

Chairman Michels called the meeting to order at 7:37 p.m.

Nazarian,

Commissioners in attendance: Dreher, Gifford, Lyall, Mazzara, Prince, Peterson and Lundquist (8:20). Absent: Moe. Also present Administrator Whittaker.

1. MINUTES: June 14, 1982 -

Dreher commented that questions relating to the chemicals coming out of the stack on the waste to energy plant, details on the slurry pond, and concerns about the design load of Helmo Avenue did not appear in the minutes even though they were discussed with the engineers on the waste to energy plant. He would like the record of that discussion to be more complete in the minutes. A separate attachment of this discussion to become a part of the minutes.

Dreher also suggested that truck traffic from the plant be directed away from residential streets and that a direct access to the interstate be considered. He said the site in Section 32 is ideal if they consider all the impacts on the neighborhood and environment in the planning. He suggested the City consider adopting standards to control the condition of trucks using the plant and emissions from the smoke stack. These comments were not a correction to the minutes of the June 14 meeting; but, are additional concerns about the plant.

M/S/P Nazarian, Dreher to approve the minutes of the June 14 meetings, as amended. Michels, Gifford and Lyall abstained as they had not attended the meeting.

2. PUBLIC HEARING FOR BLOOMQUIST/POPOV FOR HANG GLIDER WAREHOUSE IN SECTION 34:

Chairman Michels opened the public hearing on the rezoning and Conditional Use Permit to operate a warehouse for hang gliders in the East 1/2 of the SW 1/4 of Section 34 at 7:50 p.m.

Boris Popov, President of Northern Sun Hang Gliders, advised the Commission that his firm intended to move all operation to the Lake Elmo site, thereby, eliminating the need for a CUP. Whittaker agreed that a CUP would not be needed if this were a retail operation with warehousing.

Mr. Popov advised the Commission that he would be leasing the property to put the building on and that a 10,000 sq. ft. building was necessary to run the business and display and store the hang gliders. Maintenance repair and assembly would also be done on the premises. The building would be 50' x 200' shell with no floor. The structure would be built as a temporary building that could be dismantled and moved. Their present plan is for a short-term operation - put the building up for 5 years, then take it down. The area to be rezoned is 150' x 600', 2.06 acres.

Whittaker advised the Commission that the request was for rezoning from Rural Residential to General Business; and that the Comprehensive Plan called for Highway Business in this area.

## BLOOMQUIST/POPOV - Continued

--Prince - concerned about the building size - would like to keep business zones in the business parts of town; but does not feel this is an appropriate use in the Old Village Area.

--Popov - explained the type of gliders - power gliders take off from flat ground. No State or Federal licensing is required. Have permission from the State and FAA to fly from this site - 500 ft. is average flying height.

--Prince - talked with Don Moe. He indicated he favors the rezoning.

M/S/P Dreher/Mazzara to recommend approval of a rezoning for John Bloomquist in the East 1/2 of the SW 1/4 of Section 34, for a parcel 150' x 600' (2.06acres).

## Discussion:

--Lyall - this fits the business' presently along the highway. This parcel is adjacent to business' that are not Highway Business - finds it hard to justify the strict application of the Ordinance when a pattern has been established. Feels the intent is an interim use - similar to Cimarron. Would a truck repair look any better than a hang glider business.

--Michels - feels Highway Commercial uses are vague - how do we know that the sale of power gliders would not fit the use.

--Popov - power gliders are considered recreational vehicles.

--Whittaker - intent of zoning is to set the use. If the use is agreeable and fits the intent of the Comp Plan, then it should be considered a legitimate use indefinitely; but, once this property is rezoned to GB have very little to say about future use.

--Prince - concerned about having a strip zone, such as along Hwy. 36 in Oak Park Heights.

--Whittaker - site and building plans will have to be approved before construction can begin.

Motion carried 8-0-1. Lundquist abstained as he was not present for the discussion.

3. PUBLIC HEARING - CUP TO OPERATE A FLEA MARKET AT THE VALI HI DRIVE IN: Chairman Michels opened the public hearing at 8:30 p.m. Mr. John Sauers, representing the St. Croix Rivermen, explained their request for a Conditional Use Permit to operate an Open Sales Lot for a Flea Market at the Vali Hi Drive In. The Market would operate Sundays, only, this year, with operation extended to Saturdays in the future. Hours of operation would be 9 a.m. to 4 p.m. The season would run the same as the Drive-In. The "Flea Market" sign would be on the theatre marquee. The Market would use the theatre's concession building and public facilities.

Whittaker asked about providing a deputy, traffic control and screening.

-- Sauers - do not plan on hiring a deputy. Someone from the Rivermen will always be on the premises - do not have one at their Midway Market and have had no problems. Cars come and go all day - no big influx of cars at one time - traffic will not be lined up on the highway.

--Nazarian - foresees vendors arriving and leaving at the same time. Concerned about the safety factor on the highway - should the CUP place a maximum on the number of vendors. - Application indicates about 100 vendors are expected.

## FLEA MARKET - Continued

M/S/P Gifford/Lyall to recommend approval of a CUP to R. J. O'Neil, Valley Hi Drive-In and the St. Croix Rivermen to operate an Open Sales Lot for a Flea Market with the following provisions:

1. Season of operation - March to October - same as the Drive-In.
2. Days of operation - Sundays, only
3. Hours of operation - 9 a.m. to 4 p.m.
4. Sign - on theatre marquee, only
5. Annual permit - reviewed yearly by the City Council

Motion carried 9-0. This will be on the July 6 Council Agenda.

4. PUBLIC HEARING - LARGE LOT SUBDIVISION - KENNETH NEUDAHL:  
Chairman Michels opened the public hearing at 8:45 p.m.

Commissioner Prince distributed copies of the Neudahl proposal to the audience. Mrs. Neudahl advised the Commission and the audience that this is not a proposal for a subdivision; but a request to divide their property so that they can build a single family home on parcel B. The subdivision lay-out was submitted only to show the over-all use for the entire parcel as required by the Ordinance. A variance for lot frontage is also requested.

Dennis Peck, Votel Development, advised the Commission that the Neudahls are contract purchasers on three parcels of land, indicated as parcel A and parcel B. Contract holders are Sylvester Price, Jerome Schifsky and Bruce Hill. Their contract with Price has a payment release clause that provides them with fee title to a portion of the property, which is 2 acres, at this time. As there is a home presently on the Price property it is necessary to include this 2 acre site with the Schifsky/Hill parcels, Parcel B, thereby making their homesite 21.3 acres. Parcel A, with the existing home, will contain 13.0 acres. As the 2 acres is the only property the Neudahl's hold fee title to, it is the only parcel they can build their home on. The Commission discussed at length the alignment of Jerome Avenue.

--Gifford - questioned the extension of Jerome to Jane Road N. - Concerned about a severe drainage problem at the proposed intersection of Jerome, Jane Ct. and Jane Road; also the proximity of Jerome to Jane Ct. - would be only 167 ft. between the two streets

--Whittaker - Jerome could be relocated; but still need the 30 ft. right-of-way dedicated. Hill dedicated the easterly 30 ft. Jerome would connect with Jerome Avenue in Foxfire; but the alignment could be different depending on the subdivision of the remaining Neudahl property.

--Prince - two concerns on the location of Jerome should the draft subdivision be followed: Jerome would come to close to the homes on Jane Ct - roads would be too close together; and, problems from the Lake Jane area north - Jamaca Avenue is a better route to the north rather than on Jerome through Foxfire.

--Whittaker - City can always vacate the dedication of Jerome if a better location is determined when the property is platted.

--Peck - if total right-of-way for Jerome is dedicated and the property were sold, the purchaser should be and would be assured that the alignment of Jerome would be as shown on the site plan. Neudahl's are willing to dedicate the 30 ft. right-of-way.

NEUDAHL LARGE LOT DIVISION - Continued

--Michels - recommended getting an opinion from the City Attorney on the legality of including the 2 acre parcel with the two contract for deed parcels.

PUBLIC COMMENTS:

- Dick Jewelick - representing Walter Weber, 5080 Jerome - Questioned the legality of the fee deed on the 2 acre parcel combined with joint ownership on the larger parcel. Expressed concern on the 1 1/2 lot size in the draft subdivision - there are larger lots in Foxfire - concerned the smaller lots will drive down the value of the existing homes. How dedicated is the City to the proposed plat.
- Lundquist - not at all. The draft plan just shows how the property could be subdivided.
- Jewelick - also concerned about traffic coming through Foxfire on Jerome.
- Whittaker - lots in the future subdivision plan not much different from existing lots in the area. If this area develops, there will be additional traffic on Jane Road, at which time, a determination will have to be made by the City Engineer, and Council on a road plan that would best serve the area.
- Jewelick - asked what would happen should the Neudahl's default on the remaining contracted property.
- Whittaker - will verify with the City Attorney if it is legal to have several types of ownership on a title.
- Peck - advised the Commission that Mr. Schifsky would have to sign the deed in order for the Neudahl's to dedicate Jerome Avenue.
- Chuck Graves, 5227 Jerome Ct. - Asked Mr. Peck if they plan subdivision of the property within 2-3 years.
- Peck - no concrete plans at this time. Should the economic climate change in the near future could expect to see subdivision of this property. Subdivision plan that was presented is just a concept and not based on topography or drainage.
- Michels - Foxfire has extra long cul-de-sacs that were constructed with the idea that these roads would be extended to provide continuity of the road system.
- Mike Moen, 9112 Lake Jane Road - Recommended taking the time to plan any future development in the mode of Foxfire; and include some roads to the east to alleviate the traffic on Jane Road.
- Jerome Schifsky - the Jerome Ct. cul-de-sac was designed and constructed with spillways and culverts for future extension.

Chairman Michels closed the hearing at 9:45 p.m.

Whittaker outlined the key issues:

1. Legality of the subdivision - will verify with Attorney
2. Variance for road frontage - 300' is required on a 10 acre lot - Neudahl's have 191 ft. on the 2 acre parcel.
3. Road dedication for Jerome and Jane Road. Would need deed from Price, Neudahl, and Schifsky for Jane Road; and, Neudahl and Schifsky for Jerome.

--Gifford - if the large lot subdivision is approved, the 'hand writing is on the wall' for the over-all subdivision. As presented, this is not a desirable lay-out. An over-all preliminary plan should be developed before considering any subdivision.

## NEUDAHL LARGE LOT SUBDIVISION - Continue

M/S/P Mazzara/Nazarian to recommend approval of a Large Lot Subdivision and a variance from the 300 ft. lot frontage requirement, permitting 191' of frontage on Jane Road, for Kenneth Neudahl provided right-of-way dedication is secured for Jerome Avenue and Jane Road N, and contingent upon the recommendation of the City Attorney on the split ownership of Parcel B.

The following reasons were given for granting the variance:

1. The flexibility provided the City in the alignment and location of Jerome Avenue by having the right of way on a parcel owned by one individual.
2. The 2 acre parcel would easily fit into the surrounding area should the additional contracted property be forfeited.

## Discussion:

--Whittaker - would recommend the entire parcel(s) be platted now. Easier and cleaner if all the information is presented on a preliminary plat. The 2 acre lot would not create any great problem should the remaining property be forfeited - worst that could happen would be a 2 acre lot with 191 ft. of frontage.

--Dreher - the draft plan does not show what can and cannot be done with this property. Cannot consider the financial hardship of an individual. This is a piecemeal approach.

Motion carried 6-3. Prince, Gifford and Dreher opposed.

## 5. COMP PLAN AMENDMENTS HEARING:

M/S/P Nazarian/Mazzara to call a public hearing on the Comp Plan Amendments on July 12, 1982, at 7:45 p.m.

## 6. CHANGES IN SUBDIVISION ORDINANCE:

Deferred until July 12.

## 7. UNBUILDABLE LOTS - 201:

Deferred until July 12.

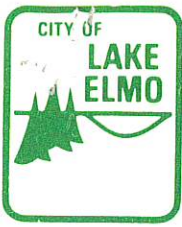
## 8. ANNOUNCEMENT:

Whittaker advised the Commission that the Lake Elmo Business Association will meet with the County Highway Rep and Mn/DOT on July 12, 1982 at 1:00 p.m. to discuss the intersection of CSAH 17 and Highway 5.

## 9. PZC ALTERNATE II:

Michels asked the Administrator to advertise for a second alternate to the Commission.

ADJOURNMENT: 10:50 p.m.



# City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

## AGENDA

### LAKE ELMO PLANNING COMMISSION

June 28, 1982

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

1. Minutes, June 14 meeting

7:45 P.M.---2. Public Hearing-Blomquist/Popov request for rezoning and CUP to put up and operate a hang glider warehouse

8:15 P.M.---3. Public Hearing-St. Croix Riverman and O'Neil request for CUP to operate Flea Market at Vali-Hi

8:45 P.M.---4. Public Hearing-Neudahl request for Large Lot Subdivision on Jane Road No.

9:15 P.M.---5. Review Comp. Plan Amendments

6. Discuss changes in Subdivision Ordinance

7. Unbuildable Lots-201

8. Other