



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 25, 2019**

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

**COMMISSIONERS PRESENT:** Cadenhead, Weeks, Hartley, Holtz, Steil and Risner

**COMMISSIONERS ABSENT:** Johnson

**STAFF PRESENT:** Planning Director Roberts, City Planner Prchal & Fire Chief Malmquist

**Approve Agenda:**

M/S/P: Holtz/Hartley, move to approve the agenda as presented, ***Vote: 6-0, motion carried unanimously.***

**Approve Minutes:** February 11, 2019

M/S/P: Hartley/Cadenhead, move to approve the February 11, 2019 minutes as amended, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Preliminary Plat, Easement Vacations and Rezoning – Pulte Homes**

Roberts started his presentation regarding the application from Pulte Homes on Minnesota for a preliminary plat, easement vacation and a rezoning to develop a townhouse project called Bentley Village. This development is on the south side of 5<sup>th</sup> Street and will have 240 attached townhomes on approximately 41.6 acres for an average density of 5.77 units per acre. The developer has been working on refining the plan based on comments from the concept review.

These townhomes would be privately owned and governed by a homeowners association. The developer is proposing public streets that are 28 feet wide. There will be a trail on one side of the street. The development is proposed to be done in 4 phases, which will be market driven. In regards to parking, driveways will be constructed to be 25 feet long, with 2 car garages. There will be room for two vehicles in the driveway without blocking the sidewalk. There will be additional parking allowed on the street and a there is proposed parking at the pool area. Each unit will be privately owned with the area around it being common area.

The City Engineer feels that there are some setbacks that are not met. The developer will need to revise the project plan to clearly show that all the units will meet setback and spacing requirements. There are changes that will need to be made to the landscaping based on the City landscape architect comments. There are 33 conditions of approval. The most important one is that the applicant submit revised preliminary plat plans meeting all conditions of approval before the City will accept a final plat application for any phase of development and before the start of any clearing or grading activity.

Steil asked if there has been any discussion with the developer after the previous meeting regarding the north/south street "street G" in terms of how that will be constructed and connected. Roberts stated that at a minimum, this developer will be required to construct the road to their property line, possibly with a temporary cul-de-sac. Holtz stated that with all of the potential changes that are going to be required, it could affect the number of units. Holtz is wondering if Roberts has an idea of what the units per acres might be reduced to. Roberts stated that he is guessing they might lose 10-12 units and will definitely be medium density.

Hartley thought there was something about 4 sided architecture and that there was something requiring a window on the garage door. Roberts stated that the City does require four sided architecture and he will need to check on the garage door window requirement. Hartley stated that the examples did not have it which is why he asked about it.

Holtz asked if it is pretty normal to have so many recommended conditions at this stage. Roberts stated that with a big project like this, it is not unusual and Lake Elmo is more detail driven than other places.

Hartley asked about the statement that this project is consistent with the Comprehensive Plan. Which one would that be since we are in the process of adopting the 2040 plan? Roberts stated that it is consistent with both in regards to density.

Cadnehead asked why the streets are City owned, but the storm pond is owned by HOA. Roberts stated that is at the direction of the City Engineer.

Hartley stated that the City Engineer stated the increase in traffic might require a traffic signal or turn lane improvements, but a financial contribution was not included as a condition. Roberts stated that it is highlighted in the City Engineers report, but is not a condition of approval.

Paul Heuer, Director of Land Planning and Entitlement, Pulte Homes will give a brief presentation. Pulte works hard to make a neighborhood look good from the outside. Pulte includes a lot of open space to make the neighborhood feel more open. There is an HOA that maintains amenities. There will be a dog park, tot lot and open play area

within the development. The most substantial change from concept plan to preliminary plat is that the storm pond was moved because of the pipeline. There was also a lot of engineering comments that were addressed. A variety of demographics are served as there are many options that can be selected including a sunroom, rooftop terrace, etc. Heuer stated that there are 3 comments that have caused some concern. The first is the regional transportation comment that there should be a financial contribution to a traffic signal or turn lane. Pulte is paying 130K for a regional street and feels they are paying their fair share. Second the comment from the City Engineer that the easement for the storm sewer be 30 feet wide. Pulte is confused by that as ordinance 150.277 says that if the sewer pipes are less than 10 feet in depth within private property, the easement should be a minimum of 20 feet wide. The last item is in regards to landscaping. The review put the entire burden on them, when it should be the more intense use to the South. Pulte is proposing to put in half of the buffer.

Cadenhead is wondering if Pulte has been in contact with the holder of the pipeline easement. Heuer stated that early on they reached out and got their design standards and have worked with them to get the elevation of the pipeline. Pulte will work very closely with them throughout this process.

Heuer stated that they will need to sit down with City staff to work out some of the outstanding issues. Heuer doesn't feel that they will need to lose any units once they meet with staff and work things out. Heuer stated that it is unusual for the HOA to own the storm sewer and that may be a discussion item with the City.

Cadenhead asked about the storm water maintenance fee charged by the City. Roberts stated that this development would participate in that fee. Roberts believes that it is the storm ponds that are being referred to, and that can be worked out.

Public Hearing opened at 7:48 pm

John Ehret, 9124 Jade Court, is wondering how the City calculates the width of a parking vehicle on a 28 foot wide street. Ehret stated that a fire lane is 20 feet and he is concerned about parking on the street diminishing the ability for emergency vehicles to get down the street. Ehret stated that currently winter snow storage has become a problem. Ehret is concerned about the reach of the fire apparatus on these 3 story buildings. Ehret is also concerned about the timing on the connection road to Hudson Blvd.

Tom Hart, 9217 Jade Way N, the walking trail on the North side of 5<sup>th</sup> Street currently gets a lot of traffic. It has been a challenge to get that trail cleared in the winter. The Boulder Ponds and Savona HOA's have had many conversations with Administrator Handt, but sidewalks are cleared by property owners, but the trails are not cleared by the City. Hart is wondering if there is a proposal for sidewalks on the south side of the road. Hart is concerned about people walking on uncleaned icy trails.

The Planning Director received 3 letters regarding this project. One letter is not in favor of the project because of congestion, one letter is concerned about using the street name "Jewel", the last letter is concerned about the privacy and screening along the North side of this site to create more of a buffer.

Public Hearing closed at 7:55 pm

M/S/P: Hartley/Risner, move to recommend approval of the Bentley Village Preliminary Plat and easement vacations subject to the staff recommended findings and conditions of approval listed in the staff report, **Vote: 6-0, motion carried unanimously.**

Holtz asked if the 20 foot vs 30 foot easement discussion is something they need to talk about tonight. Roberts stated that it would not need to be discussed tonight as staff is scheduled to meet with the developer on Thursday February 28<sup>th</sup> to work through the conditions before it goes to City Council.

The applicant is required to submit a revised Preliminary Plat and Construction plans before submitting for Final Plat. That would only need to come back to Planning Commission if there were significant changes.

Holtz asked about the plowing practice for internal trails, which was a question raised at public comments. Heuer stated that private trails running throughout neighborhood would typically be plowed with 2" of snow or more. Heuer stated that Sidewalks and trails owned by the City would be up to City policy on when they are cleared. Roberts stated that the City doesn't clear sidewalks.

M/S/P: Hartley/Holtz, move to recommend approval of the proposed Zoning Map Amendment as requested by Pulte Homes of Minnesota for the Bentley Village development site on the south side of 5<sup>th</sup> Street North from RT to MDR with recommended conditions of approval, **Vote: 6-0, motion carried unanimously.**

Hartley is concerned that this development does not meet the minimum required lot area per unit and staff has suggested that is ok. He is also concerned that the landscaping requirement is not met. Hartley is wondering if staff needs direction from the Planning Commission that the ordinance needs to be met. Roberts stated that he has been thinking about that and what he will be proposing is a code amendment in the medium and high density ordinance to drop the minimum lot area and to just use the density as guidance for unit counts.

Hartley stated that he is less concerned with the deviations from the landscape requirements because they seem to make sense. Weeks thinks there should be some flexibility in the landscaping ordinance because in some cases, it just doesn't work.

Roberts stated that he will be talking to the landscape architect on Thursday regarding some of those issues.

#### **Public Hearing – Preliminary Plat, Rezoning and Planned Unit Development – 4 Corners 2nd**

Roberts started his presentation regarding an application from Terry Emerson for a Preliminary Plat, Preliminary PUD Plan, Zoning Map Amendment and Right-of-Way vacations for a commercial development to be known as Four Corners Second addition. This proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development. This includes the lot for the park and ride the storm water pond and commercial uses.

Roberts stated that this project was sent to Washington County and MN Dot for review as they both own right-of-way along this project. The realignment is subject to approval of the City Engineer, Washington County and MN Dot.

Hartley asked what the current zoning of the bus facility is. Roberts stated it is Business Park. Roberts stated that there is not sewer and water in this part of the City. As part of the bus terminal approval, the developer was required to bring sewer and water to that site. As part of the approval of this site, the developer will be required to extended sewer and water all the way to Manning Ave.

Cadenhead asked if the City has been in contact with Metro Transit regarding the park and ride. Roberts stated that they are ready to submit their application, but they were told the City can't accept anything until there is a preliminary plat. Holtz asked what their response was to the number of lots. Roberts stated they received funding based on 550 spaces, which is the design proposed.

Weeks is torn about asking the applicant to contribute to the future stoplight. The traffic is already high on Manning Ave, but she is not sure the rest of the taxpayers should have to pay for it either. The stoplight at Hudson Blvd and Keats will cost taxpayers \$1.8 Million.

Hartley stated that this applicant is doing a road re-alignment at their expense which solves some problems long term. The City is getting a lot of benefit from approving this development.

Tim Feeman, Folz Freeman surveying representing Terry Emerson, has been met with staff many times and feels that the proposal meets what the City is looking for. Essentially this plat is driven by creating the lot for the park and ride. This plat also creates 3 additional outlots. Outlot C is for the storm water ponding, Outlot B will be developed with future commercial and Outlot A is undetermined.

Cadenhead is wondering about from a traffic management standpoint if the connection from Hudson Blvd to the North is in the correct place. Cadenhead thinks that there should maybe be a traffic study on that. Freeman stated that they hired the design engineer that the City uses to design the new part of Hudson Blvd. They show the access easement so that there is no question that there will be access to that parcel to the north. Freeman stated that Washington County has stated that the traffic signal is not needed at this time and the traffic volumes will not be coming from that development.

Weeks asked if they talked to the property owner to the North about project and the Road easement. Freeman stated that it is hard to lock something down with the neighbor until the details are worked out with City staff.

Public Hearing opened at 8:45 pm

No one spoke and there were no written comments

Public Hearing closed at 8:46 pm

M/S/P: Hartley/Holtz, move to recommend approval of the Four Corners 2<sup>nd</sup> addition Preliminary Plat, Preliminary Planned Unit Development Plans and easement (right-of-way) vacations subject to the staff recommended findings and conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Weeks heard previous City Council members state that they feel this park and ride would mostly benefit people coming from Hudson. Weeks disagrees with that as she has heard from a number of people that are very excited about this. Weeks feels this is a good thing for the City to draw more commercial into the City to help the tax base.

M/S/P: Hartley/Risner, move to recommend approval of the proposed Zoning Map Amendment as requested by Terry Emerson for the Lot 1, Block One and Outlots A, B and C from RT to C for Four Corners 2<sup>nd</sup> addition with the staff recommended findings and conditions of approval, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Re-zoning of the property to Limited Commercial, Lot Consolidation, and Conditional Use Permit – Animal Inn**

Prchal started his presentation regarding an application from Animal Inn for a re-zoning, lot consolidation, and Conditional Use Permit. Prchal stated that the property owner would like to combine all of the parcels into one lot. This can only be accomplished if the lots are all zoned the same. Three of the four parcels are zoned as Agriculture and one is zoned as Rural Residential. The easiest option is to rezone all of the parcels to Limited Commercial to match the Comprehensive Plan. The property owner owns all of the properties and would like the CUP to apply to all of them.

The dictating CUP is 2000-20. There is not a lot of deviation from that, but one recommended change is that currently there is a limit to the number of dogs that can be in each building. Prchal stated that there is an overall limit and how the owner chooses to house the dogs should be up to them. The conditions of approval are all spelled out in the staff report. The conditions highlight the conditions and uses that are allowed.

Holtz asked about condition number 4 and why there are hours listed that the animals can be outside. Prchal stated that the hours listed are the same as construction hours. Roberts stated that those are the standard hours in the code in regards to regulating noise levels for any outdoor activities. Holtz doesn't see that the noise from the animals would be problematic and would like to see condition #4 removed. Risner asked about condition #8 and if administering medications would be considered veterinary services.

Dawn Larson, owner, stated that there has not been a restriction on hours up to this point. Larson stated that they are respectful to their neighbors regarding noise. Larson stated that administering medications prescribed by a veterinarian is not performing those services. Larson stated that they do not kennel outside. They have outdoor runs that are attached to indoor runs. Larson stated that the limit of 150 dogs is fine as they rarely would hit that number.

Weeks asked if they will be adding veterinary services anytime in the future. Larson stated that they will not. They will be moving the pet grooming into the old veterinary building. Weeks asked if there are any plans to put more buildings on the property. Larson stated that there are no plans to add additional buildings.

Roberts asked Larson if there were any other issues with the conditions that the applicant would like to discuss. Larson stated that they regulate when the animals are outside. Hartley asked which parcel has the animal hospital on. Prchal stated parcel 5 had the animal hospital on it.

Public Hearing opened at 9:20 pm

Dennis Steinberg, owns the property at 8603 34<sup>th</sup> St N, and are in support of the application.

There was no written correspondence

Public Hearing closed at 9:21 pm

M/S/P: Holtz/Hartley, move to amend the conditions and eliminate all of condition #4, friendly amendment to only strike from condition #4 the sentence that reads "Dogs can have access to outdoor areas from 7am to 7pm during the week and 8am and 6pm on weekends", ***Vote: 6-0, motion carried unanimously.***

Cadenhead would argue that everything after the outdoor kenneling could be removed. He hesitates to eliminate everything because the property could change hands and the next owner might feel this is ok and that should be avoided in the future. Prchal stated that CUP's run with the land and can continue with the next owner. Steil stated that he is concerned that they might be opening up something in the future that they might not want. Roberts stated that he is not as concerned about the hours, but he would suggest keeping the first sentence and striking the hours. Holtz would accept that as a friendly amendment.

M/S/P: Hartley/Holtz, move to recommend approval of the request by Joan Tauer of Animal Inn to Rezone the properties from Agricultural and Rural Residential to Limited Commercial, consolidate properties defined as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005, and 16.029.21.42.0001 and amend the existing CUP to apply to the newly combined property, subject to the conditions of approval recommended by staff and amended by the Planning Commission, **Vote: 6-0, motion carried unanimously.**

#### **City Council Updates – February 19, 2019**

1. Mixed use Business Park and Mixed Use Commercial Zoning Ordinance

#### **Staff Updates**

1. Upcoming Meetings
  - a. March 11, 2019
  - b. March 25, 2019

Meeting adjourned at 9:31 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician