

Vice Chairman Prince called the meeting to order at 7:30 p.m.

Commissioners Present: Nazarian, Moe, Lundquist, Gifford, Lyall Dreher (7:35) Also present: Building Inspector McNamara

1. MINUTES: July 26, 1982 - Corrections: Page 4, Item 4. E. -  
° Application received from Hammes Ron Smith...

M/S/P Gifford/Nazarian to approve the minutes of July 26, 1982 as corrected. Motion carried 5-0-1. Lundquist abstained.

2. PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE TO PERMIT CONVENIENCE GROCERIES AND THE SALE OF RECREATIONAL VEHICLES IN THE HIGHWAY BUSINESS ZONE:

Chairman Prince opened the public hearing at 7:45 p.m.

Prince reviewed the uses presently permitted in Highway Business, and the definition of Automobile Service Use, a permitted use in HB.

The Commission expressed no concern about including Convenience Groceries as a part of Automobile Service Uses, under HB, provided it is associated with a gas station. The Commission felt this was previously addressed under Ordinance 7930, amending the Zoning Ordinance, November 3, 1981.

-- Nazarian- if it is associated with a gas station, gas sales should be at least 51% of the business and groceries 49% - this was the stipulation for Kunz Oil. Ordinance should be limited to these percentages.

--Gifford - feel 51% may be too restrictive.

--Prince - agrees - sees no need to put a percentage on it.

The Commission took no official action on Convenience Groceries feeling this was handled under Ordinance 7930.

--Prince - suggested, if approved, including Recreational Vehicles in Automobile Service Uses definition.

--Gifford - how far do you stretch recreational vehicles - is "Recreational Vehicles" too broad.

Commission agreed that if hang gliders are considered recreational vehicles it would be hard to identify specifically what else would be considered a recreational vehicle.

M/S/ Nazarian/Moe recommending amendment of Section 301.040, #11. Automobile Service Uses, to include the sale of recreational vehicles, including motorized hang gliders.

Discussion:

--Gifford - would be helpful to know what other Cities permit in their business zones when making decisions on uses - are we letting some things go too far - would like a basis for comparison.

--Several Commissioners agreed with Gifford's suggestion; but felt since this action is dealing with an already approved rezoning and use that further delay was not justified.

--Jim McNamara - problem is with the definition of recreational vehicle.

Motion carried 5-2. Gifford and Dreher opposed. Gifford would like more information on what other communities permit in Highway Business and a definition of recreational vehicles. Dreher opposed specifically including motorized hang gliders - should be left at recreational vehicles.

The Commission requested the Administrator to obtain zoning information from surrounding communities for comparison of permitted uses in business zones.

3. RON SMITH - HOUSE MOVING PERMIT:

Mr. Smith would like to move a house from 9848 15th St. N to his 10 acre parcel at the corner of Keats and 10th Streets. The Building Inspector reported that there is an existing barn and foundation on the property. The foundation will have to be pushed in and filled if not useable. He also has notified Mr. Smith that the house, if moved, will have to comply with all existing building codes and on-site sewage system codes. --Ron Smith - want to use as much of the existing foundation as possible. Existing foundation is 18' x 24'; the house is 32' x 24'.

--Jim McNamara- has not determined if the existing one is adequate to carry the moved in house - this will be dealt with at the time of permit application for the structure. Mr. Smith is aware that if the foundation is not satisfactory it cannot be used. A perc test will have to be done before moving the house. The Building inspector reviewed pictures of the house and building site with the Commission.

--Ron Smith - there is an existing well- Mantylla Well is coming out to test it. Has 60 days to move the structure after purchase from the County. Would place the house in the same location as the existing foundation even if a new foundation was required.

--Gifford - should set a time limit on locating the house on a foundation and finishing the exterior.

--Smith - there is an existing septic system in the foundation- a big tank or cistern. There is no floor drain.

--McNamara - this septic system would have to be removed & definitely not used.

M/S/P Lyall/Dreher recommending approval of a house moving permit for Ron Smith to move a house from 9848 15th Steet N. to 9999 10th Street N. with the following stipulations:

1. A perc test be completed and approved before moving the structure.
2. The house meet all building and septic system codes.
3. The old cistern (septic system) be removed.
4. The house to be moved and placed on a permanent foundation within 60 days.
5. The structure upon completion will be compatible with other development in the area.

Motion carried 7-0. This will be placed on the August 17 Council Agenda.

4. MARLIN RYGH - PUBLIC HEARING FOR CUP AND VARIANCE FOR ADVERTISING SIGN IN GB DISTRICT:

Prince opened the public hearing at 8:20 p.m.

Mr. Rhyg is requesting a CUP to construct an illuminated 300 sq.ft sign within 500' of an existing sign along Highway 12. A variance is required for the sign size and distance requirement. The sign would be placed on a .29A parcel along Highway 12.

Rygh explained the sign construction and gave the background of the property and buildings purchased by Mn/DOT. His was the first house west of Vali-Hi. The house and garage have been purchased back and will be moved. The .29 acre is the residue of a 1.46. parcel purchased by Mn/DOT for construction of I-94.

## RYGH CUP CONTINUED:

--Jim McNamara - reviewed the distances between existing signs along Highway 12. Mr. Rygh's sign is proposed between County 17 and the Vali - Hi sign. A variance is requested from the 3,000 ft. distance requirement between signs and from the 200 sq. ft. max. sign size.

--Moe - Council denied a similar request earlier this year - strictly adhering to the 3,000 ft. distance requirement.

--Rygh - has received approval from Mn/DOT for this location - meets their requirement of 500' between signs. The size of the parcel creates a hardship - limiting it to any other use.

--McNamara - why didn't the State take the whole parcel - why leave such a small unuseable portion.

--Rygh - State indicated they did not need it all. Has settled with the State. Felt they paid a fair price for what they took, contesting would have been very costly with little gain. Felt the property was no worse in his hands than the States'. Purchased the property with the idea that someday would possibly covert it to an office - with the highway purchase this use isn't possible with the residue. Asked Mn/DOT about a sign at the time of purchase. They gave no indication, at that time, whether a sign would be permitted. Did apply later and approval was given. Proposing the sign for a 5-year period for himself.

--McNamara - some of existing signs are over 200 sq. ft.

--Dreher - these are grandfathered in; but once they are taken down cannot be replaced.

--Rygh - sign must be 10' back from the highway r-o-w.

--Dreher - reason for denial would be based on the 3,000 ft. distance requirement; reason for approval based on the hardship of the lot size.

--McNamara - talked with the Administrator about the lot size - do not know what it could be used for without sewer. Patti Homes will be notified to remove what is left of their old sign.

The Commission further discussed the Rygh property in relation to existing signs and the size of existing signs along the highway.

Prince polled the Commission for their opinions:

--Moe - problem with the distance variance when the ordinance states 3,000 ft.

--Dreher - the ordinance requires 3,000 ft. See this as an undesirable parcel to own; but possibly it could be sold to an adjacent property owner or possibly Mr. Rygh could purchase additional land and develop it into a useable parcel.

--Lyll - problem in that the ordinance requires 3,000 ft. Mr. Rygh indicated he was paid a fair price. Does not see this as a hardship case - see it as a businessman who wants to utilize his property. This is inconsistent with our ordinance - City is greatly concerned about having a multiplicity of signs. If we make an exception here then will have to make exceptions with other requests. Particularly concerned that there is no existing business connected with the sign. If Mr. Rygh didn't own the property the sign would go appropriately elsewhere - State should have taken it all or paid adequate compensation to permit the parcel to set idle.

## RYGH CONTINUED:

--Nazarian - also concerned about the 3,000 ft. distance. Main concern is the shape of the property and where the sign is going to end up sitting in relation to the road right-of-way. Judging from the sketch the parcel is 80' x 150' x 45', approximately, to the temporary easement line.

--Rygh - temporary easement will revert back - would place the sign in the middle of the parcel.

--Lundquist - not prepared to vote.

--Gifford - uncertain about what action to take. Sees it as a hardship, yet, do not want to see the whole stretch of highway in signs. Not sure if the 3,000 ft. between signs is good or bad.

--Rygh - have so many signs there now - what harm will one more do. Driving 1 mile east one sees about 12 signs. Could have fought the State; but felt personally could work with the City easier than the State to find a practical good use for this piece of land. Not sure if will still want the sign 7-10 years from now. Cannot see any use for this parcel.

--Prince - shares Gifford's opinion. Feels there isn't much good use for this land except this; but a string of signs is ugly and it is getting worse along Highway 12.

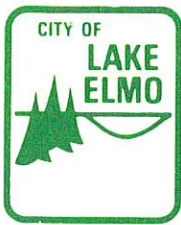
--Rygh - would not make this investment if did not feel this was a good location and reasonable place for the sign. As far as size, the Vali-hi sign is larger as are many of the existing signs.

The Commission was indecisive on making a recommendation based on the circumstances surrounding the size and hardship of the parcel and the existing signs in the area; but, felt the ordinance is clear and should be enforced.

M/S/P Dreher/Moe recommending denial of a CUP and variances for Marlin Rygh to construct an advertising sign for the reason that the request is inconsistent with Section 505.26 of the City Sign Ordinance, stating that advertising signs shall not be located closer than three thousand feet to any other sign on the same side of the street or highway. Carried 6-0-1. Nazarian abstained.

This will be placed on the August 17, Council Agenda.

ADJOURNMENT: 9:30 p.m.



# City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

## AGENDA

### LAKE ELMO PLANNING COMMISSION

August 9, 1982

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

1. Minutes, July 26 meeting

7:45 P.M.---2. Public Hearing- Amendment to Zoning Ordinance to permit Convenience Groceries and the sale of recreational vehicles in the Highway Business Zone

8:00 P.M.---3. Ron Smith--House moving permit NW corner-10th. Street and Keats Ave.

8:15 P.M.---4. Marlin Rygh--Public Hearing for Conditional Use Permit and Variance to put an Advertising Sign in a General Business District. (at Vali-Hi Drive-In and I-94)

5. Other