



PLANNING COMMISSION MEETING

June 21, 2018

Present: Mark Votava, Dave Sanocki, Betsy Vance, Brian Krafthefer, Sean Flaherty, Ed Gorman, Supervisor Steve Ebner

Additional attendees: Mr. and Mrs. Barnes, Mr. Del Miske, Mr. Ben Gozola, Planner, Ms. Missy Hause, Mr. Charlie Devine, Mr. Mike Carron

Call to Order:

Call to order at 6:58 PM

Meeting Minutes

Sean approved. Brian seconded. Motion carried.

Barnes Variances

The planning commission considered a variance request for Tom and Pam Barnes. Out-Lot K of the Royal Golf Development, adjoins the property owned by Mr. and Mrs. Barnes, and has been deeded to them. It cannot be combined with their current parcel because outlet K is in Lake Elmo. The request is to consider the width of Out-Lot K when considering the setback, and to allow less than the minimum 50-foot setback from the Out-Lot K property line. The requested building is 22 x 40. The practical difficulties raised include the drainage field to the north, the established perennial garden, and the number of mature trees in the lot. The location requested by Mr. and Mrs. Barnes is the most economical. It was also noted that the lots bordering Out-Lot K in Lake Elmo have construction with 20 feet of the lot line.

It was noted there is an existing foundation on the lot in another location, but there was concern over the level of effort to get that foundation to be suitable for construction. Mr. Gonzola referred to the definition in the West Lakeland Town Code of the rear lot line on a triangular lot (a line 10 feet of the triangular point parallel to the main road), which changed the variance to consider the smaller 25' side lot setback rather than the 50' rear lot setback.

Mr. Gorman moved to recommend approval of the variance to allow the building within the side setback, given the practical difficulties of the lot being split by municipal boundaries, subject to the condition that the construction meets the side setback requirement of 25 feet when measured from the Out-Lot K lot line, the construction meet the rear setback of 50 feet, the construction be entirely within the West Lakeland municipal boundary, that Out-Lot K be legally tied to the primary West Lakeland lot and so noted on the deeds, and the location be determined by survey prior to approval of the building permit. Seconded by Mr. Flaherty, the motion carried.

Autumn Run Variance

The nine lots on the lower part of the hill were approved, and moving forward. Mr. Jeff Huase is requesting a variance for the two lots at the top of the hill. The original plat included an extension of the existing road and a new cul de sac. Mr. Ryan Stempski, the township engineer, noted that the current

cul de sac location at the crest of the hill provided better drainage and prevention of erosion. The proposal is to retain and improve the current cul de sac, and have driveway access to the two new lots to the current cul de sac. The variance required for this proposal is to have less than 160 feet of frontage on a public road, allow the driveways to have less than a 10-foot setback from the property lines, and allow less than 160 feet for the lot measured at the setback line.

During discussion, concerns were raised over management of the snow removal, and the needed improvements to the cul de sac should the variance be approved. It was noted by the engineering review, that the issues with drainage and erosion are greater with the design that meets town code than with that proposed with the variance. It is beneficial to both the township and the developer to allow the variance. The location proposed by the variance is also preferable to the township than accessing Lot 1 from Oakgreen Avenue through the narrow portion of the lot accessing that road.

The practical difficulties noted that support granting the variance include the previously approved plat being less than optimal for managing the drainage and erosion and the difficulty of constructing the cul de sac within the lot line, the steep slopes on the lot that limit alternative lot layout, and the location of the current cul-de-sac at the crest of the hill being the optimal location for the cul-de-sac. Mr. Gorman moved to recommend approval of the variances noting these practical difficulties, subject to the township engineer approving the standards for the improvements of the cul de sac and the location of the driveways at the time the driveway permit is issued. Seconded by Mr. Votava, the motion carried.

Amend Ordinance related to Mining/Gravel Extraction

The board referred a draft amendment for review. Initially it was believed that this would be a technicality, but comments at the public hearing expanded the potential impact of the change. The draft change was proposed because of comments from the Met Council of the 2040 draft Comprehensive Plan. Mining was an allowed conditional use in the SFE district in the 2003 town code, but was not noted in the 2014 update.

Mr. Votava reported that discussion with Met Council, including Mr. Jim Larsen, who made the comments regarding mining/extraction, and it was noted that this was an observation more than a recommendation. It was not a directive to change the ordinance because of the preexisting nonconforming uses noted in the plan. Supervisor Ebner noted that mining/extraction were not listed as approved conditional uses in the Washington County zoning ordinance.

Mr. Charlie Devine, Afton, spoke in favor of managing the mining/extraction through an overlay district.

Mr. Mike Carron, representing a gravel company, recognized the fear of spot mining in the SFE district, and noted the permit under which the current nonconforming uses operated are issued by Washington County, with a requirement of concurrence by West Lakeland Township, not a permit issued by the township itself. Washington County retains control of mining/gravel extraction as a use within the County.

The planning commission discussed alternative language to the Comprehensive Plan. Mr. Gonzola noted that the language in the Comprehensive Plan is to set policy, and after approval, the ordinances will need to be amended to be in line with that policy. He also described the implications of managing through an overlay district, and managing through conditional use permits. With a conditional use permit, the onus is on the Township to demonstrate the use is not suitable. He also proposed an interim use permit, which can more closely limit the time, use and end state of the property.

Mr. Flaherty moved to recommend to the board to not proceed with the ordinance amendment at the time, and recommend the planning commission review the language of the draft 2040

Comprehensive Plan to better clarify the zoning policy about mining/extraction in West Lakeland. Seconded by Mr. Gorman, the motion carried.

Mr. Votava suggested the working group for the Comprehensive Plan meet on July 10 to discuss revisions to the plan.

Escrow Language

Supervisor Steve Ebner described the background on why the board wanted to revisit the language for escrows, noting that the township currently does not have authority to pay for damages to Township property because of the work for which the escrow was required. The example used is damages to township roads and right of way during pool construction. The desire is to be able to access these funds to repair township property damaged directly because of the activity.

Next meeting

The next meeting is scheduled for July 19, 2018.

Adjourn

Mr. Ed Gorman moved to adjourn. Seconded by Mr. Krafthefer, the motion carried. Mr. Votava adjourned the meeting at 9:01 PM

Respectfully Submitted,



Elizabeth A. Vance
Secretary