

**CITY OF LAKE ELMO**  
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**Lake Elmo Planning Commission**  
**MEETING NOTICE**  
**Monday, April 4, 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. Pledge of Allegiance
2. Agenda
3. PUBLIC HEARING: Comprehensive Plan Amendment – Policy and Land Use Plan
4. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of April 4, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Ptacek, Sessing, Roth, Sedro, Armstrong, Fliflet, and Schneider (Deziel 7:13 p.m.). STAFF PRESENT: Planner Dillerud and Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston and Councilmembers Johnson and Conlin.

**PLEDGE OF ALLEGIANCE**

**AGENDA**

M/S/P, Ptacek/Sedro, to approve the Agenda as presented. VOTE: 9:0.

**PUBLIC HEARING: COMPREHENSIVE PLAN MODIFICATIONS**

The Planner presented the updated information for amendments to the Comprehensive Plan. He explained the background and history of this round of Comprehensive Planning. He offered guidelines for the Public Hearing portion of the meeting.

The Planner suggested that it is assumed that there will be two iterations of a Land Use Plan. The reason for this is the Met Council requirement of an Urban Reserve for areas to be served by Regional Sewer in the future, coupled with compliance with State Statute that requires any zoning to be in compliance a Comp Plan within 9 months. Urban Reserve, meaning one unit per 20 acres, will be designated until the sewer arrives. The second layer will be the detailed Land Use Plan to guide development after the sewer arrival.

The Planner noted persons-per-dwelling unit in 2030 are forecasted by Met Council using 24,000 population and 9,500 dwelling units - equaling 2.53 persons per household. The Planner said that as he has reviewed the logic of that calculation and believes he could successfully argue a larger persons-per-dwelling unit factor for Lake Elmo. He said he believes that 2.75 persons-per-dwelling unit for Lake Elmo by 2030 is reasonable. That would result in 8,750 dwelling units by 2030 to result in a population of 24,000. He said the City has a logical basis to address persons per dwelling unit in this fashion.

The Planner explained the layout of the Land Use Plan. He then continued by explaining the Metropolitan Council's schedule for sewer. He said that most cities have a staging plan. The Planner said that staging allows a controlled level of growth so city services and infrastructure can keep up with that growth. He noted that the Planning Commission has previously indicated preference for a somewhat back loaded approach to staging.

The Planner said that the Planning Commission can also look at some other options such as increasing density in OP Developments.

Commissioner Roth asked about how those densities compare to acreage.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:49 P.M.

Tina Goodroad did not speak.

Walt Krueger did not speak.

Kathy Schallhorn did not speak.

**Gary Jader**

Mr. Jader said he is a resident south of 10<sup>th</sup> Street. He thanked the commission and mayor for making this process as pleasant as possible for residents south of 10<sup>th</sup> Street. Those residents chose Lake Elmo for rural character. He urged the Planning Commission to make it as palatable as possible south of 10<sup>th</sup>. He asked that the plan be made as equitable north of 10<sup>th</sup> as possible.

**David Heinrichs**

Mr. Heinrichs said he is a resident south of 10<sup>th</sup> Street. He agreed with Mr. Jader. He said there is a great deal of pressure south of 10<sup>th</sup> Street. He recommended the Commission come up with different options along Highway 5 to take some pressure off the families south of 10<sup>th</sup> Street.

**Greg Milnar**

Mr. Milnar said his family owns land at 10<sup>th</sup> Street and County Road 13. He moved from Woodbury. He is concerned about the focus south of 10<sup>th</sup> Street. At the west border of Stonegate, he would prefer a transition of lot sizes rather than a buffer zone of open space. He said he would welcome residential housing as a homogenous mix.

**Tom Kreimer**

Mr. Kreimer said he is a Stonegate resident and zoning around him has now changed. He said the new development will be a burden south of 10<sup>th</sup> Street with dense housing, and too many lights. He asked the Commission to choose Option D and send 800 more units north of 10<sup>th</sup> Street. He said that both Dean Johnston and Anne Smith campaigned for a strip of development along I-94, and it is now in his backyard. He would like to see rural character preserved there. He brought forth a petition from Stonegate asking to vacate sub street rights of way in Stonegate to prevent streets being built where they do not exist today. He said 95% of the residents signed it, and he was unable to reach the other 5% in time for the meeting. Traffic and safety are his concerns. He said he would prefer graduated density on the sewer side of Stonegate. A greenway without trees does little to shelter the homes from the density. However, he said a greenway will be a good buffer against construction. He said back loading should allow us to choose choice developments.

**Steve Fisher, Bruggeman Properties**

Mr. Fisher said that Lake Elmo Development owns 200 acres in the Old Village in the former Hutchinson land. They would welcome consideration for additional density in the

Old Village and an increased pace to the staging plan for that area. He said the Old Village Plan is in place, and they are ready to put that plan into action along with other developers. He said the City will benefit from that plan by balancing population in the city. The expanded Old Village will help revitalize downtown. Septic systems are failing. He said the city should expect developers to subsidize the sewer extension. When asking for additional densities, they should be expected to subsidize the sewer. Assessments to existing residents can be reduced if developers subsidize those costs.

**Wayne Prowse**

Mr. Prowse said he lives in Stonegate. Crime and traffic made him move from Lake Phalen, and rural character with 2.5 acre lots brought him to Lake Elmo. He said he and his family are sad and they never thought it would happen to us. He said if it can happen to his family it can happen to all of the residents of Lake Elmo. He would like the Commission to try to minimize the impact on his lifestyle. He said he does not want the traffic and the crime.

**Kirby Spike**

Mr. Spike said he lives on 53<sup>rd</sup> Street. He said that looking at new Public Facilities on the proposed plan, there appears to be an error deficiency in the plan. He said he is a member of the Lakewood Church. He said there is no plan for public facilities. He said he would like a definition on how an organization can get PF, clearly outlining steps in the Comp Plan that can be taken. General statements he said he heard indicate an error or change in conditions too burdensome for a PF to meet. He said the lack of clarity in the plan leaves a legal window open. He was surprised not to see a designation for PF. Objective criteria should be added. If the city does not change these objective requirements, then the city should show the zones as PF in the future mapping. He said the entire process is overly burdensome to PF organizations and that is unreasonable. There ought to be a provision for PF to keep up with the growth in population.

**Michele Haskins**

Ms. Haskins said she lives in the Forest. She feels these plans put an unfair burden south of 10<sup>th</sup> Street. She asked how much it will affect each commissioner. She said their area will look like Woodbury. She said it is unfair they should shoulder the burden.

**Marcus Gernes**

Mr. Gernes said he is a former Planning Commissioner, and said that given the plan and densities presented there is some flexibility north of 10<sup>th</sup> Street. He said he lives in the Forest. He said that east of the Forest appears to be townhouses. He requested the Planning Commission look closer at buffering the zone east with single family residential before going eastward.

**Peter Coyle of Larkin, Hoffman spoke on behalf of the following three homeowners:**

**Bernie Nass** owns the parcel at the corner of Manning and Highway 36. Mr. Nass assumed he would be annexed into Oak Park Heights. He said that sewer pipe is

available to Mr. Nass, and he wants to be allowed to create a mixed use development north of Carriage Station.

**The Schiltgen Family** are owners of multiple parcels in the city, and they do not endorse the entire Old Village Plan. Density shifting should be encouraged, allowing some parcels accelerated densities. He said there should be more flexibility on commercial and retail. They encourage a clearer statement to property owners who are willing to work with the Planning Commission on the Old Village Plan.

**RECO Real Estate** are the owners of property on northeast corner of County Road 17 and Hudson Boulevard. He said the ownership supports commercial use of that property. He said the Commission has commercial too narrowly defined. They endorse a broader range of opportunities than just research park. He said that a broader definition would facilitate the development that will pay for new residential development.

**Mark Enright**

Mr. Enright said he is a resident of Stonegate. He said he has several concerns which include traffic in and around 10<sup>th</sup> Street. At the Stonegate entrance, it is a difficult area to get out onto 10<sup>th</sup> Street and to get up to speed up the hill. He said he feels there is a lack of banding. Even reducing the green space and putting in residences would be better than open space. He would prefer to see additional graduated development in the bands around Stonegate. He said he is happy to hear of any alternatives north of 10<sup>th</sup> Street. He said he would prefer good quality single family residences in their back yards over townhomes.

**Joel Ofsthun**

Mr. Ofsthun said he is a resident of Stonegate. He said that traffic on 10<sup>th</sup> Street used to be at a bare minimum. He can't get out on the street during rush hour. More houses mean more congestion. He said there is no easy way to cross 10<sup>th</sup> Street, and he is concerned for children on bicycles. He would like the Commission to put some of the proposed housing north. He said that sewer and water would be too costly for their neighborhood.

**Cindy Feyma**

Ms. Feyma said she is sad that the burden for development is below 10<sup>th</sup> Street, although she understands the necessity.

**Steve Most**

Mr. Most said he lives south of 10<sup>th</sup> Street because of the rural character. He said that green space is shown around two developments but not around Midland Meadows. He said it would be nice to have some green space located there for when those lots redevelop. He asked why we cannot go back to 3,000 REC units. There is plenty of acreage, and he encourages more development north of 10<sup>th</sup> Street, and he asked the Commission not to sacrifice the rural character south of 10<sup>th</sup> Street.

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

The Commission adjourned for ten minutes and Reconvened at 8:41 p.m.

The Planner addressed questions raised during the Public Hearing. He addressed the green space buffers along with like density residential lots. He noted that this item was addressed previously and changed at Commission direction. He said that 660 feet of bare ground does not help much as a transition. The vacation petition will be transmitted to the City Council and a Public Hearing will be held. He said a great deal of time was spent on density in the Old Village Plan. He said the Commission worked a long time for that, and he feels comfortable with it but the door is open.

The Planner thanked Mr. Fisher for his offer to help with sewer assessments. Given the circumstances of a current application before the City Council, he said he does not wish to discuss PF tonight. Communities do not allocate PF the way they allocate Parks.

In relation to density east of the Forest, the Planner confirmed that area is scheduled for four units per acre on the current Plan draft. He said you can do single family detached homes at 4 units per acre like Liberty on the Lake.

With regard to additional sewered units north of 10<sup>th</sup> Street, he said there is nothing precluding it but whatever the City does must be at least 3 units per acre and the cost to do so will be much higher in many cases than if we construct sewer units south of 10<sup>th</sup> Street because of the distances of sewer run that would be involved.

The Planner said that Midland Meadows area is subject to change. Those lots are very long and narrow. The Planner said that he assumed that those homeowners would want to get together to replat a portion of those lots. It could be left alone or planned for that future replatting. He said if the unit count south of 10<sup>th</sup> Street were reduced to 3700, there would be a need to move 500 north of 10<sup>th</sup> Street.

The Planner said that flexibility of commercial use along I-94 was something the Commission had discussed at length; and, the Commission was not at all interested in a greater retail level. He said the current Policy draft does not preclude retail, but that retail must relate to the new residential or office development being created.

The Planner said the goal of the Commission in the Planning Policy was to be sure the existing residents would not have to be assessed for sewer until they had specifically requested to be connected to it.

Commissioner Deziel pointed out that both plans C and D try to reduce traffic at 10<sup>th</sup> by placing more intense future development at Keats and at Manning intersections With I-94.

The Planner said that traffic is loaded toward service roads. The peak hour traffic will be at interchanges to allow it to come and go without moving into the rest of the City.

Commissioner Ptacek said that with regard to the Nass property, the Oak Park Heights sewer would not count for our REC units.

The Planner said there could be more sewer north of 10<sup>th</sup> but development must be 3 units per acre. He observed that the MOU specifies that anywhere we get credit for sewer it must be 3 per acre other than the Post 2030 RECs.

Commissioner Armstrong said the commission knows the difference between residents who want to raise a family here and those who wish to exploit the lands to make money. He said the planning being done is because of the mandate of the Metropolitan Council.

- **M/S/P, Armstrong/Sessing, to recommend amending the two drafts of the Land Use Plan and Planning Policy to reflect a per dwelling unit count at the year 2030 from 9,500 to 8,730. VOTE: 9:0.**

Commissioner Sedro asked if converting from the Urban Reserve land use plan and zoning to the detailed post-sewer land use plan and zoning will be automatic or require 4/5 vote of Council.

The Planner reported that advice from the City Attorney on that question is that the change could be “automatic” if the proper mechanism is written into the Plan text now.

Commissioner Ptacek said the change process was originally set up in the Planning Policy so that before changing 1:20 land use and zoning to the detailed land use and zoning, the City would need an official amendment to the Comprehensive Plan. This would apply to the entire area south of 10<sup>th</sup> except three residential areas and Eagle Point. Then, when sewer arrives with the staging plan, will it require a formal amendment to the Comprehensive Plan requiring 4/5 vote of Council. He said he thought the Commission changed that later to make it an automatic change. with the arrival of sewer service

Commissioner Fliflet said she did not think the Commission voted for the automatic transition, but perhaps the Council did so with their advice to the Commission on the Policy draft.

Commissioner Sessing asked if this goes through with FUSD and Plan C as a back layer, can the Planning Commission change it at anytime without facing a “taking” issue.

The Planner said the City has broad authority to adjust land use/zoning without legal consequences. The “taking” issue is not as controlling as developers and their attorneys would have cities believe.

Commissioner Roth asked for a clarification of the RSOP land use clarification.

The Planner said there are 1,800 RECs capacity remaining after 2030, and no definition in MOU, but intent is clear for redevelopment, environmental problems, etc.



**M/S, Ptacek/Roth**, to send forward Plan C , the 4,200 unit plan including the RAD 2 classification, and increase the present OP density from .4 to .55 units per acre.

Chairman Helwig asked if changing to .55 in OP would require an ordinance change.

The Planner said if the Land Use Plan has that feature in it , the zoning ordinance has to have it within 9 months of adoption.

Commissioner Deziel recommended 50% open space and .6 density. He suggested going ahead without RAD 2 and go with the 4,200 units.

Commissioner Roth said this map does not have the 750 units removed as a result of the persons-per-dwelling unit adjustments. He said his preference is to see a final map reflecting those changes first.

Commissioner Ptacek said that the Commission heard clearly from residents who wanted a shift of burden, and Plan C accomplishes that. If we agree on RAD2 he would amend his Motion to eliminate OP changes, but he wants an opinion on RAD 2 and sharing the burden north of 10<sup>th</sup> Street. He would like staff to move forward with revising Plan C to the previous numbers and continue to explore RAD2 classification. **MOTION WITHDRAWN.**

Commissioner Armstrong said tonight is not the first time seeing RAD2, and he is not in favor of tinkering with it . He suggested the increased density be applied across all OPs and not a select few. He is not in favor of sending the Plan forward and wants to see a map pulling out the 750 units. He noted that the OP chart provided tonight achieving .55 units per acre gains 500 units. He said there are still 500 unaccounted for. The city can achieve 3,700 units south of 10<sup>th</sup> Street where sewer should stay. Infrastructure should be maintained there. He suggested the Commission shift those extra units across all Ops, or OPs and the OV. He said he wants to see a 3,700 REC plan south of 10<sup>th</sup> Street, and to see how the “extra” 500 units could be addressed north of 10<sup>th</sup> Street.

Commissioner Sedro said she would like those additional units north of 10<sup>th</sup> Street split across the three options of Old Village Plan , OP, and RAD2 because when you get OP above 5/10 units per acre it becomes less OP.

The Planner said the original OP ordinance with bonuses added is similar to a 5/10 density.

- **M/S/P, Armstrong/Deziel, to direct staff to present a map of 3,700 residential REC units south of 10<sup>th</sup> Street, and to show options for the remaining 500 units located north of 10<sup>th</sup> Street.**

Commissioner Ptacek said he does not support the entire motion. He wants to see a plan. He said the Commission is not even willing to look at densities greater in other



areas of the community. He said he is not confident movement will go in that direction.

Commissioner Schneider said we are moving too fast and being too specific. He asked why that is necessary after only two months working on the Comprehensive Plan.

Commissioner Roth said we are in the final stages, and hopefully 3,700 units brings a better balance of single family residential and townhomes below 10<sup>th</sup> Street North.

**VOTE: 9:0.**

Commissioner Roth said we can cut the buffer in half, put homes on one acre lots. Maps are showing more than six per acre graduated out - particularly around Stonegate and east of the Forest. He said he would like to see more lines of gradation.

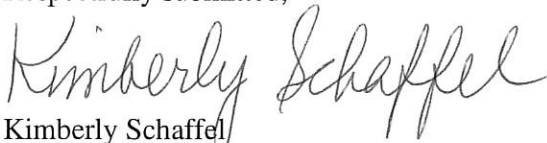
Commissioner Deziel said there would still be better than a football field in distance by cutting green space in half. Some places should be saved for some larger parks; not just pathways. Not all of it should be cut in half. Plus the area around Midland Meadows has not been designated as well.

A Straw Poll was taken to see graduated density and narrower pathways around all three of the developments. The Planner said it cannot be done south of the Forest. Most Commissioners agreed with that.

To be reviewed again on April 11.

ADJOURN AT 9:42 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Schaffel".

Kimberly Schaffel  
Recording Secretary