



**City of Lake Elmo
Planning Commission Meeting
Minutes of December 11, 2017**

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

COMMISSIONERS PRESENT: Williams, Dodson, Dorschner, Kriemer, Lundquist, Emerson, Johnson, Larson, & Hartley

COMMISSIONERS ABSENT:

STAFF PRESENT: City Planner Prchal & Planning Director Becker

Approve Agenda:

M/S/P: Lundquist/Williams, move to approve the agenda as presented, **Vote: 7-0**,

Approve Minutes: November 27, 2017

M/S/P: Williams/Lundquist, move to approve the November 27, 2017 minutes as amended, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Preliminary Plat and Development Stage Planned Unit Development (PUD) Plans - GWSA

Becker started her presentation regarding Legacy at Northstar. The proposal is for 276 single family residential homes on 98.93 acres. It is located northwest of CSAH 14 and CSAH 17 intersection. A portion of the development is in the Shoreland of Sunfish Lake which triggers the need for a PUD because proposed lots do not meet the lot width and impervious requirements for a Natural Environment Lake. The PUD is also necessary because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the applicant is proposing other deviations from zoning standards. The proposed density is 2.78 units per acre gross, 2.82 units per acre net, and 2.95 units per acre is park dedication is used as Public Park.

This development will require a subdivision and Zoning Map Amendment as it is guided for Village Urban Low density, but is not zoned as such. Some of the flexibility being requested is in regards to lot size and lot width, setbacks, and impervious surface.

In order to meet the bonus density for the PUD, certain amenities need to be included with bonus points associated with them. The development does provide those

amenities. This development would be increasing the density by 13.25% or 18.47% increase depending on if there is a public park or not.

The development is subject to the greenbelt corridor/Village Open Space Overlay on the North and West side of the development. The width of the corridor is not specifically called out in the Comprehensive Plan, but just scaling it out, it appears to be about 200 feet. There was discussion regarding if that buffer had to be physical feet or if that buffer could include landscaping with an easement. The plan proposes about 15 feet of buffer on the North side of the development and no buffer from the lots on the west side of the development. There are 784 trees proposed.

The trail system is proposed to connect to the Hamlet on Sunfish neighborhood. The City has been working with the Hamlet HOA to try to get the trails within that development dedicated to the City. As of now, the City has been unsuccessful in doing so. Because of that, staff recommends that we obtain the easement for the trails so that if the Hamlet trails ever become public, we can build the trails.

Becker went through the access and streets. There will be stubs to the North and to the South and also a stub to the Chavez parcel. The Fire chief, Building Official, City Engineer and Washington County reviewed the plat and made comments. A few of those comments include safe routes to school and where a pedestrian cross walk should be located. There should be connection of stubs and parkways or divided roadways need to be a minimum of 19 feet. The 276 lots will generate approximately 2760 trips per day, so 30th Way should be designed as a collector street. The site will be subject to a grading plan, stormwater management plan and storm sewer system.

The development will be done in 3 phases and the sewer for Hamlet on Sunfish is proposed to be done with Phase 2. There will some conditions of the Concept PUD plan approval that still need to be met. Staff is recommending 23 conditions of approval which include following recommendations from City Engineer, DNR, Washington County, Fire Chief and Building Official, etc.

Dodson asked why this did not come back as another Concept plan when it changed so much and a number of items have not been addressed yet. Becker stated that staff worked with the applicant to change the street layout and they went over the park and trail with the Park Commission. Becker did not think it warranted going through concept plan again. Dodson is concerned about the stubs on the South side of the property as the City doesn't know what is going to be happening to that property. Becker stated that the Fire Chief and Building Official recommended putting those in at least as a temporary cul-de-sac for safety.

Dodson asked what plans the County has for Lake Elmo Ave. Becker stated that the current requirement is the County requires 150 feet of right-of-way when property is

platted. Currently the County has no plan to put a sidewalk there, but the City is suggesting that the developer at least put a trail to provide safe access to school.

Lundquist is concerned with the limited entrances and exits for such a large development. Lundquist is wondering if the developer has made any attempt to purchase an easement to 43rd Street to have an additional access. The City and County does not see a problem. There are spacing limitation requirements for County roads which could be part of the reason.

Dodson is wondering why the City would award 5 amenity points for the Plaza if those are private amenities. The amenities are not just for the City as a whole but can be designed for the residents of the development.

Lundquist asked about the holding ponds and is concerned that they don't look anywhere near as large as Village Preserve which barely holds the water there. This is a field that water pools in all the time and she is concerned that the water will not be managed. Becker stated that the City Engineer reviewed the stormwater management plan and did not mention anything in his memo regarding it. The entire site is at 35% impervious, even though some of the lots have less.

Williams asked to have the 22% open space explained to them. Becker stated that it includes all of the outlots and stormwater ponds, which can be included per the PUD ordinance. Williams is wondering why there are not comments from the VBWD. Becker stated that the Engineers memo states that a VBWD permit is required.

Dorschner is wondering how the City would grant the reuse amenity points when the City and state doesn't have any standards for it and the City has never done this before. Becker stated that the City Engineer would have to review that plan to determine if it is sufficient and if it works.

Hartley is wondering about the buffer setback and what is being proposed as landscaping. Becker stated that there is landscaping proposed, no berming, but the City is requiring a landscape easement.

Kreimer is wondering where the fencing is being proposed and what the other site amenities are. Becker stated that the fencing is along Lake Elmo Ave similar to Village Preserve.

Dodson asked about the Chavez property and how that relates to this proposal. Becker stated that the City is requiring this development to provide the start of access, however complete access would need to be completed through the Schiltgen property.

Dorschner is wondering why the bonus points are being given when the access for sewer is not part of phase I. Becker stated that with this development, access to sewer

is being provided and perhaps without the increased density, this development would not go forward.

Craig Allen, GWSA, stated that all changes from the Concept Plan were based on comments given during the concept plan. The biggest change was the entrance and when it was moved down to the south and the way it impacted the stormwater, they had to move some things around. Dodson asked why the Village Parkway is not being extended. Allen stated that it is not a collector road, so in discussions with staff, it didn't seem to make sense to have a 100 foot right-of-way for a neighborhood development that dead ends. Parking was added for the pool based on comments and the theming elements were added. Allen stated the concern regarding only 2 access points is not an issue. There are many developments in the metro that are this dense with only 2 access points including the Wildflower development. Allen stated that this will be a unique development for Lake Elmo. He stated that with the standard 80 foot lots, they would not be able to move forward as there is just too much supply of that product in Lake Elmo right now. There is a 10 acre park that they would like to build and maintain. The pool and clubhouse will be a great amenity.

Dodson asked about the water on the site and the concern that with this many lots, it needs to be correct. Allen stated that the VBWD and the City will tell them what they can and can't do. GWSA is working with an Engineer that is a Storm Water expert and they say it works. Allen stated that the impervious is 35% on the whole site. On the Villa lots, the impervious is more like 50%. Lundquist stated that the difference between the 2 access points from this development and Wildflower is the type of street they exit from. Lundquist is concerned that there is no easement to 43rd Street. Hartley is wondering how the infiltration/irrigation system works. Allen stated that he is not designing the system and is not sure how it is designed. They are required in Medina and they work very well. If the pond gets too low, there is a well next to it that will refill the pond.

Public Hearing opened at 8:20 pm

Joe Chavez, 3505 Kelvin Ave N, own 11.2 acres and they are currently pursuing access through the Schiltgen farm. If that is unsuccessful, they would try to get a cartway petition through the City Council and resolve any outstanding issues with the Planning Director.

Scott Buss, 3948 Kindred Way, feels that this development is supposed to conform to the Village Low Density standard and this is a major deviation from that. There is a different standard for lot width, lot area, density and setbacks. He feels this is an entire standard change and doesn't understand why we would be that flexible. As far as the open space, he doesn't see where the 20% comes in. He is confused on why the open space would not have to be in the area that they are developing. There is zero buffer on

the West side and a small buffer on the North side when there should be a 200 foot buffer. This is also a major deviation from what the buffer should be.

Josh Peltier, 4167 Kirkwood Lane, this seems like a very different plan and it does not address some of the concerns talked about at concept, especially the buffering and access. This will generate a lot of traffic right by the grade school. He feels that the standards should be adhered to of at least 100 feet, if not, 200 feet with berms and trees.

Joe Barweck, 3778 Kindred Ct, feels that adding another 276 homes to the homes already added with Village Preserve and Wildflower sounds like a death trap. The traffic on Lake Elmo Ave is already heavy without the addition of 2700 more trips a day. In regards to connecting the pathway, they are waiting to see what happens with this development. Their concern is that having the paths private, keeps their green space private.

There were no electronic correspondence

Public Hearing closed at 8:32 pm

Williams does not agree with the staff analysis of amenity points. For example in regards to open space, a minimum of 50% would have to be open. There is no way the open space in this development is anywhere near that amount, so there should be no amenity points for that. For the public right-of-way dedication, if they arrange to have the trail along the West side of Lake Elmo Ave, that should qualify as amenity points because it is not on the project site. The idea of the plaza was that it was going to be public, but this an HOA clubhouse, so he doesn't feel that should qualify. The stormwater management, would qualify for amenity points.

Dodson is confused about the amenity points for the park for free. It is designated on the plan as open space, not park. Those points are in question for him. Becker stated that 14 amenity points would be needed to be justify the proposed density.

Dorschner doesn't see that extending the sewer to Hamlet on Sunfish should qualify for any points unless they are willing to get that hooked up right away. It isn't unusual and is often required of developers to extend sewer lines. Dorschner is not inclined to look for any density points. He isn't sure the City should be adding any more density than they have to, especially in this area.

Larson has a problem with how they are deciding how this is going to be. The neighbors have a right to expect a buffer from their property. They are using the PUD process to create a density that is unrealistic. Larson is concerned that this is out of character of everything around it. The rules aren't working in regards to what they were supposed to protect.

Hartley feels that the concerns regarding the overlay buffers were discussed at concept plan and somehow they have gotten smaller. Hartley feels that somehow they are being ignored when the Planning Commission talks about a 200 foot buffer and they come back with 10 feet.

Williams feels that the amenity points relate to density and the buffer issue does not necessarily affect the density. He would like to talk about density first and then move to the buffers.

Johnson doesn't have a problem with the density, but does have concern with the access and the buffers. Dodson asked what the number of lots are with no amenity points. Becker stated that it would be 243 lots. Williams stated that they are the gatekeepers to evaluate a development against their existing zoning code. In this case because it is a PUD, there can be an increase based on amenity points, but that is the only mechanism to increase the density. Dorschner is not inclined to have the densities go up. He is not inclined to change any lot sizes, setbacks or buffers. The Comprehensive Plan wanted transitions and these lots do not have that. Dorschner feels that most of the amenity points are a stretch. Larson feels that the buffering is a problem because the aesthetics are a problem for the surrounding properties.

Emerson stated that the buffers are his biggest issue with the zoning to the North. He doesn't have as big a problem with the density. Kreimer stated that they have said all along that they needed more buffering and it was actually reduced. He doesn't agree with some of the amenity points. Kreimer doesn't think with this density with the buffers and open space, you can get all the single family homes in. It might require some townhomes or something. Johnson is wondering what would happen with the development if they look at different priced homes or something with a smaller footprint. Allen stated that they had a 20 or 30 foot buffer there and they were told by staff that he would rather have that taken out and have landscaping used.

Williams feels that the current code allows for amenity points under certain circumstances.

M/S/P: Williams/Dorschner, move to award ten amenity points in the public Right-of-way category, provided the trail is installed on the West side of Lake Elmo Ave, award three amenity points for Stormwater management, if a reuse plan is provided and approved by the City Engineer, and one for theming if the white fencing is installed along Lake Elmo Avenue, **Vote: 7-0, motion carried unanimously.**

Dorschner is still confused on why we are awarding amenity points when some of these things could be required with a regular development. Williams stated that under normal conditions the City would not require the developer to put in a trail that is not on the subject property. The stormwater management is receiving points because of the reuse component. The theming is encouraged, but not required. Dorschner is

concerned about the reuse issue. The state is currently struggling with it and the City does not currently have guidelines on it. He is concerned if that component is not approved, what happens. There might also be concern with drilling the well next to it.

Williams is interested in talking about a 100 foot buffer for this development. Williams feels that to reduce it further, the developer would need to submit a very detailed berming and landscaping plan to convince them to reduce it.

M/S/W: Larson/Williams, move to support a 100 foot buffer or easement with elements of visual separation which could include trees, trails, boulders and elements of landscaping to create a softening effect between higher density and lower density developments, **Motion Withdrawn.**

M/S/P: Dodson/Lundquist, move to amend condition #15 to remove the word adequate and state that the outlots or landscape easement shall be at least 100 feet wide, **Vote: 7-0, motion carried unanimously.**

Dorschner stated that they should be consistent on the buffers for all the development. For example with Savona and Stonegate, there was a 100 foot buffer, not contingent on anything and they should be consistent with that here.

Williams asked if the City Engineer approved the 7'/8' side yard setback. Becker stated that the City Engineer did not see an issue with it.

M/S/P: Williams/Kreimer, move to make an additional condition that the 7'/8' foot setback requested by the applicant be approved by the City Engineer, **Vote: 7-0, motion carried unanimously.**

Dorschner is not going to support shortening any of the setbacks. He feels there are safety issues. Becker stated that the practice has been to average. The code is 5 feet on garage side and 10 on living space side. The City has allowed averaging to 7.5 and 7.5 in the past.

M/: Lundquist/, move to add to Condition #13 that the applicant attempt to obtain an easement to the North to access 43rd Street, **Fails for lack of second.**

Dorschner asked if there was parking on both sides of the street. Becker stated that there would be parking on both sides of the Street. Kreimer is wondering if homes can have driveways on collector roads. Becker stated that there are no homes fronting the Collector road.

M/S/P: Kreimer/Williams, move to add condition #25 that the Villa lots shall have a 15 foot minimum front yard setback for side load garages as long as the front of the garages has architectural details, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to recommend approval of the requested Preliminary Plat and PUD Plans for Legacy at Northstar with the attached findings and amended conditions of approval, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – Solar Farms

Becker started her presentation and outlined the changes based on the Planning Commission's recommendations. Changes include deleting the word "wholesale" from the solar farm definition. Solar farms were added as a conditional principal use within Ag and RR zoning districts. A ten acre minimum lot size, maximum coverage of 25% and minimum setback of 50 feet were added as standards for solar farms.

Public Hearing opened at 10:20 pm

Hal Galvin, 1936 Kenwood Parkway, solar developer for solar gardens and he is interested in tapping into the solar substation in Afton. The substation feeds 4 townships. Galvin is interested in exploring what areas might be compatible. Any new solar gardens in the Xcel program can only be 1 megawatt or less. A megawatt takes roughly 8 acres so if the minimum lot size is 10 acres it would take much more than 25% of the 10 acres. The restriction on covering the ground is really cost prohibitive. The statement of running lines buried underground is not reasonable because the power is usually brought up to poles.

Lundquist is wondering if there are any safety concerns with the solar farms. Galvin stated that they usually have a 6 foot high fence with razor wire and a locked fence. Dodson is wondering what the solar farm looks like to the neighbors. Galvin stated that it depends on the permitting authority and what is required. In some instances they are required to put up trees. Larson asked how far off the ground the panels are. Galvin stated that there are 2 types of panels. Tracking and fixed tilt. The majority in Minnesota are fixed tilt. The tracking would sit on a 6 foot pole and then can tilt based on where the sun is. At the highest, they might be 9 feet in the air. Williams asked about stormwater management and with 90% coverage, how is that managed. Galvin stated that there is always a hydrologist on the team and they plant shade grasses that prevents runoff.

Dorschner is wondering what the benefit is to the City to occupy 10 acres that would generate little to no property tax. Galvin stated that the property that would be classified as agricultural could be rezoned as commercial and the tax base would go up. The developer pays the difference for the tax impact as part of the contract to incentivize them to rent to them. Dodson asked what the decommission looks like. Galvin stated that most developers have similar lease agreements that include decommission and states that they will return the land to its original state. It is also

usually reinforced by the municipality and they usually require funds in escrow to guarantee it.

Public Hearing closed at 10:44 pm

M/S/P: Dodson/Williams, move to remove the words “providing daylight for interior lighting” from the definition of Solar Energy System, **Vote: 7-0, motion carried unanimously.**

M/S/F: Hartley/Dodson, move to remove “for the principal purpose of sales of generated electricity to off-site customers” from the definition of solar farm, **Vote: 1-6, motion fails.**

M/S/P: Dorschner/Hartley, move to delete under solar farms item 2, minimum lot size “and may not cover more than 25% of the parcel”, **Vote: 6-1, motion carried, with Kreimer voting no.**

M/S/P: Hartley/Dodson, move to delete item 5 under solar farms regarding power and communication lines, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Lundquist, move to change item 6 a under Solar Energy Systems from 5 acres to 10 acres, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Dorschner, move to add to item #2 under solar farms the word fenced, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Dodson, move to use the words “Solar Energy System” throughout the ordinance, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to change item 3 signage under Solar Energy Systems to say “at least”, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Dodson, move to change the table on page 4 to allow a solar farm as an interim use in RT, **Vote: 7-0, motion carried unanimously.**

M/S/F: Hartley/Williams, move to delete everything after the second sentence in item #5 under Solar Energy Systems, **Vote: 2-5, motion fails.**

M/S/P: Williams/, move to recommend the solar ordinance be forwarded to the City Council as amended, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Test Amendment – Wind Generator

Public Hearing opened at 11:14 pm

M/S/P: Dorschner/Lundquist, move to continue the public hearing until the next meeting, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Test Amendment – Sign Ordinance

Prchal started his presentation and stated that this has been discussed twice previously and the suggestions of the Planning Commission at the November 27th meeting have been incorporated.

Dodson asked how many variance requests there have been in regards to the sign ordinance. Becker stated that there have been at least 3 in the past year and a half that she knows of.

Public Hearing opened at 11:19 pm

Kathy Weeks, 3647 Lake Elmo Ave, sign maker by trade and would like the Planning Commission to consider allowing signs along I94 to be a little bit larger than 150 square feet, possibly 200 square feet. A typical billboard is 672 square feet, 150 square feet is very small for along a freeway. She feels that the current sign ordinance is not helpful to promote business and there have been 4 requests for variances.

Public Hearing closed at 11:28 pm

Larson is wondering what the sign guidelines are for Woodbury. Becker stated that the guidelines are similar.

M/S/P: Dorschner/Lundquist, move to amend the notes in table 5-3 item b to be up to 250 square feet in size and change materials that match to materials that are similar to, **Vote: 7-0, motion carried unanimously.**

M/S/P: Hartley/Williams, move to strike the word “frontage” from the description of table 5-3, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Lundquist, move to recommend approval of the proposed amendments to the City Sign regulations as amended, **Vote: 7-0, motion carried unanimously.**

City Council Updates – December 5, 2017 Meeting

- i) Continental Properties Comprehensive Plan Amendment and Concept Plan – failed
- ii) CPA and ZTA to amend language regarding allowable density for Open Space Preservation development – failed
- iii) Hidden Meadows 2nd Agreement - passed

Staff Updates

1. Upcoming Meetings
 - a. January 8, 2018
 - b. January 22, 2018
2. MAC CEP Report
3. Comprehensive Plan Update

Commission Concerns

Williams stated that his term is up and he decided not to reapply for the Planning Commission. He has enjoyed working with the Commissioners and staff. Williams would encourage Commissioners to take classes and understand Roberts Rules of Order.

The Planning Commission members thanked Commissioner Williams and Commissioner Larson for their service.

Meeting adjourned at 11:39 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant