

LAKE ELMO PLANNING COMMISSION MINUTES

SEPTEMBER 10, 1984

APPROVED

The meeting was called to order by Chairwoman Prince at 7:30 p.m. in the council chambers. Present: Moe, Schiltz, Graves, Lundquist, Nazarian, Kuettnner, Gifford, Lyall, Michels, Administrator Klaers.

1. Minutes: August 27, 1984

M/S/P Moe/Nazarian - To defer action on the minutes of the August 27, 1984 Planning Commission meeting until the September 24, 1984 meeting.

2. Public Hearing for application by Gene Peltier for a rezoning to General Business from RR for 1/8 mile in all of Section 35 along I-94 between County Roads 17 and 19.

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

Mr. Peltier stated he has had several inquiries regarding potential development of his land along I-94. Among the requests he has received was one from the Naegle Sign Company to purchase a portion of his land for the purpose of constructing advertising (billboard) signs. He further stated that he was asking for a 1/4 mile rezoning rather than the 1/8 of a mile as indicated by his application.

The Administrator indicated to the Commission that he spoke with an adjacent property owner (Mr. Wheeler) who expressed concern over this sign proposal and rezoning on I-94.

Mr. Peltier further asked the Commission to hear another proposal for an office building/truck terminal for which he has recently been negotiating.

A Mr. Kelly, representing the trucking firm proposing to purchase Mr. Peltier's property, stated that the office area would employ approximately 25 to 30 clerical employees. The truck terminal would handle approximately 20 to 25 trucks per eight hour day.

Responding to Michels question on security of the building, Mr. Kelly stated that the area would be fenced and the building would be properly secured. He further stated that there would be no storage of cargo at this terminal, which would reduce the risk of theft.

This proposed office/warehouse concept was not an agenda item, but the proposed developers asked for a consensus from the Commission on their feelings of letting a development of this type take place along the I-94 corridor. Mr. Kelly stressed the fact that he would not spend any money pursuing this if the concept in itself was not acceptable to the City.

The public hearing was closed at 8:30 p.m.

The Planning Commission returned to the application on hand for the rezoning from RR to GB for the purposes of permitting advertising signs. As indicated in the Administrator's memo, the City had a similar application from Mr. Peltier before them in 1982 at which time they clearly indicated they would not consider rezoning simply for advertising signs. The Comprehensive Plan calls for commercial development to be in stages and in an orderly development. The intent was to eliminate "leap frog" development of commercial activities. The Comp Plan further implies that commercial development should increase the community tax base and provide jobs. With this background information, the following action was taken:

M/S/P Nazarian/Moe - To deny the application by Mr. Peltier for a rezoning to General Business from RR for 1/8 mile in all of Section 35 along I-94 between County Roads 17 and 19. (Motion carried 9-0).

A straw vote was then taken and the Commission members (with the exception of Lundquist who offered no comment) appeared to favor the concept of this proposal.

3. Public Hearing for application by David Nelson for a 5 lot preliminary plat on 10th Street near (east) of the Oakdale Gun Club.

Pursuant to published notice, this public hearing was opened at 8:52 p.m. in the council chambers.

The Commission reviewed the memo from the City Engineer in which he addresses several issues regarding this preliminary plat. Regarding lot size, the Engineer stated that the plat appears to meet the 1.5 acre minimum lot size, however the Washington County Highway Department has consistently requested and been granted 75' of right-of-way on CR70. This would reduce the lot size of Lots 1 and 5 to 1.39 acres. Additionally, Lot 1 does not have at least 1 acre of land suitable for septic system purposes because of the drainage easement and the severance of the northerly 40 feet.

The Engineer further stated the right-of-way provided for 10th Street Court and the cul-de-sac meet City standards. The right-of-way for CR70 is not sufficient.

According to the Washington County Soil Survey, the soils should be adequate for septic system purposes. The northerly three lots do have steep slopes and the sites will have to be more carefully evaluated for placing the septic system.

Regarding the proposed street improvements, the Engineer stated that the typical section provided meets the City's criteria for pavement thickness and strength. The proposed street grade appears to be too steep to allow the cul-de-sac to match existing terrain at the right-of-way line. The Engineer suggested than an elevation of 924 for the center of the cul-de-sac would be more appropriate.

Regarding the drainage, the Engineer stated no drawings or computations have been provide. Therefore, he could not comment on this issue.

Jerome Marah, Groundskeeper for the Oakdale Gun Club, and Dennis McCarty, President of the Oakdale Gun Club asked to go on record as opposing any residential development along side of the Oakdale Gun Club.

There were no further comments from the public for or against this proposal and the public hearing was closed at 9:05 p.m.

After a brief discussion the Commission took the following action.

M/S/P Graves/Nazarian - To continue this public hearing on September 24, 1984, or at such time as the questions of drainage, County right-of-way, lot size and street grade be addressed, as recommended by the City Engineer. (Motion carried 9-0).

4. Other

1. Gifford mentioned the ten or twelve dead trees near the City's maintenance garage. Suggestion was made that these trees be cut down and replaced.
2. The Administrator advised the Commission that filings for the mayor and two council seats opens on September 25th and closes on October 9th. The fee for filing is \$2, and you are also required to have five signatures.

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

SEPTEMBER 10, 1984

- 7:30 p.m. Meeting Convenes
1. Minutes: August 27, 1984
- 7:45 p.m. 2. Public Hearing for Applilcation by
Mr. Gene Peltier for a Rezoning to General
Business from RR for 1/8 mile in all of Sec. 35
along I-94 between County Roads 17 and 19.
- 8:15 p.m. 3. Pubic Hearing for Application by
Mr. David Nelson for a 5 lot Preliminary Plat
on 10th Street near (east) the Oakdale Gun Club
4. Other

September 6, 1984

TO: Lake Elmo Planning Commission
FR: Patrick D. Klaers, City Administrator
RE: Agenda Memo for September 10, 1984 meeting

1. MINUTES

The staff would appreciate the Planning Commission tabling consideration of the August 27, 1984 Planning Commission minutes as they have not been completed. The reason why these minutes have not been completed is because of the extensive demand on the staff time for the recent special assessment public hearing and preparation of the 1985 City Budget. If the minutes are completed by the meeting time they will be distributed for your information.

2. GENE PELTIER REZONING REQUEST

Mr. Gene Peltier has applied for the rezoning of his land in Section 35 to Commercial from its current Rural Residential. Notice of this Public Hearing has been published in the official City Newspaper, the Washington County Review, and property owners within 350' of the Pelter property have been notified. This public hearing is to begin at 7:45 p.m.

Specifically, Mr. Peltier is talking about rezoning a 1/8 mile strip from County Road 17 to County Road 19. The applicant desires to use this rezoned land to install advertising signs. The future use beyond advertising signs would indicate whether a rezoning to General Business or Highway Business would be most appropriate. If any type of rezoning was approved, the applicant would still have to obtain a Conditional Use Permit in order to install any type of advertising signs. Attached for your information is the application and a map showing this area in section 35.

In review of this application, please refer to the following code sections. Signs are found on page 505-1 thru 13 and specifically 505.206 refers to the 3,000 foot requirement between advertising signs and 505.320 refers to the type, number and size requirements for advertising signs (200 sq. ft. is the maximum). Rezoning comments in the code are found on pages 301-25 thru 27. Some of these submission requirements for the rezoning are lacking at this point. This information relates to legal description, soil conditions and development plans. I believe that the development plans would relate to future use beyond simply using the land for advertising signs. General Business and Highway Business zoning sections can be found in the code on pages 301-38 thru 45. I anticipate that the applicant will be present for this Planning Commission Public Hearing to answer any questions from the Commission.

The Commission should note that if this rezoning is approved that the door will be open for any of the approved uses in the GB or HB zones. Therefore, if the rezoning is approved the signs (the intended use)

could be up for a short period of time and then the use of the land could change to any activity listed in the code.

There was a similar application before the Planning Commission and City Council in 1982 by Mr. Peltier and at that time it was clearly indicated by the Council that they would not consider rezoning simply for advertising signs. The Comprehensive Plan calls for this area of land to be zoned commercial after 1990. The Comprehensive Plan calls for commercial development to be in stages and in an orderly development. The intent was to eliminate "leap frog" development of commercial activities. The Comp Plan further implies that commercial development should increase the community tax base and provide jobs. I do not see rezoning for advertising signs as providing either an increase in the tax base or jobs.

Based on past history and the information available on the application, the staff has no alternative but to recommend denial of this rezoning application. I do not think that the City Council's position will be much different today than it was in 1982, but the applicant may have additional information which could alter the position of the staff or the future over-all proposal for this request.

3. DAVID NELSON PRELIMINARY PLAT APPLICATION

Mr. David Nelson is applying for a Preliminary Plat. This application calls for a public hearing and the legal notice has been placed in the official City newspaper and the property owners within 350' of the Nelson property have been notified.

As you may recall Mr. Nelson successfully rezoned his land from RR to R-1 in late 1983 with the intent to proceed with this type of preliminary plat. A concept plan was reviewed by the Council and Planning Commission in the spring of 1984.

Attached for your information is the application and plat plus four pieces of information from the spring of 1984 discussions on the concept plan. Also attached is a memo from the City Engineer Larry Bohrer. As this memo indicates, some additional information needs to be reviewed before final approval of the preliminary plat can be obtained. This additional information relates to soil conditions, size of Lot 1, erosion control measures and drainage concerns.

The City Engineer is recommending this plat be tabled until additional information is received and reviewed by the staff. This will allow for many of the final plat requirements to be addressed now.

Please refer to the City Code pages 400-9 thru 13 for the preliminary plat requirements. Once the preliminary plat is approved pages 400-24 thru 27 relate to the design phase and the final plat. Also at the time of the final plat the developers agreement that must be approved in conjunction with the final plat will have requirements for park donation, escrow account for street and drainage improvements, a time limit for street improvements to be realized, easement requirements for 10th Street and other requirements relating to street signs and lights. At this point in time the preliminary plat meets most of the basic requirements for lot size, road frontage and a public street.

The City Engineer will have a question relating to the one acre requirement for an area being suitable for two drainfields. It appears that Lot 1 has a large drainage area which may not permit one dry acre of land.

The staff anticipates that Mr. Nelson will be present at this 8:15 p.m. public hearing to answer any questions from the commission. The staff is recommending tabling a recommendation on this application until all questions raised by the City Engineer are adequately addressed. Thus, any conditions that may be a part of this recommendation can be properly outlined for the recommendation and future developers agreement.

4. OTHER

This will be an opportunity for any Planning Commission member to bring a topic forward which they feel is relevant and deserving of discussion of the entire commission. This will also be an opportunity for the Commission to request information from the staff or to place items on future Planning Commission agendas. This "Other" item is simply for the good of the order and an opportunity for request for information or exchanging ideas.

***** OTHER INFORMATION *****

1. Attached for your information is the most recent City Newsletter edition dated August 28, 1984. This Newsletter edition highlights articles on the new voting equipment, the primary election on September 11 and the approval of the CIP program.
2. Wish to inform the Planning Commission members that the application by Lakeview Hospital for an ambulance service in the area has been denied by the Commissioner of the Minnesota Department of Health. Many of the health systems agencies recommended approval of this application but the Department of Health staff recommended denial and the Commissioner concurred with the staff. Unless we hear otherwise or there is a mechanism for an appeal of this decision, it appears that the application by Lakeview Hospital Ambulance Service is now a dead issue.
3. Attached for your information is a brief letter from the Washington County Parks Director Jack Perkovich which provides us with some information regarding the Regional Park located in Lake Elmo. On the backside of this letter is a map showing the facilities that are planned for the park.
4. Once again I wish to inform the Planning Commission that I will be out of town for the preparation of the agenda for the September 24, 1984 meeting. Depending on the demand for a meeting on this date, the staff will either be sending out a brief agenda or, after consultation with the Chairperson, will be sending out a memo indicating that the meeting is cancelled.

5. Attached for your information is a letter to VBWD from the DNR regarding the area lake levels that are proposed in the 509 Plan. As one of the later paragraph indicates, the comments included in the memo are quite different from the discussions held between DNR and VBWD. VBWD was assuming that they had reached an agreement with DNR on acceptable new lake levels but this no longer appears to be the case. At an August 30 meeting between VBWD and the 509 committee it was determined to proceed with the 509 plan as proposed and to install the system of pipes in stages with the first stage relieving the high water levels on Lake Jane. The VBWD Engineer, the City Engineer and County Engineer will be meeting to review what the appropriate normal ordinary high water mark is on Lake Jane and if this is substantially different than the opinion of the DNR then steps will be taken to challenge the DNR level of 924. However, if these three engineers concur with the DNR, then no further protest over acceptable lake levels will be made by VBWD.

6. Wish to acknowledge that according to VBWD Secretary Dick Murray the diesel pump has been turned off. As you are all aware, this pump was removing water from Lake Jane and piping it into City Park Pond. With this pump being turned off, it is expected that the water in City Park Pond will be receding to prepumping levels.

7. Up date on 9-4-84 City Council Action:

A. Unanimously approved the 1 lot Final Plat for Teal Pass Estates and additionally approved a Shoreland Permit for this lot.

B. Unanimously approved the Special Assessment Program for the 1983-1984 Sealcoating Project. These special assessments turned out to be less than \$30 per parcel for the sealcoat that was placed on the steet along the properties being assessed.

C. Also approved the 1984 Special Assessment for the 1983 Jamaca Court Improvement Project. There were 17 1/2 assessment units in this project and each unit was charged slightly less than \$1,000 for their road improvement. These property owners have up to four years to pay their assessments.

D. Authorized the City to enter into a Joint Powers Agreement for financing in the 201 Sewer Improvement Program. As you may be aware, the City is combining efforts with the County for financing this program and will be using the County's name to sell bonds. This should result in a lower payback rate for the City.

E. Authorized partial payment number two to Forest Lake Contracting for the 1984 Street Projects. These projects were for the improvement of Jane Road N., a short section of Jamaca Avenue and for the MSA Project. (Also, you should note that the County has been in the City of Lake Elmo doing striping of these and other roads.) With this partial payment number two being authorized, the project for street improvements in 1984 is nearly complete with only about 5% of the work remaining to be done.

F. Recommended to Washington County reappointment of VBWD member Dick Murrroy and Al Dornfeld for an additional three year term.

G. Authorized the staff to send a letter to Mr. Richard Durand regarding his application for a road frontage variance. According to a letter from the City Attorney (which is attached) this is an issue that ultimately has to be determined in District Court and the burden of proof (also expense) for determining ownership of this 33' strip of land in question lies with the applicant.