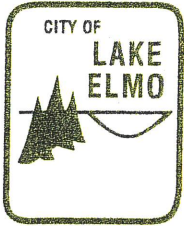


*File*



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

The Lake Elmo Old Village Special Projects Planning  
Commission and City Council will meet for a **Workshop**  
On **MONDAY, December 9, 2002**, at **7:00 p.m.**  
in the Council Chambers of City Hall,  
3800 Laverne Avenue North, Lake Elmo, Minnesota.

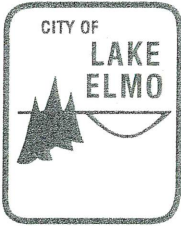
The Public is Welcome to Attend.

### WORKSHOP AGENDA

Zoning Map Amendments – General Business to Limited Business



printed on recycled paper



*file*

## City of Lake Elmo

651/777-5510

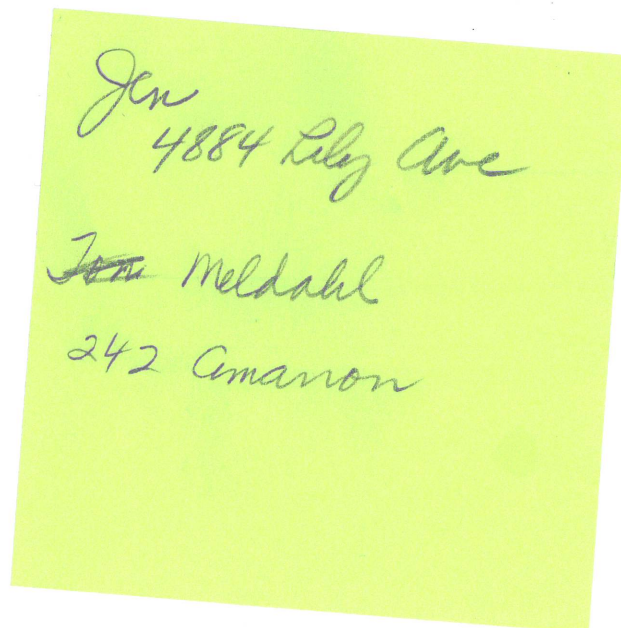
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### WORKSHOP AGENDA

Zoning Map Amendments – General Business to Limited Business



printed on recycled paper

**CITY OF LAKE ELMO  
PLANNING COMMISSION MEETING  
MINUTES OF OCTOBER 28, 2002**

Chairman Armstrong called the Planning Commission Meeting to order at 7:00 p.m. COMMISSIONERS PRESENT: Armstrong, Helwig, Bunn, Deziel, Pelletier, Ptacek, Sedro, and Sessing. STAFF PRESENT: Charles Dillerud, City Planner.

**AGENDA**

**M/S, Sessing/Sedro**, To accept the agenda as presented. **VOTE: 8:0 PASSED.**

**WELCOME NEW PLANNING COMMISSIONER**

Jennifer Pelletier was welcomed as the new 1<sup>st</sup> Alternate Planning Commissioner.

**MINUTES OF OCTOBER 17, 2002**

The Chairman pointed out to the Commission that a memorandum was received from the Finance Director asking for changes in the minutes. The Commissioners were given a copy. The City Planner received the memorandum late this afternoon. The City Planner explained that the procedure for the preparation of minutes is that the Recording Secretary drafts them, and he proofreads and amends or trims them. The Finance Director thinks some of those things should have been left in. She reviewed the videotape from the meeting of October 17, 2002, and drafted this memo that outlines very specific changes she would like to be made to the minutes. The City Planner explained that minutes are meant to be representative, and perhaps this was too much to read and review. He suggested the Commission could table the minutes or attach the memo to the minutes.

Commissioner Bunn asked for page 7 to reflect that she asked the City Planner for a summary of Mr. Hugunin's comments or to provide copies of the letter to the commissioners. On page 8, she reminded the Commission of stronger language regarding the PowerPoint presentation. The City Planner explained he removed those remarks for that reason. On page 3 she said that line 3 should read, "...Push it in farther without cutting a larger swath into the hill in order to accommodate a sideways garage."

Commissioner Deziel said that on the bottom of page 7, the question was his but the answer belonged to the City Planner.

Chairman Armstrong reminded the Commission that minutes are meant to be a summary. He said there are audiotapes and videotapes available for anyone who wants to get very specific. He said the Commission was getting awfully particular on these minutes, and they are getting bogged down.

**M/S Armstrong/Deziel**, To accept the Minutes of October 17, 2002 as amended, attach the memorandum from the Finance Director to the end of the minutes, and let the Council decide. **VOTE: 8:0 PASSED.**

**ZONING AMENDMENT: GENERAL BUSINESS TO LIMITED BUSINESS;  
GENERAL BUSINESS TO AGRICULTURE**

**PUBLIC HEARING**

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

The City Council had asked for a review of the zoning along the I-94 corridor back in June. The Planning Commission has looked at this issue a couple of times. State Statute governs how regulatory devices, such as zoning should be done.

He summarized the past history. The City Zoning Map has not been changed over many years since the 1990 Plan was developed. The Metropolitan Land Use Planning Act says that zoning ordinances must be consistent with the approved Comprehensive Plan within 9 months of adoption of the Plan.



This hearing was originally noticed for the last meeting but it was pulled from the agenda when we discovered that the surrounding parcel owners' list did not include the parcels in question. The RECO Plat was originally included. Since the Preliminary Plat has been approved, they cannot be rezoned for one year. They were removed from this action.

The Planner was contacted by most of the property owners. He sent copies of the uses in General Business and Limited Business to most of them at their requests. These businesses could continue business as they exist. If they wanted to expand use or expand their buildings, those become variance issues.

Value is not an issue the City should involve itself in. Up-zoning and down-zoning artificially change the value of the land in most cases.

There are two State Statutes that provide legal basis for these zoning amendments.

He distributed a copy of a letter he received at 4:00 p.m. from an attorney representing one of the owners.

#### **Commissioner Deziel**

Did the City Attorney offer a legal opinion? He feels that this is legal limbo.

#### **City Planner**

There is no legal limbo. This is a housekeeping issue that should have been done in 1990.

#### **Commissioner Bunn**

There is a misprint in the staff report on line three. The General and Limited Business uses were reversed. She clarified that one of the six parcels is east of Lake Elmo Avenue, and is guided RAD.

#### **City Planner**

That is correct. That one may be rezoned to Agriculture or Rural Residential.

#### **The Chair opened the Public Hearing at 7:22 p.m.**

#### **Christopher Dolan**

He is speaking on behalf of the owners of J & W Boat and Motor, 9200 Hudson. They are strongly opposed to rezoning. They have owned the property since 1998\*(see below) and it was classified General Business when they purchased the land, and the price reflected that. There are almost 100 different uses allowable under GB; rezoning to LB would allow about 4 different permitted uses. He objected to the use of the word "artificial" in relation to their property values. The value is real, and they are looking to sell it. Their real estate broker said the proposed rezoning would cut the value by at least half. Why does the city want to promote a Limited Business District with such a restrictive use along I-94 anyway? He said Met Council has taken issue with city's Comp Plan deficiencies such as the failure to expand the MUSA line, increasing minimum densities, and create districts to balance residential and industrial uses. If they are successful it may force the city to amend the Comp Plan to incorporate those factors. Will we be in the same situation in one or two years? Wait until that is resolved to discuss rezoning.

#### **Scott Sayer**

He is a new partner on the undeveloped parcel east of the outdoor theater. He completely agrees with Chris Dolan's statement. It does not make sense that a corridor on I-94 would have such limited uses when anywhere else you go has General Business. A change now would significantly affect his investment. He thinks the city should have General Business Zoning for its tax base. Limited Business might be for the middle of the city but not for the I-94 corridor. His parcel would not be grandfathered in, and he feels discriminated against. He strongly recommends taking no action now, at least waiting until the Met Council has determined where the city is or is not in compliance. Please, take a hard look at it before changing this zoning.



**Bob Egan**

He represents the owners of Lamperts. It is strange to change uses on the I-94 corridor. His other concern is that the shape of his property is long and narrow; a prospective buyer will look at the 20,000 square feet building, and say, "We'll give \$1.50 for it, and you can keep the back three-quarters because nobody is going to want it either." That value is not artificial. It is real to us. We would take a hit (financially) if we chose to move.

**Chuck Goss**

He is the owner of Crossroads Collision. He strongly opposes this zoning change. He has been there since 1981, and the building was there since 1985. He had his attorney draft a letter that was received by the Planning Commission.

**Jack Dolan**

They bought that property in 1988. He opposes the rezoning, and Christopher Dolan stated their position.

**The Chair closed the Public Hearing at 7:38 p.m.**

**Chairman Armstrong**

There might need to be changes to the Conditional Uses for Limited Business. It might be best to retain Limited Business Zoning along I-94 and amend the zone to accommodate present uses. The law says there is no vested interest in zoning.

**Commissioner Bunn**

With respect to Comprehensive Plan zoning, are owners generally notified of changes?

**City Planner**

No.

**Sabrina Dolan**

She feels an attitude (by the city) that we should approach this in a sophisticated way. Many of these owners bought their properties prior to the 1990 Comp Plan. When prices were negotiated the GB Zoning was a factor. These are small business owners without deep pockets. Our family's life savings are (invested) in this. When you take away these uses you are taking away our earning (power). She objected to the use of the word, "artificial" in relation to their property values.

**Commissioner Bunn**

The citizens and elected officials came up with a vision for Lake Elmo and for the I-94 corridor, prior to 1990. Some may disagree with those visions; they may be different from what most people's would be for the area along the highway but this was a public process, and the conclusion is why we are here. That area was to be zoned Limited Business in order to protect the area around that highway corridor, and to protect the village businesses from impact. We have those Comprehensive Plans. The Planning Commission's role is to support that vision. She challenged the City Council to make all the zoning changes in order to conform to the Comprehensive Plan. In the future it should be done in a timely basis.

**City Planner**

We have rezoned for consistency but all those were up-zones.

**Wyn John**

At the time of the formation of the 1990 Comp Plan there were working meetings and two public hearings to come up with this vision for the city. They hoped to attract high quality office buildings along I-94.

**Chairman Armstrong**

As a community we have to decide and plan for the City. These decisions are made with citizen input.

**Commissioner Ptacek**

Paralleling what Commissioners Bunn and Armstrong said, he feels the Commission must honor decisions made years ago while allowing existing uses to remain.

**Commissioner Sedro**

If one of these buildings burned down, could it be rebuilt? Can they expand?

**City Planner**

They can rebuild but expansion requires a Conditional Use amendment.

M/S, PTACEK/SESSING, Move forward with Limited Business Zoning as proposed on the condition that these six existing uses are added as Conditional Uses in the Limited Business District, and the existing businesses receive Limited Business Conditional Use Permits that will preserve their status as confirming uses.

**Commissioner Bunn**

She noted that some of the current uses are allowable in the Limited Business District.

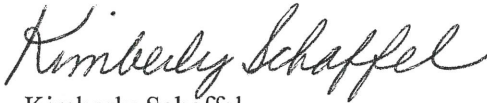
**VOTE: 7:1 (Deziel) PASSED.**

**Chairman Armstrong**

He noted that this action will come before the City Council on November 6, 2002. He said he hoped some of these people will come in to work together with the Commission in the near future on the uses for the Limited Business Zone.

**ADJOURN THE PLANNING COMMISSION AT 8:00 P.M.**

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

**MEMO**  
December 5, 2002

To: Mayor Hunt and City Council, Chair Armstrong and Planning Commission

CC: Mary Kueffner, City Administrator

From: Chuck Dillerud

Subject: Rezoning for Comp Plan Compliance – GB to LB/AG in I-94 Corridor

On November 6, 2002 the City Council tabled a recommendation of the Planning Commission to rezone several parcels in the I-94 corridor from GB (General Business) to LB (Limited Business) or AG (Agriculture) after certain specified actions and under certain specified conditions. This City initiative was originated by City Council direction in June, 2002.

After tabling the matter on November 6, the Council directed a Workshop be conducted with the Planning Commission and interested parties on December 9, 2002. That Workshop has been scheduled and Noticed for 7:00 PM on December 9. It will take the place of the Regular Planning Commission meeting that evening.

I have attached the November 6 City Council Minutes, together with the previous Planning Commission Minutes and Staff Reports related to this matter.



Mike Bouthilet reported that during the Lake Elmo Hardwood fire, the water tank was drawn down 30,000 gallons in a short amount of time. This will be remedied when Well No. 2 is on line and as soon as the new pressure gauge is installed.

**8. CITY ENGINEER'S REPORT:**

**A. 2003 Seal Coat and Street Maintenance**

Tom Prew, City Engineer, asked for authorization to proceed on Seal Coat and Street Maintenance work for 2003. This authorization would cover planning, design, and inspection of these items. The City performs seal coating every other year, along with crack sealing, striping and patching. This work has been budgeted

M/S/P Dunn/Armstrong – to authorize the City Engineer to begin work on 2003 Seal Coating and Street Maintenance. (Motion passed 5-0).

Council member DeLapp pointed out you cannot roller blade on these roads for at least 5 years.

M/S/P DeLapp/Dunn - when the sealcoat program comes back to the Council, to direct Tom Prew to prepare a list of options to make the seal coated streets more pedestrian friendly. (Motion passed 5-0.)

**B. Catch Basin Repairs**

Tom Prew, City Engineer, reported the Public Works Foreman identified a number of catch basins that are in need of repairs or replacement. Repairs were made and the invoice for the work was provided. \$500 of this total will be charged to the Hamlet on Sunfish Lake project for repair of a manhole that was scheduled to be fixed in our agreement with the developer.

M/S/P DeLapp/Armstrong – to approve final payment to T.A. Schifsky and Sons for catch basin repairs in the amount of \$17,652.00. (Motion passed 5-0).

**9. PLANNING, LAND USE & ZONING:**

**A. Zoning Map Amendments – GB to LB and AG**

The City Council directed the Planning Commission to review and provide a recommendation regarding the several parcels along Hudson Blvd. that are currently zoned GB (General Business), but is designed Limited Business, or RAD by the 1990 Comprehensive Plan. Most (all but 2) of the GB zoned parcels along Hudson Blvd., have existing structures and ongoing business. One of the undeveloped parcels at Lake Elmo Avenue and Hudson Blvd. recently received Preliminary Plat approval (RECO) and is exempt from changes to City land use regulations for 1 year. The other undeveloped parcel (east of the outdoor theater is designated RAD by the 1990 Comp Plan.

The City Planner reported that State Statute mandates the rezoning of land in any metropolitan community to be in compliance with the Comp Plan use designation within 9 months of adoption of the Comp Plan or amendment. Rezoning of these parcels from GB to a zone reflecting of the Comp Plan land use designation should have been accomplished years ago.

A public hearing was held by the Planning Commission to consider the rezoning of the parcels for compliance with the 1990 Comp Plan. All of the impacted property owners were opposed to the rezoning.

Following the public hearing, the Commission recommend that the subject parcel be rezoned for conformity with the 1990 Comp Plan, subject to the condition that the allowable Limited Business Conditional Uses be made, as necessary, to include each of the existing businesses affected by the rezoning; and, that each of those businesses receive from the City a Conditional Use Permit thereafter. It is the intent of the Commission to legally preserve the use rights of the existing business while rezoning the parcels to comply with the Comp Plan.

The Planner noted that this strategy would not impact the case of the undeveloped parcel east of the outdoor theater. That parcel is designated RAD by the Comp plan. The correct zoning would be either AG or RR.

Jack Dolan, Sabrina Dolan, Christopher Dolan – Dolan Marine

At the Planning Commission meeting the City Planner stated that consideration of depreciation land value is not what the Commission would get involved. Dolan asked why can't you consider this? He said he would like to retire and sell to another marine Company. He objected to the use of the word "artificial" in relation to their property values. Value is a very important factor. There are only 4 permitted uses in LB and he has a concern on just taking office parks and the valuation plummet.

Bob Egan

Lampert Lumber has a funny shaped lot with 300' frontage and a ¼ mile deep and some of the LB uses are not conducive to the shape of this lot. He objected to the use of the word "artificial" in relation to property values. Land value is very important to us.

M/S/P DeLapp/Armstrong – to postpone these Zoning Map Amendments - GB to LB and AG in order to hold workshop with the Council and Planning Commission of December 9<sup>th</sup> to come up with a vision for office park and its uses with input from the business owners for this specific area. (Motion passed 5-0.)

B. FP and Development Agreement Sunfish Ponds

The City Planner reported the Final Plat drawings, infrastructure cost estimates and related documents have been reviewed by the City Engineer and City Attorney. A draft development agreement has also been prepared by the City Attorney. The only matter not resolved is that of the Park Dedication. Dillerud indicated the Park Dedication value



Lake Elmo  
City Council  
November 6,  
2002

**Agenda Section: Planning, Land Use and Zoning**

No. 9A

**Agenda Item:** Zoning Map Amendments – GB to LB and AG

**Background Information for November 6, 2002:**

On June 18, 2002 the City Council directed the Planning Commission to review and provide a recommendation regarding the several parcels located along Hudson Blvd. that are currently zoned GB (General Business), but are designated Limited Business, or RAD by the 1990 Comprehensive Plan. Most (all but 2) of the GB zoned parcels along Hudson Blvd. have existing structures and ongoing businesses. One of the undeveloped parcels (at Lake Elmo Avenue and Hudson Blvd.) recently received City Preliminary Plat approval (RECO), and therefore is exempt from changes in City land use regulations for 1 year. The other undeveloped parcel (east of the outdoor theater) is designated RAD by the 1990 Comprehensive Plan.

As they first considered the Council direction on this matter, the Commission was advised by staff that State Statute mandates the rezoning of land in any metropolitan community to be in compliance with the Comprehensive Plan use designation within 9 months of adoption of the Comprehensive Plan, or amendment. Rezoning of these parcels from GB to a zone reflective of the Comprehensive Plan land use designation should have been accomplished many years ago.

The Commission directed a Public Hearing be conducted on October 28, 2002 (rescheduled from October 17) to consider the rezoning of the GB parcels for compliance with the 1990 Comprehensive Plan. The Hearing was attended by most of the impacted property owners – all of which were opposed to the rezoning.

**(Rezoning – Continued on Page 2)**

**Action items:**

Motion for one of the following actions:

1. Adopt Rezoning Ordinance # 97-
2. Direct staff to proceed with amendment of the LB Condition uses and related actions prior to further considering the rezoning.
3. Withdraw the City-initiated rezoning action in its entirety

**Person responsible:**

  
City Planner

**Attachments:**

1. Draft Ordinance #97- .., Rezoning
2. Draft Planning Commission Minutes of October 28
3. Staff Reports and Graphics

**Time Allocated:**



**(Rezoning – Continued from Page 1)**

Following the Public Hearing the Commission adopted a recommendation (7-1, Deziel opposed) that the subject parcels be rezoned for conformity with the 1990 Comprehensive Plan, subject to the condition that the allowable Limited Business Conditional Uses be amended, as necessary, to include each of the existing businesses affected by the rezoning; and, that each of those businesses receive from the City a Conditional Use Permit thereafter – both to be completed prior to rezoning the Limited Business-planned parcels to GB. In that manner it is the intent of the Commission to legally preserve the use rights of the existing businesses while rezoning the parcels to comply with the Comprehensive Plan.

This strategy would not impact the case of the undeveloped parcel east of the outdoor theater. That parcel is designated RAD by the Comprehensive Plan (and has been since 1990 – at least). The correct zoning would be either AG or RR.

It appears that at least three options are available for the Council in this matter:

1. Adopt the attached ordinance to rezone the 5 parcels with existing businesses from GB to LB; and, the one undeveloped parcel from GB to AG or RR.
2. Defer consideration of the rezoning at this time; and, A.) direct amendment to the LB text to include all of the subject existing uses as “Conditional” in the LB zone; B.) direct processing of City-initiated Conditional Use Permits for all the existing businesses after the text amendments are adopted and concurrent with the rezoning of those parcels from GB to LB; and, C.) at the same time rezone the undeveloped parcel from GB parcel to either AG or RR.
3. Direct the entire City-initiated rezoning case be withdrawn, resulting in continued conflict between the 1990 Comprehensive Plan and the zoning map.

**CITY OF LAKE ELMO  
WASHINGTON, MINNESOTA**

**ORDINANCE NO. 97-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 300.07  
"ZONING DISTRICT MAP" OF THE LAKE ELMO MUNICIPAL CODE**

Section 1. Amendment: Section 300.07 Subd. 3 (A) of the "Zoning District Map" of the Lake Elmo Municipal code is amended to rezone the following described properties, PID No. 33.029.21.44.0003, PID No. 33.029.21.44.0005, PID No. 34.029.21.33.0005, PID No. 34.029.21.33.0004, PID No. 34.029.21.34.0004, from General Business (GB) to Limited Business (LB);

AND to rezone the following described property, PID No. 36.029.21.34.0006, from General Business (GB) to Agriculture (AG).

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED, by the Lake Elmo City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Mary Kueffner, City Administrator

Published in the *Stillwater Gazette* on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Planning Commission**  
**Action Items: Public Hearing**  
**General Business to Limited Business; General Business to Agriculture**  
**October 28, 2002**

COMMISSIONERS PRESENT: Armstrong, Helwig, Bunn, Deziel, Pelletier, Ptacek, Sedro, and Sessing.

**PUBLIC HEARING**

**Christopher Dolan**

He is speaking on behalf of the owners of J & W Boat and Motor, 9200 Hudson. They are strongly opposed to rezoning. They have owned the property since 1998\*(see below) and it was classified General Business when they purchased the land, and the price reflected that. There are almost 100 different uses allowable under GB; rezoning to LB would allow about 4 different permitted uses. He objected to the use of the word "artificial" in relation to their property values. The value is real, and they are looking to sell it. Their real estate broker said the proposed rezoning would cut the value by at least half. Why does the city want to promote a Limited Business District with such a restrictive use along I-94 anyway? He said Met Council has taken issue with city's Comp Plan deficiencies such as the failure to expand the MUSA line, increasing minimum densities, and create districts to balance residential and industrial uses. If they are successful it may force the city to amend the Comp Plan to incorporate those factors. Will we be in the same situation in one or two years? Wait until that is resolved to discuss rezoning.

**Scott Saver**

He is a new partner on the undeveloped parcel east of the outdoor theater. He completely agrees with Chris Dolan's statement. It does not make sense that a corridor on I-94 would have such limited uses when anywhere else you go has General Business. A change now would significantly affect his investment. He thinks the city should have General Business Zoning for its tax base. Limited Business might be for the middle of the city but not for the I-94 corridor. His parcel would not be grandfathered in, and he feels discriminated against. He strongly recommends taking no action now, at least waiting until the Met Council has determined where the city is or is not in compliance. Please, take a hard look at it before changing this zoning.

**Bob Egan**

He represents the owners of Lamperts. It is strange to change uses on the I-94 corridor. His other concern is that the shape of his property is long and narrow; a prospective buyer will look at the 20,000 square feet building, and say, "We'll give \$1.50 for it, and you can keep the back three-quarters because nobody is going to want it either." That value is not artificial. It is real to us. We would take a hit (financially) if we chose to move.

**Chuck Goss**



He is the owner of Crossroads Collision. He strongly opposes this zoning change. He has been there since 1981, and the building was there since 1985. He had his attorney draft a letter that was received by the Planning Commission.

**Jack Dolan**

They bought that property in 1988. He opposes the rezoning, and Christopher Dolan stated their position.

After the Public Hearing was closed two additional comments were offered.

**Sabrina Dolan**

She feels an attitude (by the city) that we should approach this in a sophisticated way. Many of these owners bought their properties prior to the 1990 Comp Plan. When prices were negotiated the GB Zoning was a factor. These are small business owners without deep pockets. Our family's life savings are (invested) in this. When you take away these uses you are taking away our earning (power). She objected to the use of the word, "artificial" in relation to their property values.

**Wyn John**

At the time of the formation of the 1990 Comp Plan there were working meetings and two public hearings to come up with this vision for the city. They hoped to attract high quality office buildings along I-94.

**M/S, PTACEK/SESSING**, Move forward with Limited Business Zoning as proposed on the condition that these six existing uses are added as Condition Uses in the Limited Business District, and the existing businesses receive Limited Business Conditional Use Permits that will preserve their status as confirming uses. **VOTE: 7:1 (Deziel) PASSED.**

**MARTIN & SQUIRES, P.A.***Attorneys At Law*

444 Cedar Street  
Suite 2050  
St. Paul, MN 55101  
Telephone: 651-767-3740  
Facsimile: 651-228-9161

October 28, 2002

*David W. Larson*  
*Direct Dial # 651-767-3746*  
*[dwl Larson@martinsquires.com](mailto:dwl Larson@martinsquires.com)*  
*Certified Trial Specialist*

**VIA FACSIMILE****Lake Elmo Planning Commission**

Our File No. 7175-01

Dear Lake Elmo Planning Commission:

This office represents Crossroads Collision, Inc. in its corporate affairs.

The City is proposing to rezone the business site of Crossroads Collision at 8910 Hudson Blvd from its current zoning of "General Business" to "Limited Business" in order to make the zoning consistent with the comprehensive plan. This change would make the long established business use of Crossroads Collision inconsistent with the zoning plan, and a nonconforming use.

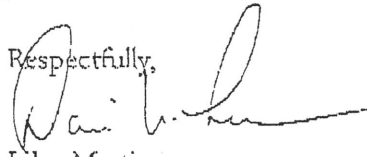
**Crossroads Collision strongly opposes the proposed rezoning of its site.**

According to the Zoning Code, "The purpose of the Limited Business district is to establish a Comprehensive Planned framework for development where municipal sanitary sewer does not exist." The Limited Business district has a minimum lot size of 3 1/2 acres and setbacks, created to accommodate septic systems. The zoning code notes that goals of the Limited Business district are "To guide development by setting requirements for on-site sewer systems" and to "Protect the natural environment, in accordance with the city ordinances."

However, Crossroads Collision is connected to the municipal sewer, and the purposes stated in the Zoning Code for zoning this land as "Limited Business" does not exist.

The comprehensive plan should be amended, nor the zoning code, to reflect the fact that the municipal sanitary sewer services this property.

Respectfully,



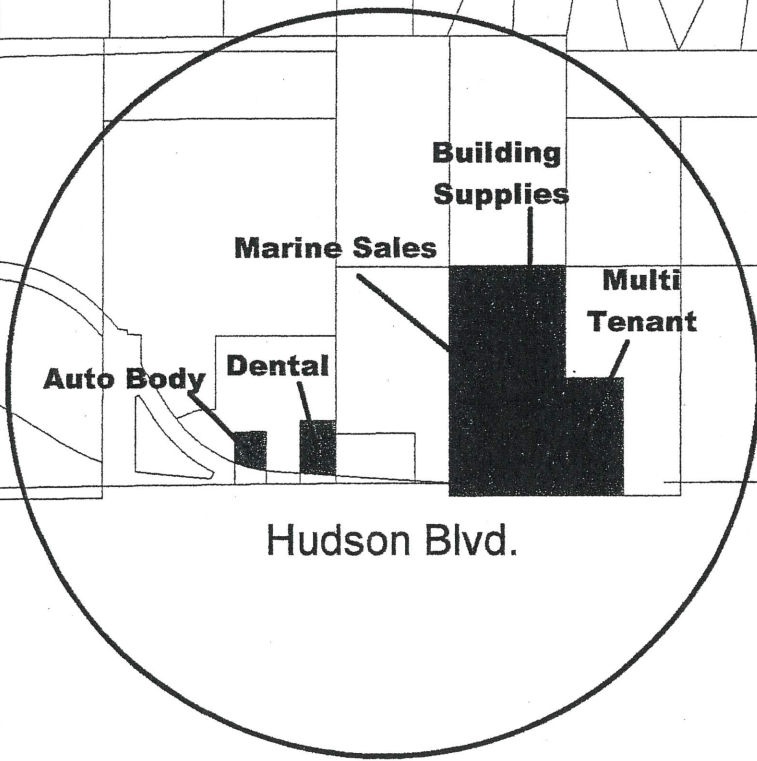
John Martin

David W. Larson

# General Business Zoning

Inwood Avenue

Keats Avenue



Marine Sales

Building  
Supplies

Multi  
Tenant

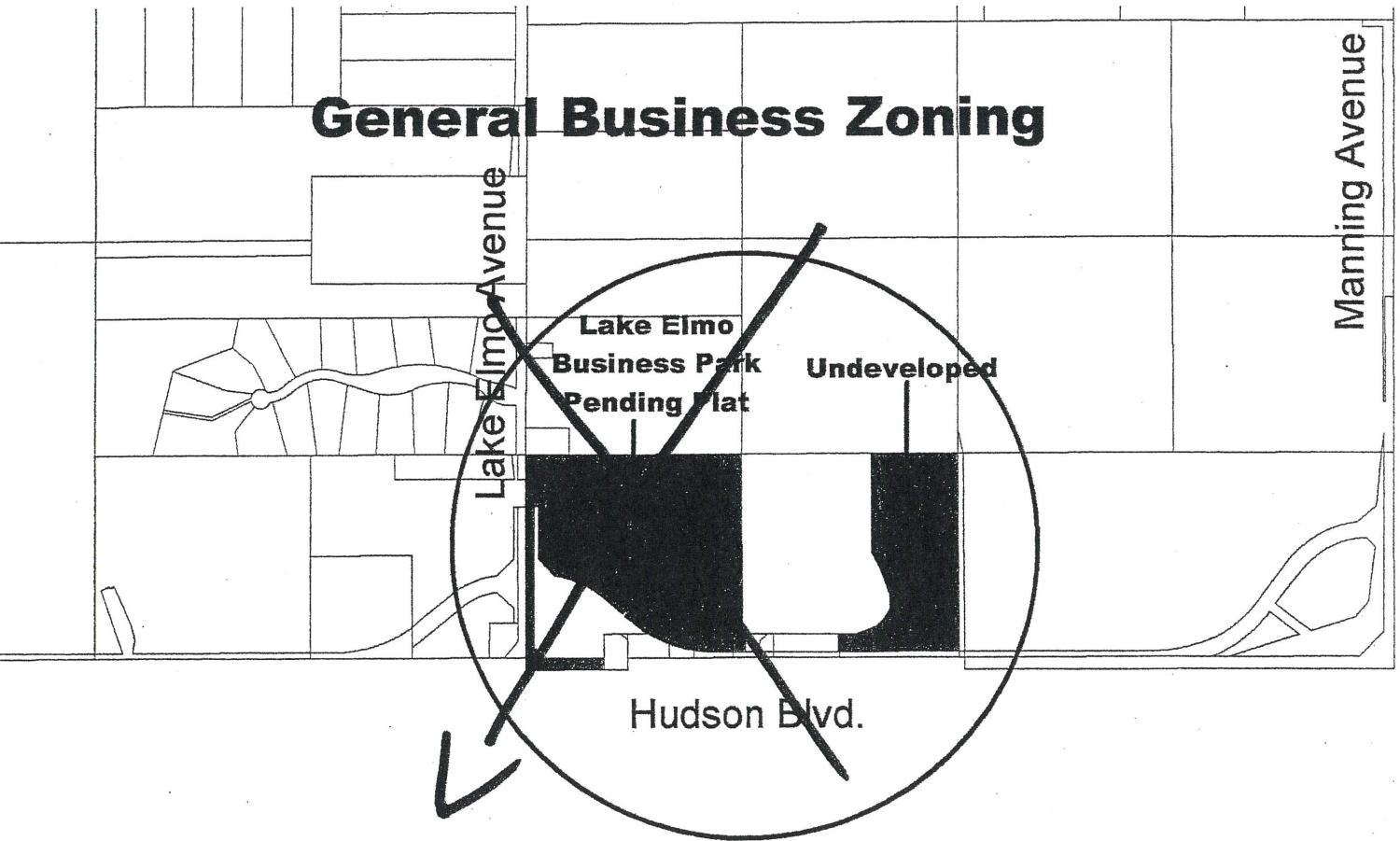
Auto Body

Dental

Hudson Blvd.



# General Business Zoning



Cancelled

## MEMO

(October 24, 2002 for the Meeting of October 28, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Rezoning from GB to LB (6 Tax Parcels)

---

As the result of a directive from the City Council on June 18, 2002 the Commission has directed a Public Hearing to consider rezoning several sites along the I-94 corridor from LB (Limited Business) to GB (General Business) as a legislative action to bring the city zoning map into compliance with the existing Comprehensive Plan.

This Hearing was originally Noticed for October 17, 2002. Due to an clerical oversight, the affected parcel owners did not receive the Notice (although all of their neighbors within 350 feet did). The City/County GIS system generates Notice mailing lists automatically within 350 feet of a designated tax, but we have determined, the designated tax parcel itself is not included in that mailing list. While this has not been a problem where tax parcel owners have themselves made formal application for City approvals, it became a Notice problem where the City initiates the action – as in this case. Once the Notice problem was discovered, both Official Newspaper and property owner Notices were re-sent with a new Hearing date of October 28.

Another City action that occurred midway in the Hearing Notice process results in the deletion from this Hearing of one of the tax parcels currently zoned GB. On October 1, 2002 the City Council approved the Preliminary Plat of the Lake Elmo Business Park – the 28 acre GB tax parcel at the Northeast corner of Lake Elmo Avenue and Hudson Blvd. (I-94 Service Road). Minnesota Statutes Section 462.358 provides that: "...no amendment to a ... official control shall apply to or affect the use, development density, lot size, lot layout...permitted by the approved application...". This provision applies for 1 year following approval of a Preliminary Plat. As a result the RECO tax parcel (Lake Elmo Business Park) should be removed from rezoning consideration.

Most of the tax parcel owners potentially affected by this rezoning proposal have contacted City Staff; and were provided FAX copies of both the General Business and the (recently amended) Limited Business lists of Permitted and Conditional Uses. FAX copies were provided to Crossroads Collision, Dolan Marine, Lampert Building; and, one of the owners of the vacant parcel east of the outdoor theater. In addition Staff was contacted by the outdoor advertising firm with the billboard adjacent to the outdoor theater.

The primary concerns of the property owners contacting Staff in this matter have been :

- 1. Their ability to continue to conduct their existing business – if rezoned to LB.**  
Governed by the “grandfather” rights and limitations for Non-Conforming uses prescribed by Section 300.05, Subd. 2 of the City Code (copy attached)
- 2. Their ability to expand their existing structures and businesses – if rezoned to LB.**  
Governed by the “grandfather” rights and limitations for Non-Conforming buildings and sites prescribed by Section 300.05, Subd. 2 of the City Code (copy attached)
- 3. The relative value of their land and buildings zoned GB and zoned LB.**  
While this is certainly of concern to any land/building owner, the value created by governmental zoning is artificial (or, “unearned”, for lack of a better term). As such, differences in property value that result from governmental zoning actions (be such differences either negative or positive) do not constitute an appropriate basis for decisions in zoning matters.

I have also attached a copy of MSA 473.858; and, MSA 473.865, which address State Law requirements regarding conflicts between a comprehensive plan and zoning. As of today the 1990 Lake Elmo Comprehensive Plan is in officially in effect. All of the subject tax parcels west of Keats Avenue are designated Limited Business by that Plan; and, should have been zoned Limited Business years ago. The tax parcel east of Lake Elmo Avenue is designated RAD in the 1990 Plan and should have been zoned either AG or RR years ago.

Following the Public Hearing, the Commission should adopt a recommendation to the City Council regarding these rezoning actions.



**CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE 97- 113**

**AN ORDINANCE AMENDING SECTION 307.07 SUBDIVISION 4.K.3 RELATING TO  
CONDITIONAL USES IN THE LIMITED BUSINESS ZONING DISTRICT**

**Section 1. Amendment:** Section 307.07.Subdivision 4.K.3 of the Lake Elmo Municipal Code is hereby amended to read as follows; to wit:

**3. Conditional Uses.**

**Limited Business**

Art Sale and Gallery	<u>20,000 Square Feet Maximum Floor Area</u>
Bicycle Sales	<u>20,000 Square Feet Maximum Floor Area</u>
Boats and Fishing Equipment Sales and Service	<u>20,000 Square Feet Maximum Floor Area</u>
Business Services	Uses normally associated with Office Developments (photocopy and printing shops, travel agencies ) and containing limited retail activity. <u>20,000 square feet maximum floor area.</u>
Furniture, Home Furnishings and Related Equipment	<u>20,000 Square Feet Maximum Floor Area</u>
Greenhouses and Nurseries	<u>20,000 Square Feet Maximum Floor Area</u>
Landscaping Services; flowers and floral accessories.	<u>20,000 Square Feet Maximum Floor Area</u>
Licensed Dependent Care Centers	<u>20,000 Square Feet Maximum Floor Area</u>
▼	▼
Limited Retail Uses clearly accessory to the permitted principal use of the land.	<u>20,000 Square Feet Maximum Floor Area</u>
Medical, Dental and Research Laboratories	<u>20,000 Square Feet Maximum Floor Area</u>
Motorcycle Sales	<u>20,000 Square Feet Maximum Floor Area</u>
Pre- School Facilities	<u>20,000 Square Feet Maximum Floor Area</u>
▼	▼
Skiing Equipment	<u>20,000 Square Feet Maximum Floor Area</u>
Snowmobile Sales and Service	<u>20,000 Square Feet Maximum Floor Area</u>
Sporting Goods	<u>20,000 Square Feet Maximum Floor Area</u>
Transmission Facilities for Teleconferencing	Are not free-standing and do not extend more than 20 feet above the building to which they are attached. <u>20,000 Square Feet Maximum Floor Area</u>
Veterinary Clinics	No crematorium, outdoor kennels or storage. <u>20,000 Square Feet Maximum Floor Area</u>
Vineyard and Winery Produce and Sales	<u>20,000 Square Feet Maximum Floor Area</u>
▼	

**Deleted:** etc.

**Deleted:** Light Manufacturing in areas bounded by the  
Chicago Northwestern Railroad Tracks to the South,   
Highway 5 to the North, Ideal Avenue to the West   
and Stillwater Boulevard to the East.

**Deleted:** Gross square footage of building area not to exceed ten thousand (10,000) square feet.

**Deleted:** Limited Retail Sales

**Deleted:** The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the conditionally permitted uses when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.

**Deleted:** Restaurants and Cafeterias

**Deleted:** Must be incorporated within a principal structure and oriented predominantly towards serving the needs of employees of the surrounding area, but excluding drive-up and exterior walk-up facilities

**Deleted:** Other Similar to Uses: A Conditional Use Permit  
may be granted for other uses determined to be of  
the same general character as the above permitted  
uses which will not impair the present or potential  
use of adjacent properties. The finding of "same"  
general character" shall be made by the City  
Council.

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

Lee Hunt

Lee Hunt, Mayor

Attest

Mary Kueffner

Mary Kueffner, City Clerk/Administrator

Adopted by the Lake Elmo City Council on August 20, 2002

Published in the Stillwater Gazette on the 16<sup>th</sup> day of Sept., 2002.

**H. GB - General Business.**

**1. Permitted Uses and Structures.**

**a. The Following Service/Office uses:**

General Business	
Accounting	
Advertising	(Sign fabrication not a permitted use)
Alterations	
Apparel Cleaning pick-up Stations	
Apparel Repair and Alterations	
Architectural	
Art Gallery	
Auditing	
Bakeries	(with production of bakery goods limited to retail sales)
Barber Services	
Beauty Shops	
Bookkeeping	
Business and Management Consultant Offices	
Business Associations	
Cafes and Restaurants	(Limited to full table service operations)
Charitable	
Chiropractic	
Civic, Social and Fraternal Association Offices and Halls	
Collection and Adjustment Services	
Credit Reporting (Consumer and Mercantile)	
Dental	
Detective and Protective Agencies	
Duplication	
Educational	
Employment Agencies	
Engineering	
Finance	
Galleries	
Governmental Offices	
Insurance	
Investment	
Labor Unions	
Legal	
Libraries	
Mailing	
Medical	



Lake Elmo Municipal Code  
Chapter 3 -Zoning  
Section 300 -Zoning Ordinance

General Business - Permitted Service/Office Uses (continued)	
Medical Services:	The compounding, dispensing or retail sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the foregoing when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.
Optometric	
Osteopathic	
Photo Gallery	
Professional Membership Organizations	
Real Estate	
Religious	
Scientific Research	(excluding laboratory facilities)
Shore Repair	
Stenographic Service	
Welfare Offices	

b. The Following Retail Uses:

General Business
Antiques and Second Hand Merchandise
Apparel and Related Accessories
Automobile Repair and Services
Automobiles and Automobile Accessories
Bicycles
Books
Building Supplies
Cameras and Photographic Supplies
Cigars and Cigarettes
Drugs and Proprietary Items
Electrical Supplies
Flowers and Floral Accessories
Food and Grocery Products
Furniture
Gifts, Novelties and Souvenirs
Glass
Heating Equipment
Home Furnishings and Related Equipment
Jewelry
Liquors
Marine Craft and Accessories
Newspapers and Magazines

Lake Elmo Municipal Code  
Chapter 3 -Zoning  
Section 300 -Zoning Ordinance

General Business (Permitted Retail Uses <i>con't</i> )	
Nursery and Garden Supplies	
Optical Goods	
Paint	
Pets	
Plumbing Equipment	
Sporting Goods	
Stationery	
Wallpaper	

c. The Following Repair/Service uses:

General Business	
Clock Repair	
Electrical Repair and Supplies	
Equipment Rental and Leasing	
Food Catering	
Furniture Repair	
Heating	
Household Appliances	
Jewelry Repair	
Landscaping	
Plumbing	
Radio	
Reupholstery	
Television	
Watch Repair	

d. The Following Office Uses: (excluding equipment storage).

General Business	
Air Conditioning Contractor	
Building Construction Contractor	
Carpentry Contractor	
Decorating Contractor	
Hearing Contractor	
Masonry Contractor	
Painting Contractor	
Plastering Contractor	
Plumbing Contractor	
Roofing Contractor	
Sheet Metal Contractor	

General Business (Permitted Office Uses <i>con't</i> )	
Stone Work Contractor	
Tile Setting Contractor	
Wallpaper Contractor	
Water Well Drilling Contractor	
Wood Flooring Contractor	

e. Uses Permitted by Conditional Use Permit:

General Business	
Bed and Breakfast Facility	15 Beds Maximum
Boarding Care Facility	15 Residents Maximum
Day Care Centers	40 Children Maximum
Fitness Studio <sup>1</sup>	Maximum floor area not to exceed 5,000 square feet
Kennels	
Nursing Care Facility	15 Residents Maximum
Open Sales Lots	
Manufacturing	Any industrial manufacturing operation in existence within the City at the effective date of this section, including manufacture of wood products and plastic products, may continue the use as a conforming use without a conditional use permit. Nothing in this provision shall otherwise be construed to require the City to authorize any manufacturing use in the general business zone after the effective date of this section.
Veterinary Clinics <sup>2</sup>	

f. General Requirements.

- i. All storage, services, repair or processing shall be conducted wholly within an enclosed building or behind opaque fence or wall not less than six (6) feet high, except the outdoor display of merchandise.
- ii. Incineration of waste matter shall be conducted in approved equipment located within the building wherein the permitted use is conducted.
- iii. Where a proposed GB development abuts on RR, R-1, R-2, R-3, R-4, or RE district other than at a public street line, buffer provision shall be established. There shall be provided a protective strip of not less than thirty-five (35) feet in width. The protective strip shall not be used for parking, off-street loading or storage and shall be landscaped. The protective strip must be approved by the Council as being in harmony with the residential neighborhood and providing sufficient screening of the commercial area.

<sup>1</sup> Added 97-86 on 10-2-01

<sup>2</sup> Added 97-20 on 10-21-97



C. Use Defined. For the purpose of this section, the word "use" shall mean:

1. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or
2. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

Subd. 2 Non-Conforming Uses, Buildings and Structures.

A. Definitions of Non-Conforming Uses, Buildings, and Structures.

1. "Non-conforming use" means any lawful use of land or any lawful use of a building or structure existing on the effective date of this section, or any amendment to the ordinance which use does not conform with the regulations for the district in which it is located after the effective date of this section or the amendment.
2. "Substandard building" or "substandard structure" means any building or structure lawfully existing on the effective date of this section or any amendment to this section which building or structure does not conform with the regulations, including dimensional standards, for the district in which it is located after the effective date of this section or the amendment.

B. Preservation of Non-Conforming Uses. Except as provided in this section, the lawful use of land or the lawful use of a building or structure existing on the effective date of this section or on the effective date of any amendment to this section may be continued although the use does not conform to the provisions of this section, except as otherwise provided in this subsection.

C. Preservation of Dimensionally Substandard Buildings or Structures. Except as provided in this section, buildings or structures lawfully existing on the effective date of this section or on the effective date of any amendment to this section may be maintained although the building or structure does not conform to the dimensional standards of this section. However, any such building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed the (10) percent of the minimum setback requirements. Additionally, the alteration or improvement shall conform to all of the provisions of this section and shall not increase the existing substandard dimensions.

D. Unlawful Uses, Building and Structures. No unlawful use of property existing on the effective date of this section or any amendment to this section nor any building or structure which is unlawfully existing on the effective date shall be deemed a non-conforming use or a non-conforming building or structure.

2. Conduct inspections of land, buildings, or structures at reasonable times, to determine compliance with and enforce the provisions of this section;
3. Maintain all records necessary for the enforcement of this section; including, but not limited to all maps, amendments and special use permits, variances, appeal notices, and applications;
4. Receive, file, and forward all appeals, notices, applications for variances, or other matters to the appropriate officials or boards;
5. Institute in the name of the City any appropriate actions or proceedings to enforce this section;
6. Serve as ex-officio, non-voting member of the Planning Commission.

Subd. 3 Variances:

~~A. Variances. The Planning Commission shall hear requests for variance from the literal provisions of this section in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant the variance only when it is demonstrated that~~

- ~~1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other unique circumstances;~~
- ~~2. That literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this section;~~
- ~~3. That the special conditions or circumstances do not result from the actions of the applicant;~~
- ~~4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this section to owners of other lands, structures, or buildings in the same district;~~
- ~~5. The variance requested is the minimum variance which would alleviate the hardship;~~
- ~~6. The variance would not be materially detrimental to the purposes of this section, or to property in the same zone.~~

~~The Planning Commission may not permit as a variance any use that is not permitted under this section for property in the zoning district where the land is located. The Commission may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling provided that~~

- ~~a. The dwelling has existed for a least ten years, and the multiple use existed prior to the adoption of this Code.~~

Minnesota Statutes 2002, Table of Chapters

Table of contents for Chapter 473

**473.858 Comprehensive plans; local governmental units.**

Subdivision 1. No conflicting zoning, fiscal device, official control. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 473.175. The provisions of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 shall supersede the provisions of the applicable planning statute wherever a conflict may exist. If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance shall be brought into conformance with the plan by local government units in conjunction with the review and, if necessary, amendment of its comprehensive plan required under section 473.864, subdivision 2. After August 1, 1995, a local government unit shall not adopt any fiscal device or official control which is in conflict with its comprehensive plan, including any amendments to the plan, or which permits activity in conflict with metropolitan system plans, as defined by section 473.852, subdivision 8. The comprehensive plan shall provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the comprehensive plan. For purposes of this section, a fiscal device or official control shall not be considered to be in conflict with a local government unit's comprehensive plan or to permit an activity in conflict with metropolitan system plans if such fiscal device or official control is adopted to ensure the planned, orderly, and staged development of urbanization or redevelopment areas designated in the comprehensive plan pursuant to section 473.859, subdivision 5.



Minnesota Statutes 2002, Table of ChaptersTable of contents for Chapter 473**473.865 Adoption; conflicts, amendment of controls, devices.**

Subdivision 1. **Control copies to council.** Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall submit copies of the official controls to the council within 30 days following adoption thereof, for information purposes only.

Subd. 2. **No conflict with plans.** A local governmental unit shall not adopt any official control or fiscal device which is in conflict with its comprehensive plan or which permits activity in conflict with metropolitan system plans.

Subd. 3. **Amendments.** If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within nine months following the amendment to the plan so as to not conflict with the amended comprehensive plan.

HIST: 1976 c 127 s 16; 1977 c 347 s 68

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JAMES R. HILL, INC.  
PLANNERS ENGINEERS SURVEYORS

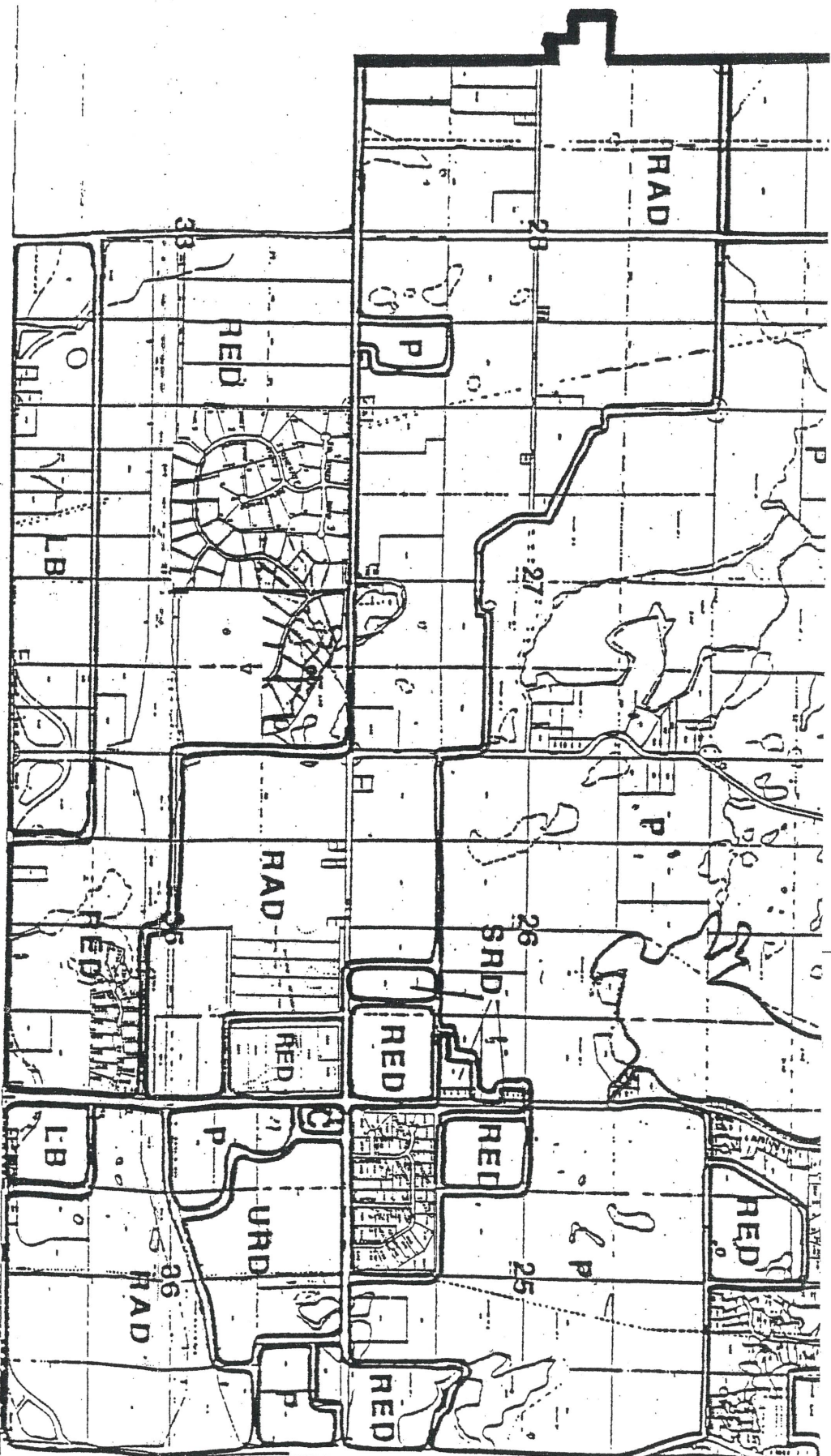
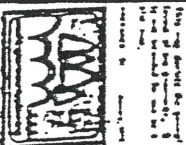
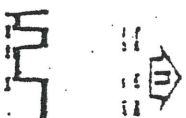
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### LEGEND

UOC VUC  
LB LIMITED BUSINESS  
WELL ADVISORY AREA  
SEE FURTHER DESCRIPTIONS &  
RECOMMENDATIONS IN THE  
GUIDE PLAN TEXT



FUTURE LAND USE

DATE: 8-17-90

MAP 10

P.29A



## MEMO

(August 20, 2002 for the Meeting of August 26, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: General Business (GB) District Uses

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On July 22 the Planning Commission discussed this matter with the City Council Members in attendance (Delapp and Hunt) at the Council/Commission Workshop. The Commission had requested the Workshop to discuss this (and another) issue, which the Commission had been previously directed to review by the City Council. Following that discussion the Commission tabled further consideration due to the late hour and lengthy regular agenda.

It was apparent during the Workshop discussion that the primary issue with the present list of allowable GB uses is focused on the I-94 corridor. During the discussion it was suggested (by Councilmember Delapp, I believe) that the continuation of the broad list of allowable GB uses – or continued GB zoning – in the I-94 corridor is contrary to the Policies of the 2020 Comprehensive Plan regarding the location of retail commercial businesses within the City. The Plan emphasizes the strengthening the Old Village commercial core as the Lake Elmo retailing center; and, avoiding creation of outlying or strip commercial sites elsewhere in the community – particularly those that cater to non-local “pass through” vehicles for business volume.

Today, seven individual tax parcels along the I-94 service road are zoned General Business, of which 2 are vacant and of significant acreage; and, the other 5 are developed as business locations. The attached map locates the I-94 corridor GB zoning. The uses of the GB sites are also noted on the map. Given the age of the structures housing these existing I-94 businesses, it is clear that GB zoning was assigned to accommodate the businesses rather than the businesses being located in tune with pre-existing GB zoning.

In addition to these I-94 sites, all business locations in the Old Village are zoned GB. It was apparent from the Workshop discussion that there was a concern that, by modifying the uses of GB to overcome the potential Comprehensive Plan Policy conflicts in the I-94 corridor, the City would constrain the growth of Old Village commerce. I had suggested that what may be necessary is a “split” GB zone that both recognizes the existing businesses (and zoning) on I-94 – but does not encourage further expansions; and, maintains the broad range of commercial uses allowable in the Old Village.

Upon further reflection, it seems that other solutions to accomplish the same goal may be available – and more appropriate. First, 5 of the 7 tax parcels in the I-94 corridor now zoned GB are Land Use Plan classified Limited Business by both the 1990-2010 and 200-



2020 Lake Elmo Comprehensive Plans. Those sites can and should be rezoned Limited Businesses now, regardless of the outcome of the Metropolitan Council review of the Lake Elmo 2000-2020 Plan.

The two remaining sites in the I-94 corridor now zoned GB are currently undeveloped; and, located immediately east of Lake Elmo Avenue. The site on the intersection of Lake Elmo Avenue and Hudson Blvd. is 28 acres in area and the subject of a Preliminary Plat ("Lake Elmo Business Park") now tabled by the Planning Commission, as an incomplete application, pending receipt of a traffic study. (tabled on June 10, 2002). The second site zoned GB is located approximately 850 feet east of the first site; and, is 14.5 acres in area and undeveloped. This site is located between the outdoor theater (Zoned AG) and the new school bus terminal (also zoned AG). While staff has spoken with this land owner in the recent past regarding the development potential of the site with GB zoning, no specific development plans have been forthcoming.

The "Lake Elmo Business Center" site is land use guided Limited Business by the 1990 and 1997 Comprehensive Plans – and should be zoned Limited Business rather than General Business today.

The other undeveloped site zoned GB (14.5 acres, east of the outdoor theater) is land use guided RAD by both the 1990/1997 and 2020 Plans; and, should be zoned either AG or RR today. To date, research of City records provides no enlightenment as to the history of this site – at least regarding the existing GB zoning. The County land parcel mapping, when overlayed by an air photo, does reveal that the land division creating this 14.5 acre parcel postdates the outdoor theater, however. Clearly, the odd shaped west property line of the site was created to exclude the pre-existing outdoor theater facilities.

As I have advised the Commission previously, State Statute requires lands to be zoned in conformance with the Comprehensive Plan within 9 months of adoption of a Comprehensive Plan. This Statute dates from the late 1970's. It appears that the 1979 Lake Elmo Comprehensive Plan guided this site "Highway Business", which may account for the General Business (GB) zoning. The superceding 1990 Lake Elmo Comprehensive Plan, however, reclassified this site as RAD (as noted above), and the site was required to have been rezoned to AG or RR within 9 months of the Plan adoption by the City – but was not.

In summary, it would appear that the City has appropriate basis to rezone all 7 of I-94 corridor sites now zoned GB. In 6 cases, the 1990 Comprehensive Plan requires LB zoning; and, in one case the same Plan requires AG or RR zoning. There would appear to be no need to amend the text of the Zoning Ordinance to establish use distinctions between the I-94 and Old Village GB zoning. Rezoning for required compliance with the adopted Comprehensive Plan would appear to accomplish the intended outcome.

Planning Commission advice and direction regarding this matter is requested.

**MEMO**  
(June 20, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Council Directives – June 18, 2002

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At its June 18, 2002 meeting the City Council adopted two directives to staff regarding matters that require review and recommendation of the Planning Commission; and, amendment to the Zoning Ordinance:

1. The Council is concerned with more recent OP Concept Plans that have been presented to the City. While they concede that the plans may meet the quantitative specifications of the ordinance, the more qualitative aspects of project design have not been as completely addressed as they were with some of the earlier OP projects (such as Fields I. and Hamlet on Sunfish Lake). These later Concept Plans have not addressed such matters as house design, view sheds, environmental aspects of the site, and project landscaping in the degree of detail that the Council intended with the original OP Ordinance. As such, the Council does not believe that some of the more recent OP Concept Plans have responded well to intent of the OP Ordinance.

The Council has directed staff and the Commission to address amending the OP Ordinance to require all Concept Plans to be reviewed by an independent and licensed architect or (preferably) a licensed landscape architect, to be selected by the City, but the professional fee of which would be paid by the project applicant – in addition to the normal staff review and report.

2. The Council has expressed concern with the General Business District listing of Permitted and Conditional Uses. As with the Limited Business District list of uses we just completed review of, the Council is concerned the General Business use listing was created decades ago, based mostly on the County Model Ordinance and uses that existed in the City at that time – many of which still exist, of course. They are concerned that some of the listed uses would no longer be compatible with the City's development policies, as expressed by the Comp Plan. – at least in locations other than the Old Village Commercial area. The concern goes to the potential, with all of those uses available, of creating remote islands of heavily commercial use in areas of the City other than the Old Village – contrary to the policies of the Comp Plan that specify that such uses should be limited to the Old Village. Of course, the intent of those policies regarding such commercial uses is to insure Lake Elmo retains a Rural Center development structure rather than the scattered outcome that we see in so many "typical" suburban communities. That scattered outcome, in turn, results in a loss of the sense of community. The

Council is, as well, concerned that changes to the General Business District not negatively impact the Old Village commercial area.

Before staff begins preparation of analysis and Code amendment drafts – or schedules any Hearings – we are interested in the Commission's direction regarding how (or even if) they would want to address these topics. I suppose the Commission could decide to recommend to the Council that nothing be changed on one or both of the topics.





RECEIVED  
DEC 09 2002  
CITY OF LAKE ELMO

December 4, 2002

Mayor Lee Hunt  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Sir:

I am the VP of Operations & Sales for Lamperts. As an affected party, I attended the October 28 Planning Commission and November 6 City Council meetings concerning rezoning of several parcels, including Lamperts, from General Business to Limited Business.

You asked us to forward our concerns about the potential rezoning to you. I have several concerns that I would like to express.

In a Limited Business environment, as it is presently defined, a lumberyard might be perceived as an undesirable neighbor. The activities of our business involve considerable truck traffic, along with considerable material handling activities that an office complex may find objectionable.

The lot currently owned by Lamperts is long and narrow; it is roughly 330' wide and 1320' deep. If we were to relocate, a lot of these dimensions, and the buildings on it, would lose significant value if sold into a Limited Business zoned area.

One of the proposed solutions was to proceed with the zoning change to Limited Business, and make the existing businesses acceptable "Conditional" uses. This does not benefit Lamperts. If we were to sell our current site, it would be because we had outgrown it. Subsequent sale of our existing property would be made on condition that it **not** be used as a lumberyard in the future. We would not sell it to a potential competitor.



We appreciate the efforts made by the Planning Commission and City Council to consider the impact of the proposed changes. In this case, it would appear to be excessively onerous for existing businesses that have been at their locations for quite some time, and have been allowed to proceed with property improvements, approved by the City, under the assumption that they were within zoning compliance.

Please consider our request that the area in question retain its General Business zoning.

Yours truly,

Lampert Yards, Inc.  
Robert K. Egan  
VP Operations & Sales