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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday January 25, 2021**  
**at 7:00 p.m.**

## AGENDA

### *Please note:*

**Due to the Corona Virus pandemic and the State of Emergency, the City will be the conducting Planning Commission meeting and public hearings telephonically or by other electronic means. The City Council Chambers will not be open to the public. The City will be broadcasting the meeting via our normal link on the City website - [www.lakeelmo.org](http://www.lakeelmo.org).**

**To access the meeting via GoToWebinar:**

Use [www.gotomeeting.com](http://www.gotomeeting.com) and select "join". Enter webinar ID 561-308-235

**To access the meeting via telephone:**

Call 1-562-247-8422, when prompted enter access code 774-540-418

1. Pledge of Allegiance
2. Election of Officers – Chairperson and Vice Chairperson
3. Approve Agenda
4. Approve Minutes
  - a. December 14, 2020
5. Public Hearings
  - a. **ZONING CODE TEXT AMENDMENT:** The Planning Commission will be reviewing a proposed change to the allowed residential density range in V-LDR (Village Low Density Residential) zoning district. The proposed change would change the allowed residential density range from 1.5 – 2.49 units an acre to 1.5 to 3.00 units an acre.
  - b. **ZONING CODE TEXT AMENDMENTS:** Zoning Code Clean Up: The Planning Commission will be reviewing several proposed minor zoning code amendments to clean-up, correct and clarify several sections of the Zoning Code. The proposed changes include corrections to several parts of the text of the zoning code that will not drastically change the intent or purpose of the zoning code. The Sections of the Zoning Code proposed for changes are 154.080 E (Lake and Stream Frontage), Section 154.080 I (Minimum Area requirements for Lots without Public Sanitary Sewer), Section 154.081 A (permitted encroachments in any yards), Section 154.081 (permitted encroachments in side and rear yards) and Section 154.551, reference standards listed in Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts.

6. New/Unfinished Business

None

7. Communications/Updates

a. City Council Update

01-19-2021 Meeting – School District Bus Terminal CUP, Schiltgen’s Farm Revised Concept PUD

b. Staff Updates

c. Upcoming PC Meetings:

1. February 8, 2021
2. February 22, 2021

7. Adjourn

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of December 14, 2020**

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

**COMMISSIONERS PRESENT Virtually:** Cadenhead, Weeks, Risner, Holtz, Steil, Mueller, and Graen

**COMMISSIONERS ABSENT:** none

**STAFF PRESENT Virtually:** Planning Director Roberts, Jake Dickson

**Approve Agenda:**

Correction on:

5. A. New/Unfinished Business

a. 2021 Planning ~~Department~~ Commission Work Plan

M/S/P: Holtz/Graen move to approve the agenda. **Vote: 7-0, motion carried unanimously.**

**Approve Minutes:**

M/S/P: Steil/Mueller moved to approve the Planning Commission minutes of November 9<sup>th</sup>, 2020, **Vote: 7-0, motion carried unanimously.**

**Public Hearings:**

- A. CONDITIONAL USE PERMIT (CUP):** Stillwater School District (#834) School bus terminal (11530 Hudson Boulevard North)

Director Roberts introduced the proposed Conditional Use Permit (CUP) Stillwater School District (#834) School bus terminal (11530 Hudson Boulevard North). Roberts explained they are requesting City-approval of a CUP for the property so they may operate a school district transportation center (School Bus terminal) on the subject property.

Director Roberts outlined the history of the property and the CUP the City had approved for the site in 2018. A condition of the City approval of the original CUP was the property was to be connected to City sewer and water before the School District was to use it for their bus terminal. He also noted that the City had considered and rejected a request from the School District in 2020 to amend their original CUP to allow them to use property before connecting the building to City sewer and water.

Director Roberts explained that the current CUP request was essentially identical to the CUP the City approved for the property in 2018. The applicant is not proposing any changes to the building or to the site with this request and that the applicant has agreed to not use or move on to the property

until they receive notice from the City that they may do so. Roberts also provided an update on the status of the sewer and water project that will provide public utilities to the property.

Chairperson Cadenhead opened the Public hearing opened at 7:51 PM.

No questions were asked by the public.

Attorney Peter Michael (representing the School District) expressed gratitude to the City and the commissioners on behalf of the Stillwater ISD #834 that this project has been kick started and is being done. He reiterated that the building would not be occupied until city approval.

Public hearing closed at 7:56 PM.

M/S/P: Graen/Steil move to close the public hearing. **Vote: 7-0, motion carried unanimously.**

M/S/P: Mueller/Graen moved to recommend approval of the request from Stillwater Area Public Schools for a Conditional Use Permit to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners Addition (11530 Hudson Boulevard North) subject to the conditions of approval as outlined in the staff report. **Vote: 7-0, motion carried unanimously.**

**B. CONCEPT PUD REVIEW – Schiltgen Farm Property - Revised PUD Concept Plan (10880 Stillwater Boulevard North)**

Director Roberts introduced the request by the Excelsior Group for a review of a revised PUD concept plan for the Schiltgen Farm property located at 10880 Stillwater Boulevard North. Roberts explained that the latest proposed PUD concept plan has a total of 294 housing units – 199 single family home sites in the area north of Stillwater Boulevard and 95 small-lot single family (or detached townhouse units) for the area south of Stillwater Boulevard. As noted on the project plans, this plan has a total of 294 housing units on 108.85 acres (net) with an overall density of about 2.7 dwelling units per acre (D.U.A).

Director Roberts reviewed with the Planning Commission the recent City actions with the proposed concept plan for this property. He noted that on July 21, 2020, the City Council considered the first PUD concept plan for this site. Roberts explained that the City Council had concerns about having attached townhouses in the area south of Stillwater Boulevard along with the necessary Comprehensive Plan amendment to accommodate the proposed attached townhouses. In summary, some of the Councilmembers did not believe that type of housing would be a good fit for the area of Lake Elmo. Director Roberts noted that the City Council, after some discussion and review of their options, voted 4-0 (with Councilmember Nelson absent) to table action on the proposed concept plan.

Director Roberts then reviewed the PUD Concept Plan review process and gave an overview of the latest PUD proposal for the property. He explained that City staff completed an internal review of the latest PUD concept plan, and general comments from City staff and recommended conditions of approval are included in the staff report. The City staff review comments in the report are all based on conducting a high-level review of the PUD concept plan since there is not a lot of detailed information that is required at this stage in the development review process. Roberts noted that City staff focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan, the Zoning Code, the Shoreland Regulations, or the City Code.

Staff provided comments in the staff report to identify elements of the latest PUD plan that need to be further addressed by the applicant before proceeding with an application for preliminary PUD/plat approval. Director Roberts also explained there are several conditions of approval in the staff report to address the most significant outstanding issues if the Planning Commission wishes to recommend approval of the PUD concept plan to the City Council.

Director Roberts outlined information about the Concept Plan including the Comprehensive Plan, the Zoning Code, site data and the proposed project density. He also explained the PUD and Shoreland ordinance requirements since much of the proposed development site is in the Shoreland management Area of Sun Fish Lake.

Roberts then provided information about the proposed small-lot single family dwellings shown in the area south of Stillwater Boulevard would be a new housing product in Lake Elmo. He explained they would be very similar to townhouses although there would be no common walls connecting the units. The applicant refers to these homes as detached townhomes as an association will maintain the grounds like in a townhome development.

Director Roberts noted that the proposed plan for the area south of Stillwater Boulevard shows an urban-style development with single family detached homes facing onto the public roads. Access to the units is provided by a private road system that accesses the garages on the rear of each building. No accesses are provided off of Klondike Avenue or Stillwater Boulevard (which is a County Road.) He also noted that the proposed private roads would be 24 feet in width and would essentially function like an alley system to provide vehicle access to the rear of these homes. Director Roberts explained that each of the proposed detached townhouses would have a two-car garage with a driveway to meet the City's off-street parking requirement of having at least 2 parking spaces per unit. The Code also requires the developer to provide an additional 10 percent of the required parking spaces for visitor parking. In this case the Code requires an additional 19 off-street parking spaces for guest or visitor parking. The applicant's plans show 52 off-street parking spaces scattered within the detached townhouse development.

Roberts noted that the proposed detached town house buildings would be 20 feet wide centered on a 28-foot-wide lot meaning there would be a 4-foot building setback from each side property line and 8 feet between the buildings. Each lot is proposed to be 103 feet deep creating a lot size of 2,800 square feet for each lot. The total foot print of each building would be up to 1,360 square feet (20 feet wide by 68 feet in length).

Director Roberts then highlighted the park and trail issues with the proposal and that the Parks Commission would be reviewing those elements during their meeting December 21, 2020. Roberts also summarized the review comments from Washington County and from the City Engineer.

Director Roberts reviewed with the Planning Commission the purpose for the PUD concept plan review. They are asked to examine the proposed PUD concept plan and provide guidance to the applicant on if and how to proceed and that a conditional approval at this point simply allows the applicant to proceed to the preliminary PUD plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the PUD concept plan by the City Council will require the applicant to reassess the development approach and return with a revised/new PUD concept plan for City review and approval before proceeding to a preliminary PUD plan.

The Planning Commission has the following options:

- A) Recommend APPROVAL of the requested PUD concept plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the City Council.

B) Recommend DENIAL of the requested PUD concept plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.

C) TABLE the request for additional information and/or further study.

Director Roberts answered questions from the Planning Commission.

Commission Chair Cadenhead opened the Public Hearing at 9:00 PM.

Mr. Ben Schmidt, representing the Excelsior Group, spoke regarding the changes in the previous PUD concept, and the current PUD concept. Mr. Schmidt answered questions from the Planning Commission and is requesting City approval of a revised PUD concept plan for the Schitgen Farm property.

There were no questions asked by the public.

Public hearing closed at 9:23 PM

M/S/P: Mueller/Cadenhead moved to close the public hearing. **Vote: 7-0, motion carried unanimously.**

M/S/P: Weeks/Cadenhead move to recommend approval of the PUD Concept Plan dated November 9, 202 as requested by Excelsior Group for the residential development proposed for the Schiltgen Farm property located at 10880 Stillwater Boulevard, subject to recommended conditions of approval.

Commissioner Weeks stated her concerns regarding the design of the realignment of roads and round-a-bouts. She also questioned the density of the ROW homes being too intense for the area. Weeks would rather see larger lots, less amount of homes in the area.

Commissioner Mueller has concerns on the amount of the townhomes in the southern part of the development.

Commissioner Risner also has concerns regarding the size of the townhomes.

Commissioner Holtz approves of the plan for more types of housing, but has concerns about the proposed density and about the possible price of a townhome being the same as a single family home.

**Vote: 3 Ayes (Holtz, Mueller, Cadenhead) – 4 Nays Motion does not pass.**

### **C. ZONING CODE TEXT AMENDMENTS: Zoning Code Clean Up**

Director Roberts reviewed the proposed Zoning Code Text Amendments: Zoning Code Clean Up. He explained that staff had discovered several minor errors in the Zoning Code that the City should correct. The proposed changes will not affect policy or change any performance standards but rather will ensure the Zoning code is accurate in numbering and references.

Commission Chair Cadenhead opened the Public hearing at 10:03 PM

There were no questions or comments from the public.

Lake Elmo Planning Commission Minutes; 12-14-2020

M/S/P: Holtz/Steil move to close the public hearing. **Vote: 7-0, motion carried unanimously.**

Public hearing closed at 10:05 PM

M/S/P: Cadenhead/Mueller move to recommend approval of each of the five drafted resolutions as presented. **Vote: 7-0, motion carried unanimously.**

**New Business:**

Director Roberts gave the staff report on Planning Commission Work Plan.

Staff is recommending that the Planning Commission review and provide feedback about the proposed Planning Commission Work Plan for 2021.

M/S/P: Graen/Mueller move to tell Director Roberts that the plan looks great. **Vote: 7-0, motion carried unanimously.**

**Communications/Updates**

a. City Council Update:

11-17-2020 Meeting – Comprehensive Plan Amendments – City owned property on the south side of County Road 14 and East of Ideal Avenue (to BP and MUSA Boundary change)

b . Staff Updates: Director Roberts gave updates about activities in the City.

Upcoming PC Meetings:

1. January 11, 2021
2. January 25, 2021

Meeting adjourned at 10:21 pm.

Respectfully submitted,

Diane Wendt  
Permit Technician



**STAFF REPORT**

DATE: January 25, 2021

**PUBLIC HEARING**

ITEM #:

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Village Low Density Residential (V-LDR) Zoning Code Text Amendment**  
**REVIEWED BY:** Ben Prchal, City Planner  
Sarah Sonsalla, City Attorney

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**BACKGROUND:**

City staff has been directed to prepare an amendment to the text of the City's Village Low Density Residential (V-LDR) Zoning District. This text amendment would change the allowed residential density range from 1.5-2.49 units per acre to 1.5 – 3.0 units per acre to be consistent with the residential density range allowed by V-LDR land use designation in the City's Comprehensive Plan.

**ISSUE BEFORE THE PLANNING COMMISSION:**

The Commission is being asked to hold a public hearing and make a recommendation to City Council on proposed text amendment to the City's Village Low Density Residential (V-LDR) zoning district.

**REVIEW AND ANALYSIS:**

Zoning and subdivision regulations allow cities to ensure that a new development or redevelopment meets the standards of the city for a safe, functional and enjoyable community.

The current description for the V-LDR zoning district reads "to provide opportunity for lower density development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within the areas zoned V-LDR will occur at a density of 1.5-2.49 units per acre."

The 2040 Comprehensive Plan describes the V-LDR (Village Low Density Residential) land use designation as "areas within the Village Planning Area and identifies land intended for single-family detached housing development serviced by municipal sewer and water. Density ranges between 1.5 and 3 dwelling units per acre. This land use already exists, or is developing, in much of the outside edges of the Village Planning Area, transitioning from the village center district to the rural pattern not designated within the MUSA areas."

Thus the allowed density range in the V-LDR zoning district is inconsistent with the allowed density range for properties planned V-LDR in the City's 2040 Comprehensive Plan. For sake of consistency and clarity, the City should have the stated residential density range in the V-LDR zoning district and the V-LDR land use designation consistent with each other. The density standard the City is striving to meet with future development in the areas with City sewer and water is a minimum residential density of 3 units per acre. As such, staff is recommending City change the permitted density range in the V-LDR zoning district from 1.5 – 2.49 units per acre to 1.5 to 3.0 units per acre.



***Proposed Code Change: V-LDR Zoning District***

“To provide opportunity for lower density development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within the areas zoned V-LDR will occur at a density of 1.5-3.00 ~~2.49~~ units per acre.”

**FISCAL IMPACT:**

Staff does not foresee a negative fiscal impact with the proposed change to the allowed density range in the V-LDR zoning district.

**OPTIONS:**

Recommend approval of the proposed change to the text of the V-LDR zoning district that would change the permitted residential density range from 1.5 – 2.49 units per acre to 1.5 -3.0 units per acre.

Recommend denial of the proposed change to the text of the V-LDR zoning district that would change the permitted residential density range from 1.5 – 2.49 units per acre to 1.5 -3.0 units per acre.

**RECOMMENDATION:**

Staff is recommending approval of the proposed change to the text of the V-LDR zoning district that revises the allowed residential density range from 1.5 – 2.49 units per acre to 1.5 -3.0 units per acre.

***“Motion to recommend approval of the proposed change to the text of the V-LDR zoning district that revises the allowed residential density range from 1.5 – 2.49 units per acre to 1.5 - 3.0 units per acre.”***





STAFF REPORT

DATE: January 25<sup>th</sup>, 2021

PUBLIC HEARING

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Zoning Code Clean Up – Potential Ordinance Amendments  
**REVIEWED BY:** Ken Roberts, Planning Director

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**BACKGROUND:**

The City Zoning Code has been amended over the years which has resulted in the need to adjust text and references for clarification purposes. The Planning Department had asked the Planning Commission to review the proposed edits in late 2020 and is again being asked to review an additional set of proposed amendments. Staff will continue to bring forward proposed amendments as they are identified by City Staff or others.

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**ISSUE BEFORE THE COMMISSION**

The Commission is being asked to conduct a public hearing and make a recommendation to the City Council about the proposed ordinance amendments.

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**REVIEW AND ANALYSIS:**

Sections for review:

- 154.080
- 154.081
- 154.551

**Section 154.080 E.**

This section outlines the expectation of what the setback expectations will be for lots that are within the shoreland district. The specific correction that will be made is for lots that abut an unclassified body of water. An example of this could be a pond that isn't necessarily identified in the shoreland management ordinance. For clarity water bodies within the City Code are placed into categories, Recreational Development Lake (RD), Natural Environment (NE), and Tributary (T). The shoreland code identifies setbacks and standards for RD, NE, and T but not for General Development Lakes. To correct this, the City should remove the reference for General Development Lake and adopt a setback standard for unclassified bodies of water.

*Existing Code.*

154.080 E.

Lake and Stream Frontage Lots. All lots having frontage on a lake or stream shall be subject to the provisions of the shoreland management ordinance as well as the regulations provided by this chapter. All lots on unclassified bodies of water in the shoreland management ordinance shall meet the minimum setback requirements for a General Development Lake, except as provided in the Shoreland management section.

*Recommended amendment.*

Lake and Stream Frontage Lots. All lots having frontage on a lake or stream shall be subject to the provisions of the shoreland management ordinance as well as the regulations provided by this chapter. ~~All Structures or improvements requiring a permit on lots or adjacent to on unclassified~~ bodies of water that are not classified or identified in the City shoreland management ordinance shall ~~meet the~~ have a minimum setback of 25 feet from the Ordinary High Water Level (OHWL) ~~requirements for a General Development Lake~~, except as provided in the Shoreland management section.

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**Section 154.080 I.**

This section of the code discusses the septic area expectations for un-sewered lots. The City fully relies on Washington County to review and approve septic system plans for the City. The amendments do not necessarily change the end outcome the changes are recommended for clarification that the County reviews and approves the plans.

*Recommended Amendment.*

I. *Minimum Area Requirements for Lots Without Public Sanitary Sewer.* In areas without public sanitary sewer, but where public sanitary sewer is proposed in the City’s Capital Improvement Program, single- and 2-family homes shall demonstrate suitable soil conditions for adequate on-site sewage treatment area.

1. In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single- and 2-family homes shall demonstrate suitable soil conditions for a minimum-on-site sewage treatment area **as established by the Washington County Subsurface Sewage Treatment Systems. ~~of 1-acre per dwelling unit.~~**
  2. A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on-site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least 2 complete septic/drainfield treatment systems, **as established by Washington County.**
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**Section 154.081 A.**

Staff believes this amendment is relatively minor but does further help identify the permitted side yard encroachments.

*Recommended Amendment.*

- A. In any yards
1. “Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, **egress window/well**, sidewalks, fences...”
- B. Side and Rear Yards. Fences; walls and hedges 6 feet in height or less; bays not to exceed a depth of 3 feet or containing an area of more than 30 square feet; **egress/window wells not to exceed the minimum area needed to meet building/fire code** or fire escapes not to exceed a width of 3 feet.
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**Section 154.501 Table 11-1. And 154.551 Table 12-1**

Zoning districts have tables that outline the allowed uses and additional references that are specific for the particular use. In certain districts Religious institutions have a reference that no longer exists, at this time they reference section 154.303 (N). Staff is proposing to remove this reference and replace it with 154.012 (B) (2). Within the zoning code this is the only other location that outlines the expectations of the use that would apply to all districts.

*Recommended Amendment.*

154.501 Table 11-1: Permitted and Conditional Uses, Village Districts

	V-LDR	VMX	Standard
<b>Public and Civic Uses</b>			
Community Services	-	P	154.012 (B)
Day Care Center	-	P	154.012 (B)
Public Assembly	-	C	154.012 (B)
Religious Institutions	-	C	<del>154.303 (N)</del> 154.012 (B)(2)

Schools, Public and Private	-	C	154.303 (A)
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154.551 Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

<i>Public and Civic Uses</i>	<b>LC</b>	<b>CC</b>	<b>C</b>	<b>BP</b>	<b>Standard</b>
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
Local Transit	-	-	-	C	154.454 (O)
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), <del>154.303 (A)</del>

**FISCAL IMPACT:**

None.

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**RECOMMENDATION**

Options:

- Recommend approval of the amendments as presented
- Recommend approval of the amendments with recommended changes
- Recommend denial of the drafted amendments

Staff recommendation:

There are multiple amendments under review and if the Commission would like to make changes they will need to address them individually.

Staff is recommending approval of the drafted resolutions.

***“Motion to recommend approval of the drafted zoning amendments as presented”***

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**ATTACHMENTS**

- None