

LAKE ELMO PLANNING COMMISSION MINUTES

APRIL 9, 1984

The meeting was called to order by Chairperson Prince at 7:03 p.m. in the Council chambers. Present: Gifford, Graves, Nazarian, Lyall, MICHELS, Schiltz, Lundquist, Administrator Klaers.

1. MINUTES: March 26, 1984

M/S/P - Graves/Lyall - To approve the minutes of the March 26, 1984 meeting as amended. The first paragraph under "Discussion: 1-1/2 acre lot size requirement in Business Zones" should read Lundquist pointed out that as a technicality, the Stouvenel lot is 1-1/2 acres, but part of it is in a ponding area. (Motion carried 7-0-1 <Prince>)

2. Discussion: Milt Klohn Broodmare Farm Concept Plan:

Klaers advised the Commission that the procedure Mr. Klohn will follow is to apply for a large lot subdivision which will require a variance for the road frontage (1300 is required and he only has 900). This will require a public hearing which will be held on April 23, 1984 at 7:45 p.m. Provided this gets a favorable recommendation from the Planning Commission, it will go to the City Council on May 1st, 1984. Because the City Council has indicated to Mr. Klohn that they approve of this concept (that the number of horses per acre would not be a problem), and instead of going thru several variances, we are going to propose a zoning code amendment that would allow broodmare farms with a CUP on forty acres or more in the RR zone. That would involve adding a definition to the zoning code as there is nothing in the zoning code that covers this.

Michels: - With this request, doesn't he have something in there about splitting off and making two lots? What we are really seeing is a broodmare farm on less than forty acres.

Klaers: - We have to define broodmare farm. In that definition we would say that Klohn has to start off with at least forty acres, and if he is proposing a cluster development, or any kind of residential development, it has to be in a cluster form which will keep twenty-six acres at a minimum for the broodmare farm.

Michels: - I don't have a problem with this type of request, but it really bothers me that the City Council can readily approve this variance when they are such sticklers on other variances; in particular, Mr. Springborn's.

Klaers: - They didn't necessarily say they approved of this variance, they said they approved of this concept.

Michels: - Isn't that an unofficial way of saying they approve of it. I am not opposed to this, but am opposed to what I consider to be somewhat of an inconsistency in the handling of granting variances by the City Council. There is more land for sale right next to where Klohn proposes this broodmare farm; he is splitting off forty acres so he wouldn't have to have a variance. It is strictly economical reasons that he has to have a variance. That entire 160 acres is for sale out there.

Klaers: - What the variance is for is the definition of livestock. You can interpret the livestock definition different ways as the code talks about grazable animals and these horses are not going to be grazing. They are going to be inside.

Michels: - Then I think we should have a definite clarification and say we do not need a variance.

Gifford: - You can look at the CUP's in two different ways. It gives us control over him, but as we have discussed before, when has a CUP in the history of Lake Elmo ever been revoked.

Prince: - This is the same concept as Smith who wanted to put the nursery on Minnehaha.

Klaers: - Broodmare farms have not been addressed by the City before. Smith had provisions in the code that allowed him to do what he wanted to do. He could have requested rezoning to Ag, he could have purchased more land. What is addressed in the code is animals as a nuisance. We may be processing the zoning code amendment and his application for a CUP, under that new code amendment, at the same time. At the next meeting, we will be looking at large lot subdivision and the road frontage variance. At the May 14th meeting, we will hold a public hearing on the zoning code amendment to allow broodmare farms with a CUP, and a definition of broodmare farms. Following that public hearing, we could hold public hearing on Klohn's application to operate a broodmare farm in that location (RR). The City Council has given their endorsement to this concept; they think it is appropriate use in Lake Elmo, so therefore, we don't feel there is going to be any problem with the code amendment. Because of that reasoning, and because Klohn would like to proceed as soon as possible, the timing may be such that we are going to process the code amendment and his application under this approved code amendment at the same time.

Gifford: - Why is the City Council in favor of this? Is this considered a business so it is taxed differently? Is it a real plus to Lake Elmo economically?

Klaers: - I don't know what the tax rate would be. I think the Council just felt that this was appropriate use of land.

Lundquist: - It is a way to use land. Farming in Lake Elmo is going out of business. There has to be some kind of a substitute.

Klaers: - Klohn submitted two concept plans, both showing ten acre parcels being split off. That is definitely not the route he is going to go. He is definitely going to go with the cluster type development which would control the access on to Inwood Avenue, and would put these units close together so that the majority of the land could be left for his broodmare farm. We have to look at these applications with the clear understanding that in the future Klohn will be applying for some type of cluster development. That is one of the restrictions or comments we will have to put in the definition of broodmare farm; what type of residential development is allowed.

Prince: - If he has his business there, is he also allowed a cluster development on the forty acres?

Klaers: - I don't see why not. He has a farm, barn, and forty acres in a RR zone which provides for cluster development.

Gifford: - Is it desirable to live around a barn like this?

Klaers: - One of the areas of concern is that on the southern part of this property there is evidently a large hill. That means he has some problems with access and safety onto Inwood; that is why we are trying to restrict the entrances onto that road to one for a cluster type development with a City public street.

Lundquist: - Any cluster means that there will be only one entrance.

Gifford: - It would be informative to hear from our City Planner as to how this is done in other areas.

Klaers: - Rob's initial reaction was that cities have not found a real easy way to handle these. Rob has trouble with the variance route because it gives us a lack of control over future applications. Rob is the one that suggested (and I agreed) that a code amendment would be the more proper way to handle this application.

Michels: It would be interesting to find out if there have been problems in other communities with manure disposal.

Lyall: - We did have complaints a while ago on the mushroom farm. The odor coming from there was very vile.

Klaers: - This is a new process and we are trying to do things right. If we are not doing things right, you people should let us know.

Prince: - Let's remember to mention to him that when he plans his homes, there will have to be one entrance off that road for his cluster. He will have to have a public street.

Michaels: - This property that Klohn proposes to purchase has been the subject of a least a couple of attempts to see if good support or development can occur. The drainage is not very good out there at all. I don't know if they would be able to find appropriate soils for septic systems. There are several things we need to find out from either Rob or the other cities concerned and that is (1) what kind of property value or taxes are generated from this broodmare farm; (2) what do they do with their waste disposal; (3) has anything been done regarding density (how many horses per acre). (4) what kind of problems have broodmare farms created (if any).

3. Public Hearing: large lot subdivision for Doug DeCoster at the western edge of the City, south of 15th Street.

Pursuant to published notice, this public hearing was opened at 7:45 p.m. in the Council Chambers.

Administrator reviewed Engineer's letter of April 4, 1984 regarding this application and added that percolation tests have been submitted by Mr. DeCoster and it is a buildable site with ample room for a house and drainfield.

John Brodie, adjacent property owner, requested that an extra culvert be put in to protect his property during the construction of the proposed home. (This has also been recommended by City Engineer).

The public hearing was closed at 7:51 p.m.

M/S/P - Graves/Nazarian - to recommend to the City Council approval of the large lot subdivision for Doug DeCoster at the NW1/4 of SW1/4, Section 28, subject to a provision that the drainage ditch be kept open during and after construction; that the survey should show a permanent road easement for 15th Street; and subject to park donation. (Motion carried 8-0)

4. 1-1/2 Lot Size Requirement in Business Zones: Discussion on recommendation to be forwarded to the City Council:

M/S/P/ - Michels/Graves - to advise the City Council that after spending considerable hours on this topic, the Planning Commission sees no way that an agreeable solution can be reached to change the lot size requirement from 1-1/2 acres in the business zones to anything less, at least until community interest warrants such action. (Motion carried 7-1 <Prince>).

Lundquist: - One of the points that haven't been mentioned in the minutes is that if you split a lot in half, it will probably still sell for the same price as the larger lot, so it won't encourage anything.

Michels - Stouvenel could have built a larger building than he did. It was a business decision to build the size he did and that is not our problem.

Shiltz: - I think we are being a little naive in thinking that we can go on forever without addressing the existing problems with sewage. We should do something now, before the State comes in and tells us that all of our water has been polluted, and that we have to do something.

Prince: - It would be helpful for us to get some input from the City Engineer as to where the 201 Study stands. Consensus of the Commission was to ask Larry Bohrer to come in and explain the entire 201 Study to them.

5. 1984 Work Plan - Followup on preliminary discussion from last meeting.

A. 1-1/2 acre lot size requirement in residential zones

Gifford: - I don't follow the reasoning that if it isn't good for business zones that it wouldn't be good for residential zones. If the site is adequate to allow for two drainfields, is the 1-1/2 acre requirement arbitrary?

Lundquist: - From what I understand, and I am not an expert, any lot in Washington County (or Lake Elmo) that is buildable, be it 1/2 acre or 10 acres, sells for approximately the same price.

Michels: - We went from 1 acre up to 1-1/2 acres, and I assume that

the reasons for doing that have not really changed.

Dorothy Lyons gave a presentation on the previous actions and recommendations of the Met. Council regarding lot size requirements in Lake Elmo.

M/S/P - Graves/Lundquist - to advise the City Council that the existing code is good with 1-1/2 acre requirement, and unless directed by the City Council to study further the possibility of reducing this lot size, recommends no change to the existing code. (Motion carried 7-1 <Gifford>)

Lyall: - the purpose of the 1-1/2 acre requirement is so that two drainfields can be on the lot. If this could be done on less than 1-1/2 acres, I would be open to changing it. But from what I hear, you are lucky to get two good drainfields on 1-1/2 acres.

B. 60% Rule

Klaers requested comments from the Commission relating to the 60% rule. These rules relate to parcels of record (that are very small) before the 1979 Code was adopted. The Council is going to be considering some Shoreland Permit requests for construction of homes on some very small lots around the Tri-Lakes area. These lots will not meet the sixty percent rule (.9 acres) or the average lot size requirement. Klaers would like to reaffirm to the City Council the Planning Commission's position on enforcing these rules. If the Planning Commission indicates that there should be no deviation from these rules, which would allow development on extremely small lots, this would give the Council added support in adhering to existing City policy.

Consensus of the Commission was that if a lot meets the 60% Rule, which would be .9 acres, it would be allowed without a variance and the Council will consider and allow a variance if it meets the average lot size of the neighborhood, and other variances should not be considered if a variance is required for lot size.

M/S/P - Nazarian/Graves - The Planning Commission recommends to the City Council that we do not consider changing the 60% Rule, or average lot size requirements for reasons of public health and welfare, protection of wells and lakes, protection of property values, protection and maintaining road access, avoiding loss of control, for the property owners own protection; and if we have a variance for average lot size requirement there will be no more than one variance on any parcel; that variance would be for lot size - nothing else, as outlined in section 301.090 of the City Code. (Motion carried 8-0)

C. Accessory Apartments

Following a brief discussion, the consensus of the Commission was to inform the Council that this topic has been discussed, and does the Council have any feelings as to whether or not the Commission should explore this any further, and if the Council feels a need for licensing apartments.

6. Discussion - I-94 Concept Plan:

Klaers stated that the land is zoned as it is currently being used. The Concept Plan calls for eventual commercial development and what we are talking about is not zoning, but the Concept Plan, if we want it to remain as future commercial development. Former Administrator Whittaker outlined three aspects of a proposal in a memo dated November 22, 1983, which include (1) Commercial development between County Road 13 and 19 when sewerred; (2) Leave everything past County Road 19 - POST 1990 Highway Business and control development by keeping RR zoning and discouraging any plats of clusters or 10 acre lots in the 500 feet closest to the service road; so that the land will be available for HB when it comes. (This 500 feet is the noise zone which first made commercial development there seem necessary); (3) Continue to work on standards to prevent an undesirable character from developing further along the I-94 strip - and remain open-minded about development proposals that aren't exactly within the "planned area".

Klaers suggested the Commission keep in mind that this is a concept plan; that if someone comes in with a good proposal and can handle all of the sewage that will be generated by their proposal, this concept plan can be changed.

Gifford stated that as she travels to school every day and drives down 10th Street, looking at all the wetlands and water down there (Section 32) it is quite ironic that of all the areas of Lake Elmo that we have planned to develop commercially and sewer, that that is the land - it has some of the nicest wetlands in the City. Here we sit with I-94, which has so much more promise and no way to get sewer to it.

This subject was tabled to a future meeting.

Lundquist suggested adding the following items to the work plan when time allows these items to be on an agenda:

- get information on whether or not it would be possible to sewer the old village area.
- other uses for RR and AG land.
- look into reallocating the cost of the Section 32 sewer.
- review the section of the code that deals with subdivisions abutting major right-of-ways. (Section 401.380 of the City Code).

The meeting adjourned at 9:10 p.m.

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

APRIL 9, 1984

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| 7:00 p.m. | 1. Meeting Convenes |
| | 2. Minutes: March 26, 1984 |
| 7:10 p.m. | 3. Discussion: Milt Klohn Broodmare Farm
Concept Plan |
| 7:45 p.m. | 4. Public Hearing: Large Lot Subdivision for
Doug DeCoster at the western edge of the
City, south of 15th Street |
| 8:05 p.m. | 5. 1-1/2 Acre Lot Size Requirement in Business
Zones: Discussion on recommendation to be
forwarded to City Council |
| 8:30 p.m. | 6. 1984 Work Plan - Followup on preliminary
discussion from last meeting:
A. 1-1/2 acre lot size requirement
in residential zones
B. Assessorly Apartments |
| 8:50 p.m. | 7. Discussion: I-94 Concept Plan |

APRIL 5, 1984

TO: PLANNING COMMISSION MEMBERS

FROM: PAT KLAERS, CITY ADMINISTRATOR

RE: AGENDA MEMO FOR 4-9-84 PLANNING COMMISSION MEETING

1. MINUTES: Attached for your consideration are the minutes from the March 26, 1984 Planning Commission Meeting.

2. MILT KLOHN BROODMARE FARM CONCEPT PLAN

About one month ago, I sent out material on this broodmare farm concept in order to have everyone familiarized with what Mr. Klohn is proposing. Attached is the material I previously sent out, plus a letter from Mr. Klohn dated 4-4-84 further describing his plans with some sketches of the forty acre parcel and the indoor facility.

This is a very good idea for land use in Lake Elmo and as my 1-18-84 letter indicates, the City Council has no problems with the variance that is required for the number of horses per acre. The Code (page 301-74 which is attached) indicates that 2-1/2 acres of land is needed per horse. The ultimately needed variance would be for 2-1/2 horses per acre if this development gets placed on twenty acres instead of a forty acre site.

The big question in this concept is in the residential development. This issue should be addressed by the Planning Commission. I have sent this material to the City Planner, Rob Chelseth, for his comments. I have encouraged Mr. Klohn to pursue the cluster development along Inwood Avenue. This could permit two or even three residential developments on five or six acres of land. This would result in the broodmare farm still retaining about thirty-five acres rather than twenty acres if he divides off two ten acre homestead sites.

I believe the Planning Commission should review this concept and make some comments on this plan at this meeting. We will again review this concept on 4-23-84 after receiving comments from Rob.

3. PUBLIC HEARING: LARGE LOT SUBDIVISION FOR DOUG DECOSTER AT THE WESTERN EDGE OF THE CITY, SOUTH OF 15TH STREET:

Mr. DeCoster is applying for a Large Lot Subdivision. A public hearing is required by Code, and this should begin at approximately 7:45 p.m. per public hearing notice advertisement.

Attached is the application, legal description, and the comments from City Engineer, Larry Bohrer. Please note that the large lot in question is Parcel #2 which touches the western City limits and 15th Street. I understand that this application is very similar to one proposed and approved last year. I have reviewed the minutes from last year and there was only a brief discussion on this application as it met all City Code requirements.

Please review Larry Bohrer's comments. Generally, this application

meets all City Code requirements, but the Engineer requests that perc tests be provided prior to final approval; that the City obtain \$175 park donation; and that steps are taken to protect proper drainage of this area. Staff has no problem as long as these provisions are met and recommends approval.

Larry Bohrer just called and indicated that Mr. DeCoster has submitted perc tests and soil survey. Accordingly to Larry, everything checks out adequately.

4. 1-1/2 ACRE LOT SIZE REQUIREMENT IN BUSINESS ZONES: DISCUSSION ON RECOMMENDATION TO BE FORWARDED TO CITY COUNCIL

Please carefully review the minutes from the last meeting. You may also want to review my agenda memo on this topic from the 3-26-84 meeting. At this 3-26-84 meeting, there was a decidedly different tone from the Planning Commission. It appears that after some thought, the majority of the Commission members were against reducing the lot size for business.

Attached are some comments that I requested from the City Planner, Rob Chelseth. While some of Rob's comments are somewhat vague, he indicates that we should be very careful in allowing the lot sizes to be reduced. I get the idea that he is not encouraging any changes in the Code, while this is not explicitly stated.

We have talked about this topic for the past few meetings and we should be able to conclude our discussion on this issue at this upcoming meeting. A recommendation from the Planning Commission would then be forwarded to the City Council.

5. 1984 WORK PLAN - FOLLOWUP ON PRELIMINARY DISCUSSION FROM LAST MEETING:

These topics were briefly discussed at the last meeting. The staff needs more direction on what the Planning Commission desires on these issues:

1-1/2 acre lot size requirement for residential. If the Planning Commission determines that the business lot size should not be reduced, then accordingly, the lot size for residential units also should not be reduced.

Additionally, I would like the Planning Commission to comment on another lot size issue.... I am looking for comments on our sixty percent rule and our average lot size rule. These rules relate to parcels of record (that are very small) before the 1979 Code was adopted. The Council is going to be considering some Shoreland Permit requests for construction of homes on some very small lots around the Tri-Lakes area. These lots will not meet the sixty percent rule (.9 acres) or the average lot size requirement.

I would like some comments from the Planning Commission which would reaffirm to the City Council your groups position on enforcing these rules. I believe that if the Planning Commission indicates that there should be no deviation from these rules, which would allow development on extremely small lots, this would give the Council added support in adhering to existing City policy.

Assessory Apartments - I simply want to know what the Planning Commission desires to do on this topic. There is nothing in the Code about these assessory apartments and if we do start making some type of limitations or restrictions on these apartments, I would like to know what the group desires.

6. DISCUSSION - I-94 CONCEPT PLAN

We may now proceed on this Concept Plan along the I-94 strip as it has recently been determined that the racetrack site will not be in Woodbury. Please review the 3-12-84 Planning Commission minutes which summarize possible topics for discussion, and my agenda memo for that meeting. I very much agree with the former Administrator's position on this topic which is summarized in the attached 11-22-83 memo. Again, please note that this is a Concept Plan and that the zoning is not planned to be changed.

This topic has also been discussed extensively in the past; and while we may not reach a concensus at this meeting, we should get in the position to arrive at a concensus at the next Planning Commission meeting on 4-23-84.

OTHER INFORMATION

1. At the 3-12-84 Planning Commission meeting, there was discussion on obtaining Planning Commission packets in a timely manner. The City Staff sometimes delivers packets to the City Council, but there are eleven Planning Commission members compared to five Council members. Therefore, we do not see delivery of packets as a very viable alternative. One alternative that the Planning Commission may want to consider is picking up your packets at City Hall after 12:00 on Friday afternoons. For Planning Commission members that live close to each other, this may work out very well. If you like this idea, please bring this topic up at our 4-9-84 meeting. (This note is a repeat from the last memo).

2. I have previously mentioned that the City is planning an appreciation dinner for retiring Commission members. The fire chief has retired and four Park Commission members have retired. The only Planning Commission member that retired in 1983 is Bill Peterson. He and his wife plan on attending this appreciation dinner.

This dinner is planned for Thursday, April 12, starting at approximately 7:30 p.m. The cost, excluding drinks, should be under \$11.00 per person. The City Staff sent out individual invitations last week, and all Planning Commission members that are interested in attending should mark their calendars and call Kathy Crombie at City Hall for reservations.

3. I wish to acknowledge that the Met. Council approved the Lake Elmo adopted change in the MUSA line. The City Council, at its 1-17-84 meeting, requested, upon Planning Commission recommendation, that the MUSA line run from north to south along the section line between Sections 32 and 33 to 4th Street and then run east to Inwood Avenue and then south to I-94. This proposal got a favorable review from the

Metropolitan staff and the Met. Council had no problems with this proposal.

4. Spring Street Work: (1) The City is moving ahead on the 1984 MSA project; (45th Street, Julep Avenue and 47th Street, from Jane Road to Keats Avenue). Currently, the City is advertising for bids, and these bids will be considered by the City Council at its May 15th meeting. Construction to improve these gravel roads to a bituminous surface with 40 m.p.h. curves should take place soon after awarding the bids. (2) Now that the snow has left us, the City is beginning its street sweeping program. At the last City Council meeting (4-3-84) the City awarded the street sweeping contract to Allied Blacktop Company. This project should also begin relatively soon. (3) In 1983, the City Council approved a sealcoat program. The City is included in the Washington County project and the County contracts the sealcoat work for Lake Elmo. They will be starting this project very shortly. A list of the streets that will be sealcoated is attached.

5. Update from 4-3-84 City Council Meeting:

- Unanimously approved the Crombie Simple Lot Subdivision. The Council will be considering a Shoreland Permit for a residential unit on this newly created lot in the near future.
- Designated May 5th (Saturday) as the "Spring Cleanup Day". Attached is a memo from Dave Wisdorf regarding this activity.
- Unanimously approved a one year extension of the Preliminary Plat for Midland Meadows. This plat is located directly west of Cimarron in the southwest corner of the intersection of 10th Street and Lake Elmo Avenue. The Preliminary Plat calls for fifty-five lots on a 110 acre parcel of land. The applicant is very hopeful that this plat can proceed to the Final Plat stage this summer and development would start soon afterward.
- Endorsed the application of Lakeview Memorial Hospital to operate an ambulance service in the Stillwater area. A representative of the hospital made a presentation to the Council and after a brief discussion the Council determined that competition would certainly not be detrimental to the service in Lake Elmo. Lakeview will keep us informed as to the status of their application.
- Authorized the purchase of "Punch Card" voting equipment. This will replace the presently used paper ballot system. The City is starting to prepare for the elections and will be contacting prospective judges in the near future. We anticipate two demonstration units of this punch card voting equipment will be available within a few weeks and the staff plans on giving this equipment lots of publicity. One demonstration unit will be set up in City Hall. I will provide you more information on this equipment as things develop.
- The Council continues to explore possible ways to encourage VBWD to route some of the water being pumped from Lake Jane to Eagle Point Lake instead of to the already saturated City Park Pond. While the 509 pipes and drainage plans are proceeding, the City hopes that alternative pumping into Eagle Point Lake can be arranged for the two or three years before this 509 plan is in operation.
- The Council was informed that a committee is working on replacing the Christmas lights. This is a volunteer committee compiled of members from the fire department, Jaycee's, Lions, and VFW. This group is planning on taking all responsibilities for purchasing, maintenance, and the costs of these lights. Attached is a letter sent to the City Council which they endorsed on a unanimous vote.