

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

JANUARY 12, 1987

Vice-Chairperson Haacke called the Planning Commission meeting to order at 7:30 p.m. in the City Council Chambers. Present: Haacke, DeLapp, Bucheck, Novak, Williams, Johnson, Hunt, City Attorney Knaak and City Administrator Overby. Absent: Reuther, Raleigh

1. Election of New Officers

Nominations were made for Chairperson, Vice-Chairperson and Secretary and the vote was taken. The new Planning Commission officers are: Chairman: Steve DeLapp, Vice-Chairperson: Marge Williams and Secretary: Ann Bucheck

2. Agenda

Add: 10. General Discussion

M/S/P Williams/Haacke - to approve the January 12, 1987 Planning Commission agenda as amended. (Motion carried 7-0).

3. Minutes: December 22, 1986

M/S/P Williams/Johnson - to approve the December 22, 1986 minutes as amended. (Motion carried 6-0-1<Abstain: Bucheck>).

4. Resignation of Dan Novak

Dan Novak submitted his resignation from the Planning Commission effective January 14th, 1987. Dan will be moving over to fight the proposed landfill in Lake Elmo and will be meeting with Senator Laidig and Representative Harriet McPherson to try to pass legislation to keep the landfill out.

5. PUBLIC HEARING: Application for amendment to an existing Conditional Use Permit: Leonard Hanson, 10824 Hudson Blvd.

Chairman DeLapp called the public hearing to order at 7:45 p.m. in the City Council chambers.

Mr. Leonard Hanson is requesting an amendment to his Conditional Use Permit to allow construction of a 40' x 60' building. The proposed building is intended to provide a work space to service his trailer units. The property is located about one-eighth mile west of Co. Rd. 17 on Hudson Boulevard.

Mr. Pat Farrell, attorney representing Leonard Hanson, explained that the history of this property is unusual and presented old pictures of the property. The Hanson's bought the property in 1979. At the time the property was acquired the Planning

Commission and City of Lake Elmo approved the rezoning of the property to General Business (Ordinance 7808). At the same time there was an agreement that the Hanson's would be bound by whatever Future Land Use would be consistent with the Comprehensive Plan. The 1979 plan shows it as Highway Commercial after 1990 and the 1986 Future Land Use shows it as Agricultural. After the Hansons received the General Business zoning, they proceeded to apply for a Conditional Use Permit which was granted.

The Hansons are requesting an amendment to this Conditional Use Permit to permit the construction of a 40' x 60' building. Farrell added, that the building application was for an office, small showroom, parts area and workshop, but the Hansons were deleting the request for an office and small showroom. Assuming that the property is zoned Agricultural and the request is for a building, it is going to require some variances. The first variance would be a variance to allow more than one principal structure on the Hanson property. The second variance would be the number and size of accessory buildings. The third variance would be the front lot line setback for the building location.

Mr. Farrell stated that there are some precedents in the City where larger buildings have been granted on smaller tracts and cited the Animal Inn case. Hanson's building is a passive use compared to a heavy commercial use and is an improvement to the surroundings.

City Administrator Overby stated the following in his review:

1.    Zoning District

The proposed building is located on agriculturally zoned property where the allowed uses are governed by a CUP.

2.    Type of Building Being Proposed

The CUP application is to allow a 40' x 60' building. The building will contain a parts area and a work shop. All personal tractor equipment presently laying in view from the frontage road would be housed in the building.

If the building is defined as a commercial building for the purpose of business uses, then there is a conflict with Section 301.130 B.1. which states: "There shall be no more than one principal building on any one parcel of land. "Section 301.040 114 defines Principal Structure or Use as follows: "One which determines the predominant use as contrasted to accessory use or structure". A variance to allow more than one principal structure on the Hanson property would be required, if this definition applies. Also, a Site and Building Plan Review would be required.

3.    Building Size and Number

The total area of the 40' x 60' building would be 2,400 square feet. Section 301.130 C. of the City Code provides design and

performance standards for accessory buildings and structures. Sub-section C-14 indicates that: "For parcels under (10) acres, two buildings with a total area not to exceed one thousand (1,000) square feet..." would be allowed. The Hanson property is 7.91 acres in total area. Therefore, only two accessory buildings would be allowed; although there already exist a 50' x 22' machine shed, a 22' x 16' granary and a 12' x 18' garage on the north. A variance to the number and size of accessory buildings would be required, if it is determined that the proposed building is actually an accessory building.

4.    Lot Size

The existing parcel of land is 7.91 acres in size and does not meet the minimum lot size of 40 acres for the agricultural zone. It is a previously platted parcel of record; therefore, no variance is required.

5.    Setbacks

The building would meet the front, rear and sideyard setbacks required in the Agricultural zoning district. However, the design and performance standard for accessory buildings and structure (301.130 C.9.) states: "No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot...". A variance to this setback requirement would be required, if the proposed structure is considered to be an accessory structure.

Steve DeLapp asked if the structure was in support of the open sales lot. City Attorney Knaak answered that any type of structure put up could be argued as being in support of an open sales lot. If the CUP was amended as the plans are proposed, then this provision would be deleted or amended.

Dan Novak asked the Hansons if the llamas were pets or ?jbusiness. Mr. Hanson answered that they are pets, but are used as a business. Therefore, there are two businesses, selling llamas as pets and the Rocking L trailer sales.

Steve DeLapp asked the Hansons if Mr. Gene Peltier would be willing to sell them enough land to bring them into compliance with the code. The Hansons answered he would be willing to sell at commercial prices.

Novak asked if the CUP could be revised to eliminate the need for variances?. Attorney Knaak answered the CUP has to do with the use and variances have to do with the structure. Novak asked what the applicant's hardship was. Mr. Hanson replied that he has an arthritic problem and has been doctoring for back problems. He cannot be outside working and cannot afford to hire people to work for him.

David Johnson felt that a light commercial operation is ideal for

the overlay area. Johnson added, that this particular kind of use and the building in this area is a great idea and we should make variances for this.

Chairman DeLapp closed the public hearing at 8:25 p.m.

Barb Haacke stated that this type of building they are asking for is an accessory building and requires two variances which should be granted, considering that the engineering report for drainfields work out. Barb felt this fits into what we would like to see along I-94.

Dan Novak stated he was in favor of the proposal. The variances that are needed are: front yard setback, building size and number of buildings.

According to the Overlay District, Item #13, the proposed use has to be consistent with the Lake Elmo Comprehensive Plan. Also a variance is needed for the minimum lot size of ten acres.

M/S/P Haacke/Johnson - to recommend granting a CUP amendment based on the following Findings of Fact:                      (Motion carried 7-0).

1. Variance needed for front yard setback.
2. Variance needed for size of building.
3. Variance needed for number of buildings.
4. Variance needed for minimum lot size in the Overlay District.
5. The proposed building is ag-related.
6. Adequate drainage system to City Engineer's satisfaction.
7. Hardship: configuration of lot.

6. Site and Building Plan Review: Retail Sales & Service Building at 11227 Stillwater Blvd.; Richard Kosman

Mr. Kosman proposes to operate a retail floor covering and installation business from the former Pepin Engineering property at the southeast corner of TH5 and Laverne Avenue. A rezoning from Industrial to General Business would be required to permit the planned use. In addition, some slight exterior remodeling in the form of an added entryway on the east side of the building is proposed. Because of the change in zoning, change in use, and change in exterior dimension, a site plan review is required. City Engineer's Bohrer site plan review is stated in his letter to the Planning Commission dated January 8, 1987.

The proposed building remodeling consists of dimensional changes (a covered entry way on the Laverne Avenue side) and non-dimensional changes (replacement windows, roof treatment, and elimination of overhead garage door). The covered entryway will increase the non-conformance of the side (corner) setback. Ann Bucheck hated to see this added to make it more non-conforming and asked if Kosman could do without a covered entryway (comes out 5 x 6 feet). Kosman answered he could do without a side entryway, but it is a nice feature and improves the energy efficiency.

Barb Haacke would like the requirement of the off-street parking be asphalt or concrete rather than gravel.

A buffer strip of 35 feet is required along the south property line where the existing building is as close as 10 feet to the property line. The Buffer Strip requirement cannot be complied with in this case.

Ann Bucheck voiced a concern about what happens with the parking spaces if another more intensive use moves in when this building is sold. Kosman only needs 5 to 7 parking spaces at the most. Marge Williams added that when a building is sold and expanded they don't automatically come into the City for a site review.

City Administrator Overby stated that we have to send a public hearing notice to the Oakdale Transportation office to see if they want to comment on the parking or setbacks and the impact on their road right-of-way.

M/S/P Williams/Haacke - to recommend rescinding the action taken on 12-22-86 to have this parcel in Industrial zoning based on new information, but to rezone it to General Business with the provision that the variances listed by City Engineer Bohrer must be granted to allow 10 parking spaces due to a lot size hardship. (Motion carried 6-1<Novak: He is opposed to this for safety reasons.>)

7. Simple Lot Subdivision: LeRoy Howell,  
2119 Lake Elmo Avenue N.

Mr. Howell wants to subdivide an existing lot located in the R-1 zoning district and in the Shoreland District. Mr. Howell was not present for the meeting.

1. A variance would be needed for lot size, as each of the two proposed lots would be substandard.
2. A variance would be needed for the septic system area, as the new lot would have 0.60 acre where 1.0 acre is required.
3. The existing driveway should be relocated.
4. The 60% Rule does not apply in this case.

Jim White, 11130 20th St. Ct. N., felt this subdivision does not fit with the other lots along Lake Elmo Avenue or with 20th Street Court because most of them have one acre to an acre and a half.

James Burns, 11140 20th St. Court, felt it was crowded around their lot by later homes. Howell has bought this land knowing full well that it was undivided and he is trying to sneak out two lots.

Don Wright, 2869 Lake Elmo Avenue, neighbor on the south,

preferred that this subdivision not be allowed.

Barb Haacke stated there was no hardship shown here and she has a concern on the area for the proposed septic system.

Ann Bucheck felt it was a steep lot and questions where the existing drainfield is located.

Marge Williams would be against it because no hardship has been shown and it would create two non-conforming lots.

M/S/P Williams/Bucheck - to recommend denial of the request for the simple lot subdivision by Leroy Howell at 2119 Lake Elmo Avenue based on (a.) it creates two non-conforming lots; (b) area for the proposed septic system is substandard in size; (c) it does not conform to the City's Comprehensive Plan; (d) there would be a problem with the setback of the existing house from the new lot line. (Motion carried 7-0).

8. Final Plat Approval:      Ken Sovereign, 4415 Olson Lake Trail

The City Council approved the Preliminary Plat for Olson Lake Addition at its meeting of November 18, 1986 which included granting variances for lot size and lake frontage requirements. The City Engineer has recommended approval of the final plat, subject to payment of any outstanding pass-thru costs or park donation.

The Planning Commission wanted to make it clear that we cannot continue to entertain and allow more non-conforming lots. The following motion was made based on the reasons the Commission felt the City Council should deny the Final Plat.

M/S/P Williams/Bucheck - to recommend to the City Council denial of Final Plat Approval for Ken Sovereign at 4415 Olson Lake Trail based on the facts that Lot 1 is substandard in size, that Lot 2 does not have the required 150 foot lake frontage, and that the plat does not conform with the Comprehensive Plan. (Motion carried 7-0).

9. Discuss Amendments to I-94 Overlay District

At the December 22, 1986 Planning Commission meeting, the Commission requested that the staff comments and ideas be presented to them for discussion and input in turn to the City staff. An outline of the staff proposals from December 1986 were handed out for their review.

In #1 it was recommended to change the year. The 1986 Comprehensive Plan allows General Business and Highway Business uses within the Metro Urban Service Area (MUSA) prior to ~~1990~~ 2000 .

In #2 Marge Williams did not feel the changes were substantially different. Under the Comprehensive Plan the Comm??vion tried to

get rid of "interim" uses. If someone were to buy property along I-94 and use the term "interim use", then their concept would be buying the property based on the fact that whatever they are buying it for now is only an interim. They are really planning for denser development. The Planning Commission decided to strike "interim" and "long term" use throughout the document.

Dave Johnson did not see the purpose of interim uses or long term uses. If someday a sewer goes through, then we are going to have to go along with more intense development. In the next 5 or 10 years, it is would be all right to have a safe sanitary sewer. Johnson felt we should go more aggressively for what we would like to see and forestall what we don't want to see.

The Planning Commission suggested writing down their comments and continue this discussion at the next meeting.

M/S/P Haacke/Bucheck - to adjourn the Planning Commission meeting at 10:40 p.m. (Motion carried 7-0).

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 12, 1987

7:30 p.m.

#### MEETING CONVENES

1. Election of New Officers
2. Agenda
3. Minutes: December 22, 1986
4. Resignation of Dan Novak

7:45 p.m.

5. PUBLIC HEARING: Application for amendment to an existng Conditional Use Permit; Leonard Hanson, 10824 Hudson Blvd.
6. Site and Building Plan Review: Retail Sales & Service Building at 11227 Stillwater Blvd.; Richard Kosman
7. Simple Lot Subdivision: LeRoy Howell, 2119 Lake Elmo Avenue N.

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8. Final Plat Approval: Ken Sovereign, 4415 Olson Lake Trail
9. Discuss Amendments to I-94 Overlay District
10. Adjourn