

LAKE ELMO PLANNING COMMISSION MEETING
JANUARY 9, 1984

The meeting was called to order by Chairperson Prince at 7:05 p.m. in the Council chambers.

Commissioners present: Gifford, Graves, Lundquist, Lyall, Michels and Nazarian.

1. DISCUSSION ON VBWD 509 PLAN

Councillors present: Mayor Eder, Dunn, Fraser, and Mazzara.

Parks Commissioners present: Sue Dunn, Hansen, Mary Olson, Muriel Olson, Stevens and Yarusso.

Dick Murray, representing the Valley Branch Watershed District (VBWD), started by saying two alternates are in response to Chapter 509 legislation (1982) for metro area watershed districts to formulate a water management plan. A committee (15 members) was formed comprised of representatives from all cities and townships in the watershed district. They met about nine times from the beginning of the year, from which meetings came the two alternates presented tonight. The charge of the committee was to solve the flooding problems that existed in the watershed district today, not to plan for the year 2000 or the 100-year rainfall event.

Alternate I is to either move, floodproof or relocate all the homes that are within the 100-year floodplain. It comes up with an estimated cost of \$1.5 million not to include any contingencies or litigation. Alternate II (map on board) is a set of minimum pipes and channels that carry away the existing storm water problem, an attempt to size the system that would handle today's problems. This alternate is a system of pipes that would run from Lake Jane to a pond into the City Park property, through City Park pond, then a system of pipes that find an open channel into Sunfish Lake, continuing with a pipe under Highway 5, into Lake Elmo, and an outlet to be constructed at the south end of Lake Elmo, a channel and pipes through Tartan Park, an outlet for Horeshoe Lake out in West Lakeland Township, and finally pipes and channels that would carry water down to I-94 and eventually deposited into a ponding area to be built with rest area along I-94. Estimated cost is \$3.5 million which includes acquisition of property in West Lakeland for a ponding area, acquisition of rest area ponding site, and actual construction and engineering for pipes and channels.

Input from cities and townships will be part of managers' consideration in which alternate is selected, and when an alternate is selected a plan will be prepared and submitted to DNR, Metro Council, PCA, several State agencies, and finally the County Board which has final approval.

- Ed Stevens - Considering cost consciousness, why would anyone want to spend \$3.5 million when the \$1.5 million alternate will do? (Dick Murray - My answer is that \$1.5 million is a very conservative estimate because litigation or relocation expenses not considered and it is a short-term solution. Second consideration is that we believe a system of pipes and channels will be a more permanent solution).
- Graves questioned the 100-year event. (Dick Murray - Alternate II would carry away water from 100-year event because the system is there. If we were going to put in 36" pipe as planned, in 100-year event it would require a 76" pipe. The philosophy behind 100-year event and main-stem plan was to carry away the water that would fall in a 90-day period. If 100-year event, it would take a year to move that water out. 100-year event is a combination of 7 or 8" of rainfall over a 15-day period of melting snow pack.)

- Nazarian - What kind of acre feet of water are you talking about for storage? (Dick Murray - Can only say this year we moved about 980 acre feet out of Lake Jane, and it's a cumulative effect whereby the farther down the watershed you go the more and more water enters the system. Abandoned gravel/sand pit, 30 to 40' deep, for ponding in rest area site is about 20 acres and is expected to be adequate for seepage.) (Tom Armstrong - Engineer expects it would never fill because of large area for seepage and would be permanent solution.)
- Nancy Hansen - Regarding expected litigation on Alternate I, is there no expected litigation for Alternate II? (Dick Murray - There could be some in that the purchase of ponding areas, if owner is not willing to sell, could require condemnation.) I understand there is already a lot of negative comment in West Lakeland for this type of plan; would there not be citizen input there which would render this plan useless? (Dick Murray - There would be negative comment but would not say it would render it useless.)
- Tom Armstrong - One problem with taking someone's house and floodproofing it is that there are two ways to raise money. One method is the watershed can establish a mill rate (1 mill will raise \$1 million and the interest over 20 years, so 4 mills payable by every homeowner would float this entire project over 20 years). The other method, and it's never going to work, is assessments because nobody can devise a fair formula. If homes are floodproofed, government money is being expended on private homes, perhaps purchase some water easements; and hazy areas will be generated due to homeowner dissension as to how it should be done. Litigation and technical problems will be involved and you'll be stepping into a legal quagmire. Also, for \$1.5 million, you're buying present levels of flooding; if things get worse you have no overflow whatsoever. If you make improvements, you've guaranteed people a floodproofed home and later on it may not be so. I'm in favor of Alternate II since it is a feasible plan.
- Lundquist - Why is government responsible, in any way, for rescuing people who built in the floodplain? (Lyll - Because the City of Lake Elmo gave me a building permit in the floodplain and have been taking our taxes.)
- Tom Armstrong - "Some things are better done than done right" and that's because if you get it done, you'll get it over with. Nobody will ever agree on how it's done right. There's some merit to both alternates, but the time has come to do something and find a solution, and should go on the mill rate and not by assessment. Positions have been fought out many times, but the water is still there. We should come up with some alternate that we can agree on, not completely like, but get it over with.
- Mayor Eder - To support your argument, Tom, I think the real key is that problems keep on being pushed downstream and problem has to be looked at where some people aren't going to get a dollar back for a dollar but there are other things in the City where they do and others don't.
- Yarusso - With litigation expectations for both alternates and with Alternate II not solving the immediate problem, won't some temporary measures have to be taken? (Tom Armstrong - There's going to be legal problems if nothing is done and legal problems doing something. You're going to have to build this from the bottom up, West Lakeland up. Building of it would start in about 1985.) (Dick Murray - Until Chapter 509 plan is approved by all agencies, nothing can be done; and any temporary measures would have to come from existing Chapter 112.)
- Stevens - If 100-year event should occur before pipes and ditches are in place, houses may be so badly flooded there wouldn't be any chance of rescuing them. Also, comment in report says that flooding may increase in additional areas such as Oakdale, so wouldn't Environmental Impact have to be filed and

wouldn't further development be prevented if there's additional flooding downstream? (Eder - That hasn't been resolved, but Oakdale has indicated they would pick up cost of oversizing pipe and they would have to have a more stringent plan for holding areas such as Lake Elmo has ordinances requiring that additional runoff be prevented. It's hard to say that development is the cause of flooding, since in 1911-1913 Lake Jane ran into Birch Pond and Sunfish was at high levels.) (Lundquist) In 1910, Little and Big Carnelian were 1 lake.)

• Sue Dunn questioned Oakdale's position. (Dick Murray - City of Oakdale has hired an attorney to investigate the possibility of challenging the watershed district's 1% rule that says that any new development cannot allow more than 1% more water to leave the site after development and says the rate of water cannot be more than 1% than what it is. Developers are not willing to come into Oakdale since it would require about 30% of developed property to be dedicated to ponding. So they've asked watershed managers if 1% rule could be relaxed; and we said no until solutions to Lake Jane, etc. are solved.)

• Bruce Dunn - Will Alternate II be final solution; I don't want to see pipes rebuilt in 10 years. (Dick Murray - I feel Oakdale is possibly coming up with negotiating tool; they're saying Chapter 509 isn't going to happen fast enough for their framework and want to challenge it.)

• Tom Armstrong - Oakdale's argument is that they pay 30% of their taxes to the watershed and they have about 9% of the land; Lake Elmo's ratio is about equal; and Afton is the opposite--they pay very little and have a lot of land. So Oakdale is arguing that they pay a lot in taxes and get little benefit. Again, reaching a solution, they're suggesting paying for oversizing of pipes and might it not be worth working something out with them, have them specify areas of development which would follow 1% rate rule but some other rule as to volume and have plan on how to tie it into system.

• Stevens - If Oakdale had as a high percentage of parkland as Lake Elmo has, they wouldn't have any problem; why couldn't that be suggested to them?

• Michels - How many homes are in the floodplain and how old is latest home built? (Tom Armstrong - I believe 27.) (Lyall - Most recent one is 4-5 years.) There's been a question as to who's liable; doesn't the statute of limitations ever run out as to who's liable? Is the City liable for a house built 30 years ago? I have a problem that all property owners in City of Lake Elmo would be required to pay for rescuing some property owners that have prime property on a lake and increasing the value of their property and don't believe I should pay the same as the person who built on the lake. (Tom Armstrong - Most of these people aren't the original owners. If mill rate is 4 mills, it represents 4% tax increase for 20 years. Battle will never be won out; somehow there has to be a compromise.) If I buy something and make a mistake, I'm the one who has to pay for it; I don't feel responsible that they should get 100% of their money back. (Lyall - About 10-12 years ago, we started having this problem, and I for one was at City Council asking for a moratorium on building which never happened.) A lawn is expected to take twice as much water as cropland.

• Tom Armstrong - This illustrates problem that we could all argue forever and not come up with something. I'm not in favor of huge projects but something has to be done with Lake Jane, something has to be done with Sunfish, Lake Elmo and all the way down the line. We can all argue positions as to whose responsible for this and that, but we still don't come up with a solution. We have to bite the bullet and do something we don't like. I urge Planning Commission to adopt this plan and the mill rate.

• Prince - I would be interested in hearing about where pipes go through Sunfish and perhaps the Parks Commission can give us some input there.

- Sue Dunn - I think it's interesting to note that no one from the engineering company has walked the park or any portion of the land, and there has been a change in the structure of the park itself. Several of my concerns include the width of these cuts (Prince - between 70-100' wide and at least 60', but they could still work around large trees, etc.). When I initially read this over, I went for Alternate I since it would help the people in our area and postpone future problems by not allowing excess runoff from upstream developments. As pipes go through Sunfish, they jig and jog; and we would like to save our whole park.
- Nancy Hansen - When they say it will be reforested by natural means with aspen, cottonwood and junk trees, it's no good. We've got oak, elm, maple and a nice park there now.
- Sue Dunn - Are there any other possible routes? I've heard the DNR wouldn't allow dropping water from Lake Jane to Eagle Point lake. (Dick Murray - Metro Council decided if passed to Eagle Point Lake [higher loadings of phosphorous, etc.], it would run into Lake Elmo and degrade the quality of water there.)
- Gifford - What does floodproofing homes entail? (Dick Murray - Elevate, floodproof with diking, or moving homes.) (Tom Armstrong - There's a cost estimate for each home in report, pages 7-8.)
- Stevens - If Alternate I used, couldn't houses be condemned, especially the cheaper ones? (Tom Armstrong - It's much cheaper to floodproof home than condemning because of legal problems.)
- Tom Armstrong regarding cost of tax increase - Take your present real estate taxes and take 1% of it times 4; e.g., \$1,000 would be \$40/year for 20 years. (Eder - And it's tax deductible.)
- Graves - Does \$3.5 million include reforestation? (Dick Murray - no.) (Tom Armstrong - DNR sells trees so cheap and with volunteer help, it would be minimal.)
- Graves - Is there any other form of financing? If Met Council is dictating what we can or cannot do, then they should be putting their money where their mouth is. (Eder - Has been researched thoroughly, and there's no way we're going to get money from the federal government or any other source.)

Voice vote indicated the following: Prince - We weren't sent plan so have not had a chance to go over it so I haven't made a choice but would lean toward Alternate I but could be convinced toward Alternate II. Nazarian - Strictly from the standpoint of dollars, obviously it's Alternate I; if from the standpoint as to what's best for Lake Elmo, it all translates back to dollars; I wonder if these are the best solutions - perhaps a combination of the two. Right now, I couldn't make a decision. Graves - I haven't had opportunity to study proposal, but one alternative I'd like to see drawn up is how about condemnation of existing property - let's have some numbers - without numbers it's premature to make conclusion. (Dick Murray - In response to what it would cost to purchase homes, the cost to purchase 19 homes on Lake Jane alone would be between \$1.5 and \$3.0 million at the fair market value; homes cannot be moved due to narrow roads.) Lundquist - Basically I'm opposed to monkeying with the level of any lake, but in this particular situation I think I'd vote for Alternate II since it would stabilize the lakes and shores. Gifford - I agree with Bill and would vote for Alternate II, even though I have not read the study, since we need a long-range solution and lawsuits in Alternate I would go on for many years. Lyall - I vote for Alternate II.

- Michels - Believe we have much more serious problem in Lake Elmo than the flooding of Lake Jane, i.e., the contamination of "Lake Jane Landfill", and is much

higher priority item since it involves the health and welfare of people and moving water downstream could create further problems. (Eder - This is in the County's hands at this point and we've taken a strong position on it.)

The joint meeting was closed 8:19 p.m.

2. MINUTES - M/S/P Graves/Nazarian to approve the 12/12/83 Planning Commission minutes. (5 ayes; Gifford and Lyall abstain.)

3. CITY COUNCIL APPOINTMENTS TO PLANNING COMMISSION - Prince - We have lost Bill Peterson and the Council, I assume, will appoint Chuck Graves to his vacancy so we're looking for two alternates. I would like to say that there is no representation from Old Village and support from the area should be solicited and encouraged.

4. ELECTION OF PLANNING COMMISSION OFFICERS

A. Chairperson - Nazarian nominated Prince; upon no other nominations or volunteers from the floor, Prince accepted the nomination. M/S/P Gifford/Graves that nominations be closed. (Carried 7-0)

B. Unanimous Election - M/S/P Nazarian/Graves that election of officers be unanimous. (Carried 7-0)

C. Vice Chairperson - Graves nominated Nazarian; upon no other nominations or volunteers from the floor, Nazarian accepted the nomination. (Carried 7-0)

D. Secretary - Nazarian nominated Dreher; upon no other nominations or volunteers from the floor, Dreher was elected Secretary. (Carried 7-0)

5. RACETRACK - Tom Armstrong presented newspaper article saying that Egan is most desirable site due to fewest problems. Had in hand a report to Metro Council which stated that problem with Woodbury is that it would add 915 acres to MUSA line, and also that interchanges at 13 and 19 won't handle the traffic. I'm personally not in favor of Woodbury site since it won't do Lake Elmo nor Washington County any good because of bad element of gambling which will create problems and because it pushes MUSA line out too far. Can't see where racetrack would benefit community and urge that the Planning Commission not take any position in favor of it.

- Klaers - Lake Elmo Business Association, at last meeting, unanimously supported Woodbury racetrack. And I also supported it due to possible spinoff, possible attraction of drawing people to the area to spend money, etc. I don't believe there's any great urgency in taking a stand on this issue; decision probably won't take place until early summer. I agree with Tom that politics will be playing an important part in decision; and with the dome in Minneapolis and if new trade center gets put in Bloomington, I think St. Paul is due for something.

- Lyall - Gambling brings in influence of undesirables as illustrated in Las Vegas and Atlantic City; surrounding communities have not benefitted except a few people get fat. Area will be desolate in winter.

- Gifford - I didn't think of this racetrack as having the magnitude of Atlantic City or Las Vegas. We have ordinances to disallow trash and rubbish creeping into Lake Elmo.

- Nazarian - Would depend on way racetrack is handled. It has helped Livonia MI because of increased tax base. (Klaers - Also helped Lexington KY.)

There was no consensus of opinion from the Planning Commission on the racetrack issue, although most comments appeared negative.

6. CONSIDERATION OF 1.5-ACRE BUSINESS LOTS - Prince reviewed that the Council had turned down the Stouvenal application but the Council would like Planning Commission to review the 1.5-acre lot requirement.

- Graves - As far as business lots are concerned, I think we need to consider something smaller than 1.5 acres or we won't see any further development in the Old Village area. Something much more manageable, economically speaking, should be considered and we have to look at higher density--something that would correspond to minimum for septic systems or .5-acre. This would definitely apply to Old Village area, and I-94 area statements would have to be held until those plans are put together. Business zones could be defined for inclusion.
- Nazarian - Point made in earlier minutes has to be considered: "the smaller the lot the more responsibility the City has to ensure that soils, septic and lot use are properly determined, constructed and maintained."
- Lyall - Feel that we need that higher density but also should put an ordinance out that covers pumping or that supervision of septic tank would have to be maintained and they would have to sign a contract to do it or something.
- Graves - Is there way to verify that system is properly operating? (Prince - We're supposed to be developing an inspection system for the whole city - was part of the 201 study.)
- Lyall - Pumping business could contract to get a blanket cost for whole city and then we know it's being done and do it annually. Holding tanks could be possibility.
- Lyall - Don't think you can restrict 1.5 acres to Old Village, have rules apply to all businesses. (Graves - To be applied to all businesses unless it's designated as "special types of business" such as along I-94.)
- Prince - I'm not sure if 1.5 acres should not apply to businesses with lots of land available.
- Nazarian - "County requests proof of adequate soils for each lot to support maximum use; and 10,000 sq. ft. has to be identified for on-site sewer" so that would eliminate 8,000-10,000 sq. ft. lot.
- Graves - Why hurt any business if we can come up with workable solution, such as holding tanks. (Prince - Would that be allowed by the State or County?)
- Klaers - One thing we talked to Mr. Stouvenal about is the additional requirement in GB zone which says that all lots have to have at least one acre of land suitable for septic drainfields and sufficient for two separate drainfields. Change in lot size would require other code changes.

Klaers will call Lyle Doerr of Washington County for information on County and/or State standards regarding alternate sewage systems (holding tanks, etc.).

- Lyons - Doerr has previously stated that inspection, maintenance, pumping and disposing of sewer systems would cost as much as putting in sewer.

Klaers will report to City Council that discussion on 1.5-acre business lots has been started, that there seems to be consensus that perhaps it would be wise to go to a smaller lot size in the business zone, and that we're going to get some input from Lyall Doerr of the County before a recommendation is made.

Klaers will check into present status of inspection and pumping of septic systems in Lake Elmo.

*Michels had report from Met Council which estimates sewage for different types of businesses which was submitted to the Chairperson. Klaers will send copies to Planning Commissioners for next meeting.

7. RON SMITH APPLICATION - Klaers reviewed that Planning Commission had recommended approval of a C.U.P. for a Nursery Open Sales Lot at the NW corner of 10th Street and Keats Avenue for Ron Smith. After further discussion, it was realized that the application was not legal - he cannot operate an open sales lot on 10 acres in a RR zone under a C.U.P. Three options he has are: (a) purchase an additional 30 acres, apply for rezoning to Ag and then request a C.U.P.; (b) apply for a rezoning to GB, then request a C.U.P.; or (c) request a zoning amendment to allow this use with a C.U.P. in the RR zone for areas of 10 acres or more. Smith opted to come in with option (c). A public hearing will take place at our next Planning Commission meeting, 1/23, to discuss this. Copy has been sent to City Planner for his input.

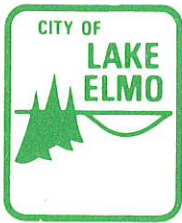
*Michels - Wasn't there a lot of controversy on that 10-acre lot a couple of years ago? (Klaers will research minutes regarding comments made at previous meeting.)

8. OTHER - Prince brought up the issue of Planning Commissioners being compensated for expenses they pay out of their own pockets. It's not an issue of volunteering time, but of actual expenses. Klaers will bring up this matter with Mayor Eder.

The meeting was adjourned at 9:33 p.m.

Submitted by:

Ilene Johnson, Acting Secretary



City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

January 5, 1984

TO: PLANNING COMMISSION MEMBERS
FROM: PAT KLAERS, CITY ADMINISTRATOR
RE: AGENDA MEMO FOR 1/12/84 PLANNING COMMISSION MEETING

VBWD 509 WATER MANAGEMENT PLAN:

In early December, 1983, the City staff received and sent out to the City Council and all Park and Planning Commission members a preliminary report from VBWD on its 509 Water Management Plan. At the last City Council meeting on 1/3/84, the Council requested a joint meeting at the 1/12/84 Planning Commission meeting with all people involved and interested in water management to discuss this 509 document. Therefore, I have placed this item on the 1/12/84 agenda for a one (1) hour discussion starting at 7:00 p.m. An individual notice has been sent out to the Council, Park and Planning Commission members and to citizens representing Lake Elmo on various VBWD committees. If any member needs another copy of the 509 document, please notify the City office and a copy will be made available.

This 509 preliminary report discusses two (2) alternate plans to solve the existing surface water problems. One alternate (A) involves moving, raising or floodproofing existing homes within the floodplain at an estimated cost of 1 1/2 million dollars, excluding possible litigation costs. The second alternate (B) involves a system of pipes, ditches and ponds (mainly within Lake Elmo and West Lakeland) at an estimated cost of 3 1/2 million dollars. The VBWD Committee favors the second plan (B), in spite of its costs, as it provides a better long term solution to the existing problems.

The Council is anticipating an interesting discussion on this very important topic from everyone present. It is important to get all areas of concern expressed so that these concerns/ issues can be brought to the attention of the VBWD 509 Committee.

MINUTES: Attached are the minutes from the last planning Commission meeting held on December 12, 1983, for your consideration.

COUNCIL APPOINTMENTS TO THE PLANNING COMMISSION AND CURRENT VACANCIES:

At the last City Council meeting on 1/3/84, the Council reappointed Nancy Prince and Don Moe to three (3) year terms on the Planning Commission. The Council also accepted the resignation of Bill Peterson from the Commission.

This resignation plus the removal of Paul Ryberg, 2nd Alternate, from the Commission (because he moved out of town) has created some vacancies on the Planning Commission. Logically and according to past practice and policy, the 1st Alternate, Charles Graves, would be appointed as a regular member to the Planning Commission. If this expected appointment takes place, then, vacancies would exist for both alternate positions.

The City is accepting applications for appointment to the Commission. Very few applications have been received and another notice is being placed in the City Newsletter. In the near future, the Council will meet with the applicants and make appointments. If any Planning Commission member knows of citizens who are interested in serving on the Planning (or Parks) Commission, please encourage them to obtain and fill out an application. At the risk of sounding like a military recruiter ...we are looking for a few good men or women.

APPOINTMENT OF PLANNING COMMISSION OFFICERS:

Once again it is time for the Planning Commission to appoint its officers of Chairperson, Vice-Chairperson and Secretary as this is the 1st meeting of the year (Annual Meeting). In 1983, these positions were held by Nancy Prince, Fred Nazarian and Bob Dreher, respectively. I'm not sure if the Planning Commission rotates these positions or if members hold the position for more than one year or if the positions are appointed based on seniority. Regardless, this is strictly a Planning Commission decision and a recommendation from the staff would not be appropriate.

CITY POSITION ON THE LOCATION OF THE RACE TRACK IN WOODBURY:

Attached are a number of maps and informational material regarding the possible race track in Woodbury. If Lake Elmo supports a track being located in Woodbury, then Woodbury would like the Lake Elmo City Council to pass a resolution to that effect.

I will be bringing this item to the Council in the near future. I am sure that the Council will desire the comments from the Planning Commission regarding this issue. The most obvious and immediate impact this track would have in Lake Elmo is related to the development along I-94.

I believe, that a race track in Woodbury would greatly benefit Lake Elmo and recommend supporting Woodbury's efforts to obtain this race track.

WOODBURY RACE TRACK - Continued

These benefits could include bringing people into our City for shopping and eating (the tourist trade); possible HB development along I-94 to serve the needs of people attending the races; and possible development of racing spin-off or accessory type uses within Lake Elmo (i.e., storage of equipment or animals, training facilities, etc.). All these elements could help increase and diversify the tax base in Lake Elmo along with helping our existing businesses.

1 1/2 ACRE LOT SIZE REQUIREMENT IN BUSINESS ZONES:

The City Council at its 12/6/83 meeting, officially requested that the Planning Commission review this lot size requirement in business zones. This was brought about with the Council discussion (and denial) of the recently considered Stouvenel Simple Lot Subdivision application. The Planning Commission voted to a 4-4 tie on recommending approval of the application.

Attached are the minutes from previous (March '83) Planning Commission discussion on the general topic of 1 1/2 acre size lots. There are many different elements that could be brought into this discussion including: new plat requirements vs requirements of recorded plats; making a distinction between the core village area and other areas of the City; soil suitability for septic systems; different requirements for different uses; continuous business development vs spot business development; etc.

At this point the staff has no recommendation regarding this issue and I look forward to being enlightened by the discussion of the Commission on this topic.

RON SMITH APPLICATION TO OPERATE AN OPEN SALES LOT NURSERY:

At the last Planning Commission meeting on 12/12/83, the Commission recommended approval of a CUP for Ron Smith to operate a Nursery Open Sales Lot on 10 acres in a RR zone. The Commission had concerns regarding screening and landscaping and expansion of the business. Additionally the County has expressed concern about controlling access onto Keats Avenue as this may become the entrance into the Regional Park.

After this 12/12 Planning Commission meeting the staff held a staff meeting to discuss procedures for processing and reviewing different applications. At this staff meeting it became known that what Mr. Smith had proposed was not allowed by Code under a CUP in a RR zone. The reason why this is not allowed is that the City does not want a large number of open sales lots in RR zones throughout the City (and this makes sense).

The staff has contacted Mr. Smith and informed him that a mistake has been made and that to operate his sales lot he must submit a different type of application and receive Council approval.

RON SMITH CUP - Continued

It appears to the staff that the options available to Mr. Smith are:

1. Purchase an additional 30 acres, apply for a rezoning to Ag and then request a CUP; or
2. Apply for a rezoning to GB, then request a CUP; or
3. Request a Zoning Amendment to allow this use with a CUP in the RR zone for areas of 10 acres or more.

At this point the staff has not received an application from Mr. Smith. If one is received shortly, we will publish notice of a Public Hearing for 1/23 (the deadline for submitting this notice to the newspaper for a 1/23 hearing is 1/6) and send out notices. Otherwise this item may end up on the 2/13/84 Planning Commission Agenda.

This item is on the agenda to bring the mistake to your attention and to obtain some feeling as to how the Planning Commission would react to the various options open to Mr. Smith.

OTHER INFORMATION:

1. Please note that the starting time for this Planning Commission meeting and all the Planning Commission meetings through at least March is 7:00 p.m.
2. Attached is the most recent 12/13/83 City Newsletter.
3. At the 1/3/84 City Council meeting, the Council:
 - A. Did not take any action on the proposed Oakdale Resolution and the Council does not plan on taking any action on this resolution in the future.
 - B. Tabled a decision to change the MUSA line until more information is obtained from the Met Council. The City Council wants to know what happens in the Met Council 90 day Significant Review Process. Also what action the Met Council could force the City into if the MUSA line location is unacceptable to them.

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

AGENDA

LAKE ELMO PLANNING COMMISSION

JANUARY 9, 1984

- 7:00 p.m. Meeting Convenes
1. Discussion on VBWD 509 Plan
- 8:00 p.m. 2. Minutes: December 12, 1983
3. Discussion on City Council Appointments to the Planning Commission and current vacancies on Planning Commission.
4. ^{ELECTION} ~~Appointment~~ of Planning Commission Officers
- 8:20 p.m. 5. Consideration of City Position regarding the possible Racetrack location in Woodbury.
- 8:40 p.m. 6. Consideration of reducing the 1 1/2 acre lot size requirement in business zones (GB,HB,CB).
- 9:00 p.m. 7. Discussion on the Ron Smith application for a Nursery Open Sales Lot at the NW corner of 10th Street and Keats Avenue.