



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042



The Lake Elmo Planning Commission will meet Monday, October 25, 1999 at 6:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.

(6:00 p.m. – 7:00 p.m. the Planning Commission will continue its discussion of the Comprehensive Plan)

7:00 AGENDA

1. Agenda
2. Minutes – September 27, 1999
3. **PUBLIC HEARING: E & H Earthmovers & Trans City Investments, applicants**
Comprehensive Plan Amendment
Zoning District Amendment
Planned Unit Development Concept Plan
Minor Subdivision
(Generally located I-94 & East of Lake Elmo Avenue)
4. Other
6. Adjourn

Approved

**City of Lake Elmo
Planning Commission**

**Meeting Minutes
Monday, October 25, 1999**

*(The Planning Commission met at 6:00 p.m. to continue
its discussion of the Comprehensive Plan).*

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 Brass, Gerard, Helwig, Herber, Lipman, Mandel, Ptacek, Sedro and Sessing. Absent: Commissioner Berg. Also present: City Planner Dillerud.

1. Agenda

**M/S/P Lipman/Gerard – to approve the agenda, as presented.
(Motion Passed 9-0).**

2. Minutes

**M/S/P Gerard/Sessing – to approve the Minutes from the October 13, 1999 meeting, as presented.
(Motion Passed 7-0-2).**

**3. PUBLIC HEARING: E & H Earthmovers & Trans City Investments
Comprehensive Plan Amendment
Zoning District Amendment
Planned Unit Development Concept Plan
Minor Subdivision**

Planner Dillerud explained that the parent site in the application is a 40-acre parcel and legally “land-locked” from street frontage. He said the applicant proposes to re-locate his current excavating business to an 18-acre portion of this site. Currently, E & H Earthmovers, Inc. is located at Manning & 10th Street North. Planner Dillerud noted that the current use on this 40-acre parcel is a multi-tenant building controlled by a Conditional Use Permit. He explained that the applicant proposes the following modifications to the status of the site:

1. Division of the 40 acre site into parcels of 18 acres (south parcel) and 22 acres to the north. The existing structure, outside storage buildings and uses would then reside on 22 acres rather than the 40 specified by the CUP.
2. A Comprehensive Plan amendment for the south parcel from RAD to C (Commercial).
3. Rezone the south parcel from Agricultural to General Business.
4. Planned Unit Development Concept Plan covering the south parcel to develop the site as an office/shop and outside storage for E & H Earthmovers, Inc.

Planner Dillerud said while the first three applications appear to be obvious procedural steps given the existing site guiding and zoning, the Planned Unit Development Concept Plan is unusual in these circumstances, as noted in his staff report. He indicated he provided the Planning Commission with four

separate Resolutions recommending denial of the Comprehensive Plan Amendment, Minor Subdivision, Rezoning and Planned Unit Development Concept Plan based on findings enumerated in the draft resolutions.

Terry Emerson (co-applicant)

E & H Earthmovers

Mr. Emerson said his company proposes to terminate all operations and storage at its current location at 11980 10th Street North and build an office, storage and maintenance facility at the proposed location, an 18-acre parcel lying immediately south of the Trans City Investment complex. He explained the new location would permit E & H to store more of its equipment inside, rather than outside; in one building rather than several; permit ready access to the I-94 corridor from a location which is more isolated; better screened and more distant from residential uses. He presented an architect drawing that illustrated the landscaped site plan. He said he would build a 6-foot berm around the site and plant trees as required for screening. He urged the Commissioners to realize moving his business from the existing site, which is in a residential area, would benefit the City and clean up the site.

Tim Freeman

Folz, Freeman, Dupay

Mr. Freeman suggested E & H Earthmovers could continue the current legal non-conforming use in the RR Zoning District, however, if allowed to move, they cannot "go back", and this would be beneficial to the City.

Chairman Armstrong asked Mr. Emerson what Trans City Investments position was regarding this proposal. Mr. Emerson said Howard Gelb (owner, Trans City) instructed him to "do his thing" as long as no changes were made to the Trans City Conditional Use Permit.

Chairman Armstrong opened the comment portion of the Public Hearing at 7:50 p.m.

Frankie Peterson

Resident

Mr. Peterson expressed his support for the applicant saying he thinks the proposed location is better than the 10th Street site.

Chairman Armstrong closed the comment portion of the Public Hearing at 7:51 p.m.

Chairman Armstrong said he felt the proposed site is much better than the current location, but is disappointed that Trans City is apathetic to the issue, and that the only way for this re-location to be accomplished is by active participation by the co-applicant.

M/S/P Ptacek/Herber – to recommend denial resolutions for a Comprehensive Plan Amendment, Minor Subdivision, Rezoning and Planned Unit Development Concept Plan, based on the findings found therein.

(Motion Passed 6-3). Opposed: Gerard/Mandel/Helwig.

M/S/P Armstrong/Ptacek – based on the Planning Commission's endorsement of E & H Earthmovers plan, to recommend the City Council provide guidance to the applicant as to how they may relocate their operation/site within the City.

(Motion Passed 9-0).

Chairman Armstrong adjourned the meeting at 8:15 p.m.

Respectfully submitted, Cynthia Young-Planning Secretary