

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

APRIL 27, 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, Hunt, Stevens, Enes (arrived at 7:53 p.m.), Johnson (arrived 7:41 p.m.), City Administrator Overby.

1. Agenda

Add: 3A. Ed Stevens Letter, 3B. Contingency Fund of \$150-200

M/S/P Hunt/Stevens - to approve the April 27, 1987 Planning Commission agenda as amended. (Motion carried 9-0).

2. Minutes April 13, 1987

M/S/P Haacke/Raleigh - to approve the April 13, 1987 Planning Commission minutes as amended (Date on Page 1 corrected to April 13, 1987). (Motion carried 8-0-1<Abstain: Reuther>).

3. Upcoming Requests

a. Special Meeting: Monday, May 4, 1987

7:00 p.m. PUBLIC HEARING: Bergmann CUP Amendment to allow operation of an asphalt mix plant for six months as part of the TH36 Road resurfacing project.

b. Regular Meeting - Monday, May 11, 1987

No public hearings scheduled at this time.

c. Rescheduled Regular Meeting - Monday, May 18, 1987

No public hearings scheduled at this time.

A. Ed Stevens Letter

Ed Stevens presented a letter to the Planning Commission members in which he explained that he has had some difficulty in the past trying to understand the maps and the information that has been supplied by people who wish to develop land. In his letter, he recommends the Springborn application be rejected with a request to bring the standard of the application up to that of many other applications (example: Lake Jane Highlands plat map).

B. Contingency Fund of \$150-\$200

Chairman DeLapp advised the Planning Commission that the Urban Land Institute and other agencies have literature that is available on zoning and planning issues. DeLapp suggested to

Mayor Christ that the City set aside \$150-200 for members of the commission to purchase books or literature. City Administrator Overby agreed that a Library of planning books should be purchased and maintained by the City.

M/S/P Williams/Hunt - to request a fund be set up for the Planning Commission and approved by the City Council for \$150 for a Planning Library. (Motion carried 9-0).

4. PUBLIC HEARING: Preliminary Plat Approval of Phase II, Springborn's Green Acres

Chairman DeLapp opened up the public hearing at 7:50 p.m. in the City Council chambers.

Gaylen W. Springborn and Howard C. Springborn have applied for preliminary plat approval of Phase II of Springborn's Green Acres. This plan is for 11 single family residential lots in the R1 zoning district. Concept plan approval for Phase I and Phase II was given by the City on January 3, 1978.

Land Surveyor Bruce Folz presented a concept plan map and explained there were 12 lots in Phase II. In 1984 Springborns came in and asked the City to resubdivide Lot 9 in Phase I. The City Council granted approval to split the lot but required that they remove one lot from Phase II. The Plan has 11 lots: four lots on the west side are 1 1/2 acre or larger and have 170-185' frontage; on the east side the smallest lot is 1.12 acres with 140' of frontage with the remaining six lots having 125' frontage each.

Father John Burns, resident of the Carmelite Monastery at 8251 DeMontreville Trail, explained how people come to their retreat house for reflection and meditation. Essential to the operation of the program is the need for some silence and seclusion. Because of these needs they were not happy with this development, but they do not dispute the rights of Mr. Springborn to develop their property. They would like to request from the Planning Commission that they require Mr. Springborn erect a fence which would separate their property from the proposed development area in order to maintain some amount of silence or keep out children from coming onto their land. Another suggestion could be several rows of trees that would provide a noise barrier near the property line. Father Burns asked that the City take into consideration their special needs.

Dan Collyard, 8896 Jane Road N., voiced a concern about the cul-de-sac and access to the development from his road. Bruce Folz responded that the public could not access from his driveway, but he could access Isle Avenue from his property. Also in the record, it should show that the easement from Springborn's was granted to the City on Collyard's land. So this is a public road, but not constructed to City standards. Another concern was about the runoff from Lot 5 moving towards his (Collyard's) lot, but

Folz felt berming would direct runoff down Isle Avenue northward.

A.R. (Tony) Maistrovich, 8880 Jane Road N., was in favor of the development, but had a concern about the cul-de-sac operating properly and having the future road situation resolved.

Commissionmember Marge Williams asked if the City would require the Springborns to erect a temporary barricade or do we leave that to Dan Collyard. City Administrator Overby responded that it would be the private property owner's responsibility.

Neal Anderson, 5217 Jamaca Avenue N., was in favor of the development. He suggested the City consider putting a stop sign at the intersection of Isle Avenue and Jamaca Avenue and consider posting the speed for Jamaca Avenue.

Chairman DeLapp closed the public hearing at 8:20 p.m.

Marge Williams was not in favor of acting on this tonight because the City Engineer's letter was not received. Also, since this development was being allowed under the 1978 concept plan approval and city ordinance show the need for updating the Comprehensive Plan as was done in 1986. Another question was what is the statute of limitations on concept plan applications.

Steve Raleigh asked if the status of this Phase II development is at the same point as was the status of Phase II of Lake Elmo Heights because there is a question as to which set of design criteria should apply to this development. Administrator Overby explained that we know that the concept approval was given, so the PUD requirements of 1978 are locked in.

M/S/P Williams/Stevens - to table discussion on the Preliminary Plat Approval of Phase II, Springborn's Green Acres until the next meeting where they will make a recommendaton. (Motion carried 8-1<Johnson>)

Marge Williams explained her reason for tabling this was because they got their packet 3 days before the Planning Commission meeting. They did not get the City Engineer's report and it is very important that they spend more time in order to make an intelligent decision.

Lee Hunt was in favor of tabling any public hearing for two weeks so they can evaluate any information that comes in during the public hearing. Hunt also felt they should tell the applicant why they are tabling it each time. In this case the reason is because of lack of information. City Administrator Overby felt this should not be done automatically.

David Johnson opposed tabling because no vote was taken.

5. PUBLIC HEARING: Request for GB Zoning/CUP or Agricultural Alternative Use CUP--Howard Gelb, 11490 Hudson Boulevard

Chairman DeLapp opened up the public hearing at 8:35 p.m. in the City Council chambers.

Mr. Howard Gelb is the new owner (November, 1986) of the former Lehman Mushroom Company building, located on a 40-acre land parcel approximately 3/4ths mile north of the I-94 frontage road. The building was built in 1965 and the addition was made around 1973.

Bill Rosen, Attorney representing Howard Gelb, explained there are presently six business uses operating in the 65,000 square foot building, which was used as a cannery, without benefit of a conditional use permit. Mr. Gelb is trying to find a method to have official sanction by the City for the uses that are in the building now.

1. Tortilla Factory -- 6 employees, 2 bathrooms, no processing waste (only washing of equipment at end of the day). Planning to add four more employees in the next four months.
2. Product Vending Systems -- dry storage space rental
3. Huang Trading Import Co. -- dry storage space rental.
4. Diversified Bank Installations -- contractor for installation of electronic equipment for banks, 2-3 employees.
5. Nordic Concepts - wood cabinetry manufacturing, 6 employees.
6. Rygmyr Foods -- processing of popcorn into various manufactured products, 10-15 part-time employees. Will be moving out of the building in late June.

The applicant wishes to continue using the building and immediately surrounding area (approximately 5 acres) for rental to commercial and manufacturing businesses. No expansion of the existing building size is anticipated.

City Engineer Bohrer's site visit and review comments indicate that the two existing septic systems are in need of improvement. This expansion would have to go beyond the 5 acre area where the conditional uses would be allowed.

Mr. Richard A. Grayson, 201 Midwest Federal Bldg., explained the background of the Lehman operation. About 1976, Lehman leased the building to Lyon Foods who sub-leased to Rygmyr Foods. Goods Inc. was a sub-tenant of Lyons Foods.

Commissionmember Williams stated that CUP's come up for review and apparently when it came up for review, it was not reviewed or inspected personally. Other businesses have crept in over the years and no one was aware of it. Therefore, the City was at fault for not following up <sup>ON</sup> the CUPs. She is not in favor of  
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increasing business in that area, but feels the current owner is not at fault.

City Administrator Overby stated that two land use options have been identified, either of which would allow Mr. Gelb to continue using his property to its full extent for non-agricultural business uses:

- (a) Subdivide the 5 acre parcel from the larger 40-acre parcel. Rezone the 5 acres from the current Agricultural zoning to General Business zoning. Non-manufacturing business uses allowed in the GB zoning would be permitted. A conditional use permit would be needed to allow manufacturing businesses, or other conditional uses in General Business zoning.

FINDING: The request for rezoning of this 5-acre site from Agricultural zoning to General Business zoning is not consistent with the 1986 Comprehensive Plan.

- (b) Grant a Conditional Use Permit for the entire 40-acre parcel to allow alternate conditional uses to operate on the 5-acre site designated on the survey of 3-23-87.

FINDINGS:

- All of the landowner's contiguous real estate (40 acres) is zoned agricultural and would be included in the granted CUP.
- The 5-acre site for non-agricultural business uses exceeds the 1.5 acre area allowed. The City Council would have to grant a variance for this requirement.
- The 40-acre parcel size qualifies for an alternative use CUP.
- The landowner is not the owner and operator of the non-agricultural uses and does not reside on the contiguous real estate. A variance from the City Council is needed.
- The existing building which will contain the permitted non-agricultural business uses must be maintained in a rural appearance. Existing signs must be removed or be granted a variance from the City Council. Existing exterior lighting must be removed or disconnected, unless a variance is granted. The existing building is not an agricultural style building. A variance would need to be granted.
- Outside storage of vehicles or goods is not anticipated at the site at this time. The CUP could be amended later if this becomes a need.
- A landscaping plan has not been submitted for the 5-acre non-agricultural use area. A landscaping plan should be submitted and determined to be adequate to screen the 5-acre site within a time period to be specified by

the City.

- The non-agricultural uses will not require public sewer or public water.
- The remaining 35 acres should be maintained in accordance with the required practices of the Soil and Water Conservation District.
- The proposed non-agricultural business uses to be operated on a 5-acre site within a larger 4-acre parcel of land may be permitted with an Alternate Uses CUP and three variances from code requirements.

Chairman DeLapp closed the public hearing at 9:10 p.m.

M/S/P Bucheck/Enes - to recommend that the City Council deny the proposed rezoning from Agriculture to General Business zoning as inconsistent with the 1986 Comprehensive Plan; also, that the City Council grant the requested Agriculture Alternate Uses CUP to the Agricultural parcel based on the staff findings and upon granting the necessary variances. (Motion carried 7-2<Williams, Reuther>).

M/No Second Raleigh/No Second - to amend the motion to recommend to the City Council that only those uses presently in the building be included in this CUP.

Ron Reuther was opposed to rephrasing the motion and not the request itself. Business uses is too vague a term.

Marge Williams opposed the motion, due to lack of time to consider their request and being unable to walk around the building and lot. She has a problem with the City's poor system for reviewing CUPs.

6. PUBLIC HEARING: Preliminary Plat for Lake Elmo Heights, Phase II (continued from February 9, 1987)

Chairman DeLapp opened up the public hearing at 9:27 p.m. in the City Council chambers.

This plat was scheduled for public hearing discussion on February 9, 1987.

The City Engineer previously had raised the question of whether the old Rural Residential cluster development requirements should apply, or whether the ordinance amended November 18, 1986 should be followed. The public hearing discussion was postponed until after the City Council made a decision on this question. The City Council acted on 4-7-87 to grant the variance to allow Lake Elmo Heights Phase II to be platted under the 1979 Rural Residential cluster development standards and also acted to deny the variance to proceed to plat the lots without platting the remainder of the 145 acre parcel as an outlot.

Land Surveyor Bruce Folz presented the plat plan. Poor soils in south end of the plat may require that plat boundaries be extended further south.

DeLapp pointed out changing the road width from 24' to 32'. City Administrator Overby pointed out that 24 feet is required in RR zoning by the Engineering Standards. Bruce Folz stated that these standards are typical of most communities in the Twin Cities area. He added, that it might make sense to look at 28' or 24' wide roadways.

Chairman DeLapp asked why the cul-de-sac was located at the west end of the plat. Marge Williams would like to see the question of cul-de-sacs added to the Work Plan.

Chairman DeLapp closed the public hearing at 9:51 p.m.

M/S/P Williams/Buckheck - to table action on the preliminary plat for Lake Elmo Heights, Phase II until the May 11th meeting based on not having the soils data. (Motion carried 9-0).

#### 7. Minnesota Planning Conference

A three-day planning conference has been scheduled for the evening of May 6th and all day on May 7th and May 8th. The City Administrator and Planning Commission Chairman DeLapp will be attending these programs. Program costs are:

\$60.00 for the Planning Conference only; or  
\$75.00 for both the Conference and the Institute.

M/S/P Johnson/Stevens - to adjourn the Planning Commission meeting at 9:54 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

April 27, 1987

- 7:30 p.m. MEETING CONVENES
1. Agenda
  2. Minutes: March 23, 1987
  3. Upcoming Requests
- 7:45 p.m. 4. PUBLIC HEARING: Preliminary Plat Approval of Phase II, Springborn's Green Acres
- 8:30 p.m. 5. PUBLIC HEARING: Request for GB Zoning/CUP or Agricultural Alternative Use CUP -- Howard Gelb, 11490 Hudson Boulevard
- 9:15 p.m. 6. PUBLIC HEARING: Preliminary Plat for Lake Elmo Heights, Phase II (continued from February 9, 1987)
7. Minnesota Planning Conference
  8. Other
  9. Adjourn