



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 14, 2017**

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

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

**COMMISSIONERS ABSENT:** Johnson & Larson

**STAFF PRESENT:** City Planner Becker & City Administrator Handt

**Approve Agenda:**

M/S/P: Lundquist/Dorschner, move to approve the August 14, 2017 agenda, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** July 24, 2017

M/S/P: Williams/Lundquist, move to approve the July 24, 2017 minutes as amended, ***Vote: 7-0, motion carried unanimously.***

**Business Item – Village Park Preserve Final Plat**

Becker started her presentation for the Pulte Homes application for Village Park Preserve Final Plat. The 1<sup>st</sup> edition includes 36 single family lots that are located within a 22.786 acre area. The final plat is generally consistent with the Preliminary Plat with a few minor changes. There was a change in lot configuration to accommodate for an infiltration basin. The connection for the Mcleod property was put in to accommodate for future development. Staff wants to work with the applicant regarding the parkland dedication so that it is an extension of Reid Park. Staff would like the Planning Commission to weigh in on if the trail should be extended to Reid Park. The plans will be brought to the Parks Commission on August 21, 2017.

Preliminary Plans have not been approved yet because of the lots that were previously removed because of the infiltration basin being added back in, but it can be a condition that they be approved before the Final Plat goes to City Council. There was a number of engineering comments that need to be addressed. There is not sufficient ROW for Village Parkway; the plunge pond is within the Manning Ave ROW, and it is a

recommended condition of approval that the applicant establish an escrow with the City that will be drawn upon if there is need with the Manning Ave improvement project to purchase additional ROW because of the plunge pond; Outlots must be dedicated, etc. MAC had comments that were submitted at Preliminary Plat, but no conditions were put in based on those comments at Preliminary Plat. Staff has added some conditions for Final Plat based on MAC's review of Final Plat. These include disclosure statements, and encourage builders to incorporate noise reduction measures. There are some changes that need to be made to the landscape plans such as resolve the conflict of street lighting and street trees, substitute certain types of trees, eliminate landscaping and benches in pond maintenance accesses, etc.

There are some street name changes that will be required to conform to the City's street naming policy. Streets are wide enough to allow for parking on both sides of the streets. There was some discussion of what could happen with the McLeod property.

Williams asked if there was sidewalk on the stub. Emily stated that it wasn't shown on the plan, but it is a requirement that sidewalks be provided on at least one side of the street. Preliminary Plans have since been updated to include a sidewalk. Dodson asked why the preliminary plans need to be revised when the final plat is being looked at. Handt mentioned that the Preliminary Plat is the plans for the whole site, while the final plat is just for the 1<sup>st</sup> addition. The Engineer has to be sure that any revisions will work for the whole site.

Hartley asked if the developer gets credit for the tot lot. Becker stated that they do not because it is not City owned. Kreimer asked if there could be ramifications for the City not following the MAC recommendations. Becker stated there were no other than they could make the City remove trees if they posed a problem. Kreimer asked if the outlots could be flipped so that there are 2 vertical parcels instead of horizontal so there is continuous access to Reid park.

Paul Heuer, Pulte Homes, stated they would be willing to change the configuration of the parkland dedication. He thinks it is redundant to include the small stretch of trail as there is already a trail to Reid Park. Heuer stated that they are aggressively working through the engineering comments. Heuer stated that they have incorporated a number of recommended features for the ponds to deter the attraction of the geese, with the exception of the fence.

Bob, Project Engineer, explained what a plunge pool is and how it functions.

Craig Allen, Gonyea Company, stated that they are happy to deed over the outlots as long as they can get some assurance that they get credit for Gonyea West. They can work with the City to change the outlots from horizontal to vertical.

Hartley asked who is responsible to maintain the retention ponds and make sure they are functioning properly. Becker stated that it would be a city owned and maintained outlot.

Joe Bush, JP Bush Homes, representing the McLeods, wanted to point out that the McLeods have given some easements for the infiltration basins for this development. It is their desire to join outlot B for infiltration purposes for what they are going to need to do for their development. Bush is concerned that the proposed phasing will make it difficult for the McLeods to develop. The road access will not be built with phase I and he is concerned about connecting to the infiltration basin. Bush met with the City Engineers on a high level. Dorschner asked if there was concern with the McLeod development using the infiltration basin from Pulte and Gonyea.

Kreimer asked if the infiltration basin could be fully built now if there was agreement among all parties. Becker stated that one recommendation from the City Engineer is that the infiltration basin be constructed as part of phase I and also the ROW be dedicated. Williams asked if the recommendation addressed the infiltration pond for the McLeod property. Becker stated it does not as the city has not received a formal application at this time.

Hartley is wondering if the Watershed district has looked at the proposal of the infiltration basin to see if it will be adequate to support both properties. Bush stated that working with the Pulte development will make the property look more natural. The configuration of the lots might change if they needed to accommodate the infiltration on their own property.

Paul Heuer, Pulte Homes, reminded the Commission that there is not a formal application for the McLeod property, so the City should only be reviewing this application. Heuer is afraid that otherwise, it may muddy the waters for Village Park Preserve. As far as the infiltration basin, the City will have control over it and can allow it to be upgraded. Heuer suggested that with the timing of the McLeod property, the City might entertain temporary access off of 30<sup>th</sup> Street until the access from Village Park Preserve is installed. Bush stated that was a request made to the City and the City Engineer denied the request.

Lundquist is concerned about safety regarding the ponding and is wondering what kind of fencing MAC is recommending. Heuer stated that they feel they have incorporated adequate safety features and design standards. Heuer is not aware of any studies that show that a fence deters the geese from the water.

Dodson feels that it would not be right to require this developer to install fencing. There were geese in this field before this development and if MAC wants fencing they should bear some of the expense.

Dorschner is not in favor of fencing for this development.

Williams feels that they should concentrate on Village Park Preserve. Williams is wondering if the original Preliminary Plat included the road stub to the McLeod property. Becker stated that it did not but the current revised Preliminary Plat being reviewed by the engineer does include the stub.

Williams feels that if the infiltration basin changes with the McLeod property, the landscaping on the West border should not be constructed yet. Becker stated that it was a condition of the Comp Plan Amendment of the Southern parcel and the City has not received an application for the McLeod property yet. Kreimer is wondering if there could be escrow in place for the landscaping. Williams is wondering if it will be constructed with 1<sup>st</sup> or 2<sup>nd</sup> addition. Hartley stated that they need to approve what is acceptable irrespective of the McLeod property. Williams thinks there should be an additional finding for this.

M/S/P: Williams/Lundquist, move to include an additional finding that there is a high probability that outlot H will be expanded upon the Development of the McLeod property to the West so that the landscaping shown on Western boundary of outlot H should be delayed until final phase, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to include an additional condition that the 2 outlots which will be park dedication be re-split East/West vs North/South so that there will be a connection from Reid Park to this development, with a letter to the Developer that would guarantee use of the other parcel to help satisfy park dedication for Gonyea West, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Hartley, move to add a finding that the Planning Commission finds that a trail through outlot C & D would be beneficial to the City, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dodson/Lundquist, move to recommend approval of the Village Park Preserve Final Plat with the 22 conditions of approval as drafted by staff and the findings amended by the Planning Commission, **Vote: 7-0, motion carried unanimously.**

### **Business Item – Sign Ordinance**

Becker started her presentation regarding the sign ordinance. The specific areas of concern are along the freeway (10<sup>th</sup> street to I-94) and monument signs in developments (size and number allowed).

There have been a number of businesses near I-94 that have requested taller signs for visibility. There have also been a number of subdivisions that have requested larger

signs and more than 2. Royal Golf has requested a number of additional signs because they have a number of different entrances.

Handt stated that people should not have to go through variances if it is something we would find acceptable. If it is something we are accepting through the variance process, the code should probably be updated, rather than making exceptions.

Dorschner doesn't think arbitrarily restricting it to 2 makes sense if there are more than 2 entrances. Dorschner also feels there should be larger signs which would make sense for economic development. Dorschner would caution against LED lighting however. Hartley is not in favor of flashing signs for safety reasons. Dodson agrees that 2 development signs could be changed to every entrance. Dodson also feels that 10<sup>th</sup> street is way too far away from I-94 and the discussion should be between Hudson Blvd and I-94. The Commission seemed to agree with that. Dodson is not opposed to larger signs if they follow the Lake Elmo theming. Hartley feels that the Lake Elmo theming can be arbitrary.

Williams is not in favor 150 square feet for signs as it is starting to resemble a billboard. He thinks 95-100 square feet is more than enough. Kreimer is not sure that doing by variance is a bad thing as it gives the City more control. He would kind of like to wait and see the Lakewood Crossing signs and see how those turn out as this isn't a pressing issue. Williams feels that there should be 1 large sign for the main entrance of the subdivision and smaller signs everywhere else.

The Planning Commission recommended some housekeeping issues.

Becker stated that she feels she has enough info to move forward to draft a proposed ordinance.

### **Business Item – AIR BNB**

Becker started her presentation regarding Airbnb rental. The Planning Commission is being asked to consider whether Airbnb's (and other types of bed and breakfasts) should be allowed within different zoning districts than they are currently and if the standards for such uses should be amended. Things to consider are would it create a nuisance in RS with the smaller lots and RS is where the lake properties are located which is probably more attractive to Airbnb users. There are a number of standards that the zoning code sets forth. These include that the number of lodging rooms are not to exceed 5, the facility maintain a guest registry open to the City, that the stay be limited to no more than 7 days, the operator maintain liability insurance and a number of parking requirements.

Dodson doesn't feel that the City should get involved in the issue at all. There was discussion about how Airbnb, Bed and Breakfast and hotels are different. Hartley feels

that if you are in a residential neighborhood and someone purchases a property to rent out to up to 5 different parties, there could be parking issues, etc. Dorschner says this feels like a solution looking for a problem. Williams agrees that there does not seem to currently be a problem.

**City Council Updates – August 1, 2017 Meeting**

- i) Variance Amendment for 9359 Jane Road – passed
- ii) Hidden Meadows Easement Vacation – passed
- iii) Glenwood Homes Variance Request 8690 Lake Jane Trail - passed

**Staff Updates**

- 1. Upcoming Meetings
  - a. August 28, 2017
  - b. September 11, 2017
- 2. MAC CEP Report

***Commission Concerns***

Meeting adjourned at 9:26 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant