

VILLAGE OF LAKE ELMO
PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF SEPTEMBER 23, 1974.

Meeting called to order 7:45 P.M. by Chairman Lundquist.

Members present: Dreher, Grace, Johnson, Lundquist, Lyons, Sovereign, Williams.

Minutes-
Approval

Motion by Johnson, second by Lyons, to approve the minutes of the meetings on Aug. 13, Sept. 10, and all previous meetings whose minutes have not yet been approved. Motion carried with no dissention.

J & W Marine
Public Hearing
on Mining permit
Sec. 34.

No one, including Mr. Jim Griffin from J & W, was present when calls for the hearing were made at 7:45, 8:30 and 10:30. During discussion, concern was raised as to the desirability of mining the J & W property without concurrent mining of at least part of the Lampert Lumber property to the east. The point was raised that all final sloping needed to satisfy the Lake Elmo mining ordinance (No. 901) must be done entirely within the boundaries of the J&W property. Motion by Williams, second by Grace, to table further discussion until the PZC received (1) written opinion by the Village Attorney as to the adequacy of the permit application as currently on file, and (2) written approval by the Village Engineer of the final grading plans. Motion carried with no dissention.

Thomas
Lindbeck,
Public
Hearing on
Special Use
Permit for
Body Shop in
Sec. 4.

Mr. Lindbeck and his attorney were present. The names of other interested persons in attendance are attached. A petition signed by several of the neighbors against the issuance of the permit is attached. Mr. Robert Olson stated that several neighbors opposed to the permit were unable to be present. Mrs. Marilyn Olson read a prepared statement opposing the permit and agreed to submit a written copy of the statement at a later date. Discussion included the following items: former violations of village ordinances by the applicant; nuisance to the neighbors (especially because of paint odors) of the proposed operation; restrictions of existing covenants on the Bergman Addition plat. Motion by Johnson, second by Sovereign, to recommend rejection of the permit application for reasons including, but not necessarily restricted to, the following considerations:

- 1) The proposed operation is incompatible with the existing zoning of the area;
- 2) legal interpretation of the existing covenants was not a factor in this decision;
- 3) all comments made by neighbors at the public hearing were against issuance of the permit;

Thomas Lindbeck
Hearing:--continued

- 4) The PZC is concerned that runoff from the proposed site might contain pollutants which would destroy the ecology of the adjoining wetlands;
 - 5) The existing covenants expire in 1987, after which time any compatible agricultural use will probably be permitted.
- Motion carried with no dissention.

NSP--Platting
Variance

Jerry Wallace from NSP requested a variance from the Village Subdivision Ordinance (Washington County Model Subdivision Code, Section 11, Part A) for the property in Sec. 13 on which a natural gas line sub-station is to be built. Councilman Brookman indicated by telephone conversation with PZC member Williams that the Village Council would look favorably on a recommendation to approve the variance. Mr. Wallace said that the Village Attorney advised that it is Village Policy not to require platting in an industrially zoned area. PZC has no record of this policy. The PZC familiarized Mr. Wallace with the meaning of "platting," of which he had apparently been unaware. Motion by Grace, second by Sovereign, to recommend denial of the variance for the following reasons:

- 1) NSP has its own surveyors and platting will be no hardship;
- 2) The County Auditor prefers all subdivisions to be platted;
- 3) no compelling reason has been submitted for approval of the variance.

Motion carried with no dissention.

Battan Timber
Tree Disposal
Permit.

Tom Benson and Ted Auger of Battan Timber and their attorney Lester Janes, presented a proposal to establish a tree disposal operation in Sec. 2. The PZC interprets that this proposed use correctly falls under the special use for agriculturally zoned areas, as specified in the Washington County Model Zoning Code, Section 7.03. A public hearing for the Special Use Permit will be held at the next PZC meeting (Oct. 8).

Special Meeting
with Council.

A special meeting between the PZC and the Village Council will be held on Oct. 7 at 7:30 P.M.. The purpose of the meeting will be to discuss goals and policies to be part of the updated Comprehensive Development Plan.

Metro Council
Staff Meeting.

Chairman Lundquist informed the PZC that, at a recent meeting of several staff committees of the Metro Council, the possibility was raised that 3M Company might move their proposed new laboratory complex from its present location in Sec. 16 and 17 to some location in close proximity to the proposed Dayton-Hudson development in the southwest corner of the Village.

The Lindbeck Hearing 9/23/74

<u>Name</u>	<u>Address</u>
Robert R. Olson	8718 DEMONTREVILLE TR.
Emily J. Olson	8718 Demontreville Tr.
Patricia J. Klem	8600 Demontreville Tr. N.
Frank Lier	8490 De Montreville
Glenn Lier	" " "
Robert Barstved	8648 " "
H. F. Steff	8620 " "
John Bergman	8790 " "
Jake	" " "
Gene Guindon	8321 " "
E. L. Guindon	8321 " " Tel. No

9-23-74

On November 20, 1973, The Village Council denied Mr. Lindbeck a special use permit to operate an auto repair shop in his garage at 8728 Demontreville Tr. No. Mr. Lindbeck did not stop the operation of his repair business but in fact on January 2, 1974 placed an Ad in both the Stillwater Gazette and in the Washington County Review which read, "Auto Body Repairs - reasonable prices. Tom Lindbeck Tel. 777-0161." This Ad continued to run in the Washington County Review until April 8, 1974, and was still running in the Stillwater Gazette as of last Friday, September 20.

This summer Mr. Lindbeck was ticketed for operating an auto repair shop without a permit. He pled not guilty and trial was to be held on September 20. On September 20, he changed his plea to guilty and was sentenced to 15 days in jail and a \$300.00 fine. This sentence was suspended and he was given 90 days to clean up the premises.

There is no reason to suppose that if Mr. Lindbeck is given this special use permit he will abide by its rules and stipulations any more than he abided by the decision of the village council on November 20, 1973.

This auto repair shop is also in direct violation of the deed covenants held by the rest of the residents of the Bergman Plat. (I believe that Mr. Lindbeck, the Mayor, and the Chairman of this Commission have the letter regarding this matter in their possession.)

I respectfully ask, that because of the possible violation of these deed covenants and because of Mr. Lindbeck's flagrant violation of Lake Elmo's Village ordinances in the past, that this Planning & Zoning Commission not recommend issuance of a special use permit for an auto repair shop on this property at this time or any time in the future.

Statement by: Marilyn Olson

Minutes of the Meeting of Sept. 23. 1974.

Metro Council
Staff Meeting, (continued.) -- The implications of this possibility
were discussed briefly.

Adjournment.

Motion by Grace, second by Dreher.
to adjourn at 12:00 P.M.. Motion
carried unanimously.

Respectfully submitted,
Todd R. Williams
Acting Secretary