

sent out to engineer 10/28/84

LAKE ELMO PLANNING COMMISSION MINUTES

APPROVED

OCTOBER 22, 1984

The meeting was called to order by Chairwoman Prince at 7:30 p.m. in the council chambers.

Present: Dreher, Gifford, Graves, Kuettnner, Lundquist, Lyall, Michels, Nazarian, Schiltz, City Administrator Klaers, City Planner Chelseth.

1. Minutes: September 24, 1984

M/S/P Graves, Nazarian - To approve the minutes of the September 24, 1984 Planning Commission meeting as presented. (Motion carried 8-0-2 <Lyall, Michels>).

Dreher questioned a statement in the minutes (regarding the Nelson preliminary plat approval) which read "The Administrator stated that the Engineer has just received the drainage calculations and has not had time to do the computations, so he could not update the Commission on the drainage requirements". Dreher asked what the drainage requirements are for the 40 x 60 building, or whatever the drainage requirement calculations are supposed to be for.

The Administrator responded that the Engineer looked at the figures and it has to do with the soil conditions and how much area was required to be set aside for ponding. The Engineer reviewed the figures, talked with VBWD (who also reviewed the figures), and Mr. Nelson has met the requirements of the Engineer.

The Administrator was unsure of what the computations are when computing things like this, but will have the Engineer followup on this question.

2. Public Hearing: 13 acre large lot subdivision application by Gene Peltier along I-94 near CSAH 17.

Pursuant to published notice, this public hearing was opened at 7:45 p.m. The Commission accepted the withdrawal of this application, received no comment from residents for or against this proposal and the public hearing was closed at 7:46 p.m.

Gifford made reference to the 10-2-84 City Council minutes in which the Council declined to move on the Peltier application until they had time to review the minutes of the Planning Commission's discussion on this application. She is doing a paper on local government and in reviewing the material, has come across two Supreme Court cases that say that the City Council is required to at least review and consider the Planning Commission's considerations, or else there is a presumption that it acted arbitrarily. So it is a valid action for the City Council to have not acted on this application.

X 3. I-94 Corridor: Future land use plan - general discussion and presentation by City Planner, Rob Chelseth.

Mr. Chelseth reviewed prior discussions with the Commission from 1983. At that time the Section 32 plan had just been adopted. Section 32 sits on 120 acres of land and is proposed for general business development at the I-94 and I-694 intersection. There are 40 more acres off of the frontage road that the City is going to try to sewer and focus general business, commercial, light industrial, and industrial development.

To put 120 acres of general business sewerred in perspective, Rob cited some figures from a survey done by the Metropolitan Council. Between 1970 and 1980, there were six acres of commercial development in Lake Elmo and six acres of industrial development. That pace may pick up, but what is important to realize is we are talking in terms of tens of acres, not hundreds or thousands of acres of development. What we are trying to do is distribute that level or scale of activity. So what do you do when you have four miles of potential land for that? We went thru a pretty sound thinking process when we did this. We said it is not going to be the so-called convenience businesses that serve the population. If there are going to be little stores to serve the people of Lake Elmo, we definitely want them near where we live. What we are generally looking for along the highway are businesses that have a broader trade area that will serve people traveling on the highway, or people in the region that can gain access. These would tend to be uses that serve highway people (hotels, gas stations, etc.) or would be uses that had to have a lot of land for storage, etc., such as the truck terminal application that was just before the Commission. The question then was what kind of these businesses do we want to allow there, if any, and where do we want to allow them. We decided you can boil down what we can do in that case to three alternatives which are listed in the July 11, 1983 Planning Commission minutes.

Michels: Since most everyone on the Planning Commission was in favor of Mr. Peltier's concept, why shouldn't the Commission proceed with rezoning the I-94 corridor to Highway Development so applicants can proceed without a hassle.

Kuettner: I am in favor of Alternative 3 because I feel very strongly that there should be no residential development along the I-94 corridor.

Gifford: Would it be compatible to have Industrial development with General Business adjacent to it (as was proposed with the Peltier and Hanson rezoning requests)?

Chelseth: All districts are contiguous to some other kind of district - they are all going to butt against something else. A relatively easy or workable transition would be from Industrial to Commercial, especially in Lake Elmo because it is generally Light Industrial - there is no sewer or water or types of central services that could support heavy industry or things you might call noxious. There will always be exceptions such as not

wanting a motel next to a truck stop, so there are times that we would have to be careful.

Gifford asked the purpose behind creating Industrial Parks zoning.

Chelseth stated the purpose is definitely to get the light uses together where they can take advantage of each others presence. They are not going to bother each other, you have the land served properly, it is a cleaner, neater way to go. We do have that already in Section 32. As for I-94, if we take out all of the uses that are sewer oriented, what we are left with are things that are called Industrial, but by any other name they are very light business type things that don't really require a lot of services, but do like a frontage freeway location. When you do say that we are going to allow Commercial/Industrial in an area like the I-94 strip, these are the kinds of things you begin attracting (such as transportation, wholesale warehouseing), things that have big square footage requirements but don't generate a lot of waste, etc.

Nazarian asked where a McDonald's would fit. Why wouldn't it fit on Peltier's property?

Chelseth stated that from a land use point of view, it generates a lot of water and grease and waste, etc., and it is a particularly hard thing to treat with an on-site system.

Gifford suggested discussion on a "Freeway Development Zone".

Chelseth said that Conditional Use Permits are often misunderstood. You should view a CUP as an allowed use, subject to certain conditions that you stipulate. The problem with CUP's is that when something becomes politically charged, there is different views on whether or not it is the right thing. The process gets twisted and it becomes kind of an arbitrary thing as to how they are issued, and it shouldn't be. It should be far more of a technical issue.

Graves: Another problem with the CUP is you won't have anybody coming in and investing a lot of capital in something that is just a CUP where it can be revoked after several years, or as you suggested, the political environment changes and would not be in favor of operating under a CUP.

Prince: If we had a new zone with performance standards that would take care of the requirements we would otherwise have in the CUP, would that help that problem?

Chelseth: I would not be too concerned about a persons investment in a CUP. It will just cause the person with the CUP to take an extra look at the proposal. In other cities, things are allowed with CUP's and people make significant investments because if the city arbitrarily revoked the CUP, it just wouldn't work and the city would have quite an argument legally. The city would have to have grounds to revoke a CUP.

Lundquist: Up to now, we have been talking about quality development (such as the insurance building at the intersection of I-94 and I-494). Then when somebody comes in with a truck terminal, it is accepted as a good thing. It seems like a total reversal.

Chelseth: If we are going to allow development that is not sewerred, we are not going to get the quality as some people define quality. You have to create an environment to get the quality that the City seems to desire. If you open a place just to the market, that will not happen.

Dreher asked how do we create an environment.

Chelseth: Sometimes it is done privately, but in the case of Eden Prairie there was a close working relationship with a large business community and some large land investment people that wanted to do that type of thing, who got together and worked out a public/private partnership with the City. They put a tremendous amount of money in there, but they were also in the right place at the right time. Some cities will take advantage of a lot of techniques that are offered under State Law - the principal one is probably the Tax Increment Financing. There is also State development programs; so there are several ways to start something like this. Sometimes there is a very active business community or Chamber of Commerce, etc.

Nazarian asked what would be the best method for Lake Elmo to use if we wanted to go out and get a development that was very good quality and locate it in Section 32, where we do have sewer available.

Chelseth: I would start with the people that own the property. See if they have an interest in doing this type of thing. The development business is like any other kind of business, so the property owners would have to have an interest in it and an understanding of it. If the property owners had that sort of initiative, then the City could say "What can be do to help you?"

Dreher: Along I-694 and I-94, there is valuable property for quality development. For instance, housing for the elderly would fit in there and it is something that I am working on right now. You could also have some nice commercial development west of Helmo Avenue, between the highway, that would be very compatible to a residential area across the street. If everything is planned right, there could be doctors offices and the like.

Nazarian: If we continue to talk about quality development, and if the City really wants quality development, what do we do?

Chelseth: The best thing we could do is have the environment available and the tools here. Encourage the property owners to come to the City with their plans and be willing to listen and work with them.

Schiltz: As I understand it, the way this land is going to get developed is if the landowners are aggressive enough to go out and get their own people to build on it. Yet, on this whole plan I don't know why these certain areas have those lines - the area for proposed highway/commercial, etc., when there are other areas on this highway that have people that are aggressive - entrepreneurs that want to see the land developed and it is not marked like that. Yet we are sitting here with this proposed plan wondering who is going to do it. Let the aggressive people that want to do something with their land do it.

Chelseth: There is another consideration that goes into this. That is the timing and the impact of how this development occurs. When you have 4-1/2 miles of open land, and you have spotted in there a half-dozen business developments, if you leave it totally open the market will prevail. Certain people are more aggressive, they may have leads, contacts, etc., so what you start to get is a "checkerboard pattern" where you get one person who for whatever reason develops right in the middle of two interchanges with the rest of the land around it open. That will dictate what happens to the other land around there. If a certain type of business or industry is put in, it will cast a shadow on the adjacent property. There isn't going to be 4-1/2 miles of commercial/industrial development, so what might happen is that things will be scattered along there and you have this dead land standing in between it because you don't have enough demand and activity to have a whole strip of those things. It will, therefore, take a long time for it all to infill and solidify, and this happens quite often. So the theory behind grouping things is to try and consolidate the development and put it in the prime locations.

Schiltz: Why doesn't County Road 17 have an entrance or exit from it. Why is the cloverleaf on County Road 19 rather than into the City.

Mn/DOT made this decision because the County decided long ago that County Road 15 is the main highway north/south thru the County. There had to be an interchange at County Road 15, and there had to be one at County Road 19 for the Regional Park.

Dorothy Lyons stated if the interchange was at County Road 17, all the traffic would move thru a residential area, and this is what the residents did not want. Lyons also stated that some long term planning should be made regarding where the next frontage road will go.

Gifford: The issue being discussed is still the problem. The Planner says if we start development at interchanges, we get quality development and it will spread out, which sounds logical. However, Schiltz pointed out that our entrepreneurial spirit is already in the in-fill areas. How do we kill two birds with one stone.

Chelseth: If you concentrate the development to the intersections, you will have the development focused and it gives

you more flexibility with what you do with the infill areas.

Gifford: Is there anyone other than Mr. Peltier along the I-94 corridor that is interested in developing their property?

Prince: Would it be appropriate to tell people coming in with proposals (such as the truck terminal) that "this is a terrific idea but you really belong in Section 32?" Should we try to ease these developers into the right spot?

Lyall: When Mr. Peltier was before the Commission with his clients for the truck terminal, had the Planning Commission suggested that the terminal be located in Section 32, we would have been in a lot of trouble.

Prince: If we would follow Alternative #2, and established these cross-hatch lines as a new zone (Freeway Development) we would write performance standards for this use.

Chelseth: You will always have a list of uses. Performance Standards just set the parameters under which those uses can occur. They limit the size, crown coverage, water waste generation, etc. There are technical standards in some cases and in some cases the performance standards are arbitrary.

Dreher: Performance standards would dictate what would go in.

Chelseth: They would dictate the nature of what goes in.

Dreher: If the City knew what performance standards should cover, it would eliminate a lot of problems when it comes to development.

Klaers: What is feasible is that we create a zone called "Highway/Freeway Development" and say all uses permitted in Industrial, General Business and Highway Business are allowed with a CUP, and then in order for that business to operate they have to meet our screening, setback, parking, building size, etc., requirements. There are a lot of conditions that can be added, and those are the types of performance standards that we are talking about.

Lyall: There are obviously not the entrepreneurs that Schiltz speaks of. This land has been here for a number of years and we don't see people knocking on the door wanting it for a number of reasons, nor are we turning a lot of people down. I don't see where we have any other choice. We either have the funds and hire a professional to go out and draw people in here, or go as we are.

Gifford: If something is zoned in a City the presumption is that it is zoned correctly. But, I feel if the landowner challenges that zoning, they have the burden of proving that they don't have reasonable use of their land. You could say it is the initiative of the landowner to come in and say that they want their land rezoned. Either we as a City have to prove that our zoning is

right or if the landowner can prove that he needs a reasonable use of his land and it is compatible with our Comp. Plan now or in the future, that has to be accepted.

Chelseth made reference to the plan that Bloomington has followed in developing its community. Bloomington is looking for certain types of commercial/industrial development, but they are allowing a host of other things by CUP. Bloomington does not have performance standards in its code. The only thing they have that comes close to performance standards relates to lot size and the size of the building on the lot.

Lundquist: Do we feel that the warehouse/truck terminal was a good proposal?

Graves: I think part of the question is that we didn't know how to reject it. It fit the use of the land, and I don't know how I could have found a reason to reject the proposal under our existing planning guidelines. We may have wanted something better, but on what basis could we have rejected Mr. Peltier's proposal?

Lundquist: You find someone to help you come up with the reasons if you want to reject it.

Graves: It can't be contrived - they have to be real, and they would have to be defensible in court.

Lundquist: You can make an entire list of bonafide reasons to reject a proposal.

Lyons: When the property owners were here for a meeting, they left the meeting with the understanding that if they want sewer along the I-94 corridor, they would have to pay for it. If the I-94 corridor is sewerred, that does not mean that the rest of the community will be sewerred. I think the property owners would be interested in working with our Planner to draw up a plan.

Michels: The property owners talked like they were going to get together as a group and come back to us. We are still waiting for them.

Klaers: We have to remember that even though the sewer is underneath the freeway, we have no commitment from Metropolitan Council that they are going to give us more capacity. We may not be able to extend the sewer for some of those property owners down there.

Dorothy Lyons gave a presentation on the development that is taking place in West Lakeland, and added that she did not feel the City of Lake Elmo is cooperating with the land owners.

Prince asked the Commission if they would like to establish a new planning district, how they would like to define it, and if they would like the City Planner and City Administrator to make a list of performance standards.

Graves: It would be a good idea. We have to define a new zoning district for the I-94 corridor.

Gifford: I agree it would be a good idea.

Nazarian: Should we have two zoning districts - one for the interchanges and one for the in betweens?

Graves: What type of distinction would we have to make? Are we going to say you can only put in gas stations or are we going to say you can't put a motel on the corner. Where are we going to draw the line?

Lundquist: Some people want quick access to the freeway. The others just want to be able to not have too far to go to get onto the freeway.

Nazarian: If a property owner wants to sell the property to a person, and the person thinks he can make a go of it, let him present his plans to us.

Graves: What is the distinction going to be between the two districts?

Nazarian: I was thinking along the bases of size of the lots of land. Smaller at the intersections and larger in between. We could end up with more businesses clustered at an intersection that may take advantage of small sections of land.

Lyall: I do not believe that whatever we put in the plan is going to cause it to happen. If I was the property owner, I would be in here talking with the Commission to see what could be made of the property. I haven't heard many owners asking us that.

Prince: If we adopt a new plan for this section, we will have a public hearing and we will specifically invite the property owners.

Klaers: If we end up changing the Comp Plan to add the "Planned Freeway District", we will also have to incorporate that into the zoning district in our code. So while we may not have any land zoned "Freeway District", we will have it defined and in the code.

Michels: Probably one of the reasons we haven't done anything on the I-94 corridor is that we do not have sewer available. I take exception to Lyons statement that we are not cooperating with the property owners. I do not know of a thing that has been presented to us that we haven't tried to cooperate with. The one big mistake that was made by this City was turning back the 12,000 units of sewer capacity when Mr. Armstrong was mayor.

Consensus of the Commission is that they have established a name for the district, and they want the Planner and Administrator to

provide a list of allowed uses and to write a list of performance standards.

Michels: I would be curious to know if there is another Metropolitan or small city within ten miles of a major city that does not have sewer.

Lyons: I have the plans for Lakeville that I would like to give to the Administrator for review and distribution to the rest of the Commission.

Schiltz: The way the land is on I-94, I just can't see people living there. The people that want to do something with their property should have the opportunity to do so. If we are looking at changing the zoning before the 1990's, I am satisfied with this proposal. Individual people and what they represent is not an issue. The issue is that people should be able to with their land, if it is in the concept of what is feasible, what they want to. We should not bring monetarial value into any of these issues.

Lyall: What you are saying is that some people in this City are being hurt because of the way that it is zoned. I do not believe that to be true. Those people are not coming in here complaining that it is zoned improperly.

Lundquist: They have been in here. Someone wanted to put up a big garage on Highway 36. That person wanted to sell and he was turned down.

Lyall: What Schiltz is saying is that we are holding a lot of people up because of the lack of planning, and I want to know who those people are that we have been holding up.

Schiltz: I did not say individual people. I said there could be more aggressive people out there with land that they would like to change, but they don't have the chance to do it because it is not zoned that way.

Klaers: Mr. DeCoster would like to develop, but the holdup for him is the lack of sewer and the lack of desire to pay thru the nose for the sewer. He has sewer available, but does not want to pay for the pipe, lift station, etc., without anyone along the way helping him. I tell every developer or person that has asked, that it is all zoned as used (RR, AG some Highway Business), but it is all planned for future Commercial. Some of it might say Post 1990, but the Planning Commission has always said (as with Mr. Peltier) that if someone has a proposal that is put together that calls for Commercial and it is prior to 1990, the Commission will listen to the proposal and evaluate it on the merits of the proposal.

Lyall: Another thing I don't see along the highway is any "For Sale" signs.

Lundquist: Most of the people that own the property are those

that found the "For Sale" signs and bought it.

Michels: I believe that there is a preconceived notion that Lake Elmo is against expanding or having new business come in. Whether it is justified or not, and I don't believe that it has been recently, anything that has hit the paper has had a negative aspect. Wally McCarthy from a few years ago, and the railroad proposal had relatively negative connotations and I think there is a perceived negative feeling.

Lyall: I think that if this is a preconceived notion, maybe we should get a reporter in here to write a story that this is not true. Let's get the word out that we are not anti-development.

Nazarian: Would it be worthwhile to form a committee to see if there is anything we can do once these things are settled. Write the property owners suggesting they do something.

Prince: I think if we form a committee, it should include property owners.

Lundquist provided a list of the property owners along the I-94 corridor for the information of the Commission.

4. Discussion on size of accessory structures. (Tabled)
5. Review of 1984 Work Plan (Tabled)
6. Other.

A. Planning Institute

Prince informed the Commission that the Annual Planning Institute will be held on November 30th, at the Earl Brown Center on the University of Minnesota St Paul Campus, and if any Commissioner is interested in attending this conference their fee to attend will be paid by the City.

Kuettner, Prince, Nazarian and Michels expressed interest in attending this Planning Institute.

B. Next Planning Commission Meeting

The next scheduled Planning Commission is for November 12th which is a legal holiday. Therefore, the next Planning Commission meeting will be held on November 26th.

C. Recycling Information

Prince informed the Commission that Recycling Unlimited Dropoff has a dropoff in Woodbury and asked if anyone had an interest in approaching a recycling company about doing that in our City.

Lundquist stated that Washington County is in the process of discussing recycling. Consensus is to find out what is happening at the County level.

The meeting adjourned at 9:35 p.m.

October 18, 1984

To: Planning Commission Members

From: Pat Klaers, City Administrator

Re: Agenda Memo for October 22, 1984 Planning Commission Meeting

1. Minutes The September 24, 1984 were previously sent to you. If you need another copy, please contact the city office.

2. Peltier public hearing for a 13 acre large lot subdivision. This application came about as part of the total rezoning application that was before the Commission at its 9-24-84 meeting. The Planning Commission implied approval of this large lot subdivision, but the official public hearing must be held before the Commission to consider this application.

Before the City Council at its 10-16-84 meeting, Mr. Peltier formally withdrew his rezoning application. Therefore, this public hearing on the large lot subdivision is no longer needed, and the application is considered to be withdrawn. It is on the agenda simply because a public hearing notice was published. Therefore, the hearing should be opened and officially closed and the applicaion accepted as being withdrawn.

You should note that this is one of the continuing problems with processing applications that require more than one decision by the Planning commission and City Council. Often the applicant wants to proceed with the second step in the application process before the first step is completed, and consequently we end up with cancelled public hearings when an application is denied or is withdrawn. The alternative is to wait until approval is received at the City Council level - then schedule the public hearing before the Planning Commission which would require an additional two week publication requirement. This often causes the developer to be irritated with the City as they feel that we are going out of our way to delay them in achieving approval of their applocations. It is essentially a "no win" situaion.

3. I-94 Future Land Use Concept - Presentation by City Planner Rob Chelseth. Attached for your information is some material that was in the file from 1983 discussions on this topic. These attachments are:

- * three alternatives listed for the I-94 corridor dated 7-11-83;
- * the Planning Commission minutes from 7-11-83 considering these three alternatives;
- * an August, 1983 proposal implementing alternative #2 from the 7-11-83 discussion;
- * 9-12-83 public hearing minutes before the Planning Commission on the I-94 corridor;
- * 10-24-83 Planning Commission minutes on discussion of the I-94 corridor;

- * 11-22-83 Larry Whittaker comments;
- * 8-27-84 Planning Commission minutes when this topic was again discussed.

The recent Peltier application has once again stressed the need for some type of well thoughtout plan for the I-94 corridor. This request by Mr. Peltier is just the first of many demands and requests that we anticipate seeing in the future. Once the I-94 project is completed with interchanges into Lake Elmo, we will be seeing more and more demand for development. Once the Commission has discussed this and are in agreement as to what they believe is the best plan for this area, we will then be required to hold a public hearing and invite all the property owners in for another public hearing discussion.

Additionally, I anticipate that Rob will have some information from the City of Bloomington on what they classify as a "Freeway Development Zone", some information from the City of Mahtomedi on their performance standards for development, and maybe some information from the League of Minnsota Cities on performance standards.

My personal preferance for a plan along I-94 is to incorporate some of the points of alternate #2 discussed in July and August of 1983. However, I think that the development zone around the I-94 interchanges should be listed as "Freeway Development Zone". In this manner, we will be adding a new zoning district to the City. We would not have to list out the specific uses allowed in this "Freeway Development Zone", but we may require everything to take place only under a CUP application. Then in the Freeway Development Zone, we should incorporate performance standards which the development must meet. For example, we must put limits on the amount of outside storage (as this is a major factor in the appearance of the property), standards on the building exterior, landscaping, signing, and requiring that proper maintenance takes place at the rear of the building as this is also seen by people traveling on I-94. There are other requiremets that may be appropriate to incorporate in this zone, and the Planning Commission should feel free to offer their input on the type of restrictions and requiremets that may be appropriate. By suggesting that we limit the "Freeway Development Zone" around the interchanges with I-94, I am implying that the remaining sections of land should be zoned "as is" - Rural Residential. This area should not be planned for future Commercial at this point in time. In this manner, we will be increasing the price of the land available around the interchanges, therefore, helping to insure that only a quality type of development will take place. The other point of view is that if all the land is zoned Commercial, each ten acre parcel may be worth \$10,000, however, if a limited amount of land is available for Commercial, maybe the land would be available at \$40,000. Therefore, a higher quality type of development would take place simply because of the initial investment in the land. This will upset some property owners who own land in between the interchanges, but a zoning ordinance cannot make everybody happy. It is our responsibility to control the development in the area and insure that the development is of a high quality, and by limiting the amount of land available for future highway development, we are helping to insure that the development will be of a high quality.

I look forward to an interesting discussion with the Planning Commission and when we proceed to the point of reaching a consensus, we will then be scheduling a public hearing.

4. Accessory Structure Size Requirements. Recently, the City Council approved an accessory structure variance for Don Durand to construct an accessory structure of 1200 square feet which is in excess of the 1000 square feet code requirement.

I mentioned to the Council that the Planning Commission was interested in this topic and that we will again be addressing this issue.

Attached for your information is the newly revised Washington County Code on sizes of accessory structures, plus I anticipate a handout to be distributed at the Commission meeting from the Building Official, James McNamara.

You should note that it is State Law that a garage which houses a motor vehicle cannot exceed 1000 square feet. However, the Commission should be considering the size of the parcel of land, the zoning district, and the use of the land and accessory structure in reviewing whether or not any changes are needed in our maximum size of accessory structures.

Also attached is the Lake Elmo Code pages which relate to accessory structures. On small parcels of R1 land (under 2 acres), I do not believe that any changes should be made in the 1000 square footage maximum. However, on R1 zoned land that has between 5 and 10 acres of land, we may want to consider expanding the maximum square footage, or the number of accessory structures. As the Code indicates, there is no requirement on the number or size of accessory structures on large agricultural zoned property. We may also want to look at accessory structures in other zones besides Residential and Agricultural; ie: Commercial and Industrial.

I have no strong feelings on this part of the code dealing with accessory structures, but I believe the Building Official's memo will voice some opinions on retaining our existing code as is. The Council obviously feels it is too restrictive on large pieces of residential land as they gave Mr. Durand, who owns in excess of five acres in the R1 zone, an accessory size variance.

5. 1984 Work Plan. Attached for your information is the approved 1984 Work Plan. I have this item on the agenda simply for your review and update and to receive any comments from the Planning Commission. No further summary of the status of this Work Plan is offered below, but I will be prepared to provide a verbal update as desired at the meeting.

6. Other This item is on the agenda simply for any Commission member to raise any topic of interest.

The next scheduled Planning Commission meeting is November 12th which is Veterans Day, a legal holiday. There is a public hearing on nominal 10's that will have to be heard at some point, so please let me know if we should reschedule this meeting or schedule this public hearing for the 26th of November.

OTHER INFORMATION

1. Attached for your information is the most recent City Newsletter dated October 9, 1984.
2. Wish to inform the City Council that the following individuals have filed for the office of Mayor and the two positions that are open on the City Council. Mayor - Council Member Dave Morgan and Mayor Maynard Eder. Council Member - Incumbent Laura Fraser, Planning Commission Member John Schiltz, Planning Commission Member Fred Nazarinan, Park Commission Member Rose Armstrong, Park Commission Member Arlyn Christ, Roy Rossow and Ron Smith. Because Councillor Dave Morgan is running for the office of Mayor, the City of Lake Elmo is guaranteed at least one new Council member who will begin a four year term in 1985.
3. The City was informed by the Department of Health that the quarterly water test, evaluated by the Department of Health, showed traces of bacteria. The Department of Health did a follow-up on the water samples submitted and again bacteria was found. The City was ordered to then do an emergency chlorination of the water system to clear up the situation. This took place on October 4 and 5 of last week and the situation has now been cleared up. Surprisingly, very few phone calls were received from the residents concerning the color or taste of the water for those few days. We do not anticipate any further problems with bacteria and the Department of Health is satisfied with the most recent testing. They will be doing further tests in the next few weeks to verify that the situation is still cleared up.
4. Attached for your information are two "Fact Sheets" from Washington County. These fact sheets deal with backyard composting and recycling. These sheets are available in the entry way of the City Office for the public.
5. Attached for your information are two newspaper articles which relate to the change in the Metropolitan Transit Board Property Tax Levy. The two newspaper articles indicate that the mil rate in Lake Elmo will be reduced by approximately 1/2 mil for each property owner. This amounts to approximately a \$28,000 reduction in taxes received from the entire City by the Transit Board. For each homeowner it is estimated that this will result in approximately a \$17 to \$20 reduction in their taxes.
6. Attached for your information is a brochure indicating the upcoming Annual Planning Institute. There are three dates and locations for this meeting/conference, and if any Commission member desires to attend, they should make their intentions known to me as soon as possible. I am sure that the Council will approve paying the registration fees for this worthwhile workshop.

7. Wish to inform the Commission that at the 10-16-84 Council meeting, the City Council accepted the withdrawal of the Peltier rezoning application, and approved the Nelson Preliminary Plat with the City Engineer's drainage concerns being met by the applicant.

8. Wish to inform the Commission that thru discussions with Mr. and Mrs. Hanson, it is understood that they will be withdrawing their application for a rezoning and will be applying for an expansion of their existing CUP in order for an additional building to be constructed which would house some of the equipment that is now being displayed outside.

9. Wish to inform the Commission that the staff will be proceeding with the reprinting of the Comprehensive Plan. This reprinting was authorized in 1983 by the Council. The staff has been waiting to see if there are any additional changes in the Comp Plan before proceeding. We have determined that it would be appropriate to reprint the Comp Plan at this time because we are out of existing copies. I had hoped to wait until the I-94 discussion was completed, but this is not possible. There are always changes in a Comp Plan after it is printed. In fact, the Comp Plan is in constant change with yearly amendments.

10. Wish to inform the Commission that the Council heard a presentation from the Waste-To-Energy Project Coordinator, Doug Wood, at its 10-16-84 meeting. Please review the Newsletter that will come out on the 23rd of October which will summarize the presentation. The City Council minutes that you will receive in the next few weeks also gives a good summary of this discussion. Basically, the word is not very positive from Washington County on the Waste-To-Energy Project. I understand that they are favoring, because of economics, an RDF Plant, and because the fuel from this RDF Plant would be going to Red Wing they are also favoring a location in Newport. This is not what the City Council has supported in the past, and the only permission we have given Washington County is to locate a Waste-To-Energy Plant and not an RDF Plant in the City. If Washington County wanted to locate an RDF Plant in Lake Elmo, we would have to again evaluate this with the property owners at the City Council level. However, it was implied that if an RDF Plant is the option the Counties decide to go with, the chances are very good that this will be located in Newport and not Lake Elmo. However, if the RDF Plant is rejected and the Counties desire to go with the Waste-To-Energy Project, then this plant is still proposed to be located in Lake Elmo.

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

OCTOBER 22, 1984

- 7:30 p.m. Meeting Convenes
1. Minutes: September 24, 1984
- 7:45 p.m.
2. Public Hearing : 13 acre large lot subdivision application by Gene Peltier along I-94 near CSAH 17. (Application withdrawn)
 3. I-94 Corridor: Future land use plan - general discussion and presentation by City Planner, Rob Chelseth.
 4. Discussion on size of accessory structures.
 5. Review of 1984 Work Plan
 6. Other

October 4, 1984

To: Planning Commission Members
From: Pat Klaers, City Administrator *PK*
Re: October 8, 1984 Planning Commission Meeting

There will be no Planning Commission meeting on Monday, October 8, 1984. This meeting is being cancelled due to a lack of agenda items.

Attached for your information is the approved August 24, 1984 and September 10, 1984 Planning Commission minutes and a draft of the September 24, 1984 minutes. If there are any major changes desired in the September 24th minutes, please notify the office as the City Council will be reviewing these minutes in their evaluation of the Peltier rezoning application.

The City Council tabled action on the Peltier rezoning application until 10-16-84 because they desired a full Council to be present. Also, they would like to review the 9-24-84 Planning Commission minutes and desire additional material from the developers regarding the type of business proposed.

Additionally, at this 10-16-84 City Council meeting, the Council: (1) Tabled the Nelson Preliminary Plat approval until additional soils information was reviewed by the City Engineer; (2) Tabled the Hanson rezoning application as the applicant may simply desire an amendment to the existing CUP; and (3) Approved the Planning Commission's recommendation to have the State and County review the traffic situation around the Highway 5 and CSAH 17 intersections.

Attached for your information is:

- City Planner's report on the Peltier application.
- City Planner's report on the Hanson application.
- 9-24-84 City Newsletter
- DNR report on precipitation trends

The Planning Commission's meeting on 10-22-84 will take place as scheduled. The tentative agenda includes a public hearing on the Peltier large lot subdivision; a public hearing on another Peltier rezoning request (100 feet running north and south next to the current application) to avoid a side yard setback variance for the current application; and review of the 1984 Work Plan.