
**The Lake Elmo Planning Commission
Will hold a meeting on
Monday, June 14, 2004 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) Minutes of May 24, 2004
- 4) Public Hearing:
DEER GLEN (Lakewood Evangelical Church)– OP Concept Plan
- 5) Amend Uses in General Business Zone
- 6) City Council Update
- 7) Adjourn

The public is invited to attend.

**City of Lake Elmo
PLANNING COMMISSION MEETING
Minutes of June 14, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Meldahl, Van Pelt, Berg, Sessing, Sedro, Schneider, and Ptacek, (Deziel 7:04 p.m.).

Agenda

M/S/P, Berg, Sedro, To accept the Agenda as presented. **VOTE: 8:0.**

Minutes of May 24, 2004

M/S/P, Ptacek, Sessing, To accept the Minutes of May 24, 2004 as presented. **VOTE: 8:0.**

Public Hearing: Deer Glen, Lakewood Evangelical Free Church

The City Planner introduced the OP Concept Plan for a residential development located at the southwest corner of Highway 36 and Keats Avenue. He noted that this is the application for what will ultimately become a three-part approach to development of the 108.62 parent parcel, but that this Public Hearing addresses only the OP Concept Plan for 48 acres of the 108 acres.

(Enter Deziel, 7:04 pm)

The Planner said this OP Concept Plan is a 48 acre portion of the 108 acre site, depicted as Parcel A on the applicant's graphics. He further described Parcel C, as depicted on graphics by the applicant, as 40 acres parallel to Highway 36 with a large power easement, but no designated use; and, Parcel B as a 20 acre parcel that would become the church (PF) site which will be the next round of applications.

The Planner noted that review of the application revealed the following technical issues:

1. The Plan as presented fails to meet OP Standards. The area to the south must be buffered by the Plan at 200 feet, but the Plan shows only 100 feet of buffer.
2. Technically, in calculating open space requirements, 50% of BUILDABLE site area must be dedicated as Open Space Preserved. The applicants are about one acre short of Preserved Open Space in this plan since a deduction was not made for proposed Preserved Open Space that is not buildable.

The Planner noted that review by the Valley Branch Watershed District noted a number of depressions on the OP site where 100 year flood elevations are located across proposed lots and public streets. The Watershed District Engineer has questioned more detail as to how the applicant would mitigate this flood plain encroachment within Watershed flood plain alteration policy. He reported that the applicant and consultant have been alerted to the problems, and they have suggested they can deal with those problems.

The City Planner said the OP Ordinance requires three Findings in support before an approval recommendation can be made. He reported that the Concept Plan as shown is not in compliance with the OP Ordinance Standards.

The Planner said the Commission can recommend approval with numerous conditions, recommend denial based on the Findings, or ask the applicant to return in two weeks with a modification to their plan to address both the non-compliance with OP Standards and the flood plain issues raised by the Watershed.

Commissioner Sedro asked whether the state wants to limit access to Highway 36.

The Planner said Mn/DOT has planned changes to the access to Highway 36 through the entire City. He said that in the future, he expects an overpass over Highway 36 for Keats Avenue, and some of the other intersections. This will necessitate construction of parallel service roads in the future.

Commissioner Schneider asked how the 225 foot power easement affects the parcel.

The Planner answered that roads, landscaping, common waste treatment system, and farming are all allowed uses of the easement, but height of landscaping will be limited. The easement can be used as Preserved Open Space. He suggested that, in this case, the City's Policies support maintenance of view sheds and rural image along major roadways, and the power line easement has and will assisted in realizing those policies.

Commissioner Schneider asked if only the houses have to be outside the required OP buffer.

The Planner confirmed that to be the standard; and that could be difficult with some of the lots as shown if the correct 200 foot buffer is substituted along the south property line of the site.

Commissioner Van Pelt asked if the review of this 48 acre Concept Plan is preparatory to later reviews and applications.

The Planner said that is correct and that approval of an OP Concept Plan accords no rights to the land owner except to be eligible to apply for a Preliminary Plat and Development Stage Plan.

Commissioner Deziel asked about the proposed road. Would it be an easement or public road?

The Planner said the Developer builds the road, and dedicates it to the City.

Grant Nelson Representing Lakewood Church

Mr. Nelson introduced the people there who are working on this Concept Plan. He said that Paul Danielson of Kimley-Horn will address issues raised. Tom Dornack, Architect; Chuck Palmer of Lakewood; Ken Larson is former Church Chairman and a Lake Elmo resident for 24 years. Grant Nelson said he also lived in the city, and is aware of its values. He said their planning emphasizes Lake Elmo values.

Mr. Nelson said they purchased the land in 1997 with a desire to build a church. The ordinances in place did not address the situation, and it was not explained sufficiently at that time. Both parties are better prepared to go forward now. The applicants are here because they still want to build a church. They will be requesting PF Zoning for twenty acres in the future. They recognize the parcels are linked. They welcome discussions on all three parcels even though the application deals only with the residential component.

Mr. Nelson explained that Parcel B is 20 acres as PF zoning dictates, and would be the site of the church. The Plan locates the church in the center of the 108 acres to provide as much buffering as possible from adjoining properties. To the North is the power line easement and Highway 36. The topography of Parcel A is such that it slopes down to the South allowing for a walkout structure, keeping a lower profile, and keeping the land wooded to the South.

Mr. Nelson said they believe they can overcome the concerns in the reviews by outside agencies and City staff. They are not in the business of residential development, and will turn over that aspect of the overall plan to a competent real estate developer as soon as possible.

Mr. Nelson pointed out that they have no plans for Parcel C. They will leave it open and undeveloped, exactly how they like it. It is their front door for the church. Their proposal is not to change its status.

Mr. Nelson said they welcome insights and perspectives.

Paul Danielson, Kimley-Horn Associates

Mr. Danielson said he will deal with the issues of floodplain, setbacks, and OP calculations in the following manner:

1. The 200 feet on the south side will have to be revised; the easterly cul de sac will meet the buffering requirements of the code.
2. The westerly will have to be modified without much change except to move everything 50 feet to the north while allowing enough space for house pads.
3. Open Space area calculations did not take into account wetlands and steep slopes. Lots 1 and 2 on the west are wider than necessary and deeper than average in Block Two, and they can make up for the acreage change.

Mr. Danielson reported that he had several conversations with Valley Branch Engineer John Hanson and City Engineer Tom Prew. He said they have conceptually concurred with an approach to address the flood plain mitigation issues. He noted that as long as the water is stored on site, it is a grading exercise to create large enough pads and large enough water storage areas.

Commissioner Sedro asked that if Lot C is to be kept open, could it be put into a land trust?

Mr. Danielson said they plan to keep it the same way it now exists.

The Planner said that Parcel C is 40 acres in area, and is eligible for development. However, much is absorbed by the large utility easement.

Commissioner Sessing said the north side of the parcel would need a larger buffer if Parcel C is developed.

Commissioner Schneider asked why the plan did not call for a longer street connecting the two residential blocks instead of cul de sacs.

Mr. Danielson said they looked at alternatives, and this plan resulted in less impervious surface. The residential plan calls for two different villages of different character for each one. They looked at the easterly side of the parcel, and the potential connectivity to another road to the east.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:56 P.M.

Gary Retzer of 9901 69th St. Ct., said he lives across the street from the proposed development. He said he heard the church was turned down once. He sees other churches there, and wonders why they were turned down. He thinks the proposal goes with the neighborhood. He said it was a good idea about preserving the land through a trust. He noted that between the power lines and the freeway and DOT not giving access, he believes it will remain as it is now. The applicants should be allowed to use the land.

Joel Simkowski, 5415 Keats Ave., said that there are hiking trails in the back of the site. Now it is being shoved into a tin can. There will be more traffic onto Keats, more people, and more chances for accidents. These are rolling hills with low spots, and kids play splat ball there.

Jim Dyer 5435 Keats Ave., asked if the septic system would be shared.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:02 P.M.

The Planner said the septic system concept is a common treatment system, probably a constructed wetland that serves the church and the residential development together. A traffic study will be a requirement at the next stage. The study will forecast traffic volumes generated, peak traffic counts, and the impact of the proximity of Highway 36 to the access to Keats Avenue.

Chairman Helwig asked the applicants if they wanted to table, and continue in a couple of weeks.

Paul Danielson said he was hopeful that he had addressed those issues, and would like to move forward. He would prefer the Planning Commission recommend approval, with additional conditions of approval in order for it to move forward to the City Council.

M/S/P, Ptacek, Van Pelt, To table based upon the Staff Report in order for the applicant to address the issues of mathematics and engineering, and to recommend the applicant waive the statutory 60 day limit.

VOTE: 8:1 (Deziel).

The Planner said if the applicants agree, and can turn it around, staff will put it on the June 28 meeting agenda.

The applicants agreed.

Amending Uses in the GB Zoning District

The Planner said he received a letter requesting a new use in the Dolan Marine site. The site has had GB zoning for many years. The Council attempted to downzone to LB but ultimately did not. Instead the Planning Commission reviewed the Code. A moratorium was placed on those five or six sites still zoned GB but guided as LB in the Comprehensive Plan. The moratorium expired and the zoning was not changed. The applicant would like to use the building as an indoor family entertainment center. In review of GB permitted and conditional uses, no remotely similar use is currently allowed. Given the timeline of the new Zoning Ordinance, the Planning Commission should probably look at it. The Planner said he is not asking for action but for advice on whether to consider amending the uses in the General Business District, and as to whether to publish a hearing notice to amend the use.

Commissioner Ptacek asked if the site should remain GB or be rezoned to LB, and should this use be allowable in either LB or GB.

Commissioner Deziel said the use should not be allowed as Permitted. He said he sees it only as a Conditional use.

Commissioner Deziel noted that General Business was recommended in the past but the Council failed to approve it.

Commissioner Ptacek said the Dolan site should be zoned LB to be consistent with the Comprehensive Plan.

Commissioner Van Pelt pointed out that there were five parcels in the same situation, and that solution would fix only one of them. The parcel next door has changed hands as well. There is a narrower use criterion in LB.

Commissioner Ptacek said that an entertainment center as proposed is an intense use. He would want to see the application come before the Planning Commission as a CUP with traffic and septic impact studies.

Commissioner Sedro said the zoning can be looked at in terms of scale, but let the CUP dictate the scale, type and frequency of the entertainment activity.

The Planner said it should not be just the Dolan parcel, but the Zoning Code that the Commission is looking at. An amendment to either GB or LB to allow the use proposed would relate to every other LB or GB site in the City as well.

Commissioner Berg said we should rezone to be consistent with the Comprehensive Plan. The Dolan site should be zoned LB; and, this use considered in that context – LB.

M/S/P, Berg, Sedro, To publish a Hearing Notice for a Public Hearing to consider an Indoor Recreation Facility as a Conditional Use in the LB Zoning District.

The Planner said if this is done as an amended use for LB, the Commission should rezone the Dolan parcel to LB.

VOTE: 9:0.

City Council Update

The Planner said that on June 1, the City Council again considered the variance on 50th Street North, for William Isaacson. Staff researched the site, and determined that a driveway and parking area have compacted the soils where the new garage is proposed making it an unsuitable site for a drainfield. Also, the physical distance between the house and the street gives the appearance that he has substantial area to expand the drainfield. The City Council concluded that the new garage would not use up a future drain field site, and approved the variance as recommended by the Planning Commission.

The Planner reported that the Old Village development moratorium was extended another 90 days in order to receive the report of the Surface Water Plan.

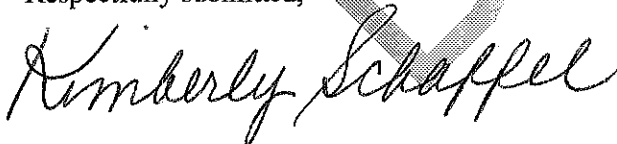
The Planner reported that the City Administrator has made changes in staff organization and committee structure. The City Council has created three Council Committees that will be served by two Councilmembers, the Mayor, and the administrator. The change does not affect the Planning Commission. The Council will make those appointments on June 15, 2004. Those Committees will meet prior to Council week.

The Planner said the Council conducted their first Strategic Planning Workshop last Saturday for four hours. The City's prior experience has been more long range versus strategic planning. He noted that City has not addressed implementation of many of the recommendations that have been developed in our long range plans. The strategic planning process will assist in moving ahead with implementing those plan recommendations.

The Planner told the Commission they would be reviewing Fences at the meeting on June 28.

ADJOURNED 8:38 P.M.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary