

LAKE ELMO PLANNING COMMISSION MINUTES

MAY 29, 1984

The meeting was called to order by Chairwoman Prince at 7:30 in the Council chambers. Present were Dreher, Gifford, Graves, Kuettner, Lyall, Michels, Nazarian, Schiltz, and Administrator Klaers.

1. Minutes - May 14, 1984

M/S/P Nazarian/Kuettner - To approve the minutes of the May 14, 1984 Planning Commission minutes as amended. (Motion carried 5-0-4)

** Dreher requested that the Staff look into the reasons that Wisconsin has adopted the "bed system" for their drainfields; and further recommended that the City of Lake Elmo look into the possibility of using this system.

*** Prince requested that the City ask the County to extend the 15 minute parking zone in front of the library until 8:00 p.m. on Tuesday and Thursday evenings as the library is open these two evenings and concerns were expressed by the library staff that this lack of parking space may prevent the use of the library.

Consensus of the Commission is that it would be difficult to enforce this, and further did not agree that it was needed.

2. Public Hearing for a large lot subdivision application of four lots (approximately 10 acres each) at the NE corner of CSAH 17 and 50th Street - Requested by Eleanor Danielson.

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

Klaers advised the Commission that the size of the parcels after right-of-way dedication would be (a) 11.54 acres (b) 9.68 acres; (c) 9.2 acres; (d) 8.78 acres. Klaers further stated that in late 1981 and early 1982 there were numerous discussions between the City Council and Planning Commission relating to lot size minimum requirements with and without right-of-way. It has been the City's policy to require donation of right-of-way to the City for future road work. The Council ultimately voted to require that all future parcels be ten acres excluding right-of-way.

Mark Fedder, agent for North/Northwest Real Estate stated that they arrived at the lot configurations by looking at aerial photos of the land and by walking the land. Their main concern is to keep the lines of the land aligned with the lines of the twenty acres that is there - so there is no jag coming onto the property. The lots were designed around the contours of the land.

Mr. Fedder stated they had explored the possibility of clustering on this parcel but it was not economically feasible.

The Commission reviewed the letter from City Engineer dated May 23, 1984 in which he addresses (1) Survey, (2) Lot Size, (3) Right-of-Way, (4) Soils; and also reviewed the memo from the Building Official.

The public hearing was closed at 8:10 p.m.

Discussion on whether or not the Commission should consider nominal 10's whereby lot size variances would not be required except for parcel C.

Discussion on how the lines could be moved to give each lot the code required 10 acres, excluding right-of-way.

M/S/P Dreher/Graves - To recommend to the Council approval of the large lot subdivision for Eleanor Danielson at Lake Elmo Avenue North (CSAH 17) and 50th Street North - Part of W1/2 - SW1/4, Section 1, T29N, R21N with the City Council deciding whether or not lot size variances are necessary (the hardship for the parcels could be the topography of the land); that \$175 per lot park donation is required; and that the applicant should be charged with talking with the County to determine the adequate road right-of-way. (Motion carried 8-0-1 <Nazarian>)

The Commission would like the City Council to again discuss the feasibility of nominal 10's.

M/S/P Michels/Graves - To recommend to the City Council that all 10 acre lot size requirements be inclusive of the right-of-way based on the same seven reasons listed in the 1-11-82 Planning Commission minutes (as follows).

1. The sections and parts thereof are not true 40's or multiples or fractions of 40's.
2. This does not adversely affect the intent of the Ordinance, which provides 7 lots per 40 acres, in terms of density.
3. Need ten full 40 acre parcels, 400 acres, before full 10 acre lots could be platted on the remaining parcel.
4. As roads follow section lines, the full 10 acre requirement would create irregularly shaped lots that would be a detriment in developing a good road plan.
5. By requiring full 10 acre lots, surveying, platting and legal descriptions would be complicated.
6. A 10% leeway for right-of-way would be consistent with the regulations of the County and surrounding communities.
7. Existing roads do not follow the section lines exactly, thereby, varying the amount of property, more or less, on each side of the road.

(Motion carried 9-0)

3. Public Hearing for a rezoning application from R1 to GB for one lot at the SE corner of CSAH 17 and the railroad tracks - requested by Richard W. Moris.

Pursuant to published notice, this public hearing was opened at 8:28 p.m. in the Council chambers.

Mr. Moris stated that he has owned this property for four years. He has been an antique dealer for eight years, and since the property is in town, he would now like to run an antique business from this property. The size of the lot is 50' x 135'. There are no proposed changes to the existing building, but will perhaps put up an un-lighted sign on the side of the building.

The commission discussed the Building Official's letter and his concerns: (1) how will the proposed zoning effect the parking on Lake Elmo Avenue (is there enough room on the property for off-street parking); (2) provisions should be made to screen the property from the R1 residential zone to the south.

Mr. Moris stated that his intentions were to take down the existing fence by the tracks, grade the back yard, and have room for six to eight standard size cars. Mr. Moris has talked to Mr. Eder about his side of the property and offered to put up a fence (between the proposed antique store and Mr. Eder's property), but Mr. Eder does not want a fence. Mr. Moris further indicated that some type of barricade, to prevent driving on Mr. Eder's property would be provided.

Mrs. Anderson (daughter of Butch Eder) stated she was not opposed to this rezoning, except for her father's concerns.

Prince said she spoke to Mr. Eder that afternoon and he is opposed to this rezoning because of the lack of parking space and doesn't want a business beside him. Prince also stated that she spoke with Mr. Brookman (two houses away from the proposed site) and his objections were the impact of this rezoning on future use(s) of the building; and was also concerned with the parking. She further stated that Mr. Brookman was concerned with the street between Mr. Moris's property and Mr. Eder's property that goes straight back to service two homes in the back.

Schiltz asked if this is a public hearing, shouldn't the public be here themselves to voice their opinions rather than having a member of the commission speak for them.

Prince stated that Mr. Eder is 80 years old and that is why she specifically went to see him, that she would represent him if he did not want to attend the meeting.

Schiltz stated that if the residents really had a concern or if they were really opposed, they would be here to fight for their rights; not to pass word on and to possibly jeopardize someone's future.

Mrs. Anderson stated her father was very emotional about this proposal and it is best that he did not come to this public hearing. This proposed site was a business when he moved in as was the home that Mr. Eder now owns. In response to Kuettnner's question as to what Mr. Moris could do to make Mr. Eder comfortable with this proposal, Mrs. Anderson responded that it would just take time.

Mr. and Mrs. Nippoldt expressed no objections to this rezoning. They feel it would make a better antique shop than a home for a family of four.

Prince stated the following as her objections to this rezoning request: Size of the lot is extremely inadequate. Parking would be a real problem. There is a lot of business zone in town now and does not see any purpose to extend the business zone that exists to south of the railroad tracks. There is rental space available and there are houses in the business zone that could be converted to business. This would be an encroachment upon an established residential neighborhood. Many towns look for a line to draw between their residential and business zones. We have the tracks to establish that line. It has been crossed on the other side of the street, but there is no reason to make a mistake and cross it on the east side as well.

Schiltz stated that we have to look at the benefits this proposal could have for Lake Elmo along with the benefits it can do for businesses that are already here. Right now it is dead town. There is nothing that brings anyone into this town for its beauty and natural habitat. To take away something that someone wants to do for a town would be a shame. It would be a mistake not to take a good look at this proposal for the positive things it could do for Lake Elmo instead of looking at the negative things.

Kuettner stated this proposed antique shop would fall into the category of what the City of Lake Elmo is trying to be.

Prince stated if we rezoned this general business it is not rezoned just for Mr. Moris's antique business, it is rezoned to general business.

Dreher stated he would be in favor of an antique shop at this location because it will not get the sewage use that a residential house would get.

Lyall stated that, except by necessity, he cannot imagine that anyone would want to live on the railroad tracks. He can only think of that site being a home site for economic reasons, not for desirability.

Graves feels that an antique shop would be an ideal utilization for that lot.

Gifford concurs with Lyall, and added that if the neighbors are not opposed to this, it would be a better site for a business than a home. Maybe the size of the lot would be in our favor because if down the road five years Mr. Moris sells, there isn't going to be a lot that could go in there because they would not have the sewer or lot size to do much.

Michels concurs with Gifford, and added that he was probably against the proposal originally, but should the building burn down and have to rebuild, or if the site changes hands, you still are required to meet the code. If the neighbors are not opposed, this is a good use.

Prince stated that her impression is that the neighbors are very strongly opposed to this proposal.

Dreher feels that if there is oposition from the neighbors, they should be here.

Lyall stated that you can make an excuse for the elderly man for not being here, but you cannot make excuses for the former mayor not being here.

Prince stated that she told Mr. Brookman that she would speak for him.

Lyall stated that as the chairperson of the Planning Commission, he did not feel Prince should speak for the neighbors.

Mrs. Anderson stated that she is not close enough to the proposed site for it to matter. She is, however, concerned for her father.

The public hearing was closed at 8:50 p.m.

Mr. Moris stated that he would work with Mr. Eder and would provide a screening to Mr. Eder's satisfaction.

Klaers clarified for the Commission that the homes along the core village area are presently zoned "as used", not all land is zoned for general business.

Gifford suggested that a "parking in rear" sign be placed on the building to prevent on-street parking.

Nazarian asked if Mr. Moris could present a site plan for this proposal before the Commission acted on the application.

Suggestion was made that this business be allowed in the R1 district with a CUP. Section 301-8 of the city code defines and addresses home occupations. The code would have to be amended to allow this type of business with a CUP in the R1 zone.

Discussion on whether or not a site plan should be reviewed by the Commission before a recommendation was made to the Council.

Discussion on whether or not controls could be put on a business, should the business use change. Could everything be reviewed: spetic system, setbacks from residential districts, or screening from the residential districts. Consensus of the Commission was to see if these requirements could be put into effect to eliminate potential health and welfare problems for adjacent property owners.

M/S/P Lyall/ To recommend to the City Council the preference of the Planning Commission that this application from Richard Moris to operate an antique shop at 3417 Lake Elmo Avenue North be granted with a CUP in the R1 zone rather than rezoning to GB. (Motion carried 8-1 <Prince>)

The reasons for preferring a CUP are: to allow the business and still keep the R1 zone; to allow the business and still keep control; better tax base; concerns for the neighbors.

M/S/P Lyall/Michels - To recommend to the City Council that if their findings are that a CUP is not appropriate, the Planning Commission recommends approval of the rezoning from R1 to GB. (Motion carried 7-1-1 <Prince><Lundquist>).

Klaers advised the Commission that a public hearing will be held on June 19th to consider the lot size variance and setback variances.

Mrs. Anderson asked about the possibility of "no parking" signs being placed in front of the store.

Dorothy Lyons expressed concern over what she feels is a negative response by the Planning Commission and City Council to plans and proposals offered by residents of Lake Elmo.

The meeting adjourned at 9:45 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

MAY 29, 1984

- 7:30 p.m. Meeting Convenes
1. Minutes: May 14, 1984.
- 7:45 p.m.
2. Public Hearing for a large lot subdivision application of four lots (approximately 10 acres each) at the NE corner of CSAH 17 and 50th Street - Requested by Eleanor M. Danielson.
- 8:15 p.m.
3. Public Hearing for a rezoning application from R1 to GB for one lot at the SE corner of CSAH 17 and the railroad tracks - requested by Richard W. Moris.
 4. Discussion: Size of accessory structures in all zoning districts.

MAY 24, 1984

TO: PLANNING COMMISSION MEMBERS

FROM: PAT KLAERS, CITY ADMINISTRATOR

RE: AGENDA MEMO FOR 5-29-84 PLANNING COMMISSION MEETING

NOTE THAT THE PLANNING COMMISSION MEETING IS TO BE HELD ON TUESDAY, MAY 29, 1984

1. Minutes: Attached for your consideration are the minutes from the May 14, 1984 Planning Commission meeting.

2. Public Hearing for a large lot subdivision of four lots (approximately 10 acres each) at the NE corner of CSAH 17 and 50th Street - Requested by Eleanor M. Danielson.

This application for a large lot subdivision of four lots requires a public hearing. Notice has been published in the official newspaper and the nearby property owners have been notified.

Attached for your information is the application, map and report from City Engineer. The most important comments in Larry's report relate to lot size and right-of-way. Additionally, note that park donation of \$175 per lot is required.

The City Code section on large lot subdivisions certainly allows what the applicant intends to do with this land. The staff has no objections to the concept of this proposal. However, the main question on this application is the size of the lots after right-of-way is dedicated to the City.

It is clear that at least ten acres is required before right-of-way is dedicated to the City, but the question is whether ten acres is required after right-of-way is dedicated to the City. I am in the process of researching the December, 1981 and January, 1982 Planning Commission and City Council discussions on this topic. This was discussed a few years ago in regards to the Smith application on 10th Street. I will make a verbal report to the Commission on my findings after reviewing these minutes.

Additional note: Attached in chronological order are the minutes from December of 1981 to February of 1982 for the Planning Commission and City Council meetings which discuss nominal tens and fortys. As review of these minutes clearly indicates, the Planning Commission felt that subdivisions of ten acres including right-of-way was okay, but the City Council voted to require ten acre lots excluding right-of-way dedication requirements.

Nonetheless, note that the survey clearly indicates that one of the parcels is less than ten acres (9.96) without donation of right-of-way; and that with right-of-way donation to the City, three parcels out of four will be less than ten acres.

3. Public Hearing for a rezoning application from R1 to General Business for one lot at the SE corner of CSAH 17 and the railroad tracks - requested by Richard W. Moris.

This application for a rezoning from R1 to General Business for one lot (135 x 50) requires a public hearing. Notice of this public hearing has been published in the official newspaper and the nearby property owners have been notified.

Attached for your information is the application, map and brief memo from Building Official, Jim McNamara.

This lot is located directly south of the railroad tracks on the east side of Lake Elmo Avenue. Everything north of the railraod tracks on Lake Elmo Avenue is zoned General Business and the lot directly across Lake Elmo Avenue from the parcel being considered is also zoned General Business.

I understand that this existing house was once used as a business and at another time was a combination business and residential unit. As General Business surrounds this parcel on three sides, this most certainly would not be considered spot zoning.

Jim's memo alerts you to parking and landscaping concerns. Please refer to the City Code (Sections 301-38 thru 301-42 and 1506-1) for other requirements in this zone. Note that this is a parcel of record, but that a lot size and lot width variance will be required. As this lot has been used for a number of years for a home and business, I assume that the septic system is adequate as Larry Bohrer has indicated that this parcel is not included in the 201 study.

Provided that the nearby residents have no objections to this application; and that the parking concerns can be adequately answered, and landscaping is satisfactory, the staff recommends approval. However, when the applicant appears before the Planning Commission, it would be nice to have a site-plan and to know if any remodeling is scheduled.

Also for your information, the City Staff has held a number of meetings relating to the review process of applications. We have developed some forms and these will be sent out to you very shortly. One thing we have determined is that both of these applications will also require a public hearing before the City Council. These public hearings will be held on June 19, 1984. The Danielson application needs a public hearing before the Planning Commission for the large lot subdivision and a public hearing before the City Council for lot size variance(s). The Morris application requires a public hearing before the Planning Commission for the Rezoning requests and needs a public hearing before th City Council for the lot size and lot width variances. Now that the process for all of the applications is understood by the staff, we will be making efforts to simplify the process and eliminating separate public hearings before both the Planning Commission and City Council. More on this will be sent to you under separate cover.

4. Discussion: Size of accessory structures in all zoning districts.

This item was added to the 1984 Work Plan. Preliminary discussion took place at the last meeting and you may want to continue with this discussion. Note that the Wier application for an accessory structure larger than is allowed in the City Code was denied by the City Council. The Council stressed interest in this topic and felt that it is one issue the Planning Commission should review. If nothing else, we should develop an approach or "game plan" to review this issue.

OTHER INFORMATION

1. Attached for your information is the most recent City Newsletter dated May 22, 1984.
2. Please note that I will be on vacation the week of June 18th. There is no Planning Commission meeting that week, but the agenda is scheduled to go out for the meeting on June 25th. At this point I am not sure how this will be handled. If you have any suggestions, please let me know. Also note that Dave Wisdorf will be on vacation from 5-25 until early June.
3. Wish to acknowledge that the street sweeping project has been completed and a report from Maintenance Foreman, Dave Wisdorf indicates that this was a successful operation this year.
4. Attached is a new reduction of the City Zoning Map.
5. Wish to acknowledge that the DNR public access on Lake DeMontreville is scheduled to be officially opened in the next few weeks. This access is currently functional and as soon as it is officially opened the City's public access will be closed.
6. The Ramsey/Washington Landfill Committee has begun meeting. They hope to have a report in ten weeks on an alternate safe drinking water source for the residents adversely affected by the flow of contaminated ground water from the landfill. (See the Newsletter article for more information on this committee).
7. The City has received the demonstration election units. This new equipment will be used in the primary and general elections this fall. Please take the time at one of our next meetings to get familiar with this equipment. It is very easy and simple to use and I am sure most of the voters will quickly adjust to this new equipment.
8. At the 5-15-84 City Council meeting, the Council denied the Jed Wier variances on accessory structures; approved the two code amendments which the Planning Commission recommended after the public hearing on 5-14-84; and requested that the staff review the shoreland ordinance for possible revisions to allow administrative approval in certain cases. You should still have the code amendment material I sent out for the 5-14-84 public hearing, but an additional mailing with revisions will be sent out shortly.