



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 23, 2018**

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

COMMISSIONERS PRESENT: Emerson, Dodson, Pearce, Dorschner, Weeks, Kreimer, Lundquist & Hartley

COMMISSIONERS ABSENT: Johnson

STAFF PRESENT: Planning Director Becker

Approve Agenda:

M/S/P: Hartley/Dodson, move to approve the agenda as presented, **Vote: 7-0, motion carried unanimously.**

Approve Minutes: July 9, 2018

M/S/P: Hartley/Lundquist, move to approve the July 9, 2018 Minutes as amended, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Final Plat and Planned Unit Development and Zoning Map Amendment

Becker started her presentation regarding final plat and planned unit development plans and zoning map amendment for the application from GWSA for a 59 single family home development on 23.26 acres. This is the first addition of a 266 single family home development on 98.83 acres. This development requires a PUD as it is in a shoreland district and the developer is requesting flexibility. There are a number of changes from the Preliminary Plat that the Commission had previously reviewed. The number of lots has decreased from 279 units at concept to 266 units (down three from Council approval of 269 due to engineering comments) and a density of 2.72 units per acre. The street layout is different, and the lot sizes and widths have changed. The developer is requesting a reduction of lot size from the approved preliminary plat of 7900 square feet to 6600 square feet for the villa lots; 6900 square feet to 6840 square feet for the interior single family lots; and 8500 square feet to 8090 square feet for the exterior single family lots. Flexibility for the maximum impervious surface for the interior single family lots is being requested to increase from 40% to 45%.

Landscaping plans have not been approved by the City yet, but that is a recommended condition of approval. The preliminary landscape plans indicated that there were no trees on the site and therefore no removal. However, trees were removed on the western edge of the property during grading and the trees will need to be replaced per the tree preservation ordinance requirements.

There are a number of outlots being created. Outlots A & C will be owned by the City for infiltration purposes. Outlot B, D & E will be owned by the Developer for a tot lot, pool, pool house and private trails. Outlots G, F & H will be developed in the future.

Partial parkland dedication was provided with Outlot D of the Northport plat. The balance will be cash in lieu of land. The developer provided theming and landscape renderings. Becker went through the preliminary plat conditions and how they have been met. There is a zoning map amendment that is necessary in order to final plat. This zoning map amendment is consistent with the comprehensive plan. Becker went through the recommended conditions of approval.

Lundquist is wondering why the level of the land was raised significantly and is wondering if that will affect the runoff and holding ponds. Becker stated that the VBWD and Engineer have approved the preliminary plans and determined that there is sufficient storm water management. Dodson is wondering about finding #12c which is amenity points for open space above 20%. Dodson is wondering where the additional open space is. Becker believed that the overall open space for the development is 26% but would have to have the developer confirm. Lundquist stated that looking at the plan, it is hard to tell where the open space is. Becker stated that the park, buffers and stormwater ponds all count towards open space.

Emerson is wondering if more than the first phase is being graded. Becker stated that they are grading the whole development.

Kreimer asked why the trails in the development are private. Craig Allen, GWSA land development stated that there are public and private trails in the development. The pool and clubhouse will be built in the first phase.

Public Hearing opened at 7:26 pm

Josh Peltier, 4167 Kirkwood Lane, is concerned about the buffer setback. It started out at 20 feet and was reduced to 15 feet when the Planning Commission felt it should be 100 feet. Peltier is wondering if that has been resolved. Becker stated that it was a condition of preliminary plat that an average of 86 feet be provided at the Northern edge and an average of 170 feet be provided at the Western edge of the plat.

Bobbie Olson, 3834 Kindred Way, asked to speak for development and the traffic that this development will create. Getting onto Lake Elmo Avenue is getting more difficult

and will be worse with this development. Olson is wondering what type of lighting will be used in this development and if it will be down lighting. Becker stated that the down lighting was not available from Xcel when engineering standards were adopted by the City which required the acorn lighting that they provide. Lundquist stated that speeds on Lake Elmo Ave should be reported to Washington County Sheriff's Dept. Olson stated that the trees that were a buffer were taken out and it looks pretty bare and they are not happy with it. Olson is concerned that the open field in the new development is very close to the trail that goes down to Sunfish Lake. Olson is concerned about kid's safety if they wander down to the Lake.

Matthew Cooper, 3806 Kindred Way, stated that Hamlet on Sunfish owns land that is protected with a conservation easement. Cooper stated that one could suggest that the scenic and conservation value of the land has already been impacted by the development. The lighting is of concern and they would hope it is down lighting. Hamlet residents are concerned with the traffic on Lake Elmo Ave as well as the parking at the grade school. Cooper talked about the encroachment onto Hamlet on Sunfish property with the removal of the trees. Cooper stated that the connection of the Hamlet on Sunfish property with this development is their choice to keep them private. The proposed connection of trails does not address the safety concern.

Joe Chavez, 3505 Kelvin Ave, came to the City over a year ago regarding this development and talked about access to a land locked parcel that he owns. The planned access in the plat does not provide a viable access to his parcel, only to the Schiltgen parcel to the South. Chavez submitted sketch drawings to both the City and the developer which seemed to be ignored and deference is being given to developers and large land owners.

Tim Narum, 3690 Kindred Way, wants to emphasize how important the sewer connection for Hamlet on Sunfish is. The requirement by the MPCA is that the residents in the development be connected to City Sewer by 2020. The plan before the Planning Commission is a good plan to get the sewer lines close to the development.

Public Hearing closed at 7:46 pm

Pearce is wondering about the average buffering and what the smallest buffer is. Becker stated that it is by lot 93 and there is no buffer, though there will be screening in the rear lot, and the minimum rear yard setback is 20 feet. Pearce asked what the City ordinance is in regards to buffer setbacks. Becker stated that it is not actually measured in the comprehensive plan. Dodson asked where the lots were lost from the approved preliminary plat. Becker stated that the lots were lost because of engineering comments.

Dodson asked where the street lights are located. Becker stated that they are at all intersections per engineering requirements. Dodson stated that he was under the

impression that the City could ask for fewer or no street lights. Becker stated that the street lights must adhere to the engineering standards as they are referenced in the code. The engineering standards would need to be changed if the City wants something different. Dodson would propose that there be lights at Lake Elmo Ave and nowhere else in the development. Becker stated that the Planning Commission could recommend that the engineering standards be reviewed and make it a condition of approval. Weeks and Hartley argued against Dodson's proposal for safety reasons. Dorschner asked if they could request shorter lighting. Becker stated that there are only 2 options available with Xcel. Craig Allen stated that he believes the street lights are only at the intersections.

Pearce is wondering if the tress that were removed were on Hamlet on Sunfish property or if they were on the development property. Becker stated that per the developer and the surveyor they were on the development property.

M/S/P: Dodson/Dorschner, move to add a condition #13 that the City require the use of the traditional lighting from Xcel energy for the street lights, **Vote: 7-0, motion carried unanimously.**

Dorschner thinks that they need to be more specific and say that the lighting needs to be downward directional. Dorschner would also like the lowest height possible on the light poles.

Dodson is wondering if the declaration for the CIC community is covered. Becker stated that it is in the developer's agreement. Dodson asked about the capital reserve for operating the capital equipment. Becker stated that has not been required with other developments.

M/S/P: Dodson/Dorschner, move to recommend condition of approval #14 that the developer setting up the common interest community demonstrate that the capital reserve required by law for the capital equipment of the pool and clubhouse be established, **Vote: 7-0, motion carried unanimously.**

Dorschner is wondering how the average 86 feet on the North is being calculated. Is the outlot included in that? Becker stated that it is included based on the information that was provided by a certified engineer. Lundquist asked about the southern property line. All of the lots go right to the property line. Becker stated that a buffer is not required on the southern property line. Becker stated that the preliminary plat was approved with the current configuration and that significant changes cannot be made at this point.

Dorschner recalls that at preliminary plat the Chavez land locked parcel was considered. Becker stated that even the original preliminary plat that came forward had the stormwater pond in the southwest corner. Where Chavez was looking to gain access

always had a proposed stormwater pond. Becker stated that if Chavez obtained an easement from Schiltgen, he would be able to have access from the road stubs. Kreimer asked if the parcel was south of this plat. Becker stated it is southwest of this development and is not adjacent to it.

M/S/P: Kreimer/Dodson, move to recommend approval of the request for a zoning map amendment to rezone PID's 11.029.21.43.0001 and 11.029.21.44.0001 as shown on the lot line adjustment exhibit dated April 20, 2018, **Vote: 7-0, motion carried unanimously.**

Dorschner stated that it is unfortunate that the preliminary plat was approved with the reduced buffers, but the development is needed for the Hamlet on Sunfish sewer connection. Lundquist is also concerned with the buffers as well as the traffic on Lake Elmo Avenue.

M/S/P: Kreimer/Dodson, move to approve the Legacy at North Star 1st addition Final Plat and PUD Plans with recommended findings and conditions of approval as amended, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – Planned Unit Development

Becker started her presentation regarding the Planned Unit Development Ordinance update. In the fall of 2016, the City approved a change to the open space development ordinance changing it to a PUD process. At that time, the Planning Commission gave direction to update the existing PUD ordinance to make the 2 ordinances consistent. The Planning Commission reviewed the draft changes at the February 27, 2017 meeting and provided feedback. This is the public hearing and the Planning Commission is being asked to make recommendation to the City Council on the proposed amendments.

Dodson asked why the process for the PUD ordinance is repeated if it is already outlined in the subdivision ordinance. Becker stated that the PUD process is a little bit different and it makes it easier for staff to follow. Hartley stated that the staff likes to have each one listed out. Weeks stated that ultimately staff is responsible to keep the code. The PUD is complicated and extensive and it makes it easier to go through if the requirements are right there.

Dodson is wondering if there are any areas of the City that a PUD would not apply. Becker stated that if the development meets one or more of the objectives outlined in the PUD ordinance, it would be eligible for a PUD.

Public Hearing opened at 8:24 pm

No one spoke and there was no written correspondence

Public Hearing closed at 8:24 pm

Dodson is wondering if the flexibility in the density in the MUSA can ever be below the 3 units per acre. Hartley stated that it isn't a good idea, but it could happen. Emerson stated that it does not always work based on the land, for instance in shoreland.

Dodson would propose in the other exception section to require building design guidelines. Hartley is wondering if that is covered under theming. Becker stated the "other exceptions" is intended to outline the flexibility.

Hartley is wondering if there is already a definition of an amenity in the code. Becker stated that there isn't currently a definition. Hartley would propose defining an amenity as a feature that has some benefit to Lake Elmo and the residents as a whole. That will prevent developers from getting amenity points for features that are put into a development that are made private only for the residents of the development. Emerson stated that the City is having a hard time meeting the density as it is. Hartley stated that the Comprehensive Plan will have enough density to meet the requirements. Weeks does not have a problem with the developer getting amenity points for private amenities.

Dodson asked about the additional open space having a minimum of 50% not occupied for 10 points. Dodson is wondering if this section would make more sense as a ratio. Becker stated that the City can award some amenity points based on how much additional space is allowed.

Kreimer asked about the affordable housing points. In the redline version in one spot it is 10 points and in another it is 5 points. Becker stated that in the final version it is 5 Points. Dorschner would like it to be 10 points to give greater incentive to affordable housing.

Dodson asked why contained parking was deleted. Becker stated that this is already a requirement under Lake Elmo guidelines and design standards, and so amenity points should not be granted for something that is already required.

Dodson would like to require a detailed list of the changes from the preliminary plan to the final plan.

M/S/P: Dodson/Lundquist, move to recommend approval of proposed amendments to the City's Planned Unit Development Ordinance as amended, **Vote: 7-0, motion carried unanimously.**

City Council Updates – July 17, 2018

1. Wyndam Village Preliminary Plat and ZMA - approved
2. Wildflower PUD Amendment - approved

3. School Bus Terminal ZTA, Preliminary & Final Plat, ZMA & CUP - approved
4. Four Corners 2nd Addition PUD - approved
5. Northport 2nd Addition Final Plat and Developers Agreement - approved
6. Verizon Monopole CUP - approved

Staff Updates

7. Upcoming Meetings
 - a. August 15, 2018
 - b. August 27, 2018

Meeting adjourned at 9:14 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant