

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

MARCH 27, 1989

7:30 P.M. MEETING CONVENES

1. AGENDA
2. MINUTES; MARCH 13, 1989
3. PUBLIC HEARING:
Large Lot Subdivision (On 15th St, E. of Inwood)
Applicant: Steven Dahly
4. Heritage Development: (Residential Estates Concept)
5. COMPREHENSIVE PLAN
6. RESIDENTIAL ESTATES
7. ROAD WIDTHS
8. OTHER
9. ADJOURN

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 13, 1989

Vice-Chairman DeLapp called the Planning Commission meeting to order at 7:35 p.m. in the City Council chambers. Present: DeLapp, Haacke, Dick Johnson, Stevens, Bucheck, Kunde, Conlin, John, Dave Johnson (arrived 7:40 p.m.), Enes arrived 8:00 p.m.), and City Administrator Morrison. Absent: Johnston

1. Agenda

Add: Public Hearing for Arlyn Christ, 7. Landscaping/Architectural Standards

M/S/P Stevens/Haacke - to approve the March 13, 1989 Planning Commission agenda as amended. (Motion carried 8-0).

2. Minutes: February 13, 1989

M/S/P Johnson/Kunde - to approve the February 13, 1989 Planning Commission minutes as amended. (Clarification in Item 8) (Motion carried 8-0).

Minutes: February 27, 1989

M/S/P Stevens/Johnson - to approve the February 27, 1989 Planning Commission minutes as amended. (Item 7, Page 7: Commission member DeLapp felt he did not make this statement and asked for deletion of the last sentence in the first paragraph). (Motion carried 8-0).

3. Land Use Issues - Comprehensive Plan
Mayor Dunn, Councilmen Graves and Hunt

Dick Johnson reported that the maps from the County will not be available for two months. Mary Kueffner has almost completed typing the Comp Plan, that was submitted by the Subcommittee, into the wordprocessor. Any changes to the plan such as residential inventory updated and land use, deletions will be hashed out and additions will be underlined. The schedule called for a review tonight, but the plan would not be ready until the first meeting in April.

Councilman Hunt advised the Commission that we should look at each rezoning as a special case and we need tools to help decide what should be rezoned under certain conditions. Criteria could be set up by: a. Soils (smaller R-1 lots go where there are prime soils), b. RE 2 1/2 & 5 acre lots, c. Number of available buildable lots per year in the Comp Plan (this strengthens the Comp Plan and makes the Council's job easier).

Councilman Graves voiced his appreciation for all the work done by the Commission. He agreed that criteria should be set in the plan based on items, such as; heavily wooded, topography, and not necessarily require the area requested for rezoning to R1 be adjacent to R1 areas. An example given of a nice concept, wooded development proposed was, The Forest, by Robert Engstrom. Also, consideration should be given on where in the Comp Plan do we propose to continue high density and look at other areas that are appropriate for R-1 zoning. If RE is included in the Comp Plan,

Graves felt this would change the schedule a few months, and he wants the work on the Comp Plan to get done as soon as possible.

Administrator Morrison explained that the City Attorney has recommended RE not be a floating zone. Steve DeLapp stated he has talked to Ann Hurburt, Metro Council, who thought it would be very appropriate to have a floating zone.

Councilman Hunt asked what would the damage be to the City as a floating zone. Based on Steve DeLapp's comments, a floating zone wouldn't seriously damage the City.

Mayor Dunn referred to the state of Colorado where they encouraged green belt areas as a buffer zone between dense areas. Dunn thought these green belt areas might be applicable in some areas in the City.

Dick Johnson stated he needed help from the City Engineer to designate areas that are treed and sloped. The map in the Comp Plan is essentially an updated version of the current zoning map and there is not much future planning on it. In 1991 we will have the 1990 census data so Johnson suggested hiring a professional planner to assist the city in updating the plan. This plan will satisfy the requirements and could be used as an interim plan.

Ann Bucheck felt they should stick to the schedule set forth for completion of the Comp Plan and add RE as an amendment to the plan.

Barb Haacke would ideally like to see RE in the Comp Plan.

Steve DeLapp felt we should not rezone any more land to R1 and remain a rural center.

"As residents, what would we want to see in Lake Elmo, not how the Met Council wants to see us grow" Councilman Graves stated. The Met Council is there to help us when we want feedback on our ideas.

Chairman Enes responded the City should control their own density and not use the Met Council as an excuse.

The following comments were received on Land Use Issues, submitted by Commission member Steve DeLapp (See Appendix A):

Steve DeLapp: What the PZ voted on, 9 months ago, is reflected in his map submitted in his RE Zoning district. He suggested leaving the Future Land Use Map as the Commission has suggested.

Councilman Hunt: The Future Land use Map doesn't allow planning and puts a hardship on the City Council. The Council needs planning tools to handle the requests coming in. If there is no concurrence on RE, then don't slow down the Comp Plan.

Ed Stevens: He would be willing to vote on Steve DeLapp's RE map. He felt rezoning based on geographic location rather than based on slopes or soils would be much easier to enforce.

Dick Johnson: We will receive 16 different opinions, from PZ and CC members, and not unless you have a professional planner giving technical reasons, based on the philosophy given, it is an impossible situation to get a Comp Plan done.

Dave Johnson: He would go ahead with the existing Land Use map and consider RE later. He was in favor of using dense zoning as much as possible in the areas designated.

Councilman Graves suggested getting rid of the criteria of being contiguous to R1 zoning which was probably based in the past on the cost of providing services. Spotzoning should be thrown out as being negative and criteria set up; such as, trees, not prime Ag use and survey of areas suitable for residential.

Councilman Hunt cautioned the PZ from throwing out spotzoning because commercial could then be dropped in the middle of residential areas. The Commission should figure out the problems they might run into and then set the criteria.

LOT SIZE:

Mayor Dunn considers minimum of 1 1/2 acre lot size and above as rural. Many areas have come to be rezoned and do not meet criteria to accomodate uses.

Steve DeLapp told the PZ to be careful of the pressure from Hwy 36 and suggested concentrating commercial areas around the MUSA and the Old Village area and to identify the residential areas.

Ed Stevens stated he takes the rural aspect seriously and does not consider 1 1/2 acre lot as rural and would like to see 5 acres and 10 acres laid out in advance in the map and then you can see what will be next to you. He does not want to see 1 1/2 acre lots creep throughout the City.

Dave Johnson felt 1 1/2 acre lot was a large lot for living on. His definition of rural is large open spaces that are farmable.

Opinions on using Steve DeLapp's map of RE as the Future Land Use Map:

Wyn John and Rita Conlin: the map is fine.

Dave Johnson: no problem with the map submitted by Steve.

Al Kunde: Does not see enough difference between 2 1/2 acres and 5 acres so Al suggested dropping the 5 acres and go with 2 1/2.

Ann Bucheck: she would go along with the RE Development, but did not agree with all of the items handed out by Steve.

Ed Stevens: He liked the map, but could not comment on Steve's handout because of too many ramifications that needed to be considered.

Rob Enes: The map is all right, but will pass on the comments.

Perhaps we should delete

Barb Haacke: The map is alright, ~~and the comments are o-k except for~~ spotzoning and ~~getting rid of~~ the contiguous clause. If we are to allow putting R1 into Ag, when it is not contiguous to R1, the language has to be changed. (areas presently zoned) (Amended 4-10-89)

Dick Johnson: Changes from the original map was designed by the PZ. I-94 requires planning, 2 1/2 acre lots are appropriate. As a planning map he has no poble[m] with it, but it requires a lot of descriptive language that is not there now.

Steve DeLapp: The Met Council could care less about zoning district requirements. First, you put in the concept and then make the ordinances correspond to what we are planning for the City.

Wyn John called the Commission's attention to the inability of coming up with the ratio of persons per house in the table in the Comp Plan addressing households.

M/S/P DeLapp/Haacke - based on this PZ discussion, the Comp Plan Subcommittee will review and propose resolutions for the PZ's approval. The Comp Plan subcommittee will meet Saturday at 9 a.m. in City Hall. (Motion carried 8-1 Bucheck: she voted against the motion because the PZ did not decide when this will come back to them.)

4. Apostolic Bible Church Rezoning (continuation)

At the February 27th Planning Commission meeting, the Commission requested a legal description for the area, for which the rezoning is requested, and submittal of a grading/landscaping plan.

Jeffrey Roos, Apostolic Bible Church, provided a legal description of the southwest portion of the site, the area for which rezoning is requested. The breakdown of the area is as follows:

Street Right-of-Way	1.438 acres
Church Lot	12.914 acres
TOTAL	<u>14,352 acres</u>

A grading and landscaping plan was provided for the Commission's review.

The staff reported the plan has changed from what was originally proposed and a large lot subdivision is now required for which a public hearing is needed. Therefore, the following motion was made:

M/S/P DeLapp/Haacke - to call a public hearing for March 27th for a Large Lot Subdivision by the Apostolic Bible Church. (Motion carried 9-0).

Commission member Steve DeLapp asked for more dense screening and suggested a windrow type planting of tree seedlings. DeLapp added, it was appropriate for an applicant to conform to the look of the zoning district so when a person driving by cannot recognize a change. Besides planting the trees designated on his landscaping plan, Mr. Roos would be willing to do this planting before any construction starts.

Dave Wortman, 8996 10th Street N., stated he was impressed with the plan,

taking into consideration the residents concerns, but questioned if this was an appropriate place for a church. His concern was, if this application for a church is approved, then what non-residential use would come in behind it.

Jerry Seipel, 8890 10th St. N., stated he felt trapped.

M/S Stevens/Bucheck - to recommend to the Council denial of the rezoning application of the Apostolic Bible Church for approximately 14.352 acres of land to Public Facility (PF) to allow for the construction of a church.

Administrator Morrison asked for a motion to be made in the positive.

Ed Stevens/Ann Bucheck withdrew their motion.

M/S/F DeLapp/Dave Johnson - to recommend approval by the City Council for a rezoning application by Apostolic Bible Church for rezoning 14.352 acres to Public Facility to allow for the construction of a Church. (Motion failed 4-5: Bucheck, Stevens, DeLapp, Haacke, Conlin).

Dave Johnson didn't like the Linder's Greenhouse application, but felt this plan was far superior for the residents because of the quiet nature of a church and the provided landscaping plan.

Steve DeLapp stated the church would be the most active on the days, Saturday and Sunday, that the residents would be home. "We have to ask the question, do we like the comp plan as it is with the current zoning in the surrounding area permitting Agricultural uses, park uses or houses on 10 acre Lots", DeLapp stated. Steve suggested consideration on this application be delayed until the proposed Residential Estates zoning is approved.

Barb Haacke felt a church was not appropriate for this area based on the current zoning and rezoning was too premature. Barb added that this application would be appropriate in a Residential Estates Zoning District.

Ann Bucheck felt a parking lot accomodating 270 cars and the required lighting was not appropriate for a residential area. Ann also had a concern on the amount of traffic the church would add to 10th Street.

Ed Stevens and Rita Conlin agreed with the reasons Ann gave for denial of the application.

Mr. Roos commented that he felt his application for a quiet church was treated by the Commission like an application for a drive-in theater.

This application will be on the March 21st City Council agenda.

5. PUBLIC HEARING: Development Stage Plan With Rezoning
Robert Engstrom Companies

The City Council did not grant concept approval, rather it asked the PZ to consider this area (along with Mr. Peltier's area which was denied a rezoning) in the Commission's discussion of the Comp Plan. Therefore, the staff recommended formal action to table this public hearing.

M/S/P Bucheck/Stevens - to table the public hearing for the Development Stage Plan with Rezoning, Robert Engstrom Companies, until the PZ considers this area relative to the Comp Plan. (Motion carried 9-0).

5A. PUBLIC HEARING: Rezoning from Rural Residential to R1 for the property south of proposed Kenridge Heights plat.
Applicant: Arlyn Christ

Arlyn Christ has made an application for preliminary plat approval of a 12 lot single-family residential subdivision. Mr. Christ has also made application for a zoning district amendment. The purpose of this request is to rezone from Rural Residential to R1 the property adjacent to, and south of that for which he is asking preliminary plat approval. Rezoning this property would permit 7 additional 1-1/2 acre single-family residential lots.

Chairman Enes opened up the public hearing at 9:15 in the City Council chambers.

Arlyn Christ advised the Commission that the land use for R1 was appropriate and reasonable for this area as there were homes already existing. The average density of the lots were 2.2/2.3 acres. He has received no opposition from the neighborhood and they are very receptive to this application.

There was no one to speak for or against the application.

Chairman Enes closed the public hearing at 9:30 p.m.

Dick Johnson's only objection was the rezoning was contingent upon approval of Kenrdrige Heights.

Ann Bucheck advised the Commission, based on Resolution 83-56 which states this area will not be rezoned until 1990, the Commission has to abide by this.

Rob Enes asked "What do we want to do with this property?"

Rita Conlin brought up the concern on the City's liability for supplying a water system if wells in this Well Advisory area become contaminated. How can we protect ourselves now. Also, are we contradicting ourselves in the fight on the proposed landfill in the Regional Park, by sending out the message we are making this land useable by approving homes being built in a well advisory area.

Steve DeLapp asked "Does our Future Land Use Map show it as R-1 zoning. The decision by the Commission has to be based on our ordinances and Comp Plan."

M/S/P Haacke/Conlin - to table decision within 60 days. (Motion carried 9-0).

It was not included in the motion, but members suggested tabling this until a Future Land Use Map is adopted. Arlyn Christ stated this is very close

to RE based on size of lots being 2.5 acres. Ed Stevens felt the PZ would recommend RE Zoning, but he did not know if the CC was going to pass this zoning district.

6. PUBLIC HEARING: IMPERVIOUS SURFACE

Chairman Enes opened up the public hearing at 9:50 p.m. in the City Council chambers.

A copy of the impervious surface coverage was passed out for public review.

Bruce Folz commented, as the ordinance is written, a 4.05 acre parcel would fall through the cracks because it would not be addressed.

Chairman Enes closed the public hearing at 9:55 p.m.

In order to address a 4.05 acre parcel, the following changes were made to the ordinance:

	<u>Lot Size</u>	<u>Covered Area</u>
	Up to 4 acres	45% of lot size
Larger than 4	to 8 acres	35% of lot size
Larger than 8	acres	25% of lot size

Ed Stevens stated the ordinance allows too large of a covered area.

Ann Bucheck agreed that it allowed too large of a covered area.

Steve DeLapp, referred to the November Council minutes where the Council directed the City staff and City Attorney to draft the necessary ordinance for amendment to the appropriate section of the code to incorporate: impervious surface standards, architectural standards, and landscaping standards. Steve felt these standards coincided and should be addressed together, not separately. He also voiced his concern on the amount of septic coverage.

M/S/P Dick Johnson/Kunde - to recommend approval by the City Council of Ordinance 8022 amending ordinance 8008 relating to impervious surface as changed in the General Business District. (Motion carried 6-3: Bucheck, Stevens, DeLapp).

7. Landscaping/Architectural Standards:

City Administrator Morrison reported that the City staff and City Attorney are working on the Landscaping and Architectural standards, which were recommended by the PZ, in the General Business District.

M/S/P Stevens/Johnson - to adjourn the Planning Commission meeting at 10:10 p.m. (Motion carried 9-0).

AGENDA ITEM 3: LAND USE ISSUES--LAKE ELMO PLANNING COMM.

THE FOLLOWING MOTION IS PLACED BEFORE THE PLANNING COMMISSION AS THE BASIS FOR COMPLETING THE COMPREHENSIVE PLAN AND REVISING THE PERMITTED FUTURE LAND USE FOR THE CITY:

1. In accordance with the cover letter written to the Met Council by Bob Overby, we will rewrite the text of the Future Land Use Map to correspond to the action of the City Council in December of 1986. (At this time, land that was proposed by the PZ to revert to Ag from the current RR, was retained in RR, except for land inside the Lake Jane Well Advisory District.)
2. Add language to permit the future R-1 zoning of 19.2 acres for the proposed Packard Park 3rd Addition and 51 acres for the proposed "Forest" P.U.D.
3. Have the descriptive maps updated by the County.
4. Add a section on the potential damage to the City and the Regional Park Reserve by the proposed siting of the dump.
5. Include a written description to permit additional land to be rezoned R-1 with the following conditions required to be met:
 - a. Lots in area to be rezoned must be either heavily forested, on a lake of over 10 acres, in existing G-B, or within 1/4 mile of the Freeway.
 - b. Application must be for at least 6 contiguous acres, except for lakeshore lots.
 - c. Soils must be predominantly of the highest classification defining suitability for septic systems.
 - d. Land must be outside the Airport Safety Zone and any State or County designated well advisory district.
 - f. More intensive development of the land would not contribute to any problems caused by existing high water conditions.
 - g. Safe access to the property can be achieved from existing roads.
6. Show as an Alternative Floating Zone, RE-2 1/2 and RE-5. This will be shown on a map included with the Comp Plan. No rezoning to the RE districts would be permitted until a number of conditions were met. These are listed as follows:
 - a. The ordinances have been put into place for the zoning district requirements, road design simplification, rural landscaping, and park dedication.
 - b. The soils classification for the land is determined to be generally suitable for on site septic systems.
 - c. The land is outside the Airport Safety Zone and any County or State designated well advisory district.

... problems caused by existing high water conditions.
e. Safe access to the property can be achieved from existing roads.

Steve Delapp
March 13, 1989

SO WHAT directions

did

RESOLUTION NO. 89-B

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION OPPOSING A PROPOSED ADDITION OF METROPOLITAN URBAN
SERVICES TO THE NORTHEAST QUADRANT OF OAKDALE

WHEREAS, the established development in the area is large lot residential, and

WHEREAS, the available nearby recreational facilities needed to serve the proposed area are all in Lake Elmo and are at capacity, and

WHEREAS, the highway infrastructure in the area is not adequate for a significant increase in additional traffic, and

WHEREAS, the 100 year storm damage would be aggravated by additional overflow into Lake Olson, and

WHEREAS, wildlife habitat that is part of the Tri-lakes ecosystem, wetlands, would be damaged, and

WHEREAS, the City of Oakdale is proposing to provide sewer service to the area with a temporary lift station, which could be replaced only with a gravity flow system only by unwanted, unplanned extension of the MUSA line into the north western side of Lake Elmo, and

WHEREAS, the quality of life for current residents of the surrounding area will be lowered,

THEREFORE, the City Council of the City of Lake Elmo strongly opposes the addition of the Northeast quadrant of Oakdale into the Metropolitan Urban Services Area this day of April, 1989.

Signed: _____

Susan Durn, Mayor

ATTEST:

Patricia Morrison, City Administrator

ORDINANCE NO. 8022

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCE 8008 AMENDING
THE 1979 MUNICIPAL CODE OF LAKE ELMO, RELATING
TO IMPERVIOUS SURFACE

THE CITY COUNCIL OF THE CITY OF LAKE ELMO ORDAINS:

Section 1. Amendment. Section 301.070 D.c(5) of the
1979 Municipal Code of Lake Elmo, as amended by Ordinance No.
8008, is hereby amended to read as follows:

c.(5) Maximum area to be covered by buildings,
parking lots, driveways and other hard
surfaces:

	<u>Lot Size</u>	<u>Covered Area</u>
	Up to 4 acres	45% of lot size
<u>Larger than</u>	4.1 to 8 acres	35% of lot size
<u>Larger than</u>	8.1 -acres and over--	25% of lot size

Section 2. Effective Date. This ordinance shall become
effective upon its passage and publication.

Adopted by the City Council this _____ day of _____, 1989.

Mayor

Attest: _____
Administrator