

DATE APPROVED: 1/8/90
DATE ISSUED: 1/19/90

LAKE ELMO PLANNING COMMISSION MINUTES

DECEMBER 11, 1989

Vice-Chairman Steve DeLapp called the Planning Commission meeting to order at 7:36 p.m. in the City Council chambers. PRESENT: DeLapp, Conlin, Dick Johnson, Bucheck, John, Stevens, Enes (arrived 8:00), Johnston (arrived 8:15) and Administrator Morrison. ABSENT: Dave Johnson, Haacke.

1. AGENDA

Add: 7A. Public and Private Facilities

M/S/P Dick Johnson/Bucheck - to approve the December 11, 1989 Planning Commission agenda as amended. (Motion carried 6-0).

2. MINUTES: NOVEMBER 27, 1989

M/S/P Dick Johnson/John - to approve the November 27, 1989 Planning Commission minutes as amended. (Motion carried 6-0).

3. PACKARD PARK THIRD ADDITION

At their November 27, 1989 meeting, the Planning Commission made a motion to continue consideration of Packard Park, 3rd Addition, Final Plat to their December 11th meeting, at which time they requested the City Engineer's opinion as to the adequacy of size of Lot 1, Block 1, in relation to meeting code requirements for septic drainfields.

City Engineer Bohrer submitted his opinion to the Commission in his letter dated December 6, 1989. Using the interpretation described in his letter, Bohrer determined Lot 1, Block 1, Packard Park 3rd Addition does meet the requirements of paragraph (6) on page 301-34 in the Zoning Code.

Steve DeLapp had called Jack Frost, Met Council, who stated as long as you have a minimum of one dedicated acre for a drainfield with nothing on it, you will get it through the Met Council. If 10,000 sq.ft. was stated, Frost would not have gone along with it.

Ann Bucheck added, once you deleted the ponding area on Lot 1, you would have less than one acre of land for the required drainfield. Ann referred to the statement in the proposed Comp Plan on Page 31, "On-site sewage treatment systems will consist of a septic tank and drainfield and an alternate drainfield site, located on soils capable of treating wastes without posing pollution problems. At least one dedicated contiguous acre suitable for septic system drainfield must be available for every new residence not connected to the WONE interceptor." Ann asked "what is the legal responsibility of the City if this lot does not perk?" Folz responded there is case law when a plat is approved there is no guarantee of buildability on any lot.

Bruce Folz stated Lot 1, Block 1, does meet our code requirements for septic drainfields because there is one acre of land suitable for a septic drainfield excluding the ponding area.

M/S/P DeLapp/Bucheck - to recommend denial by the City Council for the Final Plat Third Addition on the basis that the one lot (Lot 1, Block 1) that was affected between Preliminary Plat and the Final Plat has been altered to the point where it is not one acre of land suitable for drainfield based on the Findings of Fact: It is not according to the septic requirement in our code or the proposed Comp Plan (Page 31). (Motion carried 6-2: Enes: He felt 10,000 sq.ft. suitable for a septic drainfield; John: He interpreted the code as one should have an acre of land which is suitable for septic drainfields, it doesn't define what else can be on that acre.)

Dick Johnson: He voted in favor of the motion, but wanted to make the Council aware there is a problem in definition of the requirement "one acre of land suitable..." and clarification is needed to be consistent with the statement in the Comp Plan. He indicated that a motion to deny is probably not legally defensible due to prior precedent established in the interpretation of this ordinance.

Ed Stevens: One dedicated acre should be considered after the building has been completed; that is, after deducting the area of which the house and driveway has been built.

4. COMPREHENSIVE PLAN

M/S/P Dick Johnson/Johnston - to direct the Planning Commission to submit their individual written comments as separate recommendations back to the sub-committee of the Council (Councilmen Graves and Williams, Deputy Clerk Mary Kueffner) for their incorporation into the Comp Plan by December 15th and then take to the Council as a whole for review. (Motion carried 6-2: Bucheck: the Comp Plan is well done and these comments are the fine tuning, but would like to see the sub-committee enlarged to include two PZ members; DeLapp: The biggest issue in the Comp Plan is the Future Land Use Map which he doesn't agree with. The PZ never led the direction that it went, and he finds it improper to pass along a map they never agreed with).

5. PLANNED UNIT DEVELOPMENT (PUD)

BACKGROUND INFORMATION:

At the December 5, 1989 City Council meeting, the PZ's motion regarding the (possible) elimination of PUD's from the City Code was considered by the City Council. The Council accepted the PZ recommendation and referred the subject back to the PZ.

Rob Enes reported, if any member was interested, there was a GTS class on PUD's on January 25th at the Earle Brown Center.

Ed Stevens recommended the Commission read the chapter on the pros and cons of PUD's in the book entitled "The Job of the Planning Commissioner". Ed felt PUD's were fine for a community which is large enough that could afford a staff to supervise a PUD, but for a community the size of Lake Elmo, with a limited staff as we have, we are not able to police a PUD and would hand over the entire project to the developer.

Ann Bucheck could not see any good reason to have PUD's in our code, but when the Public Hearing is held, input might be given why the City should have PUD's.

Dick Johnson felt PUD's were inappropriate for the City, but had a concern on the possibility of PUD's being helpful in Section 32.

M/S/ Stevens/DeLapp - to recommend to the City Council elimination of Planned Unit Development (Section 301.080) based on Findings of Fact stated in the 11-27-89 PZ Minutes and the City is likely to lose control because of limited staff.

Steve DeLapp recommended the ordinance that is in our code, now, should be taken out; subject to a public hearing with comments and a final vote by the PZ. Unless there is substantial argument that we accept from the audience, DeLapp felt we should delete that ordinance from our code.

M/S/P Stevens/DeLapp - to recommend to the City Council the elimination of Planned Unit Development Ordinance (Section 301.080) based on Findings of Fact stated in the 11-27-89 PZ Minutes and the City is likely to loose control of the development because of the need for additional staff and set a public hearing by the PZ for elimination of PUD's from the code. (Motion carried 8-0).

6. WORK PLAN

Ed Stevens volunteered to make a transparency of the Work Plan. At the next PZ meeting, the Planning Commission will review their work plan and prioritize the items before Council review. Ann suggested adding work item, standards for holding ponds, and will write-up this work item.

7. PRIVATE AND PUBLIC FACILITIES

Dick Johnson reviewed the handouts from previous meetings on P and PF.

M/No Second/ Johnson/ - to recommend these proposed ordinances, as written, be sent to the Council with a a recommendation that the Council submit them to the City Attorney to write a legal ordinance for Public and Private Facilities based on these ideas.

Steve DeLapp suggested a sub-committee meet to resolve any differences and make additions to items that are not complete as far as the conditions within the uses.

Dick Johnson withdrew his motion.

The Commission agreed to the following changes on Dick Johnson's draft ordinance for PF.

In 11a. DELETE "and similar low impact uses". ADD "and uses deemed similar by the Council that are consistent with surrounding uses."

11B(2)---ADD "the" design of principle structure.

OTHER:

At their November 13th meeting, the Commission recommended the Council eliminate the exception which allows broadcast transmission towers and asked when this recommendation would be on the Council agenda.

The Planning Commission meeting was adjourned at 10:15 p.m.

-----DELETE
 ADD

DRAFT ORDINANCE

LAKE ELMO MUNICIPAL CODE

301.070 D.11

11. PE - PRIVATE FACILITIES AND QUASI-PUBLIC USES

a. Allowed Uses and Structures By C.U.P.

- (1) Uses include all privately owned (as opposed to government owned) facilities that provide recreational, social, and religious needs for the general public. Allowed uses include private parks, churches, cemeteries, religious retreat houses, golf courses and club houses, golf driving ranges, tennis and swimming clubs, nature sanctuaries, skating rinks, and ~~similar low~~ uses deemed similar ~~impact-uses~~ that are consistent with surrounding uses.
- by the Council
- (2) On-sale intoxicating liquor sales by State license.

b. Accessory Uses and Structures

- (1) Uses and structures which are clearly related, incidental, and subordinate to the allowed use and principal structure.
- (2) Architectural design of accessory structures must be compatible to ^{the} design of principle structure.

c. Minimum District Requirements

- (1) Lot Size 10 acres except not applicable for nature sanctuaries.
- (2) Lot Width 330 feet on city street except not applicable for nature sanctuaries.
- (3) Minimum building setbacks from property lines:
- (a) Front 100 feet
- (b) Side 50 feet
- (c) Rear 100 feet
- (4) Building Height 35 feet Maximum
 (-exceptions? steeples?)

d. Conditions To Be Met

(1) General Conditions:

- (a) Structures on private facilities must meet architectural standards established for General Business District Zone.
- (b) On site parking sufficient to accommodate all users.
- (c) Landscaping - trees and shrubs adequate to provide screen where property borders on land with lower intensity uses. Boulevard trees of two inch caliper every 30 feet.
- (d) Noise control - Reference City Code 1507. In general noise emitted by this use shall not exceed levels considered objectionable to surrounding land users.
- (e) Lighting and Glare Control - Reference City Code 1508.
- (f) Traffic Control - Uses must maintain low impact traffic conditions for control of noise, dust, headlight glare and public safety.
- (g) Impervious surface requirements must comply with the covered area requirements for the General Business District.
- (h) Signage shall be for identification purposes only.

(2) Specific Conditions:

- (a) Side and rear setback for graves and markers in cemeteries is 20 feet. Mausoleums and other structures shall meet Minimum District Requirements and General Conditions.
- (b) Recreational facilities, such as golf driving ranges, must be designed to prevent hazardous projectiles from entering adjacent property.
- (c) Minimum lot size for nature sanctuaries is 1.0 acre and minimum lot width is 60 feet.
- (d) Lands designated as nature sanctuaries are not necessarily transferable to other uses allowed under PF. Any use other than as a nature sanctuary shall require reapplication for zoning change.

DRAFT ORDINANCE

LAKE ELMO MUNICIPAL CODE

301.070 D.11

12. P - PUBLIC FACILITIES

a. Allowed Uses and Structures

- (1) Uses include all government owned lands and facilities that provide recreational, social, and governmental administrative needs for the general public. Allowed uses include parks, DNR facilities, government administrative and maintenance facilities, playgrounds, athletic fields, and similar low impact uses that are consistent with surrounding uses. Uses that are prohibited include waste incineration facilities and waste landfills.

b. Accessory Uses and Structures

- (1) Uses and structures which are clearly related, incidental, and subordinate to the allowed use and principal structure.
- (2) Architectural design of accessory structures must be compatible to design of principle structure.

c. Minimum District Requirements

- (1) Lot Size Not applicable
- (2) Lot Width 125 feet
- (3) Minimum building setbacks from property lines:
 - (a) Front 50 feet
 - (b) Side 50 feet
 - (c) Rear 50 feet
- (4) Building Height 35 feet

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

DECEMBER 11, 1989

7:30 p.m.

Meeting Convenes

1. Agenda
2. Minutes - November 27, 1989
3. Packard Park Third Addition
4. Comprehensive Plan
5. Planned Unit Development (PUD)
6. Work Plan
7. Other
8. Adjourn

APPROVED

DATE APPROVED: 12/11/89
DATE ISSUED: 1/5/90

LAKE ELMO PLANNING COMMISSION MINUTES

NOVEMBER 27, 1989

Chairman Enes called the Planning Commission meeting to order at 7:30 p.m. Present: Enes, DeLapp, Haacke, Bucheck, Stevens, John, Dick Johnson, Johnston Conlin, and Administrator Morrison. Absent: David Johnson.

1. AGENDA

Add: Planned Unit Development Ordinance

M/S/P Stevens/Conlin - to approve the November 27, 1989 Planning Commission agenda as amended. (Motion carried 9-0).

2. MINUTES: October 23, 1989

M/S/P DeLapp/Haacke - to approve the October 23, 1989 Planning Commission minutes as amended. (Motion carried 9-0).

MINUTES: November 13, 1989

M/S/P DeLapp/Johnson - to approve the November 13, 1989 Planning Commission minutes as amended. (Motion carried 9-0).

3. Packard Park 3rd Addition- Final Plat

Bruce Folz explained the City Council, at their September 5th meeting granted preliminary plat approval to Packard Park 3rd Addition, provided an additional and percable ponding area could be found within the Third Addition pond. That ponding area was identified on Lot 1, Block 2 and a backhoe excavation was performed. The Second Addition pond will be connected to the Third Addition pond by an equalizer culvert; therefore, some water level reduction should also be realized in the Second Addition pond. It was in City Engineer, Larry Bohrer's opinion that the Packard Park improvements can now meet the intent as well as the letter of the Stormwater Control Ordinance. (See Larry Bohrer's 11/22 report to the Planning Commission)

Questions were raised as to the adequacy of size of Lot 1, Block 1 in relation to meeting code requirements for septic drainfields. The Commission requested the City Engineer's review and analysis of Block 1, Lot 1, to determine if this lot meets the intent of requirement of City Code relative to adequate provision of drainfields. (i.e., one acre of land suitable for septic drainfields...).

M/S/P Bucheck/John - to continue consideration of Packard Park, 3rd Addition, Final Plat to their meeting of December 11th, at which time they requested the City Engineer's opinion as to the adequacy of size of Lot 1, Block 1, in relation to meeting code requirements for septic drainfields. (Motion carried 6-3: Haacke: I think we could have approved the plat contingent upon Larry Bohrer's explanation why this particular lot meets the intent of the Code; Enes and Johnston agreed with this.

4. Concept Review:

Rezoning from Rural Residential to Public Facility
Applicant: River Valley Christian Church

Rev. Dan Denissen and three other representatives of the church were present to discuss their request to rezone 21+ acres, in area of CR13 and Hwy 36 from RR to PF. Residents from the area were also present to hear the discussion. The commission members discussed the site; access to property/safety concerns; church's long range plans; council's directive to Planning Commission to review PF Ordinance.

The Planning Commission advised those present that a public hearing on this rezoning was scheduled for January 8th in accordance with staff report.

5. Concept Review:

Site and Plan Review for expansion of White Hat Restaurant
Applicant: Ed Gorman

The City Code does not require a preliminary submittal and review prior to application for a building permit, but Mr. Gorman had requested a review of his concept plan so that he is fully aware of the requirements prior to submitting a final plan. Gorman presented preliminary drawings for additions and site improvements at the White Hat Restaurant. Gorman stated the existing use is a restaurant and the proposed additional uses are bakery (retail only) and office and all three uses are allowed in the existing General Business Zone.

There was discussion on the number and size of accessory buildings, the number of parking spaces and surface coverage allowed in the General Business Zone. Concerns were indicated on making this a more dangerous intersection and what will be done with the large amount of fill. Gorman responded there hasn't been an accident there in years. As far as the fill, he has told the Council that he would be willing to remove any of the fill that is not necessary. Gorman explained a registered engineer will be drawing up the drainage, ponding and grading plans. The drainfield will not be placed in the fill area. After the Council reviews the concept and make their recommendations, a formal presentation for a site and plan review with detailed drawings will be made.

The Planning Commission made no recommendation on suitability of plans because this was not a preliminary site and planning review.

6. Public and Private Facility Update

Planning Commission members Dick Johnson, Wyn John, and Steve DeLapp submitted a proposal for consideration. Dick pointed out, under Public Facilities, Allowed Uses: Uses that are prohibited include waste incineration facilities and waste landfills, this was an appropriate place to state this.

M/S/P Haacke/Stevens - in order to allow adequate time for review and submittal of written comments, this matter be continued to the PZ meeting of December 11th. (Motion carried 9-0).

7. Comprehensive Plan

A copy of the Comp Plan was handed out to the Planning Commission members, Councilman Hunt discussed the schedule and requested Planning Commission comments be submitted to the City by week of December 11th so Comp Plan sub-committee could review comment from the Planning Commission.

8. Planned Unit Development Ordinance

Planning Commission Member Steve DeLapp requested Planning Commission consideration of elimination of the City's Planned Unit Development Ordinance (Section 301.080, City Code).

DeLapp indicated the Commission recommend the deletion of the P.U.D. Ordinance in the City Code with the following findings of fact:

1. The City supports provision for the compatibility of uses within adjacent parcels wherever feasible, rather than allowing the mixing of zoning districts within a single parcel.
2. The City supports maintaining minimum building lot sizes within zoning districts, without permitting a transfer of densities.
3. The City wishes to avoid the burdens often associated with the implementation of P.U.D.'s including significant project review and policing, possible City involvement in project completion, and potential litigation costs.
4. The City wishes to maintain its unique character of being rural in an urban setting.
5. The objectives for City's growth by rate, quality and location, as defined in the Comp Plan can be most tightly controlled by remaining zoning regulations.

M/S/P Stevens/Buchek - there is considerable question from the PZ as to the merits of PUD's and the PZ would like to study the matter further and would appreciate the input from the City Council as to how they feel about desirability of having or not having PUD's in Lake Elmo. If the Council feels the Commission should proceed, the PZ will schedule a Public Hearing. (Motion carried 9-0).

(M/S/P DeLapp/John - to adjourn the Planning Commission meeting.
(Motion carried 9-0).

APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

NOVEMBER 13, 1989

Chairman Enes called the Planning Commission to order at 7:33 p.m. in the City Council chambers. Present: Enes, DeLapp, Bucheck, Haacke, Dick Johnson, Dave Johnson, Stevens, John, Conlin and City Administrator Morrison. Absent: Johnston.

1. AGENDA

Add: OTHER: Add Work Plan Item #6. If time permits, add other items.

M/S/P Bucheck/DeLapp - to approve the November 13, 1989 Planning Commission agenda as amended. (Motion carried 9-0).

2. MINUTES:

M/S/P Bucheck/DeLapp - to postpone consideration of the October 23, 1989 Planning Commission minutes. (Motion carried 9-0).

3. REVIEW OF PUBLIC FACILITY ZONING DISTRICT

At their November 7, 1989 meeting, the City Council requested the Planning Commission look at the Public Facility Zoning category and recommend rewording which would avoid the confusion we now have on Golf Driving Ranges, or any other proposed use of a similar nature that should be included and the PZ return their recommendation to the Council for their December 5, 1989 City Council meeting.

(See Addition: Amended 11-27-89)
Steve DeLapp and Ann Bucheck submitted a draft ordinance for Private Facilities (PF) Allowed Uses and Structures by C.U.P.; such as cemeteries, churches, religious retreat house, golf courses and club houses, golf driving ranges, etc. and a draft ordinance for Public Facilities (P) Allowed Uses and structures such as city owned buildings and facilities used for provision of public service including City owned picnic area and recreational parks. (See Appendix A).

Discussion followed on whether or not ownership or government/non-government facilities be the distinction. Dick Johnson suggested considering soils for sewer systems, traffic flow for low impact recreational facilities. Rob Enes and Dave Johnson submitted a draft Private Facilities Ordinance based on the Site and Plan Review process versus the CUP process. (See Appendix B). Steve DeLapp noted the site plan review cannot treat anything differently, they have to go according to our code. Steve stated, "According to Attorney Mark Vierling, we are one of the rare cities that don't have our businesses under a CUP."

M/S/P John/Bucheck - to consider two classifications: Public and Private Facilities. (Motion carried 5-3-1:Haacke, Dave Johnson, Conlin; Abstain: Ed Stevens).

M/S/P Stevens/Dave Johnson - to postpone action until Dick Johnson comes up with a proposal to include low impact recreational facilities and to

Amendment: Addition: Steve DeLapp explained the original basis for the revisions to the PF Ord. was to later review what we've done 2 1/2 yrs. ago was with the intention of deleting golf courses and golf driving ranges. Don Moe and Steve voted to keep them in.

consider such items as soils, septic systems and traffic. (Motion carried 5-4: Bucheck: We need to give him direction where the PZ is heading, John: He felt the Commission had two very good thought-out proposals that the PZ could adjust and saw this motion as a postponement for making a decision; Haacke; Dave Johnson: He sees an advantage of having a private park without any definitions.) Dick Johnson did not feel it was appropriate for only him to come up with a proposal, but felt the motion was appropriate to table until PZ members come in with ideas to be sent out with the packet at the next meeting.

4. 1989 PLANNING COMMISSION WORK PLAN

Item #6. Building Height Limitations. (301.120)

The Commission eliminated the exception which allows broadcast transmission towers.

M/S/P DeLapp/Stevens - to delete from 301.120 Height, Item A2 ... transmission towers of commercial broadcasting stations based on the Findings of Fact: (1) Not conducive to a rural environment, (2) They have flashing red lights, (3) Have to be very carefully regulated in order to prevent the tower toppling over on some other structure, (4) We don't have any provision in our zoning ordinance that would permit them to go in, and (5) The City would receive more taxes if the land is used in another way. (Motion carried 8-0-1: Haacke: She didn't know if a transmission tower in her back yard would be such a bad thing--It may be better than many houses). Abstain: Haacke: She didn't have enough time to consider whether she thought a transmission tower should be included or excluded.)

Ed Stevens will contact George Crocker in regard to the affect of high-voltage transmission lines.

Item #12: Recommend to the City Council a committee be established, comprising of PZ members, business owners, and interested residents (5-7 members) to study an Historic Building/Architectural Design Overlay District in the Old Village Area.

The Commission deleted this off their work plan because an Historic Building/Architectural Design Overlay District Committee had been established comprised of: Steve DeLapp, Barb Haacke, Marge Williams, and Mr. Hagstrom of Savanna Designs.

M/S/F Dick Johnson/Ed Stevens - to adjourn the Planning Commission meeting at 9:10 p.m. (Motion failed 4-5: Bucheck, John, Johnson, Stevens, DeLapp) Bucheck: she felt the PZ could accomplish more items off the work plan that evening.

Item #13. Adopt an ordinance for utility (pipeline and power lines) setbacks in the City's Subdivision and platting regulations.

The PZ requested review of the book distributed by Amoco and check with Mounds Park for their information.

M/S/P John/DeLapp - to adopt an ordinance which establishes a setback of 100 feet minimum from the edge of the easement for bulk fuel transmission pipelines in the City's Subdivision and Platting regulations. This setback could be increased in cases where drainage patterns and/or grade slopes create an additional hazard. (Motion carried 9-0).

gms

Item #16. Amend the Subdivision Ordinances (Section 400-14, 400-15) requesting the signatures on the Certificate for approval by the Chairman and Secretary of the Planning Commission.

M/S/P DeLapp/John - to amend the Subdivision Ordinance (Section 400-14, 400-15) deleting the signatures on the Certificate for approval by the Chairman and Secretary of the Planning Commission based on the Findings of Fact: (1) the PZ is not authorized to approve plats, they only recommend denial or approval by the Council (2) there are cases when the PZ doesn't have to review them and they can still be approved by the Council, and (3) there are times the PZ recommended denial of the plats and they have been approved by the Council. (Motion carried 9-0).

OTHER:

Wyn John explained the process parks committee members, Nancy Hansen and Donna Bance, have taken to establish specific areas needed and suitable for park land with the help of a Future Land Use Map. Points discussed: NE corner of the City was not well served, should they establish a park under powerlines, where the proposed Heritage Dev. a portion of lake backs up to gravel pit and may be able to obtain this land from gravel pit, parks should not be on a main road, 5-10 acres desirable, and depending on location and suitability of land, the Parks Committee would ask for money or a combination of money and land.

M/S/P Haacke/John - to adjourn the Planning Commission meeting at 9:50 p.m. (Motion carried 9-0).