

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

AUGUST 27, 1984

The meeting was called to order by Chairwoman Prince at 7:30 p.m. in the council chambers. Present: Dreher, Gifford, Graves, Kuettner, Lundquist, Michels, Administrator Klaers, *LYALL*

1. Minutes: July 23, 1984

M/S/P Lundquist/Michels - To approve the minutes of the July 23, 1984 Planning Commission meeting as presented. (Motion carried 7-0).

2. Application by Daniel Dickhausen, 3053 Jamley for a simple lot subdivision and zoning lot size variance.

It was brought to the attention of the City Staff that there are two houses and one garage on one parcel of land consisting of approximately 1.2 acres of land. Therefore, the Dickhausen's have applied for a lot split which will make two nonconforming lots out of one conforming lot.

Mrs. Dickhausen stated she owned the land since 1967. The homes were built in 1946 (31st Street), and 1959 (Jamley Avenue).

The Administrator advised the Commission that the City Engineer was not recommending approval of this application. However, the City Attorney and Building Official feel it is in the best interest of the City to get the situation cleared up.

Michels questioned why it would be in the best interest of the City to grant this subdivision. The Administrator responded the tax revenue would benefit the City, and it would eliminate a lot of legal problems in case the City gets drawn into a suit between the two homeowners on the one parcel of land.

Michels stated that the lot is non-conforming now, and it will be non-conforming if we grant the subdivision.

Klaers stated it would be non-conforming in a different way. There is no way now that the City could allow the owner to construct a garage.

Michels questioned if making another wrong rights anything.

The Administrator stated in concurrence with the opinion of the City Attorney that we should not have two house on one piece of property.

Mrs. Dickhausen stated she owned both houses, and they are both rented out, but does intend to sell the two homes. She further indicated that the taxes have gone up over \$2000, because the land cannot be homesteaded.

Lundquist stated if these two homes were built in the 1940's, it proceeded any planning or regulations that the City now has. There were no rules at that time, and whoever built the houses were within

their rights to do so. The lots should have been split when the ordinances came into effect.

Michels stated if this split should have been done when the City Code came into effect, the property owner should not have to pay any fees to clear this up (the application fee for the lot division and park donation fee), as it should have been done before.

Prince concurs with Michels in that she does not see a need for a park donation in this case.

In response to a question from the Commission, Mrs. Dickhausen stated that there is no other land available for purchase in this immediate area to make these lots conform to the City's minimum required 1-1/2 acres.

Klaers stated that another advantage to this lot split would be the guarantee that each house would have an individual well and septic system. At this point they share a well and have separate septic systems.

Mrs. Dickhausen stated that she talked with someone several years ago when they first thought about splitting this property. They were told not to put in another well, to just wait for the City water and sewer to come thru. At this time, it will be very costly to put in another well.

Discussion on whether or not it is allowed within the City Code to contract for water, rather than having an individual well. The staff will review this question as there was nothing specifically written in the code.

Graves stated that he is concerned about what could happen if and when the principles presently involved would move on. A conflict could arise if the City allows a joint well.

The Commission discussed contingencies that should be placed upon this application should it be approved.

Kuettner stated she would not be in favor of this subdivision if each parcel did not have an individual well.

Gifford is concerned about the future owners of these parcels of land not agreeing to a joint well system.

Graves stated it is not an ideal situation to split this lot, but is something we have to do to clean up the situation.

Upon recommendation by the City Engineer, a contingency for approval of this application would be an assurance that the septic systems had sufficient room to conform to the present City Code.

The Certificate of Survey should be revised to show Jamley Avenue right-of-way at 30 feet.

It was the consensus of the Commission that the park donation fee should be waived.

The City Administrator will research the requirements of a separate well for each parcel of land.

M/S/P Graves/Kuettner - To recommend to the City Council approval of the simple lot subdivision requested by Daniel Dickhausen, 3053 Jamley, with the requirements that the Certificate of Survey be revised to show Jamley Avenue right-of-way at 30 feet; to eliminate the requirement for a \$175 park donation fee; that both houses be equipped with separate well systems at the time of subdivision; that each lot demonstrates the space for an alternate septic system. (Motion carried 6-0-1 <Dreher>).

3. Application by Ken Neudahl, Teal Pass Estates, for a one lot final plat.

Dennis Peck, representing Mr. Neudahl, reviewed the work that has been completed to date in Teal Pass Estates. He stated the request for this one lot final plat approval was so the Neudahl's can sell a lot this fall. The Neudahl's hope to plat the rest of the lots as a package in 1985.

The Commission discussed the placement and use of a private driveway to the lot in question, and the requirement that the homesite/farmhouse at the end of Jasper Avenue not be occupied. Mr. Peck stated that until such time as the road to the farmhouse is constructed, the farmhouse cannot be occupied; but after the road is completed there is no reason that this farmhouse cannot be used.

The Commission reviewed the Engineer's memo of August 27, 1984 in which he states that the driveway for a new home will have to be connected temporarily to the intersection of Jane Road Circle and 49th Street North until the developer's complete Jane Road Circle past this lot next summer. After the road is completed, the driveway will be relocated farther to the north. The City Will not maintain any extensions of Jane Road Circle until it is completed to City Standards.

The Engineer's memo further indicated that he had reviewed the developer's agreement and found it in order. The amount to be used as a cash escrow for completion of the street improvements along the entire front of this lot is \$8,700.

Graves brought up a question on the drainage as it relates to a lot in Fox Fire. The property owner in Fox Fire is not happy with the proposed alterations near his property. This question does not relate to the lot that is being platted, and will be addressed when the remainder of the lots are platted.

M/S/P Michels/Graves - To recommend to the City Council approval of a one lot final plat at Lot 1, Block 1, Lake Jane Estates 2nd Addition contingent upon: (1) not allowing any more one-lot final plats in Teal Pass Estates; (2) obtaining the Park Donation fee of \$175; (3)

obtaining the escrow deposit required for the needed street improvements per City Engineer's report, and a time limit of one year for achieving these street improvements; (4) the placement and use of a private driveway to the lot in question must meet with the City Engineer's approval, and requiring that the homesite/farmhouse at the end of Jasper Avenue not be occupied until the street is finished. (Motion carried 6-0-1 <Lyall>).

4. General discussion of 1984 Planning Commission Work Plan, including review of I-94 Concept Plan.

The Commission discussed potential zoning that could be incorporated along the I-94 corridor. Among the suggestions were: Commercial, Highway Commercial, Limited Industry, and Urban Mixed. (The definition of these terms are included in the Comp Plan).

Klaers stated that the existing Comp Plan shows (and if nothing changes will be reprinted) between County Road 13 and County Road 19 as 1/4 of a mile of Highway Commercial; between County Road 19 and County Road 15 it shows about 500 feet of Post 1990 Highway Commercial (when sewerred).

Kuettner stated she would feel uncomfortable with any kind of commercial business going in without sewer, and feels that any commercial activity that would go in would probably be second rate.

Dreher stated if a developer could demonstrate that it could handle its sewage, there would be no reason to not allow a commercial business to develop.

Klaers pointed out that if the present Comp Plan was altered, the City would most likely have to again go thru the public hearings process.

Graves suggested that the setback of the entire strip (between County Roads 13 and 15) be the same depth (1/4 of a mile all the way across).

Prince suggested that the text of the Comp Plan should state that any residential development in the present RR zone would be encouraged to cluster outside of the Highway Development Corridor.

Graves stated that if you have a cluster development and that you have forty lots, you would have a minimum of sixty acres. What we would be saying is that ten acres could be built upon, and leave thirty acres unbuilt which would extend into this Highway Development Corridor. Therefore, the thirty acres would have to remain undeveloped. We better prohibit any residential development or be aware of the fact that if we have cluster development, we will have to leave those acres undeveloped. Maybe we should not permit cluster developments there at all.

Michels stated that if the cluster development was put in to discourage these larger lot sizes and to encourage clustering, when the appropriate time came, they could develop the rest of that property. Michel's does not think it was ever meant to keep thirty acres as a lot or plot, it was meant for holding.

Discussion on whether or not signs are going to be allowed along the I-94 corridor.

The Administrator will meet with the Planning Commission Chairwoman to work on a definition for Highway Development Corridor.

Discussion of the development in the surrounding areas (Afton, Woodbury, Oakdale, etc.).

5. Other

1. Prince asked that it be brought to the attention of the Building Official that there is a new home on the corner of Jamaca Avenue and Jamaca Court that has a swimming pool, but does not have the code required safety fence around this pool.

2. The Administrator updated the Commission on the Durand application. He stated the City is going to put the burden of proof on Mr. Durand regarding who owns the thirty-foot easement.

3. Lundquist suggested to the Commission that if they have not had their smoke alarms checked recently they should do so. He recently had a fire, and believes that if his smoke alarm had not been working properly, he could have lost his entire house. (Suggestion was also made to put this reminder in the City Newsletter).

The meeting adjourned at 9:25 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

AUGUST 27, 1984

7:30 p.m.

Meeting Convenes

1. Minutes: July 23, 1984
2. Application by Daniel Dickhausen, 3053 Jamely, for a simple lot subdivision and zoning lot size variance.
3. Application by Ken Neudahl, Teal Pass Estates, for a one (1) lot final plat.
4. General discussion of 1984 Planning Commission Work Plan; including review of I-94 Concept Plan.
5. Other.

August 23, 1984

<To: Planning Commission Members

From: Pat Klaers, City Administrator

Subject: Agenda memo for 8-27-84 Planning Commission Meeting

1. Attached for your consideration are the minutes from the July 23, 1984 Planning Commission meeting.

2. Application by Daniel Dickhausen for a simple lot subdivision and a zoning lot size variance at 3053 Jamley Avenue.

Attached for your information is the application, certificate of survey and legal description, and sketch of the lot.

Mr. Dickhausen is applying for a simple lot subdivision and a lot size zoning variance. This application will receive a public hearing before the City Council on September 18, 1984. The application came about because of a discussion with Mr. Dickhausen relating to his desire to construct a garage on the property in question. In the course of the discussion, it became apparent that there are two houses (and one garage) on one parcel of land consisting of approximately 1.2 acres. I discussed this situation with the Building Official and City Attorney, and both felt it was appropriate to clean-up this situation and recommend a lot split so that each house could be on a separate parcel of record. The staff is recommending approval of the simple lot subdivision and zoning lot size variance, even though the lots will be sub-standard, because it is in the best interest of the City to have no more than one house on one parcel of land. City Engineer, Larry Bohrer will be submitting a report to me on this application and I will hand this report out during the Planning Commission meeting.

The main concern with this application is that the newly created lot that does not have a well to serve the home must obtain a State permit and construct a new well. Other concerns relate to each house having their own separate septic systems and driveways, but it appears from the sketch that this is already anticipated and planned. An additional concern is the Park Donation Fee of \$175 that must be obtained from the applicant. With the approval of this simple lot subdivision and zoning lot size variance, Mr. Dickhausen will then be able to construct his proposed garage. This garage does not need any variances and simply requires a building permit.

It is not often that the staff recommends approval for lot size variances, but this is clearly the best solution to an unusual situation.

3. Application by Ken Neudahl for a one-lot final plat in Teal Pass Estates.

Attached for your information are two maps. This application has been discussed between the City Engineer, Mr. Neudahl, Mr. Peck and myself. The City Engineer and City Attorney are working on the developer's agreement for this final plat of one-lot. The staff has no problems with this application and recommends approval. A report from the City Engineer will be forthcoming and distributed at the meeting.

The concerns of the staff and items that were discussed with Mr. Neudahl and Mr. Peck, relate to (1) not allowing any more one-lot final plats in Teal Pass Estates; (2) completion of the road system (Jane Road Circle North and Jerome Avenue); (3) obtaining the Park Donation fee of \$175; (4) adequately meeting the 125 foot road frontage requirement; (5) drainage concerns (no problems exist); (6) the escrow deposit required for the needed street improvements and the time limit for achieving these street improvements; (7) the placement and use of a private driveway to the lot in question, and requiring that the homesite/farmhouse at the end of Jasper Avenue not be occupied.

I am sure the City Engineer's report will address many, if not all, of these concerns. This item will go before the City Council in coordination with the application for a shoreland permit on September 4, 1984.

3. Discussion of the 1984 Planning Commission Work Plan including the concept for the I-94 corridor.

The work plan that was approved by the City Council is again copied for your information. Once again, I am not pushing any discussion of any one of these items, but I am ready to respond to requests from the Commission. I do desire some type of consensus on I-94 corridor so that we may proceed with the reproduction of the Comp Plan.

Please review the material that I have previously distributed regarding past conversations concerning the I-94 corridor. As previously noted, I do not feel that the existing plan is all that bad and that our main controlling feature for businesses in the area is the lack of sewer.

Below are some comments relating to the rest of the work plan.

#2 and #3 - 1-1/2 acre lot size requirements in residential and commercial zones.

These items have been discussed by the Planning Commission in the past and it has been the consensus of the Commission that the existing rules are good and that we should leave well enough alone.

#4 - Lake Jane contamination problem (update).

The advisory committee is still working on a recommendation to both County Boards on a proposed long-term water supply solution for the residents affected by the contaminated ground water. It appears that the Landfill Committee is going to be recommending some type of public water supply system. There are many questions that yet have to be answered regarding this issue, but the Committee is moving forward on a recommendation.

The two main options being discussed are obtaining water from the City of Oakdale, or drilling a Lake Elmo owned municipal water system in either Sunfish or Pebble Park. Either of these two proposed solutions are at least one year away from delivering municipal water into the home sites. The County has been indicating to the residents in the City that the spray irrigation system that has been in operation since last winter is proving to be effective in controlling the spread of the contaminants. Nothing real earth-shaking has developed or come to the attention of the Washington County Board, but things are slowly moving forward.

#5 - Possibility of getting future sewer for I-94 corridor.

This relates to the concept plan for the I-94 corridor. The Commission should start examining where they desire the location of the MUSA line for 1995, the year 2000, and beyond. This would show the Met Council our ability to plan for the future. The staff is in the process of obtaining "guesstimates" as to the cost of this sewer expansion. The reason why the staff is working on these guesstimates is because of the request to obtain cost figures for the possibility of supplying sewer to the core village area. When this financial data is available, it will be processed on to the Commission for their review.

#6 - Watershed 509 Plan (update)

The 509 Committee has been meeting with the watershed district regarding its plans for a system of pipes to alleviate the water problems in northwestern Lake Elmo. The VBWD understood that many of the lake level concerns and DNR rules were meeting with the agreement of the DNR officials, but a change of heart from the DNR has put a stumbling block in these plans. The VBWD originally felt that the DNR would be flexible on its lake level requirements and most recently they have indicated that they will not be flexible and will try to enforce the letter of the law. This will make the proposed 509 Plan very expensive unless some other alternative or solution is deemed appropriate. The 509 Commission is currently exploring the possibility of combining some type of floodproofing with a system of pipes. More will be reported to the Planning Commission as this plan develops.

#8 - Regional Park (update)

The staff has nothing new to report on the progress of activities in the Regional Park. The swimming pool is being built this year, and plans are being made for the development of the road into the Regional Park. Over \$2 million is planned to be spent in 1984 and development will continue in 1985. Shortly, I will be working with the County Parks Director, Jack Perkovich to enter into a service contract for the Regional Park. This contract must explain in detail who is going to be providing what services (fire, EMS, road maintenance, police, etc.) and at what cost will these services be provided.

#10 and #11 - These are on-going Work Plan items and no comments need to be made regarding these issues.

Additions to the Work Plan:

#1 - Other uses for RR land.

This topic has received some preliminary discussion, but nothing has been finalized. Your input is desired if the staff is to explore other potential land uses.

#2 - Review sewer possibilities in the old village.

The staff has received the request from the Planning Commission to obtain cost figures for the possibility of getting sewer in the core village area. The economics of this do not look very positive, but when "guesstimate" figures are available, these will be processed to the Commission.

#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. The Commission may want to make some comments on obtaining some type of payment from landowners whose property has been now included into the MUSA line. These property owners are receiving the benefit of having sewer available without paying the cost the past twenty years for this right.

#4 - Review public sewer along I-94 in connection with the I-94 corridor concept.

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

#5 - Review 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 location of accesses when plats are proposed. The staff has been very

busy as of late with elections, special assessments and budget meetings, but will be working on this concept and present code amendments to the Planning Commission (which requires a public hearing) at a future date in late fall or early winter.

#6 - Review size of assessor structures in all zoning districts.

The Planning Commission has had some preliminary discussion on this topic. The City Council has expressed interest in this topic. The Codmmission may want to evaluate our existing rules and see whether or not they need to be expanded or further restricted.

#7 - Review "bed" type sewer drainfield systems.

This is the most recent addition to the Work Plan, and the instructions to the City Engineer to monitor the Wisconsin requirements and success with these systems has been delivered. Information will be provided to the Commission as the staff obtains this information

4. Other - This item is on the agenda simply to give the Planning Commission members an opportunity to discuss other concerns they feel are relevant. The staff has no input for this agenda item, but will be listening with open ears for pertinent comments and questions.

OTHER INFORMATION

1. Attached for your information are the two most recent City Newsletters dated July 24, 1984 and August 14, 1984. The July 24th edition highlights articles on "Huff & Puff Days", and the removal of the boat ban on Lakes Olson and DeMontreville; while the August 14th edition highlights the approval of the salary/wages for the city staff; and the fire department's mid-year report.

2. Wish to inform the Commission that I will be out of town from September 15th thru the 21st, and that a Planning Commission meeting is scheduled for September 24th. This means that I will not be in the office for the preparation of the Planning Commission's agenda and background material. Other arrangements of some type will have to be made for this meeting. Either the meeting should be cancelled or the staff can simply prepare an agenda and distribute background material at the meeting. I am sure that the ladies in the office would send out whatever information is submitted; ie: applications, maps, etc.,

but would not feel comfortable about describing the city staff's position on these applicaions.

3. Wish to acknowledge that the City Council on August 7th, 1984:

- (1) Voted to unanimously deny the Alford reapplication for a shoreland permit and zoning variances to construct a home on the site where a house was destroyed by fire in 1983 on Lake DeMontreville.
- (2) Voted unanimously to deny the Durand simple lot sub-division and tabled consideration of the road frontage variance until adequate information was available concerning the ownership of the 33' strip of land going from the parcel in question to 30th Street. The County is researching the ownership of this 33' strip of land, and this issue will be back before the city council when information is available.

Further wish to acknowledge that the City Council on August 21, 1984:

- (1) Approved the low bid from Sjostrom, Inc. of Fridley for the resurfacing of the tennis courts at Pebble Park. This low bid was in the amount of \$3,990.00 (the Engineer's estimate was \$5500), and the work is scheduled to be completed by September 15, 1984.

4. Per the Planning Commission's recommendation, the City Engineer has held one informational meeting for the residents involved in the 201 Program. This meeting was held July 28th, and was for the residents in the northwest section of our city. According to the City Engineer, this informational meeting was a success with well over one-half of the people in the program either attending the meeting, or contacting Larry for information before or after the meeting. Two other informational meetings are planned for the residents in the program that live in the core village area. These meetings will be taking place shortly.

5. The staff previously has indicated to the Planning Commission the intent of the City of Lake Elmo and the City of Oakdale to realign some of the CSAH designation in order to place this designation on 50th Street in Oakdale. This changing of CSAH designation was planned in order to decrease the time for improvements of 50th Street. There was some concern on this from some of the Commission members that removal of this CSAH designation on DeMontreville Trail would be a detriment to the City of Lake Elmo. I am pleased to inform you that a request to the State for additional CSAH designation in Washington County for 50th Street was approved. This means that Oakdale can have CSAH designation on 50th Street and Lake Elmo can continue to keep its CSAH designation on DeMontreville Trail. This section of 50th Street in Oakdale will now be prioritized into the County's 5-Year Capital Improvement Program (there are more funds in the CSAH CIP at the County level than there are in the County Road CIP). Achieving this

CSAH designation on 50th Street means that improvements will be able to take place quicker than before with this designation, but improvements may still be a year or two down the line.

6. The MSA and Jane Road North street improvement projects are moving ahead nicely. These projects are scheduled to be completed shortly, and the improvements should be a good benefit to the entire community.

7. The City Council is moving ahead on the special assessment program for the 1983 and 1984 Sealcoating and the 1983 Jamaca Court Projects. The sealcoating special assessment for 1983 and 1984 will be a total of less than \$30 for each of the over 700 residents who are involved in this program. Getting the roster together for over 700 participants in the program was quite a task for the office staff. Now that this roster has been developed and placed into the computer system, when the sealcoating program is done again in 1988, the assessment process will be much easier and quicker. A public hearing on the special assessments is scheduled for September 4th, 1984 at 8:15 p.m.

8. The budget process for 1985 is also moving forward. The City Council will be holding a public hearing on the Revenue Sharing and General Fund Budget on September 18th at 7:30 p.m. The Planning Commission is not intimately involved in this budget process, but you should note that the Planning Budget did increase because of the proportion of time the city staff is spending with this group. Also, some funds are planned to be placed in this budget category for commission members to attend local workshops/conferences.

9. Attached for your information is a flyer from the Washington County Sheriff's Department relating to facts on "three-wheelers". The increase in the number of three-wheelers in the area has caused concern to the law enforcement agencies.

10. Attached are two pieces of information relating to the 1984 population estimates. As you can tell, the population for Lake Elmo is up 8% (about 400) from 1980 to a figure of 5720. While we are not one of the faster growing communities in the area, the increase does show an effort on the City's part to control growth in an orderly manner.



City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

August 9, 1984

To: Planning Commission Members

From: Pat Klaers, City Administrator

For lack of agenda items, the scheduled August 13, 1984 Planning Commission meeting has been cancelled.

The next scheduled meeting is for August 27, 1984.