



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 14, 2019**

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

**COMMISSIONERS PRESENT:** Johnson, Weeks, Hartley, Holtz, Cadenhead, Steil, Risner

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Contract Planner Haskamp, City Administrator Handt, City Planner Prchal and Planning Director Roberts

Council Member Bloyer administered the Oath of office to the new Planning Commission members.

M/S/P: Hartley/Weeks, move to amend the agenda to have brief introduction of members, ***Vote: 7-0, motion carried unanimously.***

Planning Commission members introduced themselves.

**Election of Officers:**

Kathy Weeks nominated Stuart Johnson for Chairperson, seconded by Steil.

M/S/P: Weeks/Steil, move to elect Stuart Johnson as Chairperson of the Planning Commission for 2019, ***Vote: 7-0, motion carried unanimously.***

Stuart Johnson nominated Kathy Weeks for Vice Chair seconded by Risner

M/S/P: Johnson/Risner, move to elect Kathy Weeks as Vice Chairperson of the Planning Commission for 2019, ***Vote: 7-0, motion carried unanimously.***

**Approve Agenda:**

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

**Approve Minutes:** December 10, 2018

M/S/P: Hartley/Weeks, move to approve the December 10, 2018 Minutes as presented, ***Vote: 7-0, motion carried unanimously.***

### **Public Hearing – 2040 Comprehensive Plan Update**

Roberts introduced this item and went through the background of the 2040 Comprehensive Plan update. The City has been working for the past 2 years to update the Comprehensive Plan. Since the jurisdictional review period has ended, no changes can be made that might affect other jurisdictions. Washington County had some good comments that will be included into the plan.

Haskamp started her presentation and went through some of the background of the preparation of the 2040 Comprehensive Plan. In the seven county metro area, Cities are required statutorily to update the Comprehensive Plan every 10 years. The Metropolitan Land Act is what governs this requirement. The Metropolitan Council comes out with a system statement, in years that end in a “5”. For this planning period, it came out in 2015, which gives time to incorporate into the plan. Once the Comprehensive Plan is adopted, ordinances are looked at for compliance.

In chapter 1, the Community context is set out. The rural areas, or everything outside of the MUSA, are encouraged to have a density of 1 unit per 10 acres. The other areas in the MUSA are required to have a minimum of 3 dwelling units per acre. Chapter 2 is the vision, goals and strategies chapter. The Land Use Chapter previously had a category that was called Urban Reserve. That was taken out. The City of Afton was concerned with some of the uses along Manning and I94. Nothing was changed based on those comments. This is actually less intense than 2030.

Chapters 3, 9 and 10 deal with staging and infrastructure. These deal with staging and infrastructure availability capacity. There are improvements that need to happen for certain areas to develop. There were not a lot of changes in Chapter 5 the housing chapter, Chapter 6 Parks, Trails and Open Space or Chapter 7, Transportation.

Hartley asked about a map that was shown that did not show the Royal Golf property in the MUSA. Haskamp stated that the Met Council Shape files have not been updated yet.

Holtz asked why there is nothing regarding the 3M water contamination and that we are participating with the 3M settlement. Holtz feels that it could affect long term planning. Handt stated that it could be included. Haskamp feels that the conversation could be had with the City Engineer as he was very deliberate on the language to be used. Handt read a section in Chapter 11, implementation that it is included in.

Public Hearing opened at 7:53 pm

Neil Krueger, 4452 Lake Elmo Ave, has been part of the process for a long time and has submitted comments in the past. Krueger feels that the City could do a better job of responding to comments that are submitted. Krueger is wondering what the process is for the MUSA boundary to be changed. Krueger feels strongly about providing affordable housing. There was no discussion about the Manning/Hwy 36 area which has land in Lake Elmo. Krueger feels that design standards are very important and the term should be recognized in the Comprehensive Plan. Krueger is wondering if there will be enough fresh water to provide for the population that is proposed for the next 20 years and are there any assurances that we can provide water to residents.

Susan Saffle, 110180 50<sup>th</sup> Street, greatest concern is fresh water for the City and if there will be enough for people as the population grows.

Public Hearing closed at 7:58 pm

Haskamp stated that the process to amend the MUSA boundary requires a Comp Plan Amendment. It must be approved by the Met Council and part of that is proving that there is enough capacity to include the amended boundary. Haskamp stated it is anywhere from a 3-6 month process. It is something the city has broad discretion on. Haskamp stated that in the housing chapter, there is a table showing what Lake Elmo's affordable housing need is. This number is 508 units. There needs to be acreage allocated with the appropriate densities to potentially meet this number. Haskamp stated that highway 36 and Manning is addressed in chapter 7. Design Standards are outside the scope of the Comprehensive Plan, but could be addressed in the zoning code. Handt stated that there is enough fresh water capacity, it is getting the distribution figured out. Lake Elmo is within the White Bear Lake 5 mile radius, so there has been a lot of modeling regarding the water.

Hartley is wondering if there is a process to shrink the MUSA boundary. Haskamp stated that the City is not allowed to shrink the boundary. Weeks feels a lot of work and citizen input has been put into the Comprehensive Plan and she sees it as a good guide for the City for the next 10 years.

Hartley asked if the current density in the MUSA is based on the zoning in those areas, not the current houses that are built. Haskamp stated that what is currently platted is below the 3 units per acre and is currently at about 2.25 per acre. Hartley stated that that rural areas are required to be 1 unit per 10 acres. Hartley is wondering what the current density in those areas is. Haskamp stated that it is written as encouraged and it should be guided as such. Haskamp feels that there is some room if the city follows the Open Space ordinance.

M/S/P: Holtz/Hartley, move to recommend approval of the draft 2040 Comprehensive Plan Update with the changes recommended by Washington County, **Vote: 7-0, motion carried unanimously.**

### **Business Item – Zoning Text Amendment – Mixed Use**

Roberts started his presentation regarding the Zoning Text Amendment to create a Mixed Business Park and a Mixed Use Commercial Zoning District. The mixed use zones allows for market forces to decide what will go in the areas. There could be both residential and commercial uses on a given parcel. Roberts stated that it also gives the city enough acreage to hopefully meet the housing units required by the Met Council. Roberts would like to focus on what types of industrial and commercial uses the City would like to allow by residential areas. Roberts stated that at least 50% of the area needs to develop in residential to meet the numbers required by Met Council.

Steil asked for clarification about the 50% requirement. Roberts stated that the residential component can exceed 50%, but not the commercial component. Johnson asked if it would make sense to include a not to exceed clause. Roberts stated that it depends on the market and at this point, it is probably not a good idea. In the future, if the majority of what comes in is residential, down the line the City might be open to amend the Comprehensive Plan to allow more commercial.

Hartley stated that the single family detached is allowed and there is standards, but logic says in medium and high density, the numbers don't work. Roberts stated that a project might come in that has high density buildings and on the perimeter there might be single family or twin homes. There could be a mix of housing products and a range of densities.

Roberts talked about ghost plats and build out plans. Roberts stated that if a property owner wants to only develop a portion of a property, they have to show what will be put on the whole property. The ghost plat becomes attached to the land and all future development for the site is tied to that ghost plat. Weeks asked if staff is comfortable having ghost platting in this ordinance. Roberts stated that it is not ideal, but there is a way for staff to track it. Weeks stated if there is a way to simplify it, or not even include it, she is in favor of that. Weeks understands the concept, but worries that it will be too cumbersome or with staff turnover, it could become a problem.

Hartley asked if it will pass legal obstacles. Roberts stated that it would. Holtz stated that many other Cities in the Metro use the concept of Ghost platting, but he is concerned about record retention and if the ghost plat is recorded against the property. Weeks stated that there could be something in the developer's agreement regarding the ghost plat and the developer's agreement is recorded at the County. Hartley stated that since it is recorded at the County, that would be a mechanism that is searchable when there is a transfer of land. Roberts stated that one of the conditions of the developer agreement would be in regards to the ghost plat and would have the legal description and the conditions of the ghost plat.

Roberts wanted to make sure that the Planning Commission still feels that manufacturing should not be an allowed use in this district. Roberts is wondering also if in the table, the Planning Commission would want non-production industrial. This could include contractor's yards for example which could have negative impacts to neighbors.

Weeks is worried about taking out contractor yards because Lamperts Lumber yard is in this area. Weeks is not interested in making Lamperts non-conforming and is concerned about making the property useless if they were to sell to another Lumber yard.

Hartley stated that light manufacturing could be very valuable to Lake Elmo. Some of those are contained and would be of high value to Lake Elmo. Hartley doesn't want to see those excluded.

M/S/P: Hartley/Weeks, move to keep light industrial and light manufacturing, **Vote: 7-0, motion carried unanimously.**

Roberts asked if the Planning Commission would like to add an item regarding compatible uses. Roberts pointed to language that Woodbury has in their ordinance. Having this language gives more flexibility to the ordinance when there is a question if a proposal should be allowed. Weeks likes the idea because there would be flexibility for something that might not be thought of at this time. Hartley stated that it would give the City the opportunity to look at the potential light manufacturing and light industrial to see if it is compatible.

There was discussion by the Planning Commission about taking out the kennel component of Veterinary Services. Roberts pointed out that even if it is taken out at this time, a business coming in that would want a kennel, can apply for a zoning text amendment. Roberts stated from the City perspective, they are better off starting off more conservatively with the commercial uses to not discourage residential.

Cadenhead asked what the definition of a trade shop is. Prchal read the definition to the Planning Commission. Weeks pointed out that a trade shop is an allowed use in the VMX and also in the commercial Zone.

Roberts added language giving more flexibility to the screening component for exterior storage. The section regarding bicycle parking was removed as the Planning Commission did not feel it was necessary.

Prchal gave examples of where some businesses that are located by residential in other cities by showing zoning maps. Weeks pointed out that sometimes a street acts as the buffer between a neighborhood and a business.

Prchal pointed out that the Inwood development was platted as a PUD, but it would be similar to what is being talked about. There is residential and commercial on the same property, with 5<sup>th</sup> Street being a buffer between the two areas.

Weeks is wondering if a PUD can be applied in the Mixed Use Commercial and Mixed Use Business Park zones. Roberts believes that it is written that way. Prchal thinks with the flexibility of the code, it probably isn't necessary, unless they wanted more density.

Roberts stated that if the Planning Commission is comfortable with the ordinance and the changes incorporated, the next step would be to hold the public hearing and take testimony.

M/S/P: Hartley/Holtz, move to direct staff to incorporate the changes discussed and prepare for a public hearing, **Vote: 7-0, motion carried unanimously.**

#### **City Council Updates – January 2, 2018**

1. Resolution Ratifying approval of Royal Golf 3<sup>rd</sup> Addition Final Plat, PUD and Easement
2. Resolution Ratifying approval of Wyndham Village Final Plat

#### **City Council Updates – January 8, 2018**

1. Planning Commission Appointments
2. 2019 Planning Commission Work Plan

#### **Staff Updates**

1. Upcoming Meetings
  - a. January 28, 2019
  - b. February 11, 2019

Meeting adjourned at 9:25 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician