

City of Lake Elmo

P.O. Box J
Thirty-third and Laverne Avenue
Lake Elmo, Minnesota 55042
777-5510

N O T I C E

The Planning Commission will hold a Special Meeting

Monday

August 20, 1979

at

7:30 P.M.

to discuss the final draft of the Zoning Ordinance
and the

Zoning Map.

Note: I would encourage all PZC and City Council
Members to attend.

Laurence E. Whittaker

Chairman Grace called the meeting to order at 7:30 p.m.

ROLL CALL: Grace, Dreher, Moris, Lundquist, Crombie, Novak, Prince (9:15)
Council Members: Mottaz, Pott, Johnson and Armstrong also in attendance
Building Inspector Kluegel and Administrator Whittaker.

The PZC reviewed the Zoning Map with present uses and SUP colored in. No SUP are permitted in the new Ordinance except in the Ag Zone. The PZC agreed upon the following zoning uses:

Bergmann's Greenhouse - Ag
Springhorn's Green Acres - Ag - Commercial Recreation
Lausing Stone - Ag with SUP - put in non-conforming use section.
This is a legal non-conforming use.
Gun Range - Ag with SUP - Commercial Recreation
Lehman Mushroom - this property is not taxed for Industrial Use. It will fall under the Ag zoning
Patti Home, Vali-Hi, and the small parcels in this section to remain Commercial.
North Country Ski and DJ's Auto Body Shop - to be zoned for use.
Misty Motel, Cozy Cove Motel and Michaels - Highway Business
CrossRoads Ford and Brookman Motors - Highway Business
Areas in the Single Family (yellow area) that are not platted are designated in white.

Prime Ag will be designated at the request of the landowner.

Clustered development - 7 per 40 - in parcel where there is no existing home all 7 homes must be clustered together. All new subdivision of land must come before the Council. If one (1) lot out of a 40 is sold it must be LOA, or if clustered development is desired the area must be platted. A straw vote was taken to exclude wet lands, steep slopes or public water from the developable area in a 40 A parcel. The remainder would be the basis for cluster development. The majority of the PZC were opposed to this.

Grace moved, Seconded by Novak, to set a Public Hearing for the Zoning Ordinance and Zoning Map for September 5, 1979, at 7 p.m. at Lake Elmo Elementary School. Motion carried 7-0. Letters in response to the Zoning Ordinance and Zoning Map will be received at the City Office until September 7, 1979.

Residents who desire their land be placed in the Prime Agriculture Classification should petition the PZC and the City Council, also they can make the request at the public hearing and the area will be designated on the map.

PUBLIC INQUIRIES: Nancy Prince had a request from Ed Stevens concerning the Pechan request for a variance to sell a parcel off Keats and future 46th St. He would prefer to have the road on future 45th St. He is opposed to what Mr. Pechan is requesting. The Engineer is going to report on the request and how the driveway will be constructed.

The Final Draft of the Zoning Ordinance will be ready Friday, August 24.

ADJOURNMENT: 10:00 p.m.

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AGENDA

PLANNING-ZONING COMMISSION

August 13, 1979

- 7:30 P.M. -- Meeting convenes
Roll Call
Approval of Minutes
- 7:45 P.M. -- HEARING--Tom Kaiser--9435 Brookview Rd.
Application for Subdivision (Large Lot)
Rezoning and Comprehensive Plan Amendment.
Sly 1/2 of the SE 1/4 of the NW 1/4 of
Section 32
Construct a diversified Light Industrial
building on the site.
- 8:30 P.M. -- HEARING--Valley Branch Watershed District
Special Use Permit to construct an
electric lift station on the shore of
Lake Jané to remove floodwaters by
overland pipe to City Park pond.
- 9:15 P.M. -- HEARING--Terry Hanlon--9322 Lake Jane Trail
Norm Sjoblom--9302 Lake Jane Trail
2 Special Use Permits requesting permission
to add fill to each back yard--approximately
400 cubic yards. Fill to prevent flooding
and loss of trees in their back yards.
- Zoning Map-- Schedule Hearing

Chairman Grace called the meeting to order at 7:30 p.m.

ROLL CALL: Crombie, Lundquist, Moris, Novak, Prince, Michels, Murphy (8:00)

MINUTES: Grace moved, seconded by Moris, to approve the minutes of July 9, 1979 as corrected. Motion carried 6-0.

Lundquist moved, seconded by Novak, to approve the minutes of July 16, 1979, as written. Motion carried 6-0.

Prince moved, seconded by Lundquist, to approve the minutes of July 23, 1979, as corrected. Correction: vote on Keister SUP should read 4-1-1, Prince abstained, Murphy voted nay. Under Zoning Ordinance minimum square footage for a two bedroom home will be 960 sq. ft. Motion carried 4-0. Moris and Novak abstained.

TOM KAISER HEARING - APPLICATION FOR SUBDIVISION (LARGE LOT), REZONING AND COMPREHENSIVE PLAN AMENDMENT.

The property is presently zoned SFU. Mr. Kaiser is requesting to subdivide the parcel and rezone it to comply with the type of Light Industry they are proposing. They are requesting to be exempt from the moratorium so preliminary work can be started, eg. soil borings, perc tests, etc.

Run-off will be controlled by ponding with the use of weirs, pipes, etc. for slow release. The building will be precast concrete. It is proposed as an energy conservation type structure. Grace questioned water usage, little will be needed for the manufacturing line. There will be 150 to 200 people within the facility. A well on site will provide the water. The building demension is 500 ft. 1 x 200 ft. w x 25 ft. high. Sky-lights are proposed over the mezzanine and shops. The Highway Department will construct the road (4th Street extended). This will be part of the frontage road system. Mr. Weston stated that sewer was not critical to the project. They will hook up whenever the City desires. They have the capability of interm facilities if necessary.

Questions concerning the remainder of the property were raised. It appears there will be 10 acres of the Fraser property left with no access. An accurate legal description will be needed. Audience remarks: Harvey Brockman - questioned the ponding - there is natural drainage of the site to the east of the parking area and enough land to create a pond. The Engineer will review the ponding and storm water run-off.

Dorothy Lyons - questioned if there is some type of plan for this area. NSP has a proposed line through this area.

Jean Novak - questioned the use of the remainder of the property after subdivision.

Bill Lundquist - questioned if this use is compatible with future development. Yes according to the Highway Department.

Chairman Grace closed the hearing at 8:30 p.m.

Grace questioned further testing on the fireproofing of the construction materials. Mr. Weston indicated that tests are scheduled at Underwriters Lab for fireproof ability. Before any action is taken by the PZC the following is to be completed: correct legal description, determination of use and access to north portion of Fraser property, easement information from NSP, concept plan for sewer rough in, ponding locations and test results on fire standards.

VALLEY BRANCH WATERSHED DISTRICT HEARING: SUP TO CONSTRUCT AN ELECTRIC LIFT STATION ON LAKE JANE --

The property the pump will sit on is owned by Carl Olinger. This parcel was chosen over the adjoining DNR parcel because of the time involved obtaining the necessary easements from DNR. The pump is a 30 h.p. electric, connected to an 8" overland pipe. Audience: Mr. Tschumperlin - questioned why this location was chosen? 1. Because Olinger's desire it to the east side of their property and 2. This location is closest to where they want to pump the water. According to Mr. Tschumperlin this is not the most direct route. Mr. Tschumperlin also questioned if an EIS has been done. This is required only if the City Council requests one. He also asked about the lift station and access. Only the cover or lid will show above ground. Private access is used now for access. An agreement has been reached with Olinger for easement rights according to Valley Branch.

Howard Michels asked if this was a permanent solution to the flooding problem? Don Moris is opposed to any permanent pumping into the City Park. Valley Branch stated this is a 10 year solution. Moris opposes locating the pumping area at different points in the park. This kills different areas within the park. Once the easement with Olinger is established Valley Branch will be using the same route each time it pumps. Moris cannot approve such a request because it is a permanent solution and is against pumping into Sunfish Park.

Jean Novak - questioned levels of Jane and City Park Pond. Pumping is started when it appears Jane will reach 922 or higher. City Park Pond will receive water until it reaches 903.0. A diesel pump may be used a back-up. No location has been determined for the diesel.

Mr. Tschumperlin - property owners across road - feels this site location is further harrassment by the City Council, Valley Branch and Carl Olinger. The pump could be set directly across from Olinger's; the trees are dead where it is now and there is no need to move the pump to another location.

Maynard Eder - Valley Branch approached Mr. Olinger and discussed the constraints. Mr. Olinger responded to Valley Branch's request they came to a mutual agreement. As this is a permanent easement Mr. Olinger desired the location to the east of his property.

Al Dornfeld - eventually the route from the Tri-Lakes will be toward Eagle Point Fork. This will be by gravation flow with under ground pipe. Until this project is initiated Valley Branch proposes to operate with the present project.

Howard Michels - let the water seek its own level. At one time, he understands Lake Jane was considerably higher. He does not believe the City should be forced to reimburse residents for the money that they have in their property. Is the City going to help every resident who makes a mistake recover their loss? He is opposed to the whole idea of pumping.

Maynard Eder - suggested residents attend Valley Branch meetings and get background information. The question is not whether to pump or not pump; but, whether this request for a SUP is consistent with the Shoreland Management Act. After the PZC recommendation the Council will hold a meeting and make their decision on it.

Chairman Grace closed the hearing at 9:23 p.m.

Nancy Prince requested the contractor make an effort to save as many trees as possible when they cut the access in.

VALLEY BRANCH CONTINUED: The question is not the pumping, but whether or not this this disrupts the shoreland per the requirements defined in the Shoreland Management and the Flood Plain Management Ordinances.

Jean Novak questioned the noise effect in the area. It will be much less than what is being used now. This pump will be essentially buried and the pipe will be just below the surface of the ground. Valley Branch prefers to use access through the Olinger property, but no fixed access has been determined.

Lundquist moved, seconded by Grace to approve the Special Use Permit under Section 303.080 of the Shoreland Management Act and a Conditional Use Permit under Section 304, of the Flood Plain Management Ordinance for the Valley Branch Watershed District.

Discussion: Moris feels the PZC has had no time to consider this request. Novak would like to know what effect this project will have on other property in the area and conditions listed to reassure no further trees will be killed and pumping will stop when City Park Pond reaches 903. The Valley Branch Engineer stated that when City Park Pond reaches 903 the water will be diverted until the water goes down, then pumping will begin again into the pond. Novak would also like to not see this a permanent solution for 10 years and would prefer the Eagle Point Project, and would like the motion to reflect this. Al Dornfeld stated the Eagle Point Project is cost prohibitive to solve the immediate problem. This is a long range plan. Crombie is opposed to the entire project stating in 1951 there was flooding on the lakes and in 1955 they were dry. This is when the Tri-Lakes Association was formed and a well drilled to pump water into the Lakes. He feels this could happen again and it is up to the residents not the City to solve their problems. Motion failed 2-5 Prince abstaining. Opposed, Novak, Moris, Crombie, Michels and Murphy.

TERRY HANLON - NORM SJOBLUM - HEARING - 2 SPECIAL USE PERMITS TO ADD FILL TO BACK YARDS - APPROXIMATELY 400 CU. YD. EACH. TO PREVENT FLOODING AND LOSS OF TREES.

Mr. Hanlon and Mr. Sjoblom were not present. There was no public objection. The PZC felt it had no alternative but to deny these requests as they do not meet the ordinances. It appeared the fill would be placed below the normal high water mark. Fill cannot be placed from the 924 elevation to the lake as proposed, or below the water. Paragraph 303.080, Grading and Filling - Flood Plain Ordinance.

ZONING MAP:

The PZC recommends all the GRU areas be designated Rural Residential, 7 homes per 40 acres clustered, unless the landowner requests the Prime Ag Zoning of 1 per 40.

The existing Commercial along Highway 12 to be zoned for their use. No more will be designated on the map until 1990 with the exception of Section 32

Conditional Use Permits are allowed only in Ag areas. The remainder of the City will be zoned for its present use. Lehmann Mushroom to be put in the Ag Zone. The Administrator will verify if the land is being taxes as Ag or Industrial.

Regan Bus Storage and Valley-Hi - will have to fall under GB under new Ordinance. PZC will consider this at next meeting.

Hammes Mining - agreeable under Ag
Gun Club - SUP in Ag area.

ZONING MAP: Green Acres - Ag zoning
 Tartan Park - Public
 E & H Earthmovers - Rural Residential in GRU category
 Finneman, Washington 37 - R-1 - should stay as it is.
 Cimarron GB area - This zoning will go the first request. Finneman
 and Washington 37 have also requested a GB area. Cimarron goes to Mobile Home
 Olinger - Rural Residential
 Lausing Stone - stay in Ag under SUP.
 Bergman - Ag
 Animal Inn - Ag if remains in Ag zoning
 Kearns - Highway Business
 Brookman Addition - Light Industry except Car Dealership - Highway Business
 Holiday Property - Ag
 Old Village - to be discussed - probably current use.
 Pierre's Pier - legal non-conforming use - leave as is
 Town Houses on 30th Street - R-1

Novak moved, seconded by Murphy to hold a Special Meeting, Monday,
 August 20, 1979, at 7:30 p.m. Motion carried 8-0

ADJOURNMENT: 11:00 p.m.

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To Planning-Zoning Commission Members:

The Planning Commission will not meet on
Monday, August 27th, 1979 .

Please note the public hearing on September 5,
1979 at 7:00 p.m., in the Lake Elmo Elementary
School to consider the proposed Comprehensive
Amendment to the Zoning Ordinance and Zoning
District Map completely revising the text of
the Zoning Ordinance and substantially changing
the boundaries on the Zoning District Map in
the entire City of Lake Elmo.

Hearing - Tom Kaiser

Name	Address
Carl Jurgmann	8696 42nd St. No Lake Elmer
Danthy Lyons	10072 No. 10 th St. "
Dick Anvi	8135 Knoll St Golden Valley
Bill Crowley	5019 Overlook Circle Blaine, Minn 55424
J. N. Brophy	Ludwicks St Stillwater
Harvey Brockman	St Paul 55119
Thomas Danstang	8291 15th St N.

8-13-79 Valley Branch Watershed Hearing

Name		Address
Phil & Nancy Schumperlin		9149 Lake Jane Tr.
Dorothy Lyons		10072 N. 10th St.
Ray Swanson, DVM		Oakwood Animal Hospital
George D. Hedges	VBWD	4508 BIRCHBARK TRAIL LAKE ELMO
Al Hornung	VBWD	1664 Oakgreen AV. N. - STILLWATER
Peter Hutchinson	DHC	777 Nicollet WYds 3
Elmer P. Richard		9219 Lake Jane Trail
Maynard L. Eder		9275 Lake Jane Trail N. Lake Elmo, Minn.