



CITY OF LAKE ELMO
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Lake Elmo Planning Commission
MEETING NOTICE
Monday, June 27, 2005, 7:00 p.m.

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

AGENDA

1. Pledge of Allegiance
2. Agenda
3. Draft Minutes
 - a. June 13, 2005
4. Election of Officers
5. PUBLIC HEARING:
OP Development Stage Plan/Preliminary Plat/Conditional Use Permit– FARMS OF LAKE ELMO
6. PUBLIC HEARING:
OP Concept Plan–
Lake Elmo Development Company/Bergmann
7. PUD Concept Plan – SERENITY IN LAKE ELMO
8. City Council Update
9. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of June 27, 2005**

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

Agenda

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

Minutes of June 13, 2005

Page 6 inclined to uphold... should be Fliflet. Lyzenga said not licensed, inclined to uphold the standard, Fliflet. M/S/P, Ptacek/Sedro, To accept the Minutes of June 13, 2005 as amended. VOTE: 9:0.

Election of Officers

Commissioner Armstrong nominated Commissioner Sedro for Vice Chairperson of the Planning Commission, seconded by Commissioner Ptacek. No other nominations were made. VOTE: 8:0:1 Abstained: Sedro - Conflict.

Commissioner Armstrong nominated Commissioner Ptacek for Secretary of the Planning Commission, seconded by Commissioner Sedro. No other nominations were made. VOTE: 8:0:1 Abstained: Ptacek - Conflict.

**Public Hearing: Preliminary Plat, OP Development Stage Plan, CUP –
FARMS OF LAKE ELMO**

The Planner introduced the application for Preliminary Plat, OP Subdivision Development Stage Plan, and Conditional Use Permit. At the Concept Stage this plan was approved for a 30 lot subdivision on an 83 acre parcel. He advised the Commission that the Preliminary Plat changed since the mailing of the Agenda to include additional potential lots in response to the possibility of OP density increasing with changes to the Comprehensive Plan. The Planner reported that the City Council granted a 4/5 OP waiver to reduce the buffering requirement on the southwest corner of the site. He also noted that preliminary plans have been submitted for an outbuilding that will be restored with the expenditure of at least \$25,000 that allows a bonus lot to the developer.

The Planner said he recommends approval with conditions for the Development Stage Plan, Preliminary Plat, and Conditional Use Permit because they comply with the standards of the zoning ordinance, meet the requirements of the City code platting and subdivision ordinance, and the CUP meets requirements of the code.

Bob Schumacher, Chairman of the Lake Elmo Parks Commission

The Parks Chairman said the Trail Plan is firming up but Parks is willing to be flexible with the exact location of the Public trail link within this site.

Commissioner Sedro asked, with the possible increase in OP density, if it would be a possibility to have more lots with any formerly approved OP project that has sufficient open space remaining. The Planner said it would be possible.

Commissioner Ptacek noted that Land Trust lands cannot be developed.

Tim Freeman, Surveyor and Planner for Folz, Freeman, Erickson

Mr. Freeman explained the update creating two outlots at the east end and one on west end that could be building lots if the OP density is increased. He said that the southern lots have excess acreage so it will be easy to come up with the extra open space. He said they already changed the alignment of the trail at the eastern edge moving it as far northward as possible. There will be additional screening at the southwest corner of the plat. He asked if the wording of the condition subject to the June 14 memo by City Engineer could be changed to say subject to approval of City Engineer, because he has some changed plans for the engineer's review.

Commissioner Schneider asked if there would be confusion with the project entrance onto 31st Street and the neighbor's driveway to the east. Mr. Freeman said there would be no confusion.

Commissioner Deziel asked if the green spaces will be relocated from the central area now being dedicated as outlots and potential home sites. Mr. Freeman said he will be sliding those common area items over but that the rainwater gardens now depicted will remain in the possible front yards within drainage easements.

Chairman Helwig asked about the potential water quality impacts on the existing pond. Mr. Freeman said they are trying to route the vast majority of runoff to the south pond (away from the existing pond) and through the park. There have been issues of flooding in the past in those northern ponds so they will also direct runoff into rainwater gardens. They are awaiting the watershed permit.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:35 P.M.

Bob Schumacher, 9155 28th Street

Mr. Schumacher expressed concern for 150 feet of buffer instead of 200 feet because homes will be too close to each other.

Greg Kreglmeier, 9350 31st Street

He asked how the water in those ponds is going to affect him.

Barb Peterson, 3010 Janero Avenue

Ms. Peterson asked about the septic plan and where access pipes are going to be placed. She asked if they would be on the Friedrich Road. She asked what type of system it will be, whether there will be vents or a smell.

Nancy Friedrich, 9345 31st Street

Ms. Friedrich asked if City water is going by, do neighbors have an option to get City water.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:40 P.M.

The Planner said the developer has no responsibility for a trail beyond the property boundary. That will be the City's responsibility. The Planner said that temporary water will be coming in at the 31st Street entrance to the development. The City Council is addressing how to work out the extension to 31st Street.

Chairman Helwig said that no existing residents will be forced to receive City water but they will be allowed to hook up in the future.

Mr. Freeman said an engineering consultant was hired to test and report about the septic system design, and the analysis resulted in planning for a pretreated large standard septic system. Sewage will be pumped from homes through pipes to settling tanks then pre-treated, and when liquid exits before the drainfield it should be similar to beach water. It will be a standard drainfield drip system under pressure, with trenches, rock. The big difference is the water is pre-treated. The chance for odor is significantly reduced as a result; otherwise it is similar to standard drainfields. Pre treatment allows MPCA to fast track the application. Sewer piping will be in the streets and then follow the most direct route to the tanks and drainfield.

Chairman Helwig asked why there would not be individual tanks and what will be the capacity in the system to handle the pumping of effluent.

Mr. Freeman said this is a grinder system, and each person has their own pump. Each resident will not get foreign matter problems past their own pump. The pumps all work together to push the effluent to the tanks. He said that the southwest corner buffer strip is only about 50 feet wide. The needed open space will come off the backs of those lots to make up for what is lost when three new lots are added. There will be an increase in the tree numbers in those back yards.

M/S/P, Sedro/Ptacek, to recommend approval of the OP Preliminary Plat, Development Stage Plan, and Conditional Use Permit for FARMS OF LAKE ELMO subject to City Engineer approval, subject to conditions numbered 2 through 4 in the staff report, and subject to adding more trees to the southwest corner of the plat. Vote: 9:0.

**PUBLIC HEARING: OP Concept Plan –
Lake Elmo Development Company/Bergmann**

The Planner introduced the 155 acre plan merging several parcels with multiple applicants into one single family project of 55 or 62 homes, due to possible change to OP density. He reported there is one additional lot due to an agricultural structure that will be preserved through the expenditure of \$25,000. It appears that access will be to Manning Avenue, and the developer will be required to improve this road to City standards but not the area adjacent to the ponds. He said a 23 acre portion of the farthest northwest corner tax parcel is being excepted from the Concept Plan. He advised the Commission that staff believes it important for the City to know the plan for that remnant and how that parcel will relate to the adjoining greenhouse business. He suggested there should be a written or recorded commitment for that remnant parcel. He reported that the current Park System Plan depicts the need for a neighborhood park in this section of the City. The Planner suggested that either this site or the Goetschel parcel could be the home for that park, and that the Parks Commission should make that recommendation. The Planner recommended tabling until July 25 to allow the applicant a chance to respond to the 23 acre remnant parcel questions and for the Parks Commission to review at their July 18 meeting.

Commissioner Deziel asked if a park can be part of the Preserved Open space. The Planner said it must be calculated and accounted for separately from Preserved Open Space in the OP standards.

Mike Gair, Planner, MFRA

Mr. Gair reported that seven lots via the cul de sac would be the 'ghost platting' at the

northernmost section of the plat to be developed should OP density increase. He said that roads are laid out to match the natural contours of the land and it drops approximately 70 feet from north to southeast. He distributed a letter by Richard Bergmann explaining the proposed use of the 23 acres and the reason for excluding that area from the Concept Plan. The letter explained that the 23 acres is to swap for the farming operation they were performing on the southernmost 27 acres that will now become part of the Concept.

Mr. Gair said that could be stipulated to as a condition. He would like the City to consider the geographic center of the section adjacent to the proposed trail as indicated by the trail plan for the neighborhood park. He offered cooperation with the Parks Commission as a condition of moving this application forward.

Commissioner Deziel asked if the Bergmanns would be amenable to a mechanism for protection of the 23 acres. Mr. John Arkell (co-applicant) said Bergmanns would probably not deed restrict that remaining 23 acres, and it may not be a right of the City to request that.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:48 P.M.

Bernie Nass, Owner to the east

He said he objects to nothing about this development. This development will complement his property. He agrees the road between the ponds is unnecessary. He said Mr. Goetschel has several areas for a dandy park.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:50 P.M.

M/F, Schneider, To table based on the need for a Parks Commission recommendation regarding a neighborhood park site and to provide the applicant an opportunity to further address the future of the 23 acre exception. FAILED FOR A SECOND.

The Chairman recessed for ten minutes and reconvened at 9:00 p.m.

A letter from the Bergmann Family was presented by Mike Gair for review.

M/S/F, Armstrong/Schneider, to table the application by Lake Elmo Development Company until July 25 to give time to address staff concerns. VOTE: 4:5. MOTION FAILED.

M/S/P, Roth/Deziel, to recommend approval of the Concept Plan by Lake Elmo Development Company subject to following the Parks Commission recommendation for a park as well as staff recommendations, based partly upon receipt of the letter from the Bergmann Family, and also conditioned upon approval by the City Engineer for the design.

The Planner said the Findings supporting the Commission's approval recommendation must be that the Concept Plan is consistent with the Comprehensive Plan, that it meets the requirements of the OP and Subdivision Ordinances, and will not negatively impact the public, health, safety, and general welfare. The Planner said he would like the Commission to add a condition requiring a clear definition of the official use for the 23 acre remnant parcel to the west.

Commissioner Deziel said the City cannot require a commitment from those landowners for the 23 acre remnant parcel.

Commissioner Fliflet said that after reviewing the landowners' letter indicating their intent for those 23 acres, the Commission should proceed and not table the application.

VOTE: 6:3, Nay - Ptacek, Helwig, Schneider.

PUD Concept Plan – SERENITY IN LAKE ELMO

The Planner explained the purpose of the PUD. He noted that the primary concern for the Planning Commission with a PUD is compliance with the Comprehensive Plan for unit count and use, rather than the specific design standards of the zoning ordinance. He reported that a second major issue with this application is that the parcel is physically within the Old Village Neighborhood Design Study/Plan and subject to the Development Moratorium now in place for that area. He continued that the moratorium provides an opportunity for removal from the moratorium area for an appropriate development that is responsive to the Old Village Plan.

The Planner reported that the Old Village Plan Concept called for this parcel to be the ultimate home for 90 plus dwelling units because it preserved a significant greenbelt around the Old Village and housing would match essential density and character of homes reflecting what is found in the Old Village. He has been advised that the applicants were unable to purchase density credits from other Old Village Area property owners which has resulted in the applicants asking for 44 units which roughly equates to OP density.

The Planner distributed a letter from the adjacent property owner to the south indicating that no agreement is in place with the developer regarding location of street access across the neighboring property to the subject site.

The Planner said staff recommends approval of the plan subject to compliance with conditions specified by the Staff Report, particularly subject to affirmative action by the Lake Elmo City Council to remove this parcel from the moratorium area. Inclusion of the Old Village Plan in the Comprehensive Plan has not yet occurred. Once that is completed, this application generally complies with the Comprehensive Plan.

Commissioner Deziel expressed concern that this subdivision plan significantly reduces the number of homes in this area, and it impacts the other landowners or green space areas within the Old Village green belt as a result.

The Planner said the Commission heard an application that was tabled for the parcel south of this project along 39th Street that presented substantial density which might be considered again as mitigation for loss of units by this Concept. He said there also could be a change in density in other sections of the Old Village Plan or even reduction in the green belt area since reserves of land for constructed wetland wastewater treatment will no longer be required with Regional Sewer being available.

Commissioner Fliflet noted that the design layout does not seem to fit the Old Village Plan in terms of street layouts.

The Planner said that was a big concern for some of those vacant lands adjacent to existing Old Village neighborhoods but this area does not have an adjacent neighborhood to mimic.

Commissioner Lyzenga said she was concerned that this Concept disassembles the Old Village Plan and pushes the problem onto other people. She suggested the Commission should let the

Old Village planning process be completed.

M/S/P, Armstrong/Ptacek, To recommend denial of the PUD Concept Plan for SERENITY IN LAKE ELMO based upon the Old Village Development Moratorium, and ask the City Council to uphold the Moratorium so the Comprehensive Plan and consequent planning gets done properly.

Todd Foster, Heritage Development

Mr. Foster said it is not economically feasible for his company to purchase development rights. He produced a similar plan to this one with an 80 lot density but Heritage is not in a position to purchase those added development rights. He said this plan responds to trails and open spaces. If OP density increases, they will add five more residential units.

Chairman Helwig said the new design meets what the Commission wanted to see in the Old Village.

Commissioner Deziel said putting this PUD Concept Plan forward jeopardizes the Old Village Plan and he would rather see those densities closer to what was anticipated both for this and for adjacent properties so it does not shift out of the Village area or tear the Old Village Plan apart. He said it is a beautiful plan, and it takes into consideration the traffic flow for pedestrians.

VOTE: 9:0.

Mr. Foster requested the application go to City Council on July 19 because both the Planner and Mr. Foster will not be available for the July 5 City Council Meeting.

City Council Update

The Planner said the Comprehensive Plan was submitted unofficially to Metropolitan Council staff to get an idea if the City was on track before spending all the money on engineering studies for the Systems Plans. The Metropolitan Council Director analyzed the Comprehensive Plan, and there were three or four issues of significance. Subsequently the City Council asked for clarification on these issues. He said the mayor, Councilmember Smith, Administrator Rafferty, and the Planner went twice to reach clarification with Chairman Bell and Administrator Weaver, and he and Mr. Rafferty met with the Met Council representatives a third time last week. The Planner said that what the City is left with is to go back to the Comprehensive Plan similar to what the Planning Commission recommended.

Adjourn at 10:11 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary