

**The Lake Elmo Planning Commission
Will conduct a Public Hearing on
Tuesday, October 14, 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 – Comprehensive Plan Amendment
- 4) Adjourn

The public is invited to attend.

10-14

**City of Lake Elmo
Planning Commission
Meeting Minutes of October 14, 2003**

Chairman Helwig called to order the meeting of the Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Berg, Bunn, Johnson, Sedro, Pelletier, Van Pelt, Ptacek, Deziel.
STAFF PRESENT: City Planner Chuck Dillerud and Kimberly Schaffel, Recording Secretary.

AGENDA

M/S/P, Berg/Johnson, to accept the Agenda as presented. **VOTE: 9:0.**

PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT**City Planner**

There were four parts to the Planner's presentation.

1. Process
2. The Plan
3. Implementation Strategies
4. Options Available to the Planning Commission.

He began by saying that this has been an interactive process between Planning Commission, the Old Village Special Projects Planning Commission, and the public. Tonight's format is different from the Public Forums last summer, since it is a legal Public Hearing.

He then reviewed the history of Old Village Planning that predates this Hearing, beginning with the Minnesota Design Team; then the Old Village Commission; the 2020 Comp Plan Old Village Policy and direction; and the 2003 work of the Old Village Special Projects Commission and Thorbeck Architects,.

He explained that this Comprehensive Plan Map and text represents Option 3 / 4 of the latest Old Village work - in Land Use Plan format.

He then suggested that the options available to the Planning Commission are:

- Adopt the Comprehensive Plan Amendment as recommended, or with modifications, and send it to the City Council. It would appear on their Agenda on October 21, 2003. The Old Village Moratorium expires October 24, 2003.
- Ask the City Council to table adoption of the Comprehensive Plan Amendment pending the creation of the mechanisms for Transfer of Development Rights (TDR), wastewater, storm water, traffic, and public buildings.
- Table the matter to a future date with reasons.

He also suggested that if either of the last two options is selected, there should be a recommendation about what the City Council should do about the Old Village Moratorium.

The Planner clarified that the map should have an MA designation to signify residential units located above the A District retail business at the north side of Highway 5 and 39th Street.

He noted that the City Attorney was consulted regarding setting a lower limit residential density than depicted on the Plan amendment text – should the new zoning ordinance so specify that as a mechanism to execute the Old Village Plan. The City Attorney has advised that text could be added to the Comp Plan Amendment to preserve the City's right to adjust that lower end density in keeping with the new zoning

ordinance without facing "talk" issues.

Commissioner Berg

He pointed out that in the narrative, third paragraph, "Residential," directly corresponds on the map to housing zoning.

THE CHAIR OPENED THE PUBLIC HEARING AT 7:38 P.M.

Jim McCleod

TDR are a special interest to him. He introduced it to Washington County 12 years ago, and the City Council 8 years ago. He is not sure Lake Elmo is prepared for that.

Todd Williams

He is a member of Old Village Special Projects Planning Commission, and is very familiar with this plan. The Planning Commission should set the maximum number of residential units with this plan. This is what determines traffic, police, fire, and city staff. All those issues concern him as a taxpayer.

Marjorie Williams

She was an Old Village Commissioner when that commission was formed, and she was on the Planning Commission. The amount of density in this plan amendment is way beyond what Lake Elmo can handle. It seems there has been a transfer of ideas: now you want it to be more urban, rather than rural or suburban. Existing homeowners' taxes get raised to cover new development.

Chris Dietzen, Attorney for Schiltgen Family and Schiltgen Farms

He was engaged by the Schiltgen family a few weeks ago to review Lake Elmo's Comprehensive Plan, and give an analysis. The Schiltgens have about 650 acres in Lake Elmo. They needed to carefully analyze what this Plan Amendment would portend for them and their family interests. On the Comprehensive Plan Map, it shows hundreds of acres as perpetual Open Space and public facilities. This Plan will impact the use, value, and quality of their environment. They should explore development opportunities with the City to look at creative ideas. They wish to come up with a plan for the future of this property. If, in the future, it ceases to be a farm, how would the change occur? They realize the significance of the plan and impact upon them, and they ask that their property not be changed until they have the results of their own studies. They need more time to analyze effects. This whole thing is significant, and more that needs to be done before implementation. If the City goes forward with a Comprehensive Plan Amendment, you have nine months to zone in compliance. They would like to respond in a creative way that is not in opposition.

Thomas Von Bische

He represents Heritage Development in contract for the Abbott Property. The Plan Amendment is a noble goal for the City, and a difficult task to undertake in the middle of an urban area. He phoned North American Wetland Engineering, and asked what it would cost for wastewater treatment for this many homes. They asked not to be quoted but guessed it would cost about \$5,000,000. The Metropolitan Council's charge for municipal sewer is \$1300 per unit. That equates to only \$1.3 or \$1.4 million. What is the real cost to the City for this infrastructure? Is this Comprehensive Plan going to pass review of the Metropolitan Council? Are you in touch with the Met Council?

Roy Abbott, 4455 Lake Elmo Avenue North

His primary question is about his 5th Amendment Constitutional Rights. The City's Zoning and Comprehensive Plan Amendment and density plans violates rights of property owners. Values in the City are 70% lower than communities around us. Have you addressed the rights of the property owners?

Justin Smith, 3291 Lake Elmo Avenue North

He likes the plan and the proposed density. What will be the solutions for sewage, wastewater, and traffic?

Paul Ryberg, 11326 30th Street

Thanks for taking on this huge project. He asked the Commission to specifically include a library in the Civic Center. Our library is closed, and we want it back.

Dale Kimberly, 3479 Lake Elmo Avenue North

His specific concern is the new retail development area. Their business is at the south end of old downtown. With another downtown area north of Highway 5, there is no connectivity between both retail areas. Could the lower retail area be stretched into RD area where proposed City services are located, to get additional parking or a walk area for the paths to reach both areas?

Judith Screaton, 2474 Oakgreen, West Lakeland

This is basically unfair, revise the plan. She owns 42.2 acres in the northeast corner of the map area. It has good infrastructure, and is used for farming. No developers have inquired of her, but there is a prospective buyer of a portion of her land. The map shows her land as a water treatment plant. There will be no reason for a buyer to come to her for development. She will be left with zero buildable units because nobody will want to buy it. It is essential that every property owner has options available to sell at any time. The sewer designation (on her property) strips her of buildable units. She hopes the Planning Commission will revise the plan to ensure everyone is treated fairly.

Richard Smith, 11514 Stillwater Boulevard North

His property is just north of the RB section of the Plan. The density of the 4th plan was much too high, he preferred Plan 2. He needs a buffer from those homes. The City should stick to 16:40. Homes should be equally distributed instead of one-fourth just to the south of him.

Todd Bruchu, 3150 Klondike Avenue

He is in favor of preserving Lions and VFW Parks. If lands to the east get developed, the new construction can be done, and still buffer from the Old Village.

Stephen Nelson, Attorney for Mr. Hutchinson

Mr. Hutchinson owns 192 acres east of the City. Those lands show areas designated as waste treatment. Are those possible sites conducive to wastewater treatment? Is it still somewhat flexible? Advance the plan so decisions can be made.

Todd Bruchu

Option 4 says two new ball parks but we would be losing two ballparks. The net effect is zero. The Plan is adding more than 400 residential units, and we are not getting any more parks.

Dennis, Kindred Way

Are those 16 homes of Sunfish Ponds currently going in to a permanent Open Space Preservation Development, part of the figures here?

Councilmember DeLapp

Todd Williams brought up a maximum number of units. It is not proper to speak in terms of numbers of homes but how many cars, septage, and people? That has to be part of the equation.

THE CHAIR CLOSED THE PUBLIC HEARING AT 8:05 P.M.

City Planner

The Planner answered the questions posed during the Public Hearing.

He found the price that was revealed for wastewater to be a guess. The firm providing the quote is soon to be hired by the City to conduct a wastewater feasibility study for the Old Village area.

Will it pass muster with Metropolitan Council? He has been led to believe, in terms of an objective look

at our Plan, that the current NTC board does not care what we do in the () Village. They might sit on a comp plan amendment from Lake Elmo until legal issues regarding the 2000-2020 Lake Elmo Comp plan are resolved.

Violating property rights would be for the City Attorney to determine, but he does not think Mr. Abbott is correct. He will be sure the City Attorney addresses it now.

He agrees that we might be remiss in dividing retail critical mass. He does not like strip commercial development along Highway 5.

Each owner has a set of rights. There is the right to develop with a CUP at 16:40. That property right is considered transferable or salable to somebody else under this plan. There are plenty of other owners that need those rights. As far as the City use of property for wastewater treatment, if we did that, we would acquire the remaining rights (after development transfer) like we would anywhere else with anyone else. They would be compensated for their property rights – development under current zoning and land ownership. The question is which mechanism will be the one used.

Ballparks, Option 4 showed two ballparks, and substitution for Civic Center for Lions and VFW Parks. The Parks Commission would like a softball ring, meaning a minimum of fields. We wouldn't replace two with two when we are already short, but it is too early to talk about that level of detail.

Thorbeck designated those wastewater sites as potential. The level of detail did not involve soil borings or capabilities of those lands to sustain that use. Do they need to be that large? Are they properly located? Do we need that many? Those questions remain.

Sewage, wastewater, traffic, how will those be addressed? Do you set a plan then hire analyses? Or do you do the analyses, and come up with a plan that fits it. Land use change dictates then we analyze traffic, sewage, stormwater and wastewater outcomes. If we find a particular plan does not work, then we can amend again to come up with one that does work responsive to those physical outcomes. Some of that work is about to be started – only pending direction on the land use plan being addressed today.

Commissioner Pelletier

What about a buffer zone for the property north of RA? She wondered about a greenway for that owner. Mr. McCloud does not think Lake Elmo is ready. TDR is for larger towns and larger areas. Can it work?

City Planner

The opinion has been that we don't have enough scale to use formal TDR, so we would have to come up with an alternative methodology. Every OP has some transfer on a smaller scale. Those are private agreements between property owners. Formal TDR may be too cumbersome. TDR has not dropped out of the discussions in the new zoning ordinance.

Mr. Smith's buffer zones. We haven't looked at it at that level of detail. The new development would be close to the gentleman's property but far from his house.

Commissioner Van Pelt

There was also a question of 16 units of Sunfish Ponds, are they included in the totals?

City Planner

No, they were not included, not all of them.

Commissioner Bunn

We were asked to confirm a maximum number of units. We have done that by applying the acreage in all the development areas by the number of units allowed in the districts.

Commissioner Deziel

VFW and Lions Parks are still there. The Parks Commission is dealing with that.

Commissioner Bunn

Two or three Public Facility sites are being considered. Will another Comprehensive Plan Amendment have to be done before either one could become a Public Facility site?

City Planner

Another Comp Plan Amendment would have to be done.

DISCUSSION**Commissioner Berg**

He asked for clarification of Mr. Dietzen's statements.

The Recording Secretary read back the testimony.

Mr. Dietzen

He is inclined to delay the adoption process to think about the Comprehensive Plan Amendment and the zoning ordinance at the same time. The Schiltgens are not in favor of extending the moratorium. They would like the opportunity to come up with a master plan for that property and meet with staff.

Commissioner Bunn (To Mr. Dietzen)

What is the time frame for your process?

Mr. Dietzen

He asked their planner for an estimate. They are looking at several months.

Chairman Helwig

If we approve this tonight, and send it to the City Council, what is the time frame until implementation strategies?

City Planner

It would vary. The hope is we would have the zoning ordinance by the end of the year, but he is not sure. A wastewater study would be sixty to ninety days. Storm water would be quicker. All three might be 90 to 120 days, but our schedules tend to slip.

Commissioner VanPelt

He asked for clarification on the options. Would City Council adoption initiate a nine month clock?

City Planner

He is not positive whether it begins then or when the Metropolitan Council concurs.

Commissioner VanPelt

He thinks we have a solid plan but we need it fleshed out. That would be your second option. That would not start the clock.

M/S/P, Ptacek/Berg, To recommend this plan to the City Council but that it not be adopted until details of implementation strategies are forthcoming on traffic, wastewater, and septic. Also that the City Attorney draft Plan text that preserves the City's right to alter allowable density ranges up or down to correspond with the new zoning ordinance structure.

Commissioner Bunn

She asked for clarification about time constraints such as the moratorium.

Commissioner Ptacek

We need a strategy for the timeline and moratorium. There is a lot of work in the Plan. Leave it open, let there be an indefinite delay about when it would actually be approved.

Commissioner Berg

He struggled the last couple of days to send the Plan on or sit on it. We have talked about it for a long time. This is the best win-win, offering the larger variety of opportunities. This is the best option for us.

VOTE: 9:0

City Planner

Next Tuesday this item will come before the City Council. This hearing went very well.

M/S/P, Bunn/Sedro, To recommend the City Council delay approval until after the first of the year, and continue the moratorium at least until then or beyond it, to address the residential zoning portion of the Old Village Plan and study results are in.

Commissioner Deziel

It might require a longer time. Should we let them determine the length?

Commissioner Bunn

I said "at least". They should make the determination how far beyond that it should be.

VOTE: 8:1.

M/F, Bunn, To suggest further work in conjunction with the consultant, for a better retail quarter, linking the two retail sites. The consultant should bring suggestions to us by December, prior to the City Council taking final action on the Plan. **FAILED FOR A SECOND.**

Commissioner Van Pelt

He understands Commissioner Bunn's concerns about linked retail. He thought we already had one option that did have that link. He does not want to redo the same work we have already done.

Commissioner Deziel

He wouldn't mind recommending a plan if we had one. He had no objection to a plan that showed it.

Commissioner Bunn

Several members of the Planning Commission were concerned about crossing Highway 5. It would be our approach and our fervent commitment to see how people will get across the street.

Commissioner Deziel

Creative, innovative, and fundamentally fair was the quote, and that is the Planning Commissions' goal too. You have value in this plan, and the goal is equality for all of the landowners. A library and amenities create a viable commercial district.

Commissioner Pelletier

North and south of 5 were walkable, that was why there was retail north of Highway 5.

Adjourned 8:50 p.m.

Respectfully submitted


Kimberly Schaffel

Proposed Modification to Option 4

September 25, 2003

To: The City of Lake Elmo
From: Todd Bruchu

Option 4 proposes to:

Add 440 housing units.
Eliminate 2 existing ball fields.
Add 2 new ball fields.

The net effect of this development is 0 additional ball fields.

I would like to propose that we preserve Lions Park and the VFW ball fields. Both parks hold historic value and are wonderful facilities for youth athletics and outdoor activities in our town.

We use these parks year round for youth baseball, soccer, football, as well as the tennis courts, sand volleyball court, playground, picnic tables, ice skating rink, hockey rink, warming house, and the Huff and Puff celebration headquarters.

It seems to me that all of the new construction proposed in Option 4 could be accommodated nicely on the acreage east of the VFW ball field and Lumberyard. It appears that there is even enough space for an additional ball field which seems reasonable since we will be significantly increasing our population.

Thank You for your consideration,

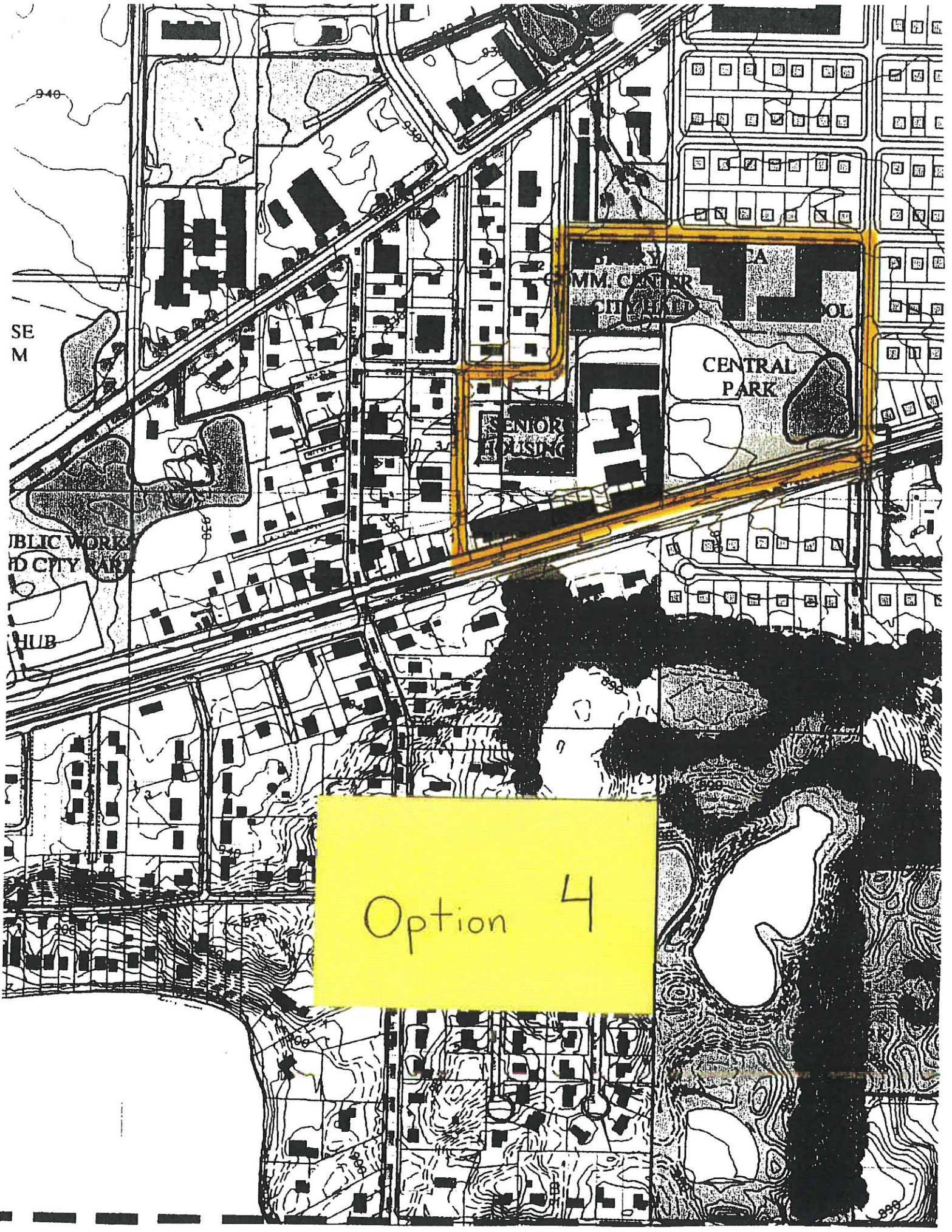


Todd Bruchu
Lake Elmo Resident
Lake Elmo Youth Athletic Coach

3150 Klondike Avenue
Lake Elmo, MN 55042

770-3526

10/14/03

940

SE
M

PUBLIC WORKS
AND CITY PARK

HUB

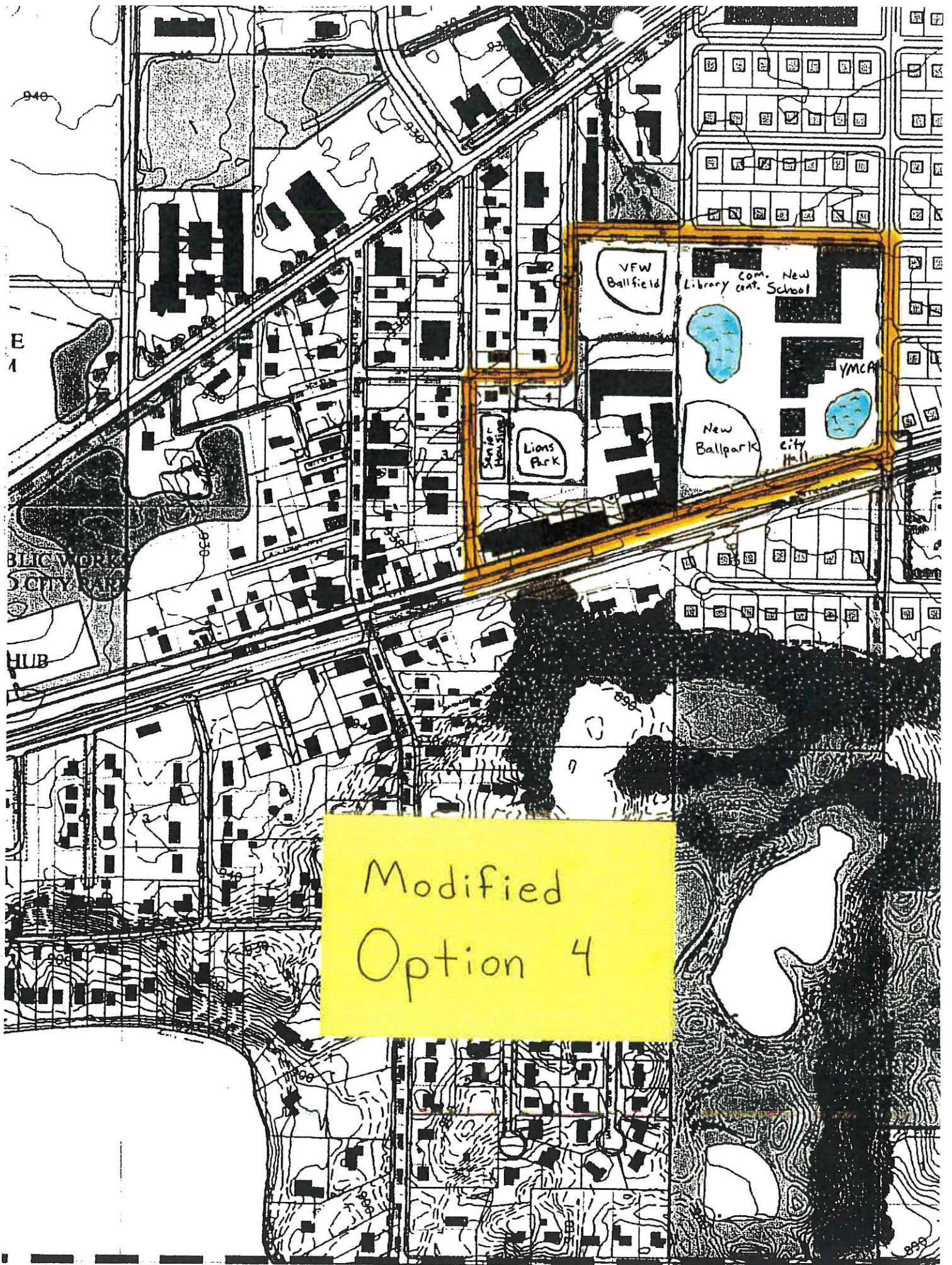
COMMUNITY CENTER
CHILDREN'S

CENTRAL
PARK

SENIOR
HOUSING

Option 4

930



Modified
Option 4

Date: 10/14/03

To: Lake Elmo Planning Commission

From: Judy Screamon

Re: Comments on the LAKE ELMO COMPREHENSIVE PLAN
AMENDMENT FOR OLD VILLAGE SCALE HOUSING

The proposed plan for the Old Village area needs to be revised because it is basically unfair. I own approximately 42.4 acres in the Village Residential (VR) district. The acreage is in the northeast portion of the district, and is bounded on the north by Highway 5, and on the east by County Road 15 (Manning Avenue). Washington County Road 14 intersects Manning Ave across from the subject property about 600 feet south of Highway 5. There is a traffic signal at the intersection of Highway 5 and Manning Avenue. A Cenex gas station is across Manning Avenue at the northeast corner.

The area is currently used for farming, and the underlying zoning is 16 units per 40 acres. I have not been contacted by developers interested in buying property rights. On the other hand, I have had contact with a party that wishes to purchase and build on the acreage under the current rules.

PROPOSED LAND USE CLASSIFICATIONS: The proposed land use classifications indicate that the lands owned by the three largest landowners have substantial units at the Maximum Gross Density (SFD) of 2.53, 2.50 and 2.08 units per acre (U/A). All three of these large landowners have the ability to develop their land without having to acquire any development rights. They have the density and a separate municipally managed wastewater treatment area on the western side of the Old Village. These classifications enable them to develop their land independently.

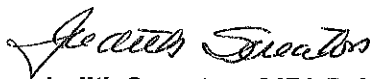
My 42.4 acres of land has been designated for a municipally managed wastewater treatment area. The proposed housing units on this land are zero. The proposed plan makes no use of the existing infrastructure, which is essentially what makes it attractive to potential buyers.

CONCERNS: I do not believe that "development rights" have any market value without buildable units being specifically assigned to the property. It is essential that a property owner has sales options available, with the right to sell to anyone at any time, rather than depend on the discretion of a limited group of developers.


The sewer designation takes away all readily saleable development rights. The other landowners have been compensated with buildable units, while the buildable units have been stripped from my property, resulting in a "taking" of the property.

It is my hope that the Members of the Planning Commission will revise the current plan to ensure that everyone is treated in a fair manner.

Sincerely,



Judith Screamon, 2474 Oakgreen Av N., Stillwater, MN 55082 651-439-7860

10/14/03
approved


October 14, 2003

Chair and Planning Commissioners
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042-9629

10/14/03
[Handwritten signature]

Re: Proposed Comprehensive Plan Revisions
Our File No.: 28,770-00

Dear Chair and Commissioners:

We represent members of the Schiltgen family and Schiltgen Farms, Inc. with respect to the proposed changes to Lake Elmo's Comprehensive Plan. Schiltgen Farms is the predominant Old Village landowner, with hundreds of acres within the Old Village area. Schiltgen Farms' land has been the family farm for two generations. With the new Plan, the Schiltgen Farms land includes two proposed sites for a new civic campus, the area proposed for public wastewater treatment serving 630 new homes, and hundreds of acres proposed to be designated as perpetual open space. The Schiltgen Farms parcels within the Old Village are shown on the attached Exhibit A. For discussion purposes, we have identified the parcels as Homestead, Silo, North, East, and South.

The proposed changes have a serious and wide-ranging impact on Schiltgen Farms, affecting the use, the value, the quality of the environment. For example, the New Plan proposes that a significant portion of the Homestead Parcel be contributed by Schiltgen Farms to provide wastewater treatment for most new development within the Old Village. Schiltgen Farms is willing to explore development opportunities with the City that are creative, innovative and fundamentally fair to its interests. The new Plan presents significant changes and unique opportunities for both the City and Schiltgen Farms. To pursue these opportunities will require more analysis and creative planning with City staff. In light of these opportunities, Schiltgen Farms has engaged a professional planner, Dahlgren, Shardlow and Uban, to analyze these planning opportunities, but there has not been adequate time for review.

Schiltgen Farms would like to formulate a master plan for its property. Our firm was engaged only a few weeks ago, and the Comprehensive Plan language and maps were tentative and unfinished at that time. The City released important text and map changes just last week. Those text changes commit the City to the transfer of development rights, but there is no transfer process in place, and there will not be one until the new zoning code is drafted, still several months away. Transferring development rights is only one of several key elements with a tremendous effect on both the Schiltgen property and the Old Village as a whole. We, therefore,

Chair and Planning Commissioners
October 14, 2003
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request that the Planning Commission take public testimony at least until its first review of the transferable development rights provisions in the new zoning ordinance.

State law requires adopting new zoning no more than nine months after the new Comprehensive Plan. It appears the new zoning will not be ready until the end of 2003. Adopting the Comprehensive Plan now shortens the nine months to six months or less. The new zoning ordinance is a thorough revision, including important new concepts like development transfers and large publicly-managed wastewater treatment that will have a significant effect on virtually all the land within the Old Village. The City should preserve all its time available under the law to draft its new zoning.

We understand that some landowners have waited patiently for the new Comprehensive Plan. There are plans to develop some Old Village property in ways that do not require development rights transfer or the proposed public wastewater treatment wetlands. The City may, consistent with state law, enact the plan for those parcels awaiting imminent development. The City should refrain from enacting the entire Old Village plan especially with respect to Schiltgen Farms.

Sincerely, ,



Christopher J. Dietzen, for
Larkin Hoffman Daly & Lindgren Ltd.

cc: Schiltgen Farms

HOMESTEAD PARCEL
 PIDS:
 11-029-21-43-0001,
 11-029-21-44-0001;
 14-029-21-11-0001;
 and
 14-029-21-41-0003.
 Total Acres: 201.62

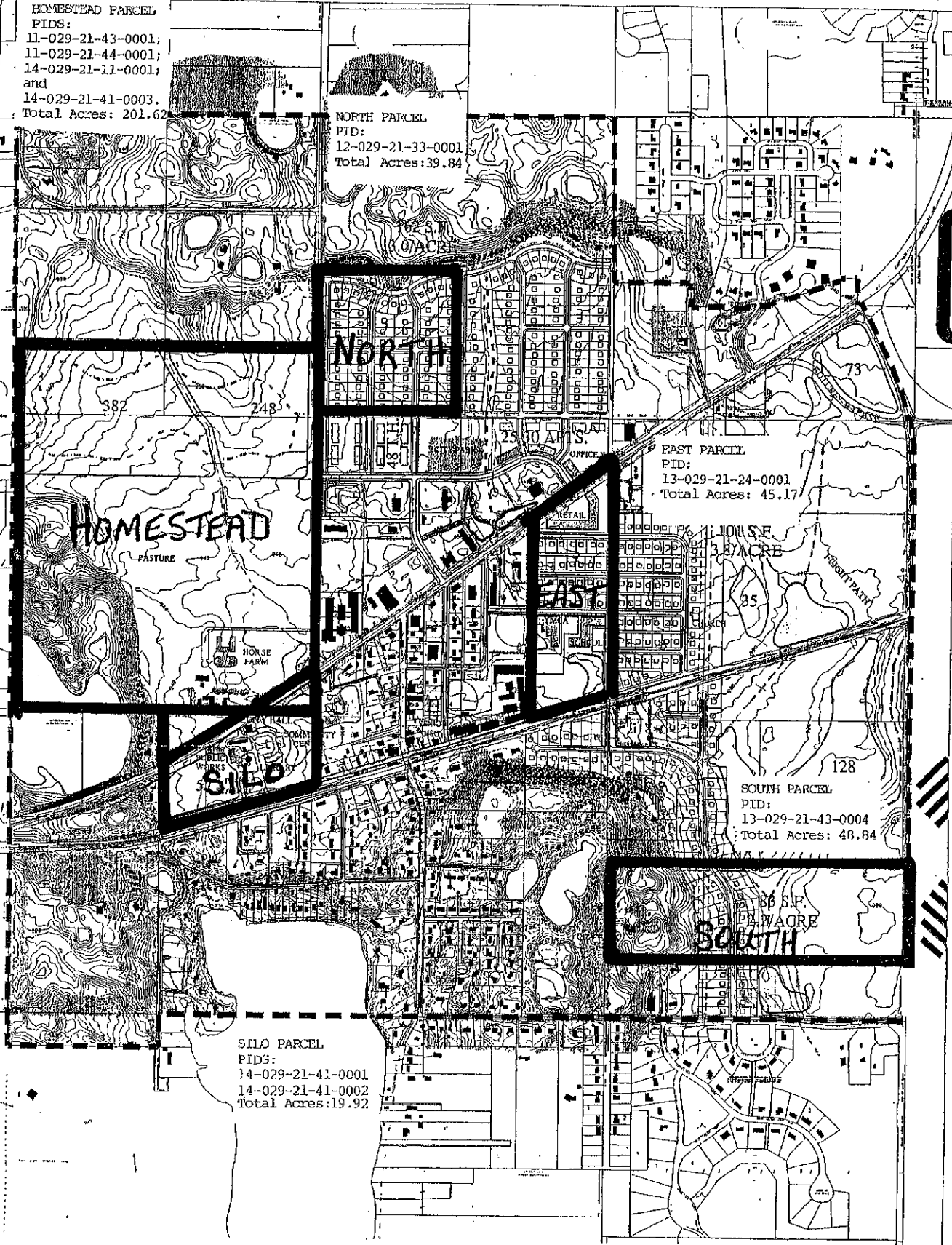
NORTH PARCEL
 PID:
 12-029-21-33-0001
 Total Acres: 39.84

EAST PARCEL
 PID:
 13-029-21-24-0001
 Total Acres: 45.17

SOUTH PARCEL
 PID:
 13-029-21-43-0004
 Total Acres: 48.84

SILCO PARCEL
 PIDS:
 14-029-21-41-0001
 14-029-21-41-0002
 Total Acres: 19.92

EXHIBIT
 A



- | | | |
|--|---|--|
| <ul style="list-style-type: none"> ▣ EXISTING BUILDINGS □ NEW SINGLE-FAMILY (347) ▤ NEW MULTI-UNIT RESIDENTIAL (~75 + SENIOR HSG.) ▨ NEW COMMERCIAL/INSTITUTIONAL ▧ NEW PUBLIC FACILITIES | <ul style="list-style-type: none"> 🌳 EXISTING TREES/BOULEVARD PLANTING ▭ PUBLIC PARKS/CONNECTED GREENWAYS ⚡ BLUFF EDGES — PEDESTRIAN/BIKE PATHS ■ BOUNDARY OF STUDY AREA | <ul style="list-style-type: none"> — STORMWATER SWALES 🌫 STORMWATER DETENTION PONDS 🌫 WASTEWATER TREATMENT WETLANDS (1000 UNIT CAPACITY INCL. EXISTING HOMES) |
|--|---|--|