

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

OCTOBER 24, 1988

Chairman DeLapp called the Planning Commission to order at 7:35 p.m. in the City Council Chambers. Present: DeLapp, Bucheck, Williams, Haacke, Enes, Stevens, Kunde, and City Administrator Morrison. Absent: Hunt, Johnson, Johnston.

1. Agenda

Add: 7. City Planner, 8. Comprehensive Plan

M/S/P Stevens/Enes - to approve the October 24, 1988 Planning Commission agenda as amended. (Motion carried 7-0).

2. Minutes: September 26, 1988

M/S/P Williams/Enes - to approve the September 26, 1988 Planning Commission minutes as presented. (Motion carried 6-0-1<Stevens>).

3. FINAL PLAT: Creekside on DeMontreville (Crombie)

On August 2, 1988, the City Council approved the preliminary plat for F.J. Crombie Estates 2nd Addition. Eight conditions were placed on the approval. Conditions #1 and #6 have been addressed by the final plat. The remainder of the conditions are addressed in the construction plans and specifications.

A copy of Creekside on DeMontreville Final Plat (formerly F.J. Crombie 2nd Addition) and a copy of their protective covenants were available for the Commission's review.

In his letter to the Commission dated October 21, 1988, Larry Bohrer stated he reviewed the proposed final plat of Creekside on DeMontreville and found the proposed plat in accordance with the approved preliminary plat, conditions #1 and #6 of the City Council's recommendations been met, and recommends approval of the final plat.

M/S/P Stevens/Enes - to recommend to the City Council approval of the Final Plat Creekside on DeMontreville, formerly F.J. Crombie Estates 2nd Addition, based on the eight conditions placed by the City Council on the approved preliminary plat have been met (Conditions #1 and #6 are addressed by the final plat and the remainder of the conditions are addressed in the construction plans and specifications). (Motion carried 7-0).

The Planning Commission discussed designing an informational sheet notifying prospective builders of what is permitted by our City ordinances (such as building setbacks, lighting, accessory structures) which would be handed out when an applicant comes in for a building permit. Rob Enes volunteered to draft such a handout because he has informational sheets from Roseville and White Bear Lake.

M/S/P Stevens/Haacke - to authorize Rob Enes draft an informational sheet notifying prospective homeowners/builders of City Ordinances, which will be handed out during the building permit process. (Motion carried 7-0).

4. CONCEPT FOR PRELIMINARY PLAT
James & Vivian Palecek, 2798 Jamley Avenue N.

Mr. Jim Palecek, 2798 Jamley Avenue N., provided a concept sketch for a three-lot subdivision, an area map showing the land use within (at least) 350 feet of the proposed subdivision, and a map showing the lots in the immediate area. Mr. Palecek added that a new home is being constructed now at 2805 Jamley on a 200' x 200' lot which is the largest lot on the street.

The parcel proposed to be subdivided is five acres (more or less) and is zoned R1. One lot will require a variance (lots are proposed to be 1.25 acres, 1.70 acres, and 1.65 acres), but the average of the three lots is 1.55 acres. The reason for the variance request is that the applicant would like to keep the row of trees that now exist on the lot with the existing house (which is his residence) as a berm. Variances during the platting process are considered by the Planning Commission at the same time the plat is being reviewed.

Ann Bucheck felt the Commission should follow City code and not grant variances on a new plat. She suggested Mr. Palecek give the property with the trees to the owner of the 1.29 acres with a stipulation that these trees not be cut down. Therefore, a variance would not be needed. Barb Haacke added that as long as it is possible to make 1 1/2 acres, a variance does not have to be granted. Palecek stated this would be approx. 20' of his property based on the given size of the pine and spruce trees that he planted 20 years ago. Ann asked, if the water problem that he encountered last year due to the blockage of a pipe for the 509 Plan, had been corrected. Administrator Morrison had contacted Mr. Dornfeld, VBWD, and asked for a response to this problem by mid-November, therefore it should be corrected this year.

Ed Stevens did not see a problem with the lot size, because these three proposed lots were larger than the surrounding lots which average in size between 1/2 acre and 1 acre. It would be a minimal variance due to the topography of the land.

Marge Williams found this to be an acceptable subdivision if approval can be based on our code and asked where in the code does it address approval of a variance based on the 60 percent rule because these three proposed lots would be larger than the lots in the surrounding area. Before the preliminary plat is brought in, Marge requested a report by the City Engineer in regard if this 1.29 acre lot would meet code in providing for two drainfield sites and to check on the potential water problem.

5. SITE PLAN REVIEW: NORTHWESTERN BELL (Co. Rd. 70 & 13B)
Alma Fitzloff

Alma Fitzloff, Asst. Manager-Real Estate, has submitted a set of site plans for a new Northwestern Bell telephone building on County Road No. 70 or Inwood Avenue in Lake Elmo. The building size is 19.0 x 32.0 feet (608 sq.ft.) with the side setback to be 25' from Co. Rd. 13B and the front setback is to be 50'. This building will be directly to the west of the white house and aligned with this house.

Their engineering forecasts show Lake Elmo currently has development scheduled within the area this telephone building would serve. They are proposing a land lease between Apostolic Bible Church and Northwestern Bell Telephone Company for a term of 25 years. The size of the plot is 100' wide by 181.50' in depth. She has been working on this for a year and had found it very difficult to acquire a piece of property because the property owners she had approached will not sell because they are trying to protect their minimum acreage.

They do not know what this growth will be, but they do know they do not have enough telephone facility located in this area to serve us in this area. This will be an all-equipment building and will carry four different types of telephone equipment; fiberoptics, RS equipment that serves the residential area and the ability to serve computer systems if requested. If this building is not built, it means that the city's telephones will never have an upgraded system with features added to your phone.

The Commission asked how accurate their forecasts are. Ann added that they do not anticipate the amount of development that she anticipates. Marge explained that just because there are "for sale" signs by Edina Realty along Inwood Ave. this does not indicate massive R1 development. The Commission is looking at a projected forecast by the Metro Council for 50 new homes per year with a population of 6,500 in the year 2000. Marge felt NWB's forecast department was looking at land zoned to the maximum density under sewer conditions, and they have not looked at our Comprehensive Plan.

Ann voiced her concern of allowing this building to go in and sign a lease with the Church when the Commission had not come up with terms with the Church. Ann also stated that this service might be needed in Section 32, but did not feel the rest of the City would grow as much as NWB projected.

Steve DeLapp stated we do not have a zoning provision for such a building. This area is currently zoned rural residential which requires 10 acres and looks at a rezoning to permit this commercial building. Steve felt the only legal way this could be done was: it would have to be owned by the Church and would have to be considered an accessory building to the Church. We have no basis for this building according to our comprehensive plan except for Section 32. We do not allow individual people just move in, lease land, and put up a building. Rob Enes responded that a public utility could come in under a signed lease.

Chairman DeLapp questioned their business forecast and asked Alma to bring back to the PZ an explanation on how her engineers came up with these growth figures. Steve also asked if we could collect taxes on this building if it is on church property.

Marge found a problem with a commercial looking building in a residential area. Alma answered they would work with the City on design and they will bring back a landscape plan.

Ed Stevens voiced his concern that approval of such a building would imply that our expectations of this development would take place. Ed added that the Commission had to address if they thought this application would fit in our current zoning. Steve DeLapp agreed and added that approval of the NWB building would also imply that we would approve the application for the Church.

~~Barb Haacke felt they should look into how this building could be put in. They do not have to look at the telephone company's forecast because the land is there, we have our comprehensive plan, and we all know it could change with a different Council. The issue is whether we are going to prepare our code to permit public utility buildings or allow the telephone company to prepare a decision that there is going to be no telephone service out in this area.~~

Marge would like feedback from the neighbors and would like to know what kind of data they are projecting upon for recommending this building.

Ending her presentation, Alma recapped that she has told the Commission her set of circumstances, and she accepted what they were saying, "we don't want you", "we will never ever need telephone service", but she questioned the Commission if this is what they really want. If you feel there is not a demand for telephone service, they will not build this building to just sit idle. The PZ has given her a very strong indication that they do not ever intend to build a house in this direction and will document this into their file. If NWB intends to proceed with the building, she will contact Jim McNamara. Also, for the Commission's record, the Lake Elmo Planning Commission is the first City to ever turn down a telephone utility building.

Chairman DeLapp responded they are not making a decision, but merely telling her their understanding of the Comprehensive Plan and City Ordinances.

6. Landscape Requirements/Architectural Standards:
General Business District.

This matter was continued from the September 26th Planning Commission meeting. It is the staff's recommendation that only two areas be addressed.

Landscape Requirements: Our current landscape requirements (Section 504-5, as delineated under our site and building plan review process), appears to be quite adequate; but not sure how closely the requirements are followed.

The General Business requirements also require buffering when contiguous to residential zone.

*Barb Haacke pointed out that we do have our Comprehensive Plan, but we all know density could change with a different council.

Two aspects that were addressed:

- (1) delineation of the amount of the landscaping security bond (and should also be allowed to submit a letter of credit in lieu of a bond);
- (2) follow-up on landscaping to make sure requirements have been met after planting; that landscaping materials have not died, etc., before bond is released.

When asked who will check on these landscape requirements being met, Morrison felt the staff might be able to handle this or a Forester could be hired. Rob Enes suggested hiring independent landscaping firms that could do this work and then pass the costs onto the developer.

Steve DeLapp has requested a copy of Eden Prairie's landscaping ordinance.

The Planning Commission considered this reasonable and found it appropriate to recommend the Council amend Section 504.040, as follows:

504.040(3.) (d) Landscaping Security Bond All landscaping must be guaranteed for one growing season, with a bond or security deposit in an amount equal to the estimated landscaping cost, plus twenty-five percent (25%) . This security deposit, i.e., security bond or letter of credit, shall be retained, in full or in part, until such time as it has been determined that all conditions have been met.

504.040B. The Zoning Administrator shall review said site...building plans. The Zoning Administrator shall conduct a site plan review after one growing season to determine and assure that all standards have been met and all plants are healthy. During...purpose.

M/S/P Bucheck/Enes - to recommend to the City Council to look into hiring a forester or landscape services to enforce our landscape requirements and pass through these costs to the developer, and recommend Council approval for amending Section 504.040 as stated above. (Motion carried 7-0).

7. City Planner

The Planning Commission favored a consulting planner to work through them on projects. They would like a planner that was objective and asked if three Commission members could be involved in the interviewing process.

8. Comprehensive Plan

Marge Williams handed out the first 16 pages of the Comprehensive Plan for the Commission's review and encouraged any input.

M/S/P Haacke/Kunde - to adjourn the Planning Commission meeting at 9:50 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

OCTOBER 24, 1988

7:30 p.m. MEETING CONVENES

1. Agenda
2. Minutes: September 26, 1988
3. FINAL PLAT: Creekside (Crombie)
4. CONCEPT for Preliminary Plat
James & Vivian Palecek, 2798 Jamley Avenue N.
5. SITE PLAN REVIEW: Northwestern Bell
Alma Fitzloff, (Co. Rd. 70 & 13B)
6. Landscape Requirements: General Business Dist.
(Continued from 9/26)
7. Adjourn