

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

MAY 23, 1988

7:30 p.m. MEETING CONVENES

1. Agenda
2. Minutes: May 9, 1988
3. Pat Paul - Metropolitan Council, Comments on R.E.
4. Concept: Rezoning to Ag and C.U.P., Rob Linder
5. Concept: Large Lot Subdivision, Ed Whitman
6. Site & Plan Review--
Addition to Lake Elmo Elementary School
7. Questions regarding I-94 Overlay--
Gustafson & Swenson
8. One Percent Ordinance
9. Comprehensive Plan Update--
Marjorie Williams
10. Other
11. Adjourn

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

MAY 23, 1988

Chairman Steve DeLapp called the Planning Commission meeting to order at 8:04 p.m. in the City Council chambers. Present: DeLapp, Williams (arrived 8:10 p.m.), Hunt, Stevens, Kunde, Enes, Johnston (arrived 9:30 p.m.), and City Administrator Morrison. Absent: Bucheck, Haacke, Simpson, Johnson.

1. Agenda

M/S/P Enes/Stevens - to approve the May 23, 1988 Planning Commission agenda as presented. (Motion carried 6-0).

2. Minutes: May 9, 1988

M/S/P Hunt/Enes - to approve the May 9, 1988 Planning Commission minutes as amended. (Motion carried 6-0)

3. Pat Paul - Metropolitan Council, Comments on Residential Estates

The Council has the responsibility of planned central sewer service for the region. They plan and provide capital funds for the Regional Park system and plan the regional airport system and the transit system. In the City of Lake Elmo there is a small Metropolitan Urban Service Area which is *694 and 94 with the remainder of the City in the rural service area. Part of the Council's job is to promote the orderly and economic development of the region, not only provide sewer service in a given area, but to prevent urban sprawl by limiting premature services. *at the corner

There are two levels of development that the Met Council supports in the rural area.

1. In Prime Agricultural Land - 1 housing unit per 40 acres.
2. 4 housing units per 40 acres overall density (the Council does not define any specific lot size which was adopted in Sept. 1986)

Inside the MUSA line the Metropolitan Council has veto power over local decisions that may be in conflict with the goals of the Metro Council. Outside of the MUSA line the Council has an advisory role and is willing to share its knowledge as to why it would or would not favor certain land use changes.

One of the major concerns of the Council is the premature extension of sewers to ^{very} ~~highly~~ dense rural development. Another is the interest in local urban services when you do have fairly dense rural development.

In regard to RE zoning, Pat explained that it was standard to require one suitable acre for an on-site system on a 2 1/2 acre lot. The Council does not have any concern on lot size, but would have a concern on development in an area where there is a potential of bad soils for sewer.

that
 The Metropolitan Council's philosophy is, they will plan the orderly extension of urban services, but if the community doesn't want them--they will not be forced on them. It really is a decision of the local government. If you wanted to serve the entire City with sewer, they would have a definite concern if done without staged growth.

The Council would not oppose a small scale commercial development which could operate on a typical on-site system for a housing development at the interchanges. They do not support package treatment systems. The Council has talked about re-examining whether or not it would be reasonable to allow highway related businesses to go in on interchanges. They would not force a local government to do it. The Council would not support things that are not orderly contiguous compact extension of the urban service area. If Lake Elmo chose to allow strip development, small scale on individual on-site systems, there is nothing the Met Council could do to stop the City--but they would not encourage it. The Council would definitely oppose a plan of sewerage strip development along I-94. Their basic position is that sewers will be extended in an orderly fashion with the extension being compact, contiguous land.

Marge Williams asked about the high vacancy rate in townhouses. Pat responded that townhouses are "slow" to move and are overbuilt in a number of areas. The Met Council does not support any particular kind of housing. The Council felt when federal funding was available--they felt that communities should take advantage of it and make an affirmative effort to provide that housing. With the drying up of federal funds, the Council encourages communities to do what they can. It is sort of a community initiated effort by looking at the needs of your own residents and see what the opportunities are.

Marge Williams stated the fact that we have maintained our ~~moral~~ standards, as long as we have, due to a combination of support from the Metro Council, City Council and PZ members and a real solution of how development should proceed. Marge has been appreciative of the Met Council support of the City's position over the last few years.

4. Concept: Rezoning to Ag and C.U.P.--Rob Linder

Rob Linder, Linder's Greenhouses Inc., is proposing construction of a greenhouse on the NE corner of their 64 acre tract off of 15th Street to commence July through September and site and soil preparation to commence in June. Mr. Linder's sister has a residence on the property at the present time.

The greenhouse structure will be double polyethylene truss ~~structures~~. The area covered will be 29,000 sq.ft. Production area will be a 7250 sq.ft. steel pole building. There will be trees planted along 15th St. and along the western property line to provide both a visual ~~and~~ ^{screen} and a wind break. Linder added that the intent is not to have retail sales; however, at some point a lot will be opened that will deal with landscapers which would be a wholesale type distribution.

Mr. Linder explained that Linder's Greenhouses is a third generation family business and they produce bedding plants, poinsettias, Easter

(lilies and other flowering and green plants for the wholesale and the retail market.

Linder pointed out that greenhouses are businesses that have a very low impact on the communities in which they exist. They are not air, noise, or visual polluters. They do act as air purifiers in urban areas by removing carbon dioxide and other pollutants from the air and returning clean air to the environment.

Greenhouses are special use structures that do not meet the full building requirements and are not considered buildings in the Building Code. It is not a structure in terms of the way it is taxed, snow removal requirements that it has to meet, durability, and is considered a temporary structure. They do have water runoff and they would have settling ponds to meet this runoff. Linder stated there will be additional requests over the next ten years for more greenhouse space and possible expansion of the production facility. The Commission advised the applicant ^{he} would need to return for approval if expanded.

The Commission felt the concept was fine but had questions on the potential size and what restrictions would a greenhouse come under for a building permit for the structure. They also had concerns on the impact of lights and traffic. The City Administrator will meet with the applicant to discuss these questions the Commission had brought up.

(M/S/P Williams/Hunt - to request the City Administrator meet with the applicant to discuss the Commission's questions and to set up a public hearing as determined by the City Administrator based on the Planning Commission's calendar. (Motion carried 6-0).

5. Concept: Large Lot Subdivision--Ed Whitman

Mr. Ed Whitman has an application for a concept review of a large lot subdivision by the Planning Commission, but he was not present at the meeting. A public hearing is scheduled for this application on Monday, June 13th at 7:30 p.m.

6. Site & Plan Review--Addition to Lake Elmo Elementary School

Paul Snyder, representing Armstrong, Torseth, Skold & Rydeen Architect, and Nancy Prince, Lake Elmo Elementary School Librarian, presented a site plan for an addition of a media center (1460 sq.ft.) to the Lake Elmo School library. The present library space will be remodeled to provide a space for storytelling, a computer lab and studying space for students, with proper lighting and seating.

(Mr. Snyder explained the way the sprinkler code reads any addition going onto a building will require the existing building to be equipped with sprinklers. There is an exception for additions of a minor nature. The Building Official felt this addition would qualify as a "minor" addition. If the existing building ^{were} ~~was~~ required to be ~~sprinkled~~, they would not get the addition because of the cost. ^{equipped with} ~~sprinkled~~,
sprinklers,

City Engineer Bohrer had three different options ^{for handling} ~~that runoff could be~~ ~~handled~~ from the roof: (1) connect the new roof drain in the new area back to the existing two roof drains which would be picked up by the storm sewer that drains onto the drainage ditch on the north side and that in turn drains into a holding pond. The pond, pipe and ditch capacity was ^{sufficient} ~~good~~ to handle this. An amendment would be required to the agreement between the City and Brookman Dev. (2) move the dry wells away from the addition and have the runoff from the new roof area to drain across the courtyard into the dry wells; (3) leave the dry wells to handle the majority of the runoff and provide an overflow of about 1 foot below grade.

M/S/P Williams/Stevens - to submit a plan and amendment to the drainage agreement to the City Administrator for review and add this item to the June 13th Planning Commission agenda for their recommendation to the Council. (Motion carried 7-0).

7. Questions regarding I-94 Overlay--Gustafson & Swenson

Mr. Swenson and Mr. Gustafson have purchased 14 acres along I-94 zoned General Business. ^{According to} ~~he~~ Mr. Swenson was not given a copy of the I-94 Overlay Ordinance when he contacted the City before they purchased this property. They just heard about the newly adopted sprinkler ordinance. Mr. Swenson stated this was the worst overlay ordinance as to sewage requirements he has ever seen in his 43 years of development. He also felt it was unreasonable to require sprinkling when there is not a City water system.

Chairman DeLapp suggested that Mr. Swenson put in writing the problems he is facing and what he is trying to do and how this would benefit the City of Lake Elmo. This should show the Commission if there is a need to change the ordinances we have.

8. One Percent Ordinance

The Lake Elmo City Council reviewed the proposed "1% Rule" Ordinance on May 3, 1988. Although technically correct, the Council felt the wording was confusing, especially dealing with probability of rainfall occurrences. The Council instructed the City Engineer to revise the ordinance to make it more understandable and to refer the ordinance to the Planning Commission for their review.

Lee Hunt stated that this ordinance has to be clear in order to be defensible in court so he would have to go along with the expert, City Engineer Bohrer, that this is the ordinance we need and would be defensible.

M/S/P Enes/Hunt - to delete the existing 1% Resolution and replace it with the Stormwater Runoff Control Ordinance which accompanied the Planning Commission's May 20, 1988 letter from Larry Bohrer. (Motion carried 7-0).

9. Comprehensive Plan Update--Marjorie Williams

Marge Williams will hand out a copy of the draft Comprehensive Plan at

the June 13th Planning Commission meeting. This will be scheduled as the first item on the next agenda.

10. Residential Estates

Chairman DeLapp referred to the Residential Estates map where he proposed a change for two areas from 5 acres to 2 1/2 acres. (See attached map EXHIBIT A). Other ordinances the Commission will be addressing that can support the RE Zoning are the size of the streets, length of cul-de-sacs and partial filling in wetlands.

M/S/P Hunt/Enes - to change two areas from 5 acres to 2 1/2 acres in Residential Estates Zoning map for land outside of CUP 9 in the R1 area of Section 25 because one area is directly adjacent to R1 Zoning without a road separation and the other area is totally divorced from the rest of the contiguous 5 acre area that is next to the school. (Motion carried 6-1<Williams>).

Marge Williams was against putting this area into the 2 1/2 acre floating zone. The change does not take into consideration the huge ponding area that is there and there is also a CUP for E&H Earthmovers. She would be against putting these areas into a 5 acre floating zone because it happens to be one of the few wooded areas and there is a farm that exists on that property already adjacent to Tartan Park. Marge felt this was a logical place for someone to buy a farm as a hobby farm which is still existing even if it is only 5 acres. She did not want to see the price increased two-fold because it was just put into a floating zone.

Chairman DeLapp proposed a landscaping plan that would have a required percentage of understory consisting of low shrubs, (honeysuckle or dogwood),^{etc} and a certain percentage of upper story of a tree canopy. This could be done by a mandatoray covenant or be a part of the actual RE ordinance.

Marge Williams felt if a developer came in and wanted to put in a large development the City could require a developer's agreement which would require a landscaping plan. According to State Statutes, Marge stated it was required for all building plans to have a landscape plan submitted. Therefore, we can be as restrictive or as liberal as we want to be. The Building Inspector would check if they are in compliance after a certain amount of time. If they don't comply, the City will have someone come in and plant the trees and assess the property owner.

M/S/P Enes/Williams - to approve landscape provisions in RE Zoning in relation to the 2 1/2 acre zoning would be a minimum of 40% tree canopy at maturity with 30% understory; and, for the 5 acre zoning, a minimum of 10% tree canopy at maturity and 10% understory; landscaping plans shall be submitted with the site and building plan. (Motion carried 6-1<Johnston: He felt the landscape plan was going overboard, was too restrictive and thought it was a mistake>).

Lee Hunt explained that the Commission was offering an option to follow--they were not taking away anything. Marge Williams felt this

was upgrading the property with increased value. The ordinance will enhance the property both for the property owner and the neighbor and for the City. She did not want to be restrictive on the 5 acre zoning because she would like to see this zoning sell.

M/S/P Enes/Hunt - to adjourn the Planning Commission meeting at 11:10 p.m. (Motion carried 7-0).

301.070D.(3) R.E.-RESIDENTIAL ESTATES (One Family Residential)

A. Permitted Uses and Structures:

- 1) One (1) family detached dwellings

B. Accessory Uses and Structures:

- 1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures, as set forth in Section 301.130.
- 2) Garages, carports, screenhouses, conservatories, playhouses, swimming pools, tennis courts, hobby shops and storage buildings as allowed by code, for private use only.

C. Zoning District Requirements:

1) Lot size:

- (a) Five (5) acre nominal (ten percent (10%) allowance for roads) minimum per unit.
- (b) Two and one-half (2-1/2) acre (108,900 square feet) minimum per unit for subdivisions of twenty (20) acres or more.

2) Configuration:

- (a) Five (5) acre lots must be able to contain a full circle having a diameter of at least three hundred fifty (350) feet.
- (b) Two and one-half (2-1/2) acre lots must be able to contain a full circle having a diameter of at least two hundred fifty (250) feet.

3) Lot width at street/highway: 300 feet

Exceptions:

- (a) For 2-1/2 acre subdivisions, of at least 20 acres, minimum street width shall be 60 feet.
- (b) For 5 acre subdivisions, of at least 40 acres, minimum street width shall be 60 feet.

4) Building Setback from property lines:

- | | |
|---------------------|--------------------|
| (a) Front: | 80 feet (minimum) |
| (b) Side (Interior) | 40 feet (minimum) |
| (c) Side (Corner) | 80 feet (minimum) |
| (d) Rear | 100 feet (minimum) |
| (e) Arterial Street | 100 feet (minimum) |

5) Building Height: 35 feet (maximum)

6) Area of Primary Structure: 1500 sq.ft. (minimum)
above grade

- 7) Parking: Two (2) enclosed spaces (minimum)
- 8) All lots must have at least one (1) acre of land suitable for septic drainfields and area for two (2) separate and distinct drainfield. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- 9) Hardsurface Coverage:
 - (a) Fifteen percent (15%) maximum for up to two and one-half (2-1/2) acres.
 - (b) Five percent (5%) maximum for area over two and one-half (2-1/2) acres.

D. Special Conditions:

- 1) A lot size of five (5) nominal acres or more will entitle property owner to a maximum of two accessory structures totalling no more than 1,500 square feet.
- 2) A lot size of two and one-half (2-1/2) acres or more will entitle property owner to a maximum of one (1) accessory structure with a maximum of 500 square feet and garden shed up to 150 square feet.
- 3) Within the RE 5 acre parcels, a maximum of 2 horses, is allowed except where the parcel abuts existing R-1 land, in which case no horses will be allowed.
- 4) Permit 22 foot wide paved driving surfaces for 2 1/2 acre subdivisions, and 22 foot wide gravel driving surfaces for 5 acre subdivisions, with the stipulation that roads must be designed with a serpentine layout and suitable adjacent landscaping to promote slow driving speeds and a rural residential character.
- 5) Landscape provision in the 2 1/2 acre zoning would be a minimum of 40% tree canopy at maturity with 30% understory; and, for the 5 acre zoning, a minimum of 10% tree canopy at maturity and 10% understory; landscaping plans shall be submitted with the site and building plan.
- 6) Newly developed property must adopt covenants at least as restrictive as in adjacent subdivisions.

AMENDMENT TO COMPREHENSIVE PLAN

RESIDENTIAL ESTATES TYPE 1 & 11

DRAFT 5-23-88

A. GOALS:

1. Maintain the city's low density growth and preserve the rural atmosphere by encouraging residential development on lands other than prime agricultural land and by encouraging residential development in areas generally unsuitable for agricultural uses.
2. Keep the need for public expenditures at a low level consistent with the public facility and service needs generated by development trends by:
 - a) retaining low density, single family housing development rather than permitting high density, multiple family housing:
 - b) focusing on low density residential development in order to maintain a low level of public service costs for streets, fire and police protection.
3. The intent of this section outlining Residential Estates Zoning as a floating zone is not meant to discourage the continuation of existing agricultural uses on parcels of 40 or more acres within the rural estates area and consider zoning for agricultural preserves where appropriate and requested.
4. Practice sound planning principles that will eliminate the need to install central sewer and public water services.

B. POLICIES:

1. Limit residential density to one dwelling unit per:
 - a) two and one half (2.5) acres for type I;
 - b) five (5) acres for type II.
2. Since lot size alone does not determine a parcel's suitability for on-site sewage treatment system, (such suitability depending upon soil types, depth to water table and bedrock, slope and other physical features) requires some lots to be larger when physical conditions warrant.
3. Permit no commercial uses in the Rural Estates area.
4. Require a building permit for construction of a residence in order to assure compliance with all zoning regulations and maximum preservation of the natural environment.
5. Establish a minimum lot size of two and one half acres with a minimum buildable area of one acre. Buildable area shall be defined as land having a slope of 13% or less and enough soils suitable for the installation of two on-site sewage disposal systems.

6. Require 300 feet of frontage on a city street for all lots except those in platted subdivisions in order to:
 - a) Provide adequate separation of houses to preserve the rural atmosphere;
 - b) reduce the need for setback variances by providing an adequate lot width;
 - c) provide adequate separation of and limit the number of driveways onto collector streets in rural areas to ensure safe access and traffic flow;
 - d) eliminate long and narrow lots that are difficult to develop and subdivide.
7. Require each applicant for a building to demonstrate that there is sufficient area to construct a house, all allowable accessory structures and two septic system drainfields within the buildable area of the lot.
8. Enforce all regulations developed to protect the natural environment.
9. Require landowners to install and maintain driveways to such a standard that emergency vehicles will have ready access to all buildings.
10. Prohibit clear cutting of woodlands. When clearing a wooded site for construction of a home and accessory structures, no more than the minimum number of trees shall be cut.
11. In areas where agricultural and non-agricultural uses interface, the non-agricultural developer is to be responsible for any desired screening or fencing that does not interfere with the agricultural use.
12. Prohibit land uses inconsistent with a rural lifestyle in the RE area which might place an excessive demand on city services.
13. Permit rezoning of agricultural land to rural estates only for those parcels as indicated on the floating zoning map.
14. Allow existing buildable substandard parcels to be developed under the regulations of the rural estates:
 - a) type I. Parcels of less than 20 acres may be subdivided at a ratio of 3 lots for 10 acres;
 - b) type II. Parcels of less than 40 acres and greater than 20 acres may be subdivided at a ratio of 2 lots for 10 acres;
15. Confine nuisance restriction for noise, animals, odors and so forth to those requisite to the health, safety and welfare of the public and which do not inhibit normal practices and operations.