

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

OCTOBER 13, 1987

Chairman DeLapp called the Planning Commission meeting to order at 7:34 p.m. in the City Council chambers. Present: DeLapp, Raleigh, Stevens, Enes, Hunt, Johnson, Williams (arrived 7:40 p.m.) and City Administrator Overby. Absent: Haacke, Bucheck, Simpson.

1. Agenda

Change Item 7. Final Plat of Tartan Meadows 3rd Addition to 3. Upcoming Requests.

M/S/P Enes/Johnson - to approve the October 13, 1987 Planning Commission agenda as amended. (Motion carried 6-0).

2. Minutes: September 28, 1987

M/S/P Hunt/Enes - to approve the September 28, 1987 Planning Commission minutes as amended. (See page 2, Residential) (Motion carried 5-0-1<Abstain: Johnson>).

3. Upcoming Requests

October 26, 1987

7:45 p.m. PUBLIC HEARING: Ordinance Amendment to Section 210.018 of the 1979 Municipal Code, Parks Commission, to change the regular meeting date and time.

8:00 p.m. PUBLIC HEARING: Comprehensive Plan Amendment to Revise Chapter V, Appendix G, Transportation Facilities

4. City Council Update

City Administrator Overby provided the Commission an update from the October 6, 1987 City Council meeting. The Commission thought this was excellent communication and suggested this same update be done on the Planning Commission meeting for the City Council.

5. PUBLIC HEARING: Amendment to the 1979 Municipal Code to Eliminate the Industrial Zoning District (Section 301.070 D.10).

This ordinance amendment was discussed by the Planning Commission on 9-14-87. A draft ordinance amendment was attached for the Commissioner's information.

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

There was no one to speak for or against the proposed amendment.

Chairman DeLapp closed the public hearing at 7:52 p.m.

Chairman DeLapp summarized that when Councilman Graves and Moe were on the Planning Commission and working on the Comprehensive Plan when this was initiated they voted in favor of eliminating the Industrial zoning district. There was no new discussion, therefore the following motion was made.

M/S/P Williams/Raleigh - to recommend that the City Council amend the 1979 Municipal Code to delete Section 301.070 D.10, Industrial Park Zoning District, in its entirety. (Motion carried 7-0).

6. PUBLIC HEARING: Amendment to the 1979 Municipal Code to Add Uses, Delete Uses, and Change the Requirements in the General Business Zoning District (Section 301.070 D.7).

This proposed ordinance amendment originated in a PZC discussion on 9-14-87 on how to put existing industrial uses into the General Business zoning district. A draft revision of the General Business zoning district was presented and discussed at the 9-28-87 PZC meeting. It is this draft for which the public hearing had been called.

Chairman DeLapp opened up the public hearing at 8:00 p.m. in the City Council chambers.

There was no one to speak for or against the amendment change.

Chairman DeLapp closed the public hearing at 8:10 p.m.

Commission member Marge Williams brought up that at the Council meeting there was some indication if we were to allow bakeries would we consider having retail bakeries not necessarily incidental to restaurants.

Approved wording:

(1)s. Bakeries with production of bakery goods limited to on-site retail sales

The Planning Commission agreed to delete:

- (1) a. Must meet all City Sanitary Codes
 - o. Contractor's offices
- (7) a. (Parking spaces for "drive in" customers shall not be credited as a part of the off-street parking area needed to serve the sales operation conductd within the building.)

This (7)a. was deleted because drive-in customers have been eliminated by the draft only allowing full table service cafes or restaurants.

Addition of contractor('s) offices in (4)a,b,c,d,e,f and g.

City Administrator Overby explained there was an exception to the building height requirements that allows transmission towers in our

code. The Commission will discuss this at a later date.

The following discussion took place in regard to: (6) Industrial Businesses of a Manufacturing Nature already existing in the City will be allowed to continue to operate as non-conforming uses as specified in (Section 301.050 B).

The question was asked if Joe Rogers wanted to sell Lake Elmo Hardwood Lumber to somebody else and it was considered a non-conforming use would this be a break in the operation and lose the grandfather status. The Commission could not find in the code where it was allowed that the non-conforming use could not be transferred if the business was sold.

Marge Williams stated that the intent of the comprehensive plan was to eliminate the Industrial use, but we were not trying to shut down business that were already existing. We do not want to expand Industrial uses in the City. The effect of continuing Hardwood Lumber and Gerbitz the way they are is that the homes across the street will sell for little or nothing unless they sell it as commercial property. In effect, you would be widening the commercial area and decrease your residential area. A Conditional Use Permit would allow Rogers to continue operating under his current status and allow him to sell this business.

City Administrator Overby stated that if Lake Elmo Hardwood Lumber is allowed in General Business under a CUP, that means a lumber business is conditionally allowed in all GB zones present and future.

Chairman DeLapp asked that it be put into the record that it is not the intent of the Commission's interpretation of this code to prevent a subsequent owner of the property to have to alter the business operation.

Marge Williams asked for a legal interpretation between Conditional Use Permit and a non-conforming use.

M/S/P Hunt/Raleigh - to approve the General Business Zoning District ordinance amendment as proposed by the Planning Commission on 10-13-87. (Motion carried 6-1<Johnson: felt this amendment would eliminate the ability for a commercial facility of assembly type development (ex. light electronic, computer) in the City>).

Commission member Hunt responded with the fact that these types of light industry which do the assembly for major companies (or do software writing) are the first ones to go in a flux economy. Then the City is stuck with these buildings that have to be supported by City's services and generating very little revenue.

7. Final Plat: Tartan Meadows 3rd Addition

The City Council approved the preliminary plat as presented on July 21, 1987. City Engineer Bohrer had reviewed the final plat and had compared it to the approved preliminary plat and applicable City Code. Bohrer found that the final plat did conform to the approved

preliminary plat and City Code. He recommended that the final plat be recommended for approval to the City Council with the following changes.

1. Lot size shall be shown on the plat for each lot in hundredths of an acre.
2. The drainage and utility easement in Lots 2, 3, 4, and 5 of Block Two, which abut the EXCEPTION should be 10 feet in width, rather than 5 feet as shown. It is doubtful that the EXCEPTION will ever be platted and a companion 5 foot wide easement dedicated on its lot lines.

Williard Morton stated that these changes will be made for approval by the City Council on October 20, 1987.

It is not normal practice for the Planning Commission to approve plats with contingencies attached, but found this to be a permissible exception because the developer had met all City standards and requirements the first time. Therefore, the following motion was made.

M/S/P Stevens/Raleigh - to recommend final plat approval by the City Council for Tartan Meadows 3rd Addition contingent on City Engineer Bohrer's suggestions in his letter of October 9, 1987 being met. (Motion carried 7-0).

8. Comprehensive Plan Revisions

A. Appendix D, Existing Land Use - revised table

The PZC reviewed this draft appendix on 9-28-87. The table showed Existing Land Use as amended to delete the 1979 and 1978 data, plus, the data on developed and undeveloped acres (from Appendix E) as added. A revised draft data table was reviewed. The table title now should read "Summary of 1986 Existing Land Zoning for Lake Elmo".

M/S/P Williams/Enes - to recommend that the City Council approve Appendix D, Existing Land Uses subsequent to a Public Hearing on amending the 1986 Comprehensive Plan and prior to submitting the revised Plan to the Metro Council. (Motion carried 7-0).

B. Work Committee Reports

1. Appendix E, Land Needs Forecast

The PZC Work Committee will meet to review/discuss the draft of Appendix E and report back to the Planning Commission.

2. Chapter III, Future Land Use Section

The PZC Work Committee had reviewed the draft provided by the City Administrator. The PZC Work Committee presented its draft for an overlay to the City Zoning Map to reflect an optional land use within selected areas. These areas which are currently zoned for either 10

acre residential or primarily 10 acre commercial use would be given the choice of development into smaller lots--2 1/2 acre if wooded or heavily planted with tree seedlings or 5 acres if largely open land. The following criteria would be used to determine if an area were suitable for this type of development.

- a. The property must be either contiguous with a State Highway or existing, developed 1 1/2 acre housing.
- b. The development must enhance the long term stability of the rural residential character of the City.
- c. The development must have the effect of decreasing the ratio of City staff and services to the total number of City residents.
- d. The development must meet the guidelines of the Metropolitan Council.

The Commission liked this idea, but since it was so new they proposed that a work committee discuss concerns and what percentage of land this would affect in the City. It was suggested the members talk to other people in the City regarding this "Executive Overlay" and get their input which should be discussed at the next Planning Commission meeting.

9. Government Training Service Planning Institute,
January 20, 1988, St. Paul

A brochure was handed out describing the GTS Annual Planning Institute which will be held at the U of M, St. Paul Campus in January, 1988. Registration will be reimbursed by the City. Chairman DeLapp felt this session was worthwhile and encouraged the Commissioners to attend.

M/S/P Enes/Hunt - to adjourn the Planning Commission meeting at 10:10 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

TUESDAY, OCTOBER 13, 1987

7:30 p.m. MEETING CONVENES

1. Agenda
2. Minutes: September 28, 1987
3. Upcoming Requests
4. City Council Update

7:45 p.m. 5. PUBLIC HEARING: Amendment to the 1979 Municipal Code to Eliminate the Industrial Zoning District (Section 301.070 D.10).

8:00 p.m. 6. PUBLIC HEARING: Amendment to the 1979 Municipal Code to Add Uses, Delete Uses, and Change the Requirements in the General Business Zoning District (Section 301.070 D.7).

7. Final Plat: Tartan Meadows 3rd Addition
8. Comprehensive Plan Revisions
 - A. Appendix D, Existing Land Use - revised table
 - B. Work Committee Reports
 1. Appendix E, Land Needs Forecast
 2. Chapter III, Future Land Use Section
9. Government Training Service Planning Institute, January 20, 1988, St. Paul
10. Other Business
11. Adjourn