



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

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

**COMMISSIONERS PRESENT:** Emerson, Dodson, Johnson, Dorschner, Weeks, & Hartley

**COMMISSIONERS ABSENT:** Lundquist, Kreimer and Pearce

**STAFF PRESENT:** Planning Director Becker and City Planner Prchal

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** March 12, 2018

M/S/P: Dorschner/Dodson, move to table the March 12, 2018 minutes until the changes requested are made, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Variance – 8728 Demontreville Trail –Setback Variance**

Prchal started his presentation regarding a variance request to the setback for an accessory structure at 8728 Demontreville Trail. The structure needs to be repaired and the applicant would like to expand. This structure is currently non-conforming because it is 7.3 feet from the lot line when 10 is required for this district. This lot is zoned as RR, but is substantially smaller than other RR parcels.

There are four conditions that must be met to approve the variance. 1) Practical difficulties which the staff feels is met. This seems to be a reasonable request as everything besides the side yard setback is met. 2) Unique circumstances which staff feels is met because the garage was built before zoning. 3) Character of locality which staff feels is met because this is a heavily wooded area with the nearest home being 400 feet away. 4) Adjacent properties and Traffic which staff feels is met because a side yard variance will not impact traffic or supply of air and light to adjacent properties.

Dorschner is wondering what the property to the North is zoned. Prchal stated that parcel is also zoned RR and the home on that lot is over 400 feet away. Dodson asked what the impervious coverage is. Prchal stated that there is a change to impervious, but there is no maximum impervious amount for RR zoning district. Emerson asked if the

property to the north can be developed in the future. Prchal stated that the property to the North would need a minimum of 20 acres, but it might be difficult with the wetland. Dorschner asked if there was discussion if something smaller might work. The applicant Brooks Moening, stated that his preference would be to maintain the current width of the garage. The actual concrete slab is in good shape and can be reused. To go narrower, would be a challenge to park 2 cars inside. Moening stated that the roof is sagging and the walls are in rough shape and the structure needs to be replaced.

Public Hearing opened at 7:17 pm

No one spoke and there were no written comments.

Public Hearing closed at 7:18 pm

M/S/P: Hartley/Johnson, move to recommend approval of the request from Brooks Moening for a variance from minimum side yard setback, subject to recommended findings and conditions of approval listed in the staff report, **Vote: 6-0, motion carried unanimously.**

#### **Business Item – Zoning Text Amendment – Subdivision Ordinance**

Becker started her presentation regarding the subdivision ordinance update. This update includes the Planning Commissions recommended updates from the February 26<sup>th</sup> 2018 meeting. The Planning Commission is recommending that for a minor subdivision which results in no more than 4 parcels, there will not be a lengthy platting process, but would require the lots to have a plat submitted with lot and block descriptions. There is clarifying language for a lot line adjustment so there is not confusion between a lot line adjustment and minor subdivision.

Becker stated that language was added to require a developer to provide proof that a replacement reserve amount is created in accordance with MN statute 515(b)(3)-1141 if a CIC community is created. The proposed ordinance codifies additional application requirements that are currently in ordinance. Becker stated that a deadline for recording the plat of 120 days was included to make it consistent with the major subdivision process.

Dodson suggested on page 1 that 153.09 be changed to read “Major Subdivision – Preliminary subdivision approval” and 153.10 be changed to read “Major Subdivision – Final subdivision approval”. Dodson asked if all building permits are available after approval of final plat and if D(1) should be changed to preliminary instead of final plat. Becker stated that building permits are only allowed after a number of items outlined in the developer’s agreement are met after final approval.

Hartley is wondering in B(4) on page 4 what constitutes commercial or industrial land. It would be hard to do based on zoning when there are mixed use districts. Becker stated that she can check with the City attorney about that as this language was taken from state statute.

Dodson is wondering if the Park Commission needs to review a minor subdivision. Becker stated it is a good idea. Dodson asked what N.G.V.D. stands for. Becker stated it is an industry term that it can be written out in the ordinance instead of abbreviated.

The Planning Commission discussed the 350 feet notification requirement and if that is adequate. Becker stated there have not been complaints.

Dodson is wondering if under supplemental information there should be a requirement to submit a narrative of what has changed from sketch plan to preliminary subdivision review and preliminary to final review. Becker stated there is already language for preliminary to final review and she will add that from sketch plan to preliminary review.

Dodson asked if the variance procedures needs to say something about being consistent with the Comprehensive Plan. Becker stated that she can add that language.

Dodson asked if the PUD section should say something about being consistent with the Comprehensive Plan. Dodson was surprised that the PUD sections was so short. Becker stated that the PUD information is more extensive in the zoning code. Dodson is wondering if that section should be referenced somewhere in this code. Becker stated that it does already refer to the PUD ordinance. Dodson thinks the specific code should be referenced.

There was discussion about the engineering standards and if specifics should be listed in the ordinance. Becker stated the reference is better because if the standards change, the ordinance would need to be changed if directly in the ordinance. There was discussion surrounding what should be included in the ordinance and what should be included in the engineering standards. Weeks stated that the subdivision ordinance is not just for the developer, but is also a checklist for staff and that anything that does not conflict with engineering standards should be outlined in the ordinance.

Johnson is wondering why the City would not accept a bond vs. letter of credit. Weeks thinks it is important that a developer know up front what they need in order to be able to develop property. Emerson thinks it is a lot more difficult to collect on a bond and takes longer to collect on it. Johnson is concerned that a letter of credit ties up a large amount of money and smaller developers might have a difficult time coming up with that amount of money. Dodson is wondering if there could be wording that a bond might be considered with City Council approval. Emerson is wondering what other Cities do. Becker stated she is not sure, but she can pass along the bond option to the City Council.

M/S/P: Dorschner/Hartley, move to recommend approval of the proposed amendments to the City's Subdivision Regulations Ordinance with changes discussed, **Vote: 6-0, motion carried unanimously.**

**City Council Updates – March 20, 2018 Meeting**

- i) Wildflower at Lake Elmo 3<sup>rd</sup> Addition Final Plat & PUD - passed
- ii) Hammes 3<sup>rd</sup> Addition Developer Agreement - passed
- iii) Sign Variance for Park Dental – 8980 Hudson Blvd - passed
- iv) Royal Golf at Lake Elmo 1<sup>st</sup> Addition Development Agreement - passed

**Staff Updates**

- 1. Upcoming Meetings
  - a. April 9, 2018 – cancelled
  - b. April 23, 2018 – Easton 4<sup>th</sup> – possible joint meeting w/CC
- 2. MAC CEP Report Open House April 4 at 6pm at Oakland Middle School
- 3. Comprehensive Plan Update – Open House April 11 7-9 pm

Meeting adjourned at 8:49 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant