

City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Planning Commission will meet Monday, March 27, 2000, at **6:00 p.m.** in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.

COMMISSIONERS-PLEASE BRING YOUR CODEBOOKS AND VILLAGE PLAN TO THIS MEETING

AGENDA - 6:00 p.m.

1. Review Section 1385 - Wind Generators (*attached*)
2. Review Section 535 - Signs

AGENDA - 7:00 p.m.

1. Agenda
2. Minutes March 13, 2000
3. **Public Hearing:** **D & T Development**
Open Space Residential Development Concept Plan
Tjosvold/Zehrer Property - 8890 15th Street
4. **Public Hearing:** **Stillwater Investment Corporation/Betty Smith**
Comprehensive Plan Amendment; Concept and Development
Stage PUD; Preliminary Plat
Northeast Annexed Area
5. Communications from Village Commission
6. Other
7. Adjourn

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Approved: 4/10/00

**Lake Elmo
Planning Commission**

**Monday, March 27, 2000
Meeting Minutes**

6:00 p.m. – 7:00 p.m.

Discussion: Tower Ordinance – re-visit at the April 10, 2000 6:00 p.m. Planning Workshop.

Discussion: Sign Ordinance

M/S/P Sedro/Armstrong – to recommend no further amendments to the current Sign Ordinance.

(Motion Passed 6-0) Armstrong, Sessing, Mandel, Brass, Sedro, Helwig.

7:00 p.m.

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Berg, Brass, Gerard (arrived-7:10 p.m.), Helwig, Herber, Mandel, Ptacek, Sedro and Sessing. Absent: Commissioner Lipman. Also present: Planner Dillerud.

1. AGENDA

M/S/P Helwig/Sessing, to approve the agenda, as presented.

(Motion Passed 9-0).

2. MINUTES

M/S/P Sessing/Berg – to accept the minutes from the March 13, 2000 meeting, as amended.

(Motion Passed 8-0-1). Abstain: Herber.

**3. Public Hearing: D & T Development
Open Space Residential Development Concept Plan
Tjosvold/Zehrer Property – 8890 15th Street**

Planner Dillerud discussed the site history and existing conditions as a 642-foot by 2,636 foot site of 40.02 acres. He explained there is an existing residence and two horse-related accessory structures are located at approximately the north/south break point of topography, 1,600 feet north of 15th Street. A pipeline easement cuts diagonally across the site from southeast to northwest over the north half of the site. The site is bounded by the Lake Elmo Regional Park Reserve on the North, a similarly shaped 40 acre parcel to the East; undeveloped agricultural land directly across 15th Street to the South; and, the Parkview Estates Open Space Residential Development to the East. He said City records do not indicate any other information on the site other than those related to Building Department permits for the existing house and accessory structures.

Planner Dillerud discussed the proposal as the concept phase for an Open Space Residential Development, dividing the 40 acres site into 18 single family detached lots (1 existing home site and 17 new lots). He explained the density allowances as found in the 3/27/00 staff report finding, as with at least one other previous OP development, this proposal, with a 4:1 aspect ratio (depth to Lake Elmo Planning Commission Monday, March 27, 2000

width) presents difficulties for the applicant to comply with the spirit and intent of the OP Amendment to the Comprehensive Plan, and the design/performance standards of the OP Ordinance. Planner Dillerud said staff encouraged the applicant's representative to reconsider design of the South ½ of the site to reflect future linkage east to the Regional Park and, to the West via outlet A of Parkview Estates. He noted the illogical diffusion of Open Space created by proposed Lot 5, Block 2, and suggested that this element of the Concept also be revisited. He noted that although the drawings presented essentially "ghost plats" the site to the East, no formal application has been submitted by those landowners.

He presented the following findings:

1. The Concept Plan is generally consistent with the Comprehensive Plan with regard to land use (residential), and potential residential development density. The Plan falls within the range of residential development density permissible by Conditional Use Permit as an OP project.
2. Due to the aspect ratio of the site (relationship between width and depth) and the proposed Concept Plan design, one of the purposes of the OP ordinance, reduction in the cost of constructing and maintaining public facilities, will not be realized. Over ½ mile of public streets is proposed to serve 18 dwelling units. Enhanced design efforts toward grouping dwelling units and aggregating open space into larger units would go to overcoming this conflict with OP purpose.
3. The proposed Concept Plan does not appear to comply with the development standards for OP of the City Code. At least open space parcel size; main structure setback to property line adjoining existing development; and paved street width proposed appear to conflict with Ordinance standards.
4. The Concept Plan appears to preserve an amount of open space somewhat short of the 50% ordinance standard – due, it appears, to failure to account for private pathway deductions from Preserved Open Space totals, as required by the Code.

Tim Freeman

Folz, Freeman & Dupay

(Representing D & T Development, Tjosvold/Zehrer)

Mr. Freeman explained that: the open space outlots designated on the drawings would be privately owned and farmed by the owner; pathways would NOT be private; street widths would be the same as Tana Ridge and Fields of St. Croix-Second Addition; expects the property to the east will be developed, and he designed this development with that in mind; the Homeowners Association will maintain the Village Greens and ponds. Mr. Freeman stressed that the proposed design is a reasonable layout request from a "future planning" standpoint.

Commissioner Mandel said he favored wider street widths in OP developments.

Commissioner Brass said she was uncomfortable with the idea of basing a concept plan approval on the future development of an adjoining property.

Chairman Armstrong opened the comment portion of the Public Hearing at 7:50 p.m.

Neil & Susan Siverson

Resident (Owners: adjacent property to the East)

Chairman Armstrong read a prepared statement authored by the Siverson's (attached).

Pat Ganley
Resident

Ms. Ganley asked if homes could be built within the 100-foot pipeline easement.

Planner Dillerud explained that the owner of the pipeline easement determines the building conditions, not the City.

Steve Wortman
1668 Ivory Avenue

Mr. Wortman asked if 15th Street would be paved in the future.

Mr. Freeman said the developer would escrow funds for future development of 15th Street.

Jon Dostell
1727 Ivory Avenue

Mr. Dostell explained that he lives at Lot 8, Block 5, Parkview Estates, and said he was concerned about the location of the proposed residence on the flag-lot, which would impair his view, and felt the buffer zone between this proposal and his lot is not sufficient.

Jeff Iverson
1663 Ivory Avenue North

Mr. Iverson asked how the open space would be utilized.

Mr. Freeman said the current property owner would remain private, and that the Tjosvold's would continue to "farm" the land, in agreement with the Minnesota Land Trust requirements.

Neil Siverson

(Resident/property owner directly east)

Mr. Siverson said he had some concerns regarding the buffering between properties; he is not currently interested in developing his property. He said the proposed road layout is fine, and he may consider developing later, but for now, agricultural use is preferred.

Chairman Armstrong closed the comment portion of the Public Hearing at 8:10 p.m.

Planner Dillerud observed there is indeed no Outlot "E" at the scale of the graphics, it appeared to him that there were two outlots on the East side of the plat, not one.

There was considerable discussion regarding the 16th Street "stub." Commissioners Gerard, Brass, and Herber said the design of the plan may have further potential, but had concerns about the property to the East of this site being undeveloped at this time and no application pending.

Commissioner Mandel expressed his personal dislike for walking paths, and requested the developer change the plan to make them more contiguous.

Commissioner Berg said he preferred to "table" this issue, but felt the plan is close to the intent of the OP ordinance. He said he was not in favor of the proposed "flag lot."

M/S/F Brass/Ptacek – to recommend denial of the D&T Development/Tjosvold-Zehrer Open Space Concept Plan based on the following findings:

The proposed Concept Plan does not appear to comply with the development standards for OP of the City Code. At least open space parcel size; main structure setback to property line adjoining existing development.

The Concept Plan appears to preserve an amount of open space somewhat short of the 50% ordinance standard – due, it appears, to failure to account for private pathway deductions from Preserved Open Space totals, as required by the Code.

(Motion Failed 2-7).

M/S/P Mandel/Sessing – to recommend the plan reflect continuation of the pathways, so they “flow” and connect.

(Motion Passed 9-0).

M/S/P Gerard/Ptacek – to recommend 26’ street widths.

(Motion Passed 9-0).

M/S/P Ptacek/Berg – to recommend alteration of the “flag lot.”

(Motion Passed 9-0).

M/S/P Mandel/Brass – to recommend a 200’ buffer from the property lines for all structures.

(Motion Passed 8-1). Opposed: Armstrong: interprets the code as the applicant has presented.

M/S/P Brass/Berg – to recommend all open space be more contiguous, particularly noting Outlot D, and remove the “stub” as an extension of 16th Street to the East.

(Motion Passed 9-0).

M/S/P Sessing/Herber – to “table” D&T Development/Tjosvold-Zehrer Open Space Development Concept Plan until the April 10, 2000 Planning Commission meeting.

(Motion Passed 9-0).

BREAK

(Commissioner Helwig – exit 9:00 p.m.)

4. **PUBLIC HEARING:** Comprehensive Plan Amendment,
PUD Concept Plan, PUD Development Stage Plan,
Preliminary Plat
Stillwater Investment/Betty Smith
Northeast Annexed Area

Planner Dillerud explained that the previous Stillwater Investment Corporation/Betty Smith plan did not meet the requirements for SRD, and the City Council referred this application back to the Planning Commission. He said the current proposal, which indicates 110 single family residential dwellings meets the intent of the Comprehensive Plan Amendment, and with proper project design and PUD Contract controls, the Land Use Classifications proposed will not have an adverse impact on public infrastructure.

He noted that the PUD Development Stage Plan & Preliminary Plat must correspond with the Concept Stage Plan, and would not, with the Concept modifications recommended.

Commissioner Sedro asked why the City Council preferred Limited Business land use rather than residential, specifically, townhouses.

Planner Dillerud responded by saying the City Council was not very clear with their reasons, other than to say that there may be the necessity for less services with non-residential use than residential.

Mike Gair

McCombs, Frank, Roos

(Representing the applicants)

Mr. Gair reviewed the proposed plat, noting the City Council recommended density of 1.4 units/per acre. He explained the entrance/exit changes near St. John's Church and 55th Street. He said the commercial structure at the north end/limited business area might indicate a structure that could emulate a "barn" design. Mr. Gair explained that there may be a "Welcome to Lake Elmo" monument sign at the north end of the property, similar to that which is currently located on the west side of the Schiltgen Farm, along Highway 5.

Chairman Armstrong opened the comment portion of the Public Hearing at 9:55 p.m.

Bernie Wilke

5085 Linden Trail North

Mr. Wilke said he was concerned about the watershed area and asked if trees would be removed, and excavating along Highway 5. He expressed his concern that pollution may occur in the pond area as a result of development, but feels the plan has promise.

Mike Thiesen

5323 Stillwater Blvd.

Mr. Thiesen asked how an office building would indicate "transitional" planning for this area.

Chairman Armstrong entered two (2) letters from residents (attached).

Chairman Armstrong closed the comment portion of the Public Hearing at 10:00 p.m.

M/S/F Gerard/Sedro - to recommend approval of the Comprehensive Plan Amendment, Planned Unit Development Concept Plan, Planned Unit Development Stage Plan, and Preliminary Plat for Stillwater Investment Corporation/Betty Smith as presented, conditioned upon approval from the City Attorney, Valley Branch Watershed District, and that salt tolerant trees be planted along Highway 5.
(Motion Failed 1-8).

M/S/P Armstrong/Sessing - to recommend denial of the Comprehensive Plan amendment, Planned Unit Development Concept Plan, Planned Unit Development Stage Plan, and Preliminary Plat for Stillwater Investment Corporation/Betty Smith as presented, finding the plan exceeds the Planning Commission recommendation of .9 units/per.
(Motion Passed 7-2). Opposed: Berg, Sedro - would rather table the proposal.

5. Communications from Village Commission

Village Commission Chairman Frost proposed a joint workshop to include the Village Commission, Planning Commission, and City Council, to discuss the radical departure from the Village Commission recommended Land Use Plan for the Village Area Planning District, in hopes to take a more pro-active course.

M/S/P Armstrong/Berg - to request the City Council approve a joint workshop with the Village Commission, Planning Commission and Council on an alternate Monday.

(Motion Passed 9-0).

Chairman Armstrong adjourned the meeting at 11:09 p.m.

Respectfully submitted, Cynthia Young-Planning Secretary

ORIGINAL

To: Chuck Dillerud
Lake Elmo City Planner

From: Neil & Susan Siverson N.S. S.S.
Adjacent Landowners

Re: Proposed Concept Plan
Tjosvold Property

Date: March 27, 2000

RECEIVED
MAR 27 2000
CITY OF LAKE ELMO

-We are in favor of the roads, as proposed. They provide for comprehensive future development.

-The concept plan does not appear to meet the required "Buffer Zone" as stated in Section 301.070D.16, Subd. 7., of the Lake Elmo Municipal Code. (Buffer zones of at least one hundred (100) feet shall be required between residential structures and agricultural uses.....). Preliminary plans do not show a barrier separating yards from fields and pastures. Also, dwelling locations need to meet the 100 foot setback from Agricultural property.

-A number of Walking Trails appear to be going nowhere and dead-ending at Agricultural property. We would like to see the trails "buffered" from Agricultural operations, also.

cc: Planning Commission
Tim Freeman

ORIGINAL

12335 53rd Street, North
Stillwater MN 55082
March 22, 2000

Charles E. Dillerud
City Planner, City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo MN 55042

RECEIVED

MAR 24 2000

CITY OF LAKE ELMO

Re: Stillwater Investment Corporation
Northeast Annexed Area

Dear Mr. Dillerud,


Thank you for the notice of public hearing on the 90 acres in the northeast annexed area of the city. We are opposed to this reclassification of land use in this area.

We live across Highway 5 from the proposed development. When we bought our home, that land was in Baytown Township and subject to a 2.5 acre minimum lot size. We have not imagined that the land would stay a corn field forever, and have expected that it would someday be turned into house lots. We did believe that those lots would be 2.5 acres or more. This proposal calls for 25000 sq ft of office space and 109 single family lots. It looks like those lots would be about .75 acre each.

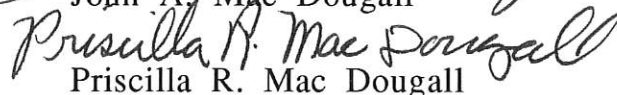
This density of development is out of character with a rural residential area. Already, turning left out of 53rd Street onto Highway 5 is difficult for about 8 hours a day. Several hundred car trips more a day won't help. We would like our area to resemble the rural residential area of Lake Elmo, and not resemble Oak Park Heights.

We recognize that the farmer's last, most profitable crop is often houses, and would not want to deny anyone the right to develop their land in a profitable way. We are willing to support housing on 2.5 acre lots. We just want development to reflect the character of Lake Elmo rather than having it become another extension of Oak Park Heights.

Yours truly,



John A. Mac Dougall



Priscilla R. Mac Dougall

RECEIVED

MAR 24 2000

CITY OF LAKE ELMO

ORIGINAL

Charles Dillerud
City of Lake Elmo:

Thank you for the opportunity to respond to your letter and the copies of the Public Hearing Notice and Site Map regarding the "amended application by Betty Smith & Stillwater Investment..."

We have lived in our home for the past 15 years plus and seen the area undergo dramatic change and development. I have not been pleased to see most of this change away from our semi-rural environment, however, I do acknowledge that most of the growth has been done with some respect for retaining large lot sizes.

I am not in favor of seeing multiple businesses and 109 single-family building lots squeezed into 90 acres directly across the street. A check of the Blackwood Farms and Cloverdale Farms developments would show far less density than this latest proposal, maybe more on the order of 35 homes in the same 90 acres.

It is almost impossible now to get on Highway 5 in the mornings to go towards Lake Elmo and cross traffic coming to the high school and also merge with traffic going to work.

I think the added congestion, the further destruction of wildlife habitat and the added visual and audio "pollution" caused by such a large number of homes will destroy what little remains of the rural "ambiance."

I encourage you to reject the application and consider far more stringent lot size and use restrictions.

Marv Rooney

Marv Rooney 3/22/00

5049 Stillwater Blvd.
Stillwater