

LAKE ELMO PLANNING COMMISSION MINUTES

APPROVED

JANUARY 28, 1985

The meeting was called to order by Chairperson Nazarian at 7:00 p.m. in the Council chambers. Present: Dreher, Kuettner, Lundquist, Michels, Moe (arrived 7:30), Schiltz. Absent: Graves, Lyall, Prince.

1. Minutes: January 14, 1985

M/S/P Michels/Kuettner - To approve the minutes of the January 14, 1985 Planning Commission meeting as amended. (MOTION CARRIED 6-0)

2. Update on appointments to Planning Commission

The Administrator advised the Commission that the City Council discussed the section of the City Code relating to the length of time a member may serve on a Commission at its January 22, 1985 meeting. The Council indicated that a turnover on the commissions was good, but they also requested that a public hearing be held to possibly delete this section of the code. The Administrator further stated that a public hearing was not necessary to change the code, unless it is a zoning code change, but the Council would like to follow this process. Regardless, until an amendment is made to the code, or until new appointments are made to the Commission, Dreher and Michels will remain on the Planning Commission.

Nazarian feels that the input from the long time members is very valuable and would like to see the code changed.

Schiltz feels that as a new member he relies heavily on the expertise of the long term members for historical information and would also like to see the code changed.

3. Conditional Use Permit amendment application by Howard Springborn at Green Acres Recreation Center.

The Administrator advised the Commission that Mr. Springborn has requested that this application be tabled until the February 11, 1985 Planning Commission meeting.

M/S/P Michels/Dreher - To table Mr. Springborn's CUP application until February 11, 1985. (Motion carried 6-0)

4. Public Hearing for Conditional Use Permit (CUP) amendment, simple lot subdivision and lot size zoning variance application by Charles Anderson at the Animal Inn.

Chairman Nazarian opened the public hearing at 7:22 p.m. in the council chambers and noted that notice of this hearing had been sent to residents within 350' of the existing CUP and published in the legal newspaper.

The Administrator advised the Commission that the simple lot subdivision that Mr. Anderson is requesting would be impossible to grant as the City Code prohibits a simple lot subdivision for a parcel of land that is not a lot of record or which lacks a Registered Land Survey. This area is described in the tax books by a metes and bounds definition and in order for a subdivision to be approved the property owner would have to go through the platting process.

Mr. Anderson stated that the seventeen acres that is involved in the entire property is held by Mr. Lambert on a contract for deed. Mr. Lambert has executed a deed for the property that the proposed building will sit on to provide pre-title to the land in order to satisfy the loan institution that is financing the building.

The Administrator advised Mr. Anderson that the Commission will need more information on what is proposed, which would include a site plan, so the City Council can see where the building is proposed to be located.

Reference was made to the minutes of May 15, 1973 "approving the Pet Cemetery as per policy submitted. Escrow policy subject to review of village council before final acceptance. Approval also given for 80' x 120' building for obedience training subject to facility meeting appropriate codes". Mr. Anderson stated that all of the requirements were met, along with the site plan and the drainage plan, and what he now proposes does not change any of this, the building is going on the identical location that was originally proposed. The only thing being changed is the outside perimeter of the building which is proposed to be 50' x 136' rather than 80' x 100'.

Dr. Ray Swanson, 1045 Oakgreen Avenue North, West Lakeland, MN stated he has no objection to this request. The land around the parking lot is basically only good for what it is now being used for. With his animal hospital and Mr. Anderson's dog pound, it would make it very difficult for anyone else to do anything in that area. The merits in this application is the amount of land that Mr. Anderson owns and what is around the area - the railroad tracks and the highway. What Mr. Anderson is asking for has always been the intent of this property - that it be animal orientated. Also, the advantages to the City are numerous. It is a good service being done in terms of animal control, and it is more taxable property. Mr. Anderson is already performing the service in the existing building, but with the new building it becomes more taxable property. There are no particular disadvantages. The commitment has been made to buy all of the property. The reason for the private entrance and private parking lot is that it is dedicated purpose land that nobody else wants.

Michels stated he would like to go on record as saying that the dogs do bark.

Dr. Swanson responded that they have always asked their neighbors to let them know if there is a problem with barking dogs.

There were no other citizens present to offer comments for or against this proposal and the public hearing was closed at 8:00 p.m.

Consensus of the Commission is that it has no objection to the proposed building, and the following action was taken.

M/S/P Kuettnner/Lundquist - to recommend to the City Council approval of the CUP amendment which would allow for the construction of a 50' x 136' building to be used for day obedience training school. (Motion carried 7-0).

Regarding the simple lot subdivision, road frontage variance, and the variance from the platting variance of only allowing simple lot subdivisions on lots that are platted or have Registered Land Surveys, the consensus of the Commission was to table this portion of the application so that Mr. Anderson has the opportunity to (1) get a second opinion on the cost of a survey; and (2) look at the possibility of purchasing all of the land thru a financial institute, rather than on a contract for deed, so that the lot split would not be necessary.

Kuettnner stated she was uncomfortable with granting the simple lot subdivision as our code states that economics alone cannot be considered when granting a variance, and this request appears to be only for financial reasons.

M/S/P Moe/Kuettnner - to table this application until February 11, 1985 to enable Mr. Anderson an opportunity to explore other alternatives.

5. Public Hearing for large lot subdivision (80 acres into two 40 acre parcels) application by Lyle and Mary Slawson west of Keats Avenue and 1/4 mile south of Highway 36.

Chairman Nazarian opened the public hearing at 8:02 p.m. in the council chambers and acknowledged that notice of this hearing had been sent to residents within 350' of the property in question and published in the legal newspaper.

Mr. and Mrs. Slawson indicated that they desire to split the 80 acres into two 40 acre parcels for the purpose of selling each parcel to two separate persons, but the property would remain in the AG zone.

The Administrator advised the Commission that in theory, this large lot subdivision could have taken place with Administrative approval, except that the proposal did not meet the 1300 foot road frontage right-of-way requirement. This parcel is being divided into a rectangular fashion rather than a square fashion. The area of the subdivision is 39.7 acres, but this meets the Code definition for nominal 40 acre subdivisions. No right-of-way deeds are required with the subdivision and the City has already received the park donation fee (but will not cash the check until approval is given by the City Council). The applicants have been assured access onto Keats Aenue for this parcel of land and the City does not have any special requirements for driveways.

The Commission reviewed the memo from the City Engineer dated January 21, 1985 in which he indicates that he has reviewed the survey for the proposed large lot subdivision. He further indicated that the subdivision meets all of the requirements for a large lot subdivision. The 39.70 acre lot size is within the definition of "nominal 40 acres" lot size. No variances are required. Topographic data with contours is usually required, but this requirement can be waived because contours are not necessary to evaluate this subdivision.

There were no residents present to offer comments for or against this proposal and the Chairman closed the hearing at 8:15 p.m.

M/S/P Dreher/Michels - to recommend to the City Council approval of a large lot subdivision to Lyle A. and Mary Jean Slawson described as parcels A and B on the survey by Bruce Folz, dated December 26, 1984 located west of Keats Avenue and 1/4 mile south of Highway 36. (Motion carried 7-0).

Kuettner expressed concern over the placement of the new home on parcel B., and the potential for landlocking the northerly portion of the property. She suggested that the buyer of parcel B be encouraged to place the homesite at such a location that there would be adequate room for a road to reach the northerly portion of the property so that the City is not faced with a controversy such as they have been with the Durand application should the property ever be further divided.

6. Preliminary Discussion on 1985 Planning Commission Work Plan.

The following is a tentative Work Plan for the Planning Commission.

1. I-94 Corridor
2. Lake Jane water contamination problem (updates).
3. Possibility of getting sewer for I-94 corridor.
4. Watershed 509 Plan (updates).
5. Regional Park (updates).
6. Review, comment and make recommendations to the City Council on zoning and subdivision applications.
7. Road alignments.
8. Review sewer possibilities in village.
9. Review Section 32 sewer assessments.
10. Review "bed type" drainfield systems.

7. Update on 2-11-85 Planning Commission meeting agenda.

The Administrator advised the Commission that the City has received an application for a rezoning and preliminary plat approval at the southwest corner of Stillwater Boulevard and Inwood Avenue. This application will receive a public hearing before the Planning Commission on 2-11-85. Currently the land is

zoned RR, but is adjacent to R1 zoned land. The applicant is requesting that this area be rezoned to R1 in order to allow 1-1/2 acre lot development. The applicant is proposing a three phase development of approximately 36 lots going from north as phase one to the south as phase three. He further stated that for such a large scale proposal and combination of applications, it would be wise to get the evaluation and input from the Consulting City Planner.

The Springborn CUP was tabled to the 2-11-85 meeting. Also on the agenda will be the CUP for the Animal Inn, and David Nelson for his final plat approval.

8. Other

A. Groundwater Resource Seminar

Nazarian advised the Commission that a Groundwater Resource Seminar will be held at the Science Museum in St. Paul on February 6th, 1985 from 8:30 to 5:00 p.m. The cost is \$20 to \$30 per person. He stated if any of the Commission members are interested in attending this seminar they should advise the Administrator.

M/S/P Moe/Kuettner - To adjourn the meeting (9:20 p.m.) (Motion carried 7-0)

LAKE ELMO PLANNING COMMISSION MINUTES

JANUARY 14, 1985

APPROVED

Chairman Prince called the meeting to order at 7:10 p.m. Present: Moe, Lundquist, Schiltz, Lyall, Graves, Nazarian, Michels and Kuettner. Also present, Administrator Klaers and City Planner Chelseth. Absent: Dreher

1. MINUTES: November 26, 1984

M/S/P Graves/Nazarian - to approve the minutes of November 26, 1984, as written. Carried 9-0.

2. UPDATE ON APPOINTMENTS:

Administrator Klaers informed the Commission that the Council is reviewing the Code requirement relating to the maximum number of years a commissioner can serve. Until this review is complete, the reappointment of Commissioners Dreher and Michels is pending. Klaers also informed the Commission that the Council, after lengthy discussion, decided that a leave of absence policy was not appropriate for volunteer commissions. This discussion was a result of Commissioner Gifford's inquiry about her reappointment and request for a six month leave of absence because of her law school classes. The Council invited Ms. Gifford to reapply for the Commission when she would have the necessary time to give to the Commission but did not feel it could establish a leave of absence policy in fairness to other residents who desire to serve on the commission. Gifford's vacancy will be filled by 1st Alternate John Schiltz, with 2nd Alternate Carol Kuettner moving up to the 1st Alternte position.

3. ELECTION OF OFFICERS

Chairman - M/S/P Graves/Lyall - to nominate Nancy Prince for Chairman.

M/S/P Michels/Kuettner - to nominate Fred Nazarian for Chairman

Prince declined the nomination.

M/S/P Graves/Moe - moved for a unanimous vote to elect Fred Nazarian Chairman of the Planning Commission.

Motion carried 9-0

Vice

Chairman - M/S/P Kuettner/Michels - to nominate Nancy Price for Vice Chairman.

M/S/P Nazarian/Moe - moved for a unanimous vote to elect Nancy Prince Vice Chairman of the Planning Commission.

Motion carried 9-0

Secretary - M/S/P Prince/Michels - to nominate Bob Dreher for Secretary

M/S/P Graves/Schiltz - moved for a unanimous vote to elect

Bob Dreher Secretary of the Planning Commission.

Motion carried 9-0

Chariman Prince turned the chair over to the new Planning Commission Chairman Nazarian.

4. PUBLIC HEARING FOR CUP AMENDMENT FOR GREEN ACRES RECREATION:

The public hearing was called to consider a request from Howard & Gaylan Springborn, 8989 55th Street N. to amend their Conditional Use Permit to include the construction of a water slide and gas powered bumper boats.

Chairman Nazaring opened the public hearing at 7:15 p.m. and noted that notice of this hearing had been sent to residents within 350' of the existing CUP.

Howard Springborn gave some background information on how they became interested in putting in a water slide. He felt they needed the approval of the City before they did any extensive investigation into expense, design standards and specific construction plans. He presented a topo map, drafted by Bruce Folz, showing the proposed slide site along the east side of the existing small tubing hill along the tow rope and adjacent to the tree line above the existing ponds. There would be a pool area at the end of the slide run(s) where the sliders would end up. The sliding area would be 62' from top to bottom.

AUDIENCE COMMENTS:

TOM SIMPSON, 5270 JAMACA BOULEVARD N: Mr. Simpson indicated he does not own property within 350' of Green Acres and did not receive a mailed notice. - He strongly opposes this proposal and noted the following concerns: 1. Litter and Traffic Lives across from Kleis Park and since the park area has started to develop has noted increased vandalism in the area and problems surrounding the park area. Believes this will increase with increased development of the Green Acres Rec Area along with increased traffic and litter in the area. There are two areas where noticeable amounts of litter (beer cans, beer bottles, pop containers, paper, etc.) are concentrated - around Kleis Park and Green Acres Rec. 2. Noise In the winter, speakers and noise (laughter, shouting, etc) from the hills cannot be heard by the surrounding residences because homes are closed up. In summer when windows are open and surrounding residents are outside more, this becomes a problem with noise from the Rec area being continually in the area. 3. Allowing Springborn's to increase their Financial Investment This area is governed under a CUP that can be rescinded, but; if complaints increase concerning problems in the area because of the water slide or increased activity at the recreation area, how would the City enforce this regulation once they have allowed Mr. Springborn to increase his financial investment. What additional recreational development is anticipated for this area - with what is there being a permanent fixture with other things coming later? Moved into an area that was designed to be minimally developed, quiet and natural. Do not believe the residents in the area want to see a situation similar to the Apple River/Somerset area. Majority of the residents moved here to get away from crowds and congestion and want to retain the quiet area without worrying about vandalism and litter.

JESS MOTTAZ, 8770 DEMONTREVILLE TR. N.: Noted he received mailed notification of the hearing. Finds it difficult to oppose Mr. Springborn as he has been a good neighbor over the years; but, must speak out against further growth of the facility (Green Acres Rec). There is a built in permanency to a CUP and as long as individuals comply with the conditions of the permit it is impossible to put them out of business and this becomes increasingly difficult as they invest more and more money in the facility. The surrounding area is a rapidly growing residential neighborhood, part of this residential is the Springborn farm property. Many homes in the area are valued in excess of \$200,000 and believes these homeowners should receive some consideration for protecting their investment. Have seen this facility grow from a tubing hill, to ski use, to another expanded tubing area, to extensive summer activities, including company picnic, sales yard for antique sales and similar additional uses. Believes it is developed as much as it was originally intended to be developed. Consideration should be given to the future if Springborns would ever sell this facility; future owners might consider it necessary to increase the recreational development to recover their financial investment. If the City continues to allow this CUP to grow, it will be here forever. It is not zoned for this use now or in the future and does not believe this type of commercial recreational facility is compatible or can exist in the heart of single family residences. Requested that the Planning Commission deny this request.

GARY WATNE, 8620 DEMONTREVILLE TR. N.: Noted mailed notification of the hearing. Concurred with the previous two speakers. Traffic is a major concern. When the tube hills are open or summer activities or parties are held the traffic and speeding along Demontreville Trail is increased. Believes increasing the activity use will increase the traffic and speeding problems and add a serious level of danger to the residents in the area. Would rather have this type of recreational traffic on the Stillwater Bridge rather than on Demontreville Tr. Also, noise and personal property value is a valid concern.

ROBERT OLSON, 8717 DEMONTREVILLE TR. N.: Noted he received mailed notice of the hearing. Stated Mr. Springborn has been a good neighbor and supported his tube slide 100%; and, at that time, the request was for winter use only. This request was supported because it was a winter use and residents were inside. The present recreational use is far beyond what was originally anticipated by the area residents. The summer use has grown and traffic and speeding on Demontreville Trail has increased accordingly. Believes the residents in the area are entitled to the peace and tranquility that existed before Green Acres Recreation existed. Against any summer use entirely, much less, the proposed expanded use. Requested the request be denied.

CHAIRMAN NAZARIAN:

Read a letter from the Jesuit Retreat House into the record. This letter indicated that the Jesuits had no objection to the proposal provided that the Retreat House and the Carmelite Monastery can be assured that the necessary precautions are taken to prevent undue noise and eliminate the possibility of youngsters crossing onto their property.

Read a petition signed by 10 surrounding residents which listed limitations that should be imposed if the expansion request were approved. These included limitations on hours; limitation on loud speaker use and no amplified music; and, activity passes for adjacent

property owners. Administrator Klaers noted that all the petitioners received mailed notice and live within 350' of Green Acres.

BOB OLSON: In response to the petition, noted his name was not on the petition and felt the majority of the residents present were there to fight the further development of Green Acres, not make concessions.

NANCY PRINCE - Explained the public hearing procedure and informed the audience that the Planning Commission is only an advisory body to the City Council who ultimately makes the final decision. She also explained the zoning in that area, the property location and uses permitted in Ag and in Ag under a CUP. Commercial recreation of a rural nature is permitted in AG under a CUP. The current CUP for Springborn Green Acres is not restricted to winter use only. She also noted that the Comp Plan indicates R-1 for this area.

BOB OLSON - questioned when residents can voice objections to a CUP.

SCOTTY LYALL - responded that residents should contact the City any time they have a concern, not just when CUP's are up for renewal.

DON MOE - responded that anytime residents are unhappy with the operation of a CUP they have the right to appear before the City Council and voice their objections on any matter.

CAROL KUETTNER - noted the Springborn property is zoned AG. Ag use can cause more noise than recreational use.

BOB OLSON - noted there was no concern with the Springborn farming operation and the noise that that generated; but, has an objection to the future recreational development of the ag area. Also, the farm operation was the Springborn's livelihood, this operation is something else - an alternate source of income.

HOWARD SPRINGBORN - noted that he hires deputies for the premises on Friday, Saturday and Sunday afternoons and evenings. There are no complaints on record with the Sheriff's Department concerning speeding traffic and/or noisy traffic complaints. The sheriff has offered to set up speed traps if this became a problem. The distance from 55th Street and Demontreville Trail to Highway 36 is only 1/4 mile - hard to get any speed up in this distance.

BOB OLSON - noted that when ambulances or squad cars are called to Green Acres the sirens are turned off at Highway 36 and Demontreville to avoid noise complaints.

GARY WATNE - in 1984, he personally complained to the Washington County Sheriff twice about speeders along Demontreville; but, by the time the sheriff arrives, the offenders are gone.

DARYLL STANKO - commented that there is a difference between winter and summer traffic and driving styles.

CHAIRMAN NAZARIAN asked the audience for a show of hands indicating who was for and who was against the Springborn request. 19 individuals were against. No hands were raised in favor of the request.

SCOTTY LYALL - asked if any member of the audience lived in Springborn's Green Acres residential development.

NEIL ANDERSON stated he lives in Green Acres; but had no opinion for or against. He was attending the meeting to get more information.

Chairman Nazarian closed the hearing at 8:50 p.m.

Administrator Klaers restated that the Planning Commission was only a recommending body and the final decision lay with the City Council. He also noted that in situations of controversy like this the affirmative side generally does not show up; it is mostly individuals who oppose a proposal.

Commissioner Kuettner offered the following motion based on information she received from a planning seminar concerning commission recommendations made the same evening a public hearing is held.

M/S/F Kuettner/Lundquist - to develop a policy requiring each commission member to state his or her reason and/or position on a recommendation. And, recommendations on all request requiring a public hearing will not be made the night of the public hearing, but deferred until the next regular Planning Commission meeting.

Discussion:

Graves - no problem with stating opinion on issues; but, does not believe all hearing issues require a two week 'cooling off' period. The applicant and audience should receive some indication of the Planning Commission's position and each request should be considered on a case-to-case basis.

Kuettner - fairer to involved parties to think over controversial issues. Believes any individual can wait two weeks.

Prince - prefers case-by-case consideration - not an automatic two week waiting period.

Michels - would not favor this policy for all public hearing matters - most times do not need this type of control before making a recommendation.

Moe - concurs with Kuettner's motion.

Motion failed 2-7 Lundquist, Schiltz, Lyall, Graves, Prince, Nazarian and Michels opposed.

COMMISSION COMMENTS ON SPRINGBORN REQUEST:

Michels - lives across from Tablyn Park - before park was open to the public there were no traffic problems, now, aware of squealing tires, loud noise, parties, etc. These are problems that need to be addressed. Also need to address the concerns of the Jesuit Retreat House. Agrees that CUP's are hard to control once approved. Undecided on a recommendation.

Prince - water slide involves a higher financial investment than the smaller tube slide expansion -

Howard/Gaylen Springborn - stated that if they were starting from scratch the financial investment would be substantially more. But, much of the recreational facility already exists such as the chalet, parking area, lower building. May have to add on for changing rooms, showers, etc. but not sure at this point of what additional construction costs may be necessary or the total financial investment.

Administrator Klaers - noted the Jesuits do not have an objection provided their concerns are addressed and taken care of.

Howard Springborn - fencing can be put up along the Jesuit property line and the speakers will not be operating in the summer.

Gaylan Springborn - the speakers are used on the tubing hills to inform tubers of the rules for the hill, to notify tubers to stop if someone is hurt down below and to notify tuber when the tubing hill will close. The closest residence to the proposed slide is 600 ft. away. The top of the slide would be about 500 ft. from the retreat fence line and the retreat area beyond the fence is rented out for farm use.

Howard Springborn - in response to Commissioner Prince's question concerning additional development by the Springborns to the north, Mr. Springborn indicated they have no further plans to develop residential sites north of 55th Street next to the Kleis property.

Prince - noted that the proposed development appears inconsistent with the residential development in Springborn's Green Acres and does not feel this is an appropriate use to expand in the middle of a residential area.

Graves - agrees that the proposal is inconsistent with the residential nature of the neighborhood.

Howard Springborn - stated the existing tube hill has been in existence 11 years.

Lyall - sees traffic as a problem; noise is hard to control; commercial expansion is a concern in a residential area. Lyall equated this proposal with Lauseng Stone which has expanded without control over the years leaving the City now with virtually little control over the operation; and stated that any recommendation must consider what is good for the welfare of the community. It is obvious that the residents attending the hearing do not want the commercial expansion. Speeding is a real concern - knows from experience 70 mph can be reached in 1/8 mile, therefore, the statement that speeding is not possible in the 1/4 mile stretch from 55th St. to Hwy 36 should be discounted. City has more control over its parks than it does over commercial development, this is an additional concern. Agrees that the long range residential expansion plans are contrary with the commercial expansion plans. Personally believes most of the residents at the hearing, including himself, have moved to this area for quiet and solitude and enjoy the outside more in the summer than in the winter. Not ready to make a recommendation.

Schiltz - noted the number of residents attending the public hearing to express their concern over this proposal. Feels that many valid

concerns were presented relating to noise, vandalism, and safety to the area. Referred to the letter from the Retreat House and the resident petition which offered no objection to the proposal provided certain conditions were met. Would like time to evaluate whether this use is appropriate in this area. Based on input presented at the hearing the cons outweigh the pros for this proposal; but, Green Acres Rec has been in business 11 years and few complaints have been received regarding the operation. Yet, consideration has to be given to all the concerns and how they impact the area during the winter vs the summer. Not prepared to make a recommendation.

Lundquist - hasn't come to a decision. Asked Howard Springborn if it would be possible to minimize the straying of children onto other peoples property.

Howard Springborn - does not believe the kids go onto other peoples property. Has not heard anything about this in the 11 years of operation.

Administrator Klaers - stated that the City has not received any written or verbal complaints concerning this operation.

Robert Olson - in response to the complaint statement - stated it is easier to pick up the beer cans, wine bottles, etc. in the front yard than it is to write a letter to the City Council complaining about it.

Howard Springborn - stated that no alcoholic beverages are allowed on the tubing hills. The hired deputy patrols the area and discards any alcohol he finds.

Moe - confirmed the zoning and permitted use. Sympathizes with the litter problem; but, going by the basics and what is allowed would have a tough decision telling Mr. Springborn that he could not have the water slide, based on what is provided in our ordinances at the present time. Possibly tighten up the CUP by requiring more policing of the area.

Prince - lives near this area and will abstain from the vote; but, still maintains that this is not an appropriate use in any residential neighborhood.

M/S/P Kuettnner/Schiltz - to defer making a a recommendation on the CUP amendment request from Howard Springborn until the ~~February~~ January 28, 1985 meeting. Carried 9-0. AMENDED 1-28-85 PZ MEETING.

Michels - questioned the advantage to the community in approving this type of request.

Moe - compliance is the question. Advantage/disadvantage should have no bearing. Have to go with what is on the books.

Michels - health, safety and welfare of the community has to be a consideration; and everytime we make a recommendation some advantage to the community should be seen and the advantages and disadvantages recognized.

Gary Watne - petitioner - the purpose of the petition was not to support the request; but to say, should this proposal be approved contrary to the wishes of the residents of the area, this petition was to serve as an obstacle subsequent to verbal opposition - perhaps Mr. Springborn would not agree to the conditions outlined, and even if the City Council chose to approve the request, it was hoped Mr. Springborn would opt to back off. This was the logic of the petition. Regretful it was misconstrued to appear that the petitioners were looking for something for nothing.

BREAK

5. INTERSTATE CORRIDOR OVERLAY DISTRICT CONCEPT PLAN REVIEW WITH CITY COUNCIL:

City Planner, Rob Chelseth, reviewed his memo of November 27, 1985, hereby made a part of this record, which outlined proposed Comprehensive Plan Amendments and Interstate Corridor District as suggested by the Planning Commission concerning I-94 development and interm land use.

Planner Chelseth offered the following responses to questions and discussion from the Council and Commission:

These amendments do not address specific land uses in the corridor. Use will be determined by land valuation and sewer availability.

SAC use will impact the level and intensity of the land use. Chelseth explained SAC units and how they translate to business use. He referred the Council to City Engineer Larry Bohrer's letter of January 11, 1985, in which he recommended raising the limit SAC units to 4-8 units per 10 acres.

The City can expect the same type of use as is there now if nothing changes. Dry uses such as truck terminals and storage type business would be feasible uses.

Ten acre lots may not be the most realistic lot size to encourage business, but it offers the City the most control, given the services that are available to the area.

The City must decide if this type of business is what is desired or if it wants to hold back for something different. Natural use industry includes truck terminals, implement, vehicle and equipment businesses. Businesses that require large land areas.

This corridor has a 15-20 year horizon. The purpose of the plan is to create the least amount of negative impact and design the uses with the future in mind.

Meeting with communities that share I-94 frontage can help the communities plan uses that will be visible from the highway and determine a desirable appearance along the highway.

Development plans of a parcel may include a concept plan for future use; and review of the present proposal should locate structures to allow for this future use.

Administrator Klaers recommended that before this proposal goes go public hearing there is a clear understanding of the proposal, there is adequate preparation for discussion on the intensity of development, depth of the corridor, minimum lot size (10 A), intensity of the interm development and SAC limitations.

Prince recommended that the SAC unit limitation be raised to 4 SAC units per 10 acres, per item (2), page 3 of the Planner's memo. This would permit a 10,000 sq. ft. banking operation; a beauty salon with 16 chairs; a bowling alley with 12 lanes.

10 acre minimum lot sizes will discourage the urban highway exit cluster of business. Businesses will have to scatter out. The permitted SAC units will control too many business clustering in one building.

Each parcel is different so determining the number of SAC units that could be allowed on 10 acres before pollution of the land would take place varies with the property (example given was the necessity of City water in the old village because of long term pollution by the septic systems to the wells in the area). Chelseth could not determine long term pollution, but stated density has a direct correlation to long term pollution.

Mayor Morgan stated that organic chemical pollution from industry is far more critical than sewage. The sewage eventually will clear itself up; but the chemical pollution is with us forever. The type of waste is much more critical than the amount of waste going into the ground.

Morgan supports the direction the Planning Commission is heading. No problem with the interim land use as long as it is a desirable thing for the City - economics will dictate the present and future use.

Chelseth clarified that any commercial/industrial proposed use will have to apply for a rezoning. Uses will be reviewed on a case by case basis. The overlay will only provide requirements for commercial use only after the zoning code requirements are satisfactorily met.

A checklist of non-permitted uses was recommended rather than just a list of permitted uses, which ends up being revised as non-listed uses are asked to be added to the permitted list.

~~Schiltz suggested leaving the corridor as it is and permit what is allowed farming and housing on 10-acre sites. This would take care of the pollution and control question.~~ AMENDED AT 1-28-85 PLANNING COMMISSION MEETING AS FOLLOWS:

Schiltz questioned why we are working on all of this zoning and rezoning when the bottom line question directed to the City Council has yet to be answered. Do we really want the business to come in? If we don't, why are we going thru all of this planning? If we do, why don't we go ahead and do it?

Lyall - proposal is not for promoting commercial development; just providing a plan for proposed use for requests that might come in; but, need a check list to give developers outlining permitted and nonpermitted uses, flow charts for SAC units and requirements from the Code and overlay district.

Klaers stated this is a means of planning for the inevitable demand. Present Comp Plan calls for commercial and City desires to make it more compatible with adjacent land use. If commercial or industrial business locates in Lake Elmo and does not burden on the existing services, it is an asset to the City by increasing the tax base in what it will pay in taxes.

Kuettner believes this proposal is a good compromise between pro and anti-development factions

After discussion, the group decided to change the SAC unit limit and place it on a scale for 4 to 8 per 10 acres basing the number of units on the type of soil.

Recommended depth of the district would be 1/4 mile north of the frontage road, thereby allowing a 1/2 mile total depth and follow the 1/4 section lines.

Existing business would not be governed by the new overlay district and amendment requirements unless they would request a change; then, the district requirements for the business would have to be met with the exception of land area that cannot possibly meet the 10 acre minimum.

Planner Chelseth recommended and the Council and Commission agreed to hold a joint informational meeting with the land owners in the proposed corridor district to get their input and feedback to the Interstate Corridor Overlay District proposal before a public hearing is called.

6. PRELIMINARY DISCUSSION ON PLANNING COMMISSION 1985 WORK PLAN

Tabled until January 28, 1985

7. UPDATE ON REZONING AND PRELIMINARY PLAT APPLICATION FOR PROPERTY LOCATED AT STILLWATER BOULEVARD AND INWOOD AVENUE.

Tabled until January 28, 1985.

The meeting adjourned at 10:00 p.m.

PLANNING AND DEVELOPMENT SERVICES, INC.

529 South Seventh Street Suite 535 Minneapolis, MN 55415 612-332-4166

TO: Lake Elmo Planning Commission
FROM: Rob Chelseth, City Planner
DATE: November 26, 1984
SUBJECT: Land Use Plans and Zoning for I-94 Corridor

Pursuant to the Planning Commission's suggestions during our last "I-94 meeting", the following Comprehensive Plan amendments and proposed interstate corridor district for the zoning ordinance have been drafted.

Comprehensive Plan Amendments

Basically these changes describe the creation of two areas along the I-94 corridor. The Section 32-33 area is identified as Lake Elmo's principal area for "long term" urban commercial/industrial developments requiring public sewer/water services. The remaining portions of the corridor (from eastern Section 33 east to County Road 15) are identified as suitable for "interim" commercial and light industrial uses subject to a number of performance standards. These standards are designed to insure development is kept at low densities consistent with rural areas where urban services will not soon be made available.

Zoning Code

After considering several alternative means of managing development in the I-94 corridor, a zoning overlay district was selected based upon several considerations. First, because several different types of land use activities may be considered for parts of the corridor (high density residential, highway commercial, office, light industrial), it would be difficult to properly manage such diverse development using just two or three special corridor zones. Second, within each use category, individual uses may or may not be suitable for approval, depending upon their needs and impacts. For example, office buildings may or may not be permitted; depending upon whether or not the volume of sanitary wastes generated can be handled through an on-site septic system, traffic volumes can be managed with existing roads, etc.

Consequently, an Interstate Corridor Overlay District is proposed for the Interstate 94 area. This district would function in the same manner as the other overlay districts in the Code (Flood Plain, Shoreland, etc.). In summary, the overlay district would be adopted covering all land in the corridor. Subsequently, when land owners seek zoning changes (commercial, industrial, etc.) they can propose the most appropriate zone based upon the planned use. This rezoning may then be approved, once it is clear that the proposed development conforms to both the Comprehensive Plan, and to the performance standards set forth in the Interstate Corridor Overlay District.

Commercial-Industrial

Existing commercial and industrial development in Lake Elmo is centered around the "old village" in eastern Lake Elmo. Pressures for additional commercial uses have occurred near or adjacent to Lake Elmo's three major highway corridors; Interstate 94, Highway 5, and Highway 36. Although there will continue to be a need for industries and commercial operations which serve the community, large scale intensive commercial-industrial uses are generally unsuited for rural areas with limited municipal services. Consequently, all proposed commercial and industrial uses that require public utilities and services will be guided to locate within Section 32 and western Section 33, where urban services currently exist or are planned for installation timed with development. This area will receive the major thrust of public investment in facilities and services, and it should be the main focus for "long term" commercial and industrial land use. Restricted amounts of limited commercial and light industrial development are planned for the remaining land along the Interstate 94 corridor. Land uses in this area will be restricted to highway oriented businesses requiring a highway frontage road location. Development in this area will be kept at very low densities, and restricted to uses that do not demand immediate urban facilities and services. Such uses will be termed "interim uses" and designed in accordance with performance standards that both insure they will not have a negative impact on the City, and can be upgraded at such time that public services become available.

Goals for Commercial-Industrial Development

- * To minimize conflicts between commercial and/or industrial uses and surrounding rural development, such as agricultural and low-density residential.
- * To insure that commercial and industrial projects are designed in a manner that is functional, safe and esthetically pleasing.
- * To provide residents with the best possible access to the supply of necessary goods and services.
- * To concentrate additional long-term commercial and industrial development within the existing town center and in Sections 32-33.
- * To permit interim light commercial and industrial development that will not require the premature extension of public services along the Interstate 94 corridor.

Policies for Commercial-Industrial Development

- Commercial and industrial development must be located in areas designated for such development.

- Commercial and industrial development along arterial highways will be concentrated in designated areas along major thoroughfares served by frontage roads. This development will emphasize highway-oriented business, and will be located near or adjacent to expanding urban areas that will eventually provide a full range of urban facilities and services.
- Commercial and industrial proposals must contain plans indicating how the uses will be or may eventually be, served by all required public services (including sewere, water, roads, and so forth).
- Commercial industrial uses must be properly landscaped and screened with vegetative or other buffers to minimize conflicts with adjacent land uses.
- Only "clean", non-polluting industrial uses will be allowed where major public utilities are unavailable to handle toxic or large quantities of wastes.

Page 94; GOAL AND POLICY STATEMENTS: 1990 Future Land Use Plan and Map

Highway Commercial - This category is established to permit those types of businesses that require accessibility to major highways in order to successfully function. To prevent unmanageable strip development, these areas should be limited to businesses that absolutely require highway accessibility. In addition to highway commercial uses, other compatible uses may be mixed into these developments. Particular emphasis should be placed on locating uses in this district which are compatible with the sights, odors and noise associated with major highways. Areas planned for highway commercial development should be at least ten acres in size, and designed with service roads and adequate screening from surrounding land uses. The Future Land Use Plan calls for highway commercial development to occur on Interstate 94 in the areas near and adjacent to Interstate 94 and its frontage roads. This area is adjacent to land planned for urbanization in Sections 32 and 33, and is thus the logical next phase for expanded commercial/industrial development in the community.

The following district would be added to the zoning code under Section 301.070 E
(6) Interstate Corridor Overlay District.

(6) Interstate Corridor Overlay District

The Interstate Corridor Overlay District shall provide special requirements and performance standards that shall be imposed in conjunction with zoning districts adopted for land located in the Interstate Highway Corridor. The purpose of this district is to manage changes in land use that may occur along the interstate corridor as a result of improved highway access and frontage road development. To accomplish this objective, this overlay district sets forth two sets of performance standards which must be met by all proposed uses in the corridor.

a. Permitted Uses and Structures.

(1) all uses permitted in the underlying zoning district.

b. Accessory Uses and Structures.

(1) all accessory uses permitted in the underlying zoning district.

c. Conditional Uses.

(1) all conditional uses permitted in the underlying zoning district.

d. Minimum District Requirements-Interim Uses.

Uses not served by public sewer and water that are not intensive (urban) land uses, and demand negligible increases in public services, may be approved as "interim uses". These uses shall be subject to the following minimum performance standards.

(1) minimum lot size of ten (10) acres.

(2) no sewer discharge exceeding one SAC charge unit per 2.5 acres.

(3) no public utility service is required on the part of the City.

(4) all projected traffic generated by the use can be accommodated with existing streets, requiring no improvements at the cost of the City or the public.

(5) an adequate supply of off-street parking and off-street loading space shall be provided.

(6) the use will require no additional public safety services or needs.

(7) no noise abatement problems shall exist that could potentially require public corrective action.

(8) the proposed land use(s) will be compatible both in terms of internal site plans, and with regard to adjacent land uses.

(9) where potential land use compatibility problems exist, site plans shall be designed to eliminate such conflicts through redesign or through the incorporation of features that mitigate the impacts of the conflicts.

(10) land use plans provide for future development or redevelopment at such time that public water and sewer services are provided.

(11) the site plan shall provide for adequate drainage systems which do not pose pollution problems.

(12) the use(s) maintain standards of architectural design and building quality consistent with the Uniform Building Code and all other applicable City codes.

(13) the proposed use is consistent with the Lake Elmo Comprehensive Plan

(14) the proposed use will not create fiscal problems for the City, or impact the health, safety or welfare of the community

e. Minimum District Requirements-Long Term Uses

Uses that are urban in nature and require public water and sewer service, as well as other major public services, shall be classified as "long-term uses". These uses shall be subject to the following minimum performance standards.

- (1) public sewer and water extensions, provided at the user's expense.
- (2) if projected traffic generated by the proposed use exceeds the capacity of existing streets, additional improvements shall be provided at the expense of the land developer.
- (3) all necessary noise abatement improvements will be provided at no cost to the City.
- (4) an adequate supply of off-street parking and off-street loading space shall be provided.
- (5) the proposed land use(s) will be compatible both in terms of internal site plans, and with regard to adjacent land uses.
- (6) where potential land use compatibility problems exist, site plans shall be designed to eliminate such conflicts through redesign or through the incorporation of features that mitigate the impact of the conflicts.
- (7) the site plan shall provide for adequate drainage systems which do not pose pollution problems.
- (8) the use(s) shall maintain standards of architectural design and building quality consistent with the Uniform Building Code and all other applicable City codes.
- (9) the proposed use is consistent with the Lake Elmo Comprehensive Plan.
- (10) the proposed use will not create fiscal problems for the City, or adversely impact the health, safety or welfare of the community.

f. Minimum District Requirements-All Uses.

The following minimum requirements shall be observed in the overlay district, subject to additional requirements, exceptions and modifications set forth in this Code.

- (1) uses permitted in the underlying zoning district shall be subject to the lot area and setback requirements specified in the applicable district.
- (2) lot area, setback, building requirements may be increased under the overlay district to provide sound site planning and eliminate potential conflicts between land uses.

g. Building Type and Construction

No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive design finish, such as corten steel, shall be permitted. Any exposed metal or fiberglass finish on all buildings shall be limited to fifty (50) percent of any one wall. Exterior building finishes shall consist of materials comparable in grade and quality to the following:

- (1) brick
- (2) natural stone
- (3) decorative concrete block
- (4) cast in place concrete or precast concrete panels
- (5) wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used such as cedar, redwood, etc.
- (6) Curtain wall panels of steel, fiberglass and aluminum (nonstructural,

nonload bearing), provided such panels are factory fabricated and finished with a durable nonfade surface with fasteners of a corrosion resistant design..

- (7) glass curtain wall panels
- (8) stucco

h. SAC Unit Determination

SAC unit calculations will be based upon the criteria established by the Metropolitan Waste Control Commission, which state that one SAC unit is equivalent to 274 gallons of flow per day.

TKDA

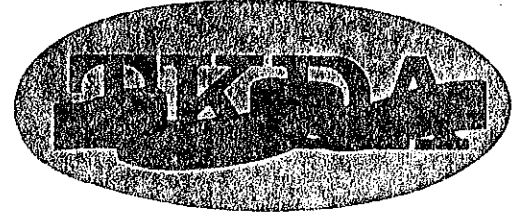
ENGINEERS ARCHITECTS PLANNERS

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED

2500 AMERICAN NATIONAL BANK BUILDING
SAINT PAUL, MINNESOTA 55101
612/292-4400

January 11, 1985

Mr. Pat Klaers
City Administrator
PO Box J
Lake Elmo, Minnesota 55042



Re: Interstate Corridor Overlay District
Lake Elmo, Minnesota
Commission No. 7113-85

Dear Mr. Klaers:


We have reviewed the City Planner's recommendation dated November 26, 1984 regarding land use plans and zoning for the I-94 corridor. We feel it would be appropriate to comment on the sewer discharge limitations found in "Minimum District Requirements - Interim Uses". We feel limiting sewage discharge to one SAC unit is too restrictive.

A SAC unit, being defined as 274 gallons per day, is derived from the average Twin Cities' household size of 3.65 persons each generating 75 gallons of sewage per day. The figure of 274 gpd is useful for talking about average household sewage generation, but should not be used as a maximum sewage flow. The present City Code and Septic System Ordinance do not place limitations on the maximum amount of sewage flow as long as the site can provide area sufficient for two drainfield sites. A large family on a 1-1/2 acre lot in an R-1 zone could generate over 1,000 gpd of sewage daily (4 SAC units). We are sure that the City does not intend to restrict land use on a 10-acre lot to less than the equivalent of a single family home. Area sufficient for sewage treatment is not a limiting factor on a 10-acre lot.

We suggest that it may be more reasonable to allow between 4 and 8 SAC units (1,000-2,000 gpd) per 10 acres. This would allow uses similar to the Brookview II office building. The requirement for two separate and distinct drainfield sites is found in all zoning districts and will remain in effect in the Interstate Corridor Overlay District.

Sincerely yours,

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED


Larry D. Bohrer, P.E.

January 24, 1985

TO: Planning Commission Members

FR: Pat Klaers, City Administrator

RE: Agenda Memo & Informational Items for 1-28-85 Planning Commission Meeting

1. Attached for you review and consideration are the draft Planning Commission minutes from the 1-14-85 meeting.

2. Update on Commissions:

At the last City Council meeting, held on January 22, 1985, the Council requested that a public hearing be held at its February 19, 1985 meeting to review a possible code amendment regarding changing the length of term for commission members section of both the Park and Planning Commission City Codes. Therefore, Howard Michels and Bob Dreher will remain active members on the Planning Commission until such a time as the City Council either officially reappoints them for three year terms or appoints other citizens to the Planning Commission.

At this 1-22-85 City Council meeting, I informed the Council that if this section of the code is not amended that Planning Commission member Bill Lundquist was prepared to resign from the Commission. Bill's term is up at the end of 1985; but, he has been on the Commission for approximately 15 years. This length of tenure obviously upsets the schedule for Planning Commission members that desire to be reappointed for a third consecutive term. The average length of each Planning Commission member at this time exceeds five years, and with Bill resigning, this will lower this time factor.

The discussion at the City Council level on this section of the City Code was somewhat confusing. First the Council indicated that a turnover on the commissions was good and yet they requested that a public hearing be held to possibly delete this section of the code. This part of the code was added a few years back to insure a turnover on the commissions. Therefore, it is uncertain from the staff perspective as to if the Council will pass an amendment to the City commission codes after the public hearing. I will attempt to verbally update the Planning Commission members on the City Council discussion relating to appointments and the commission code amendments at the 1-28-85 meeting.

3. CUP Amendment Application by Howard Springborn at Green Acres Recreational Center:

Howard Springborn has officially request that this item be tabled from the 1-28-85 Planning Commission meeting until the February 11, 1985, Planning Commission meeting. Mr. Howard Springborn desires that his representative, Burce Folz, make a presentation at this Planning Commission meeting, and, Bruce cannot attend the 1-28 meeting. You

should note that Bruce will be attending the 2-11 meeting in order to make a presentation on the Clapp-Thompson Rezoning and Preliminary Plat. An official motion by the Planning Commission should be made to table this issue until the 2-11 Planning Commission. Additionally, you should note that the staff has received about six letters from citizens regarding this CUP amendment proposal.

4. Public Hearing for CUP Amendment, Simple Lot Subdivision and Lot Size Zoning Code Variance at the Animal Inn:

Mr. Charles Anderson from the Animal Inn has requested a CUP amendment, a Simple Lot Subdivision and a Zoning Code Lot Size Variance. Attached for your information is the application and list of names receiving public hearing notice, a copy of the 1972 City Council meeting minutes, where this issue was discussed, the 1985 Animal Inn CUP, a letter from the Building Official to the applicant and two maps showing the location of this proposal.

This is a public hearing and notice has been published in our official newspaper and sent to the residents within 350 ft. of the property. The public hearing is scheduled to begin at 7:15 p.m.

The chances are very good that for this application the Planning Commission will not be able to make a final recommendation on all aspects of the application. The staff has very little problem with the building proposal and parking lot, however, the applicant should be aware that VBWD drainage requirements apply for any construction in this area. Technically the staff needs additional information before any part of this application can be processed to the City Council (or reviewed further by the Planning Commission at the next meeting). This additional information includes a site plan, location of the building and parking area, an explanation of access to the area, landscaping proposals, floor plan for the proposed building and other material relating to this application.

The staff assumes that the applicant did not provide some of this information because it is expensive and there is some uncertainty as to if the subdivision will be improved. The staff is strongly recommending that this subdivision application not be approved. This is because the code does not allow a simple lot subdivision for a parcel of land that is not a lot of record or where a Registered Land Survey exists. This area is described in the tax books by a metes and bounds definition and in order for a subdivision to be approved we have to go through the platting process. I do not believe that the applicant wants to go through this process as it is expensive. However, the reason for this request appears to be financially related between the applicant and his banking service.

Additionally, because of the metes and bounds description on this area, the Planning Commission should recommend a complete legal description of this parcel of land prior to approval (if approval is given) of the building proposal. The staff is further recommending denial of the application for a simple lot subdivision and zoning code lot size variance because the code does not allow this to take place

for a parcel of land that is described in metes and bounds.

This definitely is an appropriate location for this type of activity and fits with the intent of the CUP. Also, the applicant did have approval to construct a building of approximately this size back in 1972, but did not go ahead with these plans. Because of the time that has elapsed since the 1972 approval, a public hearing has been recommended by the attorney prior to a determination on this application by the Planning Commission and City Council.

The applicant should be present for this public hearing and to provide specific information regarding what simple lot subdivision is being proposed. From the material submitted, the staff was not entirely clear of what exactly is being proposed to be subdivided; but, if it does indeed involve a subdivision of a metes and bounds parcel, this cannot be approved by the simple lot subdivision process.

5. Public Hearing for Large Lot Subdivision Application by Mr. & Mrs. Lyle Slawson:

Mr. & Mrs. Slawson have applied for a Large Lot Subdivision of 80 acres into two 40 acre parcels. Attached for you information are the legal description and large survey maps, the application and list of names that received public hearing notice, a report from Larry Bohrer dated 1-21-85 and two other smaller maps. The staff will need to receive the large maps, with the legal descriptions attached, back after this public hearing.

The Public Hearing Notice has been sent to all the people within 350' of the property and has been published in our legal newspaper. The public hearing is scheduled to begin at 7:45 p.m. The staff is assuming that this large lot subdivision is being requested in order to sell the northern part of the subdivision and for a new home to be built on this parcel of land.

In theory, this large lot subdivision could have taken place with Administrative approval, except for, the proposal did not meet the 1300 foot road frontage right-of-way requirement. This parcel is being divided into a rectangular fashion rather than a square fashion. The area of the subdivision is 39.7 acres, but this meets the Code definition for nominal 40 acre subdivisions. No right-of-way deeds are required with the subdivision and the City has already received the park donation fee (but have not cashed the check until approval is given by the City Council. The applicants have been assured access onto Keats Avenue for this parcel of land and the City does not have any special requirements for driveways.

The staff is recommending approval of this large lot subdivision contingent upon receiving park donation fees (which we already have).

2. I was pleased with the I-94 discussion that the Planning Commission had with the entire City Council at its 1-14-85 meeting. You should note that the staff will be holding a meeting with the landowners the I-94 corridor prior to a public hearing before the Planning Commission on this issue. This meeting has not been scheduled to date, but will be planned for sometime in later February.

Additionally, it must be acknowledged that the City has used Rob Chelseth in the later parts of 1984 and the early parts of 1985 more than what was originally planned. Therefore the Planning Consultant expenses will exceed the 1984 Budget and the 1985 Budget estimate. This is not a cause for concern as we only use Rob on projects that the Planning Commission and staff feel are appropriate for outside professional input and additional funds are available in the Planning Commission Reserves or from lower than anticipated expenses in other consulting services.

3. Attached for your information is a notice from VBWD relating to a meeting on Thursday, February 21, 1985, at 8 p.m. to discuss the 509 Plan. A copy of this 509 Plan is available in the City Office for public inspection.

4. Attached for your information is a letter from Washington County regarding a private water well testing program. This testing program is not free, but may very well be worth the \$15 that it costs in order to insure that your well is free of contaminants.

5. Fran Pott, Lake Elmo Fire Department Chief, will be attending the next Tri-Lakes Association meeting on 2-4-85 at 7:30 p.m. This meeting will be held in North St. Paul at the Legion Club. The Tri-Lakes Association has asked Fran to come in and discuss fire protection in the Tri-Lakes area.

Additionally, you should note that Fran will be attending the 2-5-85 City Council meeting to present the annual Fire Department Report.

6. The Lake Elmo Lions Club Fishing Contest is scheduled to be held on Sunday, 1-27-85 from 2 to 4 p.m. on Lake Elmo. A storm date for this fishing contest is February 3.

7. Update on City Council Action from its 1-22-85 meeting:

A. Appointments - (see item #2 and 1-28 Planning Commission Agenda Memo)

B. Contaminated Ground Water Landfill Recommendation -

Attached for your information is a letter sent from the staff to the Washington/Ramsey County Boards regarding the City Council recommendations that took place at its 1-22-85 meeting. The seven recommendations are self-explanatory and if any Planning Commission member would like to have this item discussed, they should feel free to add it to the agenda. Basically, the City Council has said that a Lake Elmo public water supply system is the best alternative in order to replace property values and insure safe drinking water in the area.

The City also does not want to be in the position of assuming an extraordinarily large expense to provide this water. The Council felt that the financial burden for providing this service should be with both counties. The City is prepared to assume on-going maintenance expenses as this is standard procedure in all cities that provide water. The maintenance expenses are generally recovered through the water billing process.

C. The Council approved the Concept Plan 19B Regional Park Entrance Road from I-94 to 10th Street. A presentation was made by the County to the City Council at its 12-18-84 meeting. This concept approval will allow the County to proceed with its final drafting of plans. You should note that the County was asking the Council for this endorsement as a courtesy and that they do not need City Council approval to proceed.

D. Office Space Committee -

The Lake Elmo City Council rejected the proposal of having the Planning Commission serve as this Office Space Committee. The Council will be further reviewing guideline that were presented at the 1-22-85 meeting, and this item will be discussed in more detail at the 2-5-85 meeting. The City Council authorized the notice to be placed in the City Newsletter requesting individuals to serve on this committee and any Planning Commission member that has the time available should feel free to volunteer their time for this committee. This will be a very important committee for the future of the Lake Elmo City Offices and its staff.

E. City Attorney Guidelines -

The Lake Elmo Council approved the Guidelines for selecting a City Attorney at its last meeting. The Council instructed an advertisement to be placed in the Review, Bulletin and Stillwater Gazette and to receive sealed proposals for both criminal and civil legal services until 4:30 p.m. on February 22, 1985.

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

JANUARY 28, 1985

- 7:00 p.m. Meeting Convenes
1. Minutes: January 14, 1985
 2. Update on Appointments
 3. Conditional Use Permit (CUP) amendment application by Howard Springborn at Green Acres Recreation Center ... TABLED TO 2-11-85 PLANNING COMMISSION MEETING .
- 7:15 p.m. 4. Public Hearing for Conditional Use Permit (CUP) amendment, simple lot subdivision and lot size zoning code variance application by Charles Anderson at the Animal Inn.
- 7:45 p.m. 5. Public Hearing for large lot subdivision (80 acres into two 40 acre parcels) application by Lyle and Mary Slawson west of Keats Avenue and 1/4 mile south of Highway 36.
6. Preliminary Discussion on 1985 Planning Commission Work Plan.
 7. Brief update on 2-11-85 Planning Commission meeting agenda.

LAKE ELMO PLANNING COMMISSION MINUTES

JANUARY 14, 1985

Chairwoman Prince called the meeting to order at 7:10 p.m. Present: Moe, Lundquist, Schiltz, Lyall, Graves, Nazarian, Michels and Kuettner. Also present, Administrator Klaers and City Planner Chelseth. Absent: Dreher

1. MINUTES: November 26, 1984

M/S/P Graves/Nazarian - to approve the minutes of November 26, 1984, as written. Carried 9-0.

2. UPDATE ON APPOINTMENTS:

Administrator Klaers informed the Commission that the Council is reviewing the Code requirement relating to the maximum number of years a commissioner can serve. Until this review is complete, the reappointment of Commissioners Dreher and Michels is pending. Klaers also informed the Commission that the Council, after lengthy discussion, decided that a leave of absence policy was not appropriate for volunteer commissions. This discussion was a result of Commissioner Gifford's inquiry about her reappointment and request for a six month leave of absence because of her law school classes. The Council invited Ms. Gifford to reapply for the Commission when she would have the necessary time to give to the Commission but did not feel it could establish a leave of absence policy in fairness to other residents who desire to serve on the commission. Gifford's vacancy will be filled by 1st Alternate John Schiltz, with 2nd Alternate Carol Kuettner moving up to the 1st Alternte position.

3. ELECTION OF OFFICERS

Chairman - M/S/P Graves/Lyall - to nominate Nancy Prince for Chairman.

M/S/P Michels/Kuettner - to nominate Fred Nazarian for Chairman.

Prince declined the nomination.

M/S/P Graves/Moe - moved for a unanimous vote to elect Fred Nazarian Chairman of the Planning Commission.

Motion carried 9-0

Vice

Chairman - M/S/P Kuettner/Michels - to nominate Nancy Price for Vice Chairman.

M/S/P Nazarian/Moe - moved for a unanimous vote to elect Nancy Prince Vice Chairman of the Planning Commission.

Motion carried 9-0.

Secretary - M/S/P Prince/Michels - to nominate Bob Dreher for Secretary

M/S/P Graves/Schiltz - moved for a unanimous vote to elect Bob Dreher Secretary of the Planning Commission.

Motion carried 9-0

Chairman Prince turned the chair over to the new Planning Commission Chairman, Fred Nazarian.

4. PUBLIC HEARING FOR CUP AMENDMENT FOR GREEN ACRES RECREATION:

The public hearing was called to consider a request from Howard & Gaylan Springborn, 8989 55th Street N. to amend their Conditional Use Permit to include the construction of a water slide and gas powered bumper boats.

Chairman Nazarian opened the public hearing at 7:15 p.m. and noted that notice of this hearing had been sent to residents within 350' of the existing CUP.

Howard Springborn gave some background on how they became interested in putting in a water slide. He felt they needed the approval of the City before they did any extensive investigation into expense design standards and specific construction plans. He presented a topo map, drafted by Bruce Folz, showing the proposed water slide site along the east side of the existing small tubing hill along the tow rope and adjacent to the tree line above the existing ponds. There would be a pool area at the end of the slide run(s) where the sliders would end up. The sliding area would be 62' from top to bottom.

AUDIENCE COMMENTS:

TOM SIMPSON, 5270 JAMACA BOULEVARD N: Mr. Simpson indicated he does not own property within 350' of Green Acres and did not receive a mailed notice. - He strongly opposes this proposal and noted the following concerns: 1. Litter and Traffic Lives across from Kleis Park and since the park area has started to develop he has noticed an increase of vandalism in the area and problems surrounding the park area. He believes this will increase with increased development of the Green Acres Rec Area along with increased traffic and litter in the area. There are two areas where noticeable amounts of litter (beer cans, beer bottles, pop containers, paper, etc.) are concentrated - around Kleis Park and Green Acres Rec. 2. Noise In the winter, speakers and noise (laughter, shouting, etc) from the hills cannot be heard by the surrounding residences because homes are closed up. In summer when windows are open and surrounding residents are outside more, this becomes a problem with continual noise from the Rec. 3. Allowing Springborn's to Increase their Financial Investment This area is governed under a CUP that can be rescinded, but; if complaints increase concerning problems in the area because of the water slide or increased activity at the recreation area, how would the City enforce this regulation once they have allowed Mr. Springborn to increase his financial investment. What additional recreational development is anticipated for this area - with this being a permanent fixture what other things will come later? His family moved into an area that was designed to be minimally developed, quiet and natural. Do not believe the residents in the area want to see a situation similar to the Apple River/Somerset area. Majority of the residents moved here to get away from crowds and congestion and want to retain the quiet area without worrying about vandalism and litter.

JESS MOTTAZ, 8770 DEMONTREVILLE TR. N.: Stated he received mailed notice of the hearing. Finds it difficult to oppose Mr. Springborn as he has been a good neighbor over the years; but, must speak out against further growth of the facility (Green Acres Rec). There is a built in permanency to a CUP and as long as individuals comply with the conditions of the permit it is impossible to put them out of business and this becomes increasingly difficult as they invest more and more money in the facility. The surrounding area is a rapidly growing residential neighborhood, part of this residential area is the Springborn farm property. Many homes in the area are valued in excess of \$200,000 and these homeowners should receive some consideration for protecting their investment. Have seen this facility grow from a tubing hill, to ski use, to another expanded tubing area, to extensive summer activities, including company picnics, sales yard for antique sales and similar additional uses. Believes it now is developed as much as it was originally intended to be developed. Consideration should be given to the future. If Springborns would ever sell this facility, future owners might consider it necessary to increase the recreational development to recover their financial investment. If the City continues to allow this CUP to grow, it will be here forever. It is not zoned for this use now or in the future and do not believe this type of commercial recreational facility is compatible or can exist in the heart of single family residences. Requested that the Planning Commission deny this request.

GARY WATNE, 8620 DEMONTREVILLE TR. N.: Received mailed notice of the hearing. Concurred with the previous two speakers. Traffic is a major concern. When the tube hills are open or summer activities or parties are held, the traffic and speeding along Demontreville Trail is increased. Believe increasing the activities will increase the traffic and speeding problems and add a serious level of danger to the residents in the area. Would rather have this type of recreational traffic on the Stillwater Bridge rather than on Demontreville Tr. Also, noise and personal property value is a valid concern.

ROBERT OLSON, 8717 DEMONTREVILLE TR. N.: Noted he received mailed notice of the hearing. Stated Mr. Springborn has been a good neighbor and supported his tube slide 100%; and, at that time, the request was for winter use only. This request was supported because it was a winter use and residents were inside. The present recreational use is far beyond what was originally anticipated by the area residents. The summer use has grown and traffic and speeding on Demontreville Trail has increased accordingly. Believe the residents in the area are entitled to the peace and tranquility that existed before Green Acres Recreation existed. Against any summer use entirely, much less, the proposed expanded use. Requested the application be denied.

CHAIRMAN NAZARIAN:

Read a letter from the Jesuit Retreat House into the record. This letter indicated that the Jesuits had no objection to the proposal provided that the Retreat House and the Carmelite Monastery can be assured that the necessary precautions are taken to prevent undue noise and eliminate the possibility of youngsters crossing onto their property.

Read a petition signed by 10 surrounding residents which listed limitations that should be imposed if the expansion request were approved. These included limitations on hours; on loud speaker use and no amplified music; and, activity passes for adjacent property owners. Administrator Klaers noted that all the petitioners received mailed notice and live within 350' of Green Acres.

BOB OLSON: In response to the petition - noted his name was not on the petition and felt the majority of the residents present were there to fight the further development of Green Acres, not make concessions.

NANCY PRINCE - Explained the public hearing procedure and informed the audience that the Planning Commission is only an advisory body to the City Council who ultimately makes the final decision. She also explained the zoning in that area, the property location and uses permitted in Ag and in Ag under a CUP. Commercial recreation of a rural nature is permitted in Ag under a CUP. The current CUP for Springborn Green Acres is not restricted to winter use only. She also noted that the Comp Plan indicates R-1 for this area.

BOB OLSON - questioned when residents can voice objections to a CUP.

SCOTTY LYALL - responded that residents should contact the City any time they have a concern, not just when CUP's are up for renewal.

DON MOE - responded that anytime residents are unhappy with the operation of a CUP they have the right to appear before the City Council and voice their objections on any matter.

CAROL KUETTNER - noted the Springborn property is zoned Ag. Ag use can cause more noise than recreational use.

BOB OLSON - stated there was no concern with the Springborn farming operation and the noise that that generated; but, has an objection to the future recreational development of the Ag area. Also, the farm operation was the Springborn's livelihood, this operation is something else an alternate source of income.

HOWARD SPRINGBORN - noted that he hires deputies for the premises on Friday, Saturday and Sunday afternoons and evenings. There are no complaints on record with the Sheriff's Department concerning speeding traffic and/or noisy traffic complaints. The sheriff has offered to set up speed traps if this becomes a problem. The distance from 55th Street and Demontreville Trail to Highway 36 is only 1/4 mile - hard to get any speed up in this distance.

BOB OLSON - noted that when ambulances or squad cars are called to Green Acres the sirens are turned off at Highway 36 and Demontreville to avoid noise complaints.

GARY WATNE - in 1984, he personally complained to the Washington County Sheriff twice about speeders along Demontreville; but, by the time the sheriff arrives, the offenders are gone.

DARYLL STANKO - commented that there is a difference between winter

and summer traffic and driving styles.

CHAIRMAN NAZARIAN asked the audience for a show of hands indicating who was for and who was against the Springborn request. 19 individuals were against. No hands were raised in favor of the request.

SCOTTY LYALL - asked if any member of the audience lived in Springborn's Green Acres residential development.

NEIL ANDERSON stated he lives in Green Acres; but had no opinion for or against. He was attending the meeting to get more information.

Chairman Nazarian closed the hearing at 8:50 p.m.

Administrator Klaers restated that the Planning Commission was only a recommending body and the final decision lay with the City Council. He also noted that in situations of controversy like this the affirmative side generally does not show up; it is mostly individuals who oppose a proposal.

Commissioner Kuettner offered the following motion based on information she received from a planning seminar concerning commission recommendations made the same evening a public hearing is held.

M/S/F Kuettner/Lundquist - to develop a policy requiring each commission member to state his or her reason and/or position on a recommendation. And, recommendations on all requests requiring a public hearing will not be made the night of the public hearing, but deferred until the next regular Planning Commission meeting.

Discussion:

Graves - no problem with stating opinion on issues; but, does not believe all hearing issues require a two week 'cooling off' period. The applicant and audience should receive some indication of the Planning Commission's position and each request should be considered on a case-to-case basis.

Kuettner - fairer to involved parties to think over controversial issues. Believes any individual can wait two weeks.

Prince - prefers case-by-case consideration - not an automatic two week waiting period.

Michels - would not favor this policy for all public hearing matters - most times do not need this type of control before making a recommendation.

Moe - concurs with Kuettner's motion.

Motion failed 2-7 Lundquist, Schiltz, Lyall, Graves, Prince, Nazarian and Michels opposed.

COMMISSION COMMENTS ON SPRINGBORN REQUEST:

Michels - lives across from Tablyn Park - before park was open to the public there were no traffic problems, now, aware of squealing tires, loud noise, parties, etc. These are problems that need to be addressed. Also need to address the concerns of the Jesuit Retreat House. Agrees that CUP's are hard to control once approved. Undecided on a recommendation.

Prince - water slide involves a higher financial investment than the smaller tube slide expansion.

Howard/Gaylen Springborn - stated that if they were starting from scratch the financial investment would be substantially more. But, much of the recreational facility already exists such as the chalet, parking area, lower building. May have to add on for changing rooms, showers, etc. but not sure at this point what additional construction costs may be necessary or the total financial investment.

Administrator Klaers - noted the Jesuits do not have an objection provided their concerns are addressed and taken care of.

Howard Springborn - fencing can be put up along the Jesuit property line and the speakers will not be operating in the summer.

Gaylan Springborn - the speakers are used on the tubing hills to inform tubers of the rules for the hill, to notify tubers to stop if someone is hurt down below and to notify tubers when the tubing hill will close. The closest residence to the proposed slide is 600 ft. away. The top of the slide would be about 500 ft. from the retreat fence line and the retreat area beyond the fence is farmed.

Howard Springborn - in response to Commissioner Prince's question concerning additional development by the Springborns to the north, Mr. Springborn indicated they have no further plans to develop residential sites north of 55th Street next to the Kleis property.

Prince - noted that the proposed development appears inconsistent with the residential development in Springborn's Green Acres and is not an appropriate use to expand in the middle of a residential area.

Graves - agrees that the proposal is inconsistent with the residential nature of the neighborhood.

Howard Springborn - stated the existing tube hill has been in existence 11 years.

Lyall - sees traffic as a problem; noise is hard to control; commercial expansion is a concern in a residential area. Lyall equated this proposal with Lauseng Stone which has expanded without control over the years leaving the City now with virtually little control over the operation; and stated that any recommendation must consider what is good for the welfare of the community. It is obvious that the residents attending the hearing do not want the commercial expansion. Speeding is a real concern - knows from experience 70 mph can be reached in 1/8 mile, therefore, the statement that speeding is

not possible in the 1/4 mile stretch from 55th St. to Hwy 36 should be discounted. City has more control over its parks than it does over commercial development, this is an additional concern. Agrees that the long range residential expansion plans are contrary with the commercial expansion plans. Personally believes most of the residents at the hearing, including himself, have moved to this area for quiet and solitude and enjoy the outside more in the summer than in the winter. Not ready to make a recommendation.

Schiltz - noted the number of residents attending the public hearing to express their concern over this proposal. Feels that many valid concerns were presented relating to noise, vandalism, and safety to the area. Referred to the letter from the Retreat House and the resident petition which offered no objection to the proposal provided certain conditions were met. Would like time to evaluate whether this use is appropriate in this area. Based on input presented at the hearing the cons outweigh the pros for this proposal; but, Green Acres Rec has been in business 11 years and few complaints have been received regarding the operation. Yet, consideration has to be given to all the concerns and how they impact the area during the winter vs the summer. Not prepared to make a recommendation.

Lundquist - haven't come to a decision. Asked Howard Springborn if it would be possible to minimize the straying of children onto other peoples property.

Howard Springborn - does not believe the kids go onto other peoples property. Has not heard anything about this in the 11 years of operation.

Administrator Klaers - stated that the City has not received any written or verbal complaints concerning this operation.

Robert Olson - in response to the complaint statement - stated it is easier to pick up the beer cans, wine bottles, etc. in his front yard than it is to write a letter to the City Council complaining about it.

Howard Springborn - stated that no alcoholic beverages are allowed on the tubing hills. The hired deputy patrols the area and discards any alcohol he finds.

Moe - confirmed the zoning and permitted uses in Ag. Sympathizes with the litter problem; but, going by the basics and what is allowed, it would be tough telling Mr. Springborn that he could not have the water slide, based on what is allowed in the code at the present time. Possibly tighten up the CUP by requiring more policing of the area.

Prince - lives near this area and will abstain from the vote; but, still maintains that this is not an appropriate use in any residential neighborhood.

M/S/P Kuettner/Schiltz - to defer making a recommendation on the CUP amendment request from Howard Springborn until the February 28, 1985 meeting. Carried 9-0.

Michels - questioned the advantage to the community in approving this type of request.

Moe - compliance is the question. Advantage/disadvantage should have no bearing. Have to go with what is on the books.

Michels - health, safety and welfare of the community has to be a consideration; and, everytime we make a recommendation, some advantage to the community should be seen and the advantages and disadvantages recognized.

Gary Watne - petitioner - the purpose of the petition was not to support the request; but to say, should this proposal be approved contrary to the wishes of the residents of the area, this petition was to serve as an obstacle subsequent to verbal opposition - perhaps Mr. Springborn would not agree to the conditions outlined, and even if the City Council chose to approve the request, it was hoped Mr. Springborn would opt to back off. This was the logic of the petition. Regretful it was misconstrued to appear that the petitioners were looking for something for nothing.

BREAK

5. INTERSTATE CORRIDOR OVERLAY DISTRICT CONCEPT PLAN REVIEW WITH CITY COUNCIL:

City Planner, Rob Chelseth, reviewed his memo of November 27, 1984, hereby made a part of this record, which outlined proposed Comprehensive Plan Amendments and Interstate Corridor District as suggested by the Planning Commission concerning I-94 development and interm land use.

Planner Chelseth offered the following responses to questions and discussion from the Council and Commission:

These amendments do not address specific land uses in the corridor. Use will be determined by land valuation and sewer availability.

SAC use will impact the level and intensity of the land use. Chelseth explained SAC units and how they translate to business use. He referred the Council to City Engineer Larry Bohrer's letter of January 11, 1985, in which he recommended raising the limit SAC units to 4-8 units per 10 acres.

The City can expect the same type of use as is there now if nothing changes. Dry uses such as truck terminals and storage type business would be feasible uses.

10 acre lots may not be the most realistic lot size to encourage business, but it offers the City the most control, given the services that are available to the area.

The City must decide if this type of business is what is desired or if it wants to hold back for something different. Natural use industry includes truck terminals, implement, vehicle and equipment businesses.

Businesses that require large land areas.

This corridor has a 15-20 year horizon. The purpose of the plan is to create the least amount of negative impact and design the uses with the future in mind.

Meeting with communities that share I-94 frontage can help the communities plan uses that will be visible from the highway and determine a desirable highway appearance.

Development plans of a parcel may include a concept plan for future use; and review of the present proposal should locate structures to allow for this future use.

Administrator Klaers recommended that before this proposal goes to public hearing that there is a clear understanding of the proposal, there is adequate preparation for discussion on the intensity of development, depth of the corridor, minimum lot size (10 A), intensity of the interim development and SAC limitations.

Prince recommended that the SAC unit limitation be raised to 4 SAC units per 10 acres, per item (2), page 3 of the Planner's memo. This would permit a 10,000 sq. ft. banking operation; a beauty salon with 16 chairs; a bowling alley with 12 lanes.

10 acre minimum lot sizes will discourage the urban highway exit cluster of business. Businesses will have to scatter out. The permitted SAC units will control too many business clustering in one building.

Each parcel is different so determining the number of SAC units that could be allowed on 10 acres before pollution of the land would take place varies with the property (example given was the necessity of City water in the old village because of long term pollution by the septic systems to the wells in the area).

Chelseth could not determine long term pollution, but stated density has a direct correlation to long term pollution.

Mayor Morgan stated that organic chemical pollution from industry is far more critical than sewage. The sewage eventually will clear itself up; but the chemical pollution is with us forever. The type of waste is much more critical than the amount of waste going into the ground.

Morgan stated he had no problem with the interim land use as long as it is a desirable thing for the City - economics will dictate the present and future use.

Chelseth clarified that any commercial/industrial proposed use will have to apply for a rezoning. Uses will be reviewed on a case by case basis. The overlay will only provide requirements for commercial use only after the zoning code requirements are satisfactorily met.

A checklist of non-permitted uses was recommended rather than just a

list of permitted uses, which ends up being revised as non-listed uses are asked to be added to the permitted list.

Schiltz suggested leaving the corridor zoned as it is now and continue with the present permitted uses, farming and housing the present zoning requires 10 acre sites. This would take care of the pollution and control question.

Lyall - proposal is not for promoting commercial development; just providing a plan for proposed use for requests that might come in; but, the City needs a check list to give developers outlining permitted and nonpermitted uses; flow charts for SAC units and the requirements of the Code and overlay district.

Klaers stated this is a means of planning for the inevitable demand. Present Comp Plan calls for commercial and City desires to make it more compatible with adjacent land use. If commercial or industrial business locates in Lake Elmo and does not burden on the existing services, it is an asset to the City by increasing the tax base in what it will pay in taxes.

Kuettner believes this proposal is a good compromise between pro and anti-development factions.

After discussion, the group decided to change the SAC unit limit and place it on a scale from 4 to 8/per 10 acres basing the number of units on the type of soil.

Recommended depth of the district would be 1/4 mile north of the frontage road, thereby allowing a 1/2 mile total depth and follow the 1/4 section lines.

Existing business would not be governed by the new overlay district and amendment requirements unless they would request a change; then, the district requirements for the business would have to be met with the exception of land area that cannot possibly meet the 10 acre minimum.

Planner Chelseth recommended and the Council and Commission agreed to hold a joint informational meeting with the land owners in the proposed corridor district to get their input and feedback to the Interstate Corridor Overlay District proposal before a public hearing is called.

6. PRELIMINARY DISCUSSION ON PLANNING COMMISSION 1985 WORK PLAN
Tabled until January 28, 1985.

7. UPDATE ON REZONING AND PRELIMINARY PLAT APPLICATION FOR PROPERTY
LOCATED AT STILLWATER BOULEVARD AND INWOOD AVENUE

Tabled until January 28, 1985

PLANNING AND DEVELOPMENT SERVICES, INC.
529 South Seventh Street Suite 535 Minneapolis, MN 55415 612-332-4166

NOV 29 1984

November 27, 1984

Dear Pat:

Enclosed is a revised draft of the plan and zoning code changes, incorporating the thoughts the planning commission and staff developed. I spoke to Larry Bohrer today, and he seemed to see some added convenience in using SAC units versus cold gallons per day figures, as it would allow the planning commission to refer to the WCC tables in examining various land use proposals. Larry was skeptical of the low ceiling (i.e. four SAC units per 10 acres) that we are placing on I-94 development. He wondered if it was too restrictive and would lead to lots of pole barn type stuff on 94. I told him our hope was that more expensive/intensive stuff would go into Sections 32-33 and that very few, scatered developments would be allowed on the remainder of the corridor. I forwarded the WCC tables to Larry for him to look over, he may have additional comments. Let me know what develops on this.

Rob Chelseth

Rob

PS/ If this looks O.K. - please mail a copy of the "revised" code to Larry for his info. Thanks. Rob

PLANNING AND DEVELOPMENT SERVICES, INC.
529 South Seventh Street Suite 535 Minneapolis, MN 55415 612-332-4166

TO: Lake Elmo Planning Commission
FROM: Rob Chelseth, City Planner
DATE: November 26, 1984
SUBJECT: Land Use Plans and Zoning for I-94 Corridor

Pursuant to the Planning Commission's suggestions during our last "I-94 meeting", the following Comprehensive Plan amendments and proposed interstate corridor district for the zoning ordinance have been drafted.

Comprehensive Plan Amendments

Basically these changes describe the creation of two areas along the I-94 corridor. The Section 32-33 area is identified as Lake Elmo's principal area for "long term" urban commercial/industrial developments requiring public sewer/water services. The remaining portions of the corridor (from eastern Section 33 east to County Road 15) are identified as suitable for "interim" commercial and light industrial uses subject to a number of performance standards. These standards are designed to insure development is kept at low densities consistent with rural areas where urban services will not soon be made available.

Zoning Code

After considering several alternative means of managing development in the I-94 corridor, a zoning overlay district was selected based upon several considerations. First, because several different types of land use activities may be considered for parts of the corridor (high density residential, highway commercial, office, light industrial), it would be difficult to properly manage such diverse development using just two or three special corridor zones. Second, within each use category, individual uses may or may not be suitable for approval, depending upon their needs and impacts. For example, office buildings may or may not be permitted; depending upon whether or not the volume of sanitary wastes generated can be handled through an on-site septic system, traffic volumes can be managed with existing roads, etc.

Consequently, an Interstate Corridor Overlay District is proposed for the Interstate 94 area. This district would function in the same manner as the other overlay districts in the Code (Flood Plain, Shoreland, etc.). In summary, the overlay district would be adopted covering all land in the corridor. Subsequently, when land owners seek zoning changes (commercial, industrial, etc.) they can propose the most appropriate zone based upon the planned use. This rezoning may then be approved, once it is clear that the proposed development conforms to both the Comprehensive Plan, and to the performance standards set forth in the Interstate Corridor Overlay District.

Commercial-Industrial

Existing commercial and industrial development in Lake Elmo is centered around the "old village" in eastern Lake Elmo. Pressures for additional commercial uses have occurred near or adjacent to Lake Elmo's three major highway corridors; Interstate 94, Highway 5, and Highway 36. Although there will continue to be a need for industries and commercial operations which serve the community, large scale intensive commercial-industrial uses are generally unsuited for rural areas with limited municipal services. Consequently, all proposed commercial and industrial uses that require public utilities and services will be guided to locate within Section 32 and western Section 33, where urban services currently exist or are planned for installation timed with development. This area will receive the major thrust of public investment in facilities and services, and it should be the main focus for "long term" commercial and industrial land use. Restricted amounts of limited commercial and light industrial development are planned for the remaining land along the Interstate 94 corridor. Land uses in this area will be restricted to highway oriented businesses requiring a highway frontage road location. Development in this area will be kept at very low densities, and restricted to uses that do not demand immediate urban facilities and services. Such uses will be termed "interim uses" and designed in accordance with performance standards that both insure they will not have a negative impact on the City, and can be upgraded at such time that public services become available.

Goals for Commercial-Industrial Development

- * To minimize conflicts between commercial and/or industrial uses and surrounding rural development, such as agricultural and low-density residential.
- * To insure that commercial and industrial projects are designed in a manner that is functional, safe and esthetically pleasing.
- * To provide residents with the best possible access to the supply of necessary goods and services.
- * To concentrate additional long-term commercial and industrial development within the existing town center and in Sections 32-33.
- * To permit interim light commercial and industrial development that will not require the premature extension of public services along the Interstate 94 corridor.

Policies for Commercial-Industrial Development

- Commercial and industrial development must be located in areas designated for such development.

- Commercial and industrial development along arterial highways will be concentrated in designated areas along major thoroughfares served by frontage roads. This development will emphasize highway-oriented business, and will be located near or adjacent to expanding urban areas that will eventually provide a full range of urban facilities and services.
- Commercial and industrial proposals must contain plans indicating how the uses will be or may eventually be, served by all required public services (including sewere, water, roads, and so forth).
- Commercial industrial uses must be properly landscaped and screened with vegetative or other buffers to minimize conflicts with adjacent land uses.
- Only "clean", non-polluting industrial uses will be allowed where major public utilities are unavailable to handle toxic or large quantities of wastes.

Page 94; GOAL AND POLICY STATEMENTS: 1990 Future Land Use Plan and Map

Highway Commercial - This category is established to permit those types of businesses that require accessibility to major highways in order to successfully function. To prevent unmanageable strip development, these areas should be limited to businesses that absolutely require highway accessibility. In addition to highway commercial uses, other compatible uses may be mixed into these developments. Particular emphasis should be placed on locating uses in this district which are compatible with the sights, odors and noise associated with major highways. Areas planned for highway commercial development should be at least ten acres in size, and designed with service roads and adequate screening from surrounding land uses. The Future Land Use Plan calls for highway commercial development to occur on Interstate 94 in the areas near and adjacent to Interstate 94 and its frontage roads. This area is adjacent to land planned for urbanization in Sections 32 and 33, and is thus the logical next phase for expanded commercial/industrial development in the community.

The following district would be added to the zoning code under Section 301.070 E
(6) Interstate Corridor Overlay District.

(6) Interstate Corridor Overlay District

The Interstate Corridor Overlay District shall provide special requirements and performance standards that shall be imposed in conjunction with zoning districts adopted for land located in the Interstate Highway Corridor. The purpose of this district is to manage changes in land use that may occur along the interstate corridor as a result of improved highway access and frontage road development. To accomplish this objective, this overlay district sets forth two sets of performance standards which must be met by all proposed uses in the corridor.

a. Permitted Uses and Structures.

(1) all uses permitted in the underlying zoning district.

b. Accessory Uses and Structures.

(1) all accessory uses permitted in the underlying zoning district.

c. Conditional Uses.

(1) all conditional uses permitted in the underlying zoning district.

d. Minimum District Requirements-Interim Uses.

Uses not served by public sewer and water that are not intensive (urban) land uses, and demand negligible increases in public services may be approved as "interim uses". These uses shall be subject to the following minimum performance standards.

(1) minimum lot size of ten (10) acres.

(2) no sewer discharge exceeding one SAC charge unit per 2.5 acres.

(3) no public utility service is required on the part of the City.

(4) all projected traffic generated by the use can be accommodated with existing streets, requiring no improvements at the cost of the City or the public.

(5) an adequate supply of off-street parking and off-street loading space shall be provided.

(6) the use will require no additional public safety services or needs.

(7) no noise abatement problems shall exist that could potentially require public corrective action.

(8) the proposed land use(s) will be compatible both in terms of internal site plans, and with regard to adjacent land uses.

(9) where potential land use compatibility problems exist, site plans shall be designed to eliminate such conflicts through redesign or through the incorporation of features that mitigate the impacts of the conflicts.

(10) land use plans provide for future development or redevelopment at such time that public water and sewer services are provided.

(11) the site plan shall provide for adequate drainage systems which do not pose pollution problems.

(12) the use(s) maintain standards of architectural design and building quality consistent with the Uniform Building Code and all other applicable City codes.

(13) the proposed use is consistent with the Lake Elmo Comprehensive Plan

(14) the proposed use will not create fiscal problems for the City, or adversely impact the health, safety or welfare of the community.

e. Minimum District Requirements-Long Term Uses

Uses that are urban in nature and require public water and sewer service, as well as other major public services, shall be classified as "long-term uses". These uses shall be subject to the following minimum performance standards.

- (1) public sewer and water extensions, provided at the user's expense.
- (2) if projected traffic generated by the proposed use exceeds the capacity of existing streets, additional improvements shall be provided at the expense of the land developer.
- (3) all necessary noise abatement improvements will be provided at no cost to the City.
- (4) an adequate supply of off-street parking and off-street loading space shall be provided.
- (5) the proposed land use(s) will be compatible both in terms of internal site plans, and with regard to adjacent land uses.
- (6) where potential land use compatibility problems exist, site plans shall be designed to eliminate such conflicts through redesign or through the incorporation of features that mitigate the impact of the conflicts.
- (7) the site plan shall provide for adequate drainage systems which do not pose pollution problems.
- (8) the use(s) shall maintain standards of architectural design and building quality consistent with the Uniform Building Code and all other applicable City codes.
- (9) the proposed use is consistent with the Lake Elmo Comprehensive Plan.
- (10) the proposed use will not create fiscal problems for the City, or adversely impact the health, safety or welfare of the community.

f. Minimum District Requirements-All Uses.

The following minimum requirements shall be observed in the overlay district, subject to additional requirements, exceptions and modifications set forth in this Code.

- (1) uses permitted in the underlying zoning district shall be subject to the lot area and setback requirements specified in the applicable district.
- (2) lot area, setback, building requirements may be increased under the overlay district to provide sound site planning and eliminate potential conflicts between land uses.

g. Building Type and Construction

No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive design finish, such as corten steel, shall be permitted. Any exposed metal or fiberglass finish on all buildings shall be limited to fifty (50) percent of any one wall. Exterior building finishes shall consist of materials comparable in grade and quality to the following:

- (1) brick
- (2) natural stone
- (3) decorative concrete block
- (4) cast in place concrete or precast concrete panels
- (5) wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used such as cedar, redwood, etc.
- (6) Curtain wall panels of steel, fiberglass and aluminum (nonstructural),

nonload bearing), provided such panels are factory fabricated and finished with a durable nonfade surface with fasteners of a corrosion resistant design..

- (7) glass curtain wall panels
- (8) stucco

h. SAC Unit Determination

SAC unit calculations will be based upon the criteria established by the Metropolitan Waste Control Commission, which state that one SAC unit is equivalent to 274 gallons of flow per day.

January 10, 1985

TO: Lake Elmo Planning Commission
FR: Patrick D. Klaers, City Administrator
RE: Informational Material for January 14, 1985 Meeting

I would like to take this opportunity to extend my wishes for a Happy New Year to all the Planning Commission members. It has been over a month since our last meeting so it is hoped that the following notes and attachments will provide the Planning Commission with an up-date of recent City activities.

1. Attached for your information are the three most recent City Newsletters.

2. Attached for your information is an article from the Minnesota Fire Chief's magazine of December, 1984. This article discusses the efforts of Washington County and the Lake Elmo Fire Department to provide dry hydrants in the Regional Park to assist in the fire protection of the area. This is just one more example of City/County cooperation between Lake Elmo and Washington County.

3. Attached for your information is some correspondence received from Washington County and the Minnesota Department of Transportation relating to speed zones on CSAH 17. The Planning Commission and City Council had requested that a study be done to determine if some of these speed zones need to be reduced in certain areas. As the letter indicates, a study was completed and it was determined by the State that these speed zones are currently appropriate and do not merit any changes.

4. Attached is a flyer for a zoning seminar to be held on January 22 at the Earle Brown Center. The fee for this workshop is \$18/person. The City Council does not meet prior to this conference; but, I am confident that if any Planning Commission member desires to attend this seminar that the City will pay the registration fee. This will be another good opportunity for Planning Commission members to share ideas and concerns with neighboring commission members. It is always to the benefit of the City to have Planning Commission members attend such seminars and workshops in an effort to keep the members abreast of current events and developments.

5. Attached for your information is page 4 & 5 from the November 15, 1984, Washington County Park and Open Space meeting. This attachment discusses the Lake Elmo Regional Park Reserve and its recent and future activities. These comments should provide the Planning Commission with an update of what has taken place and will be taking place in the Regional Park. As you can tell from narrative section B.1.a., the County has experienced some difficulties with the Hammes' on this project.

To: Planning Commission Members

From: Pat Klaers, City Administrator

P.P.K.

Re: Agenda Memo for 1-14-85 Planning Commission Meeting

1. The minutes from the November 26, 1984 Planning Commission meeting have previously been distributed to the Planning Commission members. If any Planning Commission member has misplaced these minutes and would like to obtain a duplicate copy, please contact the city staff.

2. Update on Appointments:

Attached for your information is a list of the Planning Commission members and their length of time on the Planning Commission. Also attached is the background information I provided the City Council on appointments.

Howard Michels, Bob Dreher and Vicki Gifford all were up for reappointment and expressed interest to continue serving on the Planning Commission. Vicki Gifford needed to obtain a six month leave of absence in order to be reappointed as she has a conflict on Monday nights for law school until mid-summer.

At the 1-8-85 City Council meeting, the Council rejected the idea of granting a leave of absence as the group thought that this would be a poor precedent to set for future years. Therefore, Vicki Gifford will not be reappointed to the Planning Commission, and an ad has been placed in the City Newsletter seeking applicants for the Planning Commission. Because Vicki will no longer serve on the Planning Commission, alternate member, John Schiltz will move up to be a full member of the Planning Commission.

From time to time, there are vacancies on the Planning Commission and the City Council and staff both strongly encourage Vicki to reapply for the Planning Commission when she has available time.

The City Code states "no member may serve more than two consecutive three year terms unless the average years of service for all the Commission members is less than four years". Because of this section in the City Code, the City Council could not reappoint Bob Dreher or Howard Michels to the Planning Commission. The staff recommended to the City Council that they waive this requirement and reappoint Bob and Howard to the Planning Commission. The Council indicated that they want Howard and Bob to remain on the Planning Commission in 1985 until they are either officially reappointed or replaced by new members. At the 1-22-85 meeting, the City Council will evaluate this section of the code and either strike it from the Planning Commission section of the City Code, amend it to increase the average number of years, or retain this section and reappoint new members that apply for this Commission.

Background information the staff provided the City Council on this appointment speaks for itself in supporting the reappointment of Howard Michels and Bob Dreher.

3. Election of Officers

At the first meeting in January, the Planning Commission elects officers. For the past two years, Nancy Prince has been Chairperson, Fred Nazarian has been Vice Chairperson and Bob Dreher has been Secretary. Election of the officers should again take place at this first meeting in January.

4. Public Hearing for Conditional Use Permit Amendment application by Howard Springborn for Green Acres Recreational Center:

Attached for your information is the application from Howard Springborn, the 1984 CUP Resolution and the 1985 CUP Resolution. There are two differences in the 1985 CUP from the 1984 CUP. The first difference is the deletion of the license requirement when they serve non-intoxicating malt liquor. The second change is the deletion of the ski hill with lift, ice skating and sleigh rides. The staff understands that because of insurance reasons, it is no longer feasible for Green Acres to just offer winter tubing down the hills in the Green Acres area. Mr. Springborn would like to offer a summertime activity of a water slide and bumper boats. This is the purpose of this public hearing: to obtain permission from the Planning Commission and subsequently from the City Council to offer these activities at the Green Acres Center.

The staff has not experienced any problems with this CUP in the past, and have had no complaints from the citizens about the operation at the Green Acres Center. The staff has notified twenty-three area residents of this CUP proposed amendment. Because Mr. Springborn is proposing to offer a summertime activity versus a wintertime activity, and because of the potential increase in activity and noise during the summertime, the concerns of the citizens on this application are very important. On the other hand, if no citizens attend this meeting, it has to be assumed that there is no overriding concerns over this proposed summertime activity.

The staff has no strong feelings on this proposed amendment and offers no recommendation to the Planning Commission. Any recommendation that will be passed on to the City Council would have to reflect the concerns (if any) of the area residents.

5. Interstate Corridor Overlay District Concept Plan Review with the City Council - Presentation by City Planner, Rob Chelseth.

The staff has invited the City Planner, Rob Chelseth, to attend this 1-14-85 meeting to once again present the concept for the Interstate Corridor Overlay District.

Attached for your information is the material Rob has put together, a narrative I provided the City Council, and some Planning Commission minutes indicating how this proposal came about. I provided all of this material to the City Council at its 1-8-85 meeting, and the Council expressed an interest in becoming more familiar with this proposal before the Planning Commission goes through the public hearing process. Therefore, I have cordially invited the entire City Council to attend this 1-14-85 meeting, and I understand most, if not all, of the City Council members will be in attendance. This will be a good opportunity to clearly explain the proposal to all parties that will be involved in the decision making process, and to obtain the City Council's feelings on the key element of the proposal which is the number of sac units allowed to be discharged per acre.

If the Planning Commission and staff are proceeding in the wrong direction in their efforts to obtain increased control over the activities along I-94, this should be indicated to us by the City Council at this joint meeting. If all goes well at this 1-14-85 presentation, the staff will then be in contact with the Met Council about our proposed Comp Plan changes, and we will be proceeding with Zoning Code and Comp Plan public hearings in later February for both the Planning Commission and City Council.

6. Preliminary Discussion on Planning Commission 1985 Work Plan.

Every year in January and February, the Planning Commission goes thru a evaluation process and places a number of items on its Work Plan for the upcoming year. This Work Plan is then presented to the City Council for its approval in early March.

Last year, the Work Plan included a number of update items which more or less meant communication from the staff to the Planning Commission on these issues of concern. I have asked the City Council on two different occasions for input to the Planning Commission Work Plan. The only response I have received was from Mayor Morgan at the 1-8-85 meeting indicating his concerns over zoning controls. It is his suggestion that the Commission look at trying to prevent undesirable business and industry from locating in Lake Elmo, and that when a rezoning takes place an entire site plan be presented so that the City can be assured of what future activities are planned after a parcel of land is rezoned. I am not sure how these zoning control measures can be achieved, but it merits consideration and evaluation by the Planning Commission, and maybe input from the Consulting City Planner, Rob Cheleth.

This discussion of the Work Plan is always a good time for any Planning Commission member to express concern over local issues and to get these concerns incorporated into the Work Plan for future evaluation.

The City Council, as they will be attending this meeting for item #5, may also have some additional input for the Planning Commission's Work Plan.

7. Update on scheduled 2-11-85 Planning Commission public hearing for rezoning and preliminary plat.

The staff has received an application for a rezoning and preliminary plat approval at the southwest corner of Stillwater Boulevard and Inwood Avenue. This application will receive a public hearing before the Planning Commission on 2-11-85. Attached for your information is the zoning map and a regular city map showing the location of this proposed activity.

Currently the land is zoned RR, but is adjacent to R1 zoned land. The applicant is requesting that this area be rezoned to R1 in order to allow 1-1/2 acre lot development. The applicant is proposing a three phase development of approximately 36 lots going from the north as phase one to the south as phase three. This information is being offered tonight simply for your information. I believe that for such large scale proposals and combination applications, it is wise to get the evaluation and input from the Consulting City Planner. If the Planning Commission concurs (and the City Council is still in attendance and they have no disagreement), this material will be forwarded to the City Planner for his evaluation and recommendation.

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

JANUARY 14, 1985

- 7:00 p.m. Meeting Convenes
1. Minutes: November 26, 1984
 2. Update on Appointments
 3. Election of Officers
- 7:15 p.m.
4. Public Hearing for Conditional Use Permit (CUP) amendment application by Howard Springborn at Green Acres Recreational Center.
 5. Interstate Corridor Overlay District Concept Plan Review with City Council presentation by City Planner, Rob Chelseth.
 6. Preliminary discussion on Planning Commission 1985 Work Plan.
 7. Brief update on scheduled 2-11-85 Planning Commission public hearing for rezoning and preliminary plat application at SW corner of Stillwater Blvd. and Inwood Avenue.