

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

AUGUST 24, 1987

Chairman DeLapp called the Planning Commission meeting to order at 7:30 p.m. in the City Council chambers. Present: DeLapp, Bucheck, Haacke, Hunt, Enes (departed 10:45 p.m.), Raleigh, Williams (arrived 8:35 p.m.), Stevens, and City Administrator Overby. Absent: Johnson, Simpson, Reuther.

1. Agenda

Add: 3. Zoning Inquiry

M/S/P Haacke/Raleigh - to approve the August 24th, 1987 Planning Commission agenda as amended. (Motion carried 6-0).

2. Minutes: July 27, 1987

M/S/P Raleigh/Stevens - to approve the July 27, 1987 Planning Commission minutes as presented. (Motion carried 5-0-2<Abstain: Hunt, Bucheck>).

Minutes: August 10, 1987

Ann Bucheck requested her list of reasons for denial of the preliminary plat for Packard Park 2nd Addition be attached to the minutes. Because Ann could not attend this meeting, neighbor Linda Voge read these reasons at the August 10, 1987 Planning Commission meeting.

M/S/P Raleigh/Hunt - to table the approval of the August 10, 1987 Planning Commission minutes until the September 14, 1987 meeting. (Motion carried 7-0).

3. Upcoming Requests

City Administrator Overby reported that Howard Gelb, owner of the former Lehmann Mushroom building, asked for the Planning Commission's opinion about what kind of uses the City might allow on a 14 acre site, which he is looking at purchasing, between Lehmann property and the frontage road.

Chairman DeLapp felt that Mr. Gelb should add the 14 acres to be part of his CUP to try to reduce the non-conformity on his alternate agriculture CUP.

Commissionmember Bucheck suggested raising Christmas trees or a pet cemetery.

Administrator Overby reported that Mr. Gelb is aware of what is allowed in General Business. Chairman DeLapp asked that Gelb be more specific with his ideas and he could call up the members for their input.

Other

Ann Bucheck will order Flood Plain maps, at no charge, for the entire Planning Commission.

4. PUBLIC HEARING: Request for Large Lot Subdivision and Request for Rezoning from Rural Residential to Agricultural; 58.1 acres at NE corner of 10th Street & 10th Street Lane.

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

Betty Herbert, Realtor for Dayton Hudson, explained that Mr. Hosch wishes to purchase 58.1 acres of undeveloped land from the Dayton Hudson Company. The land is located on the north side of 10th Street, approximately 1/4 mile west of the intersection of 10th Street with County Road 19B. The property surrounds Goose Lake on three sides; the southern side of Goose Lake would still have public access via the road right-of-way on Tenth Street (CR 70).

The applicant has two requests:

1. Large lot subdivision to split the 58.1 acres into two new parcels of 46.9 acres and 11.2 acres.
2. Rezoning of the 46.9 acre parcel from Rural Residential to Agricultural.

City Administrator Overby submitted the following staff review:

Large Lot Subdivision

(a) Lot size: The 46.9 acre parcel exceeds the minimum lot size in the Agricultural zoning district. The 11.2 acre parcel exceeds the minimum lot size in the Rural Residential zoning district.

(b) Lot width: The 46.9 acre Agricultural zoned parcel lot width of 363 feet (between 10th Street Lane and Goose Lake) exceeds the 300 feet minimum. The 11.2 acre Rural Residential zoned parcel lot width of 425 feet exceeds the 300 feet minimum lot width.

(c) Lot dimensions: The 46.9 acre parcel has a total width of 900 feet and maximum length (depth) of 1900 feet, which is a 2.1:1 ratio. There's no maximum lot dimension ratio in the Agricultural zoning district.

The 11.2 acre parcel has a width of approximately 425.0 feet and a length (depth) of 1300.0 feet (1362 feet to centerline of CR70), which is a 3:1 ratio and is well within the 4:1 maximum lot dimension ratio limit.

(d) Road access: The 46.9 acre parcel will access from the proposed cul-de-sac at the north end of 10th Street Lane, about 700 feet from the centerline of CR70. The 11.2 acre parcel will access directly onto CR70 with a private driveway.

The applicant proposes to rezone 46.9 acres from Rural Residential to Agricultural. The 1986 Future Land Use Map/Plan shows an Agricultural Future Land Use for this property. Therefore, the proposed rezoning would be consistent with the 1986 Lake Elmo Comprehensive Plan.

Mr. Hosch has requested that the city vacate the portion of 10th Street Lane which is located entirely on this property. If granted, the City should require that a cul-de-sac turnaround be provided at the north end of the remaining segment of 10th Street Lane. This cul-de-sac can be located entirely on the Hosch property, or an agreement would have to be reached with the property owner of the west side of the road to obtain a road easement. The location of the cul-de-sac have to be specified on the Certificate of Survey.

The City Staff became aware that Washington County had not turned back this road to the City. The County Public Works staff will attempt to get County Board action on Tuesday, 9-1-87, to approve this road turnback. If the County Board does not act on the matter prior to the City Council meeting, then the public hearing should be continued to such time as 10th Street Lane goes under the City's jurisdiction.

Neighbor R. Forsythe, 9560 10th Street Lane, had no problem with the proposal.

Chairman DeLapp closed the public hearing at 8:02 p.m.

Ann Bucheck commented on the amount of people that fish along 10th Street and if the County should put up "no parking" signs. Administrator Overby questioned the width of the road right-of-way on Cty 70 and whether the easement overlaps onto Goose Lake and provides a public access. This will be answered when a field check is done.

M/S/P Enes/Haacke - to recommend highly to the City Council to approve the rezoning of 46.9 acres of land owned by Robert and Mary Ellen Hosch from the Rural Residential to the Agricultural zoning district as being consistent with the 1986 Lake Elmo Comprehensive Plan and to approve the large lot subdivision of 58.1 acres into two parcels. (Motion carried 7-0).

5. Final Plat: Lake Jane Highlands

This request is for Final Plat approval of an 8-lot subdivision located NE of Lake Jane, on a cul-de-sac off Lake Jane Court.

The Planning Commission reviewed the Preliminary Plat on 1-26-87 and on 2-9-87. Approval by the City Council was recommended, "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 Streets, and contingent on the approval of the drainage requirements by the VBWD".

The City Council approved the Preliminary Plat on 3-3-87.

City Engineer Larry Bohrer reviewed the final plat of Lake Jane Highlands for conformance to the approved preliminary plat and City Code., In his Final Plat Review to the Planning Commission, dated August 24, 1987, he found that the final plat was in conformance with the approved preliminary plat, but the following must be added to conform to the City platting requirements:

1. All lot corners shall be placed and shall be shown on the final plat. The submitted plat only shows the block corners.
2. Lot sizes, to the hundredth of an acre, shall be shown on the final plat.

Ann Bucheck still had a problem approving the final plat because adding 8 more homes would compound the safety problem of getting up the hill in the winter time that the homes on Jane Court North has now.

Councilman Dick Johnson felt an attempt should be made to extend the road out, but the problem is the developer doesn't own the property and the location of running out the road to Lake Jane Trail and 45th Street.

Barb Haacke felt that legally this Final Plat should be approved because there has not been any proven safety problems, but there are potential safety problems. Barb would like the City Council pay attention in trying to get Jane Court North to come out to 45th Street.

M/S/P Bucheck/Stevens - to recommend to the City Council disapproval of the Lake Jane Highlands Final Plat because the safety factor of the street has not been adequately addressed by the City Council and felt that street sanding is not sufficient. (Motion carried 5-2<Hunt, Haacke>).

Lee Hunt suggested that the recommendation for approval be contingent upon City Council correction of safety problems of the street with the consideration the Commission does not consider extra sanding to be the correction.

Mr. Mester asked what will the City do to correct the safety problem of the street if Lake Jane Highlands addition didn't go through?

6. Final Plat: Springborn's Green Acres, 2nd Addition

This request is for Final Plat approval of an 11-lot subdivision located north of Lake Jane, on a temporary cul-de-sac off of Jamaca Blvd. N.

The Planning Commission reviewed the preliminary Plat on 4-27-87 and 5-11-87. Approval by the City Council was recommended, contingent upon the conditions in the City Engineer's review letter and to look at an urban street versus a rural street.

The City Council approved the Preliminary Plat on 6-2-87 "as presented; subject to the lot lines being moved 50 feet to the north in order to get one acre for septic system on one lot".

City Engineer Larry Bohrer reviewed the final plat for conformance to the approved preliminary plat and the City Code. The following was his review to the Planning Commission dated August 24, 1987.

The final plat conforms to the preliminary plat as approved. Lot 1, Block 1, was increased in size so that it meets the code requirement or drainfield area. The developer proposed to furnish the city with permanent road easements sufficient for the temporary cul-de-sac at the south end of Isle Avenue. This method adequately protects the City's interest in the cul-de-sac.

Chairman DeLapp brought up if Final Plats should require approval by the Planning Commission, which has to be signed by the Chairman and Secretary, because they are only an advisory agency. Bruce Folz stated that the State law requires that these signatures be on the plat. Folz suggested changing "approved" to "reviewed". DeLapp had talked to the State Auditor who said the City can determine anything they want, but they have to have approval by the City Council. It was suggested to put this on the next City Council agenda in order to get a legal opinion for an ordinance change.

M/S/P Stevens/Haacke - to recommend to the City Council approval of the Final Plat for Springborn's Green Acres 2nd Addition, subject to the permanent road easements for the temporary cul-de-sac on the south end of Isle Avenue be furnished as recommended in the City Engineer's report. (Motion carried 8-0).

M/S/P Stevens/Buckeck - to recommend to the City Council elimination of the Lake Elmo Planning Commission signing off on Final Plats. (Motion carried 8-0).

7. Review Draft Amendment of General Business
Zoning Ordinance to Allow Retail Bakery Sales

This zoning ordinance amendment request was discussed at the 8-10-87 Planning Commission meeting. The request originally included other proposed allowed uses: Restaurant-Bakery, Bakery with Wholesale Sales, and a Catering Business as part of a restaurant, bakery, or bakery-restaurant operation.

The Planning Commission requested that the City Attorney prepare a draft ordinance amendment to allow a Retail Sales Bakery in the GB zoning district; also to comment on the zoning implications of allowing this "manufacturing use" in GB without a Conditional Use Permit.

City Administrator Overby explained that he drafted the proposed ordinance based on the Planning Commission's discussion, but based on the motion the ordinance did not include catering. The City Attorney supported this draft in its entirety.

Ed Stevens addressed his concern with the paragraph written by the City Attorney which he still stands by stating "that as a practical matter it would be difficult to refuse future rezoning or zoning code amendment request for other manufacturing purposes when an exception like this is allowed for no other reason than a desire on the part of a landowner not to be inconvenienced".

Ann Bucheck also raised the concern about allowing manufacturing uses (wholesale bakery) in GB without a conditional Use Permit.

Other concerns were if this particular zoning amendment is part of a larger, unresolved issue "which Industrial zoning district uses should be transferred to the GB zoning district and which of these uses should be under a Conditional Use Permit.

Hunt, Bucheck and Stevens felt they would rather see the applicant rely on a Conditional Use Permit because it is a viable tool which would allow all of the requests that the applicant wishes to achieve. The City would have more control with a CUP.

Ed Gorman stated that it was tougher to get financing with a Conditional Use Permit for a business like restaurants which have an 80 percent failure rate.

The Planning Commission will be considering this question again via a sub-committee on the following Monday.

M/S/P Stevens/Bucheck - to recommend to the City Council that the General Business zoning ordinance not be amended pertaining to uses of a restaurant/bakery, retail bakery and/or a catering business as a part of a restaurant, bakery or bakery-restaurant operation. (Motion carried 7-1<Haacke: she would like to see Bakery under General Business now if this means tabling this to have the City Attorney add the other uses and get something drafted. She was not recommending this just to help one person, but may be accomodating someone who has brought the request before them rather than tabling indefinitely>)

8. Comprehensive Plan Revisions

A. Appendix B - Housing

This draft appendix was scheduled for review at the 8-10-87 Planning Commission meeting, but it was tabled for discussion at this meeting.

The following changes and additons were suggested:

Add:

Page 45: (generally considered as low moderate income housing)

Page 46: Change 63 percent to 6.3 percent vacancy.

Ann questioned if we should note it is not ajusted to constant dollars.

Check into the statement "if Lake Elmo does not contain any publically assisted housing units" on page 49 be it in rental units or in purchased units.

M/S/P Enes/Hunt - to recommend that the City Council approve Appendix B, with the above changes, be submitted to the Metro Council as part of a Plan Amendment package that will be reviewed in total by the PZC and CC before it is submitted. (Motion carried 6-1-1 <Williams: wording is inconsistent with the Rural Centers Metropolitan Framework Guide--there is a difference between rural urban centers and rural centers and feels these two have been put together. Abstain: Stevens abstained because he did not know enough about it to vote>).

B. Appendix C - Local Economy

This draft appendix was last reviewed by the Planning Commission on 11-10-86.

After much discussion accomplishing nothing and ending up with no agreement between the commission members, the following request was made by Ed Stevens:

After a revision of a document has been discussed by the Planning Commission for 30 minutes (time was debateable) without agreement, the document would come before a sub-committee of 1-3 members which shall submit a revised draft to the next Planning Commission meeting.

M/S/P Stevens/Haacke - because of failure of the Planning Commission to reach a consensus of the draft material before them, it will automatically initiate a sub-committee of 1-3 members to meet and bring back a draft of Appendix C-Local Economy to the Planning Commission for their review. (Motion carried 6-1<Williams: less likely to have a mandated sub-committee).

C. Review List of Remaining Revision Items

The purpose of the list was to inform the Planning Commission of the remaining revision items in the 1986 Lake Elmo Comprehensive Plan.

M/S/P Hunt/Buckeck - to adjourn the Planning Commission meeting at 10:55 p.m. (Motion carried 7-0).

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

AUGUST 24, 1987

7:30 p.m. MEETING CONVENES

1. Agenda
2. Minutes: July 27, 1987
August 10, 1987
3. Upcoming Requests

7:45 p.m.

4. PUBLIC HEARING: Request for Large Lot Subdivision and Request for Rezoning from Rural Residential to Agricultural; 58.1 acres at NE corner of 10th Street & 10th Street Lane.
5. Final Plat: Lake Jane Highlands
6. Final Plat: Springborn's Green Acres
2nd Addition
7. Review Draft Amendment of General Business Zoning Ordinance to Allow Retail Bakery Sales
8. Comprehensive Plan Revisions
 - A. Appendix B - Housing
 - B. Appendix C - Local Economy
 - C. Review List of Remaining Revision Items
9. Other Business
10. Adjourn