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Lake Elmo Planning Commission
MEETING NOTICE
Monday, July 25, 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. July 11, 2005
4. PUBLIC HEARING:
DEER GLEN – OP Concept Plan
5. PUBLIC HEARING:
DISCOVER CROSSING – OP Preliminary Plat
6. PUBLIC HEARING:
PARK MEADOWS – RE Preliminary Plat
7. City Council Update

**City of Lake Elmo
Planning Commission Meeting Minutes
July 25, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Sedro, Ptacek, Lyzenga, Fliflet, Schneider, Pelletier, Van Zandt, and Roth (7:25 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston.

Agenda

M/S/P, Sedro/Lyzenga, To accept the Agenda as presented. VOTE: 8:0.

Minutes

Commissioner Sedro, first page, that segment should not be on the plan because of bikes going through anyway. She said she wanted small pockets of RAD2 so it would not be a burden on surrounding neighborhoods.

Commissioner Fliflet, Page 4, Thinks a workshop is in order due to the money involved in preparing the drafts. She asked the audience if they are still opposed to the changed trail in the Eden Park neighborhood. She did not feel RAD2 should be north of 10th Street; there are other areas of the city in the outer limits that would be more appropriate, and we have already burdened south of 10th Street enough.

M/S/P, Fliflet/Van Zandt, To accept the Minutes of July 11, 2005 as amended. VOTE: 7:0:1 Abstain: Pelletier-Absent.

PUBLIC HEARING: OP Concept Plan – DEER GLEN

The Planner explained that on April 28 the City Council approved a preliminary plat, and a Comp Plan Amendment and rezoning for the church portion of the site. City Council asked the applicant to return to the Planning Commission utilizing 20 additional acres of the 108 acre site acres within the residential subdivision. The concept now includes 68 acres, and the lot count is now at 26. The Planner said the concept may continue to be inconsistent with the Comprehensive Plan due to flood plain modification issues. The Planner recommended approval with 5 conditions as well as compliance with recommendations of the city engineer, city attorney, VBWD, a single source water supply, Hwy. 36 intersection improvements, and the development stage plan should include a plan for year-round screening on the west side of the site.

Grant Nelson, Applicant

Mr. Nelson said the agreement with the City Council was to add 20 acres to their OP proposal. In contention was the 20 acres, not the site grading on the original subdivision plans.

Commissioner Schneider asked about the original 18 home sites. He said it appears there is a lot of dirt being moved, and he asked how many yards would be moved.

Paul Danielson, Kimley-Horn

Mr. Danielson did not recall the total amount of dirt being moved. His guess was about 85,000 yards. He said they are balancing the site with cutting and filling to balance floodplain storage, and they are staying out of the trees. He said a little fill will be necessary on both cul de sacs. Changes with this concept from the last were the addition of the northernmost lots and open space on the entry corner at the northwest corner of the site. The Church is at grade with a walkout to the south. He directed their attention to a map of greater than 4:1 slopes. He said there are 1.12 acres of slopes greater than 25%, it is a very small portion of the site.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:25 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:26 P.M.

Commissioner Ptacek asked about parcel C. Mr. Danielson said it is remaining but 150 feet of it is within the power line easement.

Commissioner Sedro asked if there is a limit to the amount of dirt that can be brought in to this site. The Planner said there is no requirement that it be balanced. There is no maximum. The issue addressed is drainage, not quantity.

Commissioner Sedro asked about parcel C, and how much of it is usable. The Planner said not much between buffers and power lines. He said that most of the time the power company will not approve construction of structures; even the height of trees is regulated in the easement.

Commissioner Fliflet said she would like to hear about the Keats intersection.

Mr. Danielson said the church is prepared to make the identified improvements. Council approval was conditional upon construction of the $\frac{3}{4}$ intersection. Mn/DOT's recommendation was adopted by the City Council. He said that list originated from the church's traffic study.

Commission Sedro said the City Code specifies a church must be on a major collector street. This concept shows they have added houses on that street.

Commissioner Ptacek said if the septic is handled and drainage is settled, he is confident this is a plan that works.

M/S/P, Ptacek/Lyzenga, to approve the Comprehensive Plan Amendment and Rezoning and the Concept Plan for DEER GLEN with conditions 1-5 in the Planner's staff report based on the Findings in the staff report but dismissing Finding No. 1.

Commissioner Schneider said there are two references in the Comp Plan regarding environmental protection. He said that walking through this parcel it fails with respect to environmental protection. He will not support approval because the applicant should be listening to the land.

Commissioner Pelletier asked if there was a decision for drainage and flood plain. The Planner said VBWD is dealing with erosion control, and has already issued a permit. He said the City Council did not address that issue or reject the earlier plan based on that issue.

Commissioner Roth arrived at 7:30 p.m.

Commissioner Fliflet asked for clarification about the amount of dirt being moved and all the grades that are being changed.

Commissioner Schneider said we must look to the Comp Plan; that we represent the entire city not just the applicant. He agrees with the Planner's first finding.

VOTE: 7:2, Nay - Schneider/Sedro- Sedro said that she would like the applicant to address the drainage issues.

**PUBLIC HEARING: Preliminary Plat, Development Stage Plan –
DISCOVER CROSSING**

The Planner said that the City Council approved the OP concept on May 17 with numerous conditions. He said the preliminary plat generally complies with design standards of City Code. Setback on the south portion of the site has been increased to 200 feet. There is only 100 feet buffer to the west, with no
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explanation as to how alternative screening measures will be provided.. Water will be served by city water from a single source He reported that initially, outlots would be created for three additional lots should OP density change. Under current density, the parcel qualifies for 25 lots but with new OP density being contemplated by the City Council it will qualify for 28 building lots. The Planner said the project is compliant with OP standards and responsive to conditions of concept approval. He recommended approval with 5 conditions including the west buffer, remove the sign, 25-28 lots, and compliance with VBWD, the City Attorney, and City Engineer.

Commissioner Schneider said the bridge picture seems to indicate another marker or sign there. He asked if the bridge will be the City's to take care of. He said it is overblown for a residential development. He said the city might suddenly have to maintain it with all the retaining walls.

The Planner said yes, if in the right of way unless other arrangements made.

Tim Freeman, FFE

He presented copies of a cross section showing 25' pine trees along the west site boundary as permanent screening to support a 100 foot buffer. He said the plaque on the bridge is a memorial to Mr. and Mrs. Lundquist. The bridge details a large culvert dressed up with retaining walls, and the HOA is supposed to maintain it as well as the planting. He said the bridge could be removed and everything will still function. He said there is no additional liability to the City. The culvert/tunnel will meet all design standards of the City Engineer's requirements. He said there was an oversight on the plan, the one-way street will be 14 feet. The "T" turnaround was supposed to be a cul de sac but the city wanted trees saved. He said it is not normally a city standard but the city indicated they wanted it. With regard to technical issues of the septic system, and additional drainfield issues, he asked the Planning Commission to defer to MPCA design and review experts. The trail proposed is no additional burden on the city either. A portion of the street is stamped to indicate the area for pedestrians to walk. If residents want it when the street is repaved, they should pay the extra assessment to have that portion stamped again.

Mark Putman,

Mr. Putman said the applicants now have tree survey data. They studied the grades to save the trees leading to the divided lane in the road. In the bridge area, once past the two trees there is one more burr oak, so they shifted things to protect it and to minimize construction traffic. Most sites have been located to best position houses and garages as well as streets and trails within the trees. Their design goes above and beyond any regulations anywhere in the Twin Cities that he is aware of. The bridge allows another exposure to the vista of open space. He said they tried to minimize the impact of the road. They are trying to create the circumstance of arched tunnels of trees with narrow roads. He said there are subtle ways to slow a car such as to narrow width of the road, with perceived width reductions, closer to trees, rumble strips, and colored pattern stamped asphalt. The quality of design is a reflection on the City and the neighborhood. It is more costly but the applicant is trying to do something better. There is more than the required amount trail. The patterned asphalt on the bridge will make noise as you go over. Few people speed past a beautiful view with a little rise and a rumble to it. He said the entry name memorializes a great man who meant something to kids. It is comprised of natural stone about 4 feet high by 3 feet wide. He said it is subtle and laid back but there is distinction to it.

Commissioner Fliflet asked if the 5 feet wide stamped trail runs alongside all road within the development. Mr. Putman said that it does.

Commissioner Sedro asked about preserving trees around the houses. How will they preserved if someone does not want them?

Mr. Putman said they will be preserved by the HOA. Permits will be required from the City as well as the design review committee. No tree can be removed unless absolutely necessary. That is why every tree has been located. Home sites have been designed with trees in mind. Trees will remain as buffers at street, back, and between homes.

Commissioner Sedro suggested putting money into escrow for the trail experiment, in case it does not work.

Mr. Putman said the length meets/exceeds the trail requirement. If it does not look good, it goes away when it gets seal coated.

Mr. Freeman said Dr. Widin (City Forestry Consultant) was out on the site with them. They would expect her input. He said the street with trail is fully drivable, it slows traffic, pedestrians are allowed to walk there but traffic has to slow and move over. He said they do not intend to remove a tree for a trail.

Commissioner Van Zandt said the perception is of taking a space and defining it. He said it works to slow traffic.

Commissioner Fliflet asked if that will result in walking on the wrong side of the street, will it feel rough for strollers and tricycles.

Mr. Freeman said it would be just like pavers. There are a number of choices for patterns including a sidewalk pattern.

Commissioner Pelletier said the plan for the trail is beautiful and it does slow down traffic completely. She is concerned that with the HOA in charge of the bridge that they understand what they are getting into.

Mr. Freeman said the type of association being established will result in homeowners being intimately involved with each other. He said the worst case scenario is they can be removed and everything still functions because it is just the illusion of a bridge on a normal city street.

Commissioner Schneider asked where a visitor would park.

The Planner said he will check with the City Attorney for where liability lies regarding the pedestrian/bike usage of the street driving surface – by design.

Commissioner Pelletier said she is concerned for the fact that the pedestrian trail is level with the street. Kids will not differentiate between road and trail.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:46 P.M.

Jay Michels, 5424 Lake Elmo Avenue

Mr. Michels said he can safely say he is supportive of this project. They did a nice job. He said the Planning Commission spent one hour discussing a 20 foot wide street through a subdivision of 25 homes but have not taken the opportunity to run a service lane for Highway 36. He said there has been a lot of traffic moving through since the light was installed.

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

The Chairman recessed and reconvened at 8:59 p.m.

Chairman Helwig said we should get an easement for the service road. He said the City would be making a mistake not putting an easement in there.

Commissioner Ptacek agreed and said he made it part of the earlier motion at concept stage. The Planner said the City Council's concern was that it was not as continuous a connection as we would like. Deer Glen had a connection to the east with lands in between. The service road came up later. He was not aware that River Valley Church had to dedicate right of way. Mn/DOT letter may have had a negative impact on the issue because of specific design criteria. Council did not want a straight shot

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service road attracting fast food restaurants to it. He said the City needs to a route between Keats and Lake Elmo Avenue somehow. He said there would be no harm done to have the easement but the specific design should be left open for now.

M/S/P, Sedro/Helwig, To recommend approval of the Preliminary Plat and Development Stage Plan for DISCOVER CROSSING based on items 2,3,4 in the staff report plus road widths as recommended by the City Engineer plus the City Attorney's assurance that the city has no pedestrian liability, and add right of way for a Highway 36 service road in a location as determined by the City Engineer.

Commissioner Ptacek directed attention to Figure I in the applicant's booklet. There are utility easements of 10 feet on top of 50 feet of right of way. Utilities could be placed on the back edge of the curb.

The Planner said that small utility companies have to get permits from the city, it is not uncommon to have them place utilities within three feet of the road. We can specify where they go.

Mr. Freeman said utilities can go into a joint trench too.

Commissioner Ptacek said utility companies cut down trees.

Mr. Freeman said the applicants want the utilities to work within three feet and do a joint trench.

MOTION AMENDED Ptacek/Sedro, To encourage the city to maintain the actual location of utilities within three feet of the back of curbs with the intent to preserve more trees.

Commissioner Fliflet said she would be voting against the Preliminary Plat because of issues related to the stamped trail.

VOTE: 7:2, Nay- Fliflet/ Schneider.

PUBLIC HEARING: RE Preliminary Plat – PARK MEADOWS

The Planner said the issues raised by staff are technical engineering issues except for road access to the site. The City Engineer indicates the road ends just south of this parcel. Lots across the street were developed with an agreement for easements. There is no connection to a public street, and that is a major problem to this proposal. The City will not condemn lands for a city street. The developer can make agreements with those property owners. Those owners have 33 feet he could take the 17 feet additional off his land, and construct the street to city standards. The legal status is in question but the Planner said he thinks it is the developer's responsibility to construct the road. If the developer agrees to tabling and then it would have to be resolved by Sept. 1. The city attorney and city engineer have to work on this with the developer. The public street is not the Planning Commission's purview.

Commissioner Schneider asked about the width of the roadway. The Planner said they could make it 22 feet wide.

Joel Anez, Landmark Surveying

Mr. Anez said he recently became aware of a major problem with access to this parcel. A road is depicted in the 1949 plat book. On the west side of the parcel, a permanent easement existed until the park was created. The owners quit-claimed that access to the city in 1974, and the parcel essentially became landlocked. In 1999, that land was to be platted for a previous owner, and it received preliminary plat approval by the City Council even though it was landlocked then.

Mr. Anez said the developer would construct a narrow pedestrian trail between two lots for access to Sunfish Park. There is one wetland on the site. Mr. Anez displayed an alternative for the roadway by relocating it to the farthest southeast corner of the site.

The Planner said the city would require park dedication fee in lieu of land. No appraisal has been ordered

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yet.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:38 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:39 P.M.

Chairman Helwig asked if the applicant would like to table.

Mr. Anez said the applicant would like approval with a few minor changes, and if not then they would ask to table. The Chairman said they can table it until they return with plans for the roadway and the city engineer and city attorney have addressed the issues. He said there would be no time limit and no additional fee.

M/S/P, Sedro/Ptacek, To table the Preliminary Plat, Comprehensive Plan Amendment, and Rezoning at the applicant's request. VOTE: 9:0.

City Council Update

The Planner said the City Council conducted a public hearing for Stonegate Vacation of two cul de sac slivers and a cul de sac stub but referred it to the Planning Commission Meeting of August 9, 2005. He then reviewed recent actions by the City Council regarding Planning applications.

The Planner said the schedule has been set for the balance of work on the Comprehensive Plan. The Public Hearing will be held at Oak-Land Jr. High on August 8, 2005. It may not be televised at the Junior High School. There will be a brief special meeting on Tuesday, August 9, for regular agenda items. There is a variance request for the lot across from Farms of Lake Elmo and the Stonegate street vacation. August 22, there will be a joint workshop with the Parks Commission for the Trail System Plan.

The Planner said that System Plans with the exception of Traffic arrived today.

The City Council has contracted with a master coordinator for the Old Village Plan. The tasks are to get the disparate property owners on the same page, structuring the TDR, handicapped housing, a community center, and several others.

The meeting adjourned at 9:51 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary