

**City of Lake Elmo
PLANNING COMMISSION MEETING
Minutes of April 14, 2003**

Chairman Helwig called to order the meeting of the Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Meldahl, Sessing, Berg, Sedro, Johnson, Bunn. STAFF PRESENT:
Chuck Dillerud, City Planner and Kimberly Schaffel, Recording Secretary.

PLEDGE OF ALLEGIANCE

AGENDA

M/S, Sessing/Sedro, To accept the Agenda as amended. VOTE: 7:0 PASSED.

MINUTES

Minutes were postponed until the next meeting.

**PUBLIC HEARING: VARIANCE FROM SHORELAND STANDARDS ~
GUSTAFSON ~ 8120 Hill Trail North**

Staff Report, Chuck Dillerud

The property is located in the far northwest area of the community on Lake Demontreville. Most of the lots in this neighborhood are substandard by R-1 District Standards. The applicants wish to expand and remodel the existing home. The applicant proposes an addition that would extend around the back and side along with a second story added over the new portion of the home. The setback from Ordinary High Water (930 feet) is 100 feet. The house is 90 feet from the OHW. It is already non-conforming as per setback. They wish to extend the house maintaining the existing 90 feet. The blueprints indicate a cantilevered deck on the second story which results in an additional 4-5 feet of encroachment to the lake. Because the deck is uncovered and not livable area, the Code makes an allowance of 15% of the distance to the water. There is also an entry stoop on the lake side. Could the deck and stoop be placed in another reasonable location?

The DNR originally had no objection to the building but would never approve a deck in the future. Now the DNR objects to the cantilevered deck. The Planner does not feel it is an impervious surface issue because eaves overhang it anyway. His recommendation remains the same - to approve. He would like any motion recommending approval to indicate the findings and orienting the gutters and downspouts to be directed to the farthest point from the lake.

Commissioner Berg

Were other options considered for locating the deck on another side of the house?

Amy Gustafson, Applicant

It is cold on the north side, it views the neighbors and is shaded. There is a mature cherry tree there they plan to preserve. The south side is the single story portion of the house. On the other side is the driveway with an entryway deck. There is a concrete stoop on the lake side of the house anyway. The new stoop would be beneath the deck. Water activities make it convenient as an entryway. They wish to have the kitchen door for convenience from the lake. There is an existing entry on the south side which is where the well is located.

Commissioner Berg

He asked the applicant about their tree preservation plan.

Amy Gustafson, Applicant

They have planted many trees since moving there and are interested in preserving plantings. They
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contacted the Soil and Water Conservation District about native shoreland plantings. They have removed a great deal of foreign material from the shore including appliances and large car parts.

Commissioner Berg

He is interested in seeing impervious surface mitigation and tree preservation.

Brad Gustafson, Applicant

There are many red oaks, large cherry trees, and even little oak trees they plan to preserve.

Amy Gustafson, Applicant

They would anticipate doing that anyway. She has brochures about preserving plantings during construction and will build with conservation in mind. This remodel helps to create a more energy efficient building too.

Commissioner Helwig

What would be the maximum size of the deck as it extends toward the lake?

Amy Gustafson, Applicant

She thought it could be no more than six feet because it is cantilevered.

CHAIRMAN HELWIG OPENED THE PUBLIC HEARING AT 7:26 PM

No public comment was offered about the application.

CHAIRMAN HELWIG CLOSED THE PUBLIC HEARING AT 7:27 PM

M/S, BUNN/SESSING, to recommend the variance application with two conditions: that the cantilevered deck should be constructed at a maximum depth of six feet toward the lake, and the applicant must mitigate water runoff through the use of gutters and downspouts that direct water away from the lake as far as feasible, as determined by the Building Official.

Commissioner Bunn

She is impressed by the tree planting and conservation efforts of the homeowners and feels confident they will care for the environment.

VOTE: 7:0 PASSED.

**PUBLIC HEARING: OP DEVELOPMENT STAGE/CUP/PRELIMINARY PLAT ~
WHISTLING VALLEY**

Staff Report, Chuck Dillerud

The City Council approved this as a Concept Plan in February. Originally the Planning Commission voted to recommend denial of that concept. The primary reasons were that the unit count seemed to exceed what was allowable and the preserved open space was deficient under that formula. The applicant considered the open water of Goose Lake as preserved Open Space but staff disagreed. The City Council reduced the count to 19 lots and concurred with the Planning Commission about calculation errors. Now the Development Stage Plan is here with the correct formula and calculations.

Washington County has made a recommendation to require right-of-way additions to Highway 10. In this instance that right-of-way would not affect the plan if the area beneath is considered to be preserved open space. The second issue is the 100 feet buffer on the west side of the site. The Zoning Code indicates that if an OP Development adjoins a parcel not able to be an OP site too, there must be 100 feet of buffer with year-round screening or 200 feet of buffer. There must be a plan for that area to anticipate planting

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or screening for that area. He would not mind having that plan with the final stage plan but that goes directly to the City Council and bypasses the Planning Commission. There is a telecommunications easement through the development. They would have to move the easement. It should not be allowed to conflict with residential lots. The Planner has made seven Findings and recommendations in his Staff Report. He recommends approval of all three application portions, subject to six conditions:

1. Submit a screening plan for the west 100 feet to screen proposed structures to the west property.
2. Washington County Transportation's recommendations should be complied with.
3. The telecommunications easement must be dealt with by the applicant.
4. The recommendations of the watershed and DNR, as concurred with by the City Engineer, should be complied with.
5. The recommendation of the Lake Elmo Parks Commission must be complied with. He recommends fees in lieu.
6. Compliance with the recommendations of the Lake Elmo City Attorney as to ownership.

Commissioner Helwig

There is a platted street, 10 Street Circle.

City Planner

A final plat might need to include a vacation of that platted road.

Commissioner Berg

The Valley Branch Watershed District Engineer indicates that the road may be below the 100-year flood elevation, though the county road is also.

Commissioner Sedro

Does this cause liability for the city if somebody crashes in a flood?

Dave Sorenson, Bald Eagle Development

The easement for the phone company may be abandoned. He is working with the phone company to get rid of it. The buffer to the west was placed on hold because of discussions with the owner next door. The landscape designer will have the plan this week.

Commissioner Sedro

She thought the Concept Plan showed existing trees encircling some of the lots on three sides.

Dave Sorenson, Bald Eagle Development

The arborist and landscaper marked those trees. They want to preserve existing stands of trees.

Commissioner Helwig

How much earth is going off-site?

Dave Sorenson, Bald Eagle Development

He would prefer to plant houses rather than elevate them. He would like homes to fit and work with the topography. He does not have those calculations yet.

Chairman Helwig

He wanted assurance that no material was being removed from the site. There is good material there. There should be no soil removed and no ersatz mining. The problem would then be revegetation of the site.

CHAIRMAN HELWIG OPENED THE PUBLIC HEARING AT 7:49 PM

No public comment was offered.

CHAIRMAN HELWIG CLOSED THE PUBLIC HEARING AT 7:50 PM

M/S, Sessing/Berg, to approve the three public hearings with the following conditions of approval:

1. The applicant shall prepare, and submit with the Final Plat/Plan application, a detailed plan for the 100-foot west site buffer that clearly demonstrates the strategy to screen homes within the development from parcel(s) adjacent to the site permanently and during all seasons. The plan shall include cross sections depicting the relationship of the structures screened to the adjacent parcels. Screening may be by a combination of landscape and topography. Existing vegetation may be a component of the screening where such existing vegetation is effective in all seasons.
2. The Final Plat shall incorporate the Washington County Transportation requests regarding right-of-way dedication along the site for 10th Street North (County Road 10).
3. The Final Plat submission shall reflect resolution of the telecommunications easement appearing on the Preliminary Plat so as not to, in the opinion of the City Engineer, interfere with platted home sites.
4. Compliance with the recommendations of the City Engineer, the watershed, DNR, and Washington County Transportation recommendations/requests as concurred with by the City Engineer.
5. The Final Plat and Development Agreement shall comply with the recommendations of the Park Commission regarding Public Use Dedication/fees-in-lieu, as prescribed by Section 400 of the City Code.
6. Compliance with the recommendations of the City Attorney.
7. Only a minimal amount of soil may be removed from the site.

And the City Attorney should look at the road being below the 100-year flood elevation for potential liability to the city. **VOTE 7:0 PASSED.**

**PUBLIC HEARING: MIXED USE PLANNED UNIT DEVELOPMENT
GENERAL CONCEPT PLAN ~ VILLAGE NORTH COMMONS**

Staff Report, Chuck Dillerud

The application is being made over a site of 28 acres parallel to and north on 39th Street North. The land was platted in 1978. In 1988 the third addition created the lots. It is zoned General Business.

This project takes a General Business Zone and proposes retail business on the far easterly portion of the property. The center would be 80,000 square feet of office space, and the western would be 162 units of residential, 72 attached townhomes in the middle and 90 apartments on the far westerly portion of the site.

The scale might be an issue, primarily because intensity of non-residential use as reflected by the amount of impervious surface coverage proposed. Secondly, with the residential portion of the project, we have to address the land use intensities. How do you measure it? The answer is performance zoning. The Planner took two measures that were available and common and reflected within the zoning standards we already have. ITE Traffic Generation Data for various uses was used. He compared the westerly and easterly portions. What if we mirrored use on each side of this plan? The data for traffic says the difference isn't that great. The second comparison he made was for wastewater generation. The Met Council has standards we can use, regulating and limiting use intensity by wastewater generation. He did the same comparison easterly/westerly, which is where there is striking contrast. Residential use would

be six times the General Business use. If we use those factors for balancing intensities of use, there would be many fewer residential units, closer to 30.

Thorbeck Architects was hired to look at this area for the Old Village Plan. Their plan may entail a mixed use arrangement for this site but it has not been adopted. If those residences happen, there will have to be intensity reduction elsewhere in the Old Village. We try to reduce transportation impacts by shortening the distance from home to shopping and home to work. When you concentrate residential units with commercial, you reduce traffic impacts.

DNR had no comment; City Engineer observed that there is not a good match between parking lots and drainfields.

Commissioner Sessing

Is there a square footage under General Business that is allowable? For buildings, not impervious.

City Planner

45% is the maximum allowable impervious surface coverage.

The first Finding is that the concept is not consistent with the Comprehensive Plan. The city would have to amend the Comp Plan because of the residential component. Second, it appears that the residential component is of a scale not justifiable by wastewater generation. Third, there is no evidence of degradation to health, safety and welfare.

Intersection analyses would have to be done.

He recommends that the Concept Plan be denied at this point. At some point, under a different scale, they may get approval, but not at this scale. Would the applicant wish to table this application voluntarily until the Old Village Neighborhood Plan is finished? That alone would be an amendment to the Comp Plan.

Commissioner Sedro

Do these relationships balance, housing and employees and shoppers versus retail?

City Planner

He does not know, but maybe it is not our concern. The opportunity to live near work should be sufficient.

Commissioner Bunn

The residential component is eleven acres with a density of 14-15 units per acre. The highest densities for this area by any of the Thorbeck Concepts are 6 units per acre.

Commissioner Berg

Options in the Old Village Design would require comp plan amendment and set the stage for something more like this.

Mike Diem, Architectural Network

He represents Mike Lynskey who reviewed the staff report and is willing to table in accordance with that report. He did want to hear comments and feedback before a request is made to table the application. He said the Concept Plan is an asset to extend village character of the city. They are willing to go ahead with today's zoning. There are seven four-five acre lots with a lot of impervious area. They thought they could do better than that with the mixed use plan.

Commissioner Bunn

In connection with Thorbeck Study, their potential designs do not go over six per acre. The community Planning Commission Meeting Minutes of April 14, 2003

would find this plan to be of great concern. The Old Village Plans also call for optimal and centralized wetland treatment areas. The site plan the applicants propose is not consistent with that scheme. Connected green spaces were planned to go through this property, and they are not exhibited here. She would like to see green spaces incorporated. Within the current concept described, what might the market rates be for buildings and residences?

Mike Diem, Architectural Network

These are not low income, but moderate income. Townhomes with two bedrooms, he guesses would cost about \$85,000 to build, \$8,000 for the land, and 20% developer costs.

Commissioner Bunn

Specific plans should call for connection of walking paths to the school and safe crossings for the school. The little park on the plan makes no sense.

Mike Diem, Architectural Network

The reason for the location of the park is that you could not build on it because it was filled from the old grading being pushed into it from the other building sites there. It allows green space, additional run off ponding, and a backup septic system. It allows a little bit more density for development too.

Commissioner Bunn

She would like to hear about the people and not just the technicalities. The site is near an elementary school park. Maybe a park could be created for older people. She would like to see it be given a use because it is not in a good location. She would like to see it incorporated in the plan. What do you plan to use it for and what would it look like?

Commissioner Meldahl

The office and retail portion looks good, but it is too dense in the residential portion. Apartment buildings go downhill, are neglected, and look atrocious after 10 or 20 years. He would like to see fewer townhomes and no apartment buildings.

Commissioner Sedro

She is concerned that if this concept is accepted before the TDR Zoning Plan is drafted; it would not result in transfer later.

Commissioner Berg

He would like to see a broader vision coordinated with planning for the Village green belts. He likes the mixed use but a bigger picture is getting a green belt out of it. He would be looking for innovative land use, through green belts, TDR, maybe mixed use, innovative stormwater management - not ponds in useless parks.

OPEN PUBLIC HEARING AT 8:39 PM.

No public testimony was offered.

CHAIRMAN HELWIG CLOSED THE PUBLIC HEARING AT 8:40 PM.

City Planner

Is the applicant willing to table without prejudice until the Old Village Neighborhood Design Study is complete?

Mike Diem, Architectural Network

No. They would like to table just in accordance with the Staff Report as per the instructions of Mike Lynskey.

City Planner

He wants to be sure they understand about waiving the sixty day rule.

Mike Diem, Architectural Network

They would agree to waive the sixty day rule. He is authorized to do only that.

M/S, **Sessing/Berg**, to table the application and waive the sixty day rule per the applicant's request.

VOTE: 6:0:1 (Abstain: Bunn) PASSED.

CITY COUNCIL UPDATE

Staff Report, City Planner, Charles Dillerud

On April 1, the City Council approved the shoreland variance for Kostelnik with the Planning Commission's conditions and DNR recommendations. They did not make decision on hiring a zoning consultant but asked the Planner to talk to both presenters to determine to what extent they would seek sub-contract assistance with performance zoning. He spoke to both and they are willing to enhance their proposals. The City Council wants the Planner to come back with one, even if it means a higher premium. They discussed an Old Village Moratorium, and directed a workshop by City Council to be conducted for four major property owners. Three of four were opposed, one was neutral. The City Council directed that the Moratorium be on tomorrow night's agenda.

With regard to the Met Council, our City Council has to decide within 30 days whether to appeal the April 8 Metropolitan Council decision on the Lake Elmo Comp Plan. Apparently it is not very expensive to take that next step. Regional Administrator Weaver invited the Planner and Mayor to a meeting next week with the idea of opening negotiations.

OLD BUSINESS

City Planner

The Planning Commission educational session is still open for GTS. There is approval for all to go who wish to do so. They have recalculated plan costs for Old Village Streetscapes. He needs to get together with the Old Village Special Projects Planning Commission before the next meeting on April 28.

There is a PUD Concept Plan on the Agenda for April 28 for the 16 acre site at Highway 5 and Stillwater Boulevard.

Adjourned at 8:58 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary