

**City of Lake Elmo
PLANNING COMMISSION MEETING and
OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION MEETING
Minutes of September 8, 2003**

The Chairman called to order the meeting of the Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Berg, Bunn, Johnson, Sessing, Van Pelt, Ptacek, John, Deziel (7:04), Williams (7:31), Herreid (7:36). STAFF PRESENT: City Planner Chuck Dillerud and Kimberly Schaffel, Recording Secretary.

AGENDA

M/S/P, Sessing/Johnson To accept the Agenda as presented. **VOTE: 6:0.**

PUBLIC HEARING – VARIANCE FOR MINOR SUBDIVISION – BERGMANN

City Planner

This is the second part of a three part application. An amendment to the CUP for Country Sun Farm was approved by the City Council. This portion deals with a reconfiguration of property lines to combine the three existing parcels, then subdivide a small parcel. Minimum parcel size in the AG District is 2.5 acres. AG Clustering allows this configuration but with greater acreage to begin with. Density allowed is 1:40. This provision is not unique to Lake Elmo's Zoning Code.

The variance involves the gross acreage. The Code provides for the "parent" parcel to be 61 acres. This site is about 11 acres short of the required minimum, even with right-of-way.

It makes sense to separate the business uses on the business parcel from the residential parcel. A hardship must be demonstrated by our Code.

The Staff Report approaches the hardship:

1. No reasonable use without granting a variance. It is being used now but not entirely reasonably because the land is not properly segregated.
2. The Planner is unaware of another parcel with such criss-crossing of uses: the scattering of uses over many parcels with many buildings all over. One building straddles a property line.
3. The essential character of the neighborhood will not be changed.
4. Economic considerations are not the only considerations.

The Planner suggests the Planning Commission make a recommendation for approval of the variance first, then make a recommendation for approval of the cluster development minor subdivision.

Commissioner Van Pelt

Are all three existing parcels legal and saleable?

City Planner

Yes, but not conforming for the district. Approval would change the situation from three non-conforming parcels to two conforming parcels.

Commissioner Deziel

If this was larger acreage, then the title would show that these cannot be further subdivided.

City Planner

They could not further subdivide it. They could develop it if they got rid of the business.



Commissioner Sessing

If that were to happen, you would probably have to consider the fact that there is one lot and residence in the subdivision already.

Dick Bergmann, Applicant

They bought the three parcels separately. As farmland, we don't look at the lines you see on the map. They do not wish to develop it. They wish to sell the subdivided homestead parcel to his son.

Keith Bergmann

We would like to maintain the partnership for the business, but not for the family residence. He would buy the family home.

Dick Bergmann, Applicant

He proposed a small division of the subdivided parcel as depicted in the application, resulting in a deduction of 2000 square feet or .05 acres. They would square off the parcel at the pointed corner.

Chairman Helwig

POINT OF ORDER. Does this affect the Public Notice?

City Planner

It does not affect the notice because we said plus or minus, and .05 does not change that notice. It only affects the legal description.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:28 P.M.

There were no speakers.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:29 P.M.

Commissioner Berg

Finding No. 2 of the Staff Report says it is property with an AG structure straddling two parcels. That is enough finding for a hardship.

M/S/P, Deziel/Sessing, Move approval to allow the variance. **VOTE: 8:0.**

M/S/P, Deziel/Johnson, Move that subdivision cluster be allowed for two parcels - one of about two acres and one of about 48 acres. **VOTE: 8:0.**

CITY COUNCIL UPDATE

\$73,000 has been approved for transfer from the General Fund Surplus to the Old Village planning budget by the City Council in the 2004 budget. This was the pay 2004 equivalent Tax Abatement, but the City will not levy a tax for it. It has been applied beginning in 2004 along with \$40,000 still remaining, less what was spent for Streetscapes. That total amount will do nothing toward progressing the work on Lake Elmo Avenue streetscape project, but will be useful for other Old Village work.

ADJOURN PLANNING COMMISSION MEETING AND CONVENE OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION AT 7:35 P.M.

MINUTES

The Minutes of August 25 were postponed.

DISCUSS OLD VILLAGE PLAN STRATEGY

City Planner

He thinks the Commission should pursue the wastewater treatment concepts embodied in all four of the Planning Commission Meeting Minutes of September 8, 2003

options presented. The pursuit will not be free. Preparation is necessary from North American Wetland Engineering to look at the feasibility. Mr. Schiltgen is not pleased that the west portion of his land is being set up as wastewater treatment in the options presented. We should ask the specialists if there is an alternative.

What do Old Village residents get out of this? Relief for existing IST Systems. The Planner recommends some of the Old Village Planning Commission funding be spent toward that issue.

Consider the OV Plan as a Comp Plan Amendment. The Moratorium is coming to its conclusion. The option is there to extend the Moratorium too. We have meetings on September 22 and October 13 prior to expiration of the Moratorium. He has asked Dewey Thorbeck to provide a Hearing Draft Map that is less specific for features and more generic for land use districts when the Commission decides to move forward with a Public Hearing date..

Property owners, developers, Dewey Thorbeck, and the City Planner have met numerous times. Mr. Thorbeck is spending his own time trying to find a Master Developer for the plan. He expects the City to be involved if that should occur.

Mr. Thorbeck provided us with a model of the Schiltgen property south of Highway 5. Several of the buildings are part of the existing farming operation. One is about 80 years old and part of the original farming operation. Mr. Thorbeck is captivated by the idea of converting some of these buildings to civic use.

Option 4 showed sizable wastewater treatment and storm water ponding on that site. The Facilities Committee has ordered an appraisal for three sites as a potential civic center location, and this is one of them. There is momentum in this direction. It would be a nucleus to the plan. The Planner has not spoken to Mr. Schiltgen about this proposal. He has asked the Commission whether they desired to publish notice for the Old Village land use plan Option 4 as a Comprehensive Plan Amendment.

Chairman Helwig

Do we want the hearing on one of these two dates?

Commissioner John

It would be premature if Mr. Schiltgen is unhappy with this plan as presented. This could be a major hurdle to overcome.

Commissioner Deziel

Move it forward, but cautiously on behalf of the landowners. If we have to extend the moratorium, at least we may have earned it.

Commissioner Ptacek

He is frustrated over lack of progress. Let's put it in general terms and get it out to the public. Have something available that is more generic and publishable, and have the hearing on 10/13.

Commissioner Van Pelt

Agrees with Commissioner John but confident hurdles could be overcome. He would like some confidence the landowners would go along with TDR. Is TDR viable?

Commissioner Sessing

Have the plan amendment drawn by Dewey Thorbeck, and get the landowners in here to see what they think at the meeting of October 13.

Commissioner Johnson

October 13 is good for the public hearing, and it offers the opportunity for those landowners to speak.

Commissioner Bunn

Clarification was requested for public facilities locations. Without that, the conclusion was that it was a stumbling block. She understood that we could not do a Comprehensive Plan Map without knowing the location for public facilities. Do not have to show where the wastewater will be located? The public facilities site will have to be known, and how many total houses there will be will in the plan amendment have to be decided. The new Zoning Ordinance was supposed to address that. We cannot articulate what we mean without those items. Neither of those dates would work.

Commissioner Berg

Have it on October 13 to show good faith we are moving forward. The Comprehensive Plan is just a broad paintbrush. We don't have to be very specific. If we are down to three facilities sites, we could label them as Options A, B, or C.

Commissioner Williams

Does a clock begin after the public hearing? Can we continue the public hearing? Do we have to announce a continuance?

City Planner

Once we adopt the amendment we have nine months to zone it. We can continue the Public Hearing.

Commissioner Williams

He agrees with Commissioner Bunn that we are missing information, but we should go forward with October 13.

Commissioner Herreid

He agrees with much said. This is a show of good faith and forward momentum. Public feedback has only helped us in the past.

Commissioner John

Hearing the other commissioners, he feels his concerns will be addressed. He has no objection to October 13.

Commissioner Van Pelt

He empathizes and agrees with desire to show progress. Perhaps we should articulate what news we will offer.

M/S/P, Sessing/Berg, To hold a public hearing on October 13. **VOTE: 11:0.**

Commissioner Ptacek

Formerly, at a previous meeting, there was a motion that Option 3 be created in general terms to get that information out there.

M/S/P, Ptacek/Sessing, To develop a map of Option 4 in general terms with possible locations for public facilities, and have it ready for the next meeting.

Commissioner Williams is in favor of the motion. The fact that the Commission has agreed on Option 4 is "news" for the Public. Commissioner John: This model of Schiltgen's farm buildings used for public facilities helps to visualize a plan. Perhaps another model could be made for another site. That will help the public. Commissioner Bunn supports the motion but would like the answers to the four key questions: the mechanism, a concise statement of performance zoning for the numbers, and a location of public facilities. **VOTE: 11:0.**

City Planner

The numbers of houses have been an issue with individuals, but they are not important in the overall plan.

Commissioner Ptacek

What we have to do is explain what the overall goal is. Specific numbers are not as critical.

City Planner

Unless incentives are offered as to unit count, it will be difficult to make TDR work. The map said one number with current zoning. Then we added incentives by percentages. We have to decide that either there will be no incentive, or some specified incentive.

Commissioner Williams

He agrees in principle with incentives as exemplified in the table by Kendig. He went through and calculated what maximum housing figures could be without 1:10. The figures range from 209 to 756 not including institutional. That is too large a range to be acceptable. We need to understand the housing types and quantity for each type. He is uncomfortable just letting it float. He picks 450 total units which would include institutional.

Commissioner Bunn

She was interested in those calculations. She did some on numbers in the table too. With a twenty-five percent increase over 16:40, that gives 454 as maximum development. We want this work to be consistent with the work we are doing on the performance zoning. Those numbers can be calculated.

Commissioner Williams

There appear to be mistakes in the table.

Commissioner Deziel

482.5 is an exact average of the range calculated by Commissioner Bunn.

Commissioner Herreid

He has concern with talking numbers. These things evolve and it becomes more and more clear. There are streets and land features that result in deductions and creativity from developers to get toward even 450 units. There is a natural function of what is economically feasible.

Commissioner VanPelt

He tends to agree. Should we be able to figure out 916 acres and come to a figure? There is a finite figure. Relax the precision perspective, but give a planning range. That should be calculatable.

City Planner

A number out of midair is political. We should arrive at a number such as Commissioner Williams' approach, based on quantitative, plus 10, 20, and 25 percent bonuses. He defies anyone to tell the difference in the impact once they are on the ground. There is too wide a range, narrow it. The bottom of the range is the 16:40. The top of the range is the variable.

Commissioner Bunn

Can the Planner come up with that upper number?

Commissioner John

We cannot have a drop dead number without laying out the streets, and seeing each plan based upon the layouts. We are not considering 700 plus homes. Maybe we need to see where a development fits first.

Commissioner Williams

We should be able to tell the difference between 400 and 500 units in total impact of traffic, support services, etc., that would be noticeable.

Commissioner Deziel

916 is the gross acreage. We need to deduct space for public facilities and the rest of this plan.

Commissioner Williams

He thinks the Net Density calculation in the Performance Zoning draft includes the roads and infrastructure.

Commissioner Bunn

She would like this confirmed by the Zoning Consultant and have an answer at the next meeting.

Chairman Helwig

We have an idea of what is tolerable.

Commissioner Williams

What is the status of and projected course of events on this new zoning ordinance? Last meeting we were supposed to have comments at this meeting.

City Planner

He has four, two of which came by e-mail today. December looks like the completion date for the zoning ordinance.

Commissioner Bunn

With regard to the Streetscapes Project, she understands there is no funding or timeline. Yet the City Council did not do the retroactive tax abatement. They decided not to levy tax abatement. There will be inadequate funds in the next four or five years if we rely only on levies, and they refuse to do it. The Planning Commission has spent ten years on this issue. We presented the final schematics and budget, and the City leaders are providing no source of funding for this project. Now the funds could be redirected toward wetland treatments, further diminishing those funds to underwrite our Old Village Plan. It shows a lack of leadership if we can't even get lights and sidewalks downtown. How do we have hope to do this larger issue? Are we tabling Streetscapes? If so until when?

City Planner

One council member suggested bonding for public facilities. We could add streetscapes to that type of bonding. Does not see them moving forward on Streetscapes indefinitely. The City Council has many heavy issues to deal with.

Commissioner Sessing

Streetscape could also change with the Old Village Plan.

Commissioner Williams

It is a significant disappointment that the City Council chose to set aside the downtown sidewalk issue, and he wishes they would reconsider.

Adjourned 8:30 p.m.

Respectfully submitted,

Kimberly Schaffel



City of Lake Elmo

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MEETING NOTICE

A Regular Meeting of the Old Village Special Projects

Lake Elmo Planning Commission

Will be held on Monday, September 8, 2003 at 7:00 p.m.

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

AGENDA

- 1) Pledge of Allegiance
- 2) Agenda
- 3) Public Hearing – Variance Minor Subdivision – Dick & Eileen Bergmann
- 4) City Council Update

CONVENE OLD VILLAGE SPECIAL PROJECTS

- 5) Minutes
 - (a) August 25, 2003
- 6) Discuss Old Village Plan Strategy
- 7) Adjourn

The public is invited to attend.