



**City of Lake Elmo
Planning Commission Meeting
Minutes of September 25, 2017**

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

COMMISSIONERS PRESENT: Kreimer, Lundquist, Hartley, Dodson, Emerson, Johnson, & Dorschner

COMMISSIONERS ABSENT: Williams & Larson

STAFF PRESENT: City Planner Becker & City Administrator Handt

Approve Agenda:

M/S/P: Lundquist/Hartley, move to accept the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

Approve Minutes: September 11, 2017

M/S/P: Dodson/Hartley, move to approve the September 11, 2017 minutes as amended, ***Vote: 7-0, motion carried unanimously.***

Public Hearing Item – Comprehensive Plan Amendment and Planned Unit Development (PUD) Concept Plan.

Becker started her presentation regarding the request for a Comprehensive Plan Amendment to re-guide a portion of PID # 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential along with a General Planned Unit Development (PUD) Concept Plan for a 300 unit multi-family development on a 21.60 acre parcel to be called Springs Apartments.

The Concept proposed has 15 buildings with 20 units each. There are 4 detached garages, 542 parking spaces, and a clubhouse and pool area. The development is proposed to be a fenced in community with controlled access. The apartments are proposed to be town house style, two stories in height with a ground level entrance to each unit. This development is proposed to have a density of 13.89 units per acre. The property is currently guided Medium Density Residential which allows for 4.5-7 units per acre. While the land use guidance is not currently appropriate for the proposed development, there are a number of statements in the Comprehensive Plan's City Wide

Planning Policy that indicate the city should provide a variety of housing options available to moderate income families as well as options for senior housing. The met Council reported that there currently is only 204 rental units within the City. The system statement indicated that there is a need for 508 more units of affordable households in Lake Elmo. This development could satisfy a need for both rental units and add a variety of housing options for the community.

This development is a Planned Unit Development to provide flexibility in the use of land and placement and size of the buildings in order to utilize the site features and obtain a higher quality development. They require a planned unit development as they are proposing more than one principal building on a lot and requesting larger than 1,000 foot garage. To be a Planned Unit Development, the applicant must meet the objectives outlined in code. Staff feels that the applicant meets a number of the objectives. This proposal meets the minimum requirements for a PUD for land area, open space and street layout. There are also a number of proposed amenities such as the underground parking, clubhouse, pool, etc. The City could also require additional amenities.

This development was reviewed against HDR standards, as that is the zoning that would be necessary to move forward. The developer is not proposing a park, but this development has not gone to Parks Commission yet. The developer currently shows a sidewalk, but the comprehensive trail plan calls for a trail. That would be a condition of approval. The Savona Park is within walking distance, so staff would not recommend an additional park in this development.

There were a number of engineering comments such as turn lanes would need to be installed at proposed Hudson Blvd and Junco intersection, connecting trail segment to Savona Park, consider a financial contribution to Keats/Hudson traffic light.

Becker went through the recommended conditions which include Comp Plan Amendment be approved, City Engineer Memo addressed, identify all deviations, landscape plan reviewed and approved, etc.

There were a number of concerns received prior to the public hearing notice which included 1) proposed density is almost double what is guided 2) didn't know they would be living next to apartments 3) increased use of 5th Street 4) apartments could attract young people – problems with that 5) fear of section 8 6) increased foot traffic 7) expression of support – good solid developer.

For the Comprehensive Plan amendment, recommended conditions of approval are 1) that the Comprehensive Plan Amendment be submitted to the Met Council and that review be completed and approved and 2) that the applicant obtain Preliminary Plat approval from the City for the proposed development based on the proposed Concept Plan.

Dodson asked why the PUD is necessary if it is reguided to HDR. Becker stated that the reason this development would need to be a PUD is because they are proposing more than 1 building on 1 parcel. Dodson asked if a building height has been determined yet. Becker stated that it has not been given with the Concept plan, but she believes in this zoning district it is limited to 35 feet. Dodson asked if this property was purchased and if they have, why would they not know the parkland dedication. Becker does not believe it has been purchased yet.

Hartley asked about the future road to the West. Becker stated that it would be constructed with this development. That would give the access to this development and would connect 5th Street and Hudson Blvd.

Emerson asked what the parcel to the West is guided for. Becker stated it is currently guided the same as this parcel. Top half is Medium Density Residential and bottom half is commercial.

Dorschner asked if the Comprehensive Plan goes through, how do they guarantee that this applicant is the one that will use the property. Becker stated that a recommended condition of the Comprehensive Plan Amendment is that the City approve a preliminary plat submitted by Continental 419 Fund, LLC based on this concept plan. If this Concept plan does not get preliminary plat approval, the Comprehensive Plan Amendment does not move forward.

Gwynn Wheeler, Continental Properties, stated that they have in-house management staff. She stated that they are attracted to Lake Elmo and this property because it has good access and will appeal to the people that they will market to. They looked at the other sites in Lake Elmo that are guided high density and they ruled those sites out. This is the best site for them based on their research. Wheeler presented features of development including what the clubhouse and apartments would look like. Wheeler showed some renderings of what the view from Savona would look like. Wheeler talked about the lighting for the development. She stated that they are fully aware of the City lighting criteria. The average rent of an apartment at the Springs is \$1,491.00 which is close to a monthly mortgage payment.

Hartley asked about the noise control brought up by the DOT. Wheeler stated that they feel the distance from the freeway will ensure that noise will not be a factor.

Dodson asked if there was a response to the Fire Chief's comment about the emergency access being paved. He is also wondering why Junco Road is not continued down into the development as another access point. Wheeler stated that they did not meet directly with the Fire Chief. She stated that it was their intention to have it unpaved as a further deterrent that it is not a resident access point. Dodson is also wondering why the pool is not more centrally located. Wheeler stated that it needs to be by the clubhouse which is best located at the front of the development for access control.

Dorschner stated that one of the challenges in Lake Elmo is affordable housing and this would not meet that criteria. He is wondering if there is any interest in making any of the units affordable housing. Wheeler stated that all of the Springs is market rate and affordable housing is not in their business model. Wheeler stated that the other sites that are already zoned high density are not currently available. One is already under contract and the other has no sanitary sewer available.

Public Hearing opened at 8:12 pm

Tucker Pearce, 9811 7th Street, for perspective, Savona has 310 units on 112 acres vs. 300 units on 21 acres. When residents purchased homes in Savona they did their research to make sure this land wasn't guided UHD, commercial or business park. He is asking that the City stick to the Comprehensive Plan and deny the request.

Chris Peltier, 9586 Junco Road, he is concerned about the financial impact of being located basically across the street from a 300 unit apartment building.

Ryan Atkin, 9539 Junco Rd, he is concerned about the selective data sharing by Continental to generate acceptance of this proposal. The majority of Savona neighbors oppose this development. Atkin feels the rentals are incompatible with the Savona neighborhood and there is not an adequate buffer.

Michael Kobe, 9616 Junco Road, he feels that the property is correctly zoned as Urban Medium density as there should be a buffer from single family homes and Urban High density and commercial. Kobe stated that home values would decrease by 15% because of proximity. Lake Elmo is on track to hit the required numbers without this development going in. There is a reason this requires a 4/5 vote of the City Council because the effects of this are significant.

Stefany Lorang, 9918 7th Street, when they built their home, they did their research and looked at the Comprehensive Plan to see what could be built around them. This property is guided for Medium Density. The proposed plan is for High Density and at the high range which is nearly double what it is currently guided. She is concerned about the increased traffic as traffic projections was based on the UMD density. She is concerned about the lack of buffer, light pollution, and undesirable aesthetic of 15 identical buildings. Lorang submitted a petition signed by 48 residents.

Michael Brixius, 9594 Junco Rd, lived in one of the properties owned by Continental. Some things that were not talked about was all of the moving trucks with people moving in and out. With the "pet friendly" environment comes stray cats and excess garbage.

Kyle Heller, 9684 7th Street, agrees with former speakers. Savona is a close knit neighborhood and they are a connected part of the community. The recent article

talked about Lake Elmo being the fastest growing community. Is this necessary and can we slow down? The City is on track to meet their numbers, so moving quickly is not necessary. Heller feels that the long range planning is important and the City should stick to the vision that has been set forth from the long range planning.

Email from Jacob Hafdahl, stating that they didn't buy in Savona thinking that they would be living adjacent to High Density Residential. Moved to Lake Elmo because of issues they had where they lived with adjacent High Density.

Email from Todd Williams, Planning Commission Member, does not have a problem with development, but would like to see affordable housing included in the proposal.

Letter from Eric Piekarski in support and stated that it would be a complementary addition to Lake Elmo.

Paul Rstvedt, 528 Juniper Ct N, agrees with everyone who spoke before him. He is concerned with the number of people that would be moving in. That is a lot of people in a small area.

Public Hearing closed at 8:45 pm

Dorschner thinks that if this is done with a PUD, the City has a lot more control over what goes in vs if it is left medium density residential. He thinks it is a good product, but with all of the input he has heard tonight, he hesitates to support it.

Lundquist is for the apartments, because there is nothing like that in Lake Elmo. She is not in favor of it going on this property however.

Dodson feels that if people are relying on the Comprehensive Plan when purchasing property, that should be taken into consideration. He likes the development, but feels there might be a better location for it.

Johnson thinks that along 94, there will be some sort of mix of this type of product. This use would be allowed on that property, just not at the density proposed. If not this development, than what would it be?

Dorschner would rather have high end apartments at a higher density, than lower end apartments at a lower density.

Emerson went out to site and feels that the high end apartments at a higher density would be better than low end apartments with a lower density. He doesn't think there is a different spot in Lake Elmo that could accommodate this plan.

Hartley feels that the Comprehensive Plan is a public document that people have relied on. He feels this is a case of balancing the rights of existing residents with the rights of the property owner to develop.

Dodson stated the right of the property owner to develop is according to how the Comprehensive Plan is set.

Kreimer helped plan the I-94 Corridor and they set out to have a good transition from low density and transitioning to higher density and commercial as it gets closer to 94. He does not like that it is jumping to high density here. However, the plan feels more like a medium density because of the lower buildings and it is a nice plan. He is not comfortable with it being at the top of the high density. It is difficult, but until something is built, things can change. Kreimer is not sure he can support this plan as is, but could get there with changes.

M/S/P: Dodson/Dorschner, move to add condition #10 that the buildings be built to add sound abatement materials, **Vote: 7-0, motion carried unanimously.**

Hartley asked what the highest density of Medium density is. Becker stated it is 7 units per acre, and this could be increased to 8.4 units per acre with a PUD.

M/S/P: Kreimer/Emerson, move to add condition #11 that extensive screening be added above and beyond City requirements along 5th Street, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Lundquist, move to add condition #12 that Park Commission input be given regarding a tot lot, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to add condition #13 to limit the height of the building to 2 stories not to exceed 32 feet, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dodson/Dorschner, move to recommend denial of a Comprehensive Plan Amendment re-guiding a portion of PID # 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential as requested by Continental 419 Fund LLC subject to recommended conditions of approval, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Dodson, move that if the City Council approves the Comprehensive Plan Amendment, that they follow the Planning Commission recommendations on conditions of approval for the Concept PUD Plan as amended, **Vote: 7-0, motion carried unanimously.**

Public Hearing Item – Variance request for 8130 Hill Trail N.

Becker started her presentation regarding the request for 8130 Hill Trail North to allow installation of a new septic system which does not meet setback standards and expansion of a non-conforming structure within the Shoreland district. The existing drainfield has been there since 1981. The proposed drainfield is much more conforming to existing standards than the existing.

The type of septic system being proposed is a Multi-Flo system. There is an aerobic tank which filters over 95% of contaminants before entering the drainfield. It is required to be serviced 2 times a year with reports being sent.

The application was sent to Washington Public Health and the DNR for review and no comments were received back.

The applicant is replacing the existing septic to expand their existing home which is mostly in the required setback from OHWL. With all of the proposed improvements, the impervious is decreasing from 27% to 25%.

Soil borings taken by septic designer determined that there is no other acceptable place to put the septic. The applicant is trying not to increase the non-conformity of the property.

There are 2 recommended conditions of approval for the septic variance 1) the sewage system should be serviced and inspected every 2 years and 2) The existing tanks shall be abandoned, pumped and filled with soil and a tank abandonment report shall be completed.

There are 2 recommended conditions of approval for the expansion of a Non-conforming structure 1) the applicant remove the existing gravel driveway and re-sod the proposed site plan and 2) the maximum allowable impervious surface coverage on the property shall not exceed the proposed 25%.

Hartley asked if there was any information from an independent engineering company. Becker stated that there is no information from an independent engineering company and they have not heard from Washington County.

Peter Pavek, 8130 Hill Trail, stated this is an improvement to what is already there. Chris LeClaire was on-site when the soil borings were done and it was determined this was the appropriate site for the septic.

Public Hearing opened at 10:00 pm

Dean Dwarak, 8114 Hill Trail, is in support of the variance as it is an improvement to the septic system as well as the house. These improvements will increase property values for the neighborhood.

Edward Gwiazdon, 8164 Hill Trail, they are in full support of the variance to improve the property and keep the lake safer.

There were 2 emails received in support of the variance.

Public Hearing closed at 10:04 pm

M/S/P: Hartley/Dorschner, move to add a condition that a Washington County septic permit be obtained, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Johnson, move to recommend approval of the request from Peter and Adrienne Pavek for a variance from the required setbacks for a septic system from property lines, shoreland bluff line, Ordinary High Water Level and non-occupied structure, subject to recommended conditions of approval as amended, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to recommend approval of the request from Peter and Adrienne Pavek for a variance to allow expansion of a non-conforming structure not meeting the required setback from the Ordinary High Water Level or minimum lot size required within the Rural Single Family zoning district, subject to recommended conditions of approval, **Vote: 7-0, motion carried unanimously.**

Public Hearing Item – Variance request for 8323 Deer Pond Trail N.

Becker started her presentation of a request from Ben Ostarello for a variance from the minimum front setback standards for the Rural Single Family zoning district in order to add an additional stall to an existing attached garage on the property at 8323 Deer Pond Trail.

The house was built in 1973 and is constructed at an angle which makes adding on difficult. The character of the locality is not affected.

Ben Ostarello, 8323 Deer Pond Tr, they have 2 small children and need the space to expand. He feels this variance will increase the value of his home.

Public Hearing opened at 10:22 pm

2 letters were received both in favor of the variance.

Public Hearing closed at 10:22 pm

M/S/P: Lundquist/Hartley, move to recommend approval of the request from Ben Ostarello for a variance from the City's Rural Single Family minimum front yard setback

requirements for the property located at 8323 Deer Pond Trail N, **Vote: 7-0, motion carried unanimously.**

City Council Updates – September 19, 2017 Meeting

- i) Royal Golf Development Agreement – passed
- ii) Northport Development Agreement – passed
- iii) Hidden Meadows Final Plat Extension Denial- passed

Staff Updates

- 1. Upcoming Meetings
 - a. October 11, 2017
 - b. October 23, 2017
- 2. MAC CEP Report

Commission Concerns

Hartley found it a little disturbing that the developer was conducting neighborhood meetings. It is concerning that the minutes are prepared and presented by the developer. He had zero confidence in them.

Lundquist stated that they have a right to submit whatever they choose and it is up to the Planning Commission to be discerning when they read the information.

Kreimer stated that they have no way of knowing who attended the meetings. There could have been a different group of people that were in favor that didn't come to the Planning Commission meeting.

Meeting adjourned at 10:27 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant