



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, January 8, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Election of Officers
3. Approve Agenda
4. Minutes
 - a. November 13, 2006
 - b. December 11, 2006
5. PUBLIC HEARING: Open Space Preservation Concept Plan ~ WHISTLING VALLEY WEST
6. Rezoning Discussion
 - a. Report on Metropolitan Council request for an extension to submitting a revised zoning code
 - b. Village Residential Rezoning
 - c. Scheduling Joint Council/Planning Commission Workshop
7. City Council Updates
 - a. Dec. 19th – Oakdale Gun Club CUP Amendment was approved
 - b. Jan 2nd - Hidden Meadows 2nd Addition Final Plat was granted a one-year extension
8. Adjourn

**City of Lake Elmo
Planning Commission Meeting
January 8, 2007**

Vice Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Armstrong, Van Zandt, Deziel, Pelletier, Schneider, McGinnis, Fliflet, Roth. STAFF PRESENT: Special Projects Director Hoyt, City Planner Gozola, Interim Administrator T. Bouthilet, Assistant Planner Matzek, and Recording Secretary Anez. ALSO PRESENT: Councilmember Johnson.

Election of Officers

Commissioner Roth nominated Commissioner Pelletier for Chairman of the Planning Commission, seconded by Commissioner Deziel. Commissioner Armstrong nominated Commissioner Ptacek for Chairman of the Planning Commission, seconded by Commissioner Schneider. No other nominations were forthcoming. Vote for Pelletier: 3, Roth, Fliflet, and Pelletier; vote for Ptacek: 5:0:1 Lyzenga, Armstrong, Schneider, Van Zandt, and Deziel; Ptacek abstained out of modesty.

Commissioner Armstrong nominated Commissioner Pelletier for Vice-Chair, seconded by Commissioner Schneider. No other nominations were forthcoming. Vote: 9:0.

Commissioner Pelletier nominated Commissioner Roth for Secretary, seconded by Commissioner Deziel. No other nominations were forthcoming. Vote: 8:0:1, Roth abstained out of modesty.

Agenda

Remove Minutes for November 13 and December 11. Add to 4.c. Introduction of the Planner. Add distribution of the most recent Met Council Systems Statement to 6.d.

M/S/P, Fliflet/Schneider to approve the Agenda as amended. Vote: 9:0.

Introduction

Interim Administrator T. Bouthilet introduced Ben Gozola as our new Consulting City Planner from the firm of Schoell Madson. Ben said his experience was primarily with the City of Minnetrista. Minnetrista dealt with similar issues with the Metropolitan Council.

PUBLIC HEARING: Open Space Preservation Concept Plan and Conditional Use Permit WHISTLING VALLEY WEST (aka Phase III)

Assistant Planner Matzek introduced the application for eight residential lots and three outlots on approximately 15 acres adjacent to and west of existing Whistling Valley I. She said the existing home on the site will be removed as a condition of approval of this subdivision. She noted that this application for WHISTLING VALLEY WEST could be viewed in two different ways. If viewed as a stand alone application, then a 4/5 vote of City Council will be required for deviations from the OP Ordinance. The plan has no Open Spaces over 10 acres in size and the code requires 60% of Open Spaces be 10 acres or larger, 50% of buildable area is not preserved, and there are no trails within the plan. Assistant Planner Matzek said that WHISTLING VALLEY I and II created excess Open Space and trails. They also oversized their septic system, perhaps in anticipation of this addition. If viewed as a third phase and part of WHISTLING VALLEY as a whole, the application would average Open Space, trail length, and other provisions of the OP Ordinance. In that scenario additional OP requirements could be met, but at

least one deviation and a 4/5 vote of the City Council would still be needed - 60 percent of the Open Space would not be 10 acres or larger. She said staff recommends viewing this application as an independent, stand alone project, and asked for direction on how the Commission wished to view it.

Commissioner Deziel said he does not consider it a stand alone OP project because it lacks the qualities that define Open Space Preservation developments.

City Planner Gozola said an application like this is not a standard OP application for a number of reasons. The developer is proposing to apply the new OP ordinance with a higher density across the proposed development and the existing Whistling Valley I and II. He said the staff recommendation is to look at it as a unique stand alone project. He said it is not a legal precedent, and we don't have to worry about another developer doing something similar in the future. This is a unique application whether it is unique on its own or a unique set of circumstances. Under a super majority vote, the Findings could include that this development preserves more land in the existing developments to the east, objectives of the OP Ordinance and Comp Plan are met, and by doing so the Commission could then differentiate it from anything in the future.

Commissioner Armstrong clarified that the application meets the 50% open space requirements if averaged over all three phases.

Commissioner Pelletier asked if this parcel was in the long-term plan to be included in this development.

Assistant Planner Matzek said that she had heard this phase may have been verbally discussed in the past, but it was not found documented in Whistling Valley I or II.

Bob Close, Close Architects

Mr. Close said he worked with Dave Sorenson on all three phases of WHISTLING VALLEY. Open Space and trail length exceeded the requirements in I and II. Phases I and II addressed connectivity and the Lake Elmo Park Reserve. Phase III was addressed in the original filing with the county. The Forsythe land is particularly unique and a minimally accessible piece of ground due to topography and the creek bed. He said the lay of the land makes it difficult to exit the lot. Streets were laid out for connectivity between I and II and the same kind of connectivity was designed between I and III. Two streets in Phase I stub to the east and another stubs to the west toward the Forsythe property which is something the city wanted. All three parcels were always part of the design.

Dave Sorenson, Whistling Valley West, LLC, Developer

Mr. Sorenson said when first starting WHISTLING VALLEY they tried to look at the highest and best use of the land. They felt passionate about the niche created there and looked forward to extending it on. Originally, the owners of the now 2nd Addition were not ready to move on from their horse business and the owners of the proposed 3rd Addition were in discussion with the developers to some day add his parcel. Original covenants and documents were re-filed and recorded within three months to include those lands to the east and to the west as expansion lands. Sewer extensions and elevations where streets terminated were all designed with the plan of incorporating those lands and careful thought went into all of the plans.

Assistant Planner Matzek said the property to the south requires 200 feet of buffer setback and Lake Elmo Planning Commission Meeting Minutes of January 8, 2007

the most southerly lot within the proposed plan does not meet that requirement.

Mr. Sorenson said they can shift the lot lines northward to meet the required setback to the south. It is a densely forested site and surveyors marked trees over eight inches and then clumped woodlands. A couple of the lots are on the smaller side when compared with the lots within Phases I and II due to contours of the road. There is a large stand of pines east to west and the land slopes north to south.

Commissioner Schneider asked about surface water impact to the south.

Julie Johnson

Ms. Johnson said there is a dry creek that sometimes fills with water in the spring and with heavy rains. She lives in the house to the south.

Mr. Sorenson said the Johnsons are actually higher in elevation than the subject property.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:39 P.M.

James Kaufhold

Mr. Kaufhold said that at the public hearing for WHISTLING VALLEY 2ND ADDITION, they brought up some issues. His son owns the ten acres to the southeast of Phase II. The developer agreed to do some things and he didn't do them. The berm was to be 8 to 10 feet high because of the road design so headlights would not be shining into his son's home. The developer would keep the road down on the other side and people would not see into his son's yard unless on they were on the 2nd or 3rd floor of their homes. After development, the berm is higher than they said it would be but somehow between the public hearing and the final plat approval, they raised the five lots to the same height as the berm so now these people are sitting on top of a hill overlooking his son's property. Mr. Kaufhold said that he and his son fool around with old tractors and they play in the field and they make noise. The developer agreed to do these things but that is not what happened. He said he and his son are changing his property now with a permit from VBWD. The water used to go where the WHISTLING VALLEY drainfield is, and now the water sits on it because of the berm. He doesn't think that is right and he said he doesn't know how the developer got that through. In front it shows that they were supposed to put type 4 erosion control blankets on it. They did not put the blankets on the berm, they left caterpillar tracks on it, and threw some seed on it. The north side of the berm is fine. On the other side, the silt fence has dirt piled on it. He said that the City Planner, Engineer and Building Inspector had been out to the site four times two years ago. He was assured by staff that the city was holding back money to insure that the developers were going to do it. He does not know if this developer is really going to do what he agreed to. Mr. Kaufhold stated Phase III does not have enough acres. He said he does not know how the developer would get this approved. Mr. Kaufhold said he lives in Tablyn Park and so far his well is good. He believes no new development in Lake Elmo should have a well because it is going to be polluted. He said he thinks they should have city water if they are going to develop it. Concern was expressed regarding turning around in cul-de-sacs and fire truck accessibility.

Neil Krueger

Mr. Krueger said he knows a lot of work went into the Open Space Ordinance and many people feel it is too liberal today. The city should enforce the 10 acre parcel size for Open Spaces. He supports the staff recommendation. He lives across from an OP project that was originally 30 acres to which they later added some acreage. He said it was not the best use of that property.

Julie Johnson

Ms. Johnson lives south of the Forsythe parcel. She asked if the dead end road would be constructed right away and if it was 100 feet from the property line. She asked if they would be changing the landscaping of the land. She said she is concerned for water flowing into the gully.

Mr. Sorenson said there would be an easement to the city for a potential future road as he understands it. He said the intent of the proposed ponds is to pick up water from these homes. He said they will not be changing the creek.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:50 P.M.

Chairman Ptacek said pad elevations relative to the berm would be dealt with by the City Engineer or administration. He said that Valley Branch Watershed District is in charge of water flow.

Interim Administrator T. Bouthilet said Mr. Kaufhold's concerns were previously being handled by former Administrator Rafferty. Interim Administrator T. Bouthilet will work with the resident to get some resolution to his concerns.

Chairman Ptacek said that Letters of Credit can be used to assure things are done to city satisfaction. He asked Interim Administrator T. Bouthilet to get answers for Mr. Kaufhold with regard to pad elevations, height of berm at the silt fence, and erosion control.

Commissioner Armstrong said the only constant about the OP Ordinance is change. When first passed it was 6/20 acres then it was 10/20 acres if you preserved a barn. Then it became a 20 acre minimum until it was determined that those developments were not well managed. Then it was much higher density and then density dropped to 16 units per 40 acres. Now it is at 18 per 40 acres to meet Met Council standards. He said in this case they are combining additional land onto existing projects but all original projects were already built at 8 lots per 20 acres. Some of the interim projects over the years might have difficulty trying to increase density. Using this as a precedent would mean that only four or so unfinished developments currently in the city might qualify for this sort of application. He said he doesn't see a problem with this one because it has been a short period of time since these other two phases were created. He sees no reason to disallow this project. In order to meet Met Council criteria, he has no problem with their method of approach.

Commissioner Fliflet said she agreed in theory but struggles with allowing the tack on of land. She said this a special circumstance, it is a good use of the land, and the existing development isn't finished yet. She suggested they add trails or possibly redesign and remove one lot to increase overall lot size.

Commissioner Lyzenga said she doesn't have a problem in principle but has a problem with the scale of homes on those lots. She suggested smaller homes or fewer lots. Homes are kind of tight together in the other two phases but they are in a grandiose landscape.

Planner Gozola said the underlying issue is to allow this development to move forward as a fifteen acre development. From there the applicant can make some modifications.

M/S/P, Armstrong/Van Zandt to recommend that the approach of allowing 15 acres in

WHISTLING VALLEY WEST be combined and considered with Phases I and II for this application and move the project forward.

Commissioner Armstrong said he disagreed with the Planner to treat this as a stand alone project because there are many parcels of that size in the city. He added that this development is not finished yet.

Commissioner Ptacek said the applicant did give us extra trails and Open Space in the other phases with some plan for the future.

Commissioner Deziel said Phase III is generally similar. It fits together overall. Separated it is not what an OP development is about and he could not approve it as a stand alone project.

Vote: 9:0.

Commissioner Deziel asked for the street design to be forwarded to the City Engineer. He said that the applicant indicated to the neighbor it would not be installed right away and that may be a conflict.

Commissioner Armstrong said Cardinal Ridge and Parkview had to build their road to the boundary of their properties.

Planner Gozola said the Concept Plan is the opportunity to give your comments and suggestions, to express concerns about the east-west road and have the City Engineer look at location for that road and the scale of the homes.

M/S/P, Roth/Armstrong to recommend approval of the OP Concept Plan for WHISTLING VALLEY WEST according to plans in the file and report dated December 19, subject to the Engineer's recommendations, cohesiveness with Phases I and II, and integrating look and feel with those other two phases. (Schneider/Deziel amended) To include trails in this addition. (Deziel/Schneider amended) To specifically look at the roadway to the west and buffering to the south of this parcel.

Vote as amended: 9:0.

M/S/P, Fliflet/Schneider to direct staff to work with Mr. Kaufhold to address all of his concerns for WHISTLING VALLEY 2ND ADDITION, and to direct staff to return with a report about Phases I and II when WHISTLING VALLEY WEST comes back to the Planning Commission as a preliminary plat. Vote: 9:0.

Special Projects Director Hoyt

Special Projects Director Hoyt said she and some of the Council have met with the Met Council regarding the extension request for the zoning code. They will take action later this month with regard to that request.

Village Residential Zoning

Special Projects Director Hoyt said there are a couple of sites in the Comprehensive Plan where sewer is coming and we need to determine priorities. Approximately 3,000 properties and 2400 property owners will be affected by rezoning. She would like the Planning Commission to decide which areas have the highest priorities for the rezoning process.

Special Projects Director Hoyt said the City Council would like to have a workshop and a firsthand discussion with the Planning Commission. GTN will make a presentation for up to date information on Planning with changes to state statutes. The date and time is scheduled for Thursday, February 1, 2007 at 6:30 p.m. and it will last until about 9 p.m. The City Attorney has been asked to be there. The Council would like to work together with the Planning Commission and to offer some direction for the process.

Ms. Hoyt said the Village Area Master Planners are moving along with the draft. The team is working to finalize that plan and bring it back to the Council. They will be looking for Planning Commission feedback as well around the end of February and early March. She said the Village Area Master Plan is a Council initiative. The Planning Commission will also have input during the Alternative Urban Areawide Review.

Special Projects Director Hoyt distributed a handout of a portion of the revised Met Council Systems Statement. Ms. Hoyt explained that upon initial reading, the language in the Systems Statement didn't appear consistent with the MOU and the Met Council agreed, and the language was cleared up. She couldn't bring the entire document to the Planning Commission because it has not been reviewed but she is trying to make sure the Planning Commission does see it. She said the Planning Commission will receive the full System Statement before its submission to the Met Council.

Commissioner Armstrong asked if the map of the city on Page W7 shows distinction between developing area and rural residential.

Special Projects Director Hoyt said she anticipates there is very little change at this point.

Commissioner Armstrong asked her opinion if in the current state of negotiations that the MOU supersedes the Systems Statement.

Ms. Hoyt said the MOU is absolutely driving the Systems Statement.

Commissioner Ptacek asked for any differences between the Systems Statement and the MOU and Comprehensive Plan Amendments. He asked for a staff report, what the Systems Statement means, if it changes the MOU substantially, and what it means for switching of densities from south of 10th Street to the Village Area.

Special Projects Director Hoyt said she is not sure it is a policy change, although she has heard some of that discussion.

At the Workshop with Council on February 1, GTN will offer training that is more in-depth than Planning 101 but it will have some of that, and updates on statutes. She was asked for it to be taped for commissioners who cannot attend.

Special Projects Director Hoyt stated that a number of residents will be interested in the future rezonings due to property values and uses. She suggested they attend the workshop on education and then get together to determine priorities. She suggested they pick a couple of zones to focus on. She said the city can have information sessions for residents preceding or separate from the public hearings. She said the Planning Commission will prioritize with the Council. The Council has policy concerns they will share with the Planning Commission. She said it is a good

idea that residents have the opportunity to speak with staff and it makes the public hearings less contentious. It takes more time and money but it is better for communication.

Ms. Hoyt said the Met Council is not expecting an entire zoning code. It would be nice to clean up and fix up the existing code but she suggested that for now the Planning Commission focus on the critical codes because that is where the deadline will come into effect.

On January 22, the Assistant Planner will identify the Work Plan and regular Agenda.

Commissioner Pelletier asked if the Village Area Master Plan is going to drive some of their work.

Commissioner Schneider asked if the Village Area Master Plan should be decided to drive the zoning code.

Special Projects Director Hoyt said the Zoning Code will be last piece. Once that is in place, developers can come in with their proposals.

Commissioner Deziel said the Commissioners haven't seen a draft of the Village Area Master Plan.

Special Projects Director Hoyt said she will bring back the color maps in the Systems Statement and the draft of the Village Area Master Plan.

City Council Updates

Assistant Planner Matzek said the CUP for Oakdale Gun Club was approved on December 19. On January 2nd, Hidden Meadows 2nd Addition Final Plat was granted a one-year extension. They had gone beyond the 180 days requirement.

Councilmember Johnson congratulated elected officers, agrees with the philosophy of Special Projects Director Hoyt for communication with citizens. She also welcomed Ben Gozola, the City Planner.

Adjourned at 8:44 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary