



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 25, 2019**

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

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

**COMMISSIONERS ABSENT:** Risner

**STAFF PRESENT:** Planning Director Roberts

**Approve Agenda:**

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

**Approve Minutes:** March 11, 2019

M/S/P: Hartley/Weeks, move to approve the March 11, 2019 minutes as amended, **Vote: 6-0, motion carried unanimously.**

**Public Hearing - Easement Vacation, Final Plat and Planned Unit Development (PUD) Plans – Legacy at North Star 2<sup>nd</sup> Addition**

Roberts started his presentation regarding the Easement Vacations, Final Plat and PUD Plans for Legacy 2<sup>nd</sup> Addition. This request will create lots for 74 single family homes on 22.8 acres. The final plat is generally consistent with the preliminary plat that was approved. One change is that the number of lots are being reduced from 76 to 74. This change is due to the builders requesting larger lots. There is a slight change to the location of outlot F which is a trail connection. This change is due to engineer comments. Roberts is waiting for verification from Washington County regarding the amount of right of way that is required. The current plan shows 75 feet of right of way.

Roberts touched on the issue of water supply. This is a City wide problem and the City may need to implement watering restrictions. This would include limiting or prohibiting the use of water outside to include watering grass. It might be wise to put a condition on this phase that home builders inform the buyers about the possible watering restrictions.

Roberts also mentioned that phase I has a temporary driving surfaces. The City made it a condition of this temporary street approval that the City will not issue certificate of occupancy for any new house on a temporary street. Certificate of Occupancy will only be issued when the contractor installs permanent street to the satisfaction of the City. Staff is recommending that no building permits be issued in 2<sup>nd</sup> addition until there is at least curb and gutter and the base course of bituminous.

Hartley asked if reducing the number of lots has impact on the sewer numbers. Roberts stated that he isn't concerned about that with all of the other development within the City.

Hartley also asked about the architectural control guidelines. They were going to be required to be put into the HOA documents, but the applicant has asked them to be in a different place. Is that "different place" a recorded document that would have the same binding standard? Hartley stated that when it is in the covenants, it is difficult to change. Hartley wonders if another document would be that difficult to change. Roberts stated that there was a different document recorded. Hartley stated that the intent was to have it as a deed condition. Johnson asked what the motivation was to have it in another document. Roberts stated that he does not know. Roberts stated that before the plat gets released, they will need to see that document and verify that it includes second addition.

M/S/P: Hartley/Holtz, move to amend condition #10 to state that in no event shall the final document alter the deed restriction first intended in regards to architectural control guidelines and be included in the HOA documents, **Vote: 6-0, motion carried unanimously.**

Holtz wants to know what the motivation was to move that from the HOA documents in the first place. Holtz feels it had to be done for some gain on their part.

Holtz asked about the water restriction and what the notice would be, what would be stated and how the process would work. Roberts stated that staff hasn't thought about it that far. Roberts stated that one thought he had was to put a notice in with each building permit that is issued. Roberts stated that word should go out before the building permit goes out. Roberts stated that maybe they don't get their building permit until July so that it is passed the peak of the water concerns. Holtz thinks there should be one pre-approved message from the City so that it is clear and objective and does not change from one person to the next.

Johnson stated that it might be a concern with the landscape plan as well. The Developer might need to alter the plan to accommodate for the watering ban. Risner asked if this water ban would include all future developments. Roberts said that it would include all future developments. Holtz asked if the City has ever had a large scale watering ban other than the odd/even that has been in the code. Roberts stated

that Administrator Handt said that the City came close to issuing the watering ban last year, but they didn't have to. Roberts stated that there are so many variables such as rain that it is hard to know what will happen.

Weeks stated that she doesn't know how this would work, but she thinks that Realtors Associations should be notified and also landscaping companies.

Johnson asked if that should happen, would the City change dates of various requirements. Roberts stated that the biggest reason to get sod in is because of erosion and is a requirement of the building permit.

Cadenhead asked how the City typically does streets and if they are done in phases. Roberts stated that once utilities are in, they install curb and gutter and bituminous. That needs to sit a whole season and the final wear course goes in the next year. That gives time for the road to settle and any problems with utilities can be fixed.

Public Hearing opened at 7:52 pm

No one spoke and there were no written comments

Public Hearing closed at 7:53 pm

M/S/P: Holtz/Cadenhead, move to amend condition #14 to include the sentence that the notification shall be determined by the City, **Vote: 6-0, motion carried unanimously.**

M/S/P: Hartley/Steil, move to recommend approval of the request for the vacation of the drainage and utility easements on Outlot E, Outlot F, and Outlot G, Legacy at North Star as shown on the easement vacation Exhibit dated October 31, 2018, **Vote: 6-0, motion carried unanimously.**

M/S/P: Holtz/Hartley, move to recommend approval of the Legacy at North Star Second Addition Final Plat and PUD Plans with recommended findings and conditions of approval as amended, **Vote: 6-0, motion carried unanimously.**

### **Zoning Text Amendment – Minimum Lot Size Requirements for Multi – Family Housing**

Roberts started his presentation regarding the Zoning Text Amendment for minimum lot sizes for Multi-family housing.

Public Hearing opened at 7:54 pm

No one spoke and there were no written comments

Public Hearing closed at 7:54 pm

M/S/P: Hartley/Weeks, move to recommend approval of the Zoning Text Amendment to remove minimum lot sizes for multi-family housing from the MDR, HDR, VMX, MU-C and MU-BP zoning districts and adding a reference to density standards from the Comprehensive Plan, **Vote: 6-0, motion carried unanimously.**

Holtz asked if this issue came up because of Bentley Village and if there would be any issues there. Roberts stated that the development has been approved so there shouldn't be. Roberts stated that in fairness to developer, they brought issue to staff attention and staff didn't feel it was right to tell them they couldn't move forward because there was an issue with the code.

#### **City Council Updates – March 19, 2019**

1. Animal Inn – CUP and ZMA
2. Bentley Village – Preliminary Plat and ZMA
3. Four Corners 2<sup>nd</sup> Addition – Preliminary Plat, PUD and ZMA

#### **Staff Updates**

1. Upcoming Meetings
  - a. April 8, 2019
  - b. April 22, 2019

Meeting adjourned at 8:03 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician