



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of April 8, 2013**

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

**COMMISSIONERS PRESENT:** Larson, Kreimer, Reeves, Haggard and Williams;

**COMMISSIONERS ABSENT:** Morreale; and

**STAFF PRESENT:** Planning Director Klatt and City Planner Johnson

Planning Director Klatt announced that Commissioners Obermueller and Fliflet stepped down from the Planning Commission. He thanked them for their service.

**Approve Agenda:**

The Planning Commission accepted the agenda as presented.

**Approve Minutes - February 25, 2013**

Williams suggested 2 changes to the minutes of February 25, 2013.

M/S/P: Kreimer/Larson, move to accept minutes as amended; **Vote: 4-0 Motion Carried**, Haggard did not vote.

**Approve Minutes – March 11, 2013**

Williams suggested 2 changes to the minutes of March 11, 2013.

M/S/P: Kreimer/Reeves, move to accept the minutes as amended, **Vote: 5-0, Motion Carried.**

M/S/P: Larson/Reeves, move to reopen the discussion of the minutes for February 25, 2013, **Vote: 5-0, Motion Carried.**

Larson suggested an edit to the minutes of February 25, 2013.

M/S/P: Larson/Kreimer, move to make additional edit to the minutes for February 25, 2013, **Vote: 5-0, Motion Carried.**

**Public Hearing: Zoning Map Amendment**

Klatt began his presentation by explaining the purpose of the zoning map amendment. Klatt noted that these updates are related to the recent Comprehensive Plan Amendment, as well as to reflect recent updates to the City's Zoning Code. Next, Klatt explained the role and

importance of the City's Zoning Map, noting that it establishes the zoning designation for all properties in Lake Elmo. To provide further background detail, Klatt gave an overview of all the existing and future zoning districts in Lake Elmo. The Zoning Map should be updated on a regular basis in order to reflect the ongoing changes to the City's Comprehensive Plan and Zoning Code.

Moving forward, Klatt presented a summary of all the proposed changes to the City's Zoning Map.

Williams asked why some OP Developments are split between Agricultural zoning and Rural Residential zoning. Klatt explained that there is no real planning consideration behind why the zoning is split. He noted that the zoning simply reflects the base zoning of the parcels before they were developed as OP neighborhoods. Williams suggested that the zoning within OP neighborhoods perhaps should be made consistent.

Klatt moved back to his general overview of other proposed changes with the City's Zoning Map. In terms of other considerations, Klatt noted that the proposed Zoning Map also reflects the City's new municipal boundary since multiple properties were detached to Stillwater Township. Finally, he noted that LDR, HDR and VMX are included as categories, but no properties have yet to be zoned to these zoning designations.

Williams also asked about the existence of properties zoned with the RAD-2 or OP-A designation, specifically referencing the Malmquist project. Klatt noted that the zoning for those properties did not change, whereas the planned land use map in the Comprehensive Plan did change. Therefore, the changes mentioned by Chairman Williams would not be reflected in the Zoning Map. Klatt noted that these parcels will remain with the RAD-2 designation in the Comp Plan until the City Council takes formal action with a minor Comp Plan Amendment.

Klatt wrapped up the presentation regarding the various zoning map changes.

Kreimer asked about the in-holding parcels for Lake Elmo Park Reserve. Klatt noted that Staff is holding off on any zoning changes related to this. Staff would like to complete more research on how to apply zoning related to parks on future land use maps. There are certain things that are required by the Met Council for these in-holding parcels and staff needs to figure out how best to handle those parcels.

Reeves asked about the existing business adjacent to the gas station at Lake Elmo Ave. and 10<sup>th</sup> St., and he wondered if Convenience Commercial is the appropriate designation for this property. Klatt explained that Tattoo is considered a personal services business. Under this classification, he believes that the use would be allowed in CC. In addition, Johnson noted that there is a size and intensity component as part of the CC district, meaning that properties that are zoned CC cannot be the more intense and large-scale commercial uses, such as club or wholesale activities.

Haggard asked about the use of the RT district. Klatt explained that this district prepares these parcels for the future use of the Comprehensive Plan by limiting subdivision and use until utilities are extended to the site.

Haggard asked about the inclusion of light manufacturing in the Business Park (BP) zoning district. Klatt noted that the inclusion of light manufacturing, or non-production industrial, was made at the time of the I-94 Comp Plan Amendment.

Public Hearing opened at 7:53pm

Deb Krueger, 4452 Lake Elmo Avenue North, asked about the RT zoning designation. Staff explained that once the Village Land Use Plan is adopted, the zoning will be revisited.

Larry Weiss, 9302 Stillwater Boulevard, stated that he lives near the Malmquist farm school project. He requested that the property be rezoned to a rural designation. He noted that the majority of the neighborhood is against this project. He wanted to make a formal request that the Planning Commission review the possibility of changing the future land use of this property.

Ed Nielson, 9498 Stillwater Boulevard, noted that he has lived in Lake Elmo since 1967. In reference to the Malmquist project, Mr. Nielsen noted that 98% of the neighborhood is against the project. Mr. Nielsen showed various stages of the Malmquist project. Williams asked that Mr. Nielsen restrict his comments to the Lake Elmo Zoning Map, not any specific development proposals. Staff explained the difference between the Zoning Map and the Planned Land Use Plan in the Comprehensive Plan. In addition, Klatt explained the process of making a minor Comprehensive Plan change, noting that a land use change can only be initiated by one of three parties: the property owner, the Planning Commission and the City Council. Williams explained to Mr. Nielsen that they are looking for a change in the Comprehensive Plan, not the Zoning Map.

The Public Hearing was closed at 8:14pm

Haggard asked if the Planning Commission should request that the City look at the Future Planned Land Use Map. Reeves followed up with some procedural and background questions. Klatt noted that according to State law, the City cannot guide land in its Planned Land Use Map conditionally. In other words, if the property needs to be changed back to its original designation a formal action would need to be taken to change it back.

M/S/P: Reeves/Kreimer, move to recommend approval of the Zoning Map, ***Vote: 5-0, Motion Carried.***

Williams asked Staff to add a discussion of the Planned Land Use Map, specifically related to properties guided for RAD-2 or RAD-Alt, at a future Planning Commission meeting.

M/S/P: Williams/Larson, move to bring forward item as discussion, ***Vote: 5-0, Motion Carried.***

#### **Public Hearing: *Zoning Text Amendment - Tree Preservation Ordinance***

Johnson presented an overview of revisions to a proposed tree preservation and protection ordinance. He reviewed the major changes to the ordinance, which included a new threshold for when the ordinance would apply, a new requirement for a tree inventory, and new language

concerning the allowed tree removal. Johnson discussed the other major elements of the proposed ordinance with the Planning Commission.

Haggard asked for clarification concerning the removal of trees from a site, and whether the replacement requirement would be above and beyond the 30% that is otherwise allowed. Johnson replied that this would only apply to an amount beyond the 30%.

Kreimer asked if there was a way to give credit for the planting of conifer trees that may be preferable on a site, even if the ordinance would require hardwood deciduous trees. Johnson noted that he would look at a way to make a simple change to allow this to occur.

Kreimer asked if the City wanted to reduce the allowance on commercial properties.

Williams opened the public hearing at 8:37 p.m.

Deb Krueger, 4452 Lake Elmo Avenue North, noted that the City is fortunate to be located in a wooded area, and that it would be nice to leave as many trees as possible. She asked that when trees are planted, consideration should be given for the surrounding land and what is appropriate for specific locations. She also requested that the Commission consider the size of trees within development projects, and cautioned against planting trees too close to one another. Planting trees under power lines was also something that Mrs. Krueger recommended against.

Williams closed the public hearing at 8:43 p.m.

Larson expressed concern that the ordinance was lacking in information concerning the appropriate species selection. Williams noted that plans would need to be prepared by a landscape architect under the ordinance. Johnson suggested that the City could adopt a separate policy document regarding tree types and planting preferences.

Williams recommended that the ordinance include an exhibit with some of these policies concerning preferred tree types and planting issues.

Williams indicated that the definition for trees that are considered specimen trees was too restrictive. He suggested removing the wording concerning deciduous hardwood from this definition.

Williams asked several clarifying comments concerning the ordinance language.

Williams noted that the requirement concerning heavily wooded areas may be overly restrictive in terms of the required tree inventory if a developer is not disturbing the wooded portion of the site at all.

Johnson indicated that he could work on language that allows for additional consideration of plans for these types of situations.

Williams asked for clarifying language concerning the protective fencing requirement, and especially related to protection of trees on adjacent parcels.

Williams questioned how the City would be able to make a determination that a tree had died due to construction activity. Johnson noted that this would need to be handled on a case-by-case basis.

Kreimer made a suggestion that the replacement requirements related to the percentage of coniferous and hardwood trees replaced both reflect a schedule of ½ replacement in order to simplify the ordinance. Williams reviewed two options for amending this section of the code. He discussed an amendment for this section that was accepted by the Commission as a whole.

There was a general discussion concerning the application of the ordinance and the relationship between the tree protection regulations and the landscaping ordinance.

Johnson indicated that he would include language concerning the appropriate mix of tree types based on the general direction of the Planning Commission.

M/S/P: Kreimer/Williams move to recommend approval of the Tree Preservation Ordinance as amended based on the conversation during the course of the meeting. **Vote: 5-0, Motion Carried.**

**Business Item:** *Open Meeting Law Discussion*

Deb Krueger, 4452 Lake Elmo Avenue, requested that the Planning Commission address a concern pertaining to Open Meeting Law before the next scheduled Public Hearing. With no members in the audience, the Planning Commission consented to advance this item from its original slot in the agenda.

Klatt discussed open meeting law, and some general suggestions concerning how Commissioners should handle mass emails and conversations that occur as a result of these emails.

Deb Krueger expressed concern that members of the public were being discouraged from participating on public issues. Staff noted that members of the public do not have to be concerned about Open Meeting Law considerations, but Commissioners and other officials cannot “reply all” on emails pertaining to policy, or it constitutes a violation of open meeting law.

**Public Hearing:** *Zoning Text Amendment - Parking Regulations*

Johnson presented a summary of revisions to a draft parking ordinance that incorporates changes as previously recommended by the Planning Commission. He noted that Staff is recommending approval of the ordinance as presented.

Williams opened the public hearing at 10:02 p.m. Williams closed the hearing at 10:02 p.m. with no comments.

Williams asked why the side yard setback for parking areas with more than four stalls was set at 20 feet, when garages could be located closer to this lot line. There was a general discussion

concerning the distance of garages and parking lots from the property line and other general parking requirements.

M/S/P: Kreimer/Reeves, move to recommend approval of the Off-Street Parking Ordinance, **Vote: 4-0, Motion Carried**, Haggard left at 9:45pm before the agenda item.

### **City Council Updates**

The City Council adopted the Comprehensive Plan Amendment containing the I-94 Land Use Plan and Housing Element at the 4/2/13 meeting.

### **Staff Updates**

There is a CC/PZ joint workshop on 4/9/13 for an update on the zoning project.

There is a training webinar "21<sup>st</sup> Century Planning Commission" on 4/13/13.

### **Commission Concerns - None**

Adjourned at 10:21 p.m.

Respectfully submitted,

Nick Johnson  
City Planner