

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

FEBRUARY 22, 1988

Chairman DeLapp called the Planning Commission meeting to order at 7:45 p.m. in the City Council chambers. Present: DeLapp, Bucheck, Haacke, Hunt, Johnson, Simpson, Stevens, Kunde, Johnston and Acting City Administrator Kueffner. Absent: Enes, Williams.

1. Agenda

M/S/P Stevens/Haacke - to approve the February 22, 1988 Planning Commission agenda as presented. (Motion carried 9-0).

2. Minutes: December 14, 1987

M/S/P Stevens/Simpson - to approve the December 14, 1987 Planning Commission minutes as amended. (Motion carried 5-0-4 <Abstain:Hunt, Johnson, Bucheck, Johnston>)

Minutes: January 26, 1988

M/S/P Hunt/Simpson - to approve the January 26, 1988 Planning Commission minutes as amended. (Motion carried 6-0-3 Abstain: Bucheck, Haacke, Johnston)

3. PUBLIC HEARINGS:

A. Downs Lake Estates

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

Downs Lake Estates Preliminary Plat consists of a 2-lot subdivision.

1. The property is properly zoned R-1.
2. Both lots are at least 1.5 acres with at least one acre suitable for septic purposes.
3. Both lots have at least 125 feet of frontage on a public street.
4. The Washington County Soil survey lists the soils in this plat as 342C which may perc slowly. City Engineer Bohrer reported this is the same soil classification as Eden Park 2nd Addition. Actual tests taken in the Eden Park 2nd Addition were all satisfactory.
5. City Engineer Bohrer reported that the north 1/2 of Lot 1 drains towards Downs Lake. The south 1/2 of Lot 1 and all of Lot 2 drain south along the east line of Manning Trail. The drainage then enters Horseshoe Acres in West Lakeland Township and into ponds there.
6. The public notice was duly sent and published.

City Engineer Bohrer reported in his letter to the Planning Commission, dated February 19, 1988, that the developer does not propose to provide any ponding. In the past, subdivisions which created only one additional lot have been exempted from the ponding requirements (i.e., Crombie Estates and Sovereign). In this case, since only about 1/4 of the surface area drains towards Downs Lake, an exemption to ponding could be granted. Bohrer felt the preliminary plat met the requirements of the City Code except for ponding.

Jay Rechtiene, 2245 Legion Lane, was opposed to any water going into Downs Lake. He felt the developer should pay for the water problem now--not come in and make their money and leave the City with problems.

Ann Bucheck was worried about every drop of water that goes into Downs Lake. Ann gave examples of lawsuits and expressed her feelings on what the City has done in the past--does not mean they have to follow that procedure now. Ann suggested that the City of Lake Elmo and West Lakeland should work together on this plat.

Bruce Folz suggested there could be written restrictions of the water moving to the South and no increase drainage to the North. West Lakeland has approved the preliminary plat.

Councilman Dick Johnson suggested the Commission could ask the Council to direct the City Engineer to look into the drainage problem. Dick asked Bruce Folz if he could bring in a map which covered a larger area.

Chairman DeLapp closed the public hearing at 8:32 p.m.

Ed Stevens suggested radius maps of 2-3 miles should be submitted showing the uses. He was annoyed at the little details the commission takes time to discuss. The City Council passes these plats because the developer has complied to the requirements of the code. Therefore, the rules should be changed for them to be able to do something.

Tom Simpson agreed with Ed Stevens and felt the restrictions that Bruce Folz suggested should be included when the Commission recommends plat approval.

Lee Hunt was in favor of the overall plat and liked the restriction of the water moving to the South. Hunt wanted the 1% Rule in effect for 1-lot subdivision. In regard to #4 soils may perk slowly, Hunt would like to require perk tests on both lots. (reported in Larry Bohrer's report dated 2-19-88)

David Johnson agreed with Hunt and thought a 2 mile radius map was a good idea and wanted the City Engineer to study the drainage.

Steve DeLapp asked how would Larry Bohrer look at this subdivision if all of it was in Lake Elmo. DeLapp would like the City Engineer to review the subdivision on how this would affect Lake Elmo.

M/S/ Johnson/Johnston - to recommend approval by the City Council of

the Preliminary Plat of Downs Lakes Estates, contingent on the requirement of the drainage going to the South, not as a detriment to Downs Lake.

Ann Bucheck felt the VBWD has already authorized a study of this area and felt we should wait to think about this. Lee Hunt would like to table for time to look at anything new that might come up--and only look at the new information.

M/S/P Hunt/Stevens - to table the motion until the March 14th, 1988 Planning Commission meeting. (Motion carried 5-4<Johnston, Johnson, Kunde, Haacke>).

M/S/P Johnson/Johnston - to have the City Council direct the City Engineer review the Preliminary Plat of Downs Lake Estates for drainage and economic means of drainage problems in the area. (Motion carried 9-0).

B. Packard Park--3rd Addition (Rezoning)

Chairman DeLapp opened up the public hearing at 8:47 p.m. in the City Council chambers.

Jeanne Novak, 2925 Klondike Avenue N., representing her father Earl Goerss asked what was the future road plan for this area? Is Legion still planning to go thru and what about Lansing Avenue? Jeanne felt the City should take a look at the future road hookup. Water is always a problem in Lake Elmo and this should be a consideration of having R1 come in.

(2245 Legion Lane)

Jay Rechtené asked where is the water going to go?

Bruce Folz responded this was a rezoning request before them--not a subdivision or road plan.

Chairman DeLapp stated we are not dealing with a major R1 area, but with an area in our Comprehensive Plan that is approved by the Met Council who had indicated it to remain RR zoning. The developer has to have a reason for suggesting rezoning. The commission doesn't set a zoning category just to eliminate it.

Ann Bucheck felt it was not proper timing to propose rezoning for a development because of the fact the VBWD will be doing a water problem study in that area. Ann does not feel it is proper to rezone for a different use until the VBWD comes in with their report.

Ann felt the public hearing should be continued because Marge Williams had a report on this application and was not able to present this to the Commission because she was ill. Also the Durands wanted to attend the public hearing, but could not make this meeting.

David Johnson wanted more comments from the adjacent landowners in regard to the future road plan issue.

Barb Haacke felt the public hearing did not need to be continued, just continue the discussion.

M/S/P Stevens/Buckheck - to continue the public hearing until the next meeting 3-14-88 for Marge Williams' report and a future road plan be provided. (Motion carried 6-3<Haacke, Simpson, Johnston>).

C. RE Residential Estates

This was a public hearing for a proposed amendment to incorporate a new zoning district "Residential Estates" into the Lake Elmo Municipal Code. A copy of DRAFT TWO of the specifications for this proposed zoning district were made available.

Chariman DeLapp opened up the public hearing at 9:30 p.m. in the City Council chambers.

Mike Mazzara, 11259 30th St. N., questioned the 5 acre requirement for 2 horses where 10 acres are required throughout the city for 1 horse. DeLapp answered the proposed RE zoning would allow 2 horses on 5 acres which is allowed within the State of MN and outside.

LuAnn Hansen, 10824 Hudson Boulevard, asked if the City would change the ordinance for the rest of the City. DeLapp answered he couldn't speak on what the City would or wouldn't do. LuAnn asked how can you allow this on 10 acres in some areas and not in areas of 5 acres. She felt 5 acres were sufficient for 2 horses and it should be permitted overall.

Planning Commission member Tom Simpson felt there should be some areas protected from this because if his neighbor had 5 acres and had horses close to his propertyline, he would not want a horse that close to his house.

Jean Novak, 2925 Klondike Avenue N., asked if the purpose of changing this zoning was to allow horses on 5 acres or to have a new zone size. When she was on the Council 10 acres per horse was selected based on input from the Minnesota Ag Dept. as to how much area can accommodate horses--not just for feeding, but for waste and for the general health of the horse. Jean asked the Commission if they have spoken to someone other than a veterernarian that had a personal interest in having horses on a small lot.

Roger Knutson, 4240 Irvin Ct. N., asked why the stipulation of a maximum of two horses over the age of two years? DeLapp answered if you wanted to have two horses and they happen to have a foal--you couldn't have them grow up and have six horses.

Mike Mazzara asked what was the reason for Residential Estates Zoning? Commission member Lee Hunt answered it was developed because they were looking for a way to give people some flexibility in developing their land. RR is financially hard to develop. After receiving input, the Commission felt this was a reasonable lot size to develop in terms of financeable to the developer. They looked at how this could be squeezed into the Cities Comprehensive Plan and still keep a rural residential atmosphere in the town and give people flexibility to

develop land that they couldn't develop.

Steve DeLapp stated that we have a cluster provision which allow lots smaller than the current 10 acres. In the last years there has not been a request for this so it is not very popular. Bruce Folz added that there is not a market for 10 acre lots. DeLapp further stated that the idea isn't to shut down development in Lake Elmo, but to maintain slow growth the Met Council has indicated for us and 2 1/2 acres is around the line that development is economically viable. By having 2 1/2 acre lots we would accept a 22 foot wide street which would cut cost down for developers.

Mazzara stated the City has alot of RR land that was not shaded on the map for RE zoning. DeLapp responded that one of the Comprehensive Plan goals for the '79 Plan was to promote staged growth in the City--they're talking about 50 new homes per year.

Lee Hunt explained that the underlying zoning is what you are hoping to change someday--it's giving you an alternative now.

Don Raleigh, one of the owners of land zoned GB, commented that their land is zoned General Business, and they expect to use it at that. Don added that if this is an optional classification intended to help somone out he has no objection to this.

The city received a letter, dated February 22, 1988, from John Stibbe who is representing these owners stating that the land is now zoned for general business use and they have the understanding the residential estate zoning would be an option for this property. They would like to be on record objecting to any change to the comprehensive plan or the zoning regarding their Real Estate Parcel No. 37013-3160.

Kelly Brookman, owner of above parcel, asked why did the Commission include this parcel if they had no intention of changing the zoning of this land, but planned on keeping it zoned GB. DeLapp asked for a consensus of the Commission which was to keep this parcel of land zoned GB. DeLapp answered the reason for this was only because we weren't excluding anybody--it was a broad sweep of the pen. They also included in RE zoning the Schiltgen and Holliday property. Brookman would be more comfortable with the option of RE being eliminated and leave it GB. Kelly gave an example of the City changing the zoning on the Hutchinson property without notifying him.

(amended 3-14-88)

~~Hunt clarified that back so far from some arteries you could easily run a road from Hwy 5 to reach these new lots rather than front on 5--same for Hwy 36 and I-94 and. Adjacent to R1 they felt roads could be run into these areas without a great expense to developer, but still following the staged growth approach.~~

Jean Novak asked if this is good planning putting 5 acre lots on I-94 where you planned for future businesses. Also the Commission should make sure they find out what services might be needed.

Hunt stated the main intent is the arteries only extend back a certain distance, (1/2 mile under the current proposal) & the reason for picking that 1/2 mile stretch was that it would make a reasonable distance so you didn't have to make all lots front on Hwy 36, etc. You could put a road back & 20 acre minimum & still have enuf land to develop it into lots.

Lee Hunt commented on the concern they had of putting big business next to residential. Another concern was to meet the demand for development in Lake Elmo and help people get a reasonable use from their land. They tried to make this a large enough development area so it is worth a developer coming in and put in roads, houses, get a reasonable return and set up a very nice area for people to live in and, hopefully, propagate that off to the next one.

Mazzara felt you wouldn't want to see people building a house next to a major interchange.

Hugh Madson asked if the Commission recreated the wheel or was this taken from what has been done in other communities. DeLapp answered that the 20 acre limit was taken from Minnetonka. Madson was more concerned with cities around our boundaries. He suggested we look across the highway from 36 and 94 and see what they are zoned.

Madson also asked if there are some requirements in the zoning that would eliminate the desirability. DeLapp stated that this came out of another code. It was important to them to provide a high quality of privacy (give the person some breathing space), and to simplify road construction.

Mike Mazzara stated since when is it the role of the City Planning Commission to help the developer make money.

Simpson felt they were trying to respond to large property owners to do something with their land and earn money, while also trying to maintain the surroundings and lifestyle the newcomers came here for. It is not fair for those who came here expecting a pastoral atmosphere to have it turned into a speedway or a circus.

Mazzara asked what happens to the R1 zoning through all this. DeLapp answered we wouldn't change any zoning. Mazzara further stated in 1979 RR zoning was put in as a holding zone. Hunt clarified that no where in our code or comprehensive plan does it say that RR was called a holding zone. Why not allow anyone in RR to apply for the RE zoning no matter where in the City asked Mazzara. Hunt answered because, unfortunately, it doesn't follow the staged growth concept of the Comprehensive Plan.

Bruce Folz explained the bulk of development that has been done in Lake Elmo has been done by landowners who live in Lake Elmo--Spingborn, Peltier. Lake Elmo is not getting in land developers. You can create anything you want, but the market controls what is going to happen. He cautioned the City in considering putting in single family residential and horses there because they just don't mix. From past experience he has found problems are created because they are two different lifestyles. Another problem is the 5 acre lots can be split in the future. Folz felt they check with the Building Official or City Attorney if it is discriminatory limiting it to 1500 sq.ft. of housing.

Folz further explained when you start imposing more restrictions you get into problems. You cannot impose landscaping standards on residential. This should be done by covenants. Also, the 300' magic

circle presents a problem. He gave the example of well placement cannot be too close to a horse manure pile. Folz stated that Washington County has adopted 2 grazeable acres per animal as a standard and the Commission should also check with the PCA.

Another example Folz gave was with a 1 1/2 acre lot it is maintained quite well, but with a 5 acre lot people tend to mow. 1 acre and leave 4 acres in weeds and 10 acre lots become much worse. Madson stated just drive down County Road 17 in Lake Elmo where you will find examples of this. In his opinion, this was not good land use.

Mary Kueffner explained that the code would have to be changed under the Livestock Section, Hazardous and Nuisances, which states no domestic animals or kennels should be placed on any site less than 10 acres. Mary asked what will the Future Land Use Map show? DeLapp felt it would give the optional zoning permitting staged growth. There might have to be two separate maps with separate language.

Roger Knutson asked the Commission to take caution planning for the future and to look at the idea of planning in tiers on I-94.

Chairman DeLapp closed the public hearing at 10:50 p.m.

Discussion will continue on Residential Estate Zoning at the March 14th Planning Commission meeting.

D. One Percent Rule--set public hearing

By consensus of the Planning Commission, a public hearing was called for formal adoption of the One Percent Rule on March 28, 1988 at 7:45 p.m.

4. Comprehensive Plan Discussion (if time allows)

- A. Parks & Open Space--March 14, 1988
- B. Discussion on Sign Ordinance--March 14, 1988

M/S/P Johnson/Hunt - to adjourn the Planning Commission meeting at 10:50 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

MONDAY, FEBRUARY 22, 1988

- 7:30 p.m. 1. Agenda
2. Minutes: December 14, 1987  
January 26, 1988  
(Draft copies in 2-9-88 packet)
3. PUBLIC HEARINGS:
- 7:45 p.m. P.H. A. Downs Lake Estates
- 8:30 p.m. P.H. B. Packard Park--3rd Addition (Rezoning)
- 9:15 p.m. P.H. C. RE Residential Estates
- D. One Percent Rule--set public hearing
4. Comprehensive Plan Discussion  
(if time allows)
- A. Parks & Open Space--March 14, 1988  
B. Discussion on Sign Ordinance--March 14, 1988
5. Adjourn

NOTE: Section 32/33 Discussion is scheduled for March 14, 1988  
Planning Commission Meeting