

LAKE ELMO PLANNING COMMISSION MINUTES

JULY 9, 1984

The meeting was called to order by Vice Chairman Nazarian at 7:30 p.m. in the council chambers. Present: Gifford, Graves, Kuettnner, Lyall, Moe, Schiltz (arrived 8:10), Administrator Klaers.

1. Minutes:

M/S/P Moe/Lyall - To approve the minutes of the June 11, 1984 Planning Commission meeting as presented. (Motion carried 4-0-2 <Gifford, Graves>).

2. Public Hearing for application by Richard Bergmann for an amendment to the Conditional Use Permit (and side yard setback zoning variance) at the SE corner of the intersection of Highway 36 and Lake Elmo Avenue.

Pursuant to published notice, this public hearing was opened at 7:50 p.m. in the council chambers.

Mr. Bergmann explained his proposal is to move the retail sales building closer to Highway 36; which would put it farther away away from his existing residence in an effort to obtain more privacy and to also get more exposure from Highway 36. There presently is an access off of Highway 36. Mr. Bergmann stated he would like to put a parking lot in front of the proposed site, a sales building adjacent to the parking lot, and a 100' x 100' gutter to connect the greenhouse with the sales building. In essence, Mr. Bergmann would like to add approximately three acres of land to his existing CUP. Mr. Bergmann will still be selling wholesale out of what is presently the retail building, but would not be selling to the general public from this location.

Gifford questioned whether or not the City wanted any businesses or accesses off of Highway 36. She reminded the Commission of the "hassle" that Mr. Rossow had when he wanted to develop some land on Highway 36 for commercial use.

It was pointed out that Mr. Rossow had rezoned his land to residential and when the lots did not sell, he took it upon himself to try and change the use of the land. What Mr. Bergmann is proposing to do is allowed in the Ag zone that exists on his property.

It was further pointed out that the difference between Mr. Bergmann's proposal and the proposal of Mr. Klawitter was that Mr. Klawitter brings in his products, and Mr. Bergmann grows his products on site.

Discussion on why Mr. Bergmann could not locate the proposed site 100 feet from the property line rather than fifty feet. Mr. Bergamnn responded the reason was the natural lay of the land; there is a large existing tree line directly on the property line for a buffer zone, and because these trees are on the property line, they cannot be removed.

Mr. Bergmann gave a brief description of the design of the proposed greenhouse.

There was a brief discussion of the entrance off of Highway 36; and if this entrance was in need of any up-grading; and also discussion of the NSP easement. (Mr. Bergmann will check with the State or County regarding the condition of the entrance from Highway 36 to his proposed site).

The Administrator advised the Commission that he has checked previous minutes and there have been no complaints from surrounding property owners with the existing CUP.

The public hearing was closed at 8:25 p.m.

The consensus of the Commission is that this is an ideal use of the land; that it is not a radical departure from the existing use of the land; there is an existing access; the topography of the land would warrant approval of this application; and there is a good existing buffer.

M/S/P Lyall/Kuettner - To recommend to the City Council approval of the application by Richard Bergmann for an amendment or an extension to the existing Conditional Use Permit; or if necessary, a second Conditional Use Permit; and side yard setback zoning variance, to allow the retail site to be moved and for the addition of one 100' x 100' greenhouse at the SE corner of the intersection of Highway 36 and Lake Elmo Avenue. (Motion carried 7-0)

3. Update and discussion of the 1984 Planning Commission Work Plan.

Nazarian asked if we could get information from other cities regarding regulations for "mother-in-law" type apartments. Klaers asked if the Planning Commission really felt that there was a need to regulate accessory structures; and further added that he would obtain information from other cities on their regulations pertaining to these types of accessory structures and bring back to the Planning Commission at a later date, if they so desired.

Carol Kuettner stated she would like to see some facts and figures on the cost of sewerage the old village area of Lake Elmo.

Schultz feels the 201 Program is just a diversion or short-cut to the existing problem and the money being spent on the 201 Program is, in his opinion, going to waste.

The Administrator advised the Commission that the City Engineer indicated that according to the PCA, the best route and most economical route for the City of Lake Elmo was to go with the 201 Program, which will improve some of these drainfields and require inspection of them on a regular basis to guarantee that they are functioning properly.

Discussion of the boating or "no wake" regulations that are now in effect on Lakes DeMontreville, Olson and Jane.

The Administrator responded to questions regarding the Springborn application for a simple lot subdivision, and explained the unique conditions that exist in Mr. Springborn's development.

The Administrator responded to questions regarding public sanitary facilities at the Lake Jane public access. The DNR has not yet committed itself as to whether or not they will provide this facility. The consensus of the Planning Commission is that it should be the obligation of the DNR to provide this facility.

The Administrator suggested that if any Commission member had any item they wanted to discuss from the Work Plan, they should contact him so it can be placed on an agenda.

The meeting adjourned at 8:50 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

JULY 9, 1984

7:30 p.m.

Meeting Convenes

1. Minutes - June 11, 1984
2. Public Hearing for application by Richard Bergman for a amendment to the Conditional Use Permit (and side yard setback zoning variance) at the SE corner of the intersection of Highway 36 and Lake Elmo Avenue.
3. Update and discussion of the 1984 Planning Commission Work Plan.

JULY 3, 1984

TO: PLANNING COMMISSION MEMBERS

FROM: PAT KLAERS, CITY ADMINISTRATOR

RE: AGENDA MEMO FOR JULY 9, 1984 PLANNING COMMISSION MEETING

1. Attached for your consideration are the minutes from the 6-11-84 Planning Commission meeting.
2. Application by Richard Bergman for a amendment to his existing CUP (and side yard zoning variance) at the SE corner of the intersection of Highway 36 and Lake Elmo Avenue.

This application requires a public hearing and notice has been sent to the required adjacent property owners and has been published twice in our official City paper.

This request is for an amendment to an existing CUP to operate a greenhouse in the AG zone. Since the application also requests a zoning variance, this application will also receive a public hearing before the City Council on the variance request when the City Council considers the CUP amendment. Therefore, the City Council will be looking for the "hardship" to justify the variance request. The Planning Commission is to mainly comment on the CUP amendment.

There is no reports attached from the Building Official (on vacation) or the City Engineer, Larry Bohrer. The Engineer generally does not make comments on CUP applications. Attached for your information is the application, sketch plan submitted by Mr. Bergman and a few maps that the staff put together which should give the Planning Commission a clearer idea of where this application is located.

The staff anticipates that Mr. Bergman will attend this meeting and provide additional information as to the specifics of what is planned. The material that is submitted does not give a clear idea of whether this is a expansion of the CUP or a relocation of the CUP on the same property. This and other information from Mr. Bergman will be helpful in the review by the Planning Commission. In spite of this lack of information, the staff generally has no problems with this request. The question of whether a variance is justified is something the City Council will have to deal with and Mr. Bergman will have to explain why he cannot meet the City Code. The setback requirement is 100 feet in the AG zone and he is proposing to locate his operation 50 feet from his eastern property line.

Another factor to consider in review of this application is the history of the operation on this land. I am not sure if there has been any or many complaints about the greenhouse operation at this location. I am sure the City Council and Planning Commission will

have more insite as to the history of this operation the past five years. I do know that the zoning ordinance was changed and adopted by the City Council in 1979. When this change took place, it required Mr. Bergman to obtain a Conditional Use Permit to operate his greenhouse in the AG zone. Mr. Bergman was already in operation when this zoning change took place, and as he desired to remain in operation, Mr. Bergman has always applied and received a CUP from the City Council. The minutes for the past few years indicates that there has been no problems with this application as there was no discussion pertaining to the CUP application prior to Council approval.

Two additional factors must be considered in review of this application. The first factor is access to and from Highway 36. Mr. Bergman may be able to expand on this issue, but it appears that there is an existing access to Highway 36. This access may have to be upgraded to facilitate the traffic that the relocated CUP would attract. The second factor is the activities that may take place directly east of this location. The property directly east of the Bergman property is owned by Tri-Star Investments. Before 1983, Tri-Star obtained preliminary plat approval for a large low density (approximately 10 acres per unit) residential development. I understand that work is still being done on the road that was approved in this preliminary plat, but the City Staff considers this preliminary plat to be null and void. Tri-Star has never received an extension of time for their preliminary plat and has made no progress in obtaining a final plat from the City. The people from the Tri-Star group (Mr. Rossow) may not agree with this opinion (that the preliminary plat is void), but that is my opinion and that of the City Attorney. Regardless whether the plat is valid or not, we must look at this CUP application with the idea that eventually some type of residential development may take place on the eastern edge of the property.

This item is scheduled to be before the City Council on July 17, 1984, and as the Planning Commission minutes from this July 9, 1984 meeting will not have been approved by the City Council meeting date, I will indicate to the City Council your recommendation and comments in my background material.

3. Update and Discussion of the 1984 Planning Commission Work Plan.

The Work Plan that was adopted consisted of eleven items, many of which were simply updates. Also, seven items have been mentioned at Planning Commission meetings as items that should be discussed this year by the Commission. This Work Plan is attached for your information. We can certainly discuss any of the items listed on the Work Plan as time permits and the Commission indicates interest. I will attempt to briefly provide some comments on each of the items listed in the Work Plan.

1. I-94 Corridor

This item received extensive discussion in 1983 and things have been quiet on this issue in 1984. Currently the Comprehensive Plan is still our guideline for the I-94 corridor. Everything is zoned as is

currently used, but the Comp. Plan concept calls for future business in this area. Of course, each applicant that applies for a business in this area must indicate how he can provide sewer services until the sewer line is extended along the corridor.

2. 1-1/2 Acre Lot Size for Commerical Development

This has been discussed by the Planning Commission in 1984 and the consensus has been that our existing rules are good and that we should leave well enough alone

3. 1-1/2 Acre Lot Size for Residential Development

Again, this has been discussed by the Commission in 1984 and the consensus has been to live by our existing lot size rules.

4. Lake Jane Water Contamination Problems (update)

Things are moving ahead on this contamination problem. There has been an advisory committee formed which consists of members from the City, the citizens and Washington County and Ramsey County. The group is to make a recommendation to both County Boards on a proposed long term water supply solution for the residents effected by the contaminated ground water. The committee has met about four times in the past six weeks and will have four to six additional meetings in order to arrive at a recommendation. It appears the recommendation will be for some type of public water supply system. Many questions have yet to be answered regarding this issue, but the committee is moving forward.

Regarding the control of the contaminated ground water, the County is indicating that the spray irrigation system that has been in operation since winter is proving to be effective. It is too early to put too much emphasis on these results as they are preliminary at this point. But, there is a good feeling at the County level that the spray irrigation system is meeting its objective of controlling the flow of contaminates.

5. Possibility of Getting Future Sewer for I-94 Corridor

Nothing has been done at this point regarding this item. The Commission may want to start looking at a location for the 1995, the year 2000, the year 2005, location for the MUSA line. This would show the Met. Council our ability to plan for the future.

6. Water Shed 509 Plan Updates

I do not have too much information to provide you on this item other than the committee, with all the communities involved in the VBWD, is moving this plan forward. There are many other governmental agencies involved in approving this plan, ie: Met Council, DNR; but the final authority for approval and assessment plan is with Washington County's Board of Commissioners. It is known that this plan will take a number of years to be fully implemented. Once approval is given for the program, construction would take place from the bottom on up. This means that the actual pipes from Lakes Jane, Sunfish, Elmo and down the road, would be the later in the program.

7. Race Track (updates)

This is a dead issue as the Woodbury site was not successful in obtaining the metropolitan racetrack.

8. Regional Park (updates)

The Planning Commission has been getting information on Regional Park activities as items have been presented to the City Council and City Staff. Over \$2 million is planned to be spent in development of this park in 1984 and development will continue in 1985. Activities are taking place while development is going on, but the Regional Park should be close to completely developed after a few years.

9. Mother-in-Law Type Apartments

There has been no discussion on this item to date by the Planning Commission. If the Commission desires information from other governmental agencies or other cities on this topic, they should indicate so to me at this meeting.

10. Review of Applications

This is an on-going Work Plan item and no comments need to be made regarding Work Plan items.

11. Any Other Suggestions

The City Council has not provided any suggestions to date. They did reinforce the idea of reviewing the size of assessor structures which is listed below as "Additions to the Work Plan".

Additions to the Work Plan

1. Other Uses for RR Land

This topic has received some preliminary discussions, but nothing has been finalized.

2. Review Sewer Possibilities in the Village

We have received updates on the 201 Program, and while sewer would be nice in the core village area, it is well known that the economics of obtaining sewer in the core village is the major stumbling block for this.

3. Review Section 32 Sewer Assessments

Larry Bohrer, City Engineer, has provided this review to the Planning Commission at a meeting in late May or early June.

4. Review Public Sewer along I-94 in Connection with I-94 Corridor Concept

This is a repeat of items #1 and #5 listed above. Again, we should plan for 1995 and beyond for a location for the MUSA line.

5. Review the City Code for Access onto Roads and Streets

This has been completed by the Planning Commission and the City Council has endorsed the recommendation that the staff review this section of the code to provide the City with more control over the location of accesses when plats are being proposed. The staff will be working on this and present a code amendment to the Planning Commission (which requires a public hearing) at a future date.

6. Review Size of Assesory Structures in all Zoning Districts

The Planning Commission is currently reviewing this topic. As the Building Official has been on vacation, I have not been able to receive input from him as to what the State requirements are regarding assessor structures. I will receive this information from him at a later date and bring this item back to the agenda.

7. Review "Bed" type sewer drainfield systems

This is the most recent addition to the Work Plan and I will obtain input from the City Engineer at a future date and provide this information to the Commission for their review.

OTHER INFORMATION

1. Attached for your information are the two most recent City Newsletters dated 6-12-84 and 6-26-84. The 6-19-84 Newsletter edition highlights articles on the 1983 City Audit and the Parks Commission Work Plan. The 6-19-84 edition highlights articles on high water in the City and the Waste-To-Energy Project.

2. The DNR has informed the City that the public access at Lake DeMontreville is, for all practical purposes officially, open. They are still experiencing problems with the contractor and it has been closed for a day or two to receive improvements or corrections in work that was not properly completed. The old City Access at Lake DeMontreville has been removed, but the City Council decided to retain the bituminous shoulder along the edge of that old City Access and post that area as "no parking".

3. City Council action from 6-19-84:

(A) City Council approved the Danielson large lot subdivision.

(B) The Council accepted the Planning Commission's recommendation on nominal 10 acre lots and passed a motion to prepare an ordinance to this effect.

- (C) Approved the Moris rezoning application. This required a 4/5 vote from the Council and while the discussion was half in favor, half opposed, the final result was approval by the Council.
- (D) The Springborn application was tabled to receive additional input from the City Attorney. You should note that the attorney indicated that a hardship need not be proven as one of the conditions to justify a variance is "unique or exceptional circumstances". As we only have one concept plan approved for development in the City, this is truly a unique circumstance and merits a variance. Council action on the Springborn application is expected to take place on 7-3-84.
- (E) Street Improvements for 1984 - The City Council has approved the plans and specifications and has awarded the contract for these improvements. These improvements include realigning and putting a bituminous surface on 47th, Julep and 45th Avenue from Keats to Jane Road North; paving that unpaved section of Jamaca Avenue, which is approximately 300 feet direct north of Jane Road North; and paving the Jane Road North section of the road without realigning the actual road.
- (F) High Water on the City lakes - This item received extensive discussion at the VBWD meeting on 6-14-84 and the City Council accepted all of the recommendations from VBWD. The Council requested that the DNR ban motor boats on the Tri-Lake areas until the flooding conditions recede; approved the sandbagging of the weir on Lake Olson to help slow down the flooding conditions in Lake Jane; approved operating a diesel pump to pump more water at a higher rate into City Park Pond. Additionally, as sandbagging is taking place along Lake Jane for some of the residents, the Council authorized the City Engineer to inspect these locations to provide advice for the best methods on sandbagging for the protection of their homes. One resident (the Kean's) have been forced to evacuate their home because of the high water that has now seeped into their basement.

June 21, 1984

To: Planning Commission Members

From: Fred Nazarian, Vice Chairman

Re: June 25, 1984 Planning Commission Meeting

For lack of agenda items, the June 25, 1984 Planning Commission meeting has been cancelled.

The next scheduled meeting will be July 9, 1984 at 7:30 p.m.