



# City of Lake Elmo

Phone: 651-777-5510

Fax: 651-777-9615

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Planning Commission will meet  
**MONDAY, MAY 13, 2002, at 7:00 p.m.**  
In The Council Chambers of City Hall, 3800 Laverne Avenue North,  
Lake Elmo, Minnesota

May  
13

1. AGENDA
2. MINUTES: April 22, 2002
3. PUBLIC HEARING: EN Properties/Laidlaw Transit, Amend CUP for Non-Agricultural Low Impact Use
4. Section 520 Site Plan – Carriage Station Professional Park
5. PUBLIC HEARING: Zoning Map Amendment – HB to GB
6. Other
7. Adjourn

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**CITY OF LAKE ELMO  
PLANNING COMMISSION MINUTES  
MAY 13, 2002**

Planning Commission Chairman Tom Armstrong called the Planning Commission Meeting to order at 7:00 p.m. in Council Chambers. COMMISSIONERS PRESENT: Armstrong, Taylor, Deziel, Bunn, Berg, Sessing, Sedro, and Helwig. Also present: City Planner, Charles Dillerud and Administrative Secretary, Kimberly Schaffel.

Mr. Dillerud introduced and welcomed Kimberly Schaffel, the new Recording Secretary for the Planning Commission.

**AGENDA**

M/S/P Helwig/Sedro To accept the Agenda as presented. VOTE: 8-0.

**MINUTES**

Commissioner Bunn amended the Minutes of April 22, 2002.

Page 3, Paragraph 5: Commissioner Bunn stated that she can't imagine that the outcome of Village Scale Housing the study would go against buildings on lots such as this in this area unless there is a technical issue for septic systems.

M/S/P Helwig/Sedro to accept the Minutes of April 22, 2002 as amended. VOTE: 8-0.

**PUBLIC HEARING: EN PROPERTIES/LAIDLAW TRANSIT**

A Public Hearing was called to consider the application of EN Properties/Laidlaw Transit to Amend a Conditional Use Permit for Non-Agricultural Low Impact to allow a bus terminal to operate from the property generally described as the northwest quadrant of Manning Avenue and Hudson Boulevard. Notice of Public Hearing was published in the Stillwater Gazette and affected property owners were notified.

**Staff Report, City Planner, Charles Dillerud**

The City Planner presented his report for an application for new use of land that came before the Commission over one year ago for a CUP that was inconsistent with Code at the time. The approved plan allowed for outside storage on the east side of the parcel and a building with an office and shop/repair facility. That contractor storage yard is no longer feasible for the owner.

The site owner, Terry Emerson, has found a potential user, Stillwater School District. They have awarded a two-year contract to Laidlaw Transit for bus service. They wish to use the Emerson property as a bus terminal. The proposed use doesn't differ greatly from previous use. The same amount of storage will be utilized, and the area is screened well. The shop will be used for general maintenance. The contractor used the site primarily in summer; the bus company would use it primarily during the school year.

The Municipal Code requires traffic on a daily basis not to exceed 3 individual trips per day per acre. The parcel is 70 acres which calculates to 210 vehicle trips per day. The application exceeds that maximum. No storage or parking has been approved on the west side of the building. No exterior lighting has been approved. The probability for fueling on this property would be another major concern.

The "Further Resolved" clause in the previous approval said Mr. Emerson's 10<sup>th</sup> Avenue & Manning operation must be cleaned up by March 2002. He recommended that the cleanup be a condition added by the Commission should it approve this application.

He is uncomfortable with parking availability, and the possibility that cars will park on Hudson Rd., or that the applicant will return with problems and amendment requests. No recommendations were made by staff. He suggested the Commission begin with the existing resolution. He noted that the City Attorney recommended a new resolution.

**Terry Emerson, Owner**

Buses would be only on the east side. They would like six lights in the parking lot. Laidlaw Transit will stay within the Code. They will speak to the Fire Marshall about fueling. He has a fueling system that is up to date and meets federal and state regulations should Laidlaw choose to fuel on site. There will be no parking on the street.

He thought cleanup of his other property was to be within one year after he moved from that site. The building and trailer will be removed. He will try to finish by July 1.

The Code says average trips. Bus travel will be busiest 175 days per year but the remainder of the year will have very few trips. The State and Metropolitan Council Plans average trips per day over the entire year.

The Gazette reported that Laidlaw's contract saves the school district a little over \$250,000 per year for two years which would potentially pay the salaries of 10-13 staff members who are active throughout the year.

The only change to the site plan is to extend one berm on the east side further north, and plant more trees. There will be fence all the way around, and the site will be hidden from the roads. There will be a locked gate for security.

**Commissioner Deziel**

The Commissioner investigated the site this afternoon. He said the view from the highway is screened but the other two sides are not; many trees are dead, and the berms are bare.

**Terry Emerson**

When it is dry enough, the trees will be planted, and he will seed after the trees are planted.

**Commissioner Deziel**

Why should the Commission feel comfortable this will get done?

The City Planner said we still have \$7,000 of Mr. Emerson's money as guaranty.

**Commissioner Helwig**

The Commissioner asked how many buses and what sizes will be parked on the property.

**Don Dilks, Area Manager of Maintenance for Laidlaw Transit, Inc.**

The fleet will be 81 vehicles, from cut-away vans to 78-passenger buses. There will be 81 bus drivers plus office/shop staff. 81 vehicles will be housed all summer for maintenance. Less than fifty buses would be parked on site during the school year. If there are more than 50, they'll use satellite parking and shuttle the drivers to the buses. They will stay under the maximum number of trips per day.

**City Planner**

Many buses go in and out more than once per day. Some drivers go home between trips, raising the numbers. There are extracurricular activities in summer, on nights, and weekends.

**Don Dilks**

Laidlaw has addressed that issue. The intent is that 14-16 vehicles would never come south of Hwy 36, some will go east, some south to Afton and farther. They will disperse.

The Chair opened the Public Hearing at 7:20 p.m.

There were no speakers.

The Public Hearing was closed at 7:21 p.m.

**Commissioners Deziel and Bunn**

The application makes sense, as the use would benefit the school district and the education of our own students.

**Commissioner Deziel**

He thinks the Commission should rezone this area as GB or HB without extending the Low Impact CUP. Also, he would like Mr. Emerson to do the work expected of him by last March.

**City Planner**

He is concerned about parking. He fears he will have an enforcement problem if this CUP is approved. He could accept a weekly average of trips but not an annual one.

**Chairman Armstrong**

The language in the Code is loose; an annual average does not adequately reflect heavy traffic periods.

**Commissioner Sedro**

She remembered creating the ordinance for the 210 trips per day. She said the point was to limit traffic impact on neighbors.

**Commissioner Bunn**

The application is incomplete to the satisfaction of the Commission. They were not supplied with the numbers or sizes of buses, a Parking Plan, a Lighting Plan, and a Fueling Plan. This is on the highway; perhaps the ordinance should be amended. Traffic will be dispersed by the time they reach the neighbors two miles away.

**Commissioner Helwig**

He remembered a previous problem with traffic on that road. Neighboring residents and the City Council did have problems with potential traffic due to a proposed truck stop. Making it a business zone would be bad news, and create new problems.

**Mr. Emerson**

The applicant requested they table the application to a future date.

M/S/P Helwig/Deziel To table the application until a future meeting at the request of the applicant.

**Chairman Armstrong**

There would be much higher impact with the bus facility than intended by the Low Impact CUP. Mr. Emerson is presenting 6 to 8 trips per acre per day. Based on rough calculations, the Chair is suggesting a maximum of 35 buses there, in order to keep Low Impact standards. He asked if there is commercial zoning specifically for buses.

**Commissioner Bunn**

She asked staff to see if the number of buses could be constrained or if they could change the Code along freeways.

**Commissioner Helwig**

He agreed with Commissioner Bunn.

**City Planner**

Recommended that after tabling this application for two weeks, he could publish a Public Hearing Notice for a change in the Code. He said he needs proof this concept will work.

**Mr. Dilks**

He said he can lay it out on a diagram. There are 82 parking places. The longest bus is 38.5 feet. Two cars can park where a bus was parked. He would like two lights each at the north, middle, and south on the east side.

**City Planner**

A Lighting Engineer needs to design it to be sure it conforms to Code. He asked the applicants to provide drawings in advance of the next meeting.

**Commissioner Sedro**

Would it be possible to have information for the next meeting regarding the number of trips at various hours of the day?

**Mr. Dilks**

New routing will not be done until July or August. Noontimes are published on the school district web site. However, he can do the calculations using last year's routes.

**Jim Johanson, Area General Manager for Laidlaw**

His office is in Champlin where 80 buses travel out of a terminal next to City Hall. They have staggered start and departure times; it is not a sea of yellow leaving the terminal at one time. He suggested the Commission ask Champlin about his credentials and those of Laidlaw.

VOTE: 8-0.

M/S/P Bunn/Deziel To instruct staff to post a Notice of Public Hearing in order to alter traffic requirements along freeways and frontage roads to amend the Code. VOTE: 5-3 (Taylor/Sedro/Berg).

**520 SITE PLAN: MARQUESS DEVELOPMENT CORP.**

State Highway 5 and 55<sup>th</sup> Street North

**Staff Report, City Planner, Charles Dillerud**

This hearing is dealing only with exterior surfacing because the layout was approved last year. The application was made before the adoption of new exterior surfacing standards. There are three existing buildings with similar architecture. They are nice looking buildings. Asphalt shingles already exist on three buildings. The four buildings should look alike. He showed a display of the building materials of cedar, stone, brick in caps, and asphalt shingles. He recommended approval.

M/S/P Deziel/Helwig To approve the application with one condition, to comply with the recommendations of the City Engineer. VOTE: 8-0.

**PUBLIC HEARING: ZONING MAP AMENDMENT, HB TO GB**

A Public Hearing was called to consider an Amendment to the Zoning Map from HB (Highway Business) to LB (Limited Business). Notice of Public Hearing was published in the Stillwater Gazette and affected property owners were notified.

**Staff Report, City Planner, Charles Dillerud**

The City Planner said the City Council reviewed zoning text repeal at their last meeting. The Council decided to wait for a new Zoning Map. By repealing the zoning of HB District, three businesses will be impacted. One site is not Guided for GB but for Limited Business.

The first business is Cenex. A small parcel of land adjacent to Cenex is owned by the Washington County Agricultural Society. This area should be rezoned to GB.

The second site to be rezoned from HB to GB is Lake Elmo Oil. They have two parcels.

The third site is not as simple. Dale Properties owns two large pieces side by side. 200 X 600 got chopped out and somehow zoned differently. The business is related to HB; a motorized hang glider facility. He suggests they bypass the third site tonight.

He recommends that the first two sites go from HB to GB. If rezoned properly to LB, the motorized hang glider business would be allowed to continue but couldn't expand because you cannot have a same or similar business there - but does not put it out of business.

**Commissioner Deziel**

He asked if the rezoning further restricted business uses.

**City Planner**

Auto service for Cenex and Lake Elmo Oil is a permitted GB use. The City Planner said rezoning would not further restrict the sites, except in the hang glider site.

**Chairman Armstrong**

The hang glider business is probably non-conforming already since they do more than simply sell the machines.

The Chair opened the Public Hearing at 7:50 p.m.

There were no speakers.

The Public Hearing was closed at 7:51 p.m.

M/S/P Deziel/Sedro Based upon the recommendation of the City Planner, to recommend that the City Council rezone HB to GB the Cenex and LEO sites. VOTE: 8-0.

**OTHER BUSINESS**

**City Planner, Charles Dillerud**

In February, the Met Council declared our Comprehensive Plan complete, and began a 60-day review period. Before it expired in April, they declared a 60-day extension.

Met Council received letters from Lake Elmo property owners because the City did not propose to extend sewer service to their properties. The Met Council sponsored a forum to allow concerns to be voiced. The City Planner attended the meeting and explained Lake Elmo's Plan. No action was taken.

**Commissioner Berg**

He directed the City Planner to try to get minutes from that meeting.

**City Planner**

Met Council has a new review deadline of June 8. The Regional Administrator said there may not be a Met Council Staff recommendation. The City Planner said he is willing to consider another extension and bring it to the City Council. Our plan is going to do a good job of meeting the 2030 Rural Area Draft. A letter arrived today asking for extension until August. 60 days may give us an opportunity to prove we are right. The City may be inconsistent with the 1996 Regional Blueprint but consistent with the 2030 Regional Blueprint.

**Commissioner Deziel**

Which area wanted to be in MUSA?

**City Planner**

The 94 corridor and north on Inwood. Those areas had representatives who spoke.

Commissioner Deziel departed at 8:36 p.m.

**Commissioner Bunn**

She asked about the Old Village Neighborhood Design Study.

**City Planner**

It will not start until June.

**CALENDAR EVENTS**

June 20, may be a busy day in Lake Elmo. The Union Pacific Railroad is bringing a classic train from Eau Claire to St. Paul, pulled by a Challenger Steam Engine. The Mississippi River Cleanup and Oakdale Parade Days are scheduled for the same day.

**Chairman Armstrong**

Thanked the City Planner for representing the City to the Met Council.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Kimberly Schaffel  
Planning Secretary

**MINUTES APPROVED: MAY 13, 2002**  
**LAKE ELMO PLANNING COMMISSION MINUTES**

APRIL 22, 2002

Planning Commission Chairman Tom Armstrong called the Planning Commission meeting to order at 7:00 p.m. in the Council chambers. PRESENT: Armstrong, Taylor, Deziel, Bunn, Berg, Sessing, Sedro, Helwig, Ptacek, Herber (arrived at 7:02).

1. **AGENDA**

M/S/P Helwig/Sedro – to approve the April 22, 2002 Planning Commission agenda, as presented. (Motion passed 9-0).

2. **MINUTES**: April 8, 2002

M/S/P Armstrong/Berg – to approve the April 8, 2002 Planning Commission minutes, as amended. (Motion passed 9-0).

3. **PUBLIC HEARING**: Comprehensive Plan Amendment

Nass/Buberl/Bidon – Amend RAD to C

Planner Dillerud presented a summary of his review, dated April 17, 2002, provided in the Planning Commission packet.

Neal Blanchette, Larkin, Hoffman, Daly & Lindgren, representing Mr. Nass stated Mr. Buberl to the east and Mr. Bidon, who owns property between the two parcels Mr. Nass owns, have joined in the application. Mr. Blanchette stated the easements and terrain of the site makes Rural Agricultural Development infeasible. The properties slope toward Highway 36, and that, combined with the power line easement, would force residents intending to be rural too close to a major highway; or, would force oversized lots that would idle most of the property. Mr. Blanchette stated that he didn't think large lot residences would want to be next to a freeway scale road.

Commissioner Sessing asked what Mr. Blanchette was talking about as far as large lots...5 or 10 acre lots. Mr. Sessing used Prairie Hamlet OP, at the southwest corner of Keats Avenue and Highway 36 as an example of how the power line easement can be addressed through RAD based land development. He noted that a portion of the required Preserved Open Space was that land subject also to the power line easement in Prairie Hamlet, and could be with this site.

Commissioner Sedro stated that with the applicant's site there are trees that would make a buffer. She observed that Prairie Hamlet lots sold, and they didn't even have trees.

Planner Dillerud asked Mr. Blanchette his opinion as to which City would drive land use where land use philosophies differ between the cities. Mr. Blanchette responded that commercial development is the best use to develop per input from professional planners. It maximizes the benefit of the Freeway.



Chairman Armstrong opened up the public hearing at 7:30 p.m.

Ken Hauth stated he has lived there 13 years and described this area as completely wooded with rolling hills and would be against commercial development. Mrs. Hauth stated there is no reason why this couldn't be developed as residential.

Jane Longacre stated she saw this property as suitable for residential development. The development north and south has been residential.

Carol Plamquist Eihlers stated that this site has wildlife and is the last zone for wildlife in the area. She noted that there is a DNR protected pond on one side; and another pond that flows into Long Lake. Since Buberl has leveled the hill, they now have Highway 36 noise. This land would be suitable for multiple homesites.

Chairman Armstrong closed the public hearing at 7:37 p.m.

Commissioner Sedro asked if this area feeds into the watershed that has water problems? Commissioner Berg, who works for the Washington County SWD, stated it doesn't contribute to our downstream VBWD, but does continue to contribute to the Browns Creek Watershed, including an existing trout stream.

Commissioner Deziel stated that he wouldn't mind seeing some commercial, but not when it wrecks the land and buffer zone. He also observed that this is a very peaceful area; and be a good piece of land for mixed use.

M/S/P Sessing/Ptacek – to recommend denial of the application of Nass, Buberl, and Bidon for a Comprehensive Plan Amendment to reclassify approximately 49 acres; located in Section 6, from Rural Agricultural Development (RAD) to Commercial based on the Findings contained in the April 17, 2002 Planning Staff Report. (Motion passed 8-0-1:Abstain:Deziel)

#### 4. Hiner Site Plan

Planner Dillerud reported the City Council has approved the following applications regarding this site:

1. Minor Subdivision to create the site of approximately 40 acres.
2. Comprehensive Plan Amendment from RED to RAD.
3. Rezoning from RR to AG.
4. Conditional Use Permit for a Golf Practice Facility as Commercial Recreation.

Planner Dillerud stated the site plan has a putting practice course and asked if this is another name for mini golf. Dillerud explained that the City engineer has noted there is excess material to leave this site. The City does not allow mining and will be watching

carefully what will be done with the material, since it is commercial grade sand and gravel.

Mr. Hiner stated he knows he has to comply with the architectural standards of the City, and the building will be stone, brick and cedar. (Per the drawing, the cream part of the building is stucco and the rust part would be stone or brick. There is no metal roof.) He said he wasn't thinking about asphaltting all the parking spaces, but would utilize a new product called Netlawn on the 40 space overflow parking area. This product allows air to infiltrate into the soils, and not compress the grass. Hiner provided pictures showing the difference between a putting course and mini golf course.

M/S/P Armstrong/Sessing - to approve the Section 520 Site Plan for the Hiner Development to construct a Golf Practice Facility on a 40 acre site north of Hudson Blvd. and west of Keats Avenue based on the recommendation of the City Planner, subject to the conditions listed in the April 18, 2002 Planning Staff Report with amending condition #2 Construction of 40 parking spaces shall be natural turf of a new product, Netlawn, and that there no decorative mini golf structures (Motion passed 9-0).

#### 5. Daniel Rude Variances

Planner Dillerud reported that Mr. Rude requested this application be placed on this Planning Commission agenda for further commission consideration. Mr. Rude noted that the lot is the same size as Peterson's lot to the north and, larger than the other lots in the neighborhood. He said he has an approved septic system design for the site, and wants to preserve the trees.

Commissioner Berg stated that he wanted to take a cautious approach. He said that the Commission will be looking at the lots in the Old Village with forthcoming studies, and depending on what the study reveals, this may be the size of a lot that is buildable. Based on the issue of health, safety and welfare, he would recommend keeping City owned properties for common wastewater treatment uses if emergencies arise.

Commissioner Bunn stated she can't imagine that the outcome of the Village Scale Housing Study would go against buildings on lots such as this in this area unless there is a technical issue for septic systems. She stated she is in favor of infilling because this saves land in other areas of the city.

Commissioner Ptacek pointed out staff recommended denial of a variance for a home site on Stillwater Blvd. The City cannot continue to allow exceptions, but should proceed with developing the Old Village plan and let the outcomes develop.

Commissioner Taylor stated she didn't usually want to grant variances, but finds this to be a perfect size lot for this area

MS/F Deziel/Taylor – to recommend approval of the zoning variances based on findings in Mr. Rude's letter of March 11, 2002. (Motion failed 2-7)

M/S/P Armstrong/Ptacek - Based on the City Planner's recommendation, to recommend the Council deny the zoning variances requested by Dan Rude. (Motion passed 7-2:Deziel, Taylor).

6. Land Use/Water Quality Relationship: Presentation by Jeff Berg & Jay Michels. No minutes were taken on the presentation.

The Commission adjourn the meeting at 9:52 p.m.

M/S/P Armstrong/Ptacek - Based on the City Planner's recommendation, to recommend the Council deny the zoning variances requested by Dan Rude. (Motion passed 7-2:Deziel, Taylor).

6. Land Use/Water Quality Relationship: Presentation by Jeff Berg & Jay Michels.  
No minutes were taken on the presentation.

The Commission adjourn the meeting at 9:52 p.m.