



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of November 13, 2019**

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

**COMMISSIONERS PRESENT:** Cadenhead, Hartley, Holtz, Steil and Weeks

**COMMISSIONERS ABSENT:** Risner

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

**Approve Agenda:**

M/S/P: Hartley/Cadenhead move to approve the agenda as presented, **Vote: 5-0, motion carried unanimously.**

**Approve Minutes:**

M/S/P: Hartley /Steil move to approve the October 16, 2019 minutes, **Vote: 5-0, motion carried unanimously.**

**Public Hearings**

**2020 – 2024 CAPITAL IMPROVEMENT PLAN**

Handt reported on the items in the 2020 – 2024 Capital Improvement Plan (CIP). She explained that it is a multi-year capital expenditure plan for the City's vehicles, equipment, and public buildings that cost \$25,000 or more and last five years or longer.

Holtz asked if the Manning and 30<sup>th</sup> Street intersection and about Easton Village rail road crossing. Cadenhead asked if the estimated street costs included the engineering and construction costs.

Weeks opened the Public Hearing. No one from the public spoke. Weeks closed the public hearing.

M/S/P: Hartley /Steil move to recommend to the City Council that the 2020-2024 Capital Improvement Plan is consistent with the 2040 Comprehensive Plan, **Vote: 5-0, motion carried unanimously.**

### Vang Residence Variance Requests - 2038 Inwood Avenue North

Prchal explained the proposed addition to the existing original farm house. The addition would require a front yard and a side yard setback variance. Prchal explained that an applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to the property can be granted. These include:

**Practical Difficulties Findings for Front Yard Setback Variance:** The request to expand the existing home on site does appear to be reasonable. The addition does not further increase the non-conformity, the reduced setback does appear reasonable. Considering the home was existing when the development was established, property owners are limited when it comes to improvements that could comply with the code.

**Practical Difficulties Findings for Side Yard Setback Variance:** The existing structure does meet the setback requirement however any addition larger than 14 ft. would trigger a variance. An addition to the South of the structure would interfere with the existing driveway, access to the garage, and possibly the septic system. The addition to the north does appear reasonable and they will maintain a 27 ft. and 9 in. setback from the north property line.

**Unique Circumstances Findings for Front Yard Setback Variance:** The circumstances are unique and have not been caused by the applicant. Although the lot is large enough in size to accommodate the size of home that is desired the applicant was not involved with the construction/placement of the existing house or with the platting process that triggered this home to become legal non-conforming. Given the circumstances, the addition with a setback less than 100 ft. from the front lot line does appear to be reasonable.

**Unique Circumstances Findings for Side Yard Setback Variance:** The circumstances are unique and have not been caused by the applicant. Although the home as existing, is capable of meeting the required setback from the northern side lot line there is limited room and options for expanding the structure. It is impractical to expand the structure to the south where the setbacks can be met because an expansion would then be in conflict with the driveway, garage, and the septic drain field. The standard appears to be met.

**Character of Locality Findings for Front and Side Yard Setback Variances:** Though affiliated with the Torre Pines Development the home has limited impact on the development due to its orientation. Allowing a variance to the front and side lot line appears to have limited bearing on the character of the locality.

**Adjacent Properties and Traffic Variance For Front Yard Setback Findings:** Since the home is on the opposite side of the lot of where the neighborhood road is located the impacts of the proposal would be severely limited.

**Adjacent Properties and Traffic Variance For Side Yard Setback Findings:** The only property that would be perceivably impacted is the vacant property to the north. There would be approximately 77 ft. setback from the proposed addition and a new home on the neighboring property to the north (8381 21<sup>st</sup> N.). There is also a stand of trees that further helps to minimize the visibility of the structure. Allowing the reduced setback appears to have a limited bearing on reducing property values when it comes to the setback.

Cadenhead asked about the placement of the driveway onto 21<sup>st</sup> St. N versus Inwood Ave N. He also asked if improvements to Inwood Avenue is on the Washington County CIP within the next five years. Prchal and Weeks answered that it is not in the County CIP. Cadenhead also mentioned that he appreciates that the house is not expanding to the east, in case improvements to Inwood Avenue in this area happen in the future.

Steve Urban – architect – the applicant considered changing the orientation and driveway approach from 21<sup>st</sup> St N, but it would have required the removal of several trees in order to establish a new driveway to the west.

Weeks opened the Public Hearing at 7:35 pm.

Megan Selby – 8311 21<sup>st</sup> St N – lives on the property adjacent to the subject property and is concerned with the impacts these variances may have on the vacant lot that is for sale. Will it prevent the vacant lot from building a home similar to the rest of the neighborhood? She also is concerned with the run off and environmental impacts the addition will have on the shared pond that is primarily on her property. She is also concerned the dwelling will not remain a single-family dwelling and will bring more people onto the property.

Norm Fleming – HOA president – echoed the concerns of Selby. He also mentioned they are happy to see the improvements that have been made to the property, but does have concerns about noise from the property.

Urban responded that the addition will not be getting closer to the pond and should not impact it. He stated that having an entrance onto 21<sup>st</sup> St N would have a much higher impact on the pond and surrounding properties. Approving the variances keeps the property facing onto Inwood and minimizes impacts onto the existing neighborhood to the west.

Jake McGee – from Torre Pines development architectural control committee – the applicant submitted the plans to the architectural committee on September 23. He mentioned they have been great to work with and met the standards the committee requested. He read the letter he sent the applicant. He stated that the hard surface driveway proposed alone will increase the appearance of the property and meet the requirements of the HOA.

Weeks closed the Public Hearing at 7:40 pm.

Cadenhead stated he thinks that any time the City can remove direct access onto a busy road or a highway, it should be recommended to make it safer for drivers.

Weeks stated that she thinks the driveway moving to 21<sup>st</sup> St N could wait until the County makes improvements to Inwood Ave. Weeks said she supports the County and engineering in only having one access point onto Inwood, not two. Roberts stated that with the county project there may be driveway cost sharing opportunities.

Holtz asked about the size and number of bathrooms of the existing structure. He also asked what the size and number of bedrooms and bathrooms would be after the addition. Holtz additionally asked the average size of new homes being constructed within the City and whether the size or number of bedrooms would indicate the desire to use the property in violation of City code.

Prchal did state that the City does review additions to try and mitigate the ability for people to convert properties into two-family structures.

M/S/P: Hartley /Holtz move to recommend approval of the request for reduced front and side yard setbacks for the property at 2038 Inwood Ave., subject to conditions of approval as recommended by Staff, **Vote: 5-0, motion carried unanimously.**

#### LAKE ELMO INWOOD APARTMENTS (5<sup>TH</sup> Street North and Island Trail)

Roberts reported that RPS Legacy LLC has requested City approval of a minor subdivision to divide Outlot B of the Inwood 6<sup>th</sup> Addition into two lots. The proposed minor subdivision would create a 4.4 acre lot for a two-phase multiple-family housing development and a 1.29 acre lot reserved for future use. The applicant has also requested City approval of the preliminary Planned Unit Development (PUD) Plan for a 3-story, 68 unit rental housing development to be known as Lake Elmo Inwood Apartments. This development is located on the south side of 5<sup>th</sup> Street North, just west of Island Trail.

In 2014 the City approved the concept plan and the preliminary plat for the Inwood PUD, including commercial buildings near Inwood Avenue, an apartment building on the corner of 5<sup>th</sup> Street and Island Trail and 4 and 8-unit residential buildings for the area east of Island Trail.

The proposed plan includes a 3-story, 68-unit apartment building with a clubhouse area located on the southwest corner of 5<sup>th</sup> Street North and Island Trail and underground parking for 70 vehicles and surface parking for 65 with a vehicle entrance on Island Trail. The site plan also shows a future apartment building to the west of the proposed

apartment building, that building is not part of this development review but shows the developer's plan for the site.

David Schwiebel 1059 St. Claire - for RPS Legacy – said they manage 350 residential properties. They plan to own and manage this property. RPS Legacy worked with Hans Hagen (M/I Homes) to develop plans and establish infrastructure for the Inwood PUD.

Pete Keely, architect explained the site, projected residents, and the amenities. He also described the architecture of the building and working with the developer of the single-family homes. There have been comments about pitched roof and height concerns.

Weeks opened the Public Hearing at 8:35 pm.

Mike Reeves – 8922 9<sup>th</sup> PI N – he stated he has been a resident of Lake Elmo for years and served as a Planning Commission and on the City Council and approved the concept plan for this development in 2014. He reviewed the meeting minutes and video – conditions limit multi-family areas to 15 units per acre and require consistency of commercial and multi-family structures with the single family areas. The proposal establishes the number of units at 29 units per acre, nearly double what the Council approved at concept plan in 2014. Had concerns that the staff report mentions the modern industrial architecture is unusual for Lake Elmo and concerns that the design should fit within Lake Elmo.

Scott Murphy – 8669 Lower 8<sup>th</sup> PI N – thanked the Commission for the work they do. He stated he also reviewed the original approvals and saw that the overall density was targeted at 11.5 units per acre. He is concerned that if the current proposal goes in at such an increased density that it sets precedence for any future developer.

Mike McGinn - 8756 Upper 7<sup>th</sup> PI N – talked about working with traffic engineers and planners in traffic studies as a Police Officer, doing onsite reviews of safety concerns. 5<sup>th</sup> and Island is the primary entrance into the development and mentioned the three story building at that location alone could impact visibility and safety.

Alan Stocker - 8680 Upper 7<sup>th</sup> PI N – mentioned the density, increased density, the façade of the building, setbacks, and green spaces. He wants the developer held to the density that is in the 2040 Comprehensive Plan and would like to see something closer to what was approved in concept plan with a lower density along 5<sup>th</sup> St N.

Milt Klohn – 8761 Upper 7<sup>th</sup> PI – celebrating 60 years in Lake Elmo. Wants to echo a lot of the same messages. He wants to strongly encourage the Commission to consider the precedent they are setting by allowing that amount of density on the parcel. Asked the applicant to provide the number and locations of properties that are located within 100 ft. of single-family homes.

Al D'Arpa – 8758 Lower 8<sup>th</sup> Pl N – corner of Island Trail and Lower 8<sup>th</sup> Place N. Wants the Planning Commission to consider the entrance of the parking off of Island Trail, due to in the increase in traffic it will experience from this this development and the gas station that was previously approved.

Mark LeClair – 856 Ivywood Cir N – in calculating density, do you subtract the pond from the calculations? Is concerned about the height of the structure when everything else around it is one and two story structures, he more in favor of a flat roof. He also asked about the berm.

Doug Roome – 8875 Irving Blvd N – complimented Lake Elmo Planning and said he would like to keep 5<sup>th</sup> St boulevard looking nice.

Mike Kaup – 840 Ivywood Cir N – he Googled RPS Legacy and found 3 apartment buildings and said their landscaping is not up to Lake Elmo standards and would need to be improved upon.

Mark Rubbert – 8740 9<sup>th</sup> Place N – traffic & pedestrian safety. Glad there will be a control light at 5<sup>th</sup> and Inwood and may need to consider one at 5<sup>th</sup> and Island Trail if traffic increases. Seniors are walking within the neighborhood and he would like to preserve the safety of the pedestrians. He also would like the development to include a place for residents of the apartment to take their dogs, like a dog run on site.

Dan Meyer – 963 Irving Ct N – lived on Legion Lane for 22 years. Once Royal Golf opened Arnie's restaurant, there was a lot more traffic on Legion Lane as through traffic, they were driving at higher speed than the people just driving in and out of the neighborhood. He foresees the same type of traffic increase on Island Trail.

Tom Nordland - 8801 Lower 8<sup>th</sup> Pl N – asked if the applicant had reached out to anyone in the neighborhood for input prior to submitting.

Dave Tetins - 958 Irving Ct N – spent time in Park City UT which was also settled by Swedes and Norwegians and we could benefit from that type of design. He said he is appalled by the design of the building. It does not match or even relate to the Inwood development and wants them to consider the design.

Mary Marchant - 8946 9<sup>th</sup> Place N - crime concerns with the increased number of units wants to know what the plan is for policing and property values with the number of apartment buildings.

Bob Seifert - 8824 Lower 8<sup>th</sup> St – mentioned that there are children and disabled people within the neighborhood and need to be considered for safety.

Bob Haskins - 8719 Irving Blvd – if the market changes and the apartments do not stay market rate, but go to Section 8 or otherwise subsidized housing, is there a process and would we be notified? He would like the Commission to consider that as well.

Weeks closed the Public Hearing at 9:07 pm.

David Schwiebel, for the Developer, stated that the berms were constructed along 5<sup>th</sup> Street on the single family side of the development. The developer said pets would be allowed with restrictions and stated that this is a master plan development with a park, trails, extra wide street with sidewalks on Island Trail and 5<sup>th</sup> St N and the development did anticipate the density and multi-uses. Developer said Rosota in Roseville does have single-family housing across the street and within a single-family neighborhood.

Holtz asked Roberts to explain the density within the 2040 Comprehensive Plan and this development. The applicant provided a map of the Outlots south of 5<sup>th</sup> St N. That whole area is about 29 acres, the density is allowed up to 15 units per acre, in total, that area could have up to 445 units. The entire PUD is considered, it is not per parcel. Roberts explained that if anything is approved tonight and at Council the number of units and the total remaining allowed units will be part of the resolution. There is no way the number of units will go above 445, unless the Comprehensive Plan changes its density limits and the developer asks for a change to match the new density.

Weeks said there are only 30 more units being proposed compared with the concept plan, a three story building was approved in the area, she believes Lake Elmo is eclectic and there is no predominate style, the land was rezoned for high density when the entire PUD was approved and is the first of its kind in Lake Elmo, there is not much the Planning Commission can do, since the City Council approved this density.

Holtz stated that there is nothing in the code to support a change to the roofline, the developer knows the market they are trying to reach, personal taste of the Commission cannot come into play as it can be considered to be arbitrary and capricious. He thanked residents for coming out to express their opinions, but also said the number of residents does not change the previous decision. He went on to say that Lake Elmo has to change the housing stock that is available to meet the projected growth to the area. This area of Lake Elmo is also a transition zone, as it has commercial, hotels, a golf course, and single-family homes all in a small radius and the site is located near the interstate and a busy county road.

M/S/P: Holtz/Hartley move to recommend approval of the Minor Subdivision request to split Outlot B of Inwood 6<sup>th</sup> Addition into two lots, subject to the conditions of approval as listed in the City staff report. **Vote: 5-0, motion carried unanimously.**

M/S/P: Holtz/Cadenhead move to recommend approval of the preliminary PUD Plan as requested by David Schwebel of RPS Legacy Desoto for Outlot B of the Inwood 6<sup>th</sup>

Addition for the project to be known as Lake Elmo Inwood Apartments (Inwood 7<sup>th</sup> Addition) to be located on the south side of 5<sup>th</sup> Street North, west of Island Trail, subject to recommended conditions of approval and to have a shared driveway access with the parcel to the south and to have the entire 26 acre area south of 5<sup>th</sup> St N to not have a residential density over the Comprehensive Plan allowed 445 units. **Vote: 5-0, motion carried unanimously.**

#### **New Business - None**

#### **Staff and Commission Updates**

At the November 5, 2019 meeting City Council approved the 2040 Comprehensive Plan Update, the preliminary plans for new Senior Housing on 39<sup>th</sup> St N, the Zoning text amendment for Accessory Building Heights in Rural Zoning Districts, the ability to post a RFP to build and Mountain Bike trail in Sunfish Lake Park with a budget of \$120,000.

Roberts said there was discussion at the City Council Workshop regarding the plan for the land received from 3M. The Council is going to post a RFP for a master plan for City Hall and the clean-up costs for the former 3M land to make it shovel ready. A grant will be applied for with Washington County to help pay for the master plan costs. The CIP outlines the remodel or new construction of City Hall beginning in 2021, with the planning happening in 2020.

Holtz provided a report on the Community Design Team for the Stillwater Area School District that he is part of. They are reviewing the status of the facilities within the district and the growth in the southern part of the district. The Consultants should have a final report in January. At the most recent meeting they discussed how to handle the growth and all but one group had significant changes for Lake Elmo residents, with the need for a new Elementary to replace Lake Elmo Elementary or a new Middle School and moving the Elementary School into the Middle School.

Meeting adjourned at 9:55 pm

Respectfully submitted,

Tanya Nuss  
Permit Technician