

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

Commissioners Present: Dreher, Mazarra, Prince, Nazarian, Peterson Gifford and Lundquist. Absent, Lyall and Moe. Also present, Administrator Whittaker

1. MINUTES: March 8, 1982

M/S/P Dreher/Nazarian to approve the minutes of March 8, 1982.

2. EVERETT BEAUBIEN - SIMPLE LOT DIVISION -

Mr. Beaubien is proposing to subdivide 2.972 acres off a 8.193 acre parcel owned by his daughter. The 2 acre parcel is adjacent to his homesite.

M/S/P Nazarian/Gifford to recommend approval of a Simple Lot Division for Everette Beaubien to subdivide 2.972 acres off from a 8.193 acre parcel owned by his daughter and adjacent to his property.

3. ZONING AMENDMENT HEARING -

Chairman Michels opened the hearing at 8 P.M.

--Audience Comments -

--Whittaker - explained item 301.060 D.10.c. on renewal of CUP's. This is just a change in the title - "Renewal" was not addressed by title before.

301.060 D.10.c. - clarification of past and current City policy. If no questions, problems, complaints or changes take place during the year the CUP can be renewed without a public hearing. All permits are reviewed annually by the Council.

--Prince - asked if there will be time for public input if there is not a public hearing.

--Whittaker - yes, if there are complaints they should be registered during the year so that questions raised can be handled at the time of renewal. Questions can also be brought up at Council meetings once a month during Public Inquiry.

--Dorothy Lyons - will 301.090 ban private roads?

--Whittaker - the ordinance already says there should not be any private roads except in ag areas. Council has given variances in areas where the road would not serve anyone beyond the house being served. Intent of the ordinance is to have access to a public street - no point including private road.

--Dorothy Lyons - from a public point of view, without the Code book, it is impossible to know what the changes refer to. Disappointed in how this was handled. Many people concerned but the City is not getting to them to let them know about the changes. Disappointed in the amount of coverage in the Newsletter.

--Whittaker - most of the changes are cosmetic. Anyone who desires can come in and get a copy of the City Code or use the Office copy. Most of these changes have no substance to them and have minimal if any effect on residents - these changes are just correcting a problem that has been discussed many times at Planning Commission and City Council meetings. Several notices of this meeting have been posted - one other person called for a copy of the amendments - does not think there is overwhelming concern.

## 3. ZONING AMENDMENT HEARING - Continued -

- Dorothy Lyons - Citizens have questions on changes - talked to several of them today. Several questions I can't even answer even though have been involved. Many of the people talked to today have no way of getting here. Very disappointed. Would like to see the hearing continued and recommend something more should be put in the Newsletter about the changes.
- Prince - feels she represents her area of town - talks to the citizens around her - because there was a consensus of opinion that these were not major changes, this is why there was not a large amount of coverage in the Newsletter.
- Michels - these are not major changes - some is defining the way the City is presently operating - clarifying it in order to keep this operating in that mode. Does not see where we are trying to ram something through - does not like this inferred. What in particular are the people you talked to upset about?
- Dorothy Lyons - referred to the private road situation - Cannot speak for these people. Talking about property owners living on a lot, with house, garage & possibly an accessory building and people who own larger parcels of ground - alot of this is affecting them.
- Whittaker - as stated earlier, the ordinance already prohibits private roads - this is just making the definition of lot frontage agree with what the ordinance says in the text. No change in substance - no change in what the ordinance permits. Just clarifies that private roads are prohibited except by variance. This was changed in 1979, when you (Dorothy Lyons) were on the Council. All the changes are just recodifying the ordinance and these are things considered poorly defined. Only policy change is the one on accessory buildings and possibly the one on ag buildings, although the Council has always ruled a fine line on ag buildings - just defines it in the ordinance so that people don't go through the process of making an application then having the Council turn them down.
- Gene Peltier - asked if the ordinance would prohibit building a machine shed on his property.
- Whittaker - can build an ag building for agricultural use - not for a commercial use. No limit on the number of ag buildings in an ag zone on a parcel over 20 acres. The amendment does not change this. Individual hearings have been held on Nominal 40's and Truck Repair in Automobile Service Zone.
- Chairman Michels closed the hearing at 8:30 p.m.

M/S/ Prince/Dreher to recommend approval of the amendments to the Zoning Ordinance .

Discussion:

- Whittaker - PZC should be aware that the Council may not approve Sec. 301.130 C. 14.b - Size of Accessory Buildings on Parcels over 10 acres. Recommended Commissioners attend the Council meeting to defend this amendment if they hold a strong position on it. This will go on the May 4 Council Agenda.
- Motion carried 8-0.

## 4. TOM ARMSTRONG - LARGE LOT SUBDIVISION AND REZONING -

Mr. Armstrong is proposing to purchase 14 acres adjacent to his 80 acres and rezone the parcel to Ag. The parcel has 367 ft. of frontage on 15th Street and is 1308 ft. deep. He presented a letter from Ralph and Helen Pierre, adjacent property owners, approving the subdivision and rezoning.

M/S/P Nazarian/Dreher to recommend approval of a large lot subdivision (14 acres of parcel 37028-2650) for Thomas Armstrong with a rezoning of same to Agriculture, contingent upon finalization of the sale of said property.

This will be placed on the April 20 Council Agenda.

## 5. EUGENE STRUM - SIMPLE LOT DIVISION -

Mr. Strum is proposing to subdivide Lot 13, Block 3, Demontreville Highlands 6th Addition into three parcels and served by a private road. A perc test was done for a single residence. The lot contains 4.58 acres, of which 3.66 acres are exclusive of drainage easements. The City Engineer reviewed the request. His proposal for a 60 ft. public road with cul-de-sac would not permit enough land area to subdivide three lots. Strum's are proposing a 30' wide right-of-way with 20' of paved area.

--Whittaker - Council has required a 60' right-of-way in the past so that the potential in there for a public road in the future should the road not be maintained for emergency vehicles.

--Strum - owners of the two back lots could maintain the road. The owner of the front lot, if he used the road, could assume responsibility for his part of the maintenance.

--Dreher - all lots have to have 125 ft. of frontage on a public road. Lots would be non-conforming with a public road. Questioned the covenants on subdividing lots within the development.

--Mrs. Strum - Nothing in the covenants on subdivision of property.

--Dreher - questioned the density of the plat and the reason for some of the lots being larger.

--Bruce Folz - was his understanding that the ordinance required a minimum 75' setback from high water of a stream, lake, or wetland for a drainfield. This lot was not further subdivided because there would not have been sufficient area for drainfields - streets would have further decreased this area.

--Gifford - was consideration given to subdividing just two lots.

--Strum - yes, but 60ft. public street would still cause problems. Wants to build his house across the stream - cannot see what the difference is if he has a long driveway or if someone uses a part of it. How about a variance?

--Whittaker - Did not think a variance would be likely. Would need a variance for lots that would be less than 1 1/2 A. Would need a variance for a private road - this less likely because a wide improved public street fronts this lot.

--Strum - asked about requesting a variance for a 30-35' easement so 125' ft remained. As the lots sold the private road could be developed - 20-25' blacktopped road.

--Whittaker - because of snow plowing, sight distances, etc. City Engineer has always recommended 60' right-of-way. Pavement width may vary - minimum would be 28'. Problem created if the homes have company - where do they park.

--Mrs. Strum - proposed two lots. One served off of Highlands Trail with a long driveway to the back lot - the other lot would front directly on Highlands Trail and also have access from Highlands Tr,

## 5. STRUM - SIMPLE LOT DIVISION Continued -

- Whittaker - Long driveway would still be considered a street. Is it economical feasible to pave 125' of street to serve one home.
- Prince - several lots in the City that have minimum frontage on the street and are deep -
- Whittaker - this creates a number of tiny streets that someone has to maintain - have to be maintained for emergency vehicles. Makes for an inefficient expensive street system for the City to maintain and police. Council has discouraged this. Should not be necessary in a newly platted area.
- Strum - asked the opinion of the Commission on getting a variance for three lots on a private road, 35' wide, with 28' of blacktop.
- Dreher - would be opposed
- Prince - dividing this lot into three pieces would not fit the area and the subdivision is not that old. Area for the private road has problems. Concerned about the drainfields setbacks above the high water and drainage easement.
- Michels - in order to consider affirmative action a hardship needs to be shown. Has not seen a hardship. Bought the property with the intention to build a single family home.
- Gifford - Concerned with private streets - emergency vehicles, no matter how infrequent, need to be able to get in and out and, if a private road he guarantee the three homeowners will do their share in maintaining the road.

M/S/P Dreher/Nazarian to recommend denial of the variance request for a private road for Eugene Strum.

## Discussion -

- Nazarian - opposes private roads, as a member of the PZC; as a resident of the Highlands opposes this type of resubdivision.
- Strum - questioned why he was not told that there was an ordinance prohibiting private roads before making application.
- Mrs. Strum - been talking to a realtor and the realtor was the first person to make contact with Lake Elmo. Realtor informed them that Lake Elmo has no objections to a private road - only concern is how it will be serviced and maintained for emergency vehicles. Stated the realtor talked to Larry Bohrer.

The Commission cited the following reasons for recommending denial

1. The City's position on private roads
2. No hardship
3. Concern about emergency vehicle access

M/S/P Prince/Dreher to recommend denial of a Simple Lot Division for Eugene Strum for the following reasons:

1. Possible inadequacy of a drainfield and alternate drainfield site because of the high water setback requirement and position of the proposed cul-de-sac (perc test was done in this location)
  2. Question of adequate lot size or road frontage
  3. Existing drainage easement needs to be considered
  4. Lot division does not fit into the area of a new subdivision.
- Motion carried 8-0.

The Commission did not discourage Mr. Strum from reapplying and making a proposal for two lots.

## 6. GENE PELTIER - PUBLIC INQUIRY -

Mr. Peltier owns 67 1/2 acres in section 35, along Highway 12. The parcel is presently zoned Rural Residential. The new highway will take a 40 ft. wide strip across the front of his property. He asked the Commissions position on rezoning a 650 ft. deep strip along the highway to Commercial so that he could relocate advertising signs, presently along Hwy. 12 on his property, further back on his land. The Ordinance permits advertising signs by CUP in Industrial or Commercial zones; but not in Rural Residential. Peltier said the Met Council recommends a strip of commercial along Highway 12 650 ft. deep; also, that Woodbury and West Lakeland have zoned their land along the highway commercial. - Why hasn't Lake Elmo followed suit? If the property is not rezoned commercial, Mr. Peliter wants to move a duplex, that is being displaced by the highway in Woodbury, onto his property. The duplex was built in 1971.

--Prince - highlighted the Commissions position on the Comp Plan zoning - the area is planned commercial post 1990 with each zoning request reviewed individually.

--Peltier - Hansen Horse Trailers would like to be rezoned also. Why hasn't Lake Elmo rezoned like the rest of the communities? Will lose revenue from the commercial signs if the property is not rezoned.

--Gifford - recommended Peltier get together with neighboring property owners and present a proposal for rezoning.

--Whittaker - does not believe the Council will vary its present position on zoning at this time since no City services are available to this area.

--Bruce Folz - suggested amending the Ordinance to permit this type of use (advertising signs) in ag or rural residential or permit in rural residential by variance.

--Whittaker - there are no grandfather rights on signs. The present signs are non-conforming under the Ordinance; and the ordinance directs their removal after five years (from Oct. 1979)

The Commission suggested Mr. Peltier approach the Council on this request.

## 7. MOBIL HOME REGULATIONS -

Steven Taylor and Mike Ahrens of Cimarron Park discussed proposed amendments to the Mobile Home regulations with the Commission. Don Moe, a Cimarron resident and Planning Commission member was unable to attend. He requested the amendments be discussed, but a final recommendation be delayed until he could be present.

A. Tie downs -

-- Taylor - all but 3-4 homes are bolted down to cement pillars that the homes sit on, with the homes set into the ground. Over the past nine years there has been no requests for a different type of tie down. Under the State Code tie downs are optional. Management has no objection to residents using another type of tie down. Feels the present type of bolting method meets the ordinance.

B. Shelters under homes -

-- Nazarian - asked if the crawl service area under the homes could be made deeper.

-- Taylor - Cimarron has made shelter provisions for its residents at Oakland Jr. High and by installing a warning siren within the park. This is a limited issue - 1-2 residents a year ask about this.

## 7. MOBILE HOME REGULATIONS -

## B. Shelters Continued -

- Taylor - excavation under the homes could weaken the support of the piers holding the home. Also a potential for living quarters.
- Whittaker - this is a tenant/landlord question. City should not get involved unless State law requires a shelter under a home. No regulation that requires homes to have a basement
- Taylor - anyone can go under their home into the crawl space if they want to. Complaints and questions are currently coming to the City and not to the Park management.

## C. Caretaker (Attendant) on duty -

City Ordinance says an attendant shall be on duty - some Cimarron residents have indicated that they would like someone on duty at all times.

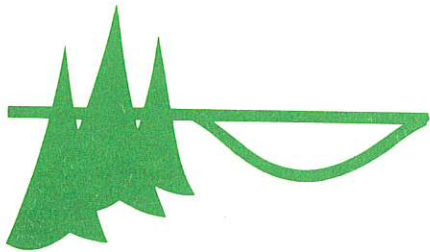
- Taylor - current law requires that someone be available for emergencies at all times. When no one is in the office residents are advised to contact the Sheriff's department. They have a list of names of responsible persons who work for Cimarron and are responsible for responding to emergencies.
- Mike Ahrens - Have posted office hours to handle normal types of business. Also, after hours appointments can be made upon request. This is the same procedure Cimarron has followed for the past 12 years.
- Michels - residents should be encouraged to bring their grievances to the Homeowners Association who in turn would act as the liason between the residents and management. These are resident/management issues.

8. LANDSCAPE STANDARDS -  
Tabled

## 9. DAYTON-HUDSON LARGE LOT SUBDIVISION HEARING -

M/S/P Dreher/Prince to hold a public hearing April 26, 1982, at 7:45 p.m. on a Large Lot Subdivision for Dayton Hudson.

ADJOURNMENT 10:40 p.m.



# City of Lake Elmo

## AGENDA

### LAKE ELMO PLANNING COMMISSION

April 12, 1982

7:30 P.M. --- Meeting convenes

- 1. Minutes of March 8th. Meeting

7:45 P.M. --- 2. Everett Beaubien-- Simple Lot Div.

8:00 P.M. --- 3. Hearing on Zoning Amendments

8:30 P.M. --- 4. Tom Armstrong-- Large Lot Subdiv.  
and Rezoning to Ag.

8:45 P.M. --- 5. Eugene Strum Simple Lot Div.

9:15 P.M. --- 6. Gene Peltier--Public Inquiry

9:30 P.M. --- 7. Mobile Home regulations

- A. Tie downs

- B. Shelter's under homes

- C. Caretaker (Attendant) on duty

- 8. Fred Nazarian--Landscaping Standards

10:00 P.M.-----Adjourn