



**City of Lake Elmo
Planning Commission Meeting
Minutes of April 10, 2017**

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

COMMISSIONERS PRESENT: Dorschner, Fields, Kreimer, Dodson, Emerson, Williams, Lundquist and Hartley

COMMISSIONERS ABSENT: Larson

STAFF PRESENT: Planning Director Wensman, City Planner Becker and City Engineer Griffin

Approve Agenda:

M/S/P: Williams/Lundquist, move to approve the agenda as amended, adding a 5c for a condition for buckthorn management for Royal Golf, ***Vote: 7-0, motion carried, unanimously.***

Approve Minutes: March 27, 2017

M/S/P: Williams/Lundquist, move to approve the March 27, 2017 minutes as amended, ***Vote: 4-0, motion carried unanimously.***

Public Hearing – Easement Vacation – Bremer Bank 8555 Eagle Point Blvd

Becker started her presentation regarding the request for a vacation for two public easements. The first request is to vacate an existing D & U for a stormwater facility easement to be relocated to allow for expansion of the existing building. The second easement to be vacated is along the property line (to be replaced), to allow for combination of three parcels. The City Attorney and the County have been consulted and it is ok to combine a platted lot with outlots. There is one condition being recommended that the applicant shall record replacement easements as approved by the City Engineer.

Dorschner asked if this approval secures the other necessary easements. Becker stated that it does through the condition of approval.

Public Hearing opened at 7:10 pm

There were no written comments and no one spoke

Public Hearing closed at 7:10 pm

Dodson is wondering why there are two separate motions being recommended. Becker stated that there would not need to be two separate motions, but two motions clarify what is being vacated.

M/S/P: Dodson/Williams, move to recommend the approval of the vacation of the easement described as south 5.00 feet Lot 1 Block 1, Eagle Point Business Park 3rd Addition and also the easement as shown in Doc. No. 1208614, subject to replacement easements, as approved by the City Engineer being recorded, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – VMX Zoning District

Becker started her presentation by talking about some of the updates from the last meeting. The Commission wanted to add a definition for Mixed Use. Staff does not recommend adding. It does not fit broadly into code and is specific to the VMX district. Staff added additional density standards using the language from the Comprehensive Plan for senior congregate care facilities up to 16 units per acre with CUP. The garage setback of 25 feet was added to Table 11-2, rather than the text. Standards for V-MDR were not added because the existing LDR zoning district can be used for areas guided as V-MDR. Setbacks for properties abutting County roads were added for consideration by the Commission.

The issue of single family homes in the VMX needs to be resolved. Existing single family homes should be non-conforming, or permitted uses. If permitted, the City would need to allow both existing and new single family homes in this district. The current Comprehensive Plan language does not mention detached single family homes as allowed uses in the VMX district, except for those existing. The minimum lot size for single family homes in VMX is currently 5000 sf, but staff is proposing to change that to 9000 sf to prevent an influx of property splits. The minimum lot width is proposed to change from 50 ft. to 70 ft. to mirror V-LDR standards.

There was a discussion at the last meeting regarding conditional and permitted uses in the VMX district. The Commission should specifically outline which uses are of concern and discuss. New housing type mixture requirement was copied from the MDR standards for multi-family and two family dwelling units. Staff is recommending striking this. There was concern at the last meeting regarding veterinary services, so standards were added to limit services to small domestic pets.

Lundquist asked about the single family housing not being in the Comprehensive Plan. Becker stated that the issue can be addressed with the Comprehensive Plan update

currently being worked on. Williams thinks that single family should be included as a permitted use in the table for VMX. Wensman stated that he believes this is the right way to go as you cannot have permitted existing single family without allowing permitted new single family. Dorschner thinks that it should be conditional because they are talking about downtown. He does not feel that the vision for downtown is single family homes, but is commercial. Williams does not recall discussing finding number 4 in the staff report that states the Planning Commission is interested in exploring increased densities within the Old Village as an amendment to the Comprehensive Plan. There was discussion about if the VMX needs more density to attract commercial development. Williams is wondering if it would make sense to increase the single family attached lot area since the single family detached lot area was increased to 9000 sf. Becker stated that by leaving it the same, it would encourage more density. The LDR, Urban Low Density Residential minimum lot size is 8000 sf. Williams is wondering why a parking facility is only allowed as an accessory use and not as a principle use. Becker stated that it is allowed as a principal use, but is a conditional use.

Williams asked about the City Attorney's recommendation to strike 5b for redevelopment projects. He doesn't see how that is infringing on someone's rights. Wensman stated that it makes sense if someone buys up the whole block, but not if there is partial redevelopment. Hartley thinks that they need to decide if it is ok for one type of housing to be on a single street.

Williams is wondering about on page 9 (5d) if "except on a permitted driveway" should be added. There was some discussion about structured parking on the ground level and what that should look like.

Wensman brought up setbacks from County roads. The VMX code states that the setback is 10 feet from the right of way. Wensman is wondering if the setback should be greater on County roads as there is greater potential for road expansion. The County thinks it is too small.

Williams does not understand why a definition for mixed use would cause a problem in other parts of the code. Wensman stated that they looked extensively through other codes, and they did not find any definitions of it. Becker stated that the VMX already states that it allows 2 principal uses. It also describes the district and its intent in the Purpose and District Description. Williams stated that he still doesn't understand why having a definition will cause issues. Wensman stated that mixed use can be vertical or horizontal. Vertical would be a mixed use on the same lot, while horizontal would be a mixed use development, like Inwood. Staff could not find an applicable definition and did not feel that one was necessary and it may actually create other unforeseen issues.

Public Hearing opened at 8:03 pm

No one spoke and there were no written comments

Public Hearing closed at 8:03 pm

Dodson thinks the minimum lot size for single family detached should be 8000 sf to match the LDR. Becker stated that the 9000 sf came from the 70 ft. width calculation.

M/S/P: Kreimer/Williams, move to change single family detached from a conditional use to permitted use in the VMX zoning district, ***Vote: 7-0, motion carried unanimously.***

Dorschner thinks that there are some areas in VMX that single family should be permitted and some areas where it should be conditional, but he isn't sure how that would be handled, but he is afraid there may be some unintended consequences. Dodson feels that a comprehensive plan amendment needs to be done to get the wording right and to avoid spot zoning.

Dorschner feels that a conditional use permit gives the City a little more control. Williams feels that if there is a conditional use permit, there should be some basis for which to approve or deny. Dorschner feels that there are parts of the VMX that it is appropriate, but in the downtown proper from north of the tracks to old Hwy 5, it probably would not be. Dodson is wondering if possibly the number of businesses that surround the property could be the criteria. Fields agrees that in areas that have potential to develop as commercial, having single family detached as permitted could disrupt the development pattern. He feels having it conditional gives the opportunity to evaluate the development pattern. Hartley is wondering how to develop the standards without it sounding arbitrary.

Wensman stated the problem is that they are talking about allowing single family detached, but don't really want them everywhere. He suggested maybe the way to manage it is to have a sub district. Williams agrees with Dorschner's concern, but feels there needs to be some basis to limit the new single family detached. Williams feels that from the City's point of view, the safest way to handle this is to make the single family detached a legal non-conforming use. Dorschner feels that they need to go with what their vision is and that would be to make the single family detached a legal non-conforming use.

Becker stated that if the existing single family homes wanted to expand, the City would not be able to grant the variance as it is a use variance. Lundquist stated that the residents in this area should not be penalized by what is adopted. Becker stated that at this point, for the short-term, they are not proposing to rezone the properties that currently have single family homes on them to VMX. However, if a property owner wanted to develop their property to VMX, they could ask for a rezoning at that time. Dorschner stated that he doesn't want to penalize the existing residents, but by

rezoning their property to VMX, they have more opportunities for their property and it increases the property value.

Williams is wondering if it should be left in as a conditional use and a finding be made that the standards need further work. Wensman would like this issue to be tabled until further research can be done. Dodson is wondering if there is any case law in regards to this and if the City Attorney can weigh in on this. Wensman stated that staff can consult with the City Attorney.

M/S/P: Williams/Kreimer, move to reconsider the motion to change single family detached from a conditional use to permitted use in the VMX zoning district, and that the motion be rescinded with the intent to discuss further at a future meeting, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to substitute on page 9 (5b) "proposed development" for "developed block", Williams **withdrew motion.**

Hartley is wondering how the wording would work for one lot. Dodson is wondering what the intent of this. Williams stated it is to encourage diversity on the block, but not to completely change the character of that area and to preserve the mix. Kreimer stated that he is in favor of removing the paragraph all together and Dodson agrees. Wensman asked the commission how they would feel if someone came in and took out a whole block of commercial and put in all townhouses. Fields stated that could be a real possibility based on demand.

Dorschner stated that he feels the VMX is a good idea, but is hard to implement in this area. He feels that they are kind of missing a business district. Williams thinks that during the Comp plan update, they need to look at what the vision for downtown should be.

M/S/P: Williams/Dodson, move to change the wording on page 11 (8) the first sentence to say that "structured parking is permitted within a mixed-use building, provided that the entrance is located on side or rear facades, not facing the primary abutting street", and striking the last sentence that says "The primary street façade may include an entrance into the parking facility", **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Dodson, move to change Page 13 (3) (a) (i) to say "the front façade of a garage shall be offset from that of a principle structure by a minimum of two feet from the public right of way", **Vote: 7-0, motion carried unanimously.**

Wensman asked about the request from the County to have a larger setback than the current 10 feet to a county road. Dorschner is not in favor as there are already some properties such as Arbor Glen at the 10 feet. Williams doesn't understand why the County wants a larger setback. Wensman stated that typically County roads are at

higher speeds which creates noise and other issues. Lundquist stated it is also for public safety such as if a car went off the road. Hartley stated that the other reason would be that it gives them another 60 feet so that if the road needs to be widened to four lanes, they have the right of way. There was no interest from the Commission to change the setback from 10 feet from County roads.

Williams would like to change footnote (g) on page 7 to differentiate county 17 south of CSAH 14 vs north of CSAH 14. Williams would like more information from the County on why they want the greater setback.

M/S/P: Williams/Lundquist, move to postpone further consideration of VMX until they get further information on the items talked about, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Dodson, move to move the Engineering and landscape standards item before the solar energy systems as the City Engineer is in attendance for that item, **Vote: 7-0, motion carried unanimously.**

Business Item – Engineering & Landscape Standards

Wensman started his presentation by stating that staff is looking for a recommendation for the Engineering & Landscaping design details and specifications. The purpose is to set minimum requirements for all public infrastructure projects in the City with the intent of constructing consistent and compatible infrastructure systems throughout the City. Staff is suggesting to have a separate section specific to landscape and irrigation standards vs having them be part of the engineering design and construction standards.

Engineering design standards and specifications will include having electronic plans required, reference to benchmark system removed, lot corner elevations required and the record drawing requirements clarified. There are many areas that are clarified such as the street width, minimum tangent length for intersections, collector street right-of-way width, and sign post standards changed per direction of PW.

Griffin stated that many of these updates, the City is already doing in practice. As development happens, standards evolve as circumstances arise. Staff uses the standards, but they are only formally updated every 2 years.

Dodson asked about the street light standards. It seems like the developers are assuming that since street lighting is in the Engineering standards that they have to be put in. Is there a way to specify that it is not required? Griffin stated that there is a difference between what is in a standard and what is in an ordinance. The ordinance would determine where or when things are done, while the design standards are if it is done, this is how it will be built. Dodson stated that he would like to see less lighting within developments and feels that there should be something in the design standards

to discourage lighting. Griffin stated that when street lighting is put into a development, Xcel actually is the entity that decides where the lights will go. If the City wanted to say where lights are to be located and the spacing, the City should specify that in the standards. Williams is wondering if it would be appropriate to have different districts and have standards for each district. Such as district 1 has no street lights, district 2 has street lights only at intersections and district 3 has street lights throughout the development. That way the City could determine through conditions what type of lighting the development should have. Griffin stated that might be a good way to give high level guidance to a developer. Emerson is wondering if Xcel would balk at the idea of putting street lights only at intersections. Griffin doesn't think so.

Dodson asked if the irrigation standards are in the Engineering design and construction standards manual. Griffin stated that the detail of the service line is in the engineering standards and then it refers to the landscape plan for the details of the landscape meter and specific details. Hartley asked about the issue that landscaping hadn't been handled properly in the past. Wensman stated that the water meter and service location need to be on the landscape plans. In the past, that wasn't a requirement so they were not necessarily located properly.

Wensman stated that in the landscape standards, there is a recommended and required section. By putting in a recommended section, they are hoping that developers will go beyond what is required. Standard notes were cleaned up and made more usable and it recognizes the bee safe policy. The tree standards were refined and addressed more of the issues. Hartley doesn't see where the root flare is addressed for planting a tree. Wensman believes it is addressed and is one of the most problematic things they have seen in the field. Hartley thinks it might be worthwhile to draw specific attention to it. There are standards for trees and shrubs on slopes. The biggest thing would be the irrigation details and the interface between public and private systems.

Dodson would like staff to research what the best mechanism would be to deal with the issue of street lighting in different developments and possibly having various zones. Wensman stated that staff felt that it was not necessary to have a policy regarding street lighting. Dodson wants to see the City try to minimize the street lighting and would like to see no lighting in residential developments. Williams would like there to be guidelines in regards to street lights so that the Commission does not need to decide each time. Dodson likes the idea of the zones so that in different locations, you could have different lighting. Griffin stated that the lighting requirements would only come into play on higher level streets vs. neighborhood streets.

M/S/P: Dodson/Williams, move to recommend approval of the March 2017 revision to the Engineering Design and Construction Standards Manual, and adding a condition of approval that staff look into proposing a lighting ordinance and/or engineering standard for residential districts with the intent to minimize lighting, **Vote: 6-1, motion carried, with Hartley voting no. Hartley voting no because he feels the engineering standards**

should stand as they are. He feels the lighting standards should be addressed via ordinance in the zoning code.

Dorschner has the same kinds of concerns regarding Landscaping that Dodson has with lighting. Dorschner would like to see the use of water and irrigation minimized. He is not sure how that should be formulated. Wensman stated that they are re-evaluating what the options there are to mitigate the use of water and irrigation. Staff is looking at no mow turf, and salt tolerant turf. Dorschner wants the landscape standard to spell out that they need to be plants that need no water or minimal watering or even rocks and shrubs that would need no pesticides or fertilizers. Wensman stated there were some things they could do with the landscape ordinance to encourage this or even provide some incentives.

M/S/P: Dodson/Fields, move to recommend that staff look into minimizing the use of water, irrigation, herbicide and pesticides in the landscape ordinance: ***Vote: 7-0, motion carried unanimously.***

M/S/P: Williams/Dodson, move to recommend approval of the Landscape Design Standard Details and Specifications: ***Vote: 7-0, motion carried unanimously.***

Business Item – Zoning Text Amendment – Solar Energy Systems

Becker started her presentation regarding the solar energy systems. Changes from the last meeting include exemptions for size, different standards for rooftop vs ground mount, standards for solar farms, definition for off-grid, language about reflectors clarified, and restrictions on HOA documents forbidding solar energy systems.

Dodson asked how the decommissioning would be enforced. Becker stated that a plan might be required dependent on how large of a system it is. Becker stated it would be enforced like any other nuisance complaint.

Williams wants the word wholesale deleted from the solar farm definition. Kreimer asked if the Commission wanted a size exemption. The Commission felt 6 sf was a reasonable exemption. Kreimer asked why they were saying a homeowners association can't forbid solar energy systems, he feels it should be up to them. Dorschner thinks the rationale is that the City should want to promote clean energy.

Williams thinks they should be talking about ground mount and building mount vs roof mount as a roof would not be the only place that solar could be mounted. Kreimer asked what zoning districts the Commission feels the solar farms should be allowed in. Williams suggested AG and Rural Districts only. Dodson asked if there is a limit on the size of a solar farm. Becker stated that no size has been suggested. It is currently a CUP, but if they wanted minimum acreage and maximum size, they would need to put standards on it. There was discussion around if solar farms should be considered

commercial and only allowed on commercial property or if they should be allowed in other areas. The Commission discussed if there should be a 10 acre minimum. They also discussed if the city would allow a solar farm to be a principle use. Kreimer is wondering if the farm should be restricted to a certain percentage of the property like maybe 25%. Wensman asked if the solar farm was the principal use, what would be the front and side yard setbacks. Williams thinks there should be a greater setback if it is more of a commercial use next to a residential use.

Williams wanted to talk about the condition of buckthorn control for the Royal Golf. There was a condition that in return for relaxing the tree replacement ordinance by 50%, Royal Golf would initiate a program for Buckthorn control.

M/S/P: Williams/Fields, move to add to the existing condition the following sentence “the applicant shall present a buckthorn control plan for approval by the City landscape consultant who shall report at least once a year to the Planning Commission and City Council on the plans progress and effectiveness”, **Vote: 7-0, motion carried unanimously.**

Emerson feels it is throwing away a lot of money because he doesn't feel that the residents are going to continue it.

City Council Updates – April 4, 2017 Meeting

- i) Inwood 5th Addition Final Plat and PUD Plans – approved
- ii) Approve Comp Plan Amendment to City's Wastewater facilities - approved

Staff Updates

- 1. Upcoming Meetings
 - a. April 24, 2017
 - b. May 8, 2017
- 2. MAC CEP Report

Commission Concerns

Williams is still uncomfortable not having a definition of mixed use. He doesn't understand why other Cities do not have it. Wensman stated that each use has its own definition and if it is a mixed use, it combines more than one use. Williams would like to see a definition.

Meeting adjourned at 10:35 pm

Respectfully submitted,

Joan Ziertman

Planning Program Assistant