

**City of Lake Elmo
Planning Commission Meeting Minutes
March 10, 2003**

Chairman Helwig called to order the meeting of the Planning Commission at 7:00 p.m. COUNCIL MEMBERS PRESENT: Hunt, Siedow, Dunn, DeLapp, and Johnston. COMMISSIONERS PRESENT: Meldahl, Sedro, Bunn, Berg, Pelletier, Sessing, Van Pelt, Johnson, Ptacek, Deziel, John, Williams, Herreid (8:10 pm), Bucheck (9:26 pm). STAFF PRESENT: Chuck Dillerud, City Planner and Kimberly Schaffel, Recording Secretary.

PLEDGE OF ALLEGIANCE

AGENDA

Jeff Berg added Shoreland Ordinance under Old Business. Chairman Helwig asked the City Planner for a City Council Report of actions taken that apply to the Planning Commission.

M/S, Helwig/Berg, To accept the Agenda as amended. **VOTE: 9:0 PASSED.**

MINUTES

Minutes were postponed until after the interviews.

JOINT INTERVIEWS WITH CITY COUNCIL FOR ZONING ORDINANCE CONSULTANTS

Staff Report, Chuck Dillerud

Two firms are represented tonight that responded to the Request for Proposal regarding a rewrite of our Zoning Ordinance. We did this one year ago. We have held off until now due to other constraints on the Commission's time. Since then, an I-94 moratorium was adopted by the City Council. The new Zoning Ordinance should be done before we decide anything more. This would be a complete rewrite of the ordinance. Other communities try to do this every ten years. There are many amendments to the ordinance over the course of a decade, and there are new concepts and techniques in land use control, all of which we hope our consultants would address.

MFRA McCombs, Frank, Roos, and Associates

Cindy Alnos, Consulting Planner

Ms. Alnos distributed a handout. She would be Project Manager for the rewrite. Mike Geer would also be closely involved but could not attend tonight.

She used to be a planner in Minnesota in the early 1990's. She understands the city's needs. Many communities don't meet basic goals. Lake Elmo is looking for something unique to them. She has worked in many communities that are facing serious challenges. She understands that Lake Elmo is working to increase growth intelligently.

In Georgia, she was Planning Director for a county with an extremely high growth rate. She headed a staff of seven. They had high tourism. There were water quality issues. They had a community green space plan. Their goal was to preserve 20% of developable land through various means. They did not have a lot of money to purchase lands. Instead they used public education about conservation easements, transfer of development rights, regulatory means, and voluntary commitments to achieve that goal.

She has several clients wishing for innovative ideas. The handout shows part of a Comprehensive Plan in Hassen, Minnesota. They have a strong goal of maintaining rural quality while some areas get sewer for business only. They have identified a wildlife corridor in their map. They are going through an incorporation process at the same time.

3-10

North Oaks did one planned unit development. Theresa Greenfield was instrumental in developing that program. She would work on this project too.

City of Carver wants to grow and urbanize rapidly. They are unique in being able to determine how they will grow and how fast. The new Highway 212 that will be built in the western suburbs will be terminating there.

Public practices are another area where MFRA is noted. They administer zoning ordinances for several area cities. They also work with developers. They try to create ordinances that are not too onerous. They have a staff of five planners who are eager and qualified to work on this project.

She wants to be sure the city can defend and live with the ordinance they create.

Allen Doff, Consulting Planner

He is excited by the expertise Ms. Alnos provides clients and with her leadership. Mike Geer adds value too. Stephen Ryan from Lyman Development has worked with Mike on about thirteen projects. He says he is the best land planner he has ever worked with, he shows personal commitment to his projects, and he is and incredibly talented, experienced, and dependable partner.

Their private portfolio distinguishes them from other companies. They have included in their proposal an initial free meeting to be sure they are on the right track on your behalf. Allen is a Planning Commissioner for another city. He thinks it is admirable that the city has so many volunteers. They would be honored to work to help keep the local identity and creative vision for Lake Elmo.

They have no prior commitments or attachments to the Met Council.

Commissioner Deziel

Another firm we spoke with last year had a great deal of experience with the DNR. We have a particular problem with the city's Shoreland Ordinance.

Cindy Alnos

Before working for MFRA, in Duluth they were planners for Lake Superior's north shore. They developed management plans that evolved into negotiations with the DNR. They worked with LCMR to secure funding along rivers for permanent protection. St. Paul Park and Grey Cloud Island Township looked to MFRA for development plan coordination.

Councilmember DeLapp

He is concerned about variances in the city increasing levels of non-conformity. A recent application was approved close to a lake. If we intend to treat property owners fairly, everybody could, therefore, be eligible to build that close to the lake. The point is we should not be doing that. Every case should be looked at individually.

Cindy Alnos

The goal is to create a better product overall.

Commissioner Bunn

"New" and "rewrite" are used frequently in our proposal. This is a large overhaul. In the biographies and in the specific projects they presented, she saw many adjectives but not many verbs. How much experience does MFRA have in complete rewrites of zoning ordinances?

Cindy Alnos

They wrote two in their entirety. While working for the City of Mankato she did their own overhaul. Most communities do this at least every ten years. She also created Open Space Development Ordinances for Stillwater Township and Scandia Township.

Commissioner Sedro

What kind of performance-based zoning experience does MFRA have?

Cindy Alnos

Her experience is usually creating a Planned Unit Development overlay on top of a basic zoning district. Georgia would negotiate a brand new zoning in each case. Through that process MFRA could do unique things. They created a 2000 + acre wildlife park. This was part of a 5000 acre PUD. The scale was immense by comparison to Minnesota projects. Under conventional zoning it would never have been allowed.

Councilmember DeLapp

Impact Zoning and impervious surface coverage are two areas of concern. Every applicant uses it to their own benefit. The city needs some real rules. He would like to see impacts, traffic, visibility, and lighting addressed. Do they have any experience in these areas? The city should not continue to grant special rights to one neighbor and not the other. We want to be able to throw our ordinance in the trashcan. We need it to benefit the city, not developers.

Cindy Alnos

She was involved with a Transfer of Development Rights program in another community. Nobody in Minnesota is actually doing a true TDR program. Hassen is trying to do that through free-market preservation. The cost to the township will be minimal. Details have to be worked out for the fairness and management of it. They are trying to meet specific needs. Rather than have large lot subdivisions, they are trying to preserve open space.

Commissioner Berg

What would be the time frame for this project? Are there issues that could throw the time frame off?

Cindy Alnos

Assuming it starts in March, it would be six months on a fast track. Issues throwing it off would be lack of agreement between Commission and council. It is important for the city to try to identify the key issues. It is easy to overcome conflict over details but important to agree on the overall goal.

Commissioner Pelletier

Ten meetings are indicated in the MFRA proposal, which added a couple of more than the RFP required.

City Planner

The thing that could slow us down the quickest on any project would be the Commission. We will not be able to go over and over little things. That is why a performance-based ordinance might be best. Are you familiar with communities with true performance based zoning and experience with administering that?

Cindy Alnos

There is a lot of information out there. She would be drafting something easy for staff to administer and homeowners to understand. It can get overwhelming very quickly. There are pitfalls to that process.

Commissioner Deziel

Does MFRA have experience in true, textbook TDR?

Cindy Alnos

Many places have cluster subdivisions and they are calling them TDR's in some areas. Her research shows nobody in Minnesota who is actually doing true TDR.

Councilmember DeLapp

It was sort of done in Marine on St. Croix.

Commissioner Deziel

TDR is crucial for our Old Village development plan to work.

Councilmember DeLapp

He explained that the Old Village contains about 700 acres, and the goal would be to cluster on 150 acres with owners not losing value.

Chairman Helwig

He thanked the representatives from MFRA and recessed the meeting.

Chairman Helwig adjourned for a five minute break.

Chairman Helwig reconvened the meeting at 7:55 p.m.

TKDA Toltz, King, Duvall and Associates

John Paul, Director of Municipal Planners

Dick Thompson would take the lead on this project but he is currently in Florida. John agreed to represent TKDA this evening. TKDA has a staff of 200 in downtown St. Paul. Their work includes everything from construction to local zoning ordinances. Their updated proposal outlines their approach in creating Lake Elmo's new zoning ordinance. They have a technician to help Dick. He has experience doing zoning ordinances. Dick understands Lake Elmo's special needs. He understands the community vision and desire to maintain small town rural character. Lindstrom has some of the same concerns. A lot of houses were originally cabins. Now we are dealing with decks and driveways. Our zoning ordinance has to be flexible to recognize these subtleties. Scandia has similar problems. An important issue is ease of enforcement, reducing hearings and meeting times and costs while withstanding outside pressure. TKDA is very familiar with the city and with the Metropolitan Council's viewpoint. They just did a strong ordinance for West Lakeland Township. They are implementing conservation districts, and concerned about pressure for development along the I-94 corridor, and reducing the need for variances. Dick has a special understanding of the east metro. He is very familiar with this area through his work on the Metropolitan Council. Their office is situated very conveniently to Lake Elmo. Dick has broad experience. He has 30 years planning experience. He worked in St. Croix County, WI. TKDA only works for public clients. They do not work for developers, thereby avoiding even the appearance of a conflict of interest. If Dick were here, he would express his eagerness to work on this ordinance. TKDA can hit the ground running.

Commissioner Deziel

Our Shoreland Ordinance does not adequately address non-conforming uses; the ordinance came after a lot of development was already in. Does TKDA have experience with the DNR to negotiate ordinances?

John Paul

That was a boiler plate DNR ordinance. Lindstrom talked with the DNR about impervious surface coverage.

Commissioner Deziel

How would we apply it in the 1000 feet shoreland area?

John Paul

On a case-by-case basis. Dick has more experience with that. He understands the issue, "How do you try to maintain the spirit of the ordinance and allow expansion of those cabins into homes?"

Commissioner Bunn

She is interested in revision/revamping to impact or performance-based zoning. Do you have experience

with those? Are there particular administrative difficulties implementing them? TDR is something the city is looking for in the Old Village area. Has Dick used TDR or similar tools in other zoning work he has done.

John Paul

Dick would have to answer those questions. He has done some TDR work, and specifically mentioned it in his proposal. One city had 212 definitions in their ordinance. That helped clear up some of the grey areas in their ordinance.

City Planner

It is his intent to have it on the Council agenda next Tuesday. I could bring an answer from Dick to that meeting.

Commissioner Herreid arrived 8:10 p.m.

John Paul

Dick prepared the proposal and he would be the one working on your ordinance. He has a breadth of knowledge in planning and helps us to understand some of the land use concerns.

Chairman Helwig thanked him for his presentation.

The pros and cons of the two applicants were discussed.

Councilmember Siedow

He is leaning toward TKDA.

Councilmember Dunn

She has no problem with TKDA.

Commissioner Deziel

He was impressed with Ms. Alnos. He liked that she could think on her feet. He likes MFRA in terms of what they have already done. TKDA was only just getting into the business one year ago. We did not want to be the guinea pigs then. MFRA seems a much stronger firm now.

Mayor Hunt

They used TKDA in the past and they did a terrific job. MFRA has a lot of environmental experience. They were impressive. It might be nice to get a different experience in the city. They have done some different stuff.

Commissioner Ptacek

There are big guns with legal backup with TKDA. Nobody thought to ask about legal defensibility. He can't imagine they would, but what is likelihood of having a legal problem?

City Planner

Both firms met with him earlier and he raised the question. If it was a recipe book ordinance we would have less concern, but if we are going 'over the top' we can be concerned. Nobody really has done TDR in this state and nobody has really done performance-based zoning either. This is uncharted territory. They are suggesting the City Attorney be the legal backup. The legal aspects of non-conventional zoning means we should have a lawyer look at it from day one.

Commissioner Ptacek

We could spend a lot of money to be sure it is airtight.

City Planner

The legal structure does exist elsewhere in the country. A decision has to be made immediately if we are going in that direction.

Councilmember DeLapp

TDR's haven't gotten anywhere in Minnesota or elsewhere because when there are politics and money there is little incentive. We have done a relatively good job of keeping politics out of it. If you have an acre, you will be treated equally.

Chairman Helwig

We are going to get bogged down by that.

Mayor Hunt

It took so long for the Open Space Ordinance because we were a community searching for an identity. We tried Residential Estates. We looked at I-94 and open space. We discovered the Old Village and wanting to do something different. Once we found our identity it all started to come together. We probably won't have some of the problems we had with the OP.

Commissioner Sedro

TKDA knows our neighbors. MFRA tries to tailor to our needs and sees that as the bigger strength. If we are asking for performance-based zoning and TDR, would we have an attorney in it from the beginning?

City Planner

He does not think so. We left the door open so we can customize the contract for some of the pieces we wish to add to it. They both gave us not-to-exceed fees. We could ask them to come back to us with legal backing.

If you look through the proposal carefully, TKDA gave us a cookie cutter recipe book look by going down the list of our existing zoning.

Commissioner Bunn

She thinks we need to hear from Dick Thompson and get his answers. Maybe nobody knows because it hasn't been done yet in Minnesota. Maybe the fact they have more planners, MFRA would be better. Neither one gives an optimistic timeline before the present moratorium ends. Before the first meeting with either firm, maybe we could go back through Minutes and make a list of what should be addressed so they have a springboard. If we don't have a Metropolitan Council issue, at what point do we have a new legal active Comprehensive Plan? How are we handling that issue to move forward?

City Planner

The textural structure of a new zoning ordinance won't matter. The zoning map could change. Structure the text to look at it either way. We need an ordinance to last us at least 10 years.

Commissioner Deziel

His impression is performance standards are something he would like to see but sometimes code has to be simplified so people can implement it. There is the practical administration of day to day. Performance standards might be a good basis but practically implemented? Will anybody know how to do it? Will it never get done? Should we let it go for the sake of moving it forward?

Councilmember DeLapp

We have properties that don't comply. If you are on the lake you get a view. Will the view be affected by proposed changes? Will animals have better reign of the territory? What about the shoreline and water runoff? It would be perfectly fine because we analyzed the criteria of neighbors. We offer the chance to mitigate.

Commissioner Pelletier

MFRA would work well with us. She seemed serious about her projects. We need to get the attorney rectified first.

Commissioner Sedro

She thought it was a red flag when TKDA said that variances are a necessity. Gunnar Isberg says if you are approving variances your code isn't right.

Councilmember Dunn

She was sorry everyone did not get to meet the real Dick Thompson. He is very knowledgeable and understanding. He listens to the land and the people. If you don't get to see him, we have done ourselves a disservice.

Chairman Helwig

The council should make the decision.

Mayor Hunt

He asked the Commissioners to send the council e-mail with any thoughts.

The City Council exited at 8:36 p.m.

MINUTES of January 13, 2003

Commissioner Bunn

Page Two, 1st line requirements "... to change the zoning to be in compliance with the Comprehensive Plan." She had additional written changes.

M/S, Deziel/Sessing, To accept the Minutes as amended. **VOTE: 9:0 PASSED.**

MINUTES of February 10, 2003

M/S, Sessing/Berg, To accept the Minutes as presented. **VOTE: 9:0 PASSED.**

OLD BUSINESS

Commissioner Berg

He perceives a major issue with our Shoreland Ordinance. He appealed to the Commission to make it a priority in zoning changes. The Commission struggles mightily with this; with whether to approve variances or not. The majority of the Commissioners and the council wouldn't like one and the DNR would not like the other. He was originally thinking conditions of variance approval. There could be an equation allowing a certain percentage of impervious surfaces for a percentage of square footage to mitigate. They could look at feet from the lake versus tree planting. Earth-tone colors could be requested. He wants the Commission to become pro-active in performance-based zoning. It must be defensible.

M/S, Berg/Deziel, To recommend priority items in the zoning ordinance to include the I-94 corridor, the Old Village, Tri-lakes area, and Shoreland in general. **VOTE: 9:0 PASSED.**

Chairman Helwig

He asked the City Planner to enlighten the Planning Commission about City Council decisions with reports only.

City Planner

At the City Council, the Shoreland Variance request the Planning Commissioners recommended denial on was discussed at length. City Council directed staff to prepare an approval resolution with conditions such as Shoreland mitigation and permanent title covenants. DNR mitigation methods should be on the title so they have to remain with the property. Should modifications be made, we have a remedy. Runoff should be directed away from the lake.

Adjourn Planning Commission.

Reconvene as Old Village Special Projects at 8:54 p.m.

MINUTES of January 27, 2003

Commissioner John

Asked to amend page 4, halfway down "distributed" a handout.

Commissioner Deziel

Asked to change page two, "...boulevard for stormwater should be islands for stormwater gardens."

M/S, John/Deziel, To accept the Minutes as amended **VOTE: 13:0 PASSED.**

Old Village Streetscape Estimates

City Planner

He does not want to get into a big discussion. 1.3 million dollars is the bottom line to complete the entire Lake Elmo Avenue Plan. We need to get going on this. Estimates for all the work are there, including burying the power lines. It is not as expensive as he thought it would be. Get started tonight to determine what could be done first, and how it could be staged. Let's look at what we might wish to get rid of or how to do it in stages over time.

Chairman Helwig

What is a public art allowance?

Commissioner Herreid

The state requires it for federal buildings. It would be art placed at focal points along the way. It is inappropriate for bought art. Hand-made, community-made might find itself in those places.

Wyn John

A clock tower would be an example of something that might fit in the streetscape.

City Planner

Ornamental lighting is extraordinarily expensive.

Commissioner Herreid

54 of them?

City Planner

I told them they better meet our lighting ordinance. You have to have a lot of them if they must meet our code.

Chairman Helwig

Burying overhead power lines is a substantial cost as well. In earlier studies it came up too. Leaving them gives a quality to the rural look. Underground isn't rural.

Commissioner John

If we eliminate \$100,000 to bury the power lines, we will never regain that opportunity. Get the entire view of the streetscape. We still have to bury lines for water and storm sewer anyway.

Commissioner Pelletier

Let's stage it and move forward a consensus.

Commissioner Williams

The parapet and bridge concept, while attractive, is a waste of money. He walks there a lot, and there is seldom water there. It is not practical. He does not see changing flow of water to make water run there all the time. Delete anything associated with that bridge area.

Commissioner Williams

You still need a structure to deal with that drop-off. Perhaps a parapet has to be constructed there.

City Planner

Something more of a feature like a bridge, but not necessarily upstream.

Commissioner John

Majority of time the run is dry. It does run high at times. Maybe the plan is overdoing it here but we still have to accommodate the surface water runoff.

Commissioner Williams

Just put in a culvert instead of a bridge.

City Planner

Almost \$400,000 is associated with that water feature. That would be a major item.

Commissioner Sessing

Something is needed to make it work there.

City Planner

It does move water. Perhaps part of the money to pay for that portion could come out of the stormwater fund.

Commissioner Sessing

Might be able to do something small here and eliminate problems there. Looking at this, you probably have to spend \$750,000 below grade to make sense to put in the sidewalks. He is not saying anything about burying the power lines.

Commissioner John

This is a basic shopping list that appears high but these items are what are needed to achieve the basic streetscape. Then we can add the trim. It could be split that way.

City Planner

Basic, Trim, and Bridge. How much is infrastructure, and how much could be added later?

Commissioner Bunn

Benches that cost \$2500 each and trash cans that cost \$1200 each? We need decisions and recommendations. How many do we have on the street now? Two drinking fountains, how about one? We need a better argument for why we would go to that number?

City Planner

We don't have to have 54 lights. As we are able, we put in more.

Commissioner Bunn

The plan calls for eight benches, and there is only one there now. We should see some money on the revenue side to support this. \$50000 has been collected from tax abatement. Do we have a ballpark as to what exists in that fund?

City Planner

His best guess is that as of today is that there is about \$50,000, less the design work so far on this. It is intended to grow. There should have been close to \$200,000 now. It is not \$50,000 per year. It is growing annually. Maybe in a few years there will be enough. We may not be able to build this year anyway.

Commissioner Bunn

When will we see the detail? Can we get a timeline to fit with budgetary aspects?

City Planner

The number should be available when we receive the results of the annual audit.

Commissioner Sessing

Can we look at this to see what kind of maintenance operation costs there will be?

City Planner

Yes, but not by the next meeting.

Commissioner Deziel

Some things have to be done in one fell swoop. There are auxiliary-type things that could be phased.

City Planner

He asked the engineers about putting in dry pipe sanitary sewer once the hole is open. Maybe there will be a constructed wetland in the future.

Commissioner Williams

Washington County considered giving the street back. Would they keep the street? We should ask them.

Commissioner Bunn

If not, shouldn't we make a recommendation to the City Council to take over the street?

Commissioner Johnson

Plowing, lights, pieces, how will that happen at the city? We should be proactive looking from year to year.

Commissioner Williams

He did not think we should go to the county with an ultimatum. Would they reject it because of bump-outs? Would they accept this plan? What would they accept?

Chairman Helwig

They want to get rid of it.

City Planner

Why would we sacrifice elements of that plan for the sake of one-quarter mile of maintenance?

Commissioner Bucheck arrivea at 9:26 p.m.

Old Village Neighborhood Design Project

Last week staff received approval from City Council to get the amended PowerPoint mapping done by Thorbeck. Thorbeck said about one week would be required to complete the map amendments.

Commissioner Bunn

Streetscape will result in a loss of parking spaces downtown. How many do we have and how many do we lose? There is a parking issue. Eventually the issue of parking will need to be addressed.

Commissioner Meldahl

What is the total bill of the project? If we could save enough, could we buy parking area jointly with the businesses on that street?

City Planner

There is no good solution. Physically it has been a problem for a long time.

Commissioner Williams

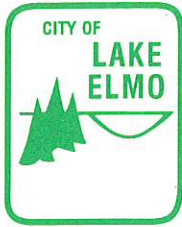
When the Lake Elmo Inn asked permission to expand their building, the council mistakenly did not ask them to expand their parking.

Adjourned at 9:36 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

MEETING NOTICE

The Lake Elmo Planning Commission will meet jointly with the City Council
Monday, March 10, 2003, at 7:00 p.m.

The Old Village Special Projects Planning Commission will convene
Monday, March 10, 2003, Between 8 p.m. and 9 p.m.

Council Chambers
City Hall
3800 Laverne Avenue N.
Lake Elmo, MN 55042.

AGENDA

- 1) Pledge of Allegiance
- 2) Agenda
- 3) Minutes of January 13 and February 10
- 4) Joint Interviews with City Council - Zoning Ordinance Consultants
- 5) Old Business
- 6) Adjourn

Old Village Special Projects Planning Commission – Will convene between 8 pm and 9 pm

AGENDA

- 1) Minutes of January 27
- 2) Review of Cost Estimates for Lake Elmo Avenue Streetscape Improvements
- 3) Old Village Neighborhood Design Project
- 4) Old Business
- 5) Adjourn

The public is invited to attend.