

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

November 10, 1986

- 7:30 p.m. Meeting Convenes
1. Agenda
 2. Minutes: October 20, 1986
October 27, 1986
- 7:45 p.m. 3. Public Hearing : Application for Conditional Use Permit to construct an advertising sign in a General Business zone; Jamie L. Olson.
- 8:15 p.m. 4. Public Hearing : Proposed Amendments to the 1979 Comprehensive Plan and Proposed Amendments to the 1979 Municipal Code (Zoning Ordinances)
5. 1986 Comprehensive Plan - Draft Appendices
 - A. Population
 - B. Housing
 - C. Local Economy
 6. Zoning Ordinance Revisions
 - A. Public Facilities zoning district
 - B. Industrial Park zoning district
 7. Adjourn

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

NOVEMBER 10, 1986

Chairman Graves called the Planning Commission meeting to order at 7:32 p.m. in the City Council chambers. Present: Graves, Haacke, Novak, DeLapp, Raleigh, Williams, Reuther, Bucheck (arrived 7:35 p.m.), Moe (arrived 7:38 p.m.), Hunt, and City Administrator Overby. Absent: Johnson

1. Agenda

M/S/P DeLapp/Raleigh - to approve the agenda for the November 10, 1986 Planning Commission meeting as presented. (Motion carried 8-0).

2. Minutes: October 20, 1986
October 27, 1986

M/S/P Williams/Reuther - to approve the October 20, 1986 Planning Commission minutes as presented. (Motion carried 8-0).

M/S/P DeLapp/Graves - to approve the October 27, 1986 Planning Commission minutes as amended. (Motion carried 7-0-1<Abstain: Reuther>).

3. Public Hearing : Application for Conditional Use Permit to Construct an Advertising Sign in a General Business Zone; Jamie L. Olson.

Chairman Graves opened up the public hearing at 7:45 p.m. in the City Council chambers.

Jamie L. Olson wants to construct an advertising sign on land, that is one acre in size and located adjacent to the I-94 frontage road and immediately in front (south) of the Vali-Hi Drive In. A similar request for a larger sign on the same site in 1985 was denied by the City Council.

The proposed sign is allowed by the Lake Elmo Municipal Code in the General Business district, which the property is currently zoned. The proposed size of the two-sided sign (10' by 20' = 200 square feet) is within the size limitations of the code. It is also within the 35 foot height limitation.

A variance is needed for the sign location because the sign would be less than the minimum 3,000 foot horizontal distance that is required between advertising signs which are located on the same side of a street or highway. The location of this sign would be approximately 400 to 500 feet from where the Vali-Hi Drive In sign is located.

Ms. Olson referred to a letter written by her lawyer James Lammers, Stillwater, where he stated that in his opinion that she

should be reasonably entitled to a variance because of the fact that she could not put her property to any other reasonable use, and as was pointed out to him, there are other non-conforming signs in the City. Olson presented pictures of non-conforming signs in Lake Elmo such as: Menard, Merrill Lynch and Naegele.

City Administrator Overby responded that the Naegele sign on Hwy 5 is grandfathered in and the property owner with Merrill Lynch sign on Hwy 36 has been put on notice for the sign to come down.

Ms. Olson added that without this variance, she would be unable to put her land to any other possible use. In the 1985 background information, it is stated that the remaining parcel was too small to have a building located on it and is appropriate for a sign. Olson referred to a letter written by City Administrator Whittaker which stated that her parcel of land does not constitute a buildable lot and is slightly more than one acre. The minimum requirement in a General Business zone is 1 1/2 acres. According to this letter, Ms. Olson feels she does have a hardship and is a disservice to the public by being unable to advertise services.

Mr. Brad Gunn, attorney for R. J. O'Neil owner of the Vali-Hi Drive In, stated specific concerns on the proposed Olson sign.

1. It is an illuminated sign that might actually illuminate the drive-in screen. Even if it didn't illuminate the screen, it would be very distracting for patrons of the theater, particularly those on the western side of the property.
2. People travelling on the freeway, particularly westbound, would have their view of the Drive-In screen blocked or obstructed by Ms. Olson's sign.
3. Whether or not the Vali-Hi sign is actually obstructed, it would unquestionably have to compete with Ms. Olson's sign.
4. The proposed sign is only 500 feet from the Vali-Hi sign and this could start a precedent.

Jamie Olson responded that the sign would be in a shape of a "V" and any lighting on the structure would be shielded adequately so the light only bounced on the billboard and would not spill onto the Vali-Hi screen.

Chairman Graves closed the public hearing at 8:12 p.m.

FINDINGS OF FACT:

1. The Vali-Hi Drive In has precedence in this location because MnDOT has taken their sign down during construction of the highway.
2. The proposed sign appears to not exceed a 500 foot separation distance from the Vali-Hi sign, where the Lake Elmo Code requires a minimum of 3,000 feet.

3. The proposed sign does not exceed size or height limits as specified in the Lake Elmo Code.

Commissionmember Raleigh could not conclude that the City had deprived Ms. Olson of a conforming lot, but it seems to be non-conforming because of highway construction. This should have a bearing on the hardship application.

M/S/P Bucheck/Novak - to recommend denial by the City Council to a variance request by Jamie L. Olson to allow an advertising sign with a CUP in a General Business Zone. (Motion carried 9-0).

4. Public Hearing : Proposed Amendments to the 1979 Comprehensive Plan and Proposed Amendments to the 1979 Municipal Code (Zoning Ordinances).

Chairman Graves opened up the public hearing at 8:15 p.m. in the City Council chambers.

City Administrator Overby explained that the 1986 Comprehensive Plan was prepared for two reasons: to provide a current description of the City's approach to planning, zoning and development and land use management, and to provide a basis for guiding Lake Elmo policy makers through the 1990's. The plan has a timeframe of 14 years from now until the year 2000. The next major review of the plan is scheduled for 1990.

PROPOSED REZONING

Ward Holliday, owner of Elmo Aero at the Lake Elmo Airport, objects to rezoning of his 15 acres on the westside of Manning Avenue from R-1 to Agricultural. These 15 acres are not consistent with the general requirement of 40 acres in Agricultural. This would not be for airport expansion, but this would require him to have forty acres in order to build a home which he felt was "asinine".

Carl W. Peterson, representing Roger Gehrt and Gene Schultz, owners of a 37 1/2 acre parcel N.E. corner of Lake Elmo Road and 10th St. They object to the proposed downzoning of this parcel from R-1 to Agriculture and would like consideration of leaving this parcel in an R-1 category. It is not prime Ag land, not a forty acre piece and very rocky with sandy soil. This parcel was designed for 19 lots with 1 1/2 acre minimum size but did not submit any preliminary plat.

Betty Herbert, Edina Realty, representing the Dayton Hudson Corp. presented a letter to the Planning Commission. In this letter, Dayton Hudson stated that rezoning portions of their land N of 10th Street from rural-residential to agricultural is inappropriate. This land contains soils that are poorly suited for general agricultural use. Commissionmember Haacke asked Herbert if she tells her clients about the proposed landfill site. Herbert answered that they know exactly what is happening.

J. R. Stockstead, Finnemann Enterprises, Inc., Lexington MN, owns 120 acres of land on Cty Rd. 15, S. of Oakland Jr, H.S. asked that this land, now zoned to RR and proposed to go to Ag, couldn't be given some consideration for a use other than Ag. It is on a major Interstate Hwy and there is a major interchange and access and visibility is excellent. There is other types of development such as a Planned Unit Development which other communities have used. City Administrator Overby clarified that outside the Overlay District, zoning for this land is not proposed to go to Ag, but will stay in Rural Residential.

Commissionmember Williams referred to Section 15B of the Metropolitan Framework Guide that we are mandated by the Metropolitan Council to develop areas that are contiguous and within the MUSA line, which is in Section 32. We are to allow development primarily in that area first and contiguous to that as we go along. Stockstead felt this was a "cop-out" because there are many communities in the southwestern suburbs telling the Metropolitan Council they will be taking sewer beyond the MUSA line anyway.

Gregory Erickson, Hudson, WI, representing Erickson's Diversified Corp. which has a signed purchase agreement to buy 64 acres of land which lie between I-94 and the sod fields. The agreement has a contingency that they get a permit to develop on this land. They are the same party that were told they could not develop their Freeway Service Center in Woodbury which would consist of a series of fast-food restaurants, a family style restaurant seating 200 people, 100-150 room motel and full gas filling facilities (no truck garage and truck wash). He had been in meetings with Woodbury, and it looked good. Then he received a call from Dwight Picha saying they were going too fast and would not discuss the proposal at the City Council meeting that night. Erickson did not go to the meeting, but Dwight Picha brought it up and the Council voted against it. Mr. Erickson emphasized that the soils on the Lake Elmo site are excellent for what Erickson is planning and as an alternative they would be willing to build an on-site treatment plant, provide full-fire fighting facilities and would agree to buy a squad car if needed. This would also give a good "kick" to the tax base; \$221,000 to the school district, \$156,000 to Washington Cty and \$69,000 to Lake Elmo.

David Drewiske, 3M Real Estate Dept, voiced concern of what type of scoping process was used to come up with the recommendations such as surveys or public hearings. He would like to know how the Commission got to where they are at. In regard to the property north of Hwy 5 and little bit South of Hwy 5, they might as well keep it to grow corn. There is hope for this land because Oakdale is quite progressive so eventually there is potential there. As far as the Overlay District, this seems like an ideal transitional zoning district which recognizes in the future the pressure for development. You should have the benefit of proper zoning. A CUP in a General Business District is not the kind of security blanket that is needed for a substantial investment.

John Stibbe, representing Leslie Floor Decor, asked about the change from Industrial to General Business. His client has signed a purchase agreement for the property between the Twin Point and the VFW and is planning on moving his business there. City Administrator Overby stated that it is currently in Industrial zoning, but if the Planning Commission and City Council support changing that to General Business zoning what he is proposing is an allowed use. There is a concern regarding available parking.

I-94 Highway Overlay District

Gene Peltier, Lake Elmo resident and farmer for 38 years, objected to the rescinding of the I-94 Overlay District. Peltier owns a mile of frontage on the Interstate and this Overlay District gave him options for selling his property. This is not Agricultural land along the Interstate and he feels that this would be shutting the door on potential sale of this land.

Hugh Madson, 11060 32nd St. N., was interested in finding out what the thought process was in rescinding the I-94 Overlay District. Also, he wanted to know the thought process for a piece of land that is not being farmed from the Animal Inn to the Viaduct because someone was looking at this land for a light commercial facility. Most communities are planning for future use, but here we are putting more restrictions on land.

Planning Commissionmember Dan Novak expressed one of the reasons for rescinding the Overlay district was that it was an invitation for development. Also, major development is not wanted four miles from where owners of Section 32/33 would like to see some development. This was based on the thought that the Commission would not like to see unrestricted development stretch over four miles, but would like it to be progressive-starting in Section 32 and 33. Out of nine full-time Planning Commission members, the vote was 4-2 in favor of eliminating the I-94 Overlay District.

Steve Raleigh stated that the ordinance as proposed would eliminate future industrial zoning. This is across the board, not just the parcel mentioned by Mr. Madson. The residents of the City of Lake Elmo are not interested in providing jobs for everyone who lives here. Without sewer, the idea of industrial uses is not consistent with the environment currently enjoyed in the City.

Dorothy Lyons suggested they look at the access to the property in Section 32 and 33. Dorothy added that the Metro Council asks for an update every five years, but it seems this is a major overhaul. She said that this a disservice to all that have served on the Planning Commission and City Council.

David Johnson, representing Conoco Shoes, stated that they are in the area that is very difficult to get to, but worthwhile once you get there. There is a likelihood of significant impact taking place through the whole corridor: first, as a function of the

highway and second, as a function of that type of retail development. Johnson suggests it would be much wiser to address this by identifying what the reality is. To ignore it and put it in Ag zoning is only going to invite further frustrations by the Councils. By having an Overlay District and putting some constraints addressing the sewer and water issue, you would only allow those type of businesses that logically fit into that. The approach of putting it into Ag is much too simplified.

Chuck Gallo, 2440 Lisbon Avenue, originally came from New York City to Lake Elmo to get away from the overcrowded craziness. He likes the rural setting that Lake Elmo gives, and has no desire to be another Woodbury.

Ed Stevens, 10133 47th St. N., had moved from New Jersey and has lived in Lake Elmo 27 years. It wasn't until he moved to Lake Elmo that he found out what "God's Country" was like and hopes it stays this way. He knows some development will come, but he hopes it would not come as fast as it came to the western suburbs of Minneapolis. Stevens added, "there is nothing like the ability to make a profit to make a person very eloquent, but he is suspicious that the eloquence is driven by the chance of making a financial gain, than what is being done for Lake Elmo."

Proposed Zoning Amendments

Hugh Madson asked what does the Alternative Ag uses ordinance amendment do and how did it come about? Chairman Graves clarified that this permits, with City Council's discretion, allowing certain non-traditional agricultural uses by CUP. This allows landowners who met a certain number of conditions on a certain percentage of their property to participate in commercial activities to supplement their normal agricultural related income. Madson asked, if this is approved by the City Council, then it should be recommended to the Council that building permits be required for Ag buildings according to the State Building code. If we are allowing commercial business to be on Ag property we ought to be zoning the property commercial. Madson added the concern about the vagueness of the alternative Ag use wording and felt it should be clarified because there is no control there. As it states now, it opens up the door for commercial business in an Ag zoning; whereas you have to go through hoops for a business in a commercial zone. He also suggested that the Commission pay as much attention to the non-farmers that are affected because of some of the zoning and land use proposed as you are to the farmers. Madson recommended eliminating (6.) Alternate Ag Uses.

LouAnn Hanson, Rockin'L Trailer Sales asked how many property owners have enough Ag land to meet all the criteria of this ordinance to benefit from this. By a quick tally, Graves estimated it would be 3 or 4 people in the community.

Commission member Bucheck brought up that two daughters of a farmer in town have been selling corn on his property to earn money for college. They would benefit by this ordinance because

it will make open sales lots legal.

Novak explained that the primary intent of making Alternative Ag uses available was to encourage large landowners to retain most of their property as "open spaces"

Ed Stevens agreed with the intent, but felt the wording for uses should be done carefully. He gave the example of the car unloading facility being legally allowable.

Howard Michels, 8740 Stillwater Blvd N., explained that when the Planning Commission put the 7 per forty, in regard to Clustering, it was not meant as a Bonus. The intent was, if that land was going to be developed, you could take the seven per forty put them in a cluster and leave the other 25 acres for farm land. It was a good compromise.

Jackie McNamara stated that she felt she was blackballed and shifted from here to there and all she wanted to do was put up a 12,000 sq.ft pole building for her horses which was not permitted in her R-R zoning.

Dorothy Lyons asked what promoted the deletion of mining as a conditional use in the Agricultural zoning district? Don Moe answered that the Planning Commission became aware of the interest by the Shiely Company in possible purchase of a large tract of land owned by Dayton-Hudson Corp. for use as a gravel mining operation. The Commission decided that they did not want to allow any more gravel mining operations in Lake Elmo. Accordingly, they recommended the deletion of mining as a conditional use in the Ag zoning district. Graves added that the existing mining operations (Hammes and Shafer) would continue to operate as non-conforming uses with their Conditional Use Permits which are renewed each year by the City.

Chairman Graves read into the record a letter received from Donald T. Raleigh to the City Administrator regarding the proposed amendments to the land use regulations applicable to Mr. Joe Rogers' property in Section 16.

City Administrator Overby clarified that the City Council can adopt the policy chapters of the Plan and that can be published on November 26th. Then we have that adopted on an interim basis which was the primary goal. This can be done for the zoning ordinances, as amended, as a separate process.

Chairman Graves closed the public hearing at 11:25 p.m.

M/S/P Williams/Buckheck - to recommend approval by the City Council for Chapters I-IV of the Comprehensive Plan and to use the existing 1979 appendices in the interim period. (Motion carried 8-1<Moe: He was not ready to sign off because there was too much input to approve the Plan at this time. He suggests going back and make changes>).

5. 1986 Comprehensive Plan - Draft Appendices

A. Population

Dan Novak asked why the table for Lake Elmo population projections (page 44) showed a total of 346 new homes between 1986 and 2000. He pointed out that the original estimate was for 200 new homes in this period, based on a population increase of 600 persons and assuming an average of 3.0 persons per household. Novak said that he supported the motion on 10-20-86 "to adopt for planning purposes the Metro Council's revised population and housing size forecasts" based on the City Administrator's statement that "the housing forecast was unchanged". City Administrator Overby said that was his understanding at the time. The fact remains that the number of housing units stayed the same between the April, 1986 MDIF and September 1986 MDIF; however the population pojections increased by 200 persons (from 6,400 to 6,600 in year 2000). The new total of 346 new houses is based on the change in population.

B. Housing (Not Discussed)

C. Local Economy (Not Discussed)

6. Zoning Ordinance Revisions

A. Public Facilitities Zoning District

The current proposed ordinance amendment to create a new Public Facilities & Quasi-Public Uses zoning district includes an exemption on the building height limitation of 35 feet as it applies to church steeples. City Administrator Overby had reviewed this and all of the other zoning ordinance amendments with the City Attorney. The City Attorney advised him that an exemption for church steeple building height limitation should not be included in the ordinance. His reasoning was that such an exemption offered special treatment for one class of allowed uses in the zoning district, and could even lead to a separation of church and state issue.

M/S/P Moe/Williams - to approve the Public Facilities Zoning District with the amendment for elimination of the building height limitation of 35 feet as it applies to church steeples. (Motion carried 9-0).

B. Industrial Park Zoning District

The City Administrator and City Attorney have reviewed the proposed Industrial park zoning district amendment. They both agreed that the best and most legally proper method for limiting the industrial uses in Lake Elmo to those already existing is to eliminate the Industrial Park zoning district, rezone the affected parcels to General Business and restrict the allowed use to that specified by Conditional Use Permit. This approach allows the City to retain the existing Industrial uses at their current location, maintain control over whether any new manufacturing uses

shall be allowed at other locations, and retain control over the decision whether to allow other manufacturing uses to replace an existing use allowed by Conditional Use Permit.

Chairman Graves summarized that they had the public hearing for modifying the Industrial Zone to permit those that are already in place. If they go ahead with this plan, then they would have to have another public hearing prior to the City Council being able to review and accept it. This would go over into the expiration of the moratorium. Novak suggested not considering the proposed changes and that they keep in place what is already here.

M/S/P Novak/Haacke - to deny the proposed changes outlined in 6B. Zoning Ordinance Revisions- Industrial Park Zoning District. (Motion carried 9-0).

M/S/P Moe/Raleigh - to adjourn the Planning Commission meeting at 11:50 (Motion carried 9-0)