

City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042



Meeting Notice

The Lake Elmo Planning Commission will meet Monday, June 8, 1998 at 7:00 PM in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.

AGENDA

1. Agenda

2. Minutes April 27, 1998

3. **PUBLIC HEARING:**

Case No. ZAM/98-10

Rezone from (RR) Rural Residential to (OP) Open Space Zoning.

William Zintl, applicant.

Property Location: The West Half of the West Half of the Northeast Quarter of Section 12. Located on 50th Street, just West of "The Fields"

4. **PUBLIC HEARING:**

Case No. OPC/98-11

Open Space Concept Plan for the development of an 18-single family residential lot subdivision on approximately 40.1 acres of land, along with the preservation of approximately 19.3 acres.

William Zintl, applicant.

Property Location: The West Half of the West Half of the Northeast Quarter of Section 12. Located on 50th Street, just West of "The Fields"

5. Other

6. Adjourn

***Planning Commissioners are reminded to bring their Municipal Codebooks and Comprehensive Plan to all meetings.**

**City of Lake Elmo
Planning Commission**

APPROVED

**Meeting Minutes
Monday, June 8, 1998**

Chairman Armstrong called the meeting to order at 7:05 PM in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Brass, Carlson, Gracyyk, Helwig, Herber, Mandel, Monette, and Sessing. Also present: Councilor Johnston and City Administrator Kueffner.

1. AGENDA

Add Fencing Ordinance discussion, item 5.a

**M/S/P Helwig/Mandel – to approve the agenda, as amended.
(Motion Passed 9-0).**

2. MINUTES

**M/S/P Helwig/Sessing – to accept the meeting minutes from April 27, 1998, as presented.
(Motion Passed 9-0).**

3. PUBLIC HEARING: Case No. ZAM/98-10 Rezone from (RR) Rural Residential to (OP) Open Space. William Zintl, applicant. Property location: The West Half of the West Half of the Northeast Quarter of Section 12. Located on 50th Street, just West of "The Fields".

Chairman Armstrong explained that typically, the Planning Commission heard the concept plan before the rezone case. It was agreeable to do so.

4. PUBLIC HEARING: Case No. OPC/98-11 Open Space Concept Plan for the development of an 18-single family residential lot subdivision on approximately 40.1 acres of land, along with the preservation of approximately 19.3 acres. Applicant: William Zintl. Property location: The West Half of the Northeast Quarter of Section 12. Located on 50th Street, just West of "The Fields".

City Administrator Kueffner reviewed the staff report, noting she feels it is imperative to follow the format set forth in the City Code when reviewing any and all applications. She stated that the staff report reflected verbatim excerpts from the City Code as it relates to Concept Plans in the OP zoning district. She then reviewed the submittal requirements. Said that upon staff review, recommends the Planning Commission recommend approval of this concept plan, based on the following findings:

- a) The Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
- b) The Concept Plan is consistent with the purpose of the Open Space Preservation District.
- c) The Concept Plan complies with the development standards.
- c) The Concept Plan preserves the required open space.

She also recommended that the Planning Commission members contact the applicant to arrange a time for an on-site visit.

Mr. Tim Freeman

*Folz, Freeman & Dupay
(Representing Mr. Zintl)*

Mr. Freeman presented the concept plan, which detailed the location of the wetlands, trails, road, entrance, outlots, ballfield, tennis court, and open space. Said the development would be "open" to builders and expected the price range would be in the \$250's.

Chairman Armstrong invited questions and comments from the Planning Commission members. He read a memo from Commissioner Berg (attached). Commissioner Carlson noted a 1/10 of an acre error in the calculations for density. Mr. Freeman said that this was most likely a "rounding" error and could easily be corrected by adjusting the size of a lot. Discussion continued.

Chairman Armstrong opened the PH for comments at 7:50 PM.

Pete Schiltgen

Resident

Feels this development is an infringement on the neighbors. Said the Planning Commission is not always careful to consider how the neighbors are affected.

LeRoy Rossow

11050 50th Street

Wanted to know how much it would cost him if 50th Street were improved.

City Administrator Kueffner explained the MSA procedure and said escrow dollars were set aside up front by the developer to cover this expense.

George Krueger

11491 50th Street

Adjacent landowner since 1948. Talked to Mr. Zintl when he purchased the land, and was told he intended to build a house and raise horses, not develop. Submitted a petition signed by other residents (attached). Submitted a self-drawn map detailing his opinion of high water areas (attached). Unhappy about the entrance to the development being 75 feet from his bedroom window, concerned that the lights from vehicles entering and leaving will be annoying. Concerned that children from this development will enter his property, wants the developer to install a fence. Thinks the traffic generated from the 18 proposed homes will be a detriment.

Reid Gilbertson

11421 50th Street

Is in direct opposition to this plan. Does not agree with the future land use designation. Said 90-95% of the affected property owners are opposed to this development. Said he feels this development will destroy the neighborhood. Concerned that the run-off from this development is not a positive situation.

Neil Krueger

4452 Lake Elmo Avenue

Disagrees with the rezoning. Feels this plan does not fit the ordinance. Thinks the property is better suited for farming. Feels the proposed recreational facilities within the development no longer represents the rural area.

Bob Engstrom

Feels this development is maximum intrusion. Not a neighborly plan, an unfriendly plan. Visually destroys the viewshed, wonders what the storm water plan will be.

A letter from L. Drevlow (attached) was entered into the official record.

Chairman Armstrong closed the comment portion of the PH at 8:15 PM.

Mr. Freeman made the following comments to the concerns raised:

Said he would not comment on the personal opinions presented. Said the concept plan follows the rules and regulations of the code. Said Mr. Zintl's change in land use is the only legal use allowed, based on the comprehensive plan. Said the water quality issue is analyzed by the VBWD in a comprehensive a detailed manner and all water leaving the site is monitored. Stated this plan meets the general intent of the ordinance and meets all the requirements of the current code.

The Planning Commissioners discussed their concerns which were:

Can't the developer reduce the amount of lots proposed; no village green; not a hamlet; no development until 50th Street is improved; trail system does not service the neighborhood; do not care for the flaglots.

M/S/F Carlson/Armstrong – to recommend approval of Case No. OPC/98-10 an Open Space Development Concept Plan for an 18-single family residential lot subdivision on approximately 40.1 acres of land, along with the preservation of approximately 19.3 acres of open space. William Zintl, applicant, property located on 50th Street, just west of "The Fields of St. Croix", to include all comments by the City Engineer and upon clarification of the size of the village green.

(Motion Failed 3-5-1). For: Carlson, Armstrong, Graczyk. Opposed: Monette, Helwig, Mandel, Sessing, Herber. Abstain : Brass.

City Administrator Kueffner brought the rezone case back to the Planning Commission members. Said months ago, City staff had been directed by Council to rezone per the future land use map, which is consistent with the comprehensive plan.

Chairman Armstrong opened the PH for comments at 9:10 PM.

**Reid Gilbertson
11421 50th Street**

Said he had no prior knowledge that this parcel of property was zoned for OP. Said he was never notified of the future land use designation.

City Administrator Kueffner said she would follow-up on this, and see if there had been a direct mailing. She reminded the audience that the city makes every effort to notify residents of meetings, via the legal newspaper and meeting notices posted on cable and in the City office.

**Brian Little
Resident**

Said he was never notified of the change in future land use. Said he was angry that residents were never notified of the OP requirements. Had no idea this property was designated as OP.

Chairman Armstrong closed the comment portion of the PH at 9:20 PM.

M/S/F Helwig/Mandel – to recommend denial of Case No. ZAM/98-11, A Rezone from (RR) to (OP) Open Space Zoning district. William Zintl, applicant and property located on 50th Street, just West of “The Fields”.

(Motion Failed 4-4-1).

5.a M/S/P Sessing/Mandel – to bring discussion of the Fence Ordinance to the Planning Commission on Monday, June 22, 1998.

(Motion Passed 9-0).

6. Adjourn

Chairman Armstrong adjourned the meeting at 9:50 PM.

Respectfully submitted, Cynthia Young-Recording Secretary

Memorandum

To: Mary Kueffner

From: Jeff Berg

Monday, June 8, 1998

Will not be attending tonight's planning commission meeting, ill with the flu.

Comments on the Zintl Concept:

- 1) Thought the wetland is supposed to be primary conservation areas, and the plan details filling one in.
- 2) The open space is all an active park.
- 3) Knows there has been high water problems on this property.
- 4) Village greens are too small.

6/8/98

Received via phone, 2:15 PM

Taken by CLY

PETITION

We, the undersigned residents of Lake Elmo, are opposed to any further rezoning of land along 50th Street No. We endorse the current zoning of rural residential (one house per 10 acres) and the comprehensive land use plan for Lake Elmo which supports the preservation of large lots in this area in order to maintain some of the last remaining rural character which the community of Lake Elmo has so long valued and defended.

Signature	Address
1. <i>E. & M. Krueger</i>	11491 - 50th St.
2. <i>Bruce & Charlene VanDerhoff</i>	11434 50 th St. N.
3. <i>J. Hase</i>	11260 50 th St. N.
4. <i>Oue Hansen</i>	11260 50 th St. N.
5. <i>Judy Flail</i>	4890 Lake Elmo Ave
6. <i>Ann Deay</i>	4890 Lake Elmo Ave No
7. <i>Glenn Meech</i>	4690 Lake Elmo Ave No
8. <i>Mary & Kathy Smith</i>	Lake Elmo Ave
9. <i>Shoyt Laura Abbott</i>	4455 Lake Elmo Ave N. Lake Elmo
10. <i>Neil Krueger</i>	4452 LAKE ELMO AVE N.
11. <i>Dorrie KRUEGER</i>	4452 L.E. Av. N.
12. <i>Rick HOFFMAN</i>	4550 L.E. AVE, N.
13. <i>Nancy Hoffman</i>	4550 Lake Elmo ave N.
14. <i>Doug Williams</i>	4596 Lake Elmo Ave W.
15. <i>Frances C. Williams</i>	4596 Lake Elmo Ave No
16. <i>Lorraine Krueger</i>	11491 50 th St. No.
<i>Steve Eischen</i>	11674 Stillwater Blvd
<i>Wayne Eischen</i>	11674 " " "

17. Margaret Schmidt 4525 Lake Elmo Av N
18. Bummy Day 4779 Lake Elmo Ave No.
19. Lisa L. Day 4779 Lake Elmo Ave. N., Lake Elmo
20. Martin E Goetschel
21. Dr. R. J. Rossow Sr 11050 50 ST N. N. F. H. M. O.
23. Gabe Madriwick 11240 50th ST L. ELMO.
24. Jan Madriwick "
25. Mally Madriwick "
26. Lee Dwyer 11676 Stillwater Blvd.
27. Ryan Ziemer 11091 STILLWATER BLVD.
28. Richard Smith 11514 Stillwater Blvd.
29. Bob Eischen 11674 Stillwater Blvd. N
30. Nancy Eischen Lake Elmo, Mn. 55042
31. Bruce S.O. Little 11311 50th ST. N L. Elmo
32. Nancy Ober 1131 50th ST. N. L. Elmo
33. Alank Mann 13350 50th ST. N. L. Elmo
34. Peter Schiltgen 10880 Stillwater Blvd. 2E.
35. Lisa Schiltgen 10843 Stillwater Blvd N L. E.
36. Richard Day 50 St.
37. Laurel E. Overton 50th St.
38. Neil ~~Day~~ 11421 No 50th
39. Jeri Alinger 4620 Lake Elmo Ave

SKETCH PLAN AND LANDSCAPING PLAN

SURVEY FOR:

Will Zintl
5620 Memorial Avenue North
Stillwater, MN 55082

May 13, 1998

18' gh water
in 1965

- NOTES**
- 1. IDENTIFIED 1/2 INCH DIAMETER PIPE WORKMENT SET AND MARKED WITH A PLASTIC CAP (SEE SHEET 13777, 13778, 13779 SHEET 13780).
 - 2. IDENTIFIED 1/2 INCH DIAMETER PIPE WORKMENT FOUND.
 - 3. IDENTIFIED 1/2 INCH DIAMETER PIPE WORKMENT FOUND.
 - 4. IDENTIFIED 1/2 INCH DIAMETER PIPE WORKMENT FOUND.
- LEGEND**
- DASHED LINE --- INDICATES POSSIBLE FUTURE POND LOCATION AND DEPTH.

CERTIFICATE OF TITLE NO. 8280

The West Half of the West Half (W1/2 of W1/2) of the Northeast Quarter (NE1/4) of Section Twenty (20), Township Twenty-nine (29) North of Range Twenty-one (21) West subject is an easement for a public roadway over and across the North end of said tract as now established and traveled.

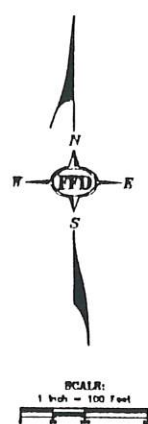
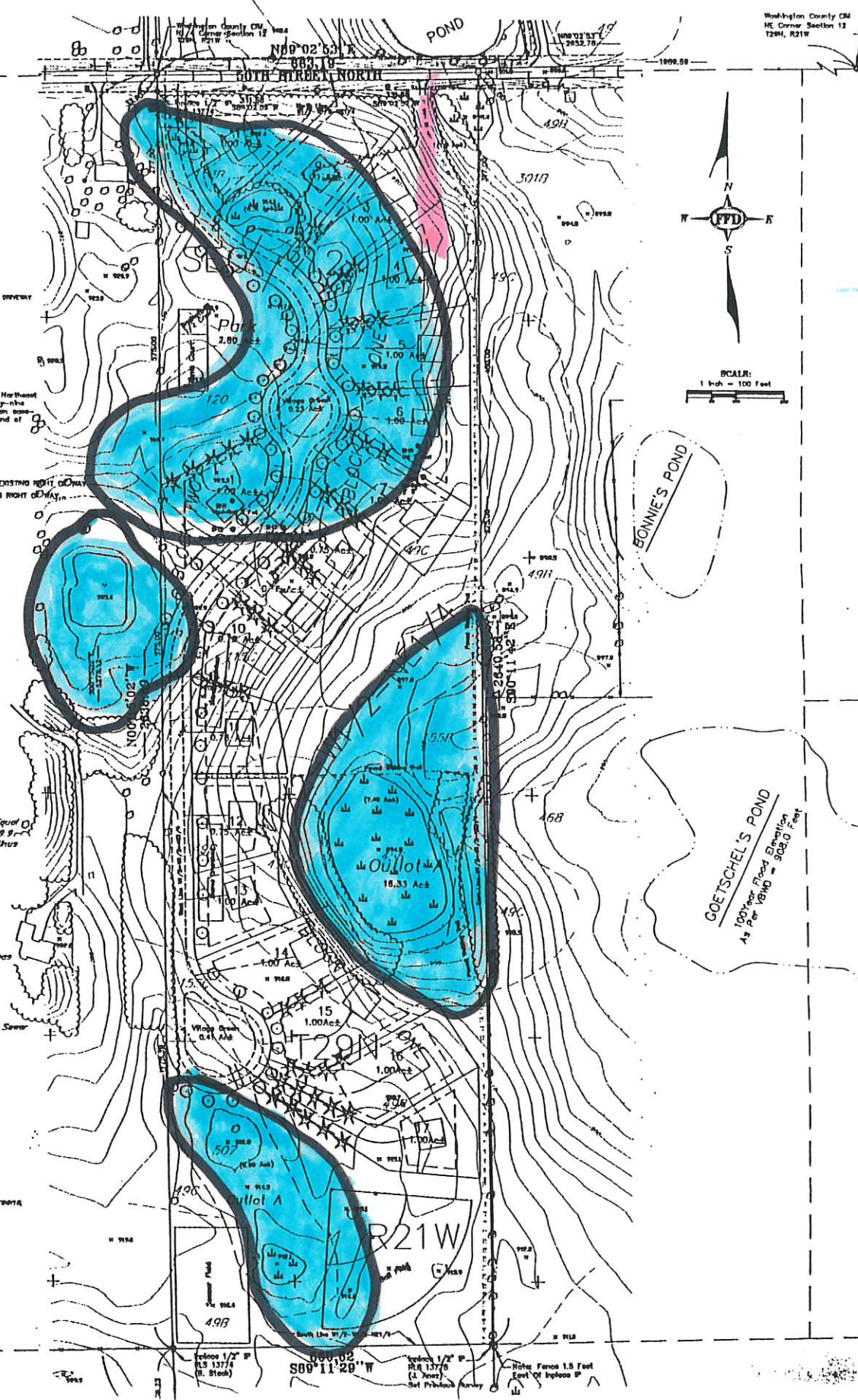
TOTAL AREA OF PARCEL = 40.10 ACRES INCLUSIVE OF EXISTING RIGHT OF WAY
AREA OF PARCEL = 39.8 ACRES EXCLUSIVE OF EXISTING RIGHT OF WAY

Notes: The Landscaping Plan is for illustration only. A Professional Landscaping Plan will be submitted with the Preliminary Plat.

- ENVIRONMENTAL RESOURCES**
- I 40.1 Acres -- Total Site
 - II 1.3 Acres -- Protected Wetlands
 - III 0 Acres -- Wetland Buffer/Setback Area
 - IV 1.5 Acres -- 12% - 24% Sloped Area
 - V 0 Acres -- 25%+ Sloped Area
 - VI 3.3 Acres -- Woodlands
 - VII 38.8 Acres -- Not Developable Areas In Equal Or To The Total Site (40.1 - 0.21(50% SL. N.) - 39.9 Acres) Minus Protected Wetlands(1.3 Acres) Minus Areas With Slopes Exceeding 25% (+) 0 Acres

- PUBLIC IMPROVEMENTS**
- I 4.81 Acres -- Public Road Right Of Way
 - II 0 Acres -- Driveway Way And Ponding Areas
 - III 3250 Lb Wood Fuel -- Trunk/Branches And Stumps (Outside Of Road Right Of Way)
 - IV 0 Acres -- Utility Easements (Water And Sewer Not Used For Private Development Purposes)
 - V 2.8 Ac. -- Public Parks

- PROPOSED DEVELOPMENT**
- I 18.3 Acres -- Total Residential Area
 - II 0 Acres -- Total Commercial Land Area
 - III 0 Acres -- Total Private Open Space (Lawns, Commons And Greenways)
- Space Required -- 19.3 Acres
Open Space Provided -- 19.3 Acres
- Density Calculation:**
- Base -- 12 Units
 - Trail -- 2 Units
 - Open Space -- 2 Units
 - Wetland Green -- 2 Units
- 18 Units Allowed



GOETSCHEL'S POND
100 Year Flood Elevation
As Per 1840 = 308.0 Feet

Notes: Fences 1.5 Feet East Of Epsilon IP

Dear committee members:

Several years ago the Minnesota Design team worked with the citizens of Lake Elmo to create a plan for the future which could accomodate growth yet preserve the highly coveted country atmosphere which has been so central to the lives of members of this community, both long time and new. The plan stressed that large areas of open space should be preserved near the village to ensure the rural atmosphere which its citizen's so strongly support. It also specifically noted that neighborhoods such as the one along 50th street should remain zoned in large lot sizes for the same purpose. If we continue to grant license to every proposal for development, there will surely be no "gracious country living" left in Lake Elmo and indeed the very reason for which people live here and want to live here will be forfeit. The plan created by the concerned and active members of this community with the Minnesota Design team was not intended for the short term, but was rather a long range vision of what Lake Elmo can be for us and for future generations. I strongly encourage each of us who are able to make decisions regarding our future, to commit to implementing the vision for our future created at the time of the Minnesota Design Team's visit and deny the request for further rezoning along 50th street.

L. Drevlow

*rec'd. by City of Lake Elmo
Planning Commission
at its 6-8-98 meeting
Cynthia Young*