



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 12, 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

Approve Agenda:

M/S/P: Dodson/Dorschner, move to add the Todd Williams resolution to item 5b, **Vote: 7-0, motion carried unanimously.**

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

Approve Minutes: January 22, 2018

M/S/P: Hartley/Weeks, move to approve the January 22, 2018 minutes as amended, **Vote: 6-0, motion carried with Emerson, Dodson and Dorschner abstaining as not in attendance.**

Public Hearing – Conditional Use Permit – Lake Elmo Inn Parking Lot

Becker started her presentation regarding the Conditional Use Permit for the Lake Elmo Inn Parking lot to be located at 3504 Lake Elmo Ave. Becker stated that this has been used for parking, including valet for some time. The applicant stated that with the downtown street project, parking has become a challenge and he needs to use this parcel to accommodate his customer parking needs. The zoning code states that off-street parking of five or more vehicles requires a paved or durable surface. The parcel is located in the Village Mixed Use – VMX zoning district, and a parking facility is a conditional use within the VMX district.

Becker stated that right now they are focusing more on the use vs. the design. The plans submitted show 54 parking spaces, but with all of the city requirements, this might not be possible. No engineering review has been completed, as construction

plans have not yet been submitted. These will be submitted with a parking lot permit application. This will also require a VBWD permit because there is over 6000 sf of impervious surface. The City would also like Washington County to review and would like to ensure that anyone parking there is not going over pedestrian facilities. Becker went through the 12 recommended findings. There are 6 recommended conditions of approval including submitting an application for a parking lot that meets all zoning engineering and other applicable requirements and will be reviewed by the City and Washington County. The applicant must also submit an application to VBWD, meet lighting and landscaping requirements, not extend beyond property lines and not barricade right-of-way for valet parking.

Kreimer asked about the condition that the applicant not use the public area for valet parking. Becker pointed out an area that the Lake Elmo Inn had previously been using for Valet parking that is actually parking for the City. Kreimer asked if this could be done if they obtained a right-of-way permit. Becker stated that potentially they could, but it would need to be vetted and there would probably be conditions just like any other permit.

Johnson asked about the landscaping requirement. Becker clarified that the screening requirement for the street would be on both Lake Elmo Ave and 34th Street.

Dodson asked if there was a sidewalk easement along that section. Becker stated that there is sidewalk along that section. Dodson also asked if the parking easement with the storage facility is in writing. Becker stated that she has not seen anything in writing. Dodson asked about the permit approval process. Becker stated that the permit application would be approved administratively. Dodson stated that having the trees in the middle of the parking lot might be cumbersome for snow plowing and such. Becker stated that requirement is only applicable if there are 30 or more parking spaces which is code. Becker is not sure that they will be able to fit that many with buffer requirements.

John Schiltz, Owner of property, stated that he has a contract with Steve Johnson for parking next to the storage facility. Schiltz stated that snow removal is handled privately. Schiltz stated that if this passes, he will bring the plans forward.

Dorschner is wondering if this parking lot would only be for Lake Elmo Inn or if it would be for public Parking. Schiltz stated that he offered this property to the City to purchase for a public parking lot and that did not go through. Johnson is wondering if Schiltz would be open to some sort of contract with the City to share the parking lot and Schiltz stated that he would be open to that.

Public Hearing opened at 7:30 pm

John Eisley, 11094 35th Street, owns property to the NW of the proposed parking lot. He is not opposed to the parking lot, but is concerned about the lighting as two of their bedrooms face this property.

Elizabeth Everson, 11075 34th Street N, directly behind Lake Elmo Inn. Everson is totally in favor of the parking lot going in. The traffic on 34th Street, which is a dead end street, has dramatically increased after the utility project. This would hopefully alleviate some of that.

There was an email comment that was in the packet that in summary would like this to be a City parking lot.

Public Hearing closed at 7:33 pm

Kreimer is in favor of the project and the concern regarding the lighting should be addressed with the City lighting ordinance. Dodson asked if this would be private lighting or public lighting. Becker stated that it would be private lighting on private property.

M/S/P: Lundquist/Kreimer, move to recommend approval of the request for a Conditional Use Permit to allow the use of a parking facility on the property located at 3504 Lake Elmo Ave N subject to recommended conditions of approval as amended, ***Vote: 7-0, motion carried unanimously.***

Johnson is concerned about the required screening from a safety stand point. Johnson feels there should be a cross walk from the parking at the storage facility. Johnson would like the City to look at how they could make pedestrian access safer downtown in general. Weeks stated that she does not see the screening as a hazard because there are cars parked on the street, then the sidewalk and then the screening. The code requirement is not as tall as a person in a car or a pedestrian standing. Someone walking between parked cars would be a hazard, but there is nothing that can be done to deter that.

Weeks stated that there used to be a specific cross walk at that corner prior to the street project and it should be there.

Dorschner stated that he feels the screening really isn't screening if it is only three feet tall. He doesn't see the benefit on the street sides. He can see the benefit on the residential side if it is tall enough to help with the lighting.

Dodson is wondering if the Planning Commission has the option to be flexible with the landscaping if it is in the ordinance. Becker stated that since this is not a variance and it is not a set amount it is something that could be a bit flexible because it is a conditional use permit. Becker would caution that if the landscaping is not adhered to here, it

would be difficult to enforce others to follow the same standards. Dorschner stated that the Christ Lutheran parking lot does not have screening on the street sides. Becker stated that that was an existing parking lot prior to the ordinance. Kreimer doesn't feel it is required to be a berm, but could be a hedge or a fence or something like that that doesn't completely block but partially screens the parking lot.

M/S/P: Dorschner/Lundquist, move to amend the motion to change condition #2 to add that landscape screening would not be required along Lake Elmo Ave and 34th Street,
Vote: 6-1, motion carried with Kreimer voting no.

Public Hearing – Zoning Map Amendment and Minor Subdivision 4564 Kimbro Ave

Becker started her presentation regarding the Zoning Map Amendment and Minor Subdivision at 4564 Kimbro Ave. The parcel is currently zoned agricultural and is 73.51 acres. This minor subdivision would divide this parcel into 2 new parcels of 27.94, 10.03 and 35.54 acres. The two parcels that are less than 40 acres will need to be rezoned to rural residential to meet the minimum lot size requirements. Parkland dedication of \$7200 would be required for the 2 new lots created.

The recommended conditions of approval include that the property be rezoned from AG to RR, Parkland dedication of \$7200 be paid, all engineer comments be addressed, and all necessary permits must be obtained.

Tim Freeman, representing the applicant, did not think there would be impact of creating 3 new lots vs 2 lots. Freeman is wondering if there could be just one new lot created, leaving the rest of the property on both sides of the road as one parcel. Freeman feels the Park Dedication is steep for a 10 acre lot, let alone paying \$3600 for a vacant lot. Becker stated that she doesn't believe that would be a problem as long as the City would get the right-of-way dedication.

Public Hearing opened at 8:05 pm

Bob Horsenell, 520 Commens Drive, concerned with changing the zoning from AG to Rural Residential and the loss of farmland.

Bev Reiks, 4564 Kimbro Ave, property owner, there will be no loss of agricultural land. The property being subdivided is not currently farmed.

Jane Chars, PO Box 769, asked why the zoning is changing from AG to RR. Becker stated that the minimum lot size is 40 acres, so it needs to be rezoned to RR.

Public Hearing closed at 8:11 pm

Dorschner asked if this is only being divided into two lots would there still be parkland dedication. Becker stated if it is only two lots, the fee would only be required on the newly created 10 acre lot. Dorschner doesn't feel that we should be charging parkland dedication for a single family home to go in.

Hartley stated that when a developer gets charged for parkland dedication, that fee is economically passed on in the purchase price of the lot. If you look at it in aggregate, it is a new dwelling. Weeks would be interested in having the parkland dedication ordinance being put on the work plan to look at. Dodson suggested that it be talked about under Commission concerns. Dodson stated that he thinks the only way he thinks this could be applied differently would be to look at how different parcels are guided.

Johnson considers this a modest change and people should have the freedom to develop as they are allowed by the zoning ordinance. Dodson stated that rezoning this 10 acres actually locks down that 10 acres to Rural Residential when the rest of the Agricultural land could be developed as an open space development.

M/S/P: Dorschner/Lundquist, move to recommend approval of the Minor Subdivision request for the property located at 4564 Kimbro Avenue N, subject to the 5 outlined conditions of approval, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Lundquist/Dodson, move to recommend approval of the Zoning Map Amendment to rezone the property located at 4564 Kimbro Avenue North to RR- Rural Residential, subject to one condition of approval, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Easement Vacation – Final Plat Hammes 3rd Addition

Becker started her presentation regarding the easement vacation for the Hammes Estates drainage and Utility easement over Outlot B. The 3rd Addition is the final phase of Hammes Estates or Lake Ridge Crossing. The last phase is 69 units on approximately 39 acres. The Easement vacation is required in order to plat the 3rd Addition.

Some final plat comments are that the street names need to be included on the final plat. The fire chief commented that the fire hydrants on James Circle appear to exceed the 500 foot required spacing. Landscaping plans will need to be updated to include 25% coniferous trees, include irrigation plans and provide the required buffering per the comp plan.

Becker went through the conditions of approval for the easement vacation and final plat. There are 2 conditions for the easement vacation and 9 conditions for the final plat.

Hartley wanted clarification regarding who is responsible for the tot lot. Becker stated that the HOA is responsible for the tot lot.

Kreimer is wondering when the silt fence is removed from a project. Becker stated that per City Code, the silt fence is required to be removed 30 days after construction activity has ceased for the development. Kreimer asked about the trail that is shown connecting to Jewel Ave N. Kreimer is wondering if the trail can connect to Julep Ave N. Becker stated that it would not be consistent with Preliminary Plat. Becker stated that it is something that could be negotiated with the developer.

Dodson asked about a preliminary plat condition about landscape islands being platted. Becker stated that would be addressed in the landscape license agreement.

Public Hearing opened at 8:37 pm

No one spoke and there were no written comments

Public Hearing closed at 8:38 pm

M/S/P: Dorschner/Lundquist, move to recommend approval of the Hammes Estates 3rd Addition Final Plat with the 9 conditions of approval based on the findings of fact listed in the staff report, ***Vote: 7-0, motion passed unanimously.***

M/S/P: Dorschner/Kreimer, move to recommend approval of the request to vacate the easement over Outlot, Hammes Estates 3rd Addition, subject to one condition of approval, ***Vote: 7-0, motion passed unanimously.***

Business Item – Todd Williams Resolution

M/S/P: Lundquist/Dodson, move to adopt Resolution 2018-001PZ recognizing Todd Williams for his years of service on the Planning Commission and his contribution to the Comprehensive Plan update, ***Vote: 7-0, motion passed unanimously.***

City Council Updates – February 8, 2018 Meeting

- i) Wyndham Village Sketch Plan and Comp Plan Amendment – tabled
- ii) Legacy at North Star Prelim Plat and PUD – tabled
- iii) Fairfield Inn Final PUD and CUP – passed
- iv) Solar Ordinance – passed
- v) Wind Power Ordinance – passed
- vi) Short-Term Rentals - passed

Staff Updates

- 1. Upcoming Meetings
 - a. February 26, 2018

- b. March 12, 2018
2. Comprehensive Plan Update

Commission Concerns

Dorschner would like to ask the City Council to look at the Parkland Dedication, particularly for minor subdivision. Becker asked if they wanted the commercial minor subdivision included as well. The fee for commercial is \$4500 for a new lot created. Dorschner thinks it should be looked at as a whole.

Johnson also feels that a homeowner in a new development might get a greater amenity than a single lot in the rural development area. Weeks feels that a 10 acre parcel might not use parks like smaller lots. Hartley stated he does not feel that the fee is related to the size of lot. Dorschner stated he is just requesting a review of the purpose of the Parkland dedication fund.

Becker stated that the subdivision ordinance is on the work plan and part of that discussion could be the Parkland Dedication fees which is part of the ordinance.

Johnson brought up the cross walk issue by the storage building and Lake Elmo Inn. Hartley is wondering if staff can talk to the County and see if that is part of their plan. Becker stated that staff has talked to the County and the County feels that there is not a need for a cross walk.

M/S/P: Lundquist/Johnson, move to request that the City Council ask Washington County Department of Transportation to re-evaluate the stretch of Lake Elmo Avenue from the railroad tracks to highway 5 for both speed limit and cross walks, ***Vote: 7-0, motion passed unanimously.***

There was discussion about the trail system. There is concern about the connectivity and that some trails are public and some are private.

Meeting adjourned at 9:00 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant