

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 9, 1987

Chairman DeLapp called the Planning Commission meeting to order at 7:30 p.m. in the City Council chambers. Present: DeLapp, Bucheck, Hunt, Reuther, Simpson, Johnson, Haacke, Raleigh Absent: Williams, Enes, Stevens.

1. Agenda

M/S/P Raleigh/Reuther - to approve the Planning Commission agenda as presented. (Motion carried 9-0).

2. Minutes: February 23, 1987

M/S/P Reuther/Raleigh - to approve the February 23, 1987 Planning Commission minutes as amended (Motion carried 7-0-2<Buckeck, DeLapp>).

3. Upcoming Requests

The City Staff and the Planning Commission had agreed at the last meeting that the staff would report on upcoming requests for PZC review, including public hearing meeting dates.

- a. Concept Plan for Packard Park (R-1) Subdivision;
Gene Peltier

The staff has not received all the necessary materials. A public hearing will be scheduled for April.

- b. Public Hearing: Request for Rezoning from A to GB for former Lehman building on Hudson Blvd. to allow manufacturing uses under a Conditional Use Permit.

City Administrator Overby informed the Commission that Mr. Howard Gelb of Trans-City Investments would be making a request for rezoning from Ag to GB to encompass all the manufacturing uses that are there. These uses would have to be allowed under a CUP which would go with the owner. The public hearing will be scheduled for April 27, 1987 based on the applicants ability to make application.

4. Sketch Plan - Large Lot Subdivision & Rezoning:
Robert Turrentine, Washington County

Assistant County Attorney Robert Turrentine was present to describe Washington County's proposal to purchase approximately 9.3 acres (figure chosen because it makes a nice even line from Richert's property) of land located directly south of the County's aeration system in West Sunfish Park. The land would provide additional surface area to accomodate runoff and infiltration

needs originating from the treated water coming out of the aeration system. This process will take an estimated 5-10 years. Turrentine stated they have no use for this land and a condition could be added that the land be deeded to City after they are done with it.

Ann Bucheck asked if the City was interested in acquiring more land for the park. City Administrator Overby responded that the City might be interested in accepting more land for parks. ~~The 3-23-87 City's position is that we have enough park land.~~ The Parks Amended Commission has talked about putting in bushes or trees, but they realized that the cleanup operation would have an impact and has no plans for developing this park. It is a long-term work plan. Overby added that the MPCA has some authority over types of uses allowed in the landfill site.

City Administrator Overby stated that this parcel would have to be subdivided from the remainder of the Nippoldt property (70 acres). Also, the land would have to be rezoned from the present Agricultural zoning to Public Parks zoning in order to allow the new 9-acre lot.

Steve Raleigh asked if this would create a land-locked parcel. If it was part of the public park, there would be no access problem. Raleigh felt we should keep track of the size of the pond and the amount of water that will go on this property. Administrator Overby answered that the City Engineer would look at that lot to see that it is designed to take the infiltration, rather than allowing the water to run off the site.

Lee Hunt asked if we were to turn the County down, what would the alternative be. Turrentine felt that Nippoldt would probably sue the County and make them stop which means the County would have to reduce their pumping.

Some concerns the Planning Commission had were: what will happen in twenty years, whose responsibility will it be if it needs a clean up, what is the current use and the long-term intention, some engineering studies needed as to what is happening out there, preferred P-Public zoning, and was a statement from Mr. Nippoldt needed. This application requires a public hearing.

5. Transfer of Industrial Uses to General Business Zoning District

This subject was discussed at the last PC meeting (2-23-87). The following items were agreed upon at that meeting:

1. The City should provide a review on the proper method for limiting Industrial uses.

Goals:

- a. No change in existing industrial-zoned land.

- b. No additional uses.
- c. Feasibility of requiring Conditional Use Permits.
- d. Provision for non-conforming situations.

Marge Williams expressed two points here:

- (1) Eliminate the industrial zoning district.
 - (2) 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".
- e. Distinction between Industrial zoned land in use and Industrial zoned land not in use.

City Administrator Overby recommended that Industrial uses should only be allowed in the General Business zoning district under the Conditional Use Permit process. The CUP gives the City some measure of control over such conditional uses. However, it should be clearly understood that an industrial-manufacturing use which fits one of the conditional use categories listed in General Business zoning would have to be allowed by the City in any General Business zone area in Lake Elmo. Thus, the Planning Commission should carefully select which conditional uses are allowed.

Rob Chelseth, the City's Consulting Planner, had suggested that the City retain the Industrial zoning district--but only have industrial zoning apply to parcels of land with existing industrial uses in operation. Also, the zoning district should be amended to list only those existing industrial uses as allowed uses. This method limits the industrial zoning to existing, allowed uses. Any other property could only request rezoning to Industrial for one of those specified allowed uses.

Another argument Chelseth made for this method is that retaining a limited version of Industrial zoning would be more defensible in court than to have conditional industrial uses in the General Business zoning district.

City Attorney Knaak continues to recommend that the existing industrial businesses be specified as conditional uses in GB, and that the Industrial zoning district ordinance be eliminated.

City Administrator Overby recommended that the Planning Commission follow the City Attorney's advice. Also, the GB zoning district should be amended to create a new sub-part which lists all conditional uses, including those former industrial zoning uses transferred to the GB zoning district.

Steve Raleigh pointed out the major complaints of an industrial site is traffic and noise (traffic and operating).

Chairman DeLapp suggested the name Industrial be replaced with a "friendly" zoning and then Chelseth's solution would be acceptable to him. DeLapp referred to Councilman Graves concern, with the elimination of Industrial zoning, we did not have any intent to eliminate any business we have. Graves would not vote for an ordinance that would prevent a business from rebuilding if they burned down.

Comments of the Planning Commission members were:

Buchek: She could be swayed either way. She would like the City Attorney's advice on what could be backed up in court.

Raleigh: He is not quite sure of the idea that allowing a CUP in one corner necessitates that the same CUP be granted somewhere else. The new second district should have a reasonable name and only list the uses that exist.

Simpson: doesn't like the CUP idea. He prefers giving the zoning a reasonable name and limited uses.

Haacke: prefer a reasonable name and listing uses.

Johnson: state the things we don't want and go with the CUP with a GB zoning. Prefer limited manufacturing as defined in the code.

Reuther: suggest they be in their own zone, whatever the name will be. These will be the only businesses defined.

Hunt: would like to know the defensible position of this change because they are going against what the City Attorney recommends.

The consensus of the Commission was to create a new district in name with probably types of uses. DeLapp rephrased this to leave every business that is currently in an industrial zone to allow them to maintain an existing business in a separate zoning category with a different name than industrial, but the category would have eliminated all uses that are not currently carried out.

M/S/P Haacke/Raleigh - to change the name of the Industrial zone to an unnamed category and go through and eliminate the industrial uses that are not being utilized. (Motion carried 7-1<Johnson: should call it General Business and give them a CUP>).

At a later time the Commission will look at the business district to see where it fits in. (See page 40, 7, 8, 9 & 10).

6. Comprehensive Plan

A. Metro Council Review - Chapters I-IV

Chapters I thru IV of the 1986 Comprehensive Plan were adopted on 11-18-87 by the City Council for an interim six month period. The interim ordinance was published on 11-26-86 and will expire on

5-26-87. The 1986 Comprehensive Plan was submitted to the Metro Council and area units of government on 1-23-87.

City Administrator Bob Overby received a letter from Metro Council Chair Steve Keefe, dated February 13, 1987. Keefe indicated that the agency will conduct its review of the Lake Elmo Plan within 90 days from receipt of the proposed amendment. The 90-day review will end on 4-30-87.

Staff review concerns were as follows:

1. The Metro Council staff has indicated there may be a potential impact on the aviation system (Lake Elmo Airport) due to the proposed plan amendment. They have met with the City Administrator and requested that the City provide more information in regard to a concern about residential development of land located west and southwest of the airport.
2. Resolve an inconsistency between the 1986-2000 Future Land Use map, which indicates numerous areas of agricultural future land use and the current zoning of those areas which is Rural Residential.
3. Provide more information on the potential housing densities to be allowed within the Metro Urban Service Area, based on the Future Land Use Plan.

The City staff will be preparing information to address these concerns and present the recommendations to the Planning Commission for review.

The Metro Council staff has told the City Administrator that the agency review of the Lake Elmo Comprehensive Plan Amendment should be completed first. Then, Lake Elmo may submit its revisions to the new/amended plan for Metro Council review in a second Plan Amendment submittal process.

B. Chapter V - Technical Data Appendices

This information has been prepared in draft form for 3 of the 11 proposed appendices. Revisions to these first three appendices as well as corrections and re-writing of the other 8 appendices needs to be done this year. Once the draft appendices have all been reviewed and approved by the City, the information must be submitted to the Metro Council as another amendment to the City's Comprehensive Plan. City Administrator Overby will present this information for review and then submit the material to the Metro Council.

7. Other

Chairman DeLapp encouraged the Commission members to suggest topics that they would like to see brought up as agenda items. DeLapp suggested looking at the definition of setbacks for R1 as an example

zoning.

M/S/P Johnson/Buchek - to adjourn the Planning Commission meeting at 9:28 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

MARCH 9, 1987

7:30 p.m. MEETING CONVENES

1. Agenda
2. Minutes: February 23, 1987
3. Upcoming Requests
4. Sketch Plan - Large Lot Subdivision & Rezoning:
Robert Turrentine, Washington County
5. Transfer of Industrial Uses to General Business
Zoning District
6. Comprehensive Plan
 - A. Metro Council Review - Chapters I-IV
 - B. Chapter V - Technical Data Appendices
7. Other
8. Adjourn