

LAKE ELMO PLANNING COMMISSION MINUTES
FEBRUARY 13, 1984

1. The meeting was called to order by Chairperson Prince at 7:00 p.m. in the Council chambers. Present were Commissioner's Lundquist, Michels, Nazarian, Lyall, Dreher and Moe (arrived 7:40 p.m.). Also present was City Administrator Klaers.

2. Minutes:

M/S/P - Michels/Lyall - To approve the minutes of the 1-23-84 Planning Commission meeting as amended. Delete "Yarusso" and add "Graves" under the heading "Commissioner's Present". (Motion carried 6-0)

3. Springborn application for a simple lot subdivision and zoning lot size variance for Lot 9, Block 2 of Green Acres addition at the SE corner of Jamaca Ave. and 55th St.

Mr. Springborn stated that his request for the subdivision and variance is because the lot as it is now, is too large (2.76 acres); there is too much road frontage to make the lot saleable.

Prince informed Mr. Springborn that the only way that the Planning Commission could recommend approval of this request would be if there was some sort of a hardship; something wrong with the property. The only reason given thus far was because the lot is not saleable, and according to the City Ordinance, that fact (economics) cannot be considered a hardship.

Reference was made to Larry Bohrer's letter of 2-8-84 to the Planning Commission wherein he states "According to the Washington County Soil Survey, the easterly parcel should be able to support two drainfield sites, but the survey indicates the westerly parcel has severe limitations due to steep slopes. If this subdivision is going to be considered, we recommend that soil borings and perc tests be performed prior to granting the subdivision".

Bruce Folz stated there was no problem with the soils, and each lot would be able to support a septic system with no problem.

Lundquist stated that if the Springborn's could purchase the land they needed (from the owner of lot 8) it would be the easiest solution.

Michels asked what surrounding lot sizes were in that area. Folz stated that Fox Fire and Green Acres were done at a one acre minimum, so there are some lots that would be one acre.

Lundquist stated that the lot immediately east is 1.45 acres, and the two lots across the road are 1.27 acres and 1.37 acres.

Dreher stated he could go along with the variance if the drainfield specifications could be met, and the reason to grant this variance is because of excessive street frontage for one lot.

Michels stated he had no problem with the variance, but would rather see an honest effort made to purchase whatever land might be needed so a variance would not be required. If the Springborn's are refused their request to purchase the necessary land, then it should be brought before the Planning Commission again for further consideration.

Lyall concurs with Michels; an effort should be made to purchase the land, and if it is impossible, maybe other considerations can be discussed.

M/S/P Michels/Lyall - to table any action on this application until the 2-27-84 Planning Commission meeting with recommendation to the property owner to see if he can purchase additional property to meet the 1.5 acre requirement for both lots, in which case there would be no need for a variance. (Motion carried 7-0)

It was determined that there would not be a quorum at the 2-27-84 Planning Commission meeting (after Mr. Springborn and Mr. Folz had left the meeting) so the following action was taken, and Klaers is to advise Mr. Springborn and Mr. Folz of this action.

Michels stated that he would be in favor of granting the variance in this particular case, but would prefer that they get the additional land. If it is unavailable, we are seeing a variance requested because of land restriction. We are not seeing a variance because of a road frontage requirement, etc. It has plenty of road frontage, but would not be in favor of the variance if it could not support an alternate drainfield system. Another positive aspect of this application is that it is within 90 plus percentage of the 1-1/2 acre requirement.

Lundquist, Moe and Dreher concurred with Michels.

Lyall concurred in part with Michels, but expressed concern that this would set a precedent for other lots in the immediate area. He also questioned the number of similar requests for this variance.

Nazarian stated that if we grant this variance we would be leaving ourselves open for similar requests. The lots will continue to get smaller and smaller and where could we stop it.

Prince concurs with Nazarian. If we want to have smaller lots, we should work on allowing smaller lots in the residential areas.

The final "straw vote" was four in favor of granting the variance and three against.

4. Discussion: 1-1/2 acre lot size requirement in business zones

The purpose of this discussion was to set guidelines for considering reducing the now required 1-1/2 acre lot size for business zones.

Consensus of the commission is to look at each individual application separately. Other requirements or considerations suggested were: that the site could handle a traditional septic system; that the soils be suitable and able to support an alternate septic system; and perhaps the availability of city water.

Moe disagreed with the availability of city water being a requirement for a smaller lot size, because it would be unfair to deny someone the smaller lot size just because they do not have access to city water.

Lyall stated that the main concern should be the health and welfare of the residents of Lake Elmo.

Dreher suggested the possibility of a treatment center be built for our small business district.

Discussion on what controls that City would have over an existing business selling to a business that could not be properly serviced by the existing septic system. If an existing business would decide to sell, and if someone wants to come in and use the building for an approved business zone use, (where there are no applications required from the City), what assurance would the City have that the existing septic system could handle the demands of the new business?

Lundquist suggested adding to the 1984 Work Plan, defining, when a system goes in, what the building can be used for.

Lyall suggested writing in the ordinance that any change of occupancy has to be with the approval of the City Council.

Klaers to check with City Attorney to see if it is legal to require Council approval before a sale can be made.

Consensus was to table the discussion until the first meeting in March.

5. a. Discussion: Approach to finalize I-94 development concept Plan

This subject was tabled to a future meeting.

b. Nelson Concept Plan

Mr. Nelson submitted a concept plan showing three lots and stated his plans were to have a covenant on the central lot, and the other two lots would butt off that driveway.

Nazarian asked if the driveway is 900 feet long, and there are two driveways off of this driveway, isn't this a private road and hasn't the City had negative feelings towards private road agreements?

Mr. Nelson stated that the County said he could have three individual driveways off of 10th Street, if that is what he desired to do.

Discussion on alternatives to having the three separate driveways.

Nelson's contention is that it is prohibitively expensive to put in a road, and he is looking for alternative suggestions to limit these expenses.

Nazarian suggested an unimproved City street to service the five lots. And to sign a developer's agreement to sometime in the future bring it up to the current city standards. Nelson would still have the responsibility of maintenance of the road until it became an improved city street.

Klaers stated that an unimproved city street still needs the solid base and the six inches of gravel, and by putting this in you have 75% to 80% of your costs of the road.

Although no formal action is required by the Planning Commission, Mr. Nelson is going to present his sketch plan to the Council, and the Planning Commission can make recommendations to the Council.

Consensus of the Commission was for Mr. Nelson to find out from the County exactly what he can or cannot do regarding the driveways.

If the County does allow three driveways, Prince would prefer that Mr. Nelson work out an agreement with the City Council to have just one driveway.

Lyall concurs with Prince; to go to a "T" or "Y" driveway system.

M/S/P Lyall/Lundquist - If the County agrees that Mr. Nelson can have three driveways, the City should consider avoiding the three driveways, and consider a private short road to take the vehicles off the highway. To allow the minimum requirement to get off the highway to give them access to a "Y" or a "T" driveway. (Motion carried 4-1-2 <Nazarian><Michels and Dreher>)

Nazarian stated if they are going to allow three driveways, why not grant easements from lot 1 to lot 2 on a single road that goes all the way up the lot line, and then have a second driveway so there will be only two driveways.

6. Update on Miscellaneous Items:

a. Appointments: Klaers advised the commission that the City Council has extended their deadline on the two alternate positions until March 6th, 1984 because the three applications received by the City are from the NW quadrant of the City and they would prefer someone from the village area.

b. Per diem payments to Commission members: Klaers advised the commission that per diem payments, while not specifically mentioned in the statutes, are allowed according to our City Attorney. If the Commission so desires, they can make a recommendation to the City Council for a per diem payment to cover incidental expenses; gas, babysitting expenses, etc.

Moe suggested submitting itemized lists of expenses.

Lyall stated submitting expenses that are necessary is fine, but wouldn't say that everyone should get a certain fee when it is not necessary. If you incur expenses that are out of the ordinary, then you should submit an itemized bill. He further stated that if we are looking for more members for the Planning Commission or Park Commission, there may be some reluctance on their part because of the expense involved.

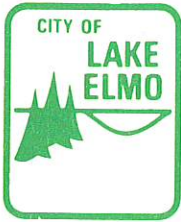
M/S/P Michels/Dreher - to recommend to the City Council approval of itemized mileage and child care expenses, plus other reasonable expenses (the submitting of these expenses optional). (Motion carried 7-0)

c. 1984 Work Plan: Prince suggested adding to the 1984 Work Plan, discussion on the concept of "Mother-in-law" apartments.

d. First hour of 2-27-84 Planning Commission meeting: Klaers advised the Commission that Laura Fraser suggested some type of informational meeting for recognition of the volunteer fire department. Fraser is discussing with fire chief, Fran Pott, exactly what and how things should be presented. Basically, they want to get the word out to the local citizens and to the local organizations just how valuable our fire department is.

Prince would like included in this meeting, what the homeowner can do to help their volunteer fire department.

e. Don Moe - Report on 2/3/84 Zoning Conference: Moe advised the Commission that he was ill and unable to attend this conference.



City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

February 23, 1984

TO: ALL PLANNING COMMISSION MEMBERS
FR: Patrick D. Klaers, City Administrator
RE: February 27, 1984, Meeting

There will be no Planning Commission meeting on February 27, 1984, as it became obvious at the last Planning Commission meeting on February 13, that we could not achieve a quorum for the meeting scheduled on February 27.

All of the typical information that I provide you for meetings, minutes, background material on recent Council actions and up-date on Council action will be provided for you in the packet for the March 12, 1984, meeting.

Attached with this memo is a notice regarding the Volunteer Fire Department Public Awareness Meeting to be held in the Council Chambers at 7 p.m. on February 27. I strongly encourage all members who can attend this meeting to do so. This meeting has the support of the City Council and should be very informational to all Lake Elmo residents. Please feel free to invite any interested citizen(s).

If I do not see you at this Public Awareness Meeting on the 27th, have a nice couple of weeks.

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.

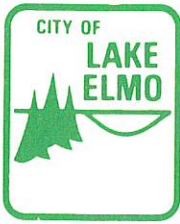
For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came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

AGENDA

LAKE ELMO PLANNING COMMISSION

FEBRUARY 13, 1984

- 7:00 p.m. 1. Meeting Convenes
- 2. Minutes: January 23, 1984
- 7:15 p.m. 3. Springborn application for a simple lot subdivision and zoning lot size variance for lot 9, block 2 of Green Acres Addition at the SE corner of Jamaca Avenue and 55th St.
- 7:45 p.m. 4. Discussion: 1-1/2 acre lot size requirement in Business Zones.
- 8:15 p.m. 5. Discussion: Approach to finalize I-94 development concept plan.
- 8:45 p.m. 6. Update on Miscellaneous Items:
 - A. Appointments
 - B. Per diem payments to Commission Members
 - C. 1984 Work Plan
 - D. First Hour of 2-27-84 Planning Commission meeting.
 - E. Don Moe: Report on 2/3/84 Zoning Conference



City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

February 9, 1984

TO: PLANNING COMMISSION MEMBERS
FROM: PAT KLAERS, CITY ADMINISTRATOR
RE: AGENDA MEMO FOR 2-13-84 PLANNING COMMISSION MEETING

MINUTES: Attached are the minutes for your consideration from the January 23, 1984 Planning Commission meeting.

SPRINGBORN APPLICATION: Mr. and Mrs. Springborn have applied for a simple lot subdivision of lot 9 block 2 of Green Acres Addition at the SE corner of Jamaca and 55th Street.

This simple lot subdivision would also require a zone lot size variance from the 1.5 acre requirement. Attached for your review is the application and map; a report from Larry Bohrer; four sections from the City Code relating to simple lot subdivisions, R1 zoning requirements and variance justifications; and a 1978 resolution indicating how the lot size for this addition were determined.

In some aspects, this Springborn application is similar to the Stouvenel application whereas the lot subdivision also requires a lot size variance. As with the Stouvenel application, I am not sure that the Planning Commission can separate their considering the lot subdivision without considering the variance. Another similarity with the Stouvenel application is that if the Springborn request is approved, we would be creating two non-conforming lots out of one existing conforming lot. The City Council will be holding a public hearing on this lot split and variance at its March 6, 1984 meeting and I believe the Council will be looking for a recommendation from the Planning Commission on this issue.

At the time this plat was approved, the City had two different lot size zones. As indicated in the attached 1978 resolution, twenty-five acres was in the one acre zone, and thirty acres was in the five acre zone. Therefore, a total of thirty-one lots could be created. The City Council allowed Springborn to average these thirty-one lots into the fifty-five acres of land. This subdivision was approved before the 1.5 acres size lot requirement was adopted. If Springborn had known that this would eventually be the lot size requirement, I am sure that they would have made some of the lots at three acres for future simple lot subdivisions. Nonetheless, this lot does not meet our 1.5 acre size requirement if subdivided. Therefore, the staff is recommending denial of the simple lot subdivision based on insufficient lot size.

1.5 ACRE REQUIREMENT: Attached is a copy of my comments on this topic that were in a previous Planning Commission agenda memo. I believe this topic merits more discussion as we are getting close to arriving at a consensus and a recommendation to the City Council.

I-94 DISCUSSION: Again, I have attached comments I have previously made on this topic. At the last Planning Commission meeting, Fred Nazarian did not have much of an opportunity to discuss this as time was running short. This agenda is fairly short and I feel that this subject also merits more discussion.

UPDATE ON MISCELLANEOUS ITEMS:

A. Appointments: The City Council has not made any appointments to the Planning Commission at this point in time. Three applications were received; Carol Kuettner, 9130 Jamaca Ct. N.; Lee Rossow, 8628 Ironwood Trail N.; Lou Anne Mehsikomer, 10824 Hudson Blvd.; but the Council elected to make no appointments as they are trying to obtain applications from all sections of our community. The Council is strongly looking for applicants from the core village area of the City as most of the members of the Commission live in the northwest quadrant of the City.

B. Per Diem Payments: If information is received from the City Attorney, I will be updating you on this topic.

C. Work Plan: Page 4 of the 1-23-84 minutes indicate ten items for the 1984 Work Plan. Nancy Prince and myself will be presenting these to the Council at its 2-21-84 meeting, and if any additions or deletions are to be made, that should be discussed at Monday's meeting.

D. First Hour of 2-27-84 Planning Commission Meeting: At the last Council meeting, the Council supported Laura Fraser's suggestion for some type of volunteer fire department informational meeting. They are hoping to get interested citizens and community organizations to become more familiar with and recognize the service that the fire department provides. This one hour meeting is tentatively planned to take place during the first hour of our Planning Commission meeting. The concept is still kind of sketchy in my mind, but I will be talking with Laura before our Monday meeting and hopefully will be able to provide you with a update.

E. Don Moe - Zoning Conference: I have not talked to Don Moe about this topic, but I hope that he will be able to provide us with a brief update as to what took place at this zoning conference he recently attended.

OTHER INFORMATION:

1. Attached is the most recent Newsletter.
2. Council action on 2-7-84 as follows:

A. The Smith zoning code application was unanimously denied as the Council felt that they would lose control of the location of such open sales lots.

Dear Commission members:

Today, 2/9/84, at 4:00 David Nelson
(recently rezoned to R1 near the Gun Club)
called to discuss a "concept plan" for
residential development of his land.

He indicated that he could be added
to the agenda if he has the
material ready. He is planning on
3 long lots, all fronting on 10th Street,
in order to eliminate the need for
a public street in the plat. If

he is ready, we may discuss this
item at the end of the meeting for
"concept approval" (also to be reviewed
by the Council) before spending money on
a preliminary Plat.

Pat