

Vice Chairperson Jeanne Novak convened the meeting at 7:35 p.m. with the following Commissioners answering the roll: Prince, Michels, Dreher, and Curran. Administrator Whittaker and Building Inspector Kluegel were also present. Crombie, Lundquist, Moris, and Murphy were absent.

MINUTES: Michels moved, seconded by Novak, to approve the minutes of the September 10, 1979 meeting. Motion carried 2-0-3 (Prince, Dreher, and Curran abstained as they were not present at that meeting.).

Prince moved, seconded by Novak, to approve the minutes of the September 5, 1979, meeting. Motion carried 4-0-1 (Curran abstained as he was not present.).

CHAIRMAN: With the resignation of Duane Grace, Ms. Novak automatically becomes Chairperson until the end of the year. The Commission decided to wait until all members were present to select a Vice Chairperson.

RESOLUTION THANKING DUANE GRACE: Novak moved, seconded by Dreher, that the Commission adopt a Resolution thanking Duane Grace for his service to the Commission; indicating the Commissioners appreciated the quality of his leadership, his patience in bringing the Commission through the long process of preparing the Comp Plan and new Ordinances, and his understanding of the community and the codes that govern Commission action. Motion carried unanimously.

SPECIAL USE PERMITS, status of permits in force before adoption of the new Zoning Ordinance: The Commission reviewed the list of existing Special Use Permits; and considered the Administrator's recommendation for each. They agreed all drive-in businesses should be required to secure a Conditional Use Permit; so, the Vali-Hi Drive-in Theater should be shown as a CUP on the approved list.

The agreed Don Durand is a non-conforming use - not a CUP. The previous CUP was for Shoreland Permit. The Commission agreed this should remain, simply, a Non-conforming use.

The Commission agreed that J&W mining, operated by Shafer Contracting should become a non-conforming use as of the date of the Ordinance; and should be required to cease operation by the first of the year, when the current mining permit expires.

Prince moved, seconded by Novak, to recommend approval of the Conditional Use Permit list, as amended above. Motion carried 5-0.

HANLON/SJOBLOM FILL PERMITS: Terry Hanlon, 9322 Lake Jane Trail, appeared before the Commission representing himself and Norm Sjoblom, 9302 Lake Jane Trail; and requested a permit to fill an area on their lots below 924 elevation, with the stipulation that they would compensate for any water storage lost on Lake Jane by dredging out an equal quantity of material from the lake bottom. Whittaker advised the Commission that the Council indicated the application would be favorably considered if the fill did not decrease the storage capacity of Lake Jane.

Whittaker also advised the Commission that the DNR and Valley Branch Watershed District have indicated they would approve the application to stabilize the shoreland and fill as proposed in the application.

City of Lake Elmo

Thirty-third and Laverne Avenue
Lake Elmo, Minnesota 55042
777-5510

DATE: September 7, 1979
TO: Planning Commission
FROM: Larry Whittaker
SUBJECT: Zoning Ordinance, after hearing

CC: City Council, PZC, Pete, Kathy
Molly, Larry W. 3 extra

HEARING COMMENTS:

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1. Hutchinson - the area north of the tracks is planned for light industry. It is a reasonable use - north of the tracks, not south of the tracks. Zoning should be RR until demand for parcel indicated by development plan and plat. (Note: Mr. Hutchinson wants until Monday to file written comment. I said O.K.)
 2. Hedges and Sovereign - leaving this in RR really gives us no more control than R1, as it is entirely surrounded by R1. Suggest making whole area R1. It would be an expensive and time-consuming process to do the obvious later.
 3. Dayton-Hudson - see no merit in 1½ a. lots here now. It's not contiguous to any existing development; would mean total loss of control over density, staging, planning public facilities.
 - a. I would define continual maintenance in the cluster as meeting the nuisance code already in the Ordinance and City Code.
 - b. I don't think we need a definition of developable area, as we have minimum lot sizes in every district except RR. In RR, they would still have to have the minimum 1½ acre of land with 1 a. for septic; and we should have no problem with the outlot being pond, wetlands, steep slopes, etc. That is the rural environment. The Conservancy regulations will preserve essential environmental features.
 - c. We can change Goose Lake if and when a proposal for something other than Natural Environment comes along.
 4. DeCoster - We are contracting with Rob Chelseth to define "conservancy".
 5. Folz - Suggest we delete reference to map in Over-lay districts as the area regulated is defined by the text. We would need 1 foot contours of all shoreland to draw map; and we don't have them. And, we would need very accurate survey of airport to put that on map. Area will be set by distances provided in text; and applicants will have to demonstrate through survey that they are NOT in it.
 - a. Fill permits in Shoreland - We require permits within 1000 feet of NORMAL high water mark. DNR requires them below NORMAL high water mark. VBWD requires permits below HIGH FLOOD. It's not ambiguous to me; and I have to enforce it. As a matter of course, however, we send all applications to DNR and VBWD; so, we will be sure we comply with their regulations. We do not have to have the same requirements of either body.
 6. Halliday - I suggest that we extend the C1 district to Hwy. 212, because it is an area with active commercial applications (racquet ball club this Spring). And, it is logical; and would also be a costly, time-consuming process to do the obvious later. My other comment to him was that, if some additional area were necessary to support a use (like additional drainfield was required for the racquet ball club), the City would probably allow some additional rezoning.

4. DeCoster - The R-1 zoning is not consistent with the Comp Plan.
5. Folz - The PZC is not in favor of fill below the normal high water mark. Agree with comments of the Administrator
6. Halliday - The General Business designation is on the Comp Plan. This area is open for rezoning upon request.
7. Platting in RR Zone - All seven (7) lots in the 7 per 40 area must be platted or you do not have a cluster.
8. Gonya - No demand there now. Rezoning consideration upon request.
9. Cimarron - Neighborhood Commercial to be added to the permitted uses in the Mobile Home District. The golf course to be designated public.

CHANGES ON MAP

Richard Bergman - requested his entire property, about 50 A, be included in his SUP. His greenhouses are presently under SUP. The PZC agreed that the part not under the greenhouse should be AG. If he desires to expand the greenhouse operation, he should come in and amend the SUP.

CHANGES IN TEXT

Page 5 - Item 9 - delete

Page 7 - Item 39 - delete

Page 7 - Item 30 - Check with attorney - definition

Page 29 - Item 7B - add public before road.

Page 30 - Item 6B - same addition of road; also on page 31 6B

Page 30 - Delete paragraph number two (2) and add "Accept the outlot or remaining large lot" under 6A.

Page 31 - Same.

Cluster Development - definition to be added

Page 34 and where repeated - D. (3) Change R-1, 2, 3, etc. to RR, RL, R-2 etc.

Page 49 - (9) Density increases is in sewerred areas only.

Also questioned, the UR designation in section 32. Kaiser will not qualify under UR. Recommend Mixed Urban Use for this area.

Novak moved, seconded by Lundquist, to recommend this Zoning Ordinance to the City Council for acceptance with the corrections as noted.

Also recommended for approval is the revised Zoning Map.

Motion carried 6-0.

All 1 per 40 Ag requests will be included on the revised map.

MINUTES:

Novak moved, seconded by Michels, to approve the minutes of August 13 and August 20, 1979 as written. Motion carried 5-0 Murphy abstained from voting on the minutes of August 20.

ADJOURNMENT: 11:30 p.m.

(Hanlon/Sjoblom fill permit)

Michels moved, seconded by Dreher; to recommend approval of the fill permit subject to DNR and Valley Branch Watershed District approval, conditioned upon the assurance that compensatory dredging will be done for any fill added below the normal high water mark (924); and subject to the supervision of the City Engineer. Motion carried 5-0. The Commission also suggested the City Council require one-foot contours before and after the fill/dredging operation or verification of quantities added or removed by the City Engineer.

Prince was excused at 8:35 p.m.

MIDLAND MEADOWS, concept plan: Dick Stockstead and Bruce Folz appeared before the Commission to present the revised proposed preliminary plat for Midland Meadows, based on 1.5 acre minimum lot sizes. In answer to questions from the Administrator and the Commission, Stockstead and Folz indicated the following:

1. They had no firm plan for Commercial development at this time; and would leave the parcel in the N.E. corner of the proposed plat as an outlot which could be used for commercial or be platted into six additional lots. Note: The Administrator advised them that the Comp. Plan indicated this would be Neighborhood Commercial, not C1 (GB), as they had requested; and that the City would not consider the rezoning to either Commercial category unless firm development plans were approved with it.
2. The northerly access on Lake Elmo Avenue might be too close to the Cimarron access; and that they would consult the County on proper distances between accesses. They further indicated that they did not intend to construct 9th street at this location until it is developed for either commercial purposes or the 6 lots. They will, however, plat the street at this time.
3. There would be less water leaving the property at Klondike after development than presently leaves the parcel. The plan proposes to hold as much water after development as before development, in general. Most of the surface water will be directed north to the two holding ponds, with an "over-flow" outlet to Cimarron - where the water naturally flows. Ponds would be designed to detain a "100 year flood"; and release it at no greater rate than it leaves the undeveloped property now. (Note: In previous discussions of such matters, the Administrator has indicated that rate is not the only question if downstream facilities cannot handle additional run-off. Volume is a problem if there is no holding area downstream sufficient to accommodate additional run-off - or if there is no positive outlet for that run-off.)
4. Cul-de-sacs sell lots; therefore, the developers are encouraged to plat them. In response, the Commission indicated cul-de-sacs cost the City money for maintenance in perpetuity; and that, if cul-de-sacs increase the value of the lot for sale, the assessed value should be higher. The City would, then, collect more revenue from these lots to offset the higher costs of maintaining cul-de-sacs.

One solution to the current maintenance problem might be to permit rural sections of street in large lot subdivisions (over 1 acre lots); to make street maintenance and snow removal less difficult. The Administrator indicated he would discuss this possibility for this plat with the City Engineer and Maintenance Foreman.

Rural sections would also eliminate the need for expensive storm sewers; and eliminate the cost of maintaining that storm sewer, the catch basins, and the required clean-outs. This will also be mentioned to the Engineer and Foreman.

5. They are aware of the requirement for one acre of land suitable for sewage treatment; and are sure each lot will have adequate room for two drainfield sites. They will also present more detailed test data on areas with marginal soils before the final lot lines and sizes are approved.
6. They are aware that the new Subdivision Ordinance requires an appraisal from the developer to determine actual market value of the undeveloped land to compute the park donation. Note: The Park Commission indicated they would prefer a cash donation for park improvements, as the City has sufficient park land to serve this development.

HEARING: Curran moved, seconded by Michels, to set the hearing on the proposed Midland Meadows preliminary plat for 7:45 p.m., October 22, 1979. Motion carried 5-0.

(Note: Lundquist arrived at 9:05 p.m. to reconstitute a quorum.)

The developer agreed to supply an up-to-date list of adjacent property owners for the hearing notice. Curran asked for approximate acreage on adjacent parcels as well. Administrator indicated the City could provide that.

Folz said he would forward copies of the street profiles and preliminary drainage plan to the City Engineer.

STREET VACATIONS: The Administrator briefly explained why the City Council had scheduled public hearings on the vacation of 15th street within the Regional Park, and certain streets in Lanes-Demontreville County Club. Administrator excused himself from the meeting at 10:05 p.m. to attend another meeting for the City Council.

The Planning Commission saw no problem with the streets designated for vacation in Lanes Demontreville Country Club.

The Planning Commission agrees with the 1/2 mile designated for vacation on 15th Street within the Regional Park. They do recommend the City put forth an extra effort to keep the remaining access roads open during the winter months.

CONSERVENCY ZONE: The Planning Commission questioned whether this will be an overlay just indicating sensitive areas of general concern or an overlay carrying restrictions. If the areas will carry restrictions the boundaries must be very accurately defined and a method of enforcement developed. Also questioned was the definition of woodland preservation. The Planning Commission would like the Planner to come in and explain what is to be included in the conservency zone that is not covered under present ordinances. The Planning Commission would also like a copy of the soils survey map.

CONNIE LEVI: Chairman Novak requested the Planning Commission respond to the letter from Connie Levi concerning the up-coming Tax Law Bill, and state any concerns or recommendations they may have.

SEMINARS: The Planning Commission agreed that the Chairman and members should try and attend some of the seminars offered.

ADJOURNMENT: 10:30 P.M.

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AGENDA

PLANNING-ZONING COMMISSION

October 9, 1979

PLEASE NOTE: Due to Columbus Day Holiday on Monday, October 8, the Planning-Zoning Commission Meeting will be held on Tuesday, October 9.

- 7:30 P.M. -- Meeting Convenes
Minutes, September 10
- 7:45 P.M. -- New Chairman
- Vice Chairman
- 8:00 P.M. -- Mr. Stockstead and Bruce Folz
representing Finneman Enterprises
application for Midland Meadows
subdivision.
- 8:45 P.M. -- Sjoblom -Hanlon Plan
Permit to dredge and fill on lots
21 & 22, Berschens Shores
- 9:00 P.M. -- Special Use Permit List
- 9:30 P.M. -- Vacation-
15th. Street No.
Lanes Demontreville
- 10:00 P.M. -- Conservancy Zone

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PLANNING-ZONING COMMISSION MEMBERS PLEASE NOTE:

Since there isn't any scheduled items, the Planning Commission will NOT meet for their regular meeting for Monday, September 24, 1979.