

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

Councillors Present: Nazarian, Moe, Michels, Peterson, Dreher and Alternate Graves. Absent: Alternate Ryberg, Gifford, Lundquist and Lyall. Also present, Administrator Whittaker.

1. MINUTES: March 14, 1983 -

M/S/P Michels/Nazarian to accept the minutes of March 14, 1983. Carried 7-0.

7. ADMINISTRATOR'S COUNCIL REPORT:

A. Nelson/Hageman Rezoning - Whittaker reported that the Council denied the rezoning request on a 4-1 vote. The Planning Commission recommendation was included in the reasons for denial.

B. Manufactured Housing - Whittaker reported that the Council accepted the Planning Commission recommendations with the exception of the definition for attendant in Section 302. The Council voted to continue to use the language previously defined by Section 402.180 concerning an attendant.

--Michels reiterated his opinion that this provision will be extremely difficult to enforce.

6. 1983 WORK PLAN:

The Commission referred to the Administrator's memo of March 1, 1983, outlining the proposed work plan for 1983.

--Prince recommended reviewing the Comp Plan Land-Use Map when considering tasks to bring the Comp Plan into compliance with the Met Council guidelines. Believes this will result in a revised land use map.

PLANNING COMMISSION QUESTIONS:

--Dreher - asked the Administrator if the City has received any information on changes in the wetland restrictions of the DNR or Corp of Engineers. Whittaker said he hasn't received any data from either agency.

--The Commission requested that they be apprised of the DNR decision regarding the Patrick Sinclair Shoreland Permit.

--Michels - asked for an up-date on the well testing near the old landfill. Whittaker reported that the County is continuing to monitor wells and that two residents have been told not to use their water. There is no further report from the County on resolving the problem.

2. PUBLIC HEARING ON REZONING PROPERTY AT COUNTY 15 AND HIGHWAY 5 - WILLIS HUTCHINSON - FOR C&NW AUTO UNLOADING YARD:

Chairman Prince opened the hearing at 7:50 p.m.

Richard Ostlund, Attorney C&NW Railroad, introduced himself and fellow railroad representatives, Virgil Steinhoff, Frank Jenko, Roger Smith, and Jerry Panning. He presented a diagram of the proposed site and facility, and explained the operation.

The site is 75 acres on the northwest corner of ~~Highway 5~~ C&NW tracks and Manning Avenue, adjacent to the C&NW tracks. The property is owned by Willis Hutchinson.

## 2. HUTCHINSON REZONING: Continued -

Mr. Ostlund outlined the daily procedure:

- Facility will be used to bring new cars by rail to the facility, unloaded and readied for trucks to pick up and haul to service retail distributors in a 5-6 state area. Presently GM and Chrysler will be using the facility.
  - Cars will be brought in on two trains, which presently make this run, so train traffic in the area will not increase, - from Omaha and Chicago. Rail cars will be unhooked and shunted off onto a side track east of Manning - will have a 16 car storage area east of Manning and a 34 car space west of Manning. Cars (rail) will then be switched into the facility for unloading. Plan to complete this operation before 7 a.m. Total capacity of 70 railroad cars can be shifted into the facility on the spur track crossing Manning. 16 car units will be shifted across Manning - entire operation can be completed in approximately 1 1/2 hours with intermittent traffic stoppages of 3-4 minutes. Believe traffic problems will be insignificant.
  - Cars will be driven off the rail carriers and put into their designated areas within the facility - three areas GM, Chrysler and a future expansion area. 50 acres will be blacktopped with the expansion area remaining in grass at present. The railroad cars will then be shunted out of the facility in the early evening between 7 p.m. and 9 p.m., approximately, in 16 car lots, again, causing minimum traffic delay. These cars will be hooked onto a train making a regular run through the area.
- Jerry Panning, District Manager of C&NW Twin City Division - further explained the car pick up by existing trains through the area.
- Howard Michels - did the railroad look at other properties to try to avoid tying up a County road.
- Virgil Steinhoff, C&NW, Industrial Development Manager - looked as several possible sites - based on the amount of acreage this was the most desirable site.
- Robert Ostlund - safety aspect - crossing will be, by recommendation of C&NW, serviced by safety arms and flashers. Mn/DOT records show this as a very safe crossing-no accident since 1971, safety factors will be upgraded. In response to Commissioner Nazarian, an additional passing track will be constructed next to the main track as well as a spur track. Actual crossing may expand, but the location will not change. Main train or existing traffic will not change as a result of this facility. Only increase will be the intermittent shunting of the trains across the tracks. Based on volume of business in similar facilities and intended use of this one, anticipate an average of 40-50 rail cars will be in the holding/storage area at any time in an area capable of accomodating 70 cars.
- Trucking Operation - cars will be trucked out of the facility during daytime hours. Access will be from the northwest corner of the facility onto Manning Avenue. Presently anticipated that the entire operation of the facility will be sub-contracted out to a company specializing in hauling cars. Average number of trucks out of the facility in a 12 hour day is 70 trucks or 5 per hour. Anticipate 100/day or 8 trucks an hour if car sales improve. Do not feel 5 trucks hour substantial - sight lines good and will not have slow moving truck traffic creating a traffic hazard.

## 2. HUTCHINSON HEARING:

- Prince - what direction would the trucks be generally heading.
- Jerry Panning - most would head north towards the freeway.  
Service area includes the Twin Cities, Western Wisconsin, North and South Dakota, Iowa, part of Nebraska - many will go towards the Twin Cities.
- Whittaker - County did not mention the design of 15 as a problem area for truck traffic. Not sure about load limits in the spring. May have to use Highway 5.
- Robert Ostlund - Facility would employ between 10-15 people. Facility bounded on all sides by a 6' chain link fence with barbed wire security top. Lights around perimeter for security. Security will be provided by the sub-contractor who operates the facility, thereby, requiring little need for City police or fire protection. Only building on site will be a small structure in the northwest corner that will be used to house the operator's personnel, and offices. A well and septic will be located in this area. A grassed area will be adjacent to the perimeter road along the fence and will comply with local landscape regulations. Intend to pond water on-site, pursuant to a permit from Valley Branch. Have discussed developing a plan with them that is compatible with drainage problems particular to this property. In the process of conducting an analysis of what will be required to meet VBWD regs.
- Howard Michels - have you looked at other options as far as not tying up the County road such as spurring somewhere else.
- Robert Ostlund - Yes, not feasible from an economical or engineering standpoint.
- Howard Michels - shunting rail cars will go on all day - will be a continual drain on availability of the County road. Very concerned about this
- Jerry Panning - majority (95%) of the cars will be on the train from the east and goes through this area between 4-6 a.m. No switch train will be on-site. This is not a switching operation-transport cars are shoved into the shunting area.
- Robert Ostlund - there will be no loud impact noise from the trains with this operation.  
This land was zoned Industrial until 1979. When the new zoning was done at that time Mr. Hutchinson was informed that if he presented a suitable project for this parcel, industrial zoning would be considered as the intent of this area. Good area for this use because no City services are required, type of industry that will create spin-off industries and will be economically beneficial to the area. If intent is to develop this area in industrial, by this facility, the railroad is committed to this area and has invested in development. This type of industrial development is non-polluting and will not drain City services. Site was previously planned industrial, has two highways adjacent to its boundaries, next to C&NW mainline, and is very near the airport. Not suited for residential, but good for light industrial.
- Nancy Prince - water is a considerable concern - water from the Old Village drains and accumulates in this area. A very large ponding area will be required. What are the ponding plans - may need to delay action until this question is resolved.
- Robert Ostlund - have talked with County - in their opinion a 10-13 acre ponding area is necessary. Have considered a 4 acre area on site, this not large enough. Do not want to take this area from the facility, if possible. Have discussed purchasing a limited amount of acreage from Mr. Hutchinson across the tracks that could serve as a ponding area on-site. Have access to property for ponding.

## 2. HUTCHINSON REZONING: Continued -

- Prince - City requires that no more water run off a site after development than did before. This would be required on this site. Concerned with the amount (50 acres) of pavement and the fact that this area holds a great deal of water now.
- Robert Ostlund - County has stated that for the total intended use, which is more pavement than the initial 50 acres, a 13 acre pond would be adequate. This statement is not in writing from the County.
- Virgil Steinhoff - responsibility of determining the ponding area will be up to Barr Engineering - C&NW will provide the area and calculations - then submit the plan to Valley Branch for approval.
- Pete Schiltgen - farms Hutchinson property - reported that there is an axle weight restriction on County 15. 100 trucks in and out of the facility constitutes 200 movements of vehicles per day. Regarding land use: have to consider the over-all picture and how it fits into the Comp Plan; also, have to consider the land in question. In all of Washington County this is the best farm land. Prime farm land has to have good top soil, good water retention, and flat contour. This parcel has all the qualities of prime land. Understood that the water table in this area is at 4 ft. Asked the Planning Commission to consider what this land was intended for - do not believe it was intended for railroads, cars, trucks and pavement.
- Virgil Steinhoff - was told by the County that County 15 was not restricted.
- Willis Hutchinson - pavement on County 15 was recently redone - see no problem with trucks using that area north up to County 5.
- Robert Ostlund - explained the storage shunt area to Commissioner Michels. Property to the south of the tracks was not considered. since the north site had the area needed.
- Nancy Prince - referred the Commission and audience to pages 88 and 90 of the Comp Plan which outlines the goals of the City development and plans. Expressed great concern about the large amount of prime ag land that will be paved over.
- Robert Ostlund - in the present plan and before 1979 this land was designated Industrial development with the reason being the proximity of the property to highways, the railroad and the airport. This use fulfills the past and future intentions of the City.
- Nancy Prince - when original Comp Plan map was drawn up were not aware that this was prime farm land - this was just recently brought to the attention of the PZC. In light of the new information, the City may need to reconsider future use.
- Pete Schiltgen - in answer to Commissioner Nazarian, land south of the tracks is good farm land also, terrain is a little more hilly.
- Willis Hutchinson - in past negotiations with Mr. Schiltgen, he always maintained this land was #3 farm land.
- Robert Ostlund - Mr. Hutchinson was given a written confirmation that a reasonable proposal for an Industrial development would be considered. Believes this proposal fits into the Comp Plan and the City's future development plans. In response to Commissioner Graves - this property will be assessed as all other railroad property - property tax may increase about 3 times based on the present pro-rated state tax.

## 2. HUTCHINSON REZONING: Continued -

- Don Moe - Two concerns - ponding and tying up County 15. Ponding is the biggest concern.
- Howard Michels - questioned what makes this parcel more attractive over other sites along the railroad.
- Robert Ostlund - area is adjacent to the railroad; availability of the property; location to the service area; size of the parcel; contour of the land - flat.  
In response to Commissioner Dreher - have contacted the Airport Commission. They have indicated that, as the airport now exists, there are no problems. Have looked at other property along the highway closer to I-694, but the terrain was too hilly and drainage looked like a problem.
- Bob Dreher - believe there are other sites closer to I694 that with some redesign would be more conducive for this facility.
- Don Moe - questioned expansion design.
- Frank Jenko - proposing a facility that will handle 40 rail cars per day where there is a 72 car capacity. Expect to reach the 72 capacity at some point, but have no plans for expansion beyond this at this time.
- Virgil Smith - in response to Commissioner Nazarian - no possibility of gas or oil spillage - auto arrive with 2 gal of gas in tank and are not fueled before they are reloaded on the car transporter.
- Robert Ostlund - at a point of negotiating a closing with GM, also negotiating with Valley Branch. Requested that the Commission approve the rezoning contingent upon C&NW securing the required ponding approval from Valley Branch and any other criteria they deemed necessary for the development. Cannot close with GM without the assurance of zoning.
- Nancy Prince - would like the water problem resolved before rezoning.

Chairman Prince closed the hearing at 9:00 p.m.

## --Administrator Whittaker - comments on the Comp Plan:

One of the first stages in the planning process was to evaluate land use - ag was considered, map on page 32 of the Comp Plan indicates this, but the location of the parcel determined its future use. There are only two locations in the City planned for light industrial, this parcel and a parcel west of the 3M property between Highway 5 and the railroad tracks. Another consideration was this property was previously zoned Industrial when the Comp Plan was approved. Aside from agriculture, use of this parcel is very limited. Have to consider the long term economic value of the property.

## --Nancy Prince -

Disadvantages in rezoning: 1. elimination of 75 acres of prime farm land; 2. increase of traffic and restriction of traffic on County 15; 3. water problems which have not been addressed.  
Advantages: 1. possible increase of employment; 2. possible increase of tax base.

## --Howard Michels - concerned about losing prime ag land- not much left in the City - acknowledged, according to the Comp Plan, this use would fit.

## --Larry Whittaker - have to ask if farming will be a viable use in the long run - answer is yes as long as there is someone to farm it, but this is not guaranteed. Also have to consider what the land owner wants. Met Council Guidelines have no land in Washington County designated as agricultural land. Map does not show any long term ag in Washington County. What is the ultimate use of this property. All this was considered when the Comp Plan was developed.

## 2. HUTCHINSON REZONING: Continued -

- Pete Schiltgen - have to consider the long range plan, the area and what is there. Cannot consider the individual. This land is God given and once its gone its gone forever.
- Willis Hutchinson - questions who would farm his property should something happen to Pete Schiltgen.
- Chuck Graves - concerned about the number of trucks going in and out per day. Have to expect them to use Highway 36 - will this be a burden to the community?
- Nancy Prince - more concerned about the trucks going down Highway 5 through Lake Elmo to I-694.
- Fred Nazarian - if guess wrong on the ponding will eliminate prime ag land and possibly flood property to the south of the tracks.

M/S/ Graves/Nazarian to table action on the Hutchinson rezoning request pending information on the ponding question.

## Discussion:

- Fred Nazarian - urged C&NW have information back so Commission can make a recommendation before their April deadline.
- Robert Ostlund - presently in the process of analyzing this question - this is very lengthy process - would like zoning assurances before ponding design and calculations are complete. Zoning approval could be based on meeting the ponding requirements. Could provide a rough engineering report from Barr.
- Larry Whittaker - ponding question is usually addressed during site and building plan review. Zoning is a land use question. Decision is whether this is an appropriate land use. Facility cannot be built without Valley Branch approval.
- Howard Michels - opposes the rezoning for the following reasons:
  1. Believe key is preservation of ag land and feels a responsibility to the community to enforce this.
  2. Concerned with the tie-up of traffic on County 15. Feels with some effort and redesign this could be avoided.
  3. Concerned with the water question.
- Bill Peterson - noted with the proposed additional ponding area will lose 85 to 90 acres of ag land.

Commissioners Graves and Nazarian withdrew their motion.

M/S/ Graves/Nazarian to recommend denial of the rezoning request from Willis Hutchinson for the following reasons:

1. Rezoning would result in the loss a minimum of 75 acres of prime agricultural land.
2. Lack of information on the run-off/ponding for the proposed facility.
3. Traffic problems created on County 15 by the facility.
4. This is a severe water retention area as listed on the Soil Limitation Map.

## Discussion

--Fred Nazarian - have to consider the letter to Mr. Hutchinson Motion carried 5-1-1. Moe opposed. Nazarian abstained.

--Robert Ostlund - Challenged the recommendation.

1. Rezoning and proposal fit within the intent and guidelines of the Comp Plan - believes decision was made on personal opinion.
2. Clear reliance factor involved with the assurance given that Industrial zoning would be considered and the fact that agricultural use was considered, with industrial use planned. Mr. Hutchinson presented a plan that conforms to what was planned in 1979 and zoned for previous to that time.

## 3. 1 1/2 ACRE LOTS:

A. Reducing Lot Size - Zoning -

The Commission briefly discussed their previous meeting and comments with Lyle Doerr and Mike Hansel. Commissioners Moe, Peterson and Michels indicated support of a one acre minimum. Before further discussion the Commission requested input from the City Council.

B. Reducing Area of 1 1/2 Acre Lots in Comp Plan - The Commission reviewed the proposed R-1 land use map in the Comp Plan as suggested by the Met Council, and determined that the following areas are not "in-fill" areas and should not be planned R-1 but General Rural Use until post 1990. This would require all new residential development would have to be on platted lots. The areas discussed were:

1. Ag parcel at County 70 & Lake Elmo Avenue - NE corner
2. Ag parcel at County 70 & Lake Elmo Avenue - NW corner
3. RR parcel on County 70 (10th St.) Nelson/Hageman
4. ~~R-1/2~~ of Section 24 off ~~20th St.~~ - ~~Durand property~~ NE 1/4-30th
5. Ag parcel off Stillwater Blvd. - Friedrich property
6. All planned R-1 in Section 16.
7. RR parcel, Section 15 - Niepoldt property
8. Friedrich parcel Section 14.
9. All RR in Section 14.
10. NW 1/4 of Section 3 - Kleis property

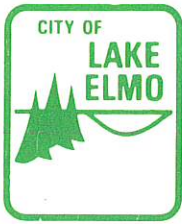
--Prince - would like to delete both Industrial zoning area and provide for this use in Section 32 where public facilities will be available.

4. SUBDIVISION ORDINANCE AMENDMENTS: Deferred until April 11.

5. I-94 STRIP - Deferred until April 11.

ADJOURNMENT: 10:20 p.m.

\*amended  
4/11/83



# City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

## AGENDA

### LAKE ELMO PLANNING COMMISSION

March 28, 1983

7:30 P.M.--Meeting convenes

1. Minutes, March 14 meeting

7:45 P.M.--2. Public Hearing on Rezoning of property for C&NW auto unloading yard. Manning Ave. & C&NW Tracks

8:30 P.M.--3. 1½ acre lots

- A. Reducing lot size - Zoning
- B. Reducing area of 1½ lots in Comp. Plan

4. Subdivision Ord. Amendments

5. I-94 Strip

6. 1983 Work Plan

7. Report:

- A. Nelson/Hagemann
- B. Manufactured Housing

ADJOURN 10:00 P.M.