



**City of Lake Elmo
Planning Commission Meeting
Minutes of October 22, 2018**

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

COMMISSIONERS PRESENT: Dodson, Dorschner, Weeks, Hartley, Lundquist, Pearce

COMMISSIONERS ABSENT: Kreimer and Johnson

STAFF PRESENT: City Planner Prchal, Consulting Planner Haskamp and City Administrator Handt

Approve Agenda:

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

Approve Minutes: October 10, 2018

M/S/P: Dorschner/Hartley, move to approve the October 10, 2018 Minutes as presented, ***Vote: 3-0, motion carried, with 3 members abstaining that were not present.***

Public Hearing – Variance 7962 Hill Trail

Prchal started his presentation regarding the variance at 7962 Hill Trail N. This variance request is for an increased impervious surface of 16.5% when 15% is allowed. The variance also includes a request for a driveway width of 30 ft. when 26 ft. is allowed.

The applicant is looking to increase the upper driveway and walkway by 307 sq. ft. and the lower driveway by 436 sq. ft. Engineering reviewed the application and suggested a requirement that the driveway drain primarily to the private yard areas either north or south of the driveway. There are 4 criteria that the applicant needs to meet in regards to a variance. Practical difficulties, unique circumstances, character of locality and adjacent properties and traffic.

Staff feels that the argument is met for practical difficulties both for the driveway width and the impervious surface. As far as unique circumstances, staff does not feel that this criteria is met for the additional impervious surface. Staff feels that the property owner created this issue because the home that was constructed was built to the maximum

allowed. Staff feels that the criteria of character of the locality and adjacent properties and traffic is met as this would not be out of character or cause traffic issues for the driveway and impervious.

Lundquist asked about the driveway that was for the previous house and why the applicant wouldn't just abandon that one. Prchal stated that the applicant uses that driveway to access the rear garage.

Dodson asked why the City would care about the width of the driveway if it doesn't directly access the city road. Prchal stated that the right of way technically extends to the boundary of the front yard.

Pearce asked if there was any concern from the neighbors about the driveway expansion. Prchal stated that he has not heard from any of the neighbors.

Dodson asked if there is a location for a backup drainfield. Prchal stated that he did not review that. Dodson wanted to be sure that space is not being taken up for the required secondary drainfield.

Dorschner is wondering if the bump out on the lower garage is not done, would the impervious percentage be met. Prchal stated that it would not as the applicant is already at 14.8% which doesn't leave much.

Handt stated that there are still some areas of the older driveway that is still gravel and there might be some opportunities to use pervious pavers and not exceed the 15%.

Tom Burns, 7962 Hill Trail N, stated the original property had a large circular driveway that went all the way around the house and to a shed that was on the property. Burns believes that the impervious that was on this property previously was probably equal to what they are proposing. Burns stated when they were designing the home and driveways, it looked fine on paper, but the reality is that it doesn't work.

Dodson is wondering how close the southern driveway is to the lot line. Prchal confirmed that it is non-compliant to city standards. Dodson asked if this would be the time to require that driveway to be brought into compliance and move it further north. Prchal stated that it could be done through conditions, but there is no part of that driveway being changed.

Public Hearing opened at 7:25 pm

Brenda Taylor sent a letter that she has no issue with this variance.

Public Hearing closed at 7:26 pm

Pearce doesn't see an issue with this as it backs up to a private drive. Dodson is generally supportive of it, but is a little concerned with eliminating pervious surface by a lake. The fact that the lot to the south of this one is unbuildable, makes it a little easier to average out the impervious.

Burns stated that granting the variance for widening the driveway without granting the variance for the impervious surface, won't help him. Burns is unable to widen the driveway without going over impervious.

Dorschner stated that it is his understanding that it could be widened and they could use class 5 or something on it. Prchal stated that gravel driveways still count as impervious. Prchal stated that the Planning Commission could allow the wider driveway, but require mitigation in another area.

Hartley stated that the additions to the lower pad is the majority of the increase of impervious surface.

Handt stated that the unique circumstances requirement of the variance states that the plight of the landowner is due to circumstances unique to the property not created by the landowner. Handt pointed out that this property is over an acre and was developed by the party asking for the variance.

Weeks stated that it appears that the property owner created their own hardship because of how they developed the land.

Burns stated that he was the general contractor on the project. They worked with an architect on the design of the house and did not know the impervious was an issue until after they had spent a significant amount of money designing the home. Burns stated that the neighbor to the North did changes to their home within the last 2 years and they are at around 26% impervious. Burns does not understand what is different between that property and his.

Handt stated that she did look at those properties and they are significantly smaller lots. The City had a history in the shoreland of 6000 square feet of impervious. On smaller lots, that equates to a higher percentage. This lot is over an acre, so the 6000 square feet is way less than the 15%. Handt stated that each situation needs to be looked at independently and it needs to meet the variance criteria.

Dodson asked why we would penalize a property owner that made a mistake. Handt stated that variances should be unique and special and not the norm and must meet the variance criteria. Handt stated that maybe there is some middle ground that can be reached or the Planning Commission can come up with an argument to support the variance. Handt stated that it isn't uncommon for the City to ask for some type of mitigation elsewhere on the property with pervious pavers or a raingarden.

Dorschner doesn't feel that he can support the rear pad. Dorschner has a similar situation on his own property where he has to drive across his lawn to park his boat. Dorschner feels that with the safety considerations of the road, he could support the driveway variance.

Lundquist stated that she has been on the Planning Commission for 3 years and does not remember any of those homes. Lundquist stated that there was something recently approved that required the applicant to tear out pavers that were there to get below the impervious. Lundquist wondered if there was anything that could be removed to accommodate for this. Burns stated that the only impervious surfaces are the driveways. Burns is willing to explore a raingarden or other options.

Pearce doesn't have a problem with what the applicant is trying to do, but doesn't feel it is for the Planning Commission to come up with the hardship.

Dodson stated that he doesn't feel that there is a hardship because this applicant is the one that built the house. Burns stated that when they purchased the property and started looking at building the home, they were not aware of the 15% rule.

M/S/P: Dorschner/Dodson, move to recommend approval of the request for an expanded driveway width, subject to conditions of approval as recommended by staff, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Conditional Use Permit Amendment Cedar Pet Clinic

Prchal started his presentation regarding a conditional use permit amendment for 11051 Stillwater Blvd., Cedar Pet Clinic. This is for a CUP amendment to allow an expansion of the parking lot as well as a 1400 square foot addition to the building to better serve the needs of their clients.

The applicant has put together a plan that meets the development standards for the use. The application also meets the parking lot and parking requirements. The proposal does not show that screening has been provided along the eastern property line to comply with a more intense use butting up to a less intense use. This will be a condition of approval. This property is in the VMX district and is subject to the Lake Elmo design standards. Most of the standards are met with the exception of the lighting. A condition of approval will be that lighting be provided for entryways, parking lot, etc.

Lundquist asked if Washington County has reviewed the increased traffic of this area. Prchal stated that the application was sent to Washington County for review. Handt stated that in her conversations with the County, County road 14 is probably not going to be looked at for improvements for another decade.

Prchal stated that another condition of approval is that the landscaping plan be accepted by the landscape architect. There needs to be more information provided regarding how many trees are currently on the site and how many need to be planted.

Tim Knutson, BDH and Young, architect for project talked about the lighting around the building for illumination. Knutson stated that the sign at the road will remain the same and they will work with staff regarding the landscaping. Knutson stated that once the project is approved by City Council, they will go to the watershed for permitting and will have a better plan at that time.

Dr. John Bailee, Cedar Pet Clinic, stated that their previous location was 50 feet from the closest neighbor and there have never been complaints regarding barking dogs. The Clinic does not board dogs overnight. They will keep sick animals overnight, but those are usually not the barking dogs. Much of the practice is cats, birds and small animals. Bailee stated that they have used features such as smaller rooms that restrict the noise and they are expanding away from the housing. Dr. Bailee stated that they have been in business in Lake Elmo for more than 20 years and would like to remain, but they have outgrown the space. The expansion is critical to the business which currently has 3 full time doctors.

Public Hearing opened at 8:14 pm

No one spoke and there was no written correspondence

Public Hearing closed at 8:14 pm

Lundquist stated that her only concern is the traffic on County 14 and the traffic from the elementary school. Hartley stated that realistically, this business does not generate much volume of traffic.

Dodson thinks that the condition regarding disposal of animals and animal parts is unnecessary as they would be regulated by state and federal law. Handt pointed out that they are, but if the business is found not to be following those rules, having that as a condition makes it easier for the City to revoke the CUP.

M/S/P: Lundquist/Hartley, move to recommend approval of the Cedar Pet Clinic Conditional Use Permit Amendment with recommended findings and conditions of approval as drafted by staff, ***Vote: 6-0, motion carried unanimously.***

Business Item – Subdivision Sketch Plan Bentley Village

Haskamp started her presentation regarding the sketch plan proposal for 239 attached townhomes on 34.621 acres. There will be no formal action on this request, but the

Planning Commission is being asked to provide feedback. The density for this development is 6.9 units per acre across the entire development.

There are 2 access points proposed with this sketch plan that would line up with 5th Street. There is also a North/South roadway proposed that will create a connection when future development occurs. The development will provide a trail that will connect to the trail to the north of 5th Street. The developer will need to demonstrate how the utilities will fit in the 50 foot right of way that is proposed. Each of the buildings have between 4 and 6 attached units which fits into the code.

There is an existing park in the Savona neighborhood which would fulfill the need for a park in this area. There might be a desire or need for a pocket park or private gathering space. If Pulte moves forward, a zoning map amendment will be required depending on the timing of the application. With the Preliminary Plat and Supplemental Plan set, Engineering and Landscape plans will need to be submitted.

Hartley asked how the 50 foot street width would be resolved. Haskamp stated that if the sketch plan process is completed, the applicant would need to demonstrate that the City standards can be met in the 50 foot right of way to the satisfaction of the City Engineer. If they can't be met, the applicant could also ask for a variance through the preliminary plat process.

Handt stated that the paved part of the street will meet the standard. It comes down to if there are trails, sidewalks and boulevard trees, how it would work.

Dorschner asked if the 2040 Comprehensive Plan moves the upper density to 8 units per acres, could they come back and ask for that, or at what point would they be locked in to the 6.9 units that are proposed. Haskamp stated that once preliminary plat application is made, they would be locked in to what they applied for.

Dodson asked when the City would shift to the 2040 plan. Haskamp stated that the 2040 plan should be adopted by the end of the year.

Paul Hoyer, Pulte Homes, provided a presentation regarding the development. The design approach avoids displaying garages to the perimeter and includes varied building orientation to add interest. There is open space at future roadway and key locations. There are gathering places for social interaction. The types of private amenities are yet to be determined. There is more market research needed. This development will have an HOA which will maintain the exteriors, do snow removal and lawn and irrigation maintenance. These homes will serve a variety of demographics and offers a variety of different amenity choices.

Pearce is wondering about the connection to Hudson Blvd. as he is concerned about the increased traffic on 5th Street. Pearce is pleased with the multiple entrances. Haskamp

stated that part of the application process and engineer comments is to get a better understanding on how many trips per day this development would generate and the phasing of the project to determine what improvements would be needed.

Dorschner asked if this product was similar to the Lennar townhomes. Hoyer stated that the product that they build is a three story product and the Lennar townhomes are a two story product. The Pulte product attracts the more traditional townhome buyer, more singles and couples. The three story townhomes do not attract the empty nesters with all of the steps. Dorschner stated that one of the issues in the Savona neighborhood is parking. The streets are narrow and the driveways are short. If a homeowner has guests there is a parking issue and in the winter there is a problem with snow. Hoyer stated that they are proposing public streets which are wider and there would be parking on one side of the street.

Dodson stated that looking at the plan and the clustering of buildings, he thinks there will still be a problem with parking. Hoyer stated that there are parking areas within each driveway and they are also planning a parking lot in a central location with the amenity center. Dodson likes the trail going by the swimming pool and would like to see more of that throughout the neighborhood. Hoyer stated that at the sketch plan level they have not put that much detail into it yet, but he does like trails.

Weeks stated that there is a city easement from 5th Street going north and leading right into Savona Park. Weeks stated that if people are going to cross 5th Street to get to Savona Park, there should be enough light and possibly a cross walk. Pearce stated that he doesn't see a need for a park, but possibly a tot lot for the young kids if the demographic supports it.

Weeks pointed out that there is also a trail along Keats Ave that leads right into the Lake Ridge Crossing Park. There is quite a bit of park space in this area. The Savona Park and Lake Ridge Crossing Park are each 2 acres, there is the Stonegate Park and Inwood has about 12 acres of open space, plus all of the trails which are considered part of the park system.

Dorschner thinks the lay out of the plan is too parallel to 5th street and would like to see something that would give more character to it.

Pearce lives in Savona and the feedback he is getting from the neighbors is positive. Dodson agrees with Dorschner about the parallel look to the plan, but feels it will be necessary to keep the density, which might keep the cost lower.

Dorschner is wondering about the cul-de-sacs at both ends of the property and why that is not looped. Hoyer stated that it is to accommodate the storm water ponds. Hoyer also stated that people like to live on cul-de-sacs and it gives a variety of lots.

City Council Updates – October 16, 2018

1. Four Corners Developer Agreement - passed

Staff Updates

1. Upcoming Meetings
 - a. November 14, 2018 (Wed)
 - b. November 26, 2018

Meeting adjourned at 9:18 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant