is water flowing north along the two ditches on Lake Elmo Ave.

→ Incorrect installation of two culverts along Lake Elmo Ave. causes water to back up on our land.

We would be happy to show you these problems.

Neil & Deb Krueger
4452 Lake Elmo Ave. N.

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