



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 26, 2018**

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

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Becker and City Administrator Handt

Approve Agenda:

M/S/P: Dodson/Lundquist, move to approve the agenda as amended, ***Vote: 7-0, motion carried unanimously***

Approve Minutes: February 12, 2018

M/S/P: Dodson/Lundquist, move to approve the February 12, 2018 minutes as amended, ***Vote: 7-0, motion carried unanimously.***

Business Item – Zoning Text Amendment – Subdivision Ordinance

Becker started her presentation on the subdivision ordinance outlining the changes to the ordinance. Dodson would like to break this down into 2 parts. The overall high level questions and then talk about the language within the ordinance.

Dorschner is wondering what the purpose of reviewing this is. Becker stated that it was originally brought up because of the submittal requirements. There are also other changes that need to be made such as platting requirements and removing specific engineering design standards.

Becker stated that the state requires properties to be platted if a subdivision creates 5 or more lots that are 2.5 acres or less. Becker stated that the City can be more restrictive than the state, but can't be less restrictive. Becker wanted the Planning Commission to provide feedback on if the subdivision ordinance should be more restrictive than it already is.

Hartley pointed out that the term “plat” refers to an engineering document defined in MN Statute 505.021. One of the requirements set forth in the statute is “A plat shall contain certification of approval executed by the local elected governmental unit or an authorized official designated by the local elected governmental unit.” The city code is discussing what is to be required for the approval (to be recorded on the plat) for the subdivision of land within the city. It is important to not confuse the use of “plat”, a description of land, with the City’s requirements for the subdivision of a piece of land. There is a preference by the state to transfer land by “plat” rather than by the older method of “metes and bounds” as the plat is less prone to errors and disagreements. The city code should require the use of a plat for all subdivisions regardless of size. The city may have different requirements for different types of subdivisions, such as “major subdivisions” or “minor subdivisions”, with both having the approvals recorded by plat.

Dodson would like to see platting required for more than 2 lots because the value of the lots created outweighs the costs of platting. Hartley agrees with the result not necessarily the reasoning.

Dorschner feels that Lake Elmo is already more restrictive than the state. Dorschner wants to know what problem is being solved by lowering the number of parcels for a minor subdivision. Dodson asked about the fees for platting and is wondering if those fees cover the cost for the City services.

Dorschner does not feel that the creation of four lots is worth the time and staff resources to require the platting process. He feels that the state must have some logic for picking 5 lots and the city is more conservative than that. Johnson would agree with that and there are more large lots here. Johnson also feels that a required survey takes away the problems associated with metes and bounds properties. Johnson would prefer to go with the requirement of the state as it gives the property owner more freedom. Emerson feels that a person creating four or fewer lots should not have to go through the expense and process of platting and make it more restrictive. Weeks agrees with this because sometimes it is a generational thing and they are platting for their children.

Dodson asked if there is a way to plat the property without going through the whole process of concept, preliminary plat and final plat. Becker stated that some Cities do what is called a minor plat which waives some of the requirements. Some of the things waived would be some engineering plans, landscape plans, etc.

Handt stated that in a previous city that she worked in, they required plats all the time, even when going through the minor subdivision process. In that case, preliminary and final plat were done at the same time to shorten that process. Dorschner feels that there could be another easier process for the minor subdivision where a plat is established, but there is not a lengthy process and there is a different fee associated.

Dorschner is in favor of recording subdivided properties as a plat, but is not in favor of the other requirements such as soil testing and landscaping. Dodson agrees that it should not go through as heavy of a process. Weeks has no problem doing away with metes and bounds as long as the process is not more burdensome for the property owner.

Dodson thinks there should be two separate processes. One for a minor subdivision and one for a major subdivision. The majority of the Commission felt that 4 was the right number for a minor subdivision. Five or more would be a major subdivision.

Becker stated that currently all that is required for a minor subdivision is a survey. Handt suggested that the requirement be changed to a platted survey. Hartley stated that when the lots are created, soil testing should be done. Handt agreed that it should be done at the time of minor subdivision so that unbuildable lots are not created. Dodson pointed out some discrepancies such as administrator listed multiple times. This could be City Administrator or Zoning Administrator.

Dodson would propose adding a letter (M) to 153.08 Final Plat to be any changes that deviate from preliminary plat. Handt stated that A-L are items that are listed on the final plat, so maybe language could be added that a list of changes accompany the final plat under (B) (1). Dodson would also like to add to 153.15 that if a CIC Community is created, that the developer must provide proof that a replacement reserve amount was created in accordance with Minnesota Statute 515(b)(3)-1141.

Dodson would also like to talk about 153.14 Parkland Dedication. Becker stated that she did research and the City of Lake Elmo is comparable to other cities, so she is not proposing any other changes. Dorschner feels the parkland dedication fee is arbitrary and feels that there should be a solid basis for what is charged. Handt stated that Parkland dedication cannot be used for ongoing maintenance of parks, but is for capital expenditures.

Weeks stated that as part of the Comprehensive Plan workshops, it was talked about that for the size of the City, we are kind of maxed out on parks at 17. Weeks thinks maybe the numbers could be tweaked. Kreimer feels that the parkland dedication fund is not for the Planning Commission to discuss. It should be finance committee, City Council and/or Parks Commission. Handt likes the percentage vs. a flat amount as it keeps up with land values. Handt also stated that there is not enough parkland dedication funds to fund the next 5 years of the CIP. Lundquist stated that parkland ensures open space.

Business Item – Zoning Text Amendment – Outdoor Lighting Ordinance

Becker started her presentation regarding the outdoor lighting ordinance. This ordinance proposes eliminating the fixture data sheet. There are proposed exceptions

to the lighting ordinance such as temporary lighting, public safety lighting, holiday lights, etc.

Dorschner asked if there are a lot of violations that have been acted on. Becker stated that she has dealt with one since she has been here. Dorschner is wondering how the ordinance is enforced without a light meter. Becker stated that if there was a complaint, the City would need to get a light meter.

Hartley asked about the ornamental lighting and what low wattage is. Hartley stated that the low wattage should be changed to 100 initial output lumens and can strike low voltage. Dorschner doesn't like the idea that people can't use basic lights that you can get at Menards. Johnson stated it might be direction of the light and how high the lighting is mounted. Weeks thinks 200 lumens would be reasonable and others agreed.

Kreimer thought the purpose of looking at this ordinance was to eliminate some of the street lights to keep with the dark sky ordinance. Johnson feels that the dark sky sentiment should be kept, but simplified. Weeks stated that the lights on Lake Elmo Ave do not meet the lighting ordinance. Dodson stated that Xcel does not offer lighting that would meet our ordinance but the City can limit the number of lights to try to keep to the dark sky ordinance. Lundquist stated that many people have stated that they want to maintain the dark sky. Pearce stated that he is in favor of the dark sky. He thinks that there should be enough lights for safety, but not too many that it detracts.

Dorschner stated that the County put in an unbelievable amount of lighting on the Cross Country ski trails in the park preserve. Dorschner is wondering why the City isn't regulating that. Becker stated that technically the code would require review on the lighting being installed there. Johnson stated that they might be too bright, but he likes the design and height and would like to see the design in other areas such as walkways and parks.

Dorschner stated that he wants to see an ordinance that is enforceable. Handt isn't convinced that a permit will minimize complaints because people still need to know to come in and get a permit.

Kreimer asked about new construction and what kind of lights are required. Becker stated that the proposal is that as long as it is 4/10 foot candles at the property line. Kreimer doesn't like the change. He likes that everyone has downcast light or there is a lot of extra light created. Dodson would like to see review of lighting at the time of building permit for new homes.

Weeks asked if the design standards make any reference to exterior lighting. Becker stated that there is some, but more in regards to streetscape.

Dorschner asked about 150.036 (A) (2) that the plan needs to be prepared by a certified architect, landscape architect, or lighting designer. He feels that this is very expensive and onerous. Handt pointed out that this is only for commercial and multi-family. Dorschner is concerned that these might not be the appropriate people to do the plan and shouldn't be a requirement as long as it meets the ordinance. Becker stated that was in the existing code but can certainly be changed, but if they are certified, there is more guarantee that the information provided is accurate.

Dorschner wants to follow the staff recommendation because he feels the City is being too restrictive. Weeks agrees with the way that the staff drafted the proposed ordinance. Dodson is in favor of the dark sky and keeping the light pollution at a minimum with keeping the lighting downward.

M/S/P: Dorschner/Hartley, move to recommend approval of the ordinance amending the Lake Elmo city code of ordinances by amending the regulations pertaining to lighting, glare control, and exterior lighting standards with the change of voltage and wattage as discussed, ***Vote: 7-0, motion carried unanimously.***

Dodson is for the motion, but would like to express his concern that he would like to make sure that new construction has an inspection to make sure that it complies with the City ordinance. There was agreement from other Commission members.

City Council Updates – February 8, 2018 Meeting

- i) Wyndham Village Sketch Plan and Comp Plan Amendment – passed
- ii) Legacy at Northstar Preliminary Plat & PUD Plans – passed
- iii) Lake Elmo Inn Parking Lot CUP – passed
- iv) 4564 Kimbro Ave Minor Subdivision & ZMA – passed
- v) Hammes 3rd Final Plat – passed
- vi) Northport Development Agreement Amendment – passed
- vii) Solar Ordinance – passed
- viii) Chicken Ordinance - tables

Staff Updates

1. Upcoming Meetings
 - a. March 12, 2018
 - b. March 26, 2018
2. Comprehensive Plan Update
3. Rossow v. City of Lake Elmo – Supreme Court Denied petition for review of plat

Commission Concerns

Handt stated that Commission concerns will go away as it is not part of the code of ordinances for the agenda. Handt would like Commissioners to bring things directly to staff to determine if it can be added to the work plan. Handt stated that she is working

with the League of Minnesota Cities to develop training documents for new Commission members.

Meeting adjourned at 9:40 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant