



**CITY OF LAKE ELMO  
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## **MEETING NOTICE**

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**The Lake Elmo Planning Commission  
Will hold its regular meeting on  
Monday, August 9, 2004 at 7:00 p.m.**

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

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## **AGENDA**

- 1. Pledge of Allegiance**
- 2. Minutes of July 12, 2004**
- 3. Public Hearing: Variance from OHW Setback – Welter – 8181 Hill Trail North**
- 4. Open Space Preservation Concept Plan – TAPESTRY at Charlotte's Grove  
(Continued from July 12, 2004)**
- 5. Capital Improvement Program (CIP) 2004 – 2008 Amendment**
- 6. City Council Update**
- 7. Adjourn**

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of July 12, 2004**

Chairman Helwig called to order the Planning Commission meeting at 7:00 p.m. COMMISSIONERS PRESENT: Deziel, Johnson, Sessing, Berg, Sedro, Schneider, Pelletier, Ptacek. STAFF PRESENT: Martin Rafferty, City Administrator; Chuck Dillerud, City Planner; Kimberly Schaffel, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

**AGENDA**

Add 8A Waivers. M/S/P, Johnson/Deziel, To accept the agenda as amended. **VOTE: 9:0.**

**MINUTES OF JUNE 28, 2004**

M/S/P, Sessing/Deziel, To accept the Minutes of June 28, 2004. **VOTE: 8:0.**

**PUBLIC HEARING: VARIANCE FROM OHW – OLSEN**

The City Planner introduced the application for a variance from the Shoreland Standards of the Code to allow reconstruction of a deck within the setback from OHW of Down's Lake. The deck lies a minimum of approximately 48' from Ordinary High Water where 150 feet is required. He reported that the applicant has removed a deteriorated deck constructed in the 1970's but can not rebuild in the same location without a variance. The new deck would be 2 feet further from the OHW across a portion of the width. He reported that the DNR does not object to the variance. The Planner recommended approval based upon Findings in the staff report.

AT 7:07 p.m. THE CHAIRMAN OPENED THE PUBLIC HEARING.

No testimony was offered.

AT 7:08 P.M. THE CHAIRMAN CLOSED THE PUBLIC HEARING.

Commissioner Deziel said photos depict foliage screening of the original deck and the house from the lake and he appreciates it.

M/S/P, Ptacek/Sessing, To recommend approval to allow reconstruction of a deck at 48' from OHW in accordance with applicants' plans staff dated July 8, 2004 and the three Findings in the Staff Report. **VOTE: 9:0.**

This item will be presented to the City Council on July 20, 2004.

**PUBLIC HEARING: OP CONCEPT PLAN – TAPESTRY at Charlotte's Grove**

The Planner presented the application for an Open Space Preservation Concept Plan for a residential subdivision. He explained the review process for an OP Development Project as a three-step process. The first stage is a Concept Plan.

The Planner said this site is east of Lake Jane along 45<sup>th</sup> Avenue North, West of Hamlet on Sunfish Lake, and east of Public Works and the landfill site. The plan is for 173 acres which includes a portion of the Berschen parcel to the west. The proposal is to construct a single family detached neighborhood of 67 home sites with preserved Open Space in the center and west portion with the potential for future access to the north and west. Sunfish Park is located to the south.

The Planner said that standards are different now compared to when Hamlet on Sunfish Lake was developed. Buffering and lot size requirements have changed substantially.

The Planner noted that 200 feet minimum buffer/structure setback to the northeast is required because the land abutting is not eligible for OP Development; and those 100 feet of buffer with screening is shown to the east because the adjacent parcel is an OP Development. The plan shows 100 feet buffer to the south, which is public property and will never be developed. The Commission allowed it in the Plat of Whistling Valley. The 11 residential lots in the southeast corner are proposed as .6 or .65 acre, but the Code now specifies .75 acre - larger than in older Sunfish Hamlet minimum standard of .5 acre.

The Planner said the plan calls for modified rural road cross section. He said that with the rural road section, reduced lot sizes, and the 100 feet buffer to the south, the City Council can only approve this Concept Plan by 4/5 waiver.

The Planner noted that Valley Branch Watershed has concerns with land-locked water basins on the site. The City Engineer raised issues with the rural section but is willing to listen to the developer explain how they can make it work. The City Engineer also had reported that the intersection on the northwest portion of the site is a concern because it has been essentially a private driveway until now.

The Planner said that Findings must be made that an OP Concept Plan is consistent with the comprehensive plan, that it meets the standards of the OP Ordinance, and that the plan meets the intents and purposes of the ordinance. He said it is difficult to make a finding for compliance for the proposed Concept Plan as now designed .

Commissioner Deziel asked if the Concept Plan meets the standards, are the Commissioners compelled to vote for it.

The Planner responded that the Findings are three-fold, but the Planning Commission still does not have to vote for it.

Commissioner Deziel asked if the easement to the north could become an extension of the road on the plan.

The Planner said it could, potentially. The Planner suggested that the Plat of Hamlet on Sunfish Lake may have had a road intended to extend west to this property, but it was not platted as a street but as an outlot.

Commissioner Berg said he talked to the former City Planner. In that discussion she said there was a plan for a road easement west from Hamlet on Sunfish Lake.

The Planner said it did not happen that way.

***Mark Youngdahl, Managing Partner in St. Croix Farms and partner in Senn and Youngdahl***

Mr. Youngdahl said he understands that certain new developments come with mixed feelings. His company has done prior work in the City at Fields of St. Croix. Their objective is to solicit input from the Planning Commission and the community. He said that a project of this scale deserves it. They met twice with homeowners from Hamlet on Sunfish Lake. He said that he and his partner are passionate about homes and designs. They are builders and developers. They emphasize historic, nostalgic, and timeless home styles.

Mr. Youngdahl introduced his team. Darren Senn is the Lead Designer. Alan Kretman and Greg Moris are engineers.

**Darren Senn, Lead Designer**

Mr. Senn said their ideals call for listening to the land, and paying attention to the design of the land, streets, and neighborhoods. He said his company had a part in the creation of Fields of St. Croix. They are members of the community. They want to do good work. He thanked staff for their gracious assistance. He thanked the Hamlet residents for their respect, concerns, and for sharing their thoughts with them.

Mr. Senn explained the basis for the design. He said he thinks in space and visuals, not in numbers. He is planning for the visual appeal of the land after their footprints have been there. He drove around Lake Elmo, and knows an objective in the city is to maintain view corridors. It is incredibly scenic. He noted that a lot of rear houses are seen from the view corridor, so his idea was to move the houses out of the view. That is one of his objectives. Another is to maintain the natural beauty of the site. It is very scenic. This plan maintains the meadow in the center and moves houses to the perimeter. The open space is divided into two areas; the northern area is for more active use. They wanted the land to be dedicated to something that maintains the Lake Elmo identity, so it will remain agricultural with a tree orchard, farming, or horse grazing. The southern portion is seen differently, and their goal is to maintain it in the existing state. They would like to maintain what currently exists because it is naturally beautiful or they have thought of it becoming more like a native prairie restoration. He said the objective was to be able to experience the natural beauty as you drive, ride, or walk through it. The western portion of the site is partially wooded with a natural valley there without significant trees. Typically with streets on either side the usual preference would be for it to become mowed lawn. Instead the street indicates the center with prairie or meadow on both sides of the street, and driveways disappearing behind the grasses, making them more invisible. That is their Landscape Concept. Open Space maintained is critical so that it patinas over time with little maintenance required. Additionally they would like to have the landscape blend with the natural and manicured environments. The southeast corner lots are about one-tenth an acre smaller than the others, and have a slightly different streetscape. Those houses would be slightly closer to the street, and he and his team are still working on that design.

Mr. Senn said that they design and build homes that are timeless and recognizable. They feel that it is important that architecture fit with the land. The homes speak for themselves. He said they design four-sided architecture, and all are designed with consistent materials. He said they pay special attention to how rear elevations are designed.

Commissioner Pelletier asked about a part of the Plan on the east in the middle.

Mr. Senn said it is a high elevation point, wetland, gathering area, and scenic view with a roadway around it. He also pointed out a lot with a beautiful grove of trees in the center. They plan a rural authentic farmhouse there, as an anchor that will appear to have always been there.

Commissioner Schneider asked if the two lots in the Conservation Easement are slated for the Moris Family.

Mr. Senn said they are.

Commissioner Schneider said that with those lots abutting the park seemed like a big asset for that homeowner and nobody else.

Mr. Senn pointed out that all community members are provided access to the park through the trail system. It is a huge amenity for all. They would also provide access to the pathway for Hamlet residents to enjoy.

Commissioner Schneider said it is too densely wooded there for access to the park.

Commissioner Deziel because of trees, the view shed might be more desirable for the residents and

neighbors.

Mr. Senn said they wanted to maintain the center for open space due to significant scenic value. It will also reduce impact of construction in that area. The park is densely wooded there, its value occurs inside the park. He said the created several diagrams to be sure they got the best layout. Their design objectives drove the plan.

Commissioner Sedro asked about several blank areas on the maps. One is an exception.

Mr. Senn said that two are lots, and one is the specified farmhouse with an original appearance. The exception has an existing house and barn which also adds to the scenic value.

Mr. Senn said that visual impact on the Hamlet is an issue the neighborhood meeting revealed, and the team is working on mitigation. He and his team met with neighbors at City Hall and once on site. The neighbors were concerned and he would like to mitigate the Plan's impact in those neighboring backyards.

Commissioner Schneider said the view shed is on the 45<sup>th</sup> Street corridor, not as you are coming into the development. Wildlife is deterred from going into the park to the south.

Mr. Youngdahl said that one of their objectives is to listen to comments and attempt to redraw the plan to address those concerns.

Commissioner Pelletier said she loves the builder's homes but has an issue with Preserved Open Space because of the larger lots in the center, the preservation of wildlife, and so much curving with the roads.

Commissioner Deziel asked if the plan for the roads was for rural section throughout or just in parts.

Mr. Youngdahl said they do not know yet. They would like to create a system that is better, more scenic, or rural than curb and gutter.

Commissioner Deziel asked if the developer had considered rainwater gardens.

Mr. Senn said they are a consideration for stormwater runoff.

Commissioner Deziel said smaller lots and rural ditches go against each other. Ditches take a lot of space away from smaller lots.

Mr. Senn said the reason for rural roads is design oriented. They want Tapestry to look like a rural neighborhood. At higher density points, curb and gutter may be required, and that may result in a need to blend two street sections.

Commissioner Sedro said she has no doubt they can make the rural sections look great but asked about enforcement. Would that be in the Covenants?

Mr. Youngdahl said their concerns are to create beauty and for it to last. There are a couple of different ways they can address that, one will be in the Covenants which will be very clear on it, especially in buffer areas, through the Association documents.

The Planner said the subdivision of Cloverdale Farms in neighboring Baytown, is an example of how yards are treated. There are some rural sections in there. He said the most effective method is in the Covenants. The Planner discussed with the developers how to do it.

Chairman Helwig asked about the size of Hamlet's required OP buffer back then.

The Planner said he does not believe it was 200 feet.

Chairman Helwig said he thinks 100 or 75 feet.

Commissioner Schneider asked if all properties are being shown with houses located to the front of the lot, closer to the street.

Mr. Senn said they think so, in order to move houses closer to create a neighborhood while creating a larger buffer. Mr. Senn said they have designed a couple of homes with lower roofs to reduce that impact.

Commissioner Schneider asked if they would be building walkouts.

Mr. Senn said they will work with the land. They are not huge walkout fans. He said houses at grade at rear are an enhancement.

Commissioner Sedro said it is mentioned in the Staff Report that this parcel is within the 1,000 feet Shoreland Overlay, and topographic division might, however, exempt the site from Shoreland standards. She asked if that was for wastewater treatment.

The Planner said a constructed wetland is recognized as sewer by the City Planner, but not for the DNR. The Planner does not think there is a Shoreland an issue here.

Commissioner Sedro asked how far the drainfields are from Sunfish Lake.

Mr. Moris said he will get that information for the Commission.

The Planner said if Shoreland were an issue, Sunfish Hamlet would had the same issue, and it was not addressed then.

Mr. Senn said they would like to come back with a revised plan answering all questions and issues.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:19 P.M.

***Jerry Marsolek, 4212 Kindred Way, Hamlet***

Mr. Marsolek said he has concerns. What is a plus for Tapestry is a disaster for Hamlet. He said there is a natural wildlife corridor running north to south on the east side of the parcel, yet there is more buffer to the west. They should free space in the east. Tapestry is not impacting anyone on the west, just the Hamlet properties on the east. The elevation in the house across from him will be fifteen feet higher. There should be some screening there. There are wooded areas but some are open so trees and berms won't be practical.

***Dennis Kelly, 4233 Kindred Way, Hamlet***

Setbacks on the east are only 100 feet but open space is behind their lots, the applicants should have the same amount on their parcel. He said the traffic situation presents a concern because people going to Stillwater will go across 47<sup>th</sup> to Kimbro to Lake Elmo Avenue. He asked about paving Kimbro north of 47<sup>th</sup> and 50<sup>th</sup>, and where will that come in the process?

***Daryl Vosberg, 9436 Jane Road***

Mr. Vosberg lives near Lake Jane. He understands the concerns from people in Hamlet. Access out of this development is right onto 45<sup>th</sup> Street and Lake Jane Trail, otherwise you have to go up Keats to 36. He is concerned with traffic load. He said this plan does not abide by the ordinance that is in place now.

He asked if there is a way to get a second access into this development.

***Dan Beech 4384 Kimbro Avenue North***

Mr. Beech said he lives north of Hamlet, just to the northeast of Tapestry. He lived here before all the other neighborhoods, and got to know many people. He reemphasized the wildlife corridor. He said this plan offers a pocket of open space not corridors. When one looks at the aerial, there are runoff concerns. There is a wetland on the rear of his property. Herds of deer and turkeys won't be able to come through anymore. He wondered if the wells for this development will be impacting his and his neighbor's wells. He is worried about the groundwater impact and septic considerations.

***Jeff Moris, 914 16<sup>th</sup> Avenue SE, Forest Lake***

He said he watched the wildlife while living on this property for 28 years, and what he notices is a nice thing. Turkeys go where they need and so do deer. This plan is attractive to him and his family. Wildlife requires food, water, and cover. The majority of the whitetail comes from the park when the crops are cut. That migration occurs on the west side of the property between Moris and Berschens. There are 60 to 70 deer, and they stay in the woods as long as they can. There are natural deer trails on the northern portion of the property. Hay has been planted there the last 15 years because soybeans and corn eroded. Ag crops are still being planted further north. The tree farm is next and provides natural cover. Deer travel through cover to food sources and back to cover. Movement of the deer herd is through the cover not the middle of the development.

***Mark Skeie, 4156 Kindred Way***

He said he has lived over five years in Hamlet, and there were 22 deer last winter, one dozen per day. Their patterns must have shifted with moving of traffic, and the herd has grown. There is also a pack of coyotes moving north to south. Some wildlife consideration would be appreciated.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:33 PM.

The Planner said he was not going to address deer traffic patterns or design aspects. Traffic is dealt with by the City Engineer, and he calculates perhaps 700 trips per day at full build out, about 10 trips per residence per day. He noted that the design of 45<sup>th</sup> Street North can handle up to 5,000 vehicles per day, the traffic volume on 45<sup>th</sup> is a long way from that even with this new development. He also noted that 45<sup>th</sup> is a Collector Street and perhaps will be a state aid street some day. It is meant to carry traffic. Klondike will be surfaced soon. He said it is already a state aid street designed to carry traffic. He agreed that a second access would be nice. Potentially three additional accesses are available should they be necessary in the future. Carriage Station has two with 110 residences. The city has designed the discontinuous street system for privacy issues.

The Planner said that runoff into the pond is not addressed at Concept State. That is a second stage consideration. The city has the 1% rule for stormwater post-development as what was there pre-development.

Mr. Senn requested tabling for a couple of weeks.

Commissioner Ptacek explained that the Planning Commission is a recommending body but if it fits the ordinance a Concept Plan is recommended. The individual has rights to develop as long as it meets our objective criteria. He said the developers did a pretty good job and it looks like a great project. He said the farmstead lot looks like a flag lot, and if the intent and spirit of the developer is to create more of a sense of community the two individual lots don't blend.

M/S/P, Ptacek/Sessing, To table. **VOTE: 8:0.**

THE CHAIR CALLED A RECESS AT 9:45 P.M.

THE MEETING RECONVENED AT 9:53 P.M.

**PUBLIC HEARING: AMEND CONDITIONAL USES IN LB ZONE**

The Planner reminded the Commission of their direction to staff to publish Notice to include Family Entertainment Centers as a Conditional Use in the Limited Business Zone. He reported that a prospective purchaser of the Dolan Marine site had provided a definition of "Family Entertainment Center", and how they would address such a use on the Dolan site. The Planner reported that he had modified the definition by one clause, and provided a section of the LB District Table to include that use as conditional with a maximum square foot building area reflective of the Dolan site. He observed that the resulting maximum building area for this use is larger than all other Limited Business Conditional Uses. The proposed definition is not subject to this hearing.

Commissioner Ptacek said the code was just amended for a Conditional Uses for the Limited Business. He said his cautiousness was the size of the resultant Family Entertainment Center facility and the intensity of activities of the use for day trips and septic use.

The Planner explained that if and when the Family Entertainment amendment is added to the Code, questions will be asked by the City at that time about impacts of the CUP request.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:59 P.M.

No testimony was offered.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:00 P.M.

Commissioner Sedro asked at what point the Commission should consider the wording of the proposed Family Entertainment Center definition.

The Planner said it is okay to consider and talk about the definition at any time since the definition was a key element under consideration, but the definition was not the subject of the Public Hearing since it would not be a part of the Zoning Ordinance.

Commissioner Sessing noted that "paint ball" is in the definition, and that activity jumps out as a safety and welfare issue when compared with otherwise safe activities and uses.

Commissioner Pelletier said paint ball is a concern, and she would be against it.

The Planner said this use would be indoor paintball versus outdoor.

Commissioner Ptacek said this area was intended by the Comprehensive Plan to remain Limited Business. Through square footage the City is trying to make Limited Business low impact, low volume, and low activity. He observed that the maximum building area of 50,000 square feet for a Family Entertainment Center sticks out when compared to all the other uses that are maximized at 20,000 square feet. He also recalled that 110 parties per week at such a facility was mentioned at the last meeting, and that he thought that is much too intense for an LB Zone.

**M/S/P, Ptacek/Sessing, To recommend denial of an amendment to add Family Entertainment Center to the Conditional Uses in the Limited Business Zoning District.**

The Planner said he considered a geographic limitation – even within the LB Zone. For instance, the PF section prescribes certain uses on only on collector streets. The Commission could do the same with something like this – just as he had drafted the ordinance.

Commissioner Ptacek said he still has a problem with the use scale - even if limited to a Hudson Boulevard location. He stated that he continues to believe that, if the Comprehensive Plan policy is



Limited Business in the Hudson Boulevard corridor, the scale of the proposed Family Entertainment Center use is too intense.

Commissioner Sessing said he didn't realize the prospective owners of the Family Entertainment Center were working with a facility of that building area scale.

Commissioner Sedro said she considers properties along Hudson as being different because they are on the perimeter of the City and on the interstate.

Commissioner Pelletier said she is not in favor of that scale of the 50,000 square foot Family Entertainment Center. Limited Business should be just that – Limited in scale.

Commissioner Deziel said that a use like a Family Entertainment Center on Hudson Road will not have a big impact on the rest of the community since the bulk of traffic to it will not be coming through the City. He stated that he would not see the use as a major problem if it were structured similar to the description in the proponents' July 4 letter.

Commissioner Johnson suggested a friendly amendment to focus just on Hudson Road only.

Commission Sedro asked if we set a precedent for other LB uses that could include 'big box' uses by allowing as much as 50,000 square feet of building area.

The Planner answered that could be argued by another LB user.

Commissioner Deziel said that 'big box' uses are retail versus the amusement use a Family Entertainment Center would be. The sheer size of the Family Entertainment Center may be as large as a "big box" by the proposed ordinance, but there is not as much traffic with the amusement use as with an equivalent size retail use..

The Planner reminded the Commissioners that their responsibility is to recommend to the City Council their best advice. They can limit the scale to what is closer to what they believe is acceptable. He reminded the Commission that the 50,000 square foot maximum proposed is only a reflection of the proponents' prospective location.

Commissioner Johnson asked if a friendly amendment about size would be possible.

Commissioner Ptacek said he would like his motion to remain as stated.

**CALL THE QUESTION. VOTE: 6:2:1 (Nay: Johnson/Sedro, Abstain: Deziel).**

#### **ZONING CODE AMENDMENT: FENCES CONTINUED**

The Planner reminded the Commission of their options – they can recommend their own draft ordinance, the Council's draft, some combination, some modification, or nothing.

Commissioner Deziel said he felt the Commission did a good job on their ordinance. He thought the Council did not give good guidance. The City Planner did a good job of bringing it forward. He said the comments of Charles Dennis were excellent and mature, and he thinks that is what should be sent to the Council because that is what the Council is missing.

Commissioner Sedro said the points raised by the Council were all discussed by the Planning Commission at length. She would add only the Shoreland Overlay, Section 302.03.

Commissioner Ptacek said that many Commission hours went into the fence ordinance. He said the Commission's draft allows adequate screening, and the Council's version would ruin the screening.

M/S/P, Sedro/Ptacek, To recommend the Planning Commission's Draft Fence Ordinance with the addition of Section 302.03, Shoreland Overlay District from the other ordinance draft.

Commissioner Sessing said the City's exterior storage code does not screen anything (like trailers) without a solid wall fence or with the berm options we have in our Code. 75% open to air and light will not screen anything. He said residents will not be able to screen AG equipment unless we build more buildings. He said the Council never answered the question at the Workshop: now we allow a higher fence on a larger lot in the buildable lot area. Their ordinance allows a building but not a fence.

Commissioner Sedro said the Planning Commission reviewed the issues of function and that Lake Elmo is trying to hold onto vestiges of being rural. She said the Council was addressing aesthetics, and their draft does not allow people to do what needs to be done in rural and AG Districts. She said if the Commission has to choose, we should choose functionality.

Commissioner Deziel asked if fences would be allowed within 100 feet of OHW with the Shoreland Overlay, because there are a lot of fences in there now.

The Planner said in some cases, OHW is 150 feet. Existing fences would continue until they are damaged but no new ones would be allowed. It is not addressed in our current ordinance.

Commissioner Deziel remembered one lot where the entire house was within 100 feet of OHW. Those residents would have to demonstrate a hardship to get a variance. His inclination would be to pull it back to one-half of OHW setback. 50 feet off a lake should be enough.

Commissioner Pelletier said she has changed her mind, and now believes one-size-fits-all does not work. Six feet fences take away from the sense of community. She wants to preserve rural character. Large lots should be allowed higher fences.

The Planner said the Council did discuss fences as architectural extensions of homes. A separate section could be added that addresses screening. Fencing and screening should be addressed separately according to the City Attorney.

**VOTE: 7:1:1 (Nay: Pelletier, Abstain: Deziel).**

## **CITY COUNCIL UPDATES**

The Planner reported that the City Council adopted the recommendation to add Salon/Spa as a Conditional Use in the LB Zone. They also adopted the Olinger Plan amendment and zoning as recommended, and approved the Abrahamson screen porch/tool shed.

He said the Council denied the Deer Glen Concept Plan based upon two things in the Code: 1.) The plan is inconsistent with the Comp Plan policy of retaining natural features of the land based on the proposed grading for flood plain mitigation, and 2.) It does not meet the purpose and intent for the same reason. They voted 5:0 against it.

The Planner said the Council granted two waivers of accessory buildings forward of principle structures.

Commissioner Sessing asked if the City Attorney said those requests should not go through the variance process.

The Planner said that is what the City Attorney has said in past cases..

Adjourn 9:39 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Kimberly Schaffel". The signature is written in a cursive, flowing style.

Kimberly Schaffel  
Recording Secretary