



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

Phone: (651) 777-5510

Fax: 777-9615

www.LakeElmo.Org

Lake Elmo Planning Commission
MEETING NOTICE
Monday, March 7, 2005, 7:00 p.m.



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



AGENDA

1. Agenda
2. Minutes of February 23, 2005
3. Comprehensive Plan Modifications:
 - a. Policy
 - b. Land Use Text
4. Adjourn

**City of Lake Elmo
Planning Commission
Meeting Minutes of March 7, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission.
COMMISSIONERS PRESENT: Fliflet, Deziel, Ptacek, Lyzenga, Sessing, Sedro, Schneider, and Armstrong. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston and Councilmembers Johnson and Conlin.

Agenda

M/S/P, Ptacek/Sedro, To accept the Agenda as presented. Vote: 9:0.

Comprehensive Plan Modifications - Policy

The Planner explained the Council's review process. First the Planner addressed the most distinctive changes in text within the Policy. Then he addressed the more minor changes. He said the new land use classification RSOP came from Councilmember DeLapp. The Planner said that the Mayor has pointed out a problem with the new land use classification of URD. The Planner said that he has asked the City Attorney if this clause can be worded so it clearly reads that six months before sewer is installed by the City that the change in guiding from FUSD to URD automatically takes place.. He said the Mayor also suggested 60% of residents in a neighborhood voting for sewer being required.

The Planner said that Commissioner Roth questioned whether 3,700 REC units must be placed below 10th Street. He observed that the MOU does not specifically speak to it. He said the Mayor suggested, and Councilmember DeLapp agreed, that moving 700 units north might be reasonable because there appear to be approximately 1,000 acres south of 10th Street that are buildable with a density of 3 per acre, which would result in 3,000 new residential REC's south of 10th Street.

Commissioner Sessing said that if Met Council would in later years accelerate sewer volume mandates to the City the guiding automatically goes into effect, and our staging can be shot.

The Planner explained that we do not have to accept more sewer than the 2030 Wastewater Regional Plan; and/ or the MOU, which ever is less.

Commissioner Deziel said the City deals with sewer allocations and staging after Met Council brings it to our border.

The Planner said the Commission can add a clause that sewer construction must blend with our staging plan or we can veto it. We have to be able to move from FUSD to URD legally - without a super majority vote of the Council.

Commissioner Schneider would like to leave a clause in the URD classification that would require a Comp Plan amendment (and super majority vote of the Council) to reclassify from FUSD.

Commissioner Armstrong said he would not want to be tied into a more restrictive plan if there is ever the opportunity to slow it down. For the most part, planning in the past was not really tied into city services. He said that Woodbury calls FUSD, R-1, and FUSD functions as a holding zone. He said the Commission does not want to award these urban classifications ahead of time. The City needs to be in control of the process, and not allow the tail to wag the dog. We should not tie the hands of future commissioners and councils if it is their desire to deny a project or land use reclassification from FUSD to URD.

Commissioner Sedro likes a super majority for a vote because there must then be compromise.

Commissioner Deziel suggested designating a staged process where each phase must get approval by the Council before FUSD can become URD. Those would require hearings at every stage.

The Planner said he thought they could occur annually, and the hearings could be tied to the CIP.

Commissioner Sessing said staging is not different from a PUD.

The Planner said he was hoping to get the policy and land use text to a hearing draft completed at this meeting.

Commissioner Armstrong said he is mindful of the Commission's role to recommend to the City Council. Other than general comments, he said it is the Council which has to make the ultimate decision. He said he preferred sticking to four major issues and pass the details back on to the Council.

Commissioner Ptacek said four issues were identified by the Planner, and he agrees with Councilmember Armstrong. He said the issues were the following:

- 1.) FUSD to URD automatic, or subject to Comp Plan amendment and super majority vote of the Council.
- 2.) Whether to retain the UDR classification, which was added conceptually at the end of the last meeting to cover required household targets if there is not enough density and household count south of 10th Street, and present OP densities are not increased.
- 3.) Whether it should be assumed that residential REC units would be assumed north of 10th Street beyond those assigned to the Old Village.
- 4.) Whether the number of existing property owners petitioning for public sewer must be 60% or 66.6%.

M/S/P, Ptacek/Armstrong, to leave the second half of the URD section of the draft including the 4/5 majority implementation and timing as presented. VOTE: 8:0:1 (Abstain: Deziel-no reason given).

Commissioner Ptacek agreed with the majority Commissioner Roth suggested in his e-mail. He asked about a combination of UDR and RSOP deleting gross residential shall not exceed more than 2 per acre. He said he hates to leave wiggle room but would like to eliminate the sentence.

Commissioner Armstrong said with regard to REC units north of 10th Street, that the draft RSOP language is a bit of a change. He said he assumed sewer was being used at Met Council densities – average of 3 units per acre. If the Metropolitan Council is not enforcing that, then he would not have a problem examining areas of the city where REC's at lesser density might be utilized.

The Planner said he did not intend to identify in the Land Use Plan where the specific areas for UDR classification would be located within the City.

Commissioner Ptacek said UDR would be an outlet if there end up being less households south of 10th Street than anticipated. He asked why we can't look at other areas of the city like Carriage Station. He observed that there is a Metro sewer pipe up there.

The Planner said the Oak Park Heights Comp Plan says that city will not extend sewer unless the area to be served is within the City of Oak Park Heights.

Commissioner Armstrong said the Met Council builds treatment plants so they might allow existing and new houses at less than 3 units per acre to hook up, but they won't give the City credit for it toward the REC targets.

Commissioner Deziel said he would not see a problem seeing some areas of the City north of 10th Street and outside of the Old Village going up to three units per acre to take off some density pressure from other areas. He would like to see where in the City that could occur.

Commissioner Ptacek said we can keep the density option open subject to CUP. If we don't like the density and we don't need it, then we will not have to approve it.

Commissioner Sessing said the problem with not staging for it is the size of the pipe. We dictate how large the pipe is within the City by the intended ultimate densities the pipe will serve. The City needs to know that often long before the pipe would reach an area where the City is considering a CUP to increase density. The City can not approve more density than the sewer pipe constructed downstream previously can handle.

The Planner said URD, "Near Urban", was not intended to be sewered with Metro sewer. If we move dwelling units north of 10th, we have to account for it with a new classification. He said he would not mind having classifications of both URD and RSOP because he sees them as distinct.

Commissioner Armstrong said the north of 10th discussion came when we thought we might not have enough land south of 10th. He said he is convinced we can still meet the numbers of the Met Council and keep the city as rural as possible. He would like to drop the north of 10th Street discussion until we see how south of 10th can be developed. He said he believes we can meet the numbers and protect the existing neighborhoods south of 10th concurrently.

Commissioner Ptacek disagreed. He said his job is to ensure protection to residents south of 10th Street.

MOTION: Ptacek, Reinsert the classification of UDR (the key words are NEAR URBAN) non-sewered, with gross residential density not exceed two units per gross acre. FAILED FOR LACK OF A SECOND.

Commissioner Sessing said we need to make it work. Commissioner Deziel recognizes serious concern. Commissioner Sedro could compromise with RSOP.

The Planner asked if the Commission wants to eliminate UDR.

Commissioner Armstrong said to let them look at the Land Use Section and see how it stages.

Commissioner Ptacek said the negotiation process puts undue pressure below 10th.

M/S/P, Sedro/Armstrong, to strike UDR as a land use classification. VOTE: 6:1:2 Deziel

M/S/P, Sedro/Ptacek, To add RSOP as a land use classification as described by the DeLapp Memo, and to add a sentence that RSOP, specifically sewered aspects, are available with a CUP. VOTE: 9:0.

Commissioner Sedro stated that the City will have the power to turn RSOP down if that is not where we want it.

Commissioner Armstrong stated that RSOP is a good option to be considered, but perhaps with a CUP.

Commissioner Ptacek said he sees little distinction. He proposed striking the density.

Commissioner Fliflet said we are just creating another option, not locking ourselves into the future.

The Planner asked the Commission to address the proposal by the Mayor regarding whether to reduce the number of RECs to 3,000 south of 10th Street. He suggested that another option might be to remove the reference to a number altogether.

The Mayor said he was trying to allow as much flexibility for the City as possible. He said it is just another tool at the Planning Commission's disposal.

M/S/P, Ptacek/Lyzenga, to amend the draft to read a minimum number of 3,000 REC units as indicated on page 8 of the Johnston draft, because it allows the flexibility the Mayor spoke about.

Commissioner Armstrong said the ultimate flexibility would be to eliminate it altogether.

Commissioner Deziel said he had no problem with allowing flexibility while making a commitment to the base MOU agreement.

Amendment to the motion to eliminate the number 3,700 entirely and remove the entire sentence.
MOTION AMENDED.

The Planner said then we would not want to then retain Council Member DeLapp's suggested next sentence in the same paragraph of their draft policy as where the 3700 number has been deleted since it would be out of context.

VOTE: 8:0:1 Abstain: Sedro-No reason given.

M/S/P, Ptacek/Lyzenga, to retain the number for residents' approval of Metro sewer in an existing neighborhood to be two-thirds.

Commissioner Ptacek said he spoke with many residents in his neighborhood and others south of 10th Street, and two-thirds was a good number unanimously.

VOTE: 8:1 Deziel – If one half of the people request it, there must be some problem.

M/S/P, Sedro/Fliflet, to add what was deleted from the Conlin memo, page 4, about signage and lighting and keep what was added. VOTE: 8:0:1.

M/S/P, Schneider/Sessing to eliminate "but is not precluded" from page 5 the housing example statement 5. VOTE: 7:2 Ptacek, Deziel.

Lyzenga liked the idea of the opening paragraph but editorializing in Colin's edits.. She noted that this is a powerful statement all by itself.

M/S/P, Lyzenga/Ptacek, to accept the edit made by Conlin in the first paragraph, deleting a large portion. Commissioner Armstrong asked to amend could we put the word "rural" back in, in front of "character".
MOTION AMENDED.

VOTE: 7:2 Sedro, Schneider- Commissioner Schneider stated that he liked the original words.

Commissioner Fliflet noted that adding references and page numbers to the text was helpful.

M/S/P, Sessing/Sedro, To send the edited drafts to the City Council as a Draft Planning Policy.

RECESS 8:36 P.M.

RECONVENE 8:45 P.M.

Land Use Plan

The Planner explained that from the Land Use Plan flows into all the other system plans and the City must zone in accordance with the Land Use Plan. He noted that the Land Use Plan text and data is a repeat of some of the Policy, but with greater detail.

Second Page

The Planner noted that substantial deletions from the previous text have been made by him to reflect the 6 years that have passed since the last text write. Those included a new Regional Development Framework, Lake Elmo Planning Commission Meeting Minutes of March 7, 2005

and completion of the Old Village Plan.

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Commissioner Sedro said the population numbers per household are low. She questioned whether that takes into account any new housing.

The Planner said there is little life cycle housing in the City today, resulting in existing high persons per unit data. The Met Council assumptions in their forecast for Lake Elmo are that numbers of persons per household will be dropping steadily. The core generation following a certain age group will be smaller with smaller families.

The planner said this City has never done staged development, but must consider that strategy when facing the large development pressures that Metro sewer will result in. The task is to address the target Met Council forecasts, and actual dates of sewer availability; and, match those the resulting demands for local government services and municipal infrastructure.

Commissioner Deziel said there should be a system of graduated density banding to protect current development residents especially south of 10th Street while meeting the requirements of the MOU. He questioned whether verbiage in that regard should be in the text to ensure that it also appears on the land use mapping.

The Planner said it would do no harm to refer to that strategy in the text as well as later in the mapping. The planner and Commission then discussed several potential strategies for protecting existing neighborhoods from the adverse impacts of higher density development that will result from Metro Sewer service and the other MOU commitments.

S/P, Deziel/Ptacek, To add some system of graduated density banding (or other method/tools) to protect current development residents especially south of 10th Street North while supporting the MOU.

Commissioner Deziel said that buffers could be part of the banding.

The Planner said that in some cases, distance could be enough. In some cases it won't work on flat pieces of ground.

VOTE: 9:0.

Adjourn at 9:25 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary