

LAKE ELMO PLANNING COMMISSION MINUTES  
MARCH 12, 1984

The meeting was called to order by Chairperson Prince at 7:00 p.m. in the council chambers. Present: Nazarian, Dreher, Schiltz, Lundquist, (Lyall - arrived 7:20,) Michels.

↑ alt.#1

2. Minutes: February 13, 1984

M/S/P Michels/Dreher - to approve the Minutes of the February 13, 1984 Planning Commission as amended: Minutes should indicate that only Moe arrived at 7:40 p.m. (Motion carried 5-0-1 <Schiltz>)

3. Introduction of new Planning Commission member John Schiltz; and update on City Council plan for appointment of second alternate Planning Commission Member.

Klaers advised the commission that the City Council has deferred selection of the second alternate to the Planning Commission until the five applicants have appeared before the Council for an interview. This interview process will be on a future Council agenda (Late April or early May).

4. Discussion: 1-1/2 acre lot size requirement in Business Zones.

Points to be discussed: (1) size  
(2) restrictions  
(3) what business zones are effected  
(4) use change approval

Prince: - The County requires 10,000 square feet for a septic system. This does not include a parking area or the building.

Lundquist: - When Indian Hills (in Grant Township) was platted, the lots were smaller than what was allowed in Grant Township; and on every lot they had to locate exactly where the drainfield was. In the original plat, some of the lots didn't have a suitable site for a drainfield. You would think that a 1-1/2 acre lot would surely have a place you could put a drainfield, but some of them didn't. They had to rearrange their plat and do all kinds of test holes to prove that each lot was a buildable lot before the plat was approved.

Lundquist presented a sketch he made to show the effects of setbacks.

Lundquist: - If you put any kind of a building on a lot with a 150 foot minimum width, it turns out that the lot has to be about 1/2 acre or it can't be done at all. Even with that 1/2 acre lot, the only place to put the drainfield, to comply with the setbacks, is either in the back or a corresponding area in the front. You still have to figure out where to put your parking. (A drainfield cannot be put under a parking lot).

Prince: - I think it is important to hold on to our requirement for an alternate site for a drainfield.

Discussion on what business zones will be covered by this discussion; existing or planned.

Michels: - Do we know the size of the core City lots (Meyer Hardware, Twinpoint, etc.) and what kind of problems they have today with sewage? Would that give a background as to what the soils can take?

Prince: - We are talking about whether or not we want to downsize a lot. If those lots are already built upon, do we have to discuss that at all?

Michels: - If they are experiencing problems with sewage disposal, it would influence my viewpoint.

Dreher: - It relates to your percolation tests. How much water you will use. If we are talking about existing lots, wouldn't that carry over to new platted lots?

Prince: - If we talk about the existing zone, it includes everything. For right now, lets talk about the lots in the existing business zone.

The ordinance should include the following requirements:

- traditional septic system
- room for two drainfield sites
- meeting setback requirements (already in the code)
- lot served by city water
- annual inspections of the septic system
- at the time of preliminary plat approval, we would require perc test results; exact location and size of drainfield; location and size of the proposed building; location and size of a parking lot; intended use of the building; amount of sewage produced.
- if commercial use of the property is changed, it would have to have approval by the City Council in regards to possible use change of the septic system.

AMENDED  
3-26-84

Lundquist: - There can be no variance to the requirement of two drainfield sites. Every drainfield will ultimately fail. There is no option.

Klaers stated that the lots in the downtown area are generally 150' deep and range from 75' to 50' frontage.

Dreher: - annual inspections will be an added expense. I don't know if I agree with it.

Prince asked Klaers to research how annual inspections of septic systems in other communities are handled. Find out: who is doing the inspections, what they are doing, and how much it costs.

Lyall: - This ordinance would apply not only to new construction, but any existing construction; the exception being that which is there is grandfathered in until it makes a change.

Klaers: - If a building burned down, it would be hard to tell that individual that you cannot do anything with your land now. They would sue the City if we told them that.

Lundquist: - We've done it. Out by 13th and Stillwater Avenue, there was a business there that was abandoned for a year. When they asked to reopen the business, they were denied.

Lot Size discussion: The City will consider a smaller size lot (less than 1-1/2 acres) on the merits of the application only if the previously mentioned seven requirements are met; and provided that the lot is no less than 3/4 acre.

Lyall: - Whatever you restrict the business to, how do you find we can make an exception for a business over a residence, particularly when the residence doesn't need parking facilities.

Prince: - If we want to attract some business to this City, we are going to have to allow for smaller lot size so people can afford to build their businesses. That, as a result, would increase the tax base making it possible for people to have their 1-1/2 acre lots.

Michels: We have made a lot of progress, but are we addressing the right things? I look at the businesses that we have in Lake Elmo and if they have sewage problems, they are not going to go away. Since they are not going to go away, are we going to address those problems some day. Should we look at a treatment plant for the City? Are we making these existing problems worse by adding as much density as possible? The real problem is the people that are here and that are having problems.

Prince: - Some of the suggested long term solutions for large areas in the City that have problems, (because of being too dense, or having poor soils) as pointed out in the 201 study was the possibility of joint drainfields. Also to continue to allow people to have their own septic system, but to pump to joint drainfields, or to have a small treatment plant. One of the problems with a small treatment plan is that the PCA requirements now are so restrictive.

Dreher: - At what point will the PCA limit the sewage coming from Lake Elmo?

Schiltz - Concurrs with Michels - we should address the problems that we have now.

Prince: - The 201 Study is supposedly addressing the worst areas of town, and hopefully, will come up with solutions. One of the solutions to problem areas is joint drainfields for commercial and residential property that is unable to have a drainfield on site.

Lyall: - We are certainly in a dilemma. A sewer system would eliminate the problems, but if people do not want it, and it's not coming, and nobody is willing to pay for it, what allowance can we make for the people that will go along with the restrictions that we have. It's not the best solution, but what alternative do we have if people do not want sewer.

Klaers: - How should we address the issue of the small lots in the village area. If an existing building in the village area, for some reason became a total loss, should the property owner be allowed to rebuild?

Michels: - In the case of an established business being destroyed, I would have a real problem telling them they could not rebuild.

Klaers: - If we did allow a business to rebuild, could <sup>WE</sup> we allow them to use a holding tank if that is what they used before?

Lyall: - I think there would be a very strong case in the businesses favor.

Dorothy Lyons stated that she felt a holding tank is probably better than a failing traditional septic system.

#### 5. I-94 Discussion

Prince suggested points to be discussed regarding this concept plan.

- wait for the racetrack decision
- remember the property owners want the plan to say commercial all the way across
- 1/8 or 1/4 mile commercial zone setback
- do we want signs along the highway (in a business zone)
- residential versus commercial along this corridor
- is RR zone used as a holding zone
- do we want a 4-1/2 mile commercial strip
- unsewered commercial development
- how to write the map (general business or highway)
- what to do with the east side of County Road 19
- special highway planning zone
- specific performance standards for commercial development or use what we have already
- put a minimum dollar requirement on development

I-94 Concept Plan to be put back on the agenda in April.

#### 6. Other

A. Discussion on getting the packets out sooner so the commissioner's have more time for review.

B. Michels questioned the action that has been taken on 50th Street. Klaers explained the reason for trading these road designations to the Commission.

AMENDED  
3-26-84

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

MARCH 12, 1984

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| 7:00 p.m. | 1. Meeting Convenes  |
|           | 2. Minutes: February 13, 1984  |
|           | 3. Introduction of new Planning Commission Member, John Schiltz; and update on City Council plan for appointment of second alternate Planning Commission member. |
| 7:25 p.m. | 4. Discussion: 1-1/2 acre lot size requirement in Business Zones.  |
| 8:15 p.m. | 5. Discussion: I-94 Development Concept Plan.  |



# City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

MARCH 8, 1984

TO: PLANNING COMMISSION MEMBERS  
FROM: PAT KLAERS, CITY ADMINISTRATOR  
RE: AGENDA MEMO FOR 3-12-84 PLANNING COMMISSION MEETING

It has been a month since the last Planning Commission meeting, but somewhat suprisingly, the City has not received any new applications on requests which would go before the Planning Commission. (There is at least one simple lot subdivision in the works that should make it to the next Placcing Commission meeting on 3-26-84). With this lack of applications, I felt this meeting would be a good time to start on the Planning Commission's 1984 Work Plan. Therefore, this agenda has basically two items from the Work Plan.... the 1-1/2 acre lot size discussion; and the I-94 Concept Plan. Both of these issues have been discussed in the past so these are not new topics. I believe that with some more discussion on these issues (and the selection of the racetrack site) the Planning Commission will be close to making a recommendation to the City Council on these issues.

MINUTES: Attached are the minutes for your consideration from the February 13, 1984 Planning Commission meeting.

NEW PLANNING COMMISSION MEMBER, JOHN SCHILTZ; AND UPDATE ON REMAINING PLANNING COMMISSION APPOINTMENT At the 3-6-84 City Council meeting, John Schiltz was appointed as the first alternate to the Planning Commission. John is the new owner and manager of the Lake Elmo Inn and lives in the downtown area.

Attached for your information is John's application that he submitted to the Council. The Planning Commission had requested new members from the core village area, and this also was the City Council's desire. Therefore, John was appointed without an interview before the Council as he lives in the core village area and the Council was familiar with him.

At the 3-6-84 meeting the Council did not make the appointment to the second alternate Planning Commission position. There are five remaining applications on file and none are from the core village area. One Council member is going to miss the next (4-3-84) Council meeting, so the City Council is requesting that all five of these applicants appear before the Council at its 4-17-84 meeting for interviews. I am not sure if the Council will make this appointment at this meeting or defer it to the first meeting in May.

The remaining five applicants are: Lou Anne Mehsikomer (who applied last year); Rosemary Armstrong; Carol Kuettner; Lee Rossow; and Dorothy Lyons.

4. Discussion: 1-1/2 acre lot size requirement in Business Zones

As you know, this is a well discussed topic. Attached, for your information, are sections from the 1-23-84 Planning Commission minutes and agenda memo; sections from the 1-9-84 Planning Commission minutes and agenda memo; minutes from 1983 discussion of this topic; and a December, 1983 Met. Council report on estimating sewage flow. Also, please review the 2-13-84 minutes as this topic was discussed at this meeting.

At this last Planning Commission meeting (2-13-84) I was requested to contact the City Attorney in order to determine if the City can control business changes in an existing building. No memo was passed between the attorney and myself, but he indicated it should be legal to require City Council approval for changes in business uses because of our unusual situation where no city sewer is provided.

I have sat in on the last few discussion on this topic, but was not present for the 1983 discussions. I appreciate all the viewpoints that have been provided and I have somewhat developed a position on this issue.

My position is:

-- There should be no changes in the Code for business development along the I-94 corridor or in Section 32 unless these businesses have municipal sewer. If they are sewered, then the lot size minimum should be reduced to 3/4 acre. This size should provide adequate parking.

-- The Council should allow less than the 1-1/2 requirement in the core village area where municipal water is available. This is because no well water will be contaminated because of septic system drainfields as these businesses will be hooked-up to the municipal water system. However, these business in the core village area must prove that the site will be able to handle sewage disposal in some method. This proof must meet with the City Engineer's approval and must have annual inspections.

-- If these buildings change business uses, they should be required to obtain City Council approval.

-- There is a distinction between existing business development in the core village area that has municipal water and future business development in the core village area that could obtain municipal water. These areas will be easier to describe at the council table with the aid of a map, but I will try to describe what I feel is the distinction here.

All of the areas in the general business zone north of County Road 5; the business area around the White Hat; and around the Hagberg store should be allowed to develop at 3/4 acre size. Again, this is contingent upon the septic system approval.

The remaining area of the core village, around County Road 17, is developed and unlikely to change in lot size. However, if a new business is presented in this area (such as a house converting into a business, or an existing business burning and wanting to rebuild, or a building changes business use) then once again Council approval and engineering review of the septic system must be obtained.

I am looking forward to this discussion at the Planning Commission meeting as I feel we are getting close to making some type of recommendation to the City Council. Nothing has to be finalized at this meeting, but a healthy discussion would go a long way in determining our final recommendation.

#### I-94 Concept Plan

Attached are the minutes and some memos from June thru December, 1983, that deal with this I-94 concept plan. As you can tell, the Planning Commission has dealt with this item for a long time and has held three public hearings on this issue. We have certainly given the public adequate opportunity to speak on this issue, and the Planning Commission can recommend any plan that was discussed at any one of these three public hearings.

The current concept plan for the I-94 corridor, as shown in the Comp. Plan, calls for Highway Commercial Development in a 1/4 to 1/8 mile strip; and the western part of this corridor is labeled for Post 1990 development. The current zoning for this area corresponds to the existing land uses. Most of the area is RR with some spot business zoning along the corridor.

A major factor in our revised concept plan for this corridor will be if Woodbury is successful in obtaining the racetrack site. My position on this I-94 corridor is to do nothing at this point (leaving the concept plan as commercial) until after the racetrack site is determined.

If the racetrack is not located in Woodbury, I recommend that we follow the three point plan Larry Whittaker discusses in his 11-22-83 memo which relates to the public hearing held on 10-24-83. This plan will definitely help us control development and insure quality development when it takes place.

If the racetrack is located in Woodbury, I believe we must take a closer look at the commercial concept along I-94. With the racetrack, this should definitely be commercial and we should strongly attempt to obtain sewer all along the I-94 corridor. Some of the development can still be labeled Post 1990, but we can certainly move ahead of this date if an application is received for commercial activity.

We will certainly review each application on its merits and the applicant must have the responsibility of proving they can provide adequate sewer for the facility. We could set a minimum dollar amount on each commercial activity in order to insure quality development would take place along I-94. This dollar amount restriction is a common tool used in many communities.

Presently, we cannot stop any applicant from applying for commercial activity along I-94. We will review all applications on the merits of the proposal. This current concept of commercial activity all along I-94 is only a concept. The zoning is still in force along this area and any commercial activity would require rezoning review.



M E M O

March 9, 1984

TO: PLANNING COMMISSION MEMBERS  
FROM: PATRICK D. KLAERS, CITY ADMINISTRATOR  
SUBJECT: INFORMATIONAL MATERIAL FOR PLANNING COMMISSION

Since we have not met for about a month, I felt I should advise you of some City Council and general City activities that have recently taken place.

1. Attached are the two most recent City Newsletters dated 2/14/84 and 2/28/84. These two newsletters should provide you with some information on recent City Council actions.
2. On 2/27/84 there was a Volunteer Fire Department Awareness Meeting held in the Council Chambers. One Planning Commission member, Scotty Lyall, attended this meeting and he may want to briefly discuss this meeting at our March 12 Planning Commission meeting.

Basically the group consisted of a few members of local organizations and some firemen making presentations. Attached for your information is the Fire Department's 1983 Annual Report. This report was discussed at this informational meeting. The main topic of this meeting was how to make the public more aware and supportive of the fire department in Lake Elmo. A number of items were discussed such as more publicity in the City Newsletter, future public meetings and fire department public services such as sponsoring a blood pressure clinic. I am sure that this was just the first of a series of meetings on this issue.

I. The City Council had a presentation made at its 2/21/84 meeting regarding the Regional Park Entrance. They were presented with two plans for this entrance. One plan call for direct entrance from an extension of County Road 19 and the other plan calls for an entrance that starts about 700 feet west of the intersection of 10th Street N. and future County Road 19. This western entrance would be going around the Smith property and is the most desired route by Washington County as they would have complete access control but they would be forced to purchase an additional 28 acres for the Regional Park. The Council balked at any proposal to purchase additional land for this park and strongly encouraged Washington County to try to place the actual check point entrance inside the Regional Park. Therefore, the Council desired a completely different plan than the two that were presented.

J. The Council has reviewed two pieces of information from Mr. Milt Klohn regarding his plan for a brood mare farm in Lake Elmo. The Council has approved this concept and did not have any problems with the location presented in the March 6 letter from Mr. Klohn. Eventually a variance will be needed for this plan and applications will be processed through the Planning Commission to the Council. Attached is a section of the Code dealing with livestock, a letter to the Council in January from Mr. Klohn explaining his plan, my letter to Mr. Klohn explaining the Council's position and a March 6 letter from Mr. Klohn, with a map attached, further explaining the plan and location.