

Chairman Michels called the meeting to order at 7:45 p.m.

ROLL CALL: Landquist, Gifford, Lyall, Crombie, Prince, Halden, and Dreher (8:05)
Also, Administrator Whittaker.

MINUTES: Tabled

ROSSOW HEARING: Chairman Michels reconvened the Rossow hearing at 7:45 p.m.

Mr. and Mrs. Tim Dwyer signed the Rossow application to officially include their property in the rezoning request.

Rossow said residential use is proposed for the property south of the power-line.

Robert Turentine, Rossow's attorney, reviewed the location and topography of the property. He stated that the Rossow's have had no success in selling their platted lots and submitted that his clients feel there is no market for residential lots along Highway 36. He contacted the City Planner and stated he is aware that this proposal is in conflict with the Comp Plan, but he feels since this area was discussed for commercial use during the development the plan that this proposal is reasonable and compatible with the over-all land use for that area. Mr. Turentine also talked to Vic Ward, Met Council Representative, who indicated that the Met Council would not object if the City would revise the use along Highway 36. Mr. Ward said this would take a revision of the Comp Plan. Mr. Turentine said the Planner had originally suggested this strip be commercial; and contends that under the present zoning the 3 lots that front Highway 36 cannot be sold, are not suitable for farming, and the only use is the one proposed.

Mr. Rossow proposes constructing two pole type office buildings. The lot sizes would remain the same, and Mr. Rossow said the ponding area on the west end of the property, deleted by Valley Branch on the original design plan, could be reestablished and would adequately serve this proposal.

Chairman Michels read the comments made by Mayor Eder on March 23, 1981.

Mr. Rossow asked what would be necessary, besides a rezoning request, to initiate review of this area by the City Council. Prince noted that the Council is not interested in changing the zoning along Highway 36. She stated that there are several commercial areas within the City where the Council wants to encourage commercial development. Several members of the Commission share this position. Prince also cited the Demontreville Highlands area along Highway 36, where residential development has been successful.

LeRoy Rossow, Sr. said that five acre lots are not as saleable as 1 1/2 acre lots such as in Demontreville Highlands; and that the amount of berm area necessary to screen the highway, and make the lots saleable, is prohibitive. He said their lots south of the powerline have a natural barrier, but the lots along Highway 36 are unmanageable. He does not feel this proposal is detrimental to the City.

Lyall asked about the pole building, now under construction. Mr. Rossow, Sr., said only the poles are up, the building is unuseable, and feels it is ridiculous to take this much of the building down to satisfy the City's demands.

ROSSOW HEARING: Administrator Whittaker said the City Council has not initiated review of this area primarily because they do not feel circumstances or attitudes have changed, since the Comp Plan was adopted, to justify reevaluation. The 36 corridor was discussed at length during the plans development. Lee Rossow, Jr. said that shortly after they asked for subdivision approval they came in and asked for this same type of rezoning. This was just prior to Comp Plan approval. At that time, he said, he was told that the 36 corridor was going to be commercial and they were advised to wait since they had no definite planned use. They followed this recommendation and tabled the request until they had a proposal and needed the property rezoned. Now they have a proposal, need a rezoning, and feel the Council has had three years to initiate a change in the Comp Plan. They feel nothing was done because no one asked for a change.

The Administrator said that at the time Tri-Star came in, the Council was considering the present plan and, as the Planner told Mr. Turentine, considered an alternative showing commercial on Highway 36 in various areas that would accomodate frontage roads, provide the necessary setbacks from the highway and powerlines, etc. After much consideration, they decided that this was not an appropriate place for commercial before 1990.

Lee Rossow, Jr. said this proposal is for a small rural business and there would be minimum truck and car traffic. He is a small electrical contractor. They need facilities to store materials and work on their trucks. He feels their property is very suitable for what they are proposing.

Gifford agrees with many of the applicants comments; and feels because of the number of requests that have been received for alternate uses in this area, that the Planning Commission should recommend that the City Council actively pursue a review of this area and consider an amendment to the Comp Plan.

The Commission discussed the land use across Highway 36, in Grant Township. Whittaker stated that Grant Township has indicated that no additional commercial or business use is planned along the north side of the Highway.

Crombie asked Mr. Rossow, Jr., why the pole building was erected without a permit. Mr. Rossow said that at the time they platted the property it was zoned Ag, and they received information from the City that Ag buildings on Ag land did not require a building permit. They also were told that there would be no problems building the first structure on that land. Therefore, they proceeded to build a pole type building, which they considered an ag building to be used for private storage. They still intend to use the building for storage. Mr. Rossow stated that State Statute exempts agricultural buildings and dwellings from building code and building permit laws. Crombie agreed this is true if the use is for Ag purposes. Mr. Rossow said this is a gray area with the City taking an opposite point of view.

Crombie asked Mr. Dwyer, who purchased the home on the Tri-Star property, if he bought the house for a primary residence. Mr. Dwyer said yes. Crombie asked why, now, it is not suitable for a primary residence. Mr. Dwyer said it still is; but, he would also like to build a pole barn so he can do mechanic and body work. Mr. Dwyer said he bought there because he liked the house and liked living in this area. He did note that is noisy in the front of the house. Mrs. Dwyer said the main reason they bought was because they thought that the property would inevitably be commercial; and, they were interested in starting their own small business.

ROSSOW REZONING: Councillor Fraser restated comments made at a previous meeting relating to the restrictions and requirements imposed on developers of commercial property vs the unreasonableness of the City to grant exceptions that would not impose the same restrictions or requirements.

Crombie felt that had Tri-Star made a diligent effort three years ago to finish their plat, complete their road, and put the lots on the market, the lots would have sold. He feels that because the economic picture for lot sales has changed, that the developers are coming back at the City for a more viable use. Leroy Rossow, Sr. said it was the economics that have held them back. Crombie said the City cannot change its plan just because there is no market for lots. Mr. Rossow, Sr. said the lots along Highway 36 would never sell. Crombie took issue with this, stating the lot with the existing house sold, and other lots in Demontreville Highland, Indian Hills, and other developments along 36 are selling. He feels there would be a great inequity in requiring some commercial developers to follow the letter of the law, while permitting others to construct sub-standard (as relates to commercial use) pole buildings for the same type of business. He feels by doing this the City would lose control and end up the big loser. Crombie asked Mr. Rossow why he doesn't buy a parcel in a commercial area, such as Brookman Addition, for his business. Mr. Rossow said he cannot afford to do this. Crombie does not feel Mr. Rossow can expect the City to bail him out financially, by rezoning his property for a more economically desirable use; nor, is the City going to bail out Daytons or any other developer because of economics.

Mr. Rossow, Jr. stated that his building meets the Minnesota Building Code. Crombie asked if the building meets the Minnesota Building Code for use as a commercial building on commercially zoned property. Mr. Rossow said it meets the building code and they have gone through it with the Building Inspector. He also said they have no plans to sell off any acreage to other businesses.

Crombie does not believe this property should be rezoned and said rural residential is a reasonable alternative use.

Lundquist questioned if the present residence could remain in a commercial zone. The Administrator reviewed the requirements on this with the Commission.

Gifford feels that the burden is on the City Council and it is their obligation to review this area and decide what can be done.

Chairman Michels closed the hearing at 8:27 p.m.

Administrator Whittaker said the Council will view this as to what conditions have changed since the Comp Plan was adopted in 1979. Because an application for change is submitted, this does not necessarily mean anything has changed. He said the Council has discussed this question numerable times and has looked at the issues and alternatives.

Gifford maintained that this area is not feasible for residential.

Michels suggested two alternatives: 1. a recommendation from the Planning Commission for a review of the corridor; or, 2. a group representation of property owners along Highway 36 requesting the Council to review the Highway 36 area. He feels the second alternative would be the most effective.

The Administrator suggested that the residents petition the Council for such a review. The Commission agreed.

The Administrator outlined the rationale behind the present zoning:

1. From 1965 on, this area has always been Ag or rural residential in nature.
2. Lack of highways
3. Lack of City streets to service commercial and the additional expense to provide them.
4. No sewer or water.
5. Police patrol to this area is minimal. State Patrol handles some of the area.
6. Fire protection
7. Aesthetics.

The general philosophy has been that development should be clustered next to existing development and should stage from that point so that services can be adequately and economically provided. Also, the Council and the Commission, generally agreed that it is not necessary to have commercial use on every highway.

Halden questioned the desirability of going through a commercial area to get to a residential area.

Lundquist suggested Tri-Star abandon their present plat and replat the area south of the powerline, leaving the area along Highway 36 permanently open. Under the present zoning, they would have the same number of lots.

Michels does not think spot zoning is the answer, as services become an economic problem to the City. Mr. Turentine submitted that services for commercial or residential would be the same.

The Commission generally felt that if the property were rezoned commercial the City would lose control should the buildings or property be resold and a more intensive use put in.

Prince moved, seconded by Halden, to recommend that the City Council deny the request of Lee Rossow and Tim Dwyer to rezone Lots 1 & 2, Block 1 and Lot 1 Block 2 to General Business. The Commission cited the following reasons for denial:

1. The Commission does not feel there has been significant change in conditions since the Comp Plan was adopted in 1979.
2. The Commission opposes spot zoning.
3. Lack of City services to this area to accommodate commercial.
4. Aesthetics.

Motion carried 8-0.

Gifford moved, to recommend that the City Council actively review the zoning along the 36 Corridor for the benefit of the residents who continue to request such zoning.

Motion carried 8-0.

Whittaker told the Commission that any recommendation for review of the 36 Corridor should clearly state the reasons why, and should reflect the Commission's intentions.

Lundquist suggested changing the wording to reflect a review of the permitted uses for the land between the powerline and Highway 36.

Michels felt that the Planning Commission had to reach an agreement on the use of the Corridor before making a recommendation to the Council. He feels that the entire corridor must be addressed, and that the City should not spot zone anything. Crombie and Lundquist agreed. Prince feels the area should remain as it is presently zoned; but, would consider a less intense commercial use for post 1990, as provided in the Comp Plan. Halden sympathizes with the property owners and feels these residents should be heard. If circumstances or conditions have changed since the Comp Plan was adopted, then the plan should be reviewed and a change considered. She suggested that the residents on the peripherals should be polled and brought into the discussion. Dreher said the motion to deny reflected his opinion. Lyall agreed with Michels; but would like to consider review of the area, again. Gifford withdrew her motion.

The Administrator will place this topic on a future agenda for discussion.

LAKE ELMO BUSINESS ASSOCIATION: Laura Fraser briefed the Commission on the current position of the Business Association for the Old Village downtown area. She said they voted to address an over-all plan, but, to date, no plans have been developed and there is no strong desire or motivation, even within the community, to develop a plan or motiff for the area. Ms. Fraser reviewed the Association's thoughts about the entire business area in Lake Elmo; and outlined three directions of development they feel are logical and likely.

1. The area along the Chicago Northwestern tracks for light industry or for business not affected by the railroad.
2. The Old Village area - business will be oriented to those uses that have low parking needs rather than those that require a great deal of parking or high volumes of traffic. They believe what is in the downtown area today most likely will remain.
3. They feel eventually homes in the downtown area will evolve into business and they recommend that the City not encourage residential use that would be troubled by or deter business later on.

The Business Association does not envision pursuing a plan at this time. No one favors an "Old Town" motiff through the downtown area. Many favor the architecture of the new bank building.

The Business Association opposed the landfill site for the new City Office building. They favor sites with proximity to the Old Village. Gifford agreed with this position.

Michels asked their position on the drainage problems in the downtown area. Ms. Fraser said there is a great deal of interest and that the Executive Committee has set up a task force to address the drainage problem.

The Business Association meets at 12:00 P.M. the first Monday of each month at the White Hat Restaurant.

TOWNTOWN AREA - Additional Discussion Items -

Traffic on County 17 and Highway 5 - The Administrator was asked to check if Mn/DOT or the County would consider stop lights or an island at this intersection. The Administrator reported that the County does not feel there is a problem in this area because there have been no accidents. Mn/DOT refuses to lower the speed limit beyond the present 40 MPH. The County feels there are several other intersections within the County that should be studied before considering anything at the 17 and 5 intersection. Lake Elmo Elementary is not a determining factor.

Prince had asked about sidewalks along Lake Elmo Avenue from south of the tracks up to Highway 5. The primary concern was for the children who walk to school. The Administrator reported that the cost for sidewalks is \$6 to \$10 per lineal foot.

Prince also asked if there was any plan to provide access to Lake Elmo Hardwood Lumber from County 15, so that the large lumber trucks do not have to pass through the residential area. She said their large trucks are very offensive to the neighborhood around them. The Administrator said there are no plans for a road to the east from Lake Elmo Hardwood to County 15.

Landfill - Regional Park - Lyall asked about the possibility of the Regional Park being used as a landfill site. The Administrator reviewed the background of the situation and stated that the City opposes this site for a landfill and opposes landfills in general. This position has been conveyed to all parties involved in the landfill question.

PEPIN BUILDING: The Administrator reported that the Pepin Building at the corner of Laverne and Highway 5 has not been zoned General Business. He recommended the Commission schedule a hearing to correct the zoning.

Michels moved, seconded by Crombie, to set a public hearing for rezoning of the Pepin Building on June 8, 1981, at 7:45 p.m. Motion carried 8-0.

TARTAN MEADOWS: The City Engineer reviewed the final plat. All the problems have been corrected. Two curves on Leeward Avenue have to be modified and shown on the final plat before the Council can approve it. The temporary cul-de-sac will be deeded to the City, but not indicated on the plat. A cash/land donation will cover the park donation.

Prince moved, seconded by Dreher, to recommend that the City Council approve the final plat for Tartan Meadows, subject to the recommendation of the City Engineer, per his April 13, 1981, letter. Motion carried 8-0.

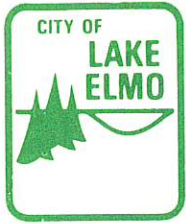
ROBERT SCHOENECKER - SIMPLE LOT DIVISION:

The Commission reviewed the location map. Mr. Schoenecker has two odd shaped parcels. He would like to relocate the lot line and divide the property into two equal parcels. Each lot will be about 1.95 acres. Both lots will have the required frontage on Highway 5. A perc test has been done and Mn/DOT has approved the driveway access.

Halden moved, seconded by Dreher, to recommend the City Council approve the simple lot subdivision for Robert Schoenecker. Discussion: Crombie asked why simple lot divisions were not subject to Valley Branch review, Engineer review, park donation, etc. Whittaker said that the Ordinance does not require public improvements or the process of review for simple lot divisions.

SCHOENECKER: The Commission asked about how simple lot divisions differ from subdivisions and how Valley Branch is involved in each. Whittaker said he will bring this question to the Council's attention.
Motion carried 8-0. This will be on the next Council agenda.

ADJOURN: 11:00 p.m.



City of Lake Elmo

777-5510

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

AGENDA

LAKE ELMO PLANNING COMMISSION

April 13, 1981

- 7:30 P.M. -----Meeting convenes
 --Minutes
- 7:45 P.M. -----Rezoning, Lee Rossow
- 8:00 P.M. -----Lake Elmo Business Association
 Downtown Planning
- 9:00 P.M. -----Final Plat, Tartan Meadows
- 9:30 P.M. -----Simple Lot Division
 Robert Schoenecker
- Redefine AG
- 50th. Street, Oakdale
- Schedule Hearing on
 Conservancy Ordinance