



**City of Lake Elmo
Planning Commission Meeting
Minutes of April 24, 2017**

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

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

COMMISSIONERS ABSENT:

STAFF PRESENT: Planning Director Wensman and City Planner Becker

Approve Agenda:

Accept the agenda as presented.

Approve Minutes: April 10, 2017

M/S/P: Williams/Dodson, move to approve the April 10, 2017 minutes as presented,
Vote: 7-0, motion carried unanimously.

Public Hearing – Zoning Map Amendment – Rezone Properties to VMX

Becker started her presentation by reviewing what was discussed at the March 27, 2017 meeting. After advertising the public hearing notice for that meeting, staff learned that there were a number of Zoning Map errors with incorrect zoning classifications resulting in properties that should have been included in the public notification for rezoning. There are 2 properties that are zoned GB, that are guided for RAD. Staff does not recommend rezoning these at this time. The guidance of the properties should first be reconsidered with the 2040 Comp Plan update process. As a result, GB standards will need to remain in the code. The Schiltgen parcel, which is a larger parcel, was added to the PH notice, however, staff is not recommending that it be rezoned at this time. It is typical for the developers to rezone larger properties during Preliminary Plat process.

Dorschner asked why we would keep the general business standards. Wensman stated that 2 parcels are zoned GB, but are guided for RAD. Wensman stated that until the guidance is changed, if they continue to remain GB, there needs to be standards. Dorschner stated that he thought this whole exercise was to get everything in line now because of new development coming in. Wensman stated that if it is the desire to get rid of the GB standards, those 2 properties could be rezoned to RAD. These properties

are currently not used for business, even though that is how they are zoned. Becker stated that the reason for the rezoning is because these properties largely do not meet the GB standards and are legal non-conforming. The rezone to VMX will give them more appropriate standards to work with for their properties which will make them more conforming and provide greater flexibility.

Williams asked if they had heard anything from the property owners of the 2 parcels. He is wondering if they might have thought they were going to be rezoned to VMX. Becker stated that it is possible, but after reviewing the map, it was determined that they are guided for RAD. Williams asked about the impervious surface allowance in the table. Becker stated that the numbers in table are reversed. Williams asked if the list of properties included any residential properties. Becker stated that if they were not already zoned as GB, they were not included. There were a couple of properties that were zoned as residential that are used for business. Those are being rezoned to VMX.

Public Hearing opened at 7:14 pm

Susan Dunn, 11018 Upper 33rd Street, she is concerned as she lives in a single family home in the Village. Dunn is wondering if all single family homes will be reguided to VMX. Becker stated that no, not all would be rezoned. Only those properties currently zoned GB, used for business and guided for VMX will be rezoned. Becker estimated that approximately 78 acres would be rezoned. There are approximately 1300 acres in the Village, with approximately 164 acres guided for VMX. Dunn asked how many units per acre are in VMX. Becker stated that there are 6-10 units per acre. Dunn is not in favor of that large of an area being VMX.

There were no written comments

Public Hearing closed at 7:18 pm

Larson asked about the single family homes and how they would be handled. Becker stated that it depends how the ZTA for Village Urban Districts is decided. She stated that right now, it states that single family homes are permitted. Wensman stated that the single family homes are not being rezoned at this time. Wensman stated that the next step is to decide with the ZTA how to handle them. Afterward, they should be rezoned, reguided, or left that same.

M/S/P: Williams/Lundquist, move to recommend a Zoning Map Amendment rezoning properties outlined in Ord. 08- to VMX – Village Mixed Use, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Grading Permit in Excess of 400 cubic yards of material

Wensman started his presentation regarding a grading permit for HC Royal Golf to excavate over 400 cubic yards per acre of site area. This is for phase I of the development and covers 73 acres to be graded. This is a very large first phase because utilities are coming from the south, but the clubhouse is required to hook up to sewer within 2 years in the north.

Normally grading occurs after preliminary plat approval. The City Council has not yet approved the Preliminary Plat/PUD. They are awaiting Met Council determination. RGC is seeking early grading because the Met Council CPA approval likely won't be until late May 2017. The developer wants to get a start so that Phase I can be completed in 2017. Grading prior to plat approval is solely at the developer's own risk as there could be changes to the plat. This will be acknowledged in the grading agreement.

There will be an escrow for the cost estimate for remediation if the plan doesn't move forward. There would be escrow for erosion control, seeding and tree replacement. If the preliminary plat moves forward, the grading escrow will be replaced by a developer escrow and released.

Williams asked if the utility work would happen after the preliminary plat is approved. Wensman stated that is correct. Kreimer asked if the preliminary plat had been approved would they need to do this. Wensman stated that no, it would be part of the Preliminary Plat process. Hartley asked what the time frame for the preliminary plat to take over the grading plan. Wensman stated that they are trying to get ahead of the preliminary plat approval. Hartley asked if there is a time frame that the City would decide the Preliminary Plat wasn't going to happen and would start to restore the site. Wensman stated that if the City Council denies the plat, or the Met Council denies the CPA and asks for changes.

Wensman stated that the escrow would be used by the City once the project is dead and the developer is not doing the remediation. Dodson felt that only giving the developer 10 days before remediation takes place, was not enough time. Williams asked how the total number of trees would be handled for the tree preservation plan if this is approved and then the plat changed. Wensman stated that a revised tree preservation plan would be required if there are changes and it would be addressed through construction plans. Dorschner asked about VBWD and MPCA permits as copies were not in packet. Wensman stated that they have not been obtained yet. Dorschner stated that this property is critical to the watershed in the City area and specifically regulating Lake Elmo. Wensman stated that VBWD is currently reviewing the Preliminary Plat grading plan. Wensman stated that most of the issues that the VBWD are dealing with on the plan have to do with flood storage and building pad elevations and redirecting storm water from Downs Lake to Horseshoe Lake. Before any grading can be done, the

developer will need VBWD approval. The City Engineer will be looking to see that there are no erosion control issues.

Proposed grading is consistent with the EAW and the City made a negative declaration for an EIS. They are over the threshold for tree preservation for phase I, but not for the total project. If the project does not move forward, they will be replacing trees.

The details of the grading are that no utility work will be included. The grading will encompass NE area and SW area of RCG with 73 acres to be graded. There is a large basin near 20th street and Manning for floodplain replacement and construction of a new entrance to 20th Street. There are no plans to truck material in and out of site. The grading plans include construction of large modular block retaining walls. All disturbed ground will be restored with seeding and fiber blankets per ordinance. Wetland 16 will be excavated and replacement by purchase of wetland credits. The access for the grading will be from 20th Street for the NE grading work and from 10th Street for the SE grading work. Access locations need to be shown on grading plans and a Washington County ROW permit is required for access from 10th Street.

No grading can occur until Council approval, grading plan approval by city Engineer, conformance with City erosion control standards, VBWD approval, and an NPDES Permit, Grading Agreement execution and securities in place, tree preservation staking & Precon meeting.

Hartley asked what happens to the grading agreement if the preliminary plat is delayed. Wensman stated that this agreement will stay in place until it is replaced with a developer's agreement.

Public Hearing opened at 7:53 pm

Susan Dunn, 11018 Upper 33rd Street, talked about the significance of the waterway that Dorschner brought up. There was questions regarding the trees that were removed.

There were 2 email comments in support of this from Mike Tate, 11588 20th St & Bonnie Morris, 11612 20th Street.

Mary Leslie, 11546 20th Street N, asked about the new gravel road coming off of 20th Street and if it would be permanent. People on 20th Street are very interested to know what the changes will be. She also commented on the water in that area and the problems that they had in the past.

Tom Barnes, 1734 Manning Trail, his drainfield is the lowest in the area and wants the grading to be done in such a way that it will not be affected. He is also concerned about

days and hours of operation. Packer stated that there are drainage swales that go behind the properties. They are not allowed to put more water onto anyone's property. Becker went over what the hours of operation are.

Public Hearing closed at 8:10 pm

Williams is concerned about the tremendous grade changes in the NE corner of the development. He publicly withdraws his comments that they need not be concerned with the effect on the homes in West Lakeland. He thinks their views will be adversely affected by this plan. Wensman stated that the former plans saved trees in that location, but to address flood plain storage issues, the plans were revised making the pond larger.

Dodson is wondering if they need additional technical opinions regarding the water issues and how it could affect Lake Elmo. Wensman stated that the Valley Branch Watershed District had done modeling on the Horseshoe Lake watershed and as a result there is a larger retention pond.

M/S/P: Williams/Hartley, add draft finding #6 that the proposed phase I grading is consistent as a stand alone project regarding a tree replacement plan, Vote: **7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, would like to add to condition #7 after the words "are obtained", "before any work commences", Vote: **7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to recommend approval of the grading permit to grade the first phase of the proposed Royal Golf Club at Lake Elmo plat area with 7 conditions as revised based on the revised findings in the staff report, Vote: **7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – Solar Energy

Becker started her presentation by stating that the only thing that they are considering are the standards for solar energy systems. The change to allow for solar farms in rural districts was not advertised. Changes from the last meeting were 1) solar farms were added as a conditional principal and accessory use to AG & RR districts, 2) Solar farm definition not be based solely on selling of power, as solar energy systems trade power back and forth, so it should be based on size, 3) minimum lot size is 10 acres 4) maximum percentage of coverage is 25% 5) setbacks are subject to accessory structure requirements of zoning district (or could be changed by Commission). Staff is recommending that this should be tabled at this time because the Fire Chief and Building Official made comments and suggestions, and they would like to have time to research and suggest additional standards. There is concern about fire fighter risks associated with solar energy.

Lundquist stated that an example of a perfect location for a solar farm not on 10 acres would be the grade school with a flat roof. She also stated that something else to look into would be photovoltaic is something to be concerned with and should be researched.

There was discussion about standards for residential vs commercial properties and ground mount vs roof mount.

Public Hearing opened at 8:30 pm

No one spoke and there were no written comments

Public Hearing closed at 8:31 pm

Dodson asked if there would be a different definition for solar farms for different zoning districts. Williams is wondering if commercial should even be a CUP if there are standards in place. Becker is wondering if they should separate the solar farms between ground mount and building mount solar farms. Williams believes that would be the case as the building mounting systems are self-limiting in size. Fields agrees that the focus should be on ground mount systems.

Williams is suggesting that the solar farms could be an interim use in the RT zone. Dodson asked about the OP district. Becker stated that OP is either a CUP or a PUD in the AG or RR Districts, so it is inherent in the code.

Dorschner would like to have a better definition and understanding of what a solar farm is. Becker stated that ground mount should probably be part of the definition. Becker stated that the definition that was proposed was taken from a model ordinance and is what other cities have used. Hartley stated that a solar farm is not on a building because then it is an accessory use. Fields is not sure it is important to define how much energy is sold off. He thinks the objective should be impacts to surrounding neighbors.

Wensman stated that from staff perspective, he thinks a CUP might be helpful to make sure impacts are at a minimum.

M/S/P: Williams/Fields, move to postpone further consideration of Ord 08-173 for additional standards of solar energy systems until the May 22, 2017 meeting, **Vote: 7-0, motion carried unanimously.**

Dodson feels that they are pretty close on the ordinance that they have. Kreimer stated that the Fire Chief and Building Official wanted to give input. Becker stated that the public hearing notice also needs to be published for the amendments to zoning code.

Business Item – Easton Village 2 Final Plat

Becker started her presentation for Easton Village 2 Final Plat. This addition is for 19 single family lots in the 217 unit development. Prior to approval of Final Plat, Preliminary Plans were updated to meet conditions of Preliminary Plat approval. Revisions to these plans were required in order to address the following: 1) reconfigure temp access 2) grading plan revisions 3) Adjustments to property Boundaries 4) Slightly larger buffer from railroad tracks 5) revisions to stormwater mgmt. plan. The applicant has increased the number of lots for the 2nd Addition Final Plat application from 18 as proposed in Preliminary Plat, to 19 and there is a decrease in lot size. The developer has also removed a trail and outlot. There is 9.84 acres of required parkland dedication. 3.99 acres were dedicated with 1st addition which leaves a remaining 5.85 acres of cash payment in lieu of land. The developer was required to again update the preliminary plans prior to reviewing the 2nd Addition Final Plat to reflect the lot size and number changes. The issues with the landscape plans are as follows 1) there is no landscaping shown on Village Parkway 2) there are no utility locations 3) irrigation plans needed for ROW area 4) landscape maintenance agreement needed for ROW areas 5) condition of approval landscape plans updated and approved by City Landscape Architect. Staff is reviewing the Village Parkway Plan and the landscaping plans may be modified based on that review.

The final plat is generally compliant with preliminary plat with the following exceptions 1) plan revision and proper permits required 2) parkland dedication is required and needs to be re-evaluated with trail and outlot being eliminated 3) #14 distribution of future costs associated with Village Parkway railroad crossing improvements to be determined as part of developer's agreement 4) #17 applicant is proposing eliminating trail connection.

Dodson is concerned with the elimination of the trail connection. They pushed at preliminary plat to have that and doesn't know why it was removed. Becker stated that the trail connection was discussed at the Park Commission and they didn't see a problem with it.

Dodson asked about condition #7 encouraging builders to incorporate interior noise reduction measures. Dodson is wondering if that had been done in phase I. Wensman stated that he is not aware of if that is happening or not.

Kreimer asked if there was a net increase of the development with the extra lot for phase II. Becker stated that the overall development would still be 217 units. Kreimer asked about the Village Parkway and why it did not get built completely to 2nd addition as required with the first phase.

Tom Wolter, Easton Village Developer, they are eliminating the trail, however, there is still sidewalks in the cul-de-sac that connects to the other sidewalks in development. By eliminating the trail, they have a variety of lot widths and can accommodate different

home types. People also like the privacy of not having a trail at the end of the cul-de-sac. Dodson asked if there was a way to put the trail between 2 other lots. Wolter stated that this segment of trail really doesn't connect to anything.

Dodson asked about the sound abatement. Wolter stated that would go back to the building department. Dodson asked if the builders are being encouraged to do any sound abatement. Wolter stated that there is language in the HOA agreement regarding the airport. There is no agreement between the developer and the builders.

Dodson is concerned about the trail being removed as the discussion at preliminary plat was for connectivity. Williams doesn't think the trail should be removed. He thinks it does provide connectivity between the sidewalk and the cul-de-sac and Village Parkway. He doesn't buy the argument for privacy because the houses are so big and so close together that there isn't privacy anyway.

Dorschner feels that because the houses are so close, the trail should be removed because there really isn't a need with sidewalks on both sides. He feels the trail is intrusive into the yards of those 2 lots and the lots would be hard to sell with the easement. Larson is looking at this more as a jurisdictional issue. The Park Commission has seen this and reviewed this and they said that it could be taken out. Larson feels it is more the decision of the Park Commission. Williams recalls that the Park Commission isn't in favor of trails at the end of any Cul-de-Sac and he doesn't agree with their position. Williams stated that there are many sidewalks and trails that go along the side of houses. Fields does not like to see an amenity that was approved at preliminary plat removed when it comes to final plat. However, he does not see a great functionality of that piece of trail. He has mixed feelings about it. Kreimer is in favor of trails at the end of cul-de-sacs, but he is in favor of getting a better variety of lots in this development and felt the short length of this cul-de-sac made it more agreeable.

Williams stated that there is an easy way to get more variety and that would be to put smaller homes on some of these lots.

Williams made a friendly amendment to add to finding #2 the elimination of the trail at the cul-de-sac to the parkway, accepted by Dorschner.

M/S/P: Dorschner/Lundquist, move to recommend approval of the Easton Village 2nd Addition Final Plat with the 10 conditions of approval as drafted by staff and amended:
Vote: 6-1, motion carried, with Williams voting against.

Williams asked if any of the conditions mentioned that trail. Becker stated that the trail was a condition of approval for preliminary plat approval. Williams asked if any of the findings for this approval address taking out that trail. Wensman stated that a finding might be beneficial. Dodson feels it is covered as finding #3 states issues identified in staff report.

Business Item – Zoning Text Amendment – Village Urban Districts

Becker started her presentation by going over the changes since the last meeting. Single family homes in VMX are proposed as a condition use. The required findings are that the use or development is compatible with existing neighborhood and that use will be designated constructed, operated and maintained so as to be compatible in appearance with existing or intended character of the general vicinity and will not change essential character of the area. Current standards limit to those existing at the time of adoption of ordinance. Should the City limit single family homes to those existing at the time of adoption of the Ordinance or allow new and expanding single family homes as a conditional use. Staff is looking for feedback on if the City should only allow the existing single family homes, or if single family homes should be a conditional use and they can be reviewed at the time to see if it would fit in with the general character. The City Attorney was contacted in regards to the mixed use definition. She did not have a definition as it is a mix of 2 principal uses already defined in zoning code. There was previously proposed to maintain an open space buffer as designated by the Comprehensive Plan without having to reference different setbacks in building permit review process. Developers do not think it is practical and feel a better alternative might be landscaping and berms. They also suggest a landscape easement over the buffer. Model ordinance requires that developments over 5 acres in size have a mix of housing types.

The Commission requested feedback from the County on why they want greater setbacks on County roads. The reasons are as follows 1) portions of these roads are considered minor highways and ROW widening may be necessary 2) higher traffic volume 3) Lake Elmo Ave provides direct Access to Hwy 36 4) Trails may be desired on both sides or four lanes, additional setbacks may accommodate construction 5) additional setbacks leave room for berming and landscaping. This was added to the V-LDR. The VMX does not provide for accessory structures. Should they be the same as urban residential districts? Should the width of garages be the current standard of 40% or the proposed 60% as in urban districts? Should two-family dwellings be conditional uses as well in VMX?

Williams asked about the mixed use definition. Could it be applied to a development that had single family homes as well as commercial structures? Wensman stated that if it is part of an overall plan, the review would be done on the whole thing and it would be a horizontal mix.

Kreimer asked how wide the Village overlay buffer is. Becker stated that it is not specified anywhere that she can tell. Wensman stated that if you scale it, it would be about 100 feet. Kreimer stated that his recollection was 100 feet. Dodson thought the idea was to have the same buffer as an open space development. Kreimer doesn't feel that 100 feet is that hard to maintain.

Williams feels that both existing and new single family homes should be conditional uses. Kreimer agrees that if the conditions are met, new single family would be fine. Williams feels that 2 family dwellings should also be conditional. Dodson feels that making them a CUP and evaluating if they fit, that can be arbitrary.

Dodson asked if Single family homes are allowed, how would you prevent for example a very modern looking home from going in. Becker stated that a CUP could have conditions for design to be compatible with existing or intended character.

Dorschner agrees that it should be conditional, but is also wondering if the whole section of residential uses should be. Larson is wondering if it is burdening people, Commissions and the Council by making so many things conditional. Fields feels that making things conditional will not encourage projects to come forward. Lundquist agrees with Dorschner that everything under residential should be a CUP to protect the current residents in the Village.

M/S/P: Williams/Dorschner, move to make all of the residential uses in VMX a conditional use, with confirmation from staff that there are no legal issues, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Larson, move to make auto parts supply a conditional use in VMX, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Fields, move to make medical facilities a permitted use in VMX, **Vote: 3-4, motion fails.**

Williams is concerned that a medical facility could be anything from a small clinic to a big hospital. He thinks it is too broad of a term to just allow anywhere in the VMX district. Dodson thinks that could apply to many of the items on the list. Williams is wondering if there should be any kind of a maximum building size in the VMX.

M/S/P: Kreimer/Williams, move to increase setbacks along certain portions of county roads in the V-LDR to 30 feet, **Vote: 7-0, motion carried unanimously.**

Becker asked the Commission how they felt about the Accessory structure setback to side yard and garage width. The Commission would like the garage width to stay at 40% for VMX, but increase to 60% for V-LDR.

M/S/P: Williams/Kreimer, move to recommend adoption of Ord 08- as amended, creating a Village Low Density Residential District and making minor amendments to the Village Mixed Use District, **Vote: 7-0, motion carried unanimously.**

City Council Updates – April 18, 2017 Meeting

- i) Engineering & Landscape Design & Construction Standards – Passed
- ii) Bremer Bank Service Center Easement Vacations – Passed

Staff Updates

- 1. Upcoming Meetings
 - a. May 8, 2017
 - b. May 22, 2017
- 2. MAC CEP Report

Commission Concerns

Meeting adjourned at 10:45 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant