

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

FEBRUARY 9, 1987

Chairman DeLapp called the Planning Commission meeting to order at 7:30 p.m. in the City Council chambers. Present: DeLapp, Williams, Bucheck, Raleigh, Reuther, Haacke, Simpson, Stevens, Enes, Johnson (arrived 7:45 p.m.), City Planner Rob Chelseth and City Administrator Overby. Absent: Hunt

1. Agenda

Add: 8. Discuss the Transfer of Industrial Park Uses to the General Business Zoning District, Hand out Annual Planning Institute Brochures

M/S/P Williams/Bucheck - to approve the February 9, 1987 Planning Commission agenda as amended. (Motion carried 9-0).

2. Minutes: January 26, 1987

M/S/P Raleigh/Simpson - to approve the January 26, 1987 Planning Commission minutes as amended. (Motion carried 8-0-1 Abstain: Haacke).

3. Preliminary Plat: Lake Jane Highlands, Raymond Mester

City Administrator Overby handed out copies of a letter sent to City Engineer Larry Bohrer from Northern States Power Company. In the letter, NSP gave its approval of the plan subject to the following: That a 20 foot wide access strip be maintained between and along the east edge of the pond and the East line of NSP's easement. NSP would have no objection to extending the holding pond northernly so the pond has its required area.

Bill Rassmussen, engineer from Milner Carley & Assoc., submitted a new plat. Lot width for lots 1-3, which are in the Shoreland District has been revised to 150 feet in conformance with Shoreland Regulations. Lot width for Lots 4-8 now meet or exceed the 125 foot zoning district requirement. The plan has been revised to show the filling required in the front yards and in Lot 8 to provide proper drainage to the street and pond. The grading plan has also been revised to show the pond 10 feet farther to the north and they relocated the overflow pipe, as per the City Engineer's recommendation dated 1-22-87.

City Engineer Bohrer made the following recommendation in his letter dated February 4, 1987 to the Planning Commission: The revised preliminary plat, dated January 29, 1987, and revised grading and drainage plan, dated January 30, 1987, meet all of the City requirements and can be approved. There were two suggestions which do not affect the preliminary plat approval, but can be incorporated into the final plat. Firstly, the drainage easement between the storm sewer outlet and the pond should be 40 feet

wide, not 20 feet as shown. Secondly, the entire area designated as drainage easement in the rear of Lot 7 is not needed for easement. The developer may consider decreasing the size of this easement.

A concern about the steepness of Jane Court North prompted a request for the City Administrator to contact the Fire Chief and Deputy Sheriff to determine if either party was aware of past, present or potential problems with that street from a fire fighting access or safety-traffic aspect. Both individuals responded that they have had no problems with Jane Court North and do not anticipate any problems arising as a result of this proposed development. City Maintenance Foreman, Dan Olinger, confirmed that they do have problems plowing Jane Court due to the steep incline. He suggested that perhaps Jane Court could be extended south around the existing homes and be connected to 45th Street to provide better access. This alternative is not in the City's street plan.

Ann Bucheck asked where does the City stand legally if there is a fire and the fire truck cannot reach the people. The City Administrator stated he could contact the City Attorney to look at the access and liability concerns before the Council reviews this application.

Mr. Romaine Buhl, 9447 Jane Court and Phillip Koubele, 9441 Jane Court N., stated that the stream flows between their lots and Koubele has an erosion problem. Rassmussen explained that the preliminary plat will be looked at by the Valley Branch Watershed District. The City Engineer had found that the size of the holding pond was adequate.

Marge Williams stated that the plat has met all the code requirements, and has faith in our City Engineer that he has looked at this carefully. Having a cul-de-sac off a cul-de-sac creates a very dangerous situation and she would like to see this concern addressed before recommendation for approval. She would reject this plat on public safety issues.

Steve Raleigh had a problem holding Mr. Mester financially responsible for fixing the problem with the Dawcin Acres development. The approval of that plat was a mistake. The addition of eight new homes may compound the parking problem at the bottom of the hill in case of a snowstorm, but the safety of the hill still remains in question. The chances of extending the road to 45th Street is probably less costly than degrading the entire hill. Mr. Mester is meeting the code requirements, but the safety issues of Jane Court North should be addressed by the City.

M/S/F Haacke/Reuther - to recommend to the City Council approval of the Lake Jane Highlands Preliminary Plat subject to the VBWD approval of the drainage concerns and the City Council addressing the safety issues of Lake Jane Court such as considering a possible extension to 45th St. off of Jane Court N. (Motion failed 2-7 <DeLapp, Williams, Bucheck, Raleigh, Reuther, Stevens,

Simpson>>).

Ann Bucheck had a problem with the motion because she would like to see the City address the issue of safety and a recommendation made before it is approved.

Steve Raleigh could not support the motion because he did not believe the safety issue was stated strongly enough. He would like to recommend to the City Council that approval of this plat be contingent upon the correction of the safety problem of the hill on Jane Court N.

M/S/P Raleigh/Bucheck - to recommend to the City Council approval of the Lake Jane Highlands preliminary plat contingent upon the correction of the safety problems that exist upon the hill on Jane Court North by whatever means the City Council feels necessary with a recommendation to extend Lake Jane Court to 45th or 47th, and contingent on the approval of the drainage requirements by the Valley Branch Watershed District. (Motion carried 7-2<Haacke, Johnson>).

Barb Haacke and David Johnson voted against the motion because they felt the safety issue should be looked at, but should not be a contingency.

4. PUBLIC HEARING: Concept Plan and Preliminary Plat
 Lake Elmo Heights 2nd Addition

Chairman DeLapp opened up the public hearing at 8:35 in the City Council Chambers.

The Planning Commission accepted the request by John Stibbe, attorney for developer Don Bishop, that this matter be taken off the planning commission calendar and be put on the City Council agenda of February 17, 1987.

Chairman DeLapp closed the public hearing at 8:38 p.m.

Williams and Bucheck felt that because the Lake Elmo Heights 2nd Addition plat was never approved, they should conform to the present cluster standards.

M/S/P Reuther/Williams - to recommend to the City Council that the new cluster standards (4 per 40 acres, 5 to 7 acres lots, no housing density transfer) apply to the Lake Elmo Heights 2nd Addition preliminary plat. (Motion carried 9-0).

5. General Concept Plan: Interstate Freeway Service Center
 Planned Unit Development at Co. 15 & I-94;
 Erickson Diversified Corp.

Mr. Gregory Erickson and representatives from the Erickson Diversified Corporation presented their concept plan of Phase I (32 acres) of a Planned Unit Development on 64 acres located at

the intersection of Manning Avenue (CSAH 15) and the I-94 frontage road.

A staff review of Erickson Diversified Corporation Concept Plan for a Planned Unit Development dated February 2, 1986 from City Administrator Overby had been given to the Planning Commission members. Mr. Erickson picked up a copy of this staff review at 4:00 p.m. on February 9, 1987 and was surprised with the reception by the City Staff. City Administrator Overby responded that Planner Carl Dale came in to talk to him in November of 1985, and from that time on, the City had only told the applicant that the City would not look favorably on this project in this area. This project was not consistent with the current Comprehensive Plan and not consistent with the old 1979 plan because commercial development was not allowed east of Cty 17 until after 1990. We are operating under the Planned Unit Development requirements in the code. We are at the first stage of the PUD application which is the general concept plan which was addressed in the staff review.

Chairman DeLapp stated the Planning Commission had received their booklet and was well informed on what Erickson was proposing. DeLapp explained that the primary subject they were concerned with was the Land Use Plan and how consistent is this particular land use with the Comprehensive plan. This concept plan is not consistent with what we have in the plan. The Commission has to decide if they are going to re-examine the plan for changes to make this proposal consistent with the Comprehensive Plan.

Rob Chelseth summarized that the planning commission is very comfortable with the expression of the Future Land Use Plan map. This type of use is not consistent with the type of future land use district that is on the Future Land Use Plan Map.

Commission member Marge Williams appreciated the staff taking time to write up a staff review. Williams felt the Erickson PUD Phase I project was not consistent with the 1986 Lake Elmo Comprehensive Plan. She understood their desire to build here, but they (the Planning Commission) had spent a great deal of time on the Comprehensive Plan and she was not in favor of going back and redoing the Comprehensive Plan for this specific project. Williams added that the comprehensive plan, which was well thought of and not taken lightly, is a formal guide for the direction we want the City to take.

Steve Raleigh felt the documentation was excellent in quality and had no questions left in his mind as to what they are proposing. An approval by the Planning Commission of this proposed plan would compromise the goals that they have worked on. They would be compromising, in one step, the future Land Use Map. They could not in good faith turn down the next application nor limit development to the SW first, could not fulfill the goals in the overlay district, and would end up with exactly the opposite of what the Commission started out to do with the Comprehensive Plan, Future Land Use Map and the Overlay District which was to have

development progress from the southwest eastward. The decision to push for development in the SW corner first is justified because that corner of the City is within the urban services area.

Ann Bucheck stated that Erickson gave an excellent presentation. Her concern was that we have a Comprehensive Plan and in this plan it states that we would like to start development in one corner of our city. We had public hearings for our new comprehensive plan where we talked about Section 32 & 33 which would be the area for the development to go. This proposal does not conform to our Comprehensive Plan.

Barb Haacke voiced her concern about the size of the project being in a non-sewered area. DeLapp responded that the Met Council was not in favor of a private treatment facility.

M/S/P Williams/Raleigh -- to recommend to the City Council denial of the Erickson PUD General Concept Plan based on reasons listed in the staff review of 2-2-87 with the recommendation that the City Administrator state these reasons in an abbreviated manner. (Motion carried 9-0).

6. Lake Elmo Representative to Stillwater Area Economic Development Corporation

The City Council considered this request on 2-3-87 and asked that the Planning Commission discuss whether Lake Elmo should have an official representative to the Stillwater Area Economic Development Corporation.

M/S/P Williams/Johnson - to recommend to the City Council that a representative be sent to the Stillwater Area Economic Development Corporation. (Motion carried 8-1<DeLapp: we can do very well by the way City Administrator Overby has handled it>).

The Planning Commission felt that a representative should either closely follow the City's planning and development philosophy as described in the 1986 Comprehensive Plan or at least act as a "neutral observer". Therefore, the following motion was made.

M/S/P Williams/Raleigh - to recommend to the City Council the appointments of Robert Enes to serve as the City's representative with Barbara Haacke as the alternate to the Stillwater Area Economic Development Corporation. (Motion carried 9-0).

7. Discuss Amendments to Interstate Corridor Overlay District

There was discussion on the various commercial, public and institutional facilities listed with their SAC units in the Interstate Corridor Overlay District because this list can be misconstrued. It is in the code now because it has been published in that format, but can be changed to eliminate the list. City Administrator Overby stated that a request for SAC unit determination would be made by the City Engineer prior to the issuance of the Building Permit. We are not bound by the Metro

Waste Control Commission's criteria.

Williams felt the SAC unit information is helpful and should be in an appendice as information, but not published as part of the ordinance. This was agreed with by the rest of the Planning Commission.

DeLapp stated that the Metropolitan Council has had a policy of not permitting any package sewer treatment systems other than those that are municipally owned in existing areas. City Administrator Overby added that no matter where that system is there will not be regional funding for it outside the urban services area.

M/S/P Bucheck/Williams - to recommend eliminating package sewer treatment systems. (Motion caried 8-0-1<Haacke>).

Item #10 - City Attorney Knaak felt it would be reasonable to allow a limited transfer of SAC unit densities. Raleigh disagreed with the City Attorney for transfer outside of the MUSA area because he felt the transfer of density is a reasonable approach for those areas inside the MUSA line simply because if a problem develops in that area it has a second solution. There is always the possibility of sewerling those areas. Transfer of density outside of the MUSA line is poor planning.

Rob Chelseth suggested allowinn no transfer of density of SAC units inside or outside the MUSA Line without central sanitary sewer.

~~M/S/P Williams/Raleigh --- to recommend allowing transfer of SAC unit density within the MUSA line. --- (Motion carried 8-1<Johnson>).~~
(Amended 2-23-87)

Item #11 Passed

See Page 7

Item #12 Signs - More information is needed on sign packages and this will be put on as a work item. It should be decided if the sign ordinance is adequate or should they review it in depth.

Item #13 is on the schedule for the next Planning Commission meeting.

M/S/P Haacke/Raleigh - to add the discussion on the transfer of Industrial Park uses to the General Business Zoning District as the first item on the February 23, 1987 agenda. (Motion carried 9-0).

M/S/P Haacke/Reuther - to adjourn the Planning Commission meeting at 10:45 p.m. (Motion carried 9-0).

Amended 2-23-87)

Based on the discussion of transfer of density of SAU Units, the following motions were made:

M/S/P Raleigh/Williams - to recommend an amendment to the Overlay District to not allow 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).

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 9, 1987

7:30 p.m.

MEETING CONVENES

1. Agenda
2. Minutes: January 26, 1987
3. Preliminary Plat - Lake Jane Highlands,
Raymond Mester

7:45 p.m.

4. PUBLIC HEARING: Concept Plan and Preliminary
Plat,
Lake Elmo Heights 2nd Addition
5. General Concept Plan: Interstate Freeway Service
Center Planned Unit Development at Co. 15 & I-94;
Erickson Diversified Corp.
6. Discuss Amendments to Interstate Corridor
Overlay District.
7. Lake Elmo Representative to Stillwater Area
Economic Development Corporation.
8. Other
9. Adjourn