



**CITY OF LAKE ELMO**  
**3800 LAVERNE AVE**  
**LAKE ELMO, MN 55042**

Phone: (651) 777-5510

Fax: 777-9615

[Www.LakeElmo.Org](http://www.LakeElmo.Org)

**Lake Elmo Planning Commission**  
**MEETING NOTICE**  
**Wednesday, February 28, 2005, 7:00 p.m.**

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In Council Chambers  
Lake Elmo City Hall  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

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**AGENDA**

1. Agenda
2. Minutes of February 14, 2005
3. PUBLIC HEARING: Variance for Septic – Gibson
4. PUBLIC HEARING: DEER GLEN
  - Comprehensive Plan Amendment/Rezoning
  - Preliminary Plat
  - Conditional Use Permit
  - Site Plan
5. Direction to Staff – Home-based Businesses
6. Comprehensive Plan Modifications: Policy
7. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 28, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.  
COMMISSIONERS PRESENT: Sedro, Deziel, Armstrong, Ptacek, Schneider, and Roth. STAFF  
PRESENT: Administrator Rafferty, Planner Dillerud, Recording Secretary Kimberly Schaffel.

**Pledge of Allegiance**

**Agenda**

M/S/P, Ptacek/Deziel, To accept the Agenda as presented. VOTE: 7:0.

**Minutes of February 14, 2005**

M/S/P, Ptacek/Deziel, To accept the Minutes of February 14, 2005 as presented. VOTE: 7:0.

**PUBLIC HEARING: Variance for Septic – Gibson**

The Planner introduced the application for a septic system variance. The site is on the south shore of Lake Jane. The applicant proposes to replace the septic system in a location that locates 75 square feet of the new drainfield within the shoreland setback of Lake Jane. The Planner said this plan is the second location chosen which impacts the site less than the first site chosen; and, that the DNR, city engineer, and the city planner indicate this is the best location for the septic system.

Commissioner Schneider asked if the well for the neighbor to the west is indicated on the site plan.

The Planner said the neighbor's site was checked, and that is the well that was found.

**Applicant's Representative, Mo Anderson**

He noted that the square footage of the drainfield within the OHW of Lake Jane is only one little corner.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:09 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING 7:10 P.M.

M/S/P, Armstrong/Ptacek, To recommend approval of the variance for a septic system for Mr. Gibson based upon the recommendation of the City Engineer that states this is the best design and a minimal request and based upon Findings and recommendations of the City Planner. VOTE: 7:0.

**PUBLIC HEARING: DEER GLEN**

The Planner explained that there this agenda item represents a series of applications to develop more than 100 acres. The applications are for Preliminary Plat, Comprehensive Plan Amendment, Rezoning, an OP Concept Plan, and a Conditional Use Permit to locate a church. The Preliminary Plat shows 40+ acres in the southerly portion of the parcel for an OP subdivision, an outlot north of the OP site for a public street, a 2<sup>nd</sup> Outlot to the north extends to the right of way of Highway 36, and the remainder of the parcel is the site for a church facility. The parent parcel comprises approximately 108 acres. The two parcels to the north are not planned for development at this time.

The Planner said that in 1996 the entire site was proposed by the applicant for PF zoning and reguiding. The City Council denied that application. The City amended the PF zoning district standards in 2000 to limit the area of any PF zoned site to a maximum of 20 acres.

The Planner reminded the commissioners that in 2004, the applicant came forth with an application on the same basic location for an OP Concept Plan with 18 lots essentially as shown today. The Commission recommended the 2004 plan for approval, but the OP Concept Plan was denied unanimously by the City Council because of substantial grading to overcome natural floodplains, contrary to the policies of the

Comprehensive Plan.

The Planner organized the applications sequentially for the Planning Commission saying that the Preliminary Plat stands alone. The site is zoned RR, and may be platted into parcels without indication of use as long as parcels meet the size requirements of the code and are otherwise logically designed in compliance with the subdivision code.

He reported that the Comprehensive Plan Amendment is for the 20 acre site to be changed from RAD guiding to PF. The Planner explained that there are two common criteria utilized to consider a Comprehensive Plan Amendment, 1.) Was there an error in the original Comp Plan? 2.) Has there been a change in conditions since the existing Comp Plan was adopted that suggests amendment on the site in question? The Planner said he cannot detect any Comp Plan errors regarding the subject 20 acre site, nor can he report any changes in condition impacting the subject site since the last Comp Plan review and adoption by the City. He said that rezoning of the 20 acre site to PF is another portion of the application and is mandatory only if the Commission supports regarding the parcel to PF.

The Planner advised that the Conditional Use Permit must have two sets of Findings. The first four Findings address with the PF Zone and House of Worship in relation to the mandatory CUP conditions, and the Commission must then address five Findings in the zoning ordinance required for CUP. He said that the maximum wastewater generation condition was by the church; and, that the volumes of wastewater forecast are the maximum allowable. He noted further that the City Engineer has suggested that there may be an issue with the church site having "direct" access to a Arterial or Major Collector street, as is a required CUP condition. The Planner advised the Commission that Keats Avenue is a Major Collector, but the proposed Public street from Keats to the church site would not be.

The Planner said the OP Concept Plat is virtually the same as last year's with minor technical corrections that were requested last year; and, as result he believed the same Findings made by the City Council apply. The Planner said there are still substantial alterations to natural terrain in order for some lots to be above flood elevations.

The Planner said a Traffic Study was submitted and there are improvements to both Keats Avenue and the Highway 36 intersection with Keats Avenue recommended by the traffic consultant. He reported that the applicant's consultant suggested that the applicant should not have total financial responsibility for those improvements. He also noted that he doubted that MnDOT would have the financial resources either, and that the City certainly would not.

The Planner then advised the Commission that the Planning Staff Report contained an inaccurate observation as to the proposed total structure area of the church. He advised the Commission that the proposed church would, in fact, be in the neighborhood of 50,000 square feet rather than the 27,000 square feet reported in the Planning Staff Report. With that correction he advised the Commission that the Traffic Study does match the church building area. He did note that the applicant's traffic study model does not assume any traffic generation from the 40 acres at the north end of the parcel – an assumption that no development of that 40 acres will ever occur. He questioned whether that was a reasonable assumption to make given the demonstrated issues with the Keats/Highway 36 intersection even with the improvements that are recommended.

#### **FINDINGS:**

The OP Subdivision Preliminary Plat generally meets Chapter 400 of the City Code and RR zoning district standards and could be recommended for approval. There was no error or change in conditions supporting a rezoning from RAD to PF. Therefore, it is not supported in rezoning either. A CUP is not in order if the first two applications are not in order. The Planner recommended reducing the size of church to match the application. A ¾ intersection must be constructed, and there must be a written commitment for who will build and pay for it.

The Planner reminded the commission that they can work with just the preliminary plat and the OP concept plan without having to deal with the Comprehensive Plan Amendment, Rezoning or Conditional Use Permit.

Commissioner Schneider asked what would happen if Mn/DOT closes Keats. He asked how that would leave the church.

The Planner replied that the Commission will have to look at east/west traffic movement on parallel routes to Highway 36 to gain access.

Commissioner Armstrong asked what the ramifications are of approving the preliminary plat.

The Planner said the Commission could approve it with contingencies.

Chairman Helwig asked why the Council unanimously rejected the previous application.

The Planner said the Council determined that the Concept Plan was inconsistent with the Comp Plan due to the proposal of significant alterations and changes in grading and natural drainage features to create lots that would not be within the flood plain..

**Chuck Palmer, Lakewood Evangelical Free Church**

Mr. Palmer said he was accompanied by Paul Danielson, a Civil Engineer from Kimley Horn & Associates and Craig Peterson, an architect with BWBR.

Mr. Palmer said this application is an improved and updated version of what was presented in 2004. He said their application is to build a church and develop a residential 40 acre site to help fund the church. Their church supports and services families and community groups. He said that Mn/DOT states that this development does not create any unsatisfactory problem on Highway 36 but does present delays on Keats approaching Highway 36. He said there will be minimal impact on the intersection except on weekends. He said they are willing to absorb some of the expense of construction at the intersection.

**Paul Danielson, Civil Engineer, Kimley-Horn & Associates**

Mr. Danielson said the best site for the church in this 108 acre site is in the middle on higher ground with buffers from other and potential developments. They have modified the plan for flood storage without impacting wetlands. They plan to shave off high ground in order to create building pads and they will relocate natural depressions for water storage. The preliminary plat was established with outlots in order to expand the OP in future development. Soils are sandy, granular and there are some rocky soils. Percolation is applicable throughout. To meet requirements of VBWD they are accounting for problems. The discrepancy in numbers in the traffic study is because the church is 27,000 square feet of footprint and 52,000 gross square feet, which includes the number of seats in the church. He said the church will be a non-peak hour generator of traffic. They are asking to divide into 18 lots and build 52,000 gross square foot church.

**Craig Peterson with BWBR**

Mr. Peterson said he had three big goals for the project: It should fit in with the community without screaming for attention; respect the site where it sits low and earthy in color; and, it should clearly be open and inviting, reflecting the personality of the church. They chose multiple materials to deal with the scale and with grounding it into the landscape.

**Paul Danielson**

Mr. Danielson said that drainage and grading issues had to do particularly with how they interact with wetlands on the site.

**Chuck Palmer**

Mr. Palmer said this is a careful and thoughtful plan, and he asked for the Commission's support with a

positive recommendation.

Commissioner Deziel asked for the two cul de sacs to be displayed by the architect so the Commission could understand the changes to grades in the OP portion of the site plan. Those plans were reviewed.

Commissioner Ptacek asked the percentage of the congregation residing in Lake Elmo.

Mr. Palmer said there are 4 – 6 families from Lake Elmo. He said he believes the Met Council would approve the project if the City Council approves it.

Mr. Palmer said if a  $\frac{3}{4}$  intersection is constructed, the p.m. peak traffic would still be at failure but it would be an improvement; and, that on Sundays, the intersection would be at failure but with improvement moving it up to the C level like many others in our community.

Paul Danielson said there are 15 foot slopes now, and the proposal is to modify the flood storage by cutting and filling in order to create the easterly cul de sac. VBWD says the elevation for the lowest floor in homes must be two feet higher than the flood elevation. They will be trying to internalize the grading activity. They are proposing a constructed wetland in the outlot west of the roadway sized for the church and the residences. He said the entry road must be cut fairly deeply too.

Commissioner Roth noted traffic condition changes in the Mn/DOT letter. He said the choice of land use for a church will minimize trips per day versus full residential development, but on Sundays traffic will be higher than typical.

The Planner said the MnDOT IRC Study was completed in 2001 and he served on that technical committee. Modifications like overpasses and  $\frac{3}{4}$  intersections would limit direct access onto Highway 36. He said if a  $\frac{3}{4}$  intersection was built, due west traffic from Keats would have to turn right on 36 and then backtrack from Lake Elmo Avenue.

Paul Danielson said that in advance of submittal to the city, they went to VBWD to work out technical issues and then to Mn/DOT for similar reasons. Any development on the site will have impact but a church will have significantly different impact. No traffic from the forty acres was assumed in the traffic study. Mn/DOT made a recommendation about constructing a right turn lane. He said the  $\frac{3}{4}$  intersection would be accommodated with that construction.

Commissioner Ptacek said the intersection would still fail.

Paul Daniels said that is because that intersection fails today.

Chairman Helwig asked how many cubic yards of dirt will need to be moved.

Paul Danielson said that 100 yards of material will need to be moved, and averaged over 108 acres the result is not too much. That is total on site. He said they are trying to balance the site so they are trying to limit import and export 5-12,000 yards but he could not precisely recall. He said it is very closely balanced.

Chairman Helwig asked about building the road.

Mr. Danielson said substrate seems good but they will have to bring in gravel.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:25 P.M.

**Christine Storms, 10689 60<sup>th</sup> Street North**

Ms. Storms said she has to turn around on Keats everyday. There is no non-peak time on Highway 36

except between 3 – 5 a.m. Traffic at that intersection needs to be looked at. Sometimes it takes her 10 to 15 minutes to get out of her driveway.

**Joan Ziertman, adjoining neighbor bounded on the north and east sides**

Ms. Ziertman said the property owners have shown support and have been good neighbors. She said they have tried to utilize the property minimizing the impact to surrounding property owners. She said she would like to know how close is the drop in elevation to their property line. She also asked about the future plan for the trail in the outlot closest to the Ziertman Property. She asked the location of the secondary drainfield site. She asked who is responsible for upkeep and maintenance on a drainfield site. She said she and her husband are supportive of the church.

**Steve Ziertman**

Mr. Ziertman pointed out that the location for the church is good because there are no homes there. The church is in the middle of the parcel and pretty far away from any home. It is not an eye catcher for traffic. He said the side of the church with a second floor faces the trees. He said it is a good fit.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:30 P.M.

Chuck Palmer said the trail is just a concept and can take direction from the city. They don't know what they will do with that remaining 40 acres. He said that most likely the remaining 40 will be residential lots. They do have a backup drainfield sufficient in size.

The Planner said the city's draft Trails System Plan could have a north south segment in this development that might not impact the Ziertmans at all. From the City's perspective there is no need for the trail Ms. Ziertman refers to on the applicant's plan.

Commissioner Deziel said the church does a good job addressing architecture and lay of the land. This is what the Commission seems to be looking for. It is in scale. His only question is about grading and filling. The church plans little alteration of the land around it and the residential development plans a lot of alteration. Church architecture fits in with the land and responds to what the Planning Commission likes in Lake Elmo.

Chairman Helwig said the plan looks good. He said he is concerned with redoing the Comprehensive Plan and the Land Use Plan. He would love to have seen this application after completion of the Comprehensive Plan.

Commissioner Ptacek he said the Commission is backed into a corner with the Met Council issues, and in light of changes they are forcing us to do these things. He said he would not support making a change to the Comp Plan at this time. He said he could support the preliminary plat.

Commissioner Deziel asked if the Planning Commission could put this proposal as Comp Plan change into the new Comp Plan.

Chairman Helwig said the housing could be included but that it may be best to approve with other Comprehensive Plan changes being made.

The Planner said he cannot say now whether it would be a problem for the commission. Maybe the addition of this plan could be covered but it is too early to say.

Commission Sedro said it is a nice looking plan but with the city's current work on the Comprehensive Plan, she is not prepared to make that decision until we know the numbers. The more houses in those outlots, the better it would be.

Commissioner Armstrong said the applicant purchased the land before zoning and guiding were in place.



He said this parcel was never zoned for a church or guided as such. He said the city has a difficult situation because the neighborhoods around I-94 have hammered the Commission, and we need to be sure we are not going to offset our agreement with the Met Council, and it needs to be reviewed with ramifications elsewhere in the city. He asked if the applicant requested tabling.

Chuck Palmer said the city did not have an accepted Comprehensive Plan when the church bought the land. He said the 1990 Comprehensive Plan had a CUP designation and some other designation which included churches. The applicant respects what the commissioners are going through but they have waited 9 years to build their church. He said the price of the project has doubled and is moving toward tripling. Steel, wood, and drywall have all increased in price. He asked the commissioners to make a decision now.

Planner informed the commission on how to address the motion. He said the preliminary plat could be treated separately but the Comp Plan Amendment is a key action. If the Comprehensive Plan Amendment fails, rezoning fails and the CUP fails. He said the OP project can stand alone.

M/S/P, Armstrong/Ptacek to recommend denial of the preliminary plat, OP Concept Plan, Comprehensive Plan Amendment, rezoning, and CUP based upon Findings in the Staff Report and because Comprehensive Plan modifications have not been completed. Commissioner Armstrong added that he is not opposed in principal and appreciates the applicant's hardship.

Commissioner Roth said he agreed but in the next two months he would like to see the commission take this parcel into consideration while dealing with the Comprehensive Plan. VOTE: 7:1. Deziel - Would like to see a positively worded denial recommendation.

Adjourned at 8:49 p.m.

Reconvened at 8:59 p.m.

The Planner said the Home Occupation issue has not died and a public hearing is scheduled for March 14 to consider a text amendment allowing home occupations in the RR district because it is allowed in all other residential districts. He asked if the commission wants to wait or deal with the rest of the home occupation issue on March 14.

Commissioner Deziel said he would like to table the rest of home occupations until the Planning Commission is done with Comprehensive Planning because there is too much on the Commission's plate. Chairman Helwig agreed. Commissioner Armstrong said it can wait because it is just a housekeeping issue.

### **Comprehensive Plan Modifications: Policy**

At the last meeting the Planning Commission considered Comprehensive Plan Policy and Old Village Policy. The Planner said suggestions were made and he used them to modify the text. On March 7, the Planning Commission will conclude policy after addressing Council issues and staff will ask for a motion to address all that has been done. He said that then work can begin on Land Use Plan text and staging issues.

The Planner said City Wide Planning Policy, page one, had no changes in his notes.

Commissioner Schneider said on Point 5, take out "at least the minimum" because we will comply with the numbers.

The Planner said that is a significant change.

Administrator Rafferty said that statement begs the question of staging. Staging is key and as we move

into the future the city has to look at the future. He said if the city backloads all development into the last ten years then it is not a reasonable staging approach.

The Planner said he wrote it that way so Met Council sees we are not trying to be devious.

Armstrong noted that any additional units should be avoided at all costs. He asked why we should open the door to anything other than to comply with Met Council numbers. "At least" throws open the possibility that it might be more. After a straw vote, the decision was made to eliminate, "At Least."

Commissioner Armstrong said we will develop a staging map and we reserve the option to accelerate it. Pacing will be on our terms.

Page 2 FUSD instead of FUD or FU.

Remove "physical" challenges. "NR" should be "NC".

Discussion ensued regarding population not RECs. The Planner said that Carriage Station was done at 2.4 per acre. East of Manning will be unsewered but that portion of the city could stand some higher density.

Commissioner Ptacek proposed drafting language for that zoning.

Commissioner Schneider said NC should specifically state it does not apply to new development.

The Planner pointed out that OP densities are at 2+ per acre in most cases when you deduct open space. He said he will try to address a sixth district before the council meeting that will address NC outside of currently platted areas.

Commissioner Schneider said Page 3, last paragraph, sounds like we are trying to promote another downtown near the freeway.

The Planner said his thought was essentially what we have in Eagle Point Business Park - services like duplicating, banking, restaurants will be necessary to an office population. He questions how much hospitality, etc, will be needed.

Commissioner Ptacek said the key is to say, "Directly and demonstrably serve the primary office/research uses of the area."

Page 4

The Planner said the current policy would not preclude subsidy but it is not implied. Remove the last statement to modify all four items instead of just number 4. Add a fifth category for it.

Commissioner Sedro said that No. 3 concerns her for subsistence of the Old Village. Any business below 10<sup>th</sup> Street that will be part of senior housing, should be of a scale that people will not be driving there from outside the development. It must be small

Commissioner Armstrong said to phrase it as "an integral or integrated part of the facility." After "ease of resident access," "to facility-integrated business services."

Administrator Rafferty suggested that No.1 should be preservation of the moderate, and No. 2 of "persons with challenges."

Page 5

No. 1, cross out "particularly full time City Staff" and change it to "and the cost of local government."



Page 6

Commissioner Armstrong suggested that the end of No. 2 should say, "benefit from the service on or before the year 2030."

Commissioner Schneider said that development would be post 2020, and it should be stated as such. He said the city spent \$340,000 fighting it, why front load it.

Administrator Rafferty said that as we go through this Comprehensive Plan, we look at the agreement and see how we move into the future. We also have to be sure not to burden the future unduly. Staging is a key. It is just as bad as to front load it as to back load it.

Commissioner Armstrong agreed with Commissioner Schneider but said it can be addressed in other sections.

The Planner said that 2020 to 2030 could be a financial burden if we are not careful.

Commissioner Roth said we are premature because Woodbury had to drop down to 500 new homes per year.

Commissioner Ptacek suggested a change to add "consistent with citywide assessment policy" for the cost of sewer extension, and to change "shall not result in the city ordering."

Mayor Johnston said during Met Council negotiations figures were for about 3 units per acre south of 10<sup>th</sup> Street and in the Old Village. When the agreement came back, it said 3 units per acre north of 10<sup>th</sup> street. The mayor said he objected. The requirement of 3 units per acre north of 10<sup>th</sup> was removed but the Old Village is still included. The entire statement was removed, and the document is silent on it. The MOU says 3 units per acre south of 10<sup>th</sup> and for new development in Old Village.

Commissioner Roth said we only have to have it at 3 units per acre.

The Planner said we can't plan it that way.

Commissioner Deziel asked if the staging could result in a leftover of REC units/population from south of 10<sup>th</sup> Street.. He said after planning the land and infrastructure, we will have to do the math. If we see there are areas that cannot be developed (that will result in leftover population). We should do a good plan or we end up having to try to shoehorn those extra units in there.

Commissioner Armstrong said we must make sure as we develop that development is in accordance with the Plan. Vigilance will have to be kept to be sure we do not get stuck on the back end of this Plan with extra REC's and population to account for.

Page 6

Facility-integrated before amenities in addition to self-contained.

M/S/P, Deziel/Armstrong, To send the Planning Policy to the City Council. VOTE: 7:0.

Adjourn 9:56 p.m.

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary

Page 1

Point 5 – Take out “at least”

Page 2

FUSD instead of FUD or FU

Remove “physical” challenges.

NR should be NC.

“Average density” is the floor or minimum.

NC should specifically state it does not apply to new development.

Address Sixth District for NC outside of currently platted areas.

Page 3

Last paragraph, appears that we are trying to promote another downtown near the freeway.

Page 4

Point 1 – Should be preservation of the moderate.

Point 2 – Persons with challenges.

Point 3 – It should be of a scale that people will not be driving to get there. After “Ease of resident access” to facility-integrated business services.

Add a fifth category for the statement that modifies all four items instead of just modifying number 4. (Policy that would not preclude subsidy but is not implied.)

Page 5

Point 1 – Cross out “particularly full time City Staff” and change it to “and the cost of local government.”

Page 6

Point 2- At the end - Should benefit from the service “on or before the year 2030.”

Change to add “consistent with citywide assessment policy cost of extension. Change “shall not result in the city ordering.”

“Facility-integrated” before amenities, in addition to “self-contained.”