



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of June 9, 2014**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Dodson, Kreimer, Larson, Dorschner and Lundgren.

**COMMISSIONERS ABSENT:** Morreale, Haggard and Yocum;

**STAFF PRESENT:** Community Development Director Klatt, City Planner Johnson and Intern Casey Riley.

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** May 28, 2014

M/S/P: Dodson/Kreimer, move to approve the minutes as presented, **Vote: 4-0, motion carried**, with Williams and Lundgren not voting.

**Public Hearing:** *Wildflower at Lake Elmo-PUD and Concept Plan and Comprehensive Plan Amendment*

Klatt started his presentation by explaining why the applicant, Robert Engstrom Companies, is applying for a planned development, as well as why the request includes an amendment to the Comprehensive Plan. Klatt noted that the Planning Commission reviewed a sketch plan of the proposed development at a meeting in April. Klatt presented the project highlights, noting the project includes 145 single family lots on +/- 117 acres. Moving forward, Klatt explained the key changes to the plans since it was reviewed in April. He noted that the access to Trunk Highway 5 was removed. In addition, storm water management facilities were moved from the northeast portion of the development to the southeast along TH 5. Klatt also noted that the applicant has engaged several of the adjacent neighbors, who have noted concern about buffering. Also, Klatt highlighted the specific areas that require amendments to the City's Comprehensive Plan.

To summarize the staff report, Klatt noted the various subjects that were included in the review of the PUD Concept Plan, including Comprehensive Plan and Zoning amendments, Conservation Easements, storm water management, sewer service and

access roads. He highlighted some key issues that relate to Conservation Easements and identified the outlots within Fields of St. Croix II that are pertinent to the discussion. Moving on to the request for the planned development, Klatt noted that the request for smaller streets in targeted areas to serve as internal streets and the request for smaller minimum lot areas led to the decision to proceed with a planned development application. To wrap up his presentation, Klatt briefly touched on the recommended conditions of approval. He also highlighted proposed findings of fact as they relate to the required findings for planned developments under the City's PUD Ordinance.

Dodson asked who owns the other outlots in Fields of St. Croix. Klatt noted that the applicant owns some, and the Home Owners Association owns others. Dodson asked if the City is inspecting or monitoring the areas for which they hold the conservation easements. Klatt noted that they address concerns over conservation easements through complaints. Dodson asked about the internal narrow streets. Klatt explained the perspective of the City Engineer.

Kreimer asked what the distance between the proposed homes and the existing properties in Outlot P. The applicant noted that the distance ranges from 140 feet to 180 feet.

Williams asked about the flood plain in the area to the north, specifically inquiring if homes could be built there. Klatt noted that the area is likely flood fringe, and homes could be built there as long as they were above the regulatory flood protection elevation. Williams noted that the Engineer stated in his memo that the internal narrow streets should be private, but Klatt noted that staff is recommending that they be public. Klatt provided further background information and explained the compromise that was reached between the applicant and the City Engineer. Williams asked about a proposed emergency access located in the southwest cul-de-sac. Klatt noted that the Engineer would recommend that this emergency access not be provided, as the cul-de-sac provides sufficient emergency access. Williams asked if storm water ponds are typically allowed in conservation easements. Klatt noted that they are allowed. To wrap up his questions, Williams asked Klatt what the City is gaining by allowing flexibility. Klatt noted in his opinion the City is gaining a development that is more consistent with the vision for the Village Land Use Plan with smaller lots, greater pedestrian facilities and a more grid-like pattern.

Bob Engstrom, Robert Engstrom Companies, presented his vision for the Wildflower at Lake Elmo subdivision. He discussed the locations of the flood plain and noted that many of these areas would never flood. Engstrom noted that they are committed to bio-retention swales and other innovated storm water techniques. In addition, they are hoping to push as much storm water north as possible to relieve the volume of drainage that flows to Downs Lake sub-watershed. Engstrom then discussed how they came to the vision of the shared courtyards, sharing experiences from a project they completed in St. Paul.

Jerry Mazerra, project architect, discussed the vision of the main boulevard. He noted that the pedestrian facilities are intended to be a main highlight of the neighborhood. The pedestrian facilities will provide circulation throughout the neighborhood, as well as to the conservancy to the north. He also noted that the eastern cul-de-sac has been eliminated to address some of the concerns of the adjacent neighbors.

Engstrom noted that the proposed development is intended for local custom builders as opposed to national or regional builders. Engstrom welcomed questions from the Planning Commission.

Dodson noted that the courtyard homes may be difficult from an architectural standpoint. Engstrom stated that the courtyard lots would be restricted to builders who understood the concept. Dodson then asked why Engstrom retained ownership of Outlots O and P. Engstrom noted that he wanted to ensure that the farming tradition would be continued effectively on these areas. He also noted that he is committed to restoring the habitat for native birds, butterflies, bees and other pollinators.

Kreimer asked how the northwestern lots would be served by sanitary sewer. Klatt noted that the neighborhood would be served either through the northwestern corner of the developer's property, through the Gonyea property, or up Lake Elmo Ave. (CSAH 17).

Larson asked about areas for creative play for kids. Engstrom noted that there would be open areas for informal play, but not park facilities for organized team sports.

Williams asked Engstrom what the City would be gaining by allowing for flexibility with the conservation easement and zoning requirements. Engstrom noted that they intend to place over 60 acres into conservation easement, as well as provide a unique and innovative development.

Public Hearing opened at 8:27 pm.

John Hodler, President of the Fields of St. Croix HOA, referenced an agreement between the HOA and Robert Engstrom Companies related to the development. Hodler noted that there is not development on Outlot O, and there is limited development on Outlot P. Hodler noted that the HOA is requesting that the eastern cul-de-sac be revised and that the Fields HOA will be a party, to the conservation easement for the outlots of the Fields of St. Croix, thereby requiring the HOAs approval to any future changes. Hodler highlighted one final request that all portions of the agreement would be incorporated into the Final Developers Agreement.

Neil Krueger, 4452 Lake Elmo Ave. N., noted that his family was excited that Engstrom Co. was involved in development in Lake Elmo. However, he noted that his family is

opposed to the northwestern lots off of Lake Elmo Ave. He noted that the ridge on the northern portion of the property should be considered a natural feature. He noted that the ridge should have some consideration. He stated that he supports trails, but wants greater connections to other neighborhoods. Mr. Krueger stated he supports parkways, but feels that it is done oddly if it is only in one location.

Bob, Eischen, 11674 Stillwater Blvd. N., stated that he is an immediate neighbor to Outlot P. He noted that during the planning process of Fields II, it was stated that the land in Outlot P would be open space and was required to be so. They were assured that these outlots would always remain in open space for agricultural purposes. Eischen noted that he does not understand the legal path of how land that was placed in conservation easement can be removed in exchange for other lands. He noted that they moved to Lake Elmo for the agricultural character. He also commented that they know that Engstrom will do an excellent job developing the area, but they would like consideration for existing homeowners.

Richard Smith, 11514 Stillwater Blvd, property owners to the north, noted that buffering is his chief concern. Smith noted that he and other adjacent property owners requested to be removed from the Village Planning Area so they would not have development adjacent to their properties. He is hoping for greater design or landscaping that will address the buffering considerations.

Deb Krueger, 4452 Lake Elmo Ave., shared that she was involved in open space and cluster developments in the past. She stated that she is pleased that the garages are in the rear. She added that she supports the trails, especially in that they are public. In terms of location, she would like to see that the trails connect to the east. Deb Krueger added that she would like the view-shed of the ridge preserved with additional plantings. She requested that plantings be considered for Lake Elmo Ave. to make it a green corridor. She noted she would like further information on the location of the lift station. In addition, she asked the City to consider Transfer of Development Rights and Purchase of Development Rights (PDR) programs. Krueger noted that she would like to support lighting restrictions to maintain dark skies. She wrapped up by stating that Engstrom is a developer who goes above and beyond the base standard.

Williams noted that letters were submitted that were part of the public record.

Public Hearing closed at 8:48pm.

Williams noted that he is favorable to the concept, but he has a concern in principal about changing the conservation easement. He noted that if they do it in this case, then others could be changed as well.

Dodson agreed that he is concerned about changing usage on those outlots. When the homeowners purchase these lots, they do so with the understanding that these areas will remain unbuildable.

Lundgren noted that changing the conservation easement is a concern, but she shared that there may be a balance to gaining a greater amount of land in conservation easement, as well as the excellent job that Mr. Engstrom is reported to accomplish.

Kreimer noted that he originally agreed with the position that the outlot should not be changed, but his opinion was changed when reading the letter submitted by the Fields of St. Croix in which they have become agreeable to the development with a certain list of conditions.

Larson asked what implications this decision could have on other outlots or other OP neighborhoods. Klatt noted that some conservation easements are held by the MN Land Trust, and these easements are air tight. Easements held solely by the City are more flexible as they are at the discretion of the City. Klatt added that in the case of Fields of St. Croix, taking the limited amount of area of the conservation easement would not tip the balance to now having less than 50% open space. In addition, the City should consider what is being gained by the much larger amount for land that would be entered into conservation easement. Larson added a follow up question related to the Fields of St. Croix community septic system. Klatt addressed Larson's questions in that the limited removal of land from Outlot P would not negatively impact the community septic system.

Dorschner stated that he first was opposed given the large number of conditions and the idea of setting a precedent. However, if the City wants to promote these types of developments, than we need to have some flexibility.

Williams noted that in terms of the land use trade, he is not convinced that the land in the floodplain area could be developed, so he questions the value of the trade.

Johnson discussed trails and stated that sometimes neighbors are opposed to having trails open to the public. Larson added follow up that other neighborhoods should remain open minded about keeping the trails public.

Engstrom followed up on a number of issues including things they could do to minimize the impact to adjoining neighbors.

Williams asked the Commission if they are amenable to the proposed Comp Plan Amendment for the northwest area of lots. The Planning Commission noted that they are amenable to this amendment.

Dorschner noted that he is concerned about the narrow streets from a maintenance standpoint and would like to hear from Public Works. Klatt explained that staff looked at it at the sketch plan and did not seem concerned.

Williams asked about the issue of Outlot P. Dodson noted that the tradeoff is acceptable to him, as the 17 additional lots help make the project economically viable.

Klatt noted that any updates to the plans should be reflected in the Preliminary Plans, and he asked if the Planning Commission understood the request of the Fields of St. Croix Homeowners Association. The representatives of Fields of St. Croix and Mr. Engstrom explained the agreed upon arrangement. Klatt further clarified that the City would likely own the outlots that had storm water management facilities.

Dodson asked what the working relationship would have to be between these three parties. Klatt noted that each party is in a position of decision making, similar to the arrangement of having the MN Land Trust act as a third party.

Williams suggested reviewing the conditions of approval.

Klatt clarified that there are revisions south of the Smith property and that the circle by outlot P has been changed due to the property owners complaints and concerns. The Planning Commission discussed the concerns of Richard Smith. Williams asked how to best refer to the requested changes to the Concept Plan presented.

Condition #15 will be that Fields of St. Croix will be added as a party to all conservation easements in the document dated 2/28/2000 in the Fields of St. Croix neighborhood.

Condition #16 will be that the plan will be revised to make the changes and adjustments as discussed previously related to the buffering around the smith property and removal of the roundabout near the Eischen property.

Klatt asked for clarification regarding the configuration of the roadway. Engstrom and Co. presented their case and the representatives of the Fields HOA presented their case. Dorschner noted that it seems as if the Developer is working with the neighbors and the Commission likes the developers plan.

M/S/P: Larson/Dorschner, move to recommend approval of the PUD concept plan of Wildflower at Lake Elmo with the 16 conditions of approval as determined by staff and Planning Commission, **Vote: 6-0, motion carried unanimously.**

M/S/P: Larson/Dodson, move to recommend approval of amendments to the Village Land Use Plan subject to Met Council approval, **Vote: 6-0, motion carried unanimously.**

**Business Item:** Zoning Text Amendment – Exterior Storage Ordinance Update

Johnson presented an overview of a proposed amendment to the City's exterior storage requirements. Johnson noted that the ordinance represents a continuation of the ongoing process to update the Zoning Ordinance.

Johnson noted that one of the major discussion points from the ordinance concerns the ability of residential property owners to store large trailers and other items on their property. One member of the community has spoken to staff about adding controls to restrict the parking of larger trailers and personal property in rear yards.

Staff has conducted research on how other cities regulate the storage of boats, trailers and other equipment and found that some of these cities do allow some additional flexibility to store larger equipment on driveways and front yards. Staff is seeking direction from the Planning Commission on any additional provisions to include in the proposed ordinance and for authorization to proceed with a public hearing on the proposed ordinance.

Williams suggested that Staff look at the Oakdale, Woodbury and Stillwater ordinances. Dodson asked for any examples of requirements for neighbor notification or permits in other cities. Planning Intern Riley stated that some cities do require permits for certain types of storage.

The Commission generally discussed the various scenarios that might arise concerning the storage of private property and the implications of the proposed ordinance regulations.

Dodson asked for further clarification concerning the requirements for screening.

**Business Item:** Zoning Text Amendment – Screening Ordinance Update

Johnson presented an overview of proposed updates to the provisions of the Zoning Ordinance pertaining to the screening of private property.

Williams noted that the ordinance may not adequately address the quality of screening materials, and especially fences. Johnson noted that the fence ordinance does include some provisions related to maintenance and upkeep of fences in disrepair.

Johnson stated that the next step will be to conduct a public hearing on both the exterior storage and screening ordinances drafted and with some modifications based on ongoing research being conducted by staff. Johnson also noted that staff will be bringing forward recommendations on other related amendments to clean up the ordinance and avoid potential duplication in other sections of the City code. Johnson stated that exterior storage would stay in section 150, while screening would be in the zoning section 154.

## **Updates and Concerns**

### *Council Updates – June 3, 2014 Meeting*

1. Perfecting Comp Plan Amendment passed (Vote: 5-0)
2. Shoreland Amendment Ordinance passed (Vote: 5-0)
3. Garage Ordinance passed (Vote: 5-0)

### *Staff Updates*

1. Upcoming Meetings
  - a. June 23, 2014
  - b. June 30, 2014 – Special Meeting Requested
  - c. July 14, 2014
2. Planning Commissioners Journal – “What Planners Do”
3. Klatt shared that Commissioner Yocum has elected to step down.

### *Commission Concerns –*

Williams shared that if a Commissioner is not able to attend, please notify staff.

Meeting adjourned at 10:12pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant