

Chairman Michels convened the meeting at 7:45 p.m.

ROLL CALL: Nazarian, Gifford, Mazarra, Lundquist and Dreher. Absent: Halden, Lyall, Moe, and Forsblad. Moe and Lyall - excused absence.

1. MINUTES: December 28, 1981
M/S/P Dreher/Gifford to approve the minutes of December 28, 1981. Motion carried
4-0-2 Mazarra and Michels abstained.

2. PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE TO PROVIDE FOR NOMINAL 10'S AND NOMINAL 40'S:

Chairman Michels opened the hearing at 8:00 p.m. Val Parranto was the only public in the audience for the hearing.

Administrator reviewed what the amendment proposes to change. He then explained the County's policy and the policy of surrounding communities regarding nominal 5's, 10's, etc. He briefed the Commission on the Council's action, denying the variance request for Dayton-Hudson and their reasons. Commission discussion included the following comments:

--Lundquist - without the nominal 10's and 40's it would make it impossible for someone with a nominal 80 to split their property in half.

--Whittaker - different for 1 1/2 acre lots, where total land area exclusive of right-of-way is necessary to provide adequate area for septic, drained, set-backs, etc.

--Val Parranto - one acre will be taken out for right-of-way on the Dayton Hudson parcel.

--Lundquist - reviewed Baytown's Comp Plan section that proposes a 10% leeway to allow for 40 acre tracts that are not exactly 40 acres because of road right-of-way and so forth.

--Gifford - does not see anything wrong with a 10% provision.

--Lundquist - a 40 acre parcel is seldom exactly 40 acres - the section is never 5,280 feet on each side. Adjustments always being made - better tools for measuring. The north end of all townships are either more or less.

Along Highway 36 there is an extra 3 acres - in other townships may be short along their north boundary. 40 acres is 1/4 of 1/4 - not 40 acres, approximately 40 acres.

--Gifford - has no problem with a nominal 10 or nominal 40 based on Baytown's policy, the County's policy and Lundquist's explanation.

--Whittaker - conveyed the Council's finding that there is no hardship for Dayton Hudson providing the necessary total land area - they have adequate land to meet the ordinance. In dividing up a 40 acre parcel the first lot is no problem - problem will come when the whole parcel is planned or platting off the permitted number of lots. Would need 10-40's or 400 acres in order to plat true 10 acre parcels exclusive of right-of-way.

--Parranto - Dayton-Hudson looking at their land in 40 acre parcels - looking to sell in 40 acre parcels.

--Lundquist - in some cases the r-o-w is an easement and the title is still in the name of the property owner - in this case can consider the r-o-w.

--Whittaker - ordinance interprets easements the same as deeded r-o-w.

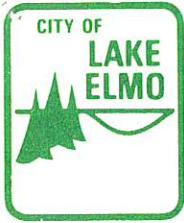
--Lundquist - this will also cause a problem for legal descriptions

--Whittaker - going to allow 7 lots per 40, if clustered - not going to increase density significantly.

--Michels - can see the need for total land area in 1 1/2 acre lots, but sees no problem with permitting right-of-way in 10 and 40 acre lots.

Chairman Michels closed the hearing at 8:40 p.m.

M/S/ Michels/Mazarra to recommend amending the Zoning Ordinance to provide that lots of 10 acres or more be permitted to include up to 10% variation of land area because of either road right-of-way or survey adjustments. This recommendation was based on the following reasons:



City of Lake Elmo

777-5510

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

MEMO

TO: The Planning Commission
FR: Larry Whittaker
DT: Jan. 11, 1982

CC: City Council, Admin.

RE: Amendments to 1979 City Code - Zoning and Subdivision Ordinance

While other amendments have been suggested to the City Code, those amendments to the Zoning and Subdivision Ordinance are of principal concern to the Planning Commission. Therefore, I will summarize just those issue relating to these ordinances in this Memo.

The following sections of the Code have been questioned or have created problems since the Code was adopted in 1979:

ZONING ORDINANCE

Page	Section	Item/Comment
300-3	301.040	5. Definition of AG Building - this is loose enough to permit things only marginally related to AG to be stored on premises. Same problem occurs in...
300-29	301.070 D 1 b	(5) where we define (permit) open sales lots of products related to AG; and...
300-72	301.130 C 14	a. where we permit 1000 sq. ft. of building on parcels under 10 acres; 2000 sq. ft. of building on parcels of 10-20 acres; and an unlimited number of sq. ft. and buildings on parcels over 20 acres, so long as said buildings are "agricultural buildings". It leaves this wide open for interpretation on things like Hanson's CUP and Klawitter's business. We should define AG better, AG buildings and uses of them better, and limit the number of AG buildings...perhaps at the same ratio as it is regulated for parcels under 10 acres. Farm rural has a fairly good definition...
300-22	301.060 D. 4.	We often complain that requiring the Commission to call the hearing unreasonably delays some applications, especially when we must publish notice after the Commission calls the hearing. Please read this section to see if you think it is unreasonable.
300-25	301.060 E. 4.	Same concern.
300-24	301.060 D. 10. c.	Talked of adding a provision for <u>renewal</u> of CUPs without requiring notice, hearing, Commission action. As a practical matter, we have always renewed them this way, if they are unchanged from previous year. When they are changed, amended, expanded; they always go to Commission for hearing and recommendation.
300-28	301.060 F. 2.	Should site and building plan review by Commission and Council be mandatory rather than optional. As a practical matter, all are referred to the Council, at least. Many of these matters are a matter of taste and discretion; so, I think they properly belong in the domain of the Commission and Council - not with the staff.

Page	Section	Item/Comment
300-30	301.070 D. 1.	d. We are reviewing the policy on nominal 40s that would amend this section.
300-31	301.070 D. 1.	e. (5) (b) The minimum frontage used to be 300 feet. Strong lobbying by Brain Crombie got it reduced to 125 feet. This could make for some very long narrow parcels in the Ag zone. Do you want to reconsider this? (6) Should read "indicated" where it says "dedicated", as this land is NOT dedicated to the public. It is simply not subdividable. Same problem in...
300-33	301.070 D. 2.	e. (6) under Rural Residential
300-32	301.070 D. 2.	c. We are considering nominal 10s tonight, also, which would amend this section.
300-34	301.070 D. 3.	c (2) Should say 125 feet of frontage on a public street built to City standards and accepted by the City Council... and the same thing in...
300-35	301.070 D. 4.	c. (2) for R2 zone
300-36	301.070 D. 6.	c. (1) for R 4 zone
300-35	301.070 D. 5.	b. (4) should say Convenience Business, a typo. from previous drafts of Ordinance. Multiple family dwellings should read "mobile home parks"/ this was drafted for two sections; but was typed wrong, too.
300-37	301.070 D. 6.	d.(5) same correction...should read "Convenience Business"
300-40	301.070 D. 7.	a. (10) we are considering adding "Truck Repair" to the list of uses permitted by CUP.
300-42	301.070. D. 7.	d. (3) Screening is not well defined. How many trees, bushes, how big, how wide. Same problem with buffer areas in...;
300-43	301.070 D. 8.	d. (3)
300-45	301.070 D. 9.	d. (3) and, under parking islands in back of code...
300-74	301.130. E. 4.	f and g
300-48	Shoreland Ordinance	is suppose to require compliance with WPC-40 for on-site sewers, once the City adopts a sewer regulation that includes it. This Ordinance should also have a statement that the strictest provision of the City Code prevails where there is a discrepancy between the Shoreland Ordinance and another Section of the Zoning Ordinance.
300-55	Page two of the Shoreland Ordinance, Section 301.070 E. 2. c.	(1) should read analysis of actual or representative lake levels - NOT analysis "or"/
300-63	301.080 C. 4.	should include recreational facilities after 'common open space' and 'open space'
300-72	301.080 E. 3.	d. (1) It is suppose to say Development Stage plan, not State.
300-71	301.130 C. 14.	c. as added by amendment, should have a maximum size accessory building for parcels under 20,000 sq. ft., as we state a maximum of 1,000 sq. ft. for parcels over 20,000 feet. It can be the size of the principal building up to 1,000 sq. ft.
300-77	301.130 C. 9.	Commission recommended we eliminate need for Variance in this instance as the Code is clear on when garage may be located in front of the principal building.
300-77	301.130. L. 4.	Again, we need to define screening better.

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In all Zoning Districts, perhaps we should clarify the rule on one acre of dry land suitable for a septic tank and drainfield so that it is clear that all lots have to have an acre of dry land and that the drainfields have to be adequate for a three bedroom home.

SUBDIVISION ORDINANCE

Page	Section	Item/Comment
400-15	401.250	E. Should stipulate that plats should also be prepared on a reproducible material at 1 inch equals 400 feet scale; so they can be put on the over-all City plat map.
400-16	401.260	Need to clarify several things. First, we should limit the number of times a person can subdivide by Simple Lot Division. We should require dedication of appropriate road right-of-way and improvements to the road and drainage if they are not improved to City standards. We should consider requiring park donation. We should require the Certificate of survey when subdivided, not when building permit comes in. We should require an over-all plan for the entire parcel, to scale, before approving Simple Lot Divisions. These have become a neat way of avoiding the Subdivision Ordinance, when they were intended to simplify matters for those who may want to adjust a lot line of divide one small parcel one time. We might just use most of the Large Lot Subdivision procedure for Simple Lots.
400-31	401.390 D	Might want to add some requirement for Street Lights more specifically. Larry Bohrer is getting some standards from NSP. He will make a recommendation on this.
400-38	402	Cimarron residents have raised concern that mobile home parks do not generally have adequate protection from high winds and tornados. We may want to find out what other communities require for shelter. Shelters could be very expensive; so, we should not treat this lightly.
400-43	402.180	Should have same language as State statute...require an attendant in charge at all times, not in attendance. It is probably adequate to have a phone number where a responsible person can be reached at all times. Presently, if Mike Ahrens cannot be reached, residents may call the Sheriff. There is a maintenance man in Cimarron who lives there. But, obviously, he is not always in attendance.