

LAKE ELMO PLANNING COMMISSION MINUTES

APPROVED

JUNE 22, 1987

Chairman DeLapp called the Planning Commission meeting to order at 7:30 p.m. in the City Council Chambers. Present: DeLapp, Williams, Bucheck, Reuther, Raleigh, Haacke, Simpson, Johnson, Hunt, Stevens, Enes, City Engineer Bohrer, City Attorney Knaak (arrived 8:19 p.m.) and City Administrator Overby.

1. Agenda

M/S/P Stevens/Reuther - to approve the June 22, 1987 Planning Commission agenda as presented with a 5 minute break after Item # 6. (Motion carried 9-0).

2. Minutes: June 8, 1987

M/S/P Williams/Enes - to approve the June 8, 1987 Planning Commission minutes as amended. (Motion carried 9-0).

3. Upcoming Requests

4. PUBLIC HEARING: Preliminary Plat,
Tartan Meadows 3rd Addition

Chairman DeLapp opened up the public hearing at 7:45 p.m. in the City Council chambers.

Carl Peterson described the proposed plat and changes that were made since the preliminary discussion on June 8, 1987. He said they normally wait until preliminary plat approval before submitting a drainage plan to the City and VBWD.

David Mechevik, 1140 Layton Avenue, asked if the cul-de-sac on 12th Street in the 2nd Addition would be removed prior to the development of the 3rd Addition, and would fill be replaced on this lot? Peterson answered that it would be a temporary cul-de-sac and some grading would be done.

Chairman DeLapp closed the public hearing at 7:58 p.m.

Barb Haacke asked the City Engineer to explain whether there is an increase in runoff as a result of the 1% Rule. The revised site and grading plan of June 19th submitted shows two additional lots that will have fill. Bohrer added that whenever fill is placed the septic ordinance states it has to settle for one year and then percolation tests can be run after this one year to determine the septic system sizing. Lots will be sold separately. The developer will not be controlling excavation and transfer of fill between lots on 12th Street cul-de-sac.

Drainage computations still not provided at this time.

City Engineer Bohrer was contacted by Bob Kreuger, landowner to the north, and asked about where the drainage goes when it leaves lot 1, block 1. He thought the water might go back into Tartan Meadows 1st Addition pond via the Tartan Park property.

Steve Raleigh asked about the lack of VBWD comments. Bohrer stated that VBWD approval coincides with the City's approval.

City Engineer Bohrer stated the following conclusions in his letter of June 19, 1987.

1. The grading plan should be revised in accordance with his comments stated in his June 19th letter.
2. Drainage computations should be provided which show compliance with the 1% Rule.
3. The buildability of Lots 1-3, Block 1 may not be able to be determined for drainfield purposes until the fill settles and percolation tests can be run.
4. All lots should access onto the local streets and not the County Roads in accordance with Washington County's comments.
5. As of the writing of the June 19, 1967 letter, he had not seen the VBWD comments.

M/S/P Williams/Reuther - to table action until the information referred to by the City Engineer's letter of 6-19-87 has been reviewed and presented to the Planning Commission. (Motion 8-1<Johnson: he saw no purpose served by tabling this>)

5. Final Plat: Lake Elmo Heights 2nd Addition

The City Council voted 5-0 to grant approval of the preliminary plat on the condition that Land Surveyor Bruce Folz provide a certified copy of their information on soils and percolation rates; and also that the septic systems be installed on each lot in accordance with the standard set forth in the City Engineer's letter of May 15, 1987. Now the developer has provided the final plat for the Second Addition.

Chairman DeLapp pointed out that they did not have the outline of the City Council discussion and that the cover sheet description of the request made to Bruce Folz differed from what City Council members' understanding of the motion.

City Engineer Bohrer stated that the Final Plat map does conform to the comments made as part of the June 16th City Council approval of the preliminary plat. The subdivider could have chosen to dedicate a circular right-of-way or, in this case, he chose to dedicate a straight right-of-way and furnish the City with a permanent road easement for the two sides of the cul-de-sac. Bohrer felt the City's interests were protected either way.

M/S/F Haacke/Johnson - to recommend that the City Council give Final Plat approval to Lake Elmo Heights 2nd Addition based on Land Surveyor Bruce Folz has provided a certified copy of soil and percolation rates and septic systems should be installed in accordance with City Engineer Bohrer's recommendation. (Motion failed: 2-7 <DeLapp, Williams, Bucheck, Reuther, Hunt, Raleigh, Simpson>).

Ann Bucheck stated she would like to see a permanent cul-de-sac and takes issue with the extension of 27th Street. Steve DeLapp responded that their decision is based on what the actual comprehensive plan is and the zoning requirements, not what might hypothetically happen in year 2050.

M/S/P Raleigh/Williams - to recommend to the City Council denial of the final plat approval for Lake Elmo Heights 2nd Addition based on the cul-de-sac should be permanent and limited to 800 feet without a variance, that in cluster development that is considered to be ultimate density under the current Comprehensive Plan, therefore street planning for the Outlot is not necessary. (Motion carried 7-2 <Haacke: this is good planning regardless of how the Comprehensive Plan deals with cul-de-sacs; Johnson>).

6. PUBLIC HEARING: Comprehensive Plan Amendment for a Mixed Use Planned Unit Development at Co. Rd. 19 & I-94; Federal Land Company

Chairman DeLapp opened up the public hearing at 8:40 p.m. in the City Council chambers.

The public hearing notice was published, but notices were not sent to the adjoining landowners.

Federal Land Company of Eagan, MN proposes to build a Mixed Use/Unique Purpose Planned Unit Development on 56 acres of land located at the northwest corner of the intersection of I-94 and C.S.A.H. 19. The property is currently zoned Rural Residential. The 1986 Comprehensive Plan indicates the Future Land Use for this site should be agricultural.

The Mixed Use PUD is proposed to be built in two phases. Phase I is to be located on the eastern two-thirds of the property on approximately 36.9 acres. Proposed land uses in Phase I include: 4.3 acres for a ponding area on the north end; 14.8 acres for a shopping center site (building and parking); 2.2 acres for a "satellite use" (restaurant); 1.1 acres for a bank, 1.4 acres for a service station/car wash; 1.5 acres for a savings and loan; 2.0 acres for ponding on the southwest end of the site.

Phase II is to be located on the northwesterly one-third of the property on approximately 20.9 acres. Proposed land uses in Phase II include: 4.8 acres for office/warehouse; 8.2 acres for office/warehouse; 5.1 acres for single family homes.

Chairman DeLapp made introductory comments, compared the proposed

strip commercial center to other malls in the area and saw some conflicts in the application. City Administrator Overby pointed out that the body of the application is from October of 1980 and that Federal Land Company reapplied as they were asked to do by the City. The Federal Land Company had received a copy of the staff review this afternoon. Overby handed out extra copies of this Staff Review.

Federal Land Company Attorney Robert Bell explained the presence of a court reporter. City Attorney Knaak clarified that their transcript is for private use and that the minutes of the Planning Commission meeting are the official, legal record.

Charles Bartholdi, representing Federal Land Company, stated that they are applying for a change in the Comprehensive Plan. Also present was Martin Colon (partner in Federal Land Company and owner of the property), Design and Site Planner Carl Dale, Dave Polanski and Duaine Elliott of Short, Elliott, Hendrickson Engineering and Robert Bell, independent Counsel.

Mr. Bartholdi explained that the application is a continuation of an application that was first heard by a joint meeting of the Planning Commission and City Council on November 21, 1980. The project application was tabled until a firm construction plan for County Road 19 could be determined. Following the tabling of the application Federal Land Company has worked with MnDOT and Washington County regarding the alignments of I-94 and County Road 19.

In 1982 an agreement was reached between MnDOT and Federal Land Company regarding storm sewer facilities, culverts, drain ditches, and access location along the freeway frontage roads. In 1983 Federal Land Company worked on the topography, grades and access locations as they were laid out onto County Road 19. It was Bartholdi's understanding that 1983 was the year the City adopted the 4-lane roadway configuration for Cty Rd. 19 with a center median and solicited the input of Federal Land Company. In 1984 and 1985 Federal Land Company continued working with both MnDOT and the County concerning the construction of the Freeway and Cty Rd 19. In 1986 the remaining property needed for the Cty Rd. 19 was condemned and taken by the County. This allowed them to go ahead with the proceeding which was originally instituted in 1980. It was upon City Administrator's Overby's recommendation that they file to go before the Planning Commission and then the City Council.

The property was acquired in 1969 by Federal Land Company. The property is located so that it has direct access onto I-94 and is on one of the four interchanges between State Trunk Hwy 95 and 694. The property is presently zoned Rural Residential. In 1979 the property was designated for highway commercial use on the Future Land Use map. The Highway Commercial use is what the Federal Land Company feels is the appropriate use of the land and the basis it was operating on when it made its application in 1980. One independent appraiser has determined that the "highest and best use" of the property is for commercial highway. This is a determination as to just what the best use would be under the existing conditions.

Mr. Carl Dale explained the project details, which were essentially the same plan as in 1980. They might consider including one or two office-warehouse uses if the septic capacity is sufficient in Phase I. Phase II development is contingent on provision of sanitary sewer and removal of on-site drainage and septic areas.

Engineer Dave Polanski stated that the project will meet all engineering and regulatory requirements. Since sanitary sewer is not available within the Overlay District, the City has placed flow restrictions on waste water discharge which states 8 SAC units/10 acres = 12,000 gpd per 10 acres. This is a medium size system and would not fall under any review guidelines under the MPCA. The development would be planned as such that the current phase would fall within the guidelines of the sewage disposal requirements set by the City. Flows from the shopping center are uncertain, since the potential uses are not fixed at this time.

Mr. Bartholdi indicated the following:

1. The project could provide the community services not located elsewhere in the City.
2. The development would provide jobs, both permanent and temporary.
3. It would increase the tax base by upgrading the use of the property.
4. It would provide a quality development for the Lake Elmo community.

Federal Land Company would retain ownership of the center and would control the uses and implement development standards for the facilities.

There were no proponents to speak on the project.

Susan Dunn, 11018 Upper 33rd Street, asked if the applicant was aware of Metro East Development Group and Metro Development & Investment Guide where the Metropolitan Council has outlined designated areas where Metro services including sanitary sewer may be provided. Dunn compared this high density project to the Erickson project and she has yet to see a development that decreases taxes.

Darlene Tice, Lake Jane Trail, wanted to know if any of the applicants are Lake Elmo residents. None of the applicants were Lake Elmo residents. Tice likes living in Lake Elmo the way it is and is strongly opposed to this development.

City Attorney Knaak advised tabling a decision until adjacent property owners are notified. Knaak asked Mr. Bartholdi to provide reasons why the project should be allowed and why the 1986 Comprehensive Plan should be amended.

Mr. Bartholdi stated the following reasons that this project should be allowed and the 1986 Comprehensive Plan be amended:

1. That the Future Land Use Management Plan that was in existence at the time of the application is the Plan they are going under.
2. They have worked with the City of Lake Elmo, MnDOT and Washington County since that date and have done everthing the City asked, which was to determine the actual alignment and committment to build Cty Rd.19.
3. Property is located on one of four interchanges on the I-94 Freeway and located on Cty Rd. 19 which is a 4-lane divided roadway. The soils all are conducive to the property being developed for commercial use. An independent appraiser determined to be the highest and best use for the property as being commercial.

DeLapp asked about the local quality of life and the proposed homes next to office/warehouses. The answer was that their intent is to make this a two-phase system. The first phase would be the commercial shopping center itself and the two uses in the island area. When utility services were connected, then they would develop the rest. Federal Land has submitted to the City a report indicating that they would comply with all the City requirements regarding public utilities.

4. It would supplement existing commercial uses in the community.
5. Compatible with mining use to the north and spot commercial uses along the I-94 frontage road.

City Attorney Knaak asked if the 1979 Comprehensive Plan should be applied to this project Bartholdi felt they had a vested right because the application was originally made in 1980 and there have been steps going from then on to develop the property for a commercial use.

City Attorney Knaak asked if the applicant considered this to be an acceptable project under the 1979 Plan. Barthodli answered that the Land Use Management Plan was in effect in 1979 and was the plan they were looking at and represented to them. There were indications from Lake Elmo that this would be reviewed. Indications such as the Future Land Use Management Plan of 1979 and 1980, working with City Administrator Whittaker of Lake Elmo, MnDot and Washington County to determine accesses, topography and development of the property all based upon the use in the plan that was orginally submitted. The Plan was brought in 1980 and tabled at that time pending Cty Rd. 19. They have proceeded with this plan believing that this plan would be approved.

Commissionmember Bucheck asked if the developer ever asked the City Council since 1980 if the City would be willing to rezone the property? Bartholdi stated that he was under the impression that it was going to be rezoned in 1980 and subsequent years. In 1980 the

decision was to table it, pending the location of the construction of Cty Rd. 19. They did talk to the City Staff, but not the Planning Commission nor the City Council.

Commissionmember Hunt asked why it was tabled in 1980 versus rezoning. Federal Land intended to develop it and the road should not have had an effect on the zoning. If you felt there was a chance it would be rezoned at that time, why didn't you pursue the rezoning. Bartholdi wished it was rezoned at that time. If it had been, they could have worked with the planning of the City. The reason it was not was because the Council at that time indicated to them that Cty Rd. 19 was not constructed and they were not sure if it would be constructed and what it's alignment would be.

City Attorney Knaak asked if the applicant had considered other opinions on this property? Bartholdi responded that they have talked to professionals and they have indicated that this would not be an unreasonable development in its current zoning status. Knaak added when you say unreasonable are you aware the current zoning status would allow a cluster use. Bartholdi said they were told five units. They have concluded that this is the only reasonable use for the property based on the surrounding roads and commercial developments and on the advise of professionals in the area. This was the opinion of the appraiser Michael Bennetdorf and Planner Carl Dale.

Commissionmember Williams felt that this development is not in keeping with anything in Lake Elmo and would not like to see this kind of mixed use. This is a very poor design for homes next to commercial development, from an esthetic standpoint it is a very poor plan, and she hates to see the entrance to the Regional Park be clouded with this intense development.

Bartholdi stated there are developments with this type of concept in Eagan, Burnsville, Maple Grove, White Bear Lake, Mahtomedi, Roseville.

City Engineer Bohrer handed out copies of his engineering review on the number of SAC units used, parking and drainage area needed. From an engineering standpoint, there is a limitation of sewage flow. The Overlay District would limit Phase I to a shopping center, gas station, and possible savings and loan.

Marge Williams commented on other malls that will be coming into the area. If a marketing plan was done this would not be a desirable area in terms of malls because there will be so many. The PUD zoning ordinance is not looked upon favorably at this time as in the past. Williams referred to Newport's discussion of PUD zoning. Lake Elmo is not looking for employment, but are looking for single family residents. A large percentage of the citizens are employed outside of Lake Elmo. Williams stressed the concern of quality of life in Lake Elmo.

Ed Stevens stated that the City would like to see the commercial development go from the sewerred area gradually outwards. If this development waited 4 or 5 years it would be possible that sewer would come and development could proceed with Phase I and II at the same

time. As long as we have a comprehensive plan that points out how the City of Lake Elmo should proceed, the City is not taking anything away from you. ~~Chairman DeLapp stated that in the 1986 Comprehensive Plan this is low density and there is a Comprehensive Sewer Plan indicating the timeline being Year 2000 which would have to be changed.~~ (amended See Page 9 PZ 7-27-87)

Lee Hunt asked are we going to change the Comprehensive Plan to allow this, because this would be a glaring inconsistency in our Comprehensive Plan.

Ann Bucheck stated we need to change 11 points in the Comprehensive Plan as noted in the staff review of 6-22-87.

M/S/P Williams/Raleigh - to table action and continue the public hearing until July 13th Planning Commission meeting. (Motion carried 9-0).

7. Site and Building Plan Review - Bakery Addition to White Hat Restaurant; Ed Gorman

Ed Gorman has submitted site and building plans for two commercial structures on the property where his White Hat restaurant is located. Phase I involves the construction of an addition to the restaurant which would contain a bakery manufacturing operation and an office on a second floor level. Phase 2 involves the construction of an addition to the bakery addition in order to provide space for an administrative center.

City Engineer Bohrer stated it appeared that there is sufficient land available for Phase I improvements. It cannot be determined if there is sufficient land available for Phase 2 improvements without further information. Bohrer stated that General Business allows up to 75% development on the parcel and this project is about 68%. The bakery will be wholesale and retail.

City Administrator Overby stated they could approve Phase I plan if it met code and could consider Phase II later, but the question of accessory use versus principal use would arise.

A legal opinion was requested on our code for accessory and principal uses and if a bakery is considered manufacturing.

Ed Gorman stated that Fire Chief Fran Pott had concerns on the access, exits, firewalls between structures and "hot spots" in the cooking areas.

M/S/P Williams/Raleigh - to table action on Phase I & II until the July 13th Planning Commission meeting. (Motion carried 6-2-1<Hunt, Johnson Abstain: Haacke)

8. Update on Metro Council Strategic Planning

This will be tabled until the July 13th Planning Commission meeting.

9. U.S. Supreme Court Land Use Decision

This will be tabled until the July 13th Planning Commission meeting.

M/S/P Hunt/Johnson - to adjourn the Planning Commission meeting at 11:20 p.m. (Motion carried 9-0).

Amended PZ meeting 7-27-87

Chairman DeLapp commented that it should be fully understood that the 1986 Comprehensive Plan makes no provision for sewer going to the Federal Land site through the limits of its existence, year 2000. (It does not imply that the year 2000 the town will be sewerred.)

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

June 22, 1987

- 7:30 p.m. MEETING CONVENES
1. Agenda
 2. Minutes: June 8, 1987
 3. Upcoming Requests
- 7:45 p.m. 4. PUBLIC HEARING: Preliminary Plat, Tartan Meadows 3rd Addition
- 8:15 p.m. 5. Final Plat: Lake Elmo Heights 2nd Addition
- 8:30 p.m. 6. PUBLIC HEARING: Comprehensive Plan Amendment for a Mixed Use Planned Unit Development at Co. Rd. 19 & I-94; Federal Land Company.
- 9:30 p.m. 7. Site and Building Plan Review - Bakery Addition to White Hat Restaurant; Ed Gorman.
8. Update on Metro Council Strategic Planning
 9. U.S. Supreme Court Land Use Decision
 10. Other
 11. Adjourn