

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

NOVEMBER 13, 1989

7:30 p.m. MEETING CONVENES

1. AGENDA
2. MINUTES: October 23, 1989
3. REVIEW OF P.F. ZONING DISTRICT
4. OTHER
5. ADJOURN



LAKE ELMO PLANNING COMMISSION MINUTES

OCTOBER 23, 1989

Chairman Enes called the Planning Commission meeting to order at 7:03 p.m. in the City Council chambers. Present: Enes, DeLapp, Bucheck, Haacke, Stevens, Dave Johnson, John, Building Official Jim McNamara and Administrator Morrison. Absent: Dick Johnson, Conlin, Johnston.

1. AGENDA

Add: 7A. Cancellation of the October 9th Planning Commission Meeting

M/S/P Stevens/DeLapp - to approve the October 23, 1989 Planning Commission agenda as amended. (Motion carried 7-0).

2. MINUTES: September 25, 1989

M/S/P Stevens/DeLapp - to approve the September 25, 1989 Planning Commission minutes as amended. (Motion carried 5-2-0 Abstain: John, Dave Johnson).

3. PUBLIC HEARING:

A. Large Lot Subdivision: Will Stenzel

Chairman Enes opened up the Public Hearing at 7:36 p.m. in the City Council chambers.

The Planning Commission looked at a large lot subdivision concept proposed by Will Stenzel at their August 28, 1989 meeting. Mr. Stenzel has now amended his application from the 3-lot subdivision to a 2-lot subdivision of a parcel of land he proposes to purchase from George and Lorraine Krueger and would use a common driveway for the two parcels. Four zoning code variances are requested with this proposal: (1) Variance to the required 300' of frontage on a public road for Parcel A, (2) Variance to the required 300' of frontage on a public road for Parcel B, (3) Variance to the permitted 4:1 lot-size ratio for Parcel A; and (4) Variance to allow a private road for ingress/egress for Parcel B. (The length of the private driveway is 1500 feet where our code requires 800 feet for a cul-de-sac.)

Will Stenzel stated he was aware of the required variances and gave his hardship as being the 300 feet of frontage because you cannot get to the back two parcels. Parcel A would be left as a park area. Stenzel indicated he has tried to reach the "Day" Boys, has not been successful, but understands Mr. Day is not interested in selling any of his land. Stenzel added \$94,000 for a new road would be a burden on him.

The staff noted the County does allow shared driveways to limit the access onto a County road. However, City standards do not provide for the same type of road; as an improved road is required.

Ron Gjerstad, 11311 50th St. N., owns 20 acres of land adjacent to this property. Gjerstad was in favor of Mr. Krueger selling his land if it benefits Mr. Krueger. As the City develops out toward their area, they chose to stay as they are. They don't want this subdivision to become a detriment to the value of their land. They bought specifically in Lake Elmo, knowing exactly what existed around them, and voted for the present Councilmembers to keep Lake Elmo like it is and have it properly developed and not allow variances that would allow sporadic development in the neighborhood. In order to protect their back 10 acres, the Gjerstad's requested a variance for Option A, Option B or C at the site of their property so that when and if the City does develop the land that he could sell his land and move to an area to get the privacy that they thought they were purchasing. They are afraid of future plans for making smaller acre lots and want to be protected (so they are not landlocked) by receiving approval of a variance which enables them to have this proposed driveway extended to their property.

Chairman Enes closed the Public Hearing at 7:59 p.m.

Ann Bucheck had a problem approving four variances, particularly a private road, for a new subdivision. By not approving these variances, we are not taking away the right for Mr. Stenzel to build one house on this property.

Dave Johnson favored this application versus the 2 1/2 acre lots planned for in Residential Estates Zoning where a road would be constructed where Mr. Stenzel would have a driveway and find several homes back there versus two homes.

Wyn John commented, in response to Mr. Gjerstad request, that we cannot grant a variance for sometime in the future.

By granting these variances, Ed Stevens stated, this would be destroying the validity of the current ordinance of a private driveway serving only one home. Any future developer could say "you gave them a variance to two homes on the same driveway; therefore, you have no right to refuse me".

Steve DeLapp thought this would be a nice addition to the City, but the concept doesn't meet our present code and we should not ignore the code. Steve would be willing to assist in modifying the ordinance to allow a concept, such as this, to come in for approval.

M/S/P DeLapp/John - to recommend to the City Council denial of the request by Will Stenzel/George Krueger for a Large Lot Subdivision (commonly known as 11491 50th St.) and four variances: (1) Variance to the required 300' of frontage on a public road for Parcel A; (2) Variance to the required 300' of frontage on a public road for Parcel B; (3) Variance to the permitted 4:1 ratio for Parcel A; and (4) variance to allow a private road for ingress/egress for Parcel B based on no valid hardship has been demonstrated. (Motion carried 6-1 Dave Johnson: The way the parcel is made up, he considers the 300 feet of road frontage of the lot a true physical hardship. If we do approve Residential Zoning, Parcel A could be divided into 4 or 5 lots by itself instead of seeing just two homes on this property. If Mr. Day should decide to do something with his property, more lots would be available. Stenzel wants to preserve front Parcel A as a park, and we would all be the beneficiaries of this.)

B. CUP Amendment - Addition of Building
Oakwood Animal Hospital, Dr. Ray & Carol Swanson

Chairman Enes opened up the Public Hearing at 8:16 p.m. in the City Council chambers. There was no one to speak for or against the amendment.

Dr. Raymond Swanson, owner of the Oakwood Animal Hospital, would like to construct a 90'x 40' (3600 sq.ft.) accessory structure for the storage of equipment and supplies for his Animal Hospital, the Animal Inn Training Center, and the Animal Inn Dog Kennel. All of these businesses operate under separate Conditional Use Permits and are in the Agricultural Zoning District. The staff noted there are no conditions in any of these CUP's that limit the number of buildings and/or accessory structures.

Ray Swanson explained he was before the Planning Commission approx. one month ago, at which time they discovered the portion of the land that he has, and has been using as a crematorium, was not in the legal definition of the Conditional Use Permit. Swanson indicated he and the other businesses operating under separate CUP's on approx. 24 acres welcome discussing with the City their plans for future growth.

Jim McNamara reported the proposed storage building would be no problem to the City. The parcel (2552) with the crematorium was inadvertently left out of the CUP and needs to be incorporated.

Chairman Enes closed the Public Hearing at 8:35 p.m.

Ann Bucheck explained at the last meeting PZ member, Dick Johnson, voiced his concern about the smoke and odor coming from the crematorium. Ann had talked to a 15 year resident on 38th Street who stated there was smoke, but no odor coming from the crematorium.

Jim McNamara had spoken with Dr. Swanson and found that the crematorium is well below any critical MPCA standards, even at high burn. As far as any pollution problems, McNamara noted the MPCA had no concerns. McNamara recommended the PZ review the amendment to the CUP to incorporate the additional northerly parcel (2552) which now contains the crematorium.

Chairman Enes referred to Bergmans' Country Sun, which is under a CUP without any conditions in an Ag Zone, and who have put up another greenhouse without coming before the City. Enes added, what Dr. Swanson is doing now is a matter of courtesy to the City because he is in an Ag Zone and would be permitted to construct a storage building without Council approval. At this time, Swanson is asking for clarification in his Resolution and this should not delay construction of his storage building.

Steve DeLapp indicated Dr. Swanson should be permitted to put up this building and discuss with him an appropriate CUP for this new parcel and an appropriate CUP modification for the other CUP to be worked up together. Steve did not see the relevance of the CUP and the building; the building applies to the zoning ordinance.

Dave Johnson considered this use no longer permitted under a CUP, but a more commercial use and should be rezoned as such. He didn't see the

City's purpose in maintaining this CUP was to permit the ability to build many buildings simply because it is zoned Ag. Steve DeLapp responded our GB ordinance does not permit the uses that are performed here, but open sales lot for Ag products is accepted use by CUP in the Ag District, it is not in the GB and felt it is entirely appropriate for Dr. Swanson to be permitted to have his business and remain in Agricultural.

M/S/P Bucheck/Haacke - to incorporate into the current CUP for Dr. Raymond and Carol Swanson the legal description that includes Parcel 2552 with the crematorium and storage building and strongly recommend before January 1, 1990 CUP review, the staff get together with Dr. Swanson and the owners to discuss future plans. (Motion carried 5-2: Steve DeLapp: We should put together a formal CUP that has conditions and uses spelled out that have been worked out by the City and the applicant; Dave Johnson: The stated purpose of the CUP is not being maintained--it has gone beyond the point of a simple use in an Agricultural Zone.)

4. Amendment to Woodbury's Comp Plan: RE: Bielenberg's Drive

The Council received a copy of a letter from the Woodbury City Administrator which discussed proposed amendments to the Woodbury Comprehensive Transportation Plan, one of which called for the extension of Bielenberg Drive across I-94 for connection to Helmo Avenue. Woodbury requested that Lake Elmo evaluate the compatibility of this proposal against our transportation plan. At their September 26th meeting, the Council referred this matter to the PZ for their recommendation.

In order to make a recommendation to the Council, the PZ requested several issues needed to be addressed. Therefore, the following motion was made:

M/S/P Bucheck/Stevens - to recommend to the City Council the Planning Commission hold an informational meeting, to be publicized, and invite affected landowners in Section 32, a County Representative from the Transportation Dept., and request a Woodbury Rep. make the presentation on the proposal and to answer the following questions: (Motion carried 7-0).

1. Cost
2. Assessments
3. Exact Location
4. Size of the Road
5. Access to I-94
6. What is the classification of the street in regard to funding implications?

5. Site and Plan Review: Hagberg's Country Market

Mike Overrun explained the site plan showing the (3) gas service pumps and canopy that Hagberg's Country Market propose to install at their existing business at 11325 Stillwater Blvd.

Building Official, Jim McNamara, stated he reviewed this plan and reported that all setbacks have been met and the installation of these pumps would not violate any provision of our municipal code. Jim indicated a concern on the entrance and exit roads from Highway 5. On the plan they are shown

they are entering and exiting from both areas which may confuse traffic. Jim suggested they talk to the State of Minnesota because they will be coming off a State road.

Steve DeLapp asked where in the General Business code does this proposal fit? This is a very reasonable request, but our ordinance does not have a provision for this. This is not a Service Station, it is a service. If it is considered a service, the code requires it be enclosed in a building or behind a 6 foot wall. Steve question the number of parking spaces available because if there is more than 25 parking spaces that are contiguous, the City requires 10% internal landscaping. Steve explained he was a member of the PZ who worked on this zoning and this came from the previous code. Th PZ may have intended Highway Businesses to have Automobile Gas Station and a General Business District to have office building and retail stores. Steve added, when he called Councilman Williams, who reviewed the ordinance, he could not find the provision permitting this proposal.

In reviewing this proposal, Administrator Morrison stated the staff found on General Business, Page 301-40 No. 2, g. Automobile Repair and Services, this is in relation to automobile service station and is a permitted use within the General Business Zoning. (Refer Automobile Services to Page 301-3 Automobile Service Station: a place where any motorfuel, lubricating oil or grease for operating motor vehicles is offered for sale, etc.)

Rob Enes felt what they are proposing is well within the definition. Rob explained people have gotten into a habit of exiting out of one road and entering in the other and expressed concern with possible confusion with the proposal.

Wyn John stated automobile services include basic necessities to a vehicle, such as oil, gas and supplies. This proposal would maintain Hagberg's competitiveness.

Ed Stevens referred to where Gas Stations are permitted in the code and saw this as a request for a Gas Station. According to the site plan, Ed expressed the spacing for parking looked awfully tight and still have the ability to back out safely. In a way he was sorry to see a request for another gas station, because to him it was an indication that the population of Lake Elmo is increasing faster than what he would like. Ed expressed hope we could slow the population growth down to the point where we won't have a need for a fifth or sixth gas station.

Ann Bucheck reminded the applicant of our codes regarding signage, lighting and landscaping. Ann felt this request did fit in our code, but was sad to see it happen because she buys her gas at the 76 Gas Station and her groceries at Hagbergs and will continue to support both businesses. Ann voiced a concern on the amount of space for use of the pumps. Mr. Overrun reponded the cars will not create any congestion for the people that will park to get groceries. Ann also asked where does the bank exit road come in regard to these roads. Overrun stated he would be coming back with a signage package for approval.

Barb Haacke felt the request did fit into our code, but has a concern on room for traffic flow.

Dave Johnson felt the request did fit into our code, and this would enhance the store with the ability "to get it all right there".

6. Concept Review: Golf Driving Range: Ray Salus

Tim Beach presented a concept review for applicant, Ray Salus at 404 Lake Elmo Avenue N., of a "Country Air" Driving Range for a large lot subdivision and zoning district amendment. If the large lot subdivision is granted, the applicant requests a rezoning to Public Facility (approx. 14 acres) from the current Rural Residential Zoning to allow for a Golf Driving Range.

Steve DeLapp indicated the applicant has made a real effort to coincide with the comments from the Blasko application for a Golf Driving Range. Since that time, he has been informed by a member of the Council and affirmed by another, that when we change our code we didn't change it word-for-word to permit a Golf Driving Range, and it would be desirable this goes back to staff for a review.

When asked for interpretation of what should be reviewed, Steve referred to 301-48 which allowed this, stated commercial recreation facilities of a semi-open nature such as golf courses and golf driving ranges under Public and Public Quasi Uses and Open Space. This has changed to churches, cemeteries, municipal, county, state and school district facilities and private parks so they changed golf courses and driving ranges to private parks so it would take care of 3M. To call a driving range a private park, Steve commented, was stretching it. In the other category, public parks, playground and athletic field and other recreational uses would logically be able to fit into a non-commercial nature. Steve suggested the possibility of the applicant temporarily withdraw the application and to keep everybody fully appraised as to his interest.

Administrator Morrison explained it was inappropriate to amend a zoning code in the middle of an application. The PF and Quasi Public Facilities should be amended further than just incorporating driving ranges. After we are done with this application, the PZ should review this PF Zoning.

Ann Bucheck indicated at a training session she attended, Bob Snyder stated "just because you make one mistake, it does not mean you have to continue making the same mistake." Ann added, we should not have approved the first application because it does not meet our code. Ann could not approve this application based on the codes we have today. If we change our codes to add Golf Courses and Golf Driving Ranges, then we can approve this application.

Dave Johnson didn't feel it was a mistake at all--that it belonged in PF Zoning.

M/S/P John/Johnson - to accept the concept review of the request of Ray Salus "Country Air" Golf Driving Range for a large lot subdivision and zoning district amendment proposed by Ray Salus. (Motion carried 6-1: Ann Bucheck voted against this concept because according to code 301.070.D. PF and Quasi-Public Uses does not include Driving Ranges. Just because we allowed one Golf Driving Range--we should not allow two in unless we change our codes.)

M/S/P Haacke/John - to amend Section 301.070D.11A to include: No. 3 Commercial Recreation Facilities of a semi-open nature such as golf course and golf driving ranges. (Motion carried 7-0).

7. OTHER:

Cancellation of October 9th Planning Commission Meeting:

Since there are 15 items on the PZ Work Plan, Ann Bucheck indicated a workshop could have been held on October 9th to discuss work plan items. In order to accomplish completion of the work plan, Ann suggested selecting one item off the work plan at the end of each meeting to discuss.

M/S/P John/Stevens - to adjourn the Planning Commission at 10:05 p.m. (Motion carried 7-0).

Variances: (Amended 11-27-89)

According to the City code, the Planning Commission Chair is suppose to look at variances. It is the Chair's prerogative if he wants the PZ to look at variances or not. The staff will copy variances to Rob Enes that go to the Council before the City Council reviews them, (See 301.21).