

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

APRIL 8, 1985

- 7:00 p.m. Meeting Convenes
1. Introduction of new Planning Commission members:
David Lang (full voting member)
Dean Johnston (first alternate)
 2. Minutes: 3-11-85 and 3-25-85
- 7:15 p.m. 3. Public Hearing for simple lot subdivision and zoning code variances on parcel of land east of Lake Elmo Avenue and south of RR tracks: Application by Bill Eder.
- 7:45 p.m. 4. Public Hearing for rezoning an 80 acre parcel from RR to Agricultural, south of 47th Street and on both east and west side of Kimbro Ave. Application by Lowell Rieks.
- 8:15 p.m. 5. Public Hearing for Conditional Use Permit (CUP) for a sign in the General Business zone and variances from the sign code along I-94 by the Vali-Hi Drive-in: Application by Jamie Olson.
6. Discussion of 3-25-85 meeting; especially regarding accessory structures.
 7. Other

To: Planning Commission Members

From: Patrick D. Klaers, City Administrator

DDK

Re: Agenda Memo for April 8, 1985 Planning Commission Meeting

The City Offices are closed on Friday, April 5th, 1985 in observance of Good Friday. Therefore, this agenda memo will be relatively brief in order to insure that it will be in the mail on Thursday.

1. Introduction of Planning Commission Members

At the last City Council meeting, the Council unanimously appointed David Lang a full voting member, and Dean Johnston as the first alternate member to the Planning Commission. Attached for your information is their applications, and a map showing the geographic location of the Planning Commission members. Both David and Dean also live in the northwest section of the community, but the Council has no alternative but to appoint capable individuals to the Commission, regardless of their location. They strive for a geographic balance on our Commissions, but this cannot always be achieved. There remains one position open on the Planning Commission and this is for the second alternate spot. I understand that Dan Novak, who appeared before the Commission regarding the Clapp/Thommsen rezoning intends to apply for this vacant position.

2. Minutes

Attached for your consideration and review are the draft Planning Commission minutes from the March 11th and March 25th meetings.

3. Public Hearing for simple lot subdivision and zoning code variances: Applicant: Bill Eder

This is a public hearing that should begin at 7:15 p.m. Mr. Bill Eder is applying for a simple lot subdivision and numerous zoning code variances on a parcel of land that is east of Lake Elmo Avenue and south of the railroad tracks.

Attached for your information is the application and map showing the location of this parcel. A separate memo from the City Engineer, Larry Bohrer, will be sent directly to all Planning Commission members. This is a very cumbersome and confusing application as an existing parcel of record is separated by another parcel of record that is owned by Planning Commission member, John Schiltz. I suggest that all Planning Commission members take the initiative to review and drive by this site.

This application will require a variance from the lot size 1-1/2 acre requirement; a variance for the road frontage requirement of 125 feet; a variance for the septic requirements for the easterly lot; and some type of private road agreement with the City that provides access to all of these parcels which include potentially five sites through Mr. Willard Eder's driveway. Willard Eder is the father of the applicant, Bill Eder.

This area should be somewhat familiar to the Commission as a rezoning was approved last year which allowed the antique shop to operate and this is directly west of the parcel in question, along Lake Elmo Avenue.

In the past, the Commission has expressed its preference to allow one and only one variance with simple lot subdivision applications. These comments have been passed on to the City Council, and I believe that they concur that applications that require more than one variance should be evaluated very closely.

The most serious problem with this application is the lack of road frontage and the need to use a private driveway for access to the property. Mr. Bill Eder was adamant about pursuing this application and felt that there would be no problem whatsoever as no problems have previously existed with the homes that are in this area already, and he sincerely wants this to be taken care of as soon as possible as his father, Mr. Willard Eder, is experiencing health problems.

Without seeing the City Engineer's report, I am confident that he will be recommending denial based on the large number of variances that are required and based mainly on the lack of road frontage.

The existing situation of having homes access by a long private driveway that goes between two existing homes is not a good situation. To add additional homes to this type of situation would be a detriment to the City. A major concern is access by emergency vehicles, and the fact that in the future the City may be charged with maintaining what amounts to a long private driveway as a public street.

I don't have any major concerns with having these two parcels that are separated being declared separate and distinct parcels, but with this declaration by the City comes all the other variances that are listed above which would allow these individuals to construct homes on these sites. This is not appropriate and the staff is recommending denial of the application.

The hardship explained by the applicant may very well be the lack of a public street, and this is true, but this is also our major reason for recommending denial to prevent future homes from being constructed in this area.

I will be able to provide a more complete verbal update of this application at the Commission table, once we hear the applicant describe what he desires to do on this site.

4. Public Hearing for rezoning an 80 acre parcel from RR to Agricultural. Applicant: Lowell Rieks

This is a public hearing that should begin at approximately 7:45 p.m. The applicant, Lowell Rieks, is applying to rezone his property from RR to Agricultural. His land is located on the east and west side of Kimbro Avenue, south of 47th Street and a little bit north of 43rd Street.

Attached is the application, list of people notified of the public hearing, and the maps.

The reason the applicant is requesting the rezoning is to allow the construction of an agriculturally used pole barn. Since the accessory structure code amendments have not been approved by the City Council, the construction of a pole barn of the size being requested would not be allowed by the City Code. As the land is being used in the agricultural nature, it is appropriate to have the property rezoned.

The staff has no problem with this application, and as no variances are being requested the staff is recommending approval of the rezoning application from RR to Agricultural.

5. Public Hearing for Conditional Use Permit for a sign in the General Business zone. Applicant: Jamie Olson

This is a public hearing that should begin at approximately 8:15 p.m. The applicant, Jamie Olson, is applying to place a sign on her property along I-94 in the General Business zone. The sign would be located east of the Vali-Hi Drive-in sign, and west of the Lehmann's farm sign.

Attached for your information is the application, list of individuals notified of the public hearing and a number of maps showing the precise location of this parcel. Much of the land owned by Ms. Olson has been taken by Mn/DOT for the construction of the I-94 road.

The applicant is requesting a variance from the sign ordinance for the size of the sign and for the location of the sign being too close to the existing signs along I-94. A report from the Building Official, James McNamara, is anticipated to be distributed at the Commission table explaining the code requirements and what variances are being requested. Additionally, the applicant should be attending this meeting in order to provide the Commission with more detailed information on the type and size of the sign being requested.

Signs are allowed in the Commercial District only by Conditional Use Permit. Therefore, the application is for a CUP, with sign code variances. Signs are governed by City Code section 505.

The City Code indicates that advertising signs in the Commercial and Industrial districts which are allowed by CUP shall not exceed 200 square feet in area, and also the total square footage of the sign area for each lot shall not exceed 2 square feet of sign area for each linear foot of lot frontage. The height of the display shall not exceed 35 feet. The Code goes on to state, in section 505.260 that advertising signs shall be permitted by CUP and shall not be located closer than 3,000 feet to any other sign on the same side of the street or highway. The variances are requested because the applicant cannot meet these requirements, and because the sign being proposed is 672 square feet (14 x 48) which far exceeds the 200 square foot maximum allowed by the City Code. (*2 sided sign of 672 sq. ft. per side*)

The applicant will have the responsibility of indicating the hardship, which does not consider economics as a factor in order to justify this application and variance. Without this justification, the staff has no alternative but to recommend denial of the application.

6. Discussion of 3-25-85 meeting especially regarding accessory structures.

I would like to take a few minutes to review what took place at the last Planning Commission meeting as I was out of town on vacation when this meeting took place. I think we should briefly review all aspects of the accessory structure code - what has been recommended for approval by the Planning Commission, and what remains to be evaluated, plus what the Planning Commission recommended at the last meeting. Additionally, the Planning Commission recommended that items #15 and

#16 of the Work Plan be discussed at this meeting. Time may not permit this to happen, but these two items relate to the size and number of accessory structures in the RR zone on parcels over 20 acres, and the definition of garage and storage accessory structures.

7. Other

This is on the agenda for Planning Commission members to bring up items that are of interest to the entire Commission. The entire surface water situation in Lake Elmo may want to be discussed by the Commission. This is a very difficult issue to discuss on paper, but I would be happy to verbally update the Commission on the current status of different water related problems.

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

1. Attached are the two most recent City Newsletter editions dated 3-12-85 and 3-26-85.
2. Attached is an interesting article on what the City of Woodbury is planning for sewer facilities.
3. Attached is a letter received last November relating to speed checks on County Road 17. This does not address the Work Plan item #12 relating to signs along Highway 5, but does indicate the type of work the County will do for us in evaluating our needs.
4. Attached for your information is an article from the Minneapolis paper dated 3-21-85 relating to municipal tax rates. Our city tax rate is listed as 14.451 which has a ranking of 29 lowest out of 85 listed. This comparison also shows our assessed valuation which is used as a tax base of approximately \$32.5 million. This 14.451 mil rate for 1985 compares to 15.280 for 1984. When the budget was adopted in September, 1984 we knew the mil rate was going to be lowered, but it was impossible to forecast "how much" reduction would be achieved. The same will be true around budget time in 1985. Unless major expenditures are forecasted or there are dramatic changes by the State in funding formulas, we expect the mil rate to remain stable or be further reduced.
5. Attached for your information is an interesting article regarding the DNR hearing on the Lake Pulaski NOHWL. This situation is not unfamiliar to Lake Elmo residents, and any success by the Lake Pulaski residents may have spinoff benefits in Lake Elmo.
6. Update on City Council action from its 4-2-85 meeting:
 - A. Approved the installation of a 30 mph speed sign on the south side of Highlands Trail at the top of the hill. This short stretch of street runs between DeMontreville Trail on the east (just north of the public access) and Hilltop Trail on the west. Planning Commission Chair Fred Nazarian lives on this street.
 - B. Approved the Planning Commission appointments which is item #1 on this agenda.
 - C. Denied the Springborn CUP amendment application for a

waterslide. The Council found that the background work provided by the Planning Commission was very well prepared, and a very professional job was done by the Commission.

D. Approved a one year extension of time for the Midland Meadows preliminary plat. This is a fifty-seven lot single family residential development on 110 acres at the southwest corner of Lake Elmo Avenue and 10th Street. This preliminary plat has been on file for about five years, and they have been annually receiving extensions of time until the economic conditions permit the final plat and development of this area.

E. Discussed an appreciation dinner for former Council member Laura Fraser, former Mayor Maynard Eder, and former Planning Commission members Bob Dreher, Howard Michels and Vicki Gifford. I understand that Council member Rose Armstrong will be the coordinating individual for this appreciation dinner, and she may very well be contacting one Planning Commission member for assistance in this. I understand that she was thinking about contacting Nancy Prince.

F. Made an exception to the load limits on the City streets. These load limits take place every spring and we correspond to the County's timing in placing these load limits. The exception was made for waste haulers in order to insure the health of the citizens as they are required by code to have garbage pickup. The load limit allows trucks up to seven tons per axle to be permitted.

G. Rejected all of the City Attorney bid proposals for the civil aspect of our legal work. The Council did indicate that Mr. Fredric Knaak was the preferred candidate and authorized the staff to negotiate a contract which would include a much smaller retainer fee and more work being covered on a dollar per hour basis.

H. Authorized Clean-up Days to take place on May 4, 1985 at the old landfill site beginning at 8:00 a.m. until 12:00 noon.

I. Accepted the resignation of Deputy Clerk, Kathy Crombie and appointed Mary to this position. We are now looking for a new Administrative Secretary to help in taking the minutes.

J. Received the applications of the four best candidates for the maintenance foreman position. I reviewed over 20 applications and submitted what I felt were the four best candidates to the Council. The Council will be discussing the hiring process and the four preferred applicants at its next meeting on 4-16-85.

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 25, 1985

APPROVED

Chairman Nazarian called the meeting to order at 7:10 p.m. in the council chambers. Present: Kuettnier, Lundquist, Lyall, Moe, Prince. Absent: Graves, Schiltz.

1. Minutes: March 11, 1985 (Tabled to April 8, 1985)
2. 1985 Work Plan

A. #4 - Watershed 509 Plan

Lundquist gave some historic background relating to the water problems in Washington County. The water starts up by Big Marine and it takes years for it to get from there down here. The ground water up there is twenty-five to thirty-feet higher than it is here. About 1972, in just one year his well came up eight feet. In other words, the flow from Big Marine was coming down. That is about the time Lake Elmo started running over. The Lake Jane problem is different. At the time they were fighting high water in Lake DeMontreville, they were still pumping into Silver Lake (about ten to fifteen years ago). Silver Lake used to run down to Sunfish Lake, then it was cleaned out and it is a clean ditch now. The water runs down pretty fast because there is no holding in between. Sunfish might be a little higher than it would be without the pumping, but it would get to the level it is now anyway, because the ground water level is at that point. Instead of thinking that Lake Elmo is at a high water level or that Sunfish is at a high water level, it is just a normal water level. The water won't go down for quite some period of time - 25 years or so - after it goes down on Big Marine. The drought of the 1930's was the most severe general drought in the last three to four hundred years. (This is measured by the tree rings). Another factor is that in any large urban area, the rainfall east of an urban area is higher than it is on the other side.

Kuettnier questioned that if history like this is known and proven, why does the City allow homes to be constructed in these potential flood plains.

The Commission discussed the 509 Plan as proposed by VBWD, along with the pumping from Lake Jane to City Park Pond.

B. Section 301.130 C.l.e. Accessory Buildings and Structures: Agricultural Farm Building

The Commission discussed possible changes to the city code relating to accessory structures.

This section of the code now reads " Agricultural Farm Building: An accessory building used or intended for use on an active commercial food producing farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency permit may be required".

It was proposed that the following be included in this section of the code: "Agricultural Farm Buildings: Farm buildings cannot be used for non-farm use, such as commercial storage.

C. Section 301.130 C.14.b. Accessory Buildings and Structures: Rural Residential RR.

This section of the code now reads: "Rural Residential RR: For parcels under ten (10) acres, two building with a total area not to exceed one thousand (1000) square feet; for parcels over ten (10) acres two buildings with a total area not to exceed two thousand (2000) square feet.

It was proposed that this section of the code include: "For parcels over 20 acres used for farm purposes, no restrictions on number or size as long as buildings are used for farm purposes. An example of a non-allowed use is commercial storage".

B. Section 301.130 C.14.c. Accessory Buildings and Structures: For all other Residential Districts.

This section of the code now reads: "For all other Residential Districts: For parcels with twenty thousand (20,000) square feet or less in land area one building not to exceed the size of the principal building; or 1,000 square feet, whichever is less, for parcels over twenty thousand (20,000) square feet in land area, one building with a total area not to exceed one thousand (1,000) square feet".

This section of the code is proposed to read as follows: "For all other Residential Districts: For parcels 1 acre or less in land area, one building not to exceed the size of the principal building or 500 square feet, whichever is less; for parcels 1 to 2 acres in land area, one building not to exceed the size of the principal building or 750 square feet, whichever is less; for parcels over 2 acres and less than 5 acres, one building with a total area not to exceed 1000 square feet; and for parcels of more than 5 acres, two buildings with a total area not to exceed 2,000 square feet".

These proposals will be discussed at future Planning Commission meetings, and public hearings will be held if the Commission feels these changes are warranted.

It was the consensus of the Commission to put items #15 and #16 of the Work Plan on the April 8, 1985 Planning Commission agenda.

3. Other

A. Additions to the 1985 Work Plan

20. Uses permitted for farm buildings for non-farm uses.
21. Hutchinson property: Discussion regarding the denial of the Industrial use of that property.
22. Definition of "Commercial recreation of a rural nature"

M/S/P Moe/Lyall - To adjourn the Planning Commission meeting (9:35 p.m.) (Motion carried 6-0).

March 21, 1985

To: Planning Commission Members

From: Pat Klaers, City Administrator

Re: Agenda Memo for March 25, 1985 Planning Commission Meeting

1. Minutes

The minutes for the 3-11-85 meeting may or may not be attached to this agenda, depending on the work schedule of the secretary. If they are not included, simply table consideration of this issue until the 4-8-85 meeting.

2.. Work Plan

I believe the Commission should begin work on the accessory structure aspect of the city code. The City Council tabled consideration of the code amendment to comply with the County's rules until these other issues can be addressed. The Council will then look at the entire accessory structure section of the City Code - including corresponding to the County's code, and looking at all the other spinoff issues that are in the Work Plan.

You should note that the Planning Commission's Work Plan for 1985 was officially improved by the City Council at its last meeting.

3. Other

This will be an opportunity for Planning Commission members to address any issue they feel is relevant.

OTHER INFORMATION

1. This may or may not be an official Planning Commission meeting, depending on whether or not a quorum is achieved.
2. Wish to acknowledge that I may or may not be attending this Planning Commission meeting, depending on my schedule on returning to the Twin Cities. Additionally, the secretary will not attend the meeting, but the tape will be set up so that the meeting can be recorded and minutes transcribed at a later date.
3. Attached is some material provided by Fred Nazarian which he obtained at the last seminar held in early March.
4. Update on 3-19-85 City Council action:
 - A. Tabled any consideration on the Planning Commission appointments as Mr. David Lang could not attend this meeting. Mr. Lang will be at the 4-2-85 meeting. Additionally, Dan Novak has requested an applicaion for this Commission.

B. Tabled any consideration on the selection of a City Attorney for the civil/legal contract for the City. This item will be on the 4-2-85 agenda.

C. Tabled consideration of the Springborn application.

D. Denied the Clapp/Thommsen rezoning application from RR to R1. However, it did approve the concept plan for the cluster development. A preliminary plat showing this cluster development of eleven lots will be provided in the very near future, and will go before the City Council and Planning Commission for their review and consideration. There are variances required as lots exceed the two acre maximum, but the Council indicated that this would be no problem.