

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

#### AGENDA

#### LAKE ELMO PLANNING COMMISSION

SEPTEMBER 29, 1986

7:30 p.m. Joint Meeting with the City Council Convenes

1. Public Hearing : Proposed Amendment to Section 301 of the 1979 Lake Elmo Municipal Code, Relating to Extension of the Development Moratorium from October 2, 1986 to December 2, 1986.
  - A. Recommendation by the Planning Commission.
  - B. Action by the City Council.
2. Shoreland Ordinance Permit Application: Curtiss Talcott, 8051 Hill Trail North
  - A. Action by the City Council
3. Joint Meeting Adjourns

-----B R E A K-----

4. Set the Planning Commission Meeting Agenda
5. Minutes: September 22, 1986
6. Zoning Ordinance Revisions
  - A. Consider Draft Amendment to the Rural Residential Zoning District to Limit the Number of Homes in Cluster Developments to 4 Homes per 40 Acres, and to Eliminate the Transfer of Housing Densities.

- B. Consider Draft Amendment to Eliminate the Industrial Park Zoning District.
- C. Consider Draft Amendment to Create a New Public Facilities Zoning District.
- D. Consider Draft Amendment to the Public Zoning District to Create a Public Parks and Open Space Zoning District.
- E. Other

7. Other Business

8. Adjourn

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

SEPTEMBER 29, 1986

Chairman Graves called the Joint Meeting with the City Council to order at 7:32 p.m. in the City Council chambers. Present: Morgan, Armstrong (arrived 7:42 p.m.), Dunn, Mazzara, Christ, Graves, Haacke, Moe (arrived 7:50 p.m.), Raleigh, Novak, Reuther, Williams, Bucheck, DeLapp, City Administrator Overby.

1. Public Hearing: Proposed Amendment to Section 301 of the 1979 Lake Elmo Municipal Code, Relating to Extension of the Development Moratorium from October 2, 1986 to December 2, 1986.

Chairman Graves called the public hearing to order at 7:33 p.m. in the City Council chambers.

Larry Guthrie, Attorney for the Northland Company which owns property along I-94, asked what the work schedule would be for the Development Moratorium. Chairman Graves responded there were ordinances that still need to be revised, the Future Land Use Map needed to be approved and public hearings will have to be held. Graves added that they are not considering any proposals and applications because everything should be in place before receiving them so that they can be reviewed in the context of the revised comprehensive plan and City code.

Bill Bains, President of ABM in Lake Elmo, asked if there is anything that the Commission or Council would like to hear that might change their thinking, such as any development plans that might be in the making to encourage the Commission to reduce the period of the moratorium. Mr. Bains stated he is contemplating some development near his present position and is interested in the timeframe for ending of the moratorium because of tax considerations. Graves explained that it would be difficult because of the time period involved for public hearing notices and could not see any way this period could be shortened. Graves encouraged Mr. Baines to attend the Planning Commission meetings to find out what they are discussing and then base their plans accordingly, or they could request copies of the Planning Commission minutes.

Chairman Graves closed the public hearing at 7:44 p.m.

The recommendation of the Planning Commission was to extend the Development Moratorium from October 2, to December 2, 1986 because they have not completed the work needed to revise the Comprehensive Plan.

M/S/P Raleigh/Reuther - to recommend to the City Council extending the Development Moratorium from October 2, 1986 to December 2, 1986.  
(Motion carried 8-0).

Mayor Morgan called the City Council meeting to order at 7:45 p.m. in the City Council Chambers.

M/S/P Christ/Dunn - to approve the Agenda for the September 29, 1986 City Council meeting as presented. (Motion carried 5-0).

1. Development Moratorium - Action by the City Council

M/S/P Armstrong/Dunn - to extend the Development Moratorium from October 2, 1986 to December 2, 1986. (Motion carried 5-0).

2. Shoreland Ordinance Permit Application:  
Curtiss Talcott, 8051 Hill Trail North

Mr. Curtiss, Talcott, 8051 Hill Trail North, proposes to build an addition to his house which would be located between the existing house and the garage. The addition meets the required structure setback from the front yard property line for both the R-1 zoning district and the Shoreland Ordinance. The Building Inspector, City Engineer and the DNR reviewed the application and saw no reason for not approving the request.

M/S/P Christ/Mazzara - to approve the application for a Shoreland Permit by Curtiss Talcott at 8051 Hill Trail North for purposes of allowing him to build an addition to his house. (Motion carried 5-0).

M/S/P Christ/Armstrong - to adjourn the City Council meeting at 7:48 p.m. (Motion carried 5-0)

Chairman Graves reconvened the Planning Commission meeting at 7:49 p.m. in the City Council chambers.

1. Agenda

Delete 6E. Other, Add: 8. Other Business

M/S/P Williams/Raleigh - to approve the Agenda for the September 29, 1986 Planning Commission meeting as amended. (Motion carried 8-0).

2. Minutes: September 22, 1986

M/S/P Raleigh/Reuther - to table approval of the September 22, 1986 Planning Commission minutes until the next meeting. (Motion carried 8-0).

3. Zoning Ordinance Revisions

- A. Consider Draft Amendment to the Rural Residential Zoning District to Limit the Number of Homes in Cluster Developments to 4 Homes per 40 Acres, and to Eliminate the Transfer of Housing Densities.

In regard to 5b., Steve DeLapp felt that a parcel in which a dwelling unit is located should be larger than 125 feet of frontage along a public street because we still have a minimum of 1 1/2 acres. If it was 200 feet, then there would be room for people to grow trees inbetween their houses and perhaps not all have straight driveways

which is not a very attractive rural character. He did not see any purpose in starting an ordinance out with something that is undesirable.

Graves felt that people may be constrained by the lay of the lot, such that it might be best to put four lots in the corner because it might be isolated by a drainage ditch. Graves added that in the Ag District, it reads that the parcel on which the dwelling unit is located must have at least one hundred twenty-five (125) feet of frontage along a public street, be rectangular in shape and no dimension to be greater than three times the other. There is no such language in this proposed ordinance. Raleigh spoke in favor of adopting this same language for R-R zoning and being consistent.

Commissionmember Novak explained that they were establishing an aspect ratio to cluster homes, but are not doing that if someone owns five or ten acres. Haacke felt that the rest of 301.070D2 talked about non-clustering and then you could have any size you want so they didn't have to change it because it was already there. Novak would like to see that aspect ratio apply to all R-R land, but he did not see a significance of this aspect ratio to Agricultural land. Raleigh stated that the intent here is to prevent gerrymandering of lots and descriptions.

M/S/P Haacke/Graves - to approve the draft amendment of Section 301.070D2.e. of 1979 Municipal Code of Lake Elmo adopted October 16, 1979 as amended. (Motion carried 8-0).

B. Consider Draft Amendment to Eliminate the Industrial Park Zoning District.

City Administrator presented for discussion the draft amendment to eliminate the Industrial Park Zoning District.

Novak explained his understanding that the Commission was going to have the Industrial Zoning District be limited to existing uses. Williams understood it to grandfather in what is existing and then eliminate the rest. Novak added that the concern was if an individual were to sell that industry or it burned down, you would still be allowed to continue that business.

City Administrator Overby said that if you adopt this proposal, existing uses would be grandfathered in as non-conforming uses under General Business zoning. If you preserve them in the existing Industrial zoning district then you don't have the grandfathering situation because that only applies non-conforming uses.

Raleigh questioned if this (elimination of the district) is what they really want to do. He would prefer creating a non-conforming use and then grandfather it into the General Business zoning rather than keeping the Industrial zoning which would allow any other industrial business.

Haacke asked what can we do in order to keep the existing businesses and to allow them to sell as an ongoing concern. Overby answered if

that is your goal, then keep Industrial zoning, if you are willing to allow the option of other business uses coming in under that district. But if you want just that business to continue, then it would be better to make it non-conforming under General Business. It depends on the amount of control you want.

Novak referred to June 23, 1986 where the Commission revised Limited Industry to state Light Industrial Use is limited to existing uses only and also decided to retain the Limited Industry category on the Future Land Use Plan. This was the recommendation of the City Attorney for reasons in the event that the business did burn down. City Administrator Overby will check with City Attorney Knaak for his interpretation and look into the past minutes. The Commission felt the purpose is to limit the Industrial zone to existing uses where there are industrial activities, allowing them to continue to exist without any change in the nature of the industrial activity and to be able to be sold as an ongoing concern.

M/S/P Williams/Graves - to table the proposed draft amendment to Eliminate the Industrial Park Zoning District for further study. (Motion carried 9-0).

C. Consider Draft Amendment to Create a New Public Facilities Zoning District.

City Administrator Overby presented a draft amendment to create a new Public Facilities Zoning District for consideration.

Commissionmember Novak brought up that this amendment did not reference private parks and retreat house. Novak added that the purpose of establishing a public facilities zoning district was for existing uses and not intended to promote other uses such as 10.a.(1) which is a use of a different nature and does not belong. He felt that commercial recreation would be General Business because it does not belong with churches and retreat house.

City Administrator Overby stated that golf courses ended up in the Public Zone because of the size and nature of the facility because you do not want to encourage golf courses next to retail and service businesses. Graves added that you wouldn't want to include it in any of the business districts. They would either have to go in Ag or part of a separate zoning as a public facility. Administrator Overby suggested keeping it in Ag as a Conditional Use Permit.

Tom Armstrong explained that it was possible to have a zoning that only allows uses by CUP. Graves voiced a concern on the CUP concept from the standpoint that if people want to make a large investment they are going to feel threatened by a CUP.

M/S/P Novak/DeLapp - to accept the proposed draft amendment to create a New Public Facilities Zoning District as written with the exception of the elimination of Section 10.a.(1) (Motion carried 7-2<Moe, DeLapp>).

It was the consensus of the Commission to include Tartan Park as a

Private Park under Section 10.a.(2) which will be made with the elimination of 10.a.(1).

M/S/P Graves/Novak - to accept the ordinance as written with the acknowledgement of the already passed motion and amendment of Section 10.a.2 to include Private Parks. (Motion carried 9-0).

Steve DeLapp had a concern on the building height of 35 feet in regard to church steeples which are much higher and the Commission had no problem making church steeples an exception.

M/S/P DeLapp/Moe - to amend the above motion to include with the exception of church steeples. (Motion carried 9-0).

- D. Consider Draft Amendment to the Public Zoning District to Create a Public Parks and Open Space Zoning District.

City Administrator presented a proposed draft amendment to the Public Zoning District to Create a Public Parks and Open Space Zoning District to be considered.

M/S/P Novak/Raleigh - to approve the proposed draft amendment to the Public Zoning District to Create a Public Parks and Open Space Zoning District. (Motion carried 9-0).

M/S/P Moe/Novak - to adjourn the Planning Commission meeting at 8:50 p.m. (Motion carried 9-0).