



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Planning Commission will meet at 6:00 p.m. on Monday, July 26, 1999, in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.

The Lake Elmo Village Commission will present its "Village Plan" to the Planning Commission at 6:00 p.m., the regular meeting following at 7:00 p.m.

***PLEASE NOTE: Bring your copy of the previously distributed "Village Plan" to the meeting.**

AGENDA

1. Agenda
2. Minutes – July 12, 1999
3. **PUBLIC HEARING:**
Comprehensive Plan Amendment
Northeast Annexed area of Lake Elmo – Land Use Classification
Betty Smith & Stillwater Investment Corporation, applicants
4. **PUBLIC HEARING:**
Site Plan and Variances: Front Setback, Off-Street Parking, Sign: size, area and number; and, setbacks in the Highway Business Zoning District.
Trunk Highway 5 & Manning Avenue
Farmer's Union Co-op Oil Association dba Cenex, applicant
5. **Site Plan Review**
Heart of America Restaurants & Inns, applicant
Eagle Point Business Park PUD
Southwest Quadrant of Inwood Avenue & Hudson Road
6. Other
7. Adjourn

July 26

**Lake Elmo
Planning Commission**

**Meeting Minutes
Monday, July 26, 1999**

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Berg, Gerard, Helwig, Herber, Lipman, Mandel, Ptacek, Sedro and Sessing. Absent: Commissioner Brass. Also present: Planner Dillerud.

1. AGENDA

Chairman Armstrong added discussion on September Planning Commission additional meetings. M/S/P Lipman/Sedro – to approve the agenda, as amended. (Motion Passes 9-0).

2. MINUTES

M/S/P Helwig/Lipman – to approve the Minutes from the July 12, 1999 meeting. (Motion Passed 6-0-3). Absent: Ptacek, Sedro, Sessing

3. PUBLIC HEARING:

**Comprehensive Plan Amendment
Northeast Annexed Area - Land Use Classification
Betty Smith & Stillwater Investment Corporation, applicants**

Planner Dillerud explained that the applicants requested a comprehensive plan amendment to classify the Northeast Area of Lake Elmo as Urban Residential and Commercial. He reviewed site history and existing conditions and provided analysis of the proposal, as stated in his staff report. His findings and recommendations following:

1. The application proposes land uses inconsistent with the written policy of the Lake Elmo Comprehensive Plan regarding use intensity and type at this location.
2. The application proposes uses and use intensity incompatible with existing and planned uses to the east (Baytown Township), south and west.
3. The uses and intensity of use proposed by the application may bring the Level of Service of State Highway 5, as it adjoins the site, to an acceptable status as defined by the Washington County Transportation Plan Element.
4. The probable distribution of traffic from the site, if developed for the uses and at the intensity proposed, will result in vehicular traffic on Lake Elmo streets IN VICINITY (55th Street North/Manning, 50th Street North/Lake Elmo Avenue, and State Highway 5 through the Old Village), both resulting in a compounding of existing negative impacts on Lake Elmo residents; and, capital improvements to some or all of those roadways to levels and on a schedule that would constitute a significant burden on City resources, and existing neighborhoods within the City.
5. The uses and intensity of use proposed by the application will result in negative impact on environmental quality of Lake Elmo and surrounding communities by introduction of storm water quantities and rate of run off far in excess of uses and intensity of use now planned by the City for this site.

Planner Dillerud said that it was important that as the Commissioners review the application that they be aware of the fact that if the applicant was denied this amendment, they will again approach Oak Park Heights and the State Planning Agency to accomplish a detachment/annexation. He noted that whether the development proposed by the application would be under the jurisdiction of Lake Elmo or Oak Park Heights, the same negative impacts to Lake Elmo and other governmental jurisdictions would result.

John Arkell
11392 88th Street
Stillwater, MN
(Applicant)

Mr. Arkell said he would be happy to answer any questions the Commissioners may have regarding this proposal.

Chairman Armstrong opened the comment portion of the Public Hearing at 7:35 p.m.

Barb Engle
12058 55th Street

Ms. Engle said the City had gone through a lengthy hearing process regarding the annexation and wants this area to remain rural, and recommends the Planning Commission recommend denial of this application.

Priscilla MacDougal
12335 53rd Street North

Ms. MacDougal said it is very difficult to enter onto Highway 5 during "rush hour" now and it will be worse if there is further development. She asked that the Commissioners recommend denial.

Paul Bischoff
5040 Neal Avenue

Mr. Bischoff stated he was opposed to this amendment.

John Kern
5469 Stillwater Blvd.

Mr. Kern said he was concerned about the possibility of water problems if this amendment were approved and said he concurs with the Lake Elmo City Planner, and recommends denial of the proposal.

Chairman Armstrong closed the comment portion of the Public Hearing at 7:40 p.m.

Commissioner Lipman urged his fellow Commissioners to recommend denial of the proposal based upon number 1, 3 and 5 of the Planners findings. He said the proposal was inconsistent with the decision made by the Municipal Board and feels this area is best suited to remain rural.

Chairman Armstrong said this is the 3rd time the City has heard testimony at a Public Hearing on the Land Use Classification of this area. He said it was clear that the City of Lake Elmo wants this area to be consistent with remaining rural.

**M/S/P Gerard/Sessing – to recommend the City Council adopt a resolution denying the application of Stillwater Investment to amend the Comprehensive Plan for 90 acres west of State Highway 5 between 50th Street and 55th Street.
(Motion Passed 9-0).**

4. PUBLIC HEARING:

**Site Plan & Variances: Front Setback, Off-street Parking, Sign: Size, area, number & Setbacks in the Highway Business Zoning District.
Trunk Highway 5 & Manning Avenue
Farmer's Union Co-op Oil Assn., d.b.a. Cenex, applicant**

Planner Dillerud said in October, 1996, the Planning Commission recommended approval of a site plan to construct a service station/ convenience store/restaurant/car wash on the site. No decision was made on this application because the Manning Avenue/Hwy.5 improvements had not been completed. He provided an analysis of the current application, as stated in his July 13, 1999 staff report. Referencing setback variances for canopies and signs, he said staff does not believe the required variances can be made in either case. He finds the Site Plan to substantially meet the standards of the City Code for sites within the Highway Business Zoning District, and recommends approval of the site plan on that finding subject to the following conditions:

1. Compliance with requirements of the City Engineer.
2. Compliance with storm drainage policies/erosion control policies and permitting of the City and the Valley Branch Watershed District.
3. Certification by a landscape architect that the value of the landscape materials proposed to be installed is at least 2% of the total project cost; and, compliance with City Code requirements regarding landscape installation and survival security to be posted with the City.
4. Modification of the site plan to provide at least 23 off street parking spaces, not including at the pump islands.
5. Modification of the site plan to remove references to "future uses."
6. Modification of the site plan and related submissions to insure that under canopy lighting is in compliance with Chapter 1350 of the Code by total horizontal cut off and 100% horizontal shielding of the light source; and, to relocate lighting sources at both public street access points to reduce foot-candle illumination at those access points to 3 or below.
7. Modification of the site plans to comply with building setbacks for the canopies, or in compliance with an approved variance, if any.
8. Modification of the site plan to comply with Section 535 signage standards, or an approved variance, if any.

Planner Dillerud recommended the Planning Commissioners address the variances first and then discuss the site plan approval, with adjustments to site plan conditions #7 and #8 based upon the variance decisions.

Kevin Sexton

Manager/Farmer's Union Co-op Assn.

Mr. Sexton said his company is a local cooperative owned by its members. He noted that the Planning Commission recommended approval of the plan about three years ago. He said as far as parking goes, they have plenty of land and will work with the City on this issue. Regarding the canopy, he said the IRS considers it equipment, NOT a structure, and said he could meet the setback requirements. He said the access point is now located a half-city block from the previously approved entrance. He said he feels the safety issue is changed, but the signage issue is more difficult because the entrance to the site has been changed. Mr. Sexton said there is now a long median that separates the north/south bound traffic on Manning and if drivers do not see the sign before that, they will bypass the station. He said no one pulls into a service station that does not have the prices posted. Moving the driveway was against their wishes. He noted that this movement of the driveway was a special circumstance that was not endured by other property owners in the same zoning district. He said Farmers Union would be willing to work with the City regarding the signage. Mr. Sexton said Farmers Union took a risk and bought contaminated land and cleaned it up.

Terry Betke

Construction Manager/Farmers Union Coop.

Mr. Betke said the signage for another Farmers Union Co-op in Clara City Minnesota had one sign on the corner and building that had been open for 9 months. He said the #1 complaint from customers is that they cannot read or see the sign well. They petitioned the City to allow an additional sign.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 8:15 p.m., NO COMMENTS.

Commissioner Lipman said he was eager to see this site developed and that it was currently somewhat of an eyesore. He noted that a canopy is not the same as a building. He suggested approval of a variance to the sign ordinance. He said the applicant will not only clean up the site, but that the City should play a supportive role and be more flexible.

Commissioner Sedro said that although she agrees that the site needs attention, she feels most of the Lake Elmo patrons will know where the station is, and would like avoid sign inflation.

Commissioner Berg thinks the location will be especially convenient to him, and he is sympathetic to Farmers Union Co-op needs, but he does not see 15' setbacks as excessive.

Commissioner Ptacek said that considering the scale of things, he does not see 2 signs as an unreasonable request.

The applicant agreed to provide the Commission with a more detailed response to the variance criteria at its August 9, 1999 meeting.

**M/S/P Armstrong/Lipman – to postpone Farmers Union Co-op requests until the August 9, 1999 Planning Commission meeting.
(Motion Passed 9-0).**

(5 minute break)
(Lipman exit 9:00 p.m.)

**5. SITE PLAN REVIEW
Heart of America Restaurants & Inns, applicant
Eagle Point Business Park PUD
Southwest Quadrant of Inwood Avenue & Hudson Road**

Planner Dillerud reviewed the site history and existing conditions of the 6.5-acre site located within the PUD Plan and Plat of the Eagle Point Business Park. He noted that the Development Stage PUD Plan & Plat and Preliminary Plat of Eagle Point were approved by the City Council at its July 20, 1999, meeting. He said staff has reviewed the proposed site plan and found them to be in compliance except for off street parking, signage, lighting, landscape island and exterior surfacing, as noted in his staff report. Planner Dillerud said the foregoing issues needed to be resolved before site plan approval. He recommended approval for Heart of America for a restaurant and hotel, subject to the following conditions:

1. Compliance with any conditions and requirements specified by the City Engineer.
2. Permitting by and compliance with storm water and erosion control requirements of the South Washington County Watershed District, not including any issues of Regional Stormwater retention.
3. Any signage to comply with the approved Eagle Point Business Park Master Sign Plan.
4. Compliance with the exterior surfacing requirements of Chapter 300; Finding cultured stone as an acceptable equivalent to Code specified materials.
5. Amendment to the landscape and site plan to increase landscape islands to not less than 10% of the off street parking area, calculated at 310 square feet parking area per space.
6. The total cost of landscape materials shall be certified by a contractor acceptable to the City Planner, to be a sliding scale, based upon the total cost, with security posted with the City per Code to guarantee landscape installation, and survival.
7. No Building Permit shall be issued for any construction on the site prior to satisfaction of all approval conditions, and recording of the PUD Agreement and Final Plat of Eagle Point Business Park.

8. Compliance with PUD lighting plan, which is the same as Chapter 13 of the Lake Elmo Municipal Code.

Kirk Whalen
Heart of America

Mr. Whalen introduced the history of Heart of America as a 21-year old company run by himself and his brother. They operate a regional hospitality company and employ more than 2,800 people. He noted that his company has received many awards including "Pork, Beef, Egg and Dairy National Restaurant of the Year" honors. He said the focus of the suite/hotel is to provide "warmth" as opposed to a business park feel. He noted the proposal also includes a 10,000 square foot water park including pools and a Jacuzzi. He said all of their other 7 hotels at several locations are award winning. He presented the samples of the cultured stone which is the proposed fascia, drawings of the Lumec exterior light fixtures, and drawings that illustrated the "milk carton" design of the signage.

The Commissioners discussed the following issues and took an informal vote, with these results:

- To allow wood or lap siding on the exterior of the buildings. (6-3)
- To accept and recommend use of the proposed cultured stone as an exterior surface. (9-0)
- To accept the applicant's proposed lighting plan. (4-4-1)
- To accept the applicant's proposed signage plan. (3-6)
- To stay within the guidelines of the approved PUD lighting plan. (6-3)

M/S/P Armstrong/Sessing – to recommend the City Council approve the site Plan for Heart of America subject to the following conditions:

1. **Compliance with any conditions and requirements specified by the City Engineer.**
2. **Permitting by and compliance with storm water and erosion control requirements of the South Washington County Watershed District, not including any issues of Regional Stormwater retention.**
3. **Any signage to comply with the approved Eagle Point Business Park Master Sign Plan.**
4. **Compliance with the exterior surfacing requirements of Chapter 300; Finding cultured stone as an acceptable equivalent to Code specified materials.**
5. **Amendment to the landscape and site plan to increase landscape islands to not less than 10% of the off street parking area, calculated at 310 square feet parking area per space.**
6. **The total cost of landscape materials shall be certified by a contractor acceptable to the City Planner, to be a sliding scale, based upon the total cost, with security posted with the City per Code to guarantee landscape installation, and survival.**
7. **No Building Permit shall be issued for any construction on the site prior to satisfaction of all approval conditions, and recording of the PUD Agreement and Final Plat of Eagle Point Business Park.**
8. **Compliance with PUD lighting plan, which is the same as Chapter 13 of the Lake Elmo Municipal Code.**

(Motion Passed 9-0).

The Commissioners discussed additional meeting dates in September and Secretary Cynthia You will bring optional dates at a subsequent meeting.

Chairman Armstrong adjourned the meeting at 10:40 p.m.

Respectfully submitted, Cynthia Young-Planning Secretary