

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

FEBRUARY 23, 1987

Vice-Chair Marge Williams called the Planning Commission meeting to order at 7:30 p.m. in the City Council chambers. Present: Williams, Haacke, Stevens, Simpson, Hunt, Reuther, Raleigh, Johnson, Enes, City Planner Rob Chelseth and City Administrator Overby. Absent: DeLapp, Bucheck.

1. Agenda

Add: 4A. Discussion on Transfer of SAC unit density

M/S/P Stevens/Raleigh - to amend the Planning Commission agenda as amended. (Motion carried 9-0).

2. Minutes: February 9, 1987

M/S/P Raleigh/Hunt - to table the February 9, 1987 Planning Commission minutes for additional discussion on transfer of SAC unit density. (Motion carried 9-0).

M/S/P Raleigh/Stevens - to approve the February 9, 1987 Planning Commission minutes as amended. (Motion carried 9-0). (See 7. Discussion on amendments to Interstate Corridor Overlay District)

3. Tortilla Factory CUP

Building Inspector Jim McNamara reported that Roy Baber has applied for a Conditional Use Permit to process tortilla chips on the Lehman property at 11490 Hudson Blvd. In the past the CUP on this property was for processing mushroom and bean sprouts.

Mr. Roy Baber explained that Lehmann had leased it to Lyons Foods and Rygmyr Foods who were making popcorn balls. Rygmyr Foods was sent out a renewal for a conditional use permit. Baber was under the impression that the tortilla business, like the popcorn business which includes flour and corn, would be approved so they moved in under this assumption and made their installations. He then came to the City Office and spoke to Bob Overby when he was told he had to apply for a Conditional Use Permit under Agricultural zoning.

Roger Shaide, Plant Manager of Rygmyr Foods, stated that Rygmyr Foods has been operating for five years in the Lehman Building making popcorn balls.

In City Administrator Overby's review, he stated that the Conditional Use Permit application centers on the question of whether the manufacturing of tortillas can be interpreted as a conditional use that would be allowed under the existing agricultural zoning. A reference was made to Section 301.070 D.1b(7) which states as follows:

"Agricultural service establishments primarily engaged in

performing agricultural animal husbandry or horticultural services on a fee or contract basis including sorting, grading, and packing fruits and vegetables for the owner, lessee or sublessee; agricultural produce milling and processing or the owner, lessee or sublessee; horticultural services, fruit picking; grain cleaning; veterinary services; boarding and trailing of horses."

M/S/F Johnson/Reuther - the Planning Commission finds that making tortillas is an agricultural related establishment as defined by the City code. (Motion failed: 4-5 <Simpson, Stevens, Hunt, Willimas, Raleigh>).

Ed Stevens felt that the product should be required to be grown on site. The wording of the conditions under future CUP's that are granted should be tightened and clarified because when a building is open anybody can move in with uses not granted under the original CUP.

Barb Haacke felt the use did fit in and would be in favor of granting a CUP. Barb agreed that there should be tightening up of the language if it is proper procedure. (Amended 3-9-87).

Tom Simpson had a problem with the idea that a businessman would be unaware of the City laws where they are doing business. If they want to run a business, they should be applying for the proper zoning rather than run it, year-to-year on a CUP.

Steve Raleigh would support granting Baber a CUP with certain provisions. He could not see breaking up a facility into several CUP's. The uses in the entire building should be considered. Also, the number of employees, septic information and traffic impact should be required.

Marge Williams felt that errors of the past should not haunt our present and obviously there were errors made when the first CUP was granted. It would be degrading the agricultural business into a manufacturing business. We are moving away from an Ag CUP to a manufacturing business and this would start a precedent. The original intent of the CUP was to allow a growing kind of business which was mushrooms and bean sprouts.

Ron Reuther felt this CUP would be processing an Ag product. If we are going to tighten up the CUP, we should have a condition that the building cannot be subleased without prior approval by the City Council.

Councilman Richard Johnson stated that it was inappropriate for a lessee to apply for a CUP. The CUP should be applied for by the owner of the building and should cover all the operations existing in the permit. No application was made by the owner so the Council did not review the CUP. If there is not enough staff to inspect what is going on in the City, then the City should do something about it.

Lee Hunt felt this was not a straight agricultural use and

suggested moving this to a General Business zoning, but this would be in conflict with the comprehensive plan.

The Planning Commission instructed the City Staff to review this application for a CUP with the City Attorney and report with an update to the Planning Commission at the March 9th meeting and set up a public hearing. This business is running now without compliance with the City so the Commission suggested that Mr. Baber work with the City Staff.

4. Amendments to Interstate Corridor Overlay District

Item Number 13 on the staff meeting outline of 12-3-86 remains to be discussed.

Item #13 - Landscaping requirements should be referenced. The quality of landscaping required for screening and buffer areas should be "beefed up".

Marge Williams suggested a section called Landscaping Requirements because ordinance language is needed not just a policy statement. These requirements were to be as restrictive as possible to guide businesses when allowed to go in that they would need to meet certain requirements for buffers and landscaping for proper driveway access, between businesses and buffers between businesses to adjoining residential property. There was some discussion on trees that are used for screening should be of a certain maturity to offer proper screening. Another suggestion was to berm first because it is a noise deadener and then plant smaller trees or shrubs. The following motion was made:

M/S/P Raleigh/Reuther - to add to the Overlay District Ordinance Section I to cover Landscaping, Screening and Erosion Control Requirements as referenced in 504.040 and 301.070. (Motion carried 9-0).

Marge Williams requested that the Planning Commission receive a final draft of the Overlay District before they make a recommendation for a public hearing.

A. Discussion on SAC Unit Density

Marge Williams recalled that the Commission agreed if a business required transfer of density of SAC units within the MUSA Line then they should hook up to the MUSA Line. The whole purpose of a MUSA Line is that it does have the ability to sewer and water and rather than have a situation where you have transfer of density within the MUSA if you have a dense development you would require them to hook up at their expense.

City Administrator Overby explained that when you are in the Urban Services Area you have the ability to hookup to sanitary sewer. The sizing of an on-site system depends on the capacity of the soils to treat the waste materials. You have a different situation when you are able to hook up to a sanitary sewer. In this sense

you have more flexibility.

M/S/P Raleigh/Williams - to recommend an amendment to the overlay district not allowing any transfer of density of SAC Units in those areas that are outside the MUSA Line. (Motion carried 8-1 <Johnson: it is too restrictive and does not allow for any reasonable development>).

M/S/P Haacke/Reuther - to recommend an amendment to the overlay district to allow no transfer of density of SAC Units within the MUSA Line. (Motion carried: 8-1 <Johnson: too restrictive, it might allow for development prior to the engineering of the public sewer service>).

Marge Williams stated that, based on our Comprehensive Plan, we are trying to maintain our rural atmosphere so we do not want transfer of density to force premature sewer. Johnson felt that our rural atmosphere was not totally degraded by a couple of commercial developments especially on the interstate highway.

5. Amendment to Eliminate Planned Unit Development Zoning Ordinance (301.080).

The Planning Commission had made a recommendation on January 26, 1987 to the City Council for elimination of a Planned Unit Development Zoning Ordinance (301.080) throughout the City of Lake Elmo.

Marge Williams received a letter from Afton stating that several communities along the I-94 corridor had voted to either not have PUD zoning or remove PUD zoning because it requires a very sophisticated community to oversee a PUD. It does not come in at one house at a time and operate with only one building inspector. It comes in as a mass development which requires (a) for the City to relinquish its oversight of the project to the developer or (b) to hire more building inspectors to cover these homes.

Gregory Erickson, Erickson Diversified, stated that a City without a PUD loses much more control over that development. Williams responded that Gunnar, a planning consultant, stated on a larger scale development, the City has much more control without a PUD.

M/S/P Stevens/Johnson - to schedule a public hearing to consider elimination of ordinance Section 301.080 from our ordinance. (Motion carried 9-0).

6. Transfer of Industrial Uses to the General Business Zone as Conditional Uses

The Planning Commission had discussed this at their January 26, 1987 meeting. The Commission wanted to eliminate Industrial terminology from the Comprehensive Plan. They did not want to promote any more industrial growth within the City. There are some already existing industrial uses and those would be able to be permitted and wanted a way to allow these uses to continue.

Goals:

1. No change in existing industrially zoned land.
2. No additional uses would be allowed other than what is allowed in the City.
3. Feasibility of requiring Conditional Use Permits for industrial uses.
4. Provision for non-conforming situations.

Marge Williams expressed two points.

- a. eliminate the industrial zoning district.
- b. rezone existing industrial uses/parcels to General Business zoning, with Conditional Use Permits or allowed to continue as non-conforming uses that are "grandfathered-in".

5. Distinction between Industrial zoned land in use and Industrial zoned land not in use.

M/S/P Williams/Enes - to ask the City Staff to make a review on the proper method for limiting Industrial uses. (Motion carried 9-0).

7. Staff Notification of Upcoming Project Reviews and Other Subjects

Chairman DeLapp had suggested that the Planning Commission be advised of upcoming review items before public hearings are scheduled by the staff. This would allow more time to get local input or for personal investigations of the proposal.

Two suggestions were made: table a public hearing for two weeks for further study or not schedule a public hearing until all the information is in.

M/S/P Stevens/Johnson - to recommend to the City Council two weeks advance notice for a public hearing. (Motion carried 9-0).

Ed Stevens asked for guidance from the City Council.

M/S/P Stevens/Williams - to adjourn the Planning Commission meeting at 10:00 p.m. (Motion carried 9-0).

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

FEBRUARY 23, 1987

7:30 p.m. MEETING CONVENES

1. Agenda
2. Minutes: February 9, 1987
3. Tortilla Factory CUP
4. Amendments to Interstate Corridor Overlay District
5. Amendment to Eliminate Planned Unit Development Zoning Ordinance (301.080).
6. Transfer of Industrial Uses to the General Business Zone as Conditional Uses
7. Staff Notification of Upcoming Project Reviews and Other Subjects
8. Other
9. Adjourn