

LAKE ELMO PLANNING COMMISSION MINUTES

JUNE 11, 1990

Chairman DeLapp called the Planning Commission meeting to order at 7:30 p.m. in the City Council chambers. Present: DeLapp, Bucheck, Johnson, Stevens, Arkell, John, Thomas, Johnston (arrived 7:35), Enes (arrived 8:15). Absent: Conlin, Wilfong

1. AGENDA

Add: 6B. RE Zoning Ord., 7. Update of meeting at Met Council  
Delete: 3. Site and Plan Review: Guardian Angels Church

M/S/P Bucheck/Stevens - to approve the June 11, 1990 Planning Commission agenda as amended. (Motion carried 7-0).

2. MINUTES: May 14, 1990

M/S/P Stevens/Bucheck - to approve the May 14, 1990 Planning Commission minutes as amended. (Motion carried 7-0-1: Abstain: John).

3. Site and Plan Review: Guardian Angels Church

This item was deleted from the agenda because the City requested more information.

4. PUBLIC HEARING: Rezoning from RR to AG & C.U.P. for Golf Driving Range; Ray Salus

Ray Salus has requested a rezoning from Rural Residential to Agriculture and a Conditional Use Permit to allow a golf driving range. Mr. Salus originally owned forty acres, but when the northern route was under consideration for I-94, the State took about 12 acres of land from him through condemnation. An excerpt from the 3/6/73 Village Council minutes was provided. Mr. Salus had the opportunity to purchase the property back from MN/Dot, but at a higher price than what he was paid for it.

The staff recommended the Commission read Section 301.060C of the code as it relates to variances. Subsection b, outlines the conditions by which a variance may be granted.

Chairman DeLapp opened up the public hearing at 8:43 p.m. in the City Council chambers. The public hearing notice was published and adjoining property owners were notified.

Gene Peltier, 10376 Hudson Blvd., stated a golf driving range was an excellent idea. He felt this property was marginal land for farming and a golf driving range would be compatible to the surrounding land uses. He didn't foresee a problem with an increase in traffic.

LuAnn Hanson, 10824 Hudson Blvd., stated this property should be zoned Ag. She indicated she has 7.9 acres zoned Ag and a C.U.P. for trailer sales.

Excerpts from:

Village Council meeting of 3/6/73:

Steve Herwitz of the Minn. Highway Dept. spoke in behalf of Mr. Ray Salus. A quick take order ordering Mr. Salus to move out of his house by May 15, 1973 was issued by the state. Mr. Salus would like to set up a temporary mobile unit to be attached to the electrical and the sewer facilities presently on the property at 404 Lake Elmo Blvd.No.. Motion by C. Shervheim 2nd by C. Watson to approve the issuance of a Special Use Permit for a mobile home at this address, to expire Nov. 15, 1973. Mr. Salus' mobile home must comply with all the requirements for a mobile home trailer of the state building code. Carried 5-0.

Gloria Knoblauch stated she was in favor of whatever zoning it takes to permit Mr. Salus to have a golf driving range.

Jim McLeod, 2543 Lake Elmo Avenue, indicated Mr. Salus originally owned forty acres with Ag Zoning. The 12 acres he lost was not sold on his own free will. He recommended Mr. Salus be rezoned to Ag.

Kurt Lang, Trans-City Invest., stated he was in favor of the proposal and recommended the rezoning to Ag.

Chairman DeLapp closed the Public Hearing at 7:50 p.m.

Ed Stevens indicated he had a problem with the entry to the driving range and suggested denial. Mr. Salus responded he has worked with Larry Bousquet, Wash. Cty Eng., and will be installing a turning lane according to County standards.

Lonny Thomas asked Mr. Salus if he didn't get a C.U.P., would he still request to downzone to Ag. Salus responded he would, but he would have to look first into the ramifications.

Jim Arkell stated the codemnation procedure was an unique circumstance which created a hardship. Therefore, he felt a variance should be granted for the 40 acres required in AG zoning.

Wyn John concurred with Jim Arkell. He pointed out there are special circumstances that exist--the land was a hardship in itself and favored granting a variance.

Steve DeLapp explained the PZ, at a previous meeting, indicated the use was appropriate for the land, but did not recommend method for approval by the City Council.

Ann Bucheck felt they would be downzoning the land to Ag for a more intense purpose. She did not find an existing hardship for granting the variance other than economic.. In Section 301-18 (b), the code states six instances which could be considered causes of undue hardship. In her opinion, Ann felt the applicant only met No. 3.--That the special conditions or circumstances do not result from the action of the applicant.

Adm. Kueffner pointed out a golf driving range could be considered commercial recreation of a rural nature and similar to Springborn's water slide.

M/S/P John/Johnson - to recommend to the City Council rezoning 28.5 acres from RR to Ag and Council approval of a variance for 12 acres which would restore the land to the previously Ag zoning based on the hardship the State took 12 acres of land through condemnation and concurrent approval granting a C.U.P. for a golf driving range with the following conditions stated in the PZ minutes of May 14, 1990. (Motion carried 5-3-1: Stevens. Bucheck, Thomas; Abstain: Enes: he just arrived at the meeting and was not involved in the discussion).

5. PUBLIC HEARING: Comprehensive Plan and Future Land Use Map

Mike Black, City Planner, gave a presentation on the proposed Comprehensive Plan and Future Land Use Map.

Chairman DeLapp called the public hearing to order at 8:20 p.m. in the City Council chambers.

Don Bishop, General Partner-Lake Elmo Heights, reiterated his request of his May 17th letter to City Council, requesting extension of RED from west of Inwood Avenue to the south boundary of Section 21. Dick Johnson remembered the Outlot had severe soil limitations. Bishop responded that 20 to 25 acres have good soil to the east side of the quarter section.

Chairman DeLapp acknowledged a letter from Charlotte and Joseph Moris, 10500 250th St., Scandia, MN. indicating their farm is proposed for RAD Zoning on the Future Land Use Map. They felt this was too restrictive and requested RED Zoning.

Jim McLeod, 2543 Lake Elmo Avenue, stated, in his opinion, the area south of Hwy 5 and East of Inwood Avenue (where the Animal Inn is located and Ideal Storage on the boundary) is more suitable for some type of Industrial or low density office space and not suited for residential houses.

Charles Bartholdi, representing Federal Land Company, owns 52 acres located NW quadrant of the intersection of Interstate and County Road 19 stated they have met with staff members and discussed the Future Land Use Map for their particular property. The issue they do not agree with is the land use designated for their land under the proposed FLUMap at their particular intersection with I-94. The fact that only a portion of their property is designated for commercial use. The State of MN condemned acreage for the highway and left them what they consider a 5 acre island. Being that the "Highway" land use designation runs parallel and 1/4 mile north of I-94, only a small portion of the property owned by them is included in the "Highway" designated land use area. Due to the fact that a significant portion of their property was taken by condemnation and a four-lane divided roadway is located at this Intersection with I-94, they are requesting extension to a one-half mile distance from the centerline of I-94 instead of the one-quarter mile distance being proposed for along the I-94 corridor.

Tim Erkkila, Site Planner of the Project for Federal Land, stated, in his opinion, this land has tremendous accessibility by a high volume of traffic on the Interstate. The land lacks residential type amenities (wetlands, lakes, potential wooded areas). The northern portion of the site is underneath power lines and adjacent to a gravel mining area. They have adjacent land uses along the frontage such as retail type uses, outdoor storage, an air park, White Wolf, etc. They have a situation with a road system in place which is a high volume roadway and very under utilized. A development at this site will not negatively impact the road system or adversely affect the neighborhood. The developer has gone on record to accept development

guidelines and protective covenants to provide a quality development. We see this as a distinct opportunity given the area of undeveloped land, gravel pit, outdoor storage, motel, this might be the quality development for this corner.

They are recommending an adjustment to the Comp Plan to recognize this 1/4 mile limitation and extend it to 1/2 mile beyond this first intersection. The developer has brought in a previous proposal, with a site plan including 22 acres of retail type uses, plus office and residential which are consistent with the overall plan for the site. Because of the quirk where the line falls, it is very difficult to work with the 1/4 mile limitation. They are disappointed with the permitted uses in the Freeway Business Dist.; such as gasoline sales, restaurants which are traditionally allowed in a highway oriented situation, are not mentioned. Being one of only three sites between Lakeland and 494, Erkkila commented he found it unusual the kinds of use that seem appropriate for the area do not seem to be allowed.

Jean Durand, 11332 20th St. N., stated their land is zoned RR and requests their property be zoned RED (3 per 10).

Gene Peltier: There are several sites along I-94, for example Mr. Regan's property, that are zoned commercial now, are they going to stay commercial or be changed to Freeway Business Zoning?

Terry Emerson, 2204 Legion, request a change in the proposed zoning of their property, approx. 70 acres located at the NW Quadrant of County Road No. 15 and 10th Street N. from RAD to RED Zoning.

Jack Hasley, 3604 Layton Avenue, voiced his concern on more commercial activity across the street if the VFW decided to sell their ballfield in the future. The City Administrator will review this request (deed restrictions) and report back to him.

Pete Schiltgen, 10880 Stillwater Blvd. N., stated he was happy with his zoning which preserved the Ag land and his farm.

Marilyn Durow, owner of property on the SW corner of section 35 on I-94 (on East side of Cty Rd. 19), stated with the high line wires going through there, people would not want to build houses. She felt it was a reasonable request for extending 1/2 mile rather than 1/4 mile for retail sales when you are on a major Freeway.

Violet Durow, sister-in-law of Marilyn, stated they have farmed that piece of land since 1910, but it is not good farmland for dairy farmers anymore because of the effect of a freeway on the animals. They do farm down in Hastings now, because it is not feasible to grow or work that land along the Freeway. They would like to see something else done with that land.

Terry Ahrens asked how much will be left of the City when Oakdale gets done with us?

Bruce Weeks, 1446 Lake Elmo Avenue stated, in general, he thought it was a very good plan. He felt it made sense to include the full 1/2

mile as an industrial area and felt the people in Lake Elmo wanted to maintain as much open area as possible. He commended them on a fine job done.

Dorothy Lyons, representing Hammes family, pointed out the Hammes Country Vista, which is a recorded plat (40 acres) for residential by the entrance of the Regional Park, is not indicated on the FLUMap. She asked for their thoughts on Agricultural Preservation? She would like to know the percentages of park land, water, roads in the City. Why was there a major overhaul of the Comp Plan when the Met Council asked for a 5 year update?

Marge Williams, former PZ member who worked on the Comp Plan, pointed out this was a very progressive plan than what was planned in 1986. She suggested consideration of two types of Hwy Bus: dense development up to Cty Road 19 and less dense development up to County Road 17.

Chairman DeLapp closed the public hearing at 9:21 p.m..

DeLapp explained the Commission will review the requests heard tonight and address each individual request on their own merits at their June 25th PZ meeting.

M/S/P Enes/Stevens - to table the discussion on a recommendation to the Council on the proposed Comprehensive Plan and Future Land Use Map until the June 25th PZ meeting. (Motion carried 9-0).

6. A. Freeway Business Ordinance:
- B. RE Ordinance

The PZ received copies of a draft Freeway Business Ordinance and RE Ordinance for their review. The PZ requested a workshop with the Council to discuss these ordinances and the Comp Plan. The Commission members were asked to bring their comments on the Plan and Ordinance to the next PZ meeting.

Mr. Charles Bartholdi pointed out:

USES ALLOWED IN THE PROPOSED FREEWAY BUSINESS DISTRICT: The permitted uses allowed in the Freeway Business Dist. being proposed are essentially limited to office use. The failure to provide for retail, restaurant or personal service uses are noticeably absent. He did not know of another Freeway Business Dist. Zoning in the entire Twin City area which precludes restaurants, convenience stores, motor fuel stations and uses involving retail sales especially those related to highway users. Adoption of the FBZ Ord. would mean that business such as McDonald's, convenience stores, motor fuel sales and personal service uses would not be permitted. Federal Land requests that retail sales businesses, motor fuel stations and restaurants be included as permitted uses within the Freeway Business District land use designation.

MINIMUM LOT AREA AND LOT WIDTHS AND DEPTHS BEING PROPOSED: It has been Federal Land Company's experience that in order to properly develop a high quality, comprehensive commercial project, lot size may vary from in excess of 10 acres to less than one acre depending upon the specific uses. The minimum lot size of 3.5 acres and minimum lot depth and width which is being proposed by the City will result in the land acquisition and maintenance costs being too great for some users. Federal Land Co. recommends reduction of the minimum lot size outright or at least allow a reduction of the minimum lot size where the sanitary sewer requirements will otherwise be fulfilled and the elimination of specific minimum lot depths and widths.

MAXIMUM LOT COVERAGES AND SET BACKS The proposed Freeway Bus. Dist. provides for building and parking setbacks that far exceed similar setbacks in other cities in the Twin City Area. Based upon Federal Land Company's experience, if the setbacks and lot coverages set forth in the proposed ordinance are used, there will be a substantial problem controlling weeds and noxious vegetation. A more reasonable control for the City is the proper enforcement of sewage disposal rates generated by a development using the standards set by the Met. Sanitary Sewer Commission and Met. Council.

The PZ will address these questions at their June 25th meeting.

M/S/P Johnson/Buckcheck - to request approval by the City Council to direct the staff to pass on the draft RE Ordinance and Freeway Business District Ord. to the City Engineer and City Attorney for their comments prior to the Workshop. (Motion carried 9-0).

#### 7. Meeting Update by Ed Stevens

Ed Stevens gave an update on a meeting he attended at the Met. Council regarding the Rural Policy. He informed the Commission of meeting dates set by the Met. Council, which are stated in the Metro Monitor, regarding possible expansion of the Lake Elmo Airport.

M/S/P Johnson/Enes - to adjourn the Planning Commission meeting at 10:05 p.m. (Motion carried 9-0).

**TKDA**

ENGINEERS ARCHITECTS PLANNERS

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED2500 AMERICAN NATIONAL BANK BUILDING  
SAINT PAUL, MINNESOTA 55101  
612/592-4400  
FAX 612/592-0083

July 23, 1990

Planning and Zoning Commission  
Lake Elmo, MinnesotaRe: The Meadows - Preliminary Plat Review  
Lake Elmo, Minnesota  
Commission No. 9150-000A

Dear Commission Members:

We have reviewed the preliminary plat for The Meadows, latest date July 5, 1990, and offer the following comments:

**1. Zoning**

The property is zoned R-1 for the intended subdivision.

**2. Lot Size**

Each proposed lot is at least 1.5 acres in size.

**3. Soils**

The Washington County Soils Survey lists the soils in the proposed plat as 49, 49B, and 155C. These soils have 1'-3' of topsoil and loam underlain with sand and sandy loam. These soils work well for septic systems and each lot appears to have at least one acre suitable for drainfield purposes.

**4. Frontage**

All lots have at least 125 feet of frontage on a public street.

**5. Streets**

Jane Road North west of Janaca Avenue was accepted for City maintenance in 1984 when it was paved to a 22' width. Isle Avenue North in Springborn's Green Acres 2nd Addition was platted and paved to the south plat line to a 32' width and fitted with a temporary cul-de-sac. The preliminary plat of Firefly to the west states that Isle Avenue North from the south line of Springborn's Green Acres 2nd Addition to Jane Road North is "a 66 foot strip of land owned by the City of Lake Elmo for road purposes". The Meadows preliminary plat presumes to show Isle Avenue North as a through street. Completion of a through street offers the advantages of eliminating two possible culs-de-sac for maintenance purposes and improved accessibility for emergency vehicles.



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Lake Elmo, Minnesota  
July 23, 1990  
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The only disadvantage is that Jane road North was paved at 22 feet wide for 600 feet west of Jamaca Avenue.

This should not pose too much of a difficulty because Jane Road is posted NO PARKING and we do not think that much traffic from Springborn's Green Acres 2nd Addition will change their travel patterns and drive south.

If Isle Avenue were fitted with a cul-de-sac within The Meadows, the dead end street would be approximately 1,300 feet in length from the Jamaca Avenue intersection and would exceed the maximum length for a dead end street.

No typical street section is shown, but we assume the standard 32 foot wide bituminous street with berm curb is anticipated.

6. **Drainage**

No provisions are shown on the preliminary plat to drain the street. The length of overland flow to the storm sewer in Green Acres 2nd Addition or to the existing storm sewer in Jane Road North exceeds the maximum length of gutter flow. Some type of storm sewer will be required.

7. **Ponding**

No provisions are shown on the preliminary plat for ponding.

The Stormwater Control Ordinance would require both permanent and temporary ponding to control the rate and volume of runoff to pre-existing conditions for the two new lots plus one-half of Isle Avenue (since Isle Avenue is not located within this subdivision, each side of the road should be responsible for one-half the area). The approximate storage volume required is 0.43 acre-feet each for permanent and temporary ponding. A drainage plan with calculations is required.

**Conclusions**

An adequate drainage plan addressing street, drainage and ponding is required before a final review can be completed.

Sincerely yours,



Larry D. Bohrer, P.E.

LDB:j



City of Lake Elmo  
Cul-de-sac

NE COR.  
SEC. 9

37009-0060  
Anthony Maistrovich  
8888 Jane Rd

37009-0064  
House

Gary + Debra Jackson  
4  
House  
489.59

Gary Vasco  
3  
House  
489.68

R+H  
2  
drainage  
Windy  
House  
489.77

House  
1  
W+V Brass  
8930  
N87°10'15"E 289.94

Suzanne Weyer  
589'40" R  
N0°20'E  
173'10" E  
200

ROAD  
N. City of Lake Elmo 8

8879  
Jane Rd  
T Skalbeck  
House  
37009-0070

Wm + Patricia  
Bloyer  
8881  
House

Wm + M  
John  
8883  
House

Wm + Lou  
Stevenson  
8895  
House

L + M McGraw  
4  
House

John +  
Schneider  
8919  
House

J + J Wiedon  
8935  
House

Sweyer  
8991  
House  
708 ch.  
200.20  
N87°37'E

KRAUSE'S  
ADD.

ADD.  
6  
N73°0'E  
201.19  
N72°36'45"E

M.C. 18

The other issue raised by the Planning Commission concerned whether the concept plan approval given for this phase of the PUD in January of 1978 had expired now since there is a 6-year statute of limitations that would presumably apply. The letter of 5-18-87 from City Attorney Steve Carlson to the City Administrator indicates that the statute of limitations issue does not apply in this case. He also advises that the City should not attempt to invoke the 1979 ordinance requirements at this time for Phase II.

City Engineer Bohrer explained that the code stated that all lots should have at least one acre of land suitable for septic drainfields and are sufficient for two separate and distinct drainfield sites. Under the worst conditions two separate and distinct drainfield site will require 10,000 sq.ft. of land, but on the other hand it states one acre is required.

One lot can meet one criteria, but not both of the criteria. The soil has been tested and there is more than enough room for two distinct drainfields, but does not have the one acre. Bruce Folz felt that there was adequate area for four systems. They could shift the line 50 feet north or whatever it takes.

Bohrer recalled that the one acre requirement came from back in the 1970's when a lot of land was being subdivided that had ponds and lakes. The small ponds were privately owned and the land was subdivided out into the ponds so we had lots that meet the 1 1/2 acre lot size, but half would have a drainage easement and the other half would be high ground.

City Engineer Bohrer referenced Section 400 Platting stating "Streets, Continuous--except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions or provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The origin street shall be considered in relation to a reasonable circulation of traffic to topographic conditions to runoff storm water, public convenience. In the next paragraph of the code it stated "local streets shall be so planned as to discourage the use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted because of topography." In this way, through streets and planning for through-streets are actually encouraged, and cul-de-sacs are permitted based upon topography. In this case, Bohrer felt we should not hold to the 800 foot maximum for cul-de-sacs, but rather encourage the future extension of the street.

Bohrer recommended putting in the cul-de-sac as shown and the road not go through unless the City gets a petition from adjacent property owners. Then the cul-de-sac can be eliminated easily and become a through street as in Foxfire and Teal Pass.

There is a provision in the code if a road could go through in the future that it be platted all the way to the edge of the subdivision and then fitted with a temporary cul-de-sac. Bohrer believes this road would go through and the provision in the code is proper. The Council considered the cul-de-sac as temporary so a variance was not needed.

LAKE ELMO PLANNING COMMISSION MEETING  
JULY 11, 1983

Acting Chairman Michels called the meeting to order at 7:30 p.m. at the City Hall.

COMMISSIONERS PRESENT: Dreher, Gifford, Graves, Lindquist, and Peterson. (Absent: Lyall, Nazarian, Moe, Prince and Ryberg)

1. MINUTES - M/S/P Dreher/Gifford to approve the 6/27/83 Planning Commission minutes as amended. (Carried 6-0)

2. PUBLIC HEARING, COLOSIMO PLAT - The hearing was opened at 7:40 p.m. Bruce Folz presented Grace Colosimo's plan to subdivide her 5 acres on Isle Avenue into 3 lots--1.5, 1.5 and 2.06 acres each. Isle Avenue was approved to be extended as shown on plat when Springborne Green Acres plat was approved. Soil is sandy loam which is best drainfield material possible. Runoff will be increased by roofs and driveways--about 1/7 acre - not significant. Folz will check with Watershed to see if these 3 lots were included in Springborne Green Acres Watershed study (ponding areas) and will get waiver from Watershed so that 100% water will not have to be stored on the 3 lots since ponding areas are to the east.

Roads were discussed:

- Howard Springborne was present and stated that he intends to deed Isle Avenue to the City. (This is unimproved street, along with Jane Road which abuts south lot and services 8 parcels to the south and one to the west, and there is also spur--Jamaca--which is unimproved.) (Whittaker - People have responded they don't want Jane Road improved by a ratio of 6 responses to 1.)
- Gifford - Are people on Jane Road aware that Isle Avenue would go through? (Folz - public hearing was held for Green Acres where this was indicated and Phases I and II were approved.)
- Folz - Cost to bring Jane Road and Isle Avenue up to City standards would be \$15,000-20,000 (500') and \$25,000-30,000 (800'), respectively, which would mean 32' width with curbs.
- Graves - now is the time to take action with Isle Avenue so that same mistake is not made as happened with Jane Road.
- Folz - has to be paid for now or later; advantage of now is that cost is included in 20-25 year mortgage and not 5-year assessment.
- Tony Maistrovich, landowner to west of Colosimo property, is in favor of blacktopping but couldn't afford assessments so would have to subdivide his property. Feels City should at least be plowing and maintaining Isle Avenue even if unimproved.
- Graves - Can we consider approving grading and graveling Isle Avenue now, and when Phase II goes in Isle Avenue and Jane Road would be blacktopped? (Folz - variance would have to be granted and put in development agreement. If City does it, Maistrovich and Colosimo would pay 50/50 for Isle; it's up to Council to blacktop or leave Jane Road as is.)

The public hearing closed at 8:10 p.m.

- Michels - I feel we should resolve Jane Road before we do anything else (Gifford agrees) and see what Council is going to do. If Jane Road upgrading is approved, I see no problem with Colosimo plat. Also short stub (Jamaca) should be taken care of by City.

- Dreher - feels benefiting property owners should pay for it.
- Peterson - would go with grading and graveling as blacktopping is too expensive.
- Gifford - Council's position is to get rid of gravel roads because of high cost of maintenance.
- Whittaker - if not improved, owners would have to maintain as done previously.
- Lundquist - plat itself appears consistent with neighborhood.
- Colosimo - if paving is required, Tony and I are not in a position to pay for all of it. (Whittaker - however you can add cost to sale of lots as value would be increased. I recommend platting with improved streets.) (Dreher - cost would be split between all benefiting property owners.)

M/S/P Graves/Dreher to recommend Council approval of Colosimo's plat with the condition that Isle Avenue be blacktopped and all of Jane Road and Jamaca be blacktopped as public projects.  
(Carried 6-0)

Reasons motion included road improvements are as follows:

(a) consistent with previous planning throughout entire City and surrounding area wherein precedent has been set (e.g. Springborne Green Acres, Foxfire, etc.).

(b) safety factors have to be considered, i.e., paving and city maintenance make area more accessible to fire and emergency vehicles.

(c) paving would make land more valuable, and particularly more saleable since mortgage lenders will sometimes not finance homes on unimproved streets. Would be cheaper to pave now than later.

This item will be put on the City Council agenda, July 19.

3. I-94 ALTERNATIVES, ROB CHELSETH - City Planner, Rob Chelseth, was present to talk about planning and zoning strategies for I-94 corridor. Conflict has to be solved as to what uses would best fit I-94 four-mile strip and intersection areas: can attract on-site sewered types such as (a) local businesses to serve residents such as grocery stores, services shops, etc. or (b) large-acreage businesses such as open sales lots, lumber yards, etc. Intersection areas could be used for gas stations and motel-type businesses, with premiere industrial/ commercial uses being guided into the sewered and watered district west of MUSA line and where city services can be provided. When (b) type uses are permitted, they cast land use for future and investment of property is low.

Mr. Chelseth explained Alternatives 1, 2 and 3 drawings regarding plan for urbanized commercial development in Section 32 and adjacent sewered areas from the present through the 1990's:

Alternative 1 - Plan would be for low-density, rural development along I-94 east of sewered area and would be to keep area at low density until public utilities and services permit more intensive levels of urban commercial development--expected after 1990.

6. REID PARK BIDS (LAWCON) IMPROVEMENTS - Larry Bohrer explained that 6 bids were received as noted in his memo to the City Council dated 7/14/83. As described in "tabulation of bids" chart, low bidder was Mogren Bros Landscaping (but which was higher than \$30,000 estimate when LAWCON grant was submitted one year ago). The LAWCON grant received for the work is a maximum of \$14,000.00.(40%) Unit prices in contract can be varied so scope of work can be reduced to fit budget. Contractor items can't be mixed. If cuts were to be made, he suggested No. 15 (eroded channel which needs rip rap). Also, Items 13 and 14 could be reduced in scope. Some of the work could be done by City such as with flail mower for brushing, but very little fits into City's capabilities. No Park Commission members were present to present their views.

- Whittaker - match for LAWCON funds will have to come from Park Reserve - will have to see how it affects 5-year CIP.

- Bohrer - When I walked area of Reid Park, would suggest that trails are not in the best location; should have working session with Park Commission and Council and trails should be marked out, measured, and cost estimated (could be less than projected).

- Fraser - can we include alternate bid and eliminate rip rap and trails? (Bohrer - application of ballfield 1 came after we received the grants. Mogren site grading is \$8,375-not \$83.75.Total includes grading, seeding and mulching but no backstop, limerock, etc.) (Whittaker - budget is for \$2,500 and bid is \$9,900. It would cost a lot more to have someone come in later and have it graded.)

- Eder - think we should do whole thing, might take shifting of priorities.

M/S/P Fraser/Eder to accept Mogren Bros Landscaping for both the total base bid items and Alternate bids and that the Engineer lower the cost of the base bid in manner suggested (Items 13, 14 and 15). (4 eyes)

7. PUBLIC HEARING, COLOSIMO - Mayor Eder called the hearing to order at 7:50 to discuss Grace Colosimo's request to plat on unimproved street, proposed Isle Avenue (preliminary plat - The Meadows).

- Bruce Folz made the presentation for subdivision of 3 lots--1.5 acres with garage, 1.5 acres, and 2.06 with Colosimo homestead, totaling about 5.5 acres of land. Soils are ideal for building and drainfield sites. Isle Avenue is presently owned by Howard Springborn and 12-15' field road exists; he is willing to dedicate a road easement of 66' to the City. Folz pointed out Springborn Green Acres plat where Isle Avenue had been proposed as through street. Isle Avenue cost if blacktopped would be shared by benefitting property owners Grace Colosimo and Tony Maistrovich (property owner on west side).

- Mazzara - there has been concern expressed about drainage if road is paved. (Bohrer - would run off on shoulder ditches and into Springborn ponding areas so there's no affect on drainage. One concern is that drainage standards have changed

since Foxfire and Springborn Green Acres were platted.

These 3 lots would have to conform to Watershed district requirements so some pond contribution will have to be made.)

- Fraser - What did Planning Commission have to say about 22' paved or graveled road? (Folz - no formal recommendation was made since it's Council decision.) (Whittaker - they recommended that it be paved, the 22' was not discussed.)

- Eder - Springborn is willing to deed property? (Folz - yes, wanted to get proper legal description and he will sign over deed, has already dedicated the street for public use. Same status as Krause's Lot 8).

Public comments:

● Jim Weyer (Jane Road North) - Ponding on Holmberg's property overflows and I've seen it 6" below road level. (a) What is timetable for Isle Avenue going through? (Folz - 6 lots are yet to be sold in Springborn 2nd Addition so possibility of 1-3 years.) (b) Who would be assessed along Jane Road for blacktopping since owners want it the way it is and to maintain it themselves? (Eder - Council would decide how it's going to be assessed but no specific proposal right now. Example is Lake Jane Road was assessed 100% to adjoining property owners as it related to particular properties only; otherwise developer would pay 100%. (c) Not all drainage goes east, it also goes west onto my property and there are already erosion problems on my driveway; there are no provisions for ponding on subdivision. (Folz - drainage would go to the east if road is graded and ditched; could put ponding area on Colosimo property or use Springborn ponding areas to east; Jane Road could also be regraded or raised slightly. We'd have to re-analyze volume of water on today's standards, then do what is required. Developer would probably have to pay for it or benefitting property owners. First we have to decide what type roadways are to be used.)

Letters from Alice Stolpe and Bill Stevenson were presented to Council.

● Jim Weyer - have no objection to subdivide into 3 lots; my objections are making Isle Avenue a through street; additional water runoff (into Lake Jane which already is a problem area and onto my property which already is eroding); and assessments for something people on road don't want and have objected to.

● Jack Schneider - I object for the same reasons; size of ponding area is inadequate now and drainage will create a bigger burden. It will be more cost effective if we just maintain Jane Road North instead of backtopping it.

● Tom Maistrovich - If road is blacktopped, it would benefit all property owners; fire and emergency vehicles cannot get in unless Colosimo or I plow it.

● Grace Colosimo - anticipated people on Jane Road would not want road paved, and original request is to subdivide on unimproved road and then Planning Commission recommended paving it as public project.

● Sue Weyer - When we originally received public hearing notice, it was for Grace to "subdivide on unimproved street" and we weren't aware anything else would be discussed; otherwise, I believe there would be a bigger turnout here. As indicated before, there were 6 against and 1 for blacktopping road.

(Eder - Notices don't necessarily limit discussion of subject before Council. Hearing notices were sent that plat would be discussed at Planning Commission.) (Folz - Suggestion was by Planning Commission to pave roads so it was brought up tonight for discussion.)

● Whittaker - feasibility hearing would have to be held for road portion.

● Tom Skalbeck - What is official City position on maintenance service? (Eder - City doesn't provide service on streets which have not been accepted so not maintained.) What is Planning Commission's position on services being declined? (Whittaker - street should be improved so services will be provided.)

● Tom Skalbeck - mentioned that his child was having convulsions but emergency vehicle got stuck in snow; it doesn't seem fair we've been without services for 10 years but are paying high taxes.

● Fraser - wouldn't be in favor of platting on unimproved street.

● Eder - initial response was that we would accept unimproved street.

● Dunn - it puzzles me why people would want to maintain their own street, create hazards of fire and emergency vehicles not getting through; but if that's what they want it doesn't bother me. Would like to see paved project but wouldn't support it if people don't want it.

- Eder - blacktopping streets are usually not favored by property owners because of assessments; however, it has been proven that paved roads increase property values and pride of ownership. City has made commitment to sealcoat paved streets every 6 years so you'll get that service if street is blacktopped. Would be in favor of calling hearing to have street blacktopped.

M/S/P Fraser/Mazzara to deny Colosimo request for platting on unimproved street. (Carried 3-1; Dunn nay)

mended  
/2/83

M/S/P Eder/Fraser to adopt Resolution 83-49\*See attached correction sheet. TO HAVE FEASIBILITY STUDY DONE BY ENGINEER (COST PROJECTED AT AROUND \$300.00) FOR AUGUST 2, 1983 CITY COUNCIL MEETING ON THE SUBJECT OF BRINGING JANE ROAD NORTH AND WEST JAMACA AVENUE UP TO CITY STANDARDS, AND TO HOLD A PUBLIC HEARING AUGUST 16, 1983 AT 7:15 p.m. TO DISCUSS THE FEASIBILITY. (Carried 4-0)

#### 8. ENGINEER'S REPORT

A. Cost Estimate for Pebble Park LAWCON Application - Bohrer referred to Master Plan for Pebble Park and to his "COST ESTIMATE" Commission No. 7113-83. Decision has to be made as to what Council wants included in LAWCON grant and scope of project (City matches 50% of LAWCON funding). Bohrer's comments on items listed: (A) Seal cracks and resurface courts. (B & C) Present low (slew) area between hockey rink and skating rink which would require fill; enough fill on site but requires 900 yards of excavation, establishing turf, etc. since rink is difficult to fill because of porous surface. Would recommend leaving slew between parking lot and tennis courts which is necessary for water runoff. (D) Hill is gravel stockpile without topsoil - needs leveling, topsoil and seeding. (E & F) Neither ballfield has 275' required for regulation slow-pitch field. South field could qualify for little league field; needs seeding, topsoil, ag lime, and backstop replaced. North field has no improvements so would cost \$18,640 to complete. (G) 50-gallon per minute well is in-place and alternatives would be (1) water fountain at playground area which is more centrally located; (2) water fountain to service tennis courts and close to skating rinks for filling; and (3) between north and south ballfields so they can be watered.

- Bohrer - first 6 improvements would total \$40,130, plus water service alternative cost.

- Whittaker - what would be point of constructing nonregulation size slow-pitch ballfield such as already exists in Lions Park? (Bohrer - Reid Park would have regulation size fields.)

- Bohrer - ballfields can be better orientated; no problem with existing home on northwest corner. Ballplayers play with what is available.

- Fraser - we're talking about neighborhood use as compared to tournament use; do we need two ballfields to warrant this cost?

- Whittaker - Landfill would be perfect place for regulation size ballfield with off-street parking.

- Fraser - this should be referred to Park Commission. (Whittaker - application has to be in by August 5 and Park Commission has cancelled July 25 meeting.)

M/S/P Mazzara/Fraser to defer Pebble Park Improvements item to Park Commission which will hold a special meeting for Council recommendation so that the City Council can make a decision at their August 2, 1983 meeting. (Carried 4-0)



to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners thereof shall be ascertained by any practicable means and mailed notice shall be given them as herein provided. Prior to the adoption of such resolution, the council shall secure from the city engineer or some competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended; but no error or omission in such report shall invalidate the proceeding unless it materially prejudices the interests of an owner. The council may also take such other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids thereon, as will in its judgment provide helpful information in determining the desirability and feasibility of the improvement. The hearing may be adjourned from time to time and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purpose of determining such four-fifths majority vote. The resolution ordering the improvement may reduce, but not increase the extent of the improvement as stated in the notice of hearing.

**Subd. 2. Approval by park board or utilities commission.** A resolution ordering a park improvement may be adopted only by a four-fifths vote of the council and shall also be approved by the park board, if there is one; provided, that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purpose of determining such four-fifths majority vote. A resolution ordering an improvement of the water, sewer, steam heating, street lighting or other facility over which a utilities commission has jurisdiction shall also be approved by the utilities commission.

**Subd. 3. Petition by all owners.** Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the installation of a fire protection or a pedestrian skyway system, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection or pedestrian skyway system. In the case of a petition for the installation of a fire protection or pedestrian skyway system which will be privately owned, the petition shall also contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection or a pedestrian skyway system, the petitioner may request abandonment of the improvement at any time after it has been ordered

- (10) To construct, reconstruct, extend and maintain retaining walls and area walls.
- (11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote a pedestrian skyway system. Such improvement may be made upon a petition pursuant to section 429.031, subdivision 3.
- (12) To acquire, construct, reconstruct, extend, operate, maintain and promote underground pedestrian concourses.
- (13) To acquire, construct, improve, alter, extend, operate, maintain and promote public malls, plazas or courtyards.
- (14) To construct, reconstruct, extend, and maintain district heating systems.
- (15) To construct, reconstruct, alter, extend, operate, maintain and promote fire protection systems in existing buildings, but only upon a petition pursuant to section 429.031, subdivision 3.

Subd. 2. **Combining improvements.** An improvement on two or more streets or two or more types of improvement in or on the same street or streets or different streets may be included in one proceeding and conducted as one improvement.

Subd. 3. **Relation to charter and other laws.** When any portion of the cost of an improvement is defrayed by special assessments, the procedure prescribed in this chapter shall be followed unless the council determines to proceed under charter provisions; but this chapter does not prescribe the procedure to be followed by a municipality in making improvements financed without the use of special assessments.

If the council determines to proceed under charter provisions for special assessments, such provisions shall be deemed to include a requirement that notices of proposed assessments inform property owners of the procedures they must follow under the charter in order to appeal the assessments to district court. The notices shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality.

Charter provisions shall also be deemed to require that when the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as may be authorized by the charter, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement.

**History:** 1953 c 398 s 2; 1965 c 877 s 1; 1971 c 617 s 5; 1973 c 201 s 1; 1974 c 233 s 2; 1974 c 314 s 1; 1976 c 195 s 1; 1978 c 518 s 1; 1979 c 330 s 2; 1981 c 334 s 5; 1984 c 548 s 4; 1984 c 582 s 3; 1984 c 591 s 2; 1984 c 633 s 2

429.03 [Repealed, 1953 c 398 s 13 subd 1]

#### 429.031 PRELIMINARY PLANS, HEARINGS.

Subdivision 1. **Preparation of plans, notice of hearing.** Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality shall have the power to assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making such improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications shall be a week apart and the hearing shall be at least three days after the last publication. Not less than 10 days before the hearing, notice thereof shall also be mailed to the owner of each parcel within the area proposed to be assessed, but failure to give mailed notice or any defects in the notice shall not invalidate the proceedings. For the purpose of giving mailed notice, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. However, as to properties which are tax exempt or subject

Real Estate and  
Geology Department/3M

900 Bush Avenue  
PO Box 33331  
St. Paul, Minnesota 55133-3331  
612/778 4389

Submitted to PZ  
7-9-90

**3M**

July 9, 1990

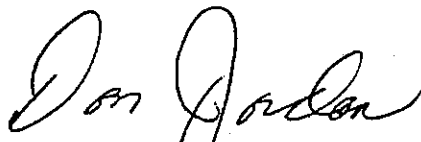
Lake Elmo Planning & Zoning Commission  
3800 Luverne Ave.  
Lake Elmo, MN 55042

Dear Planning Commission Members:

It is our understanding that the City of Lake Elmo is exploring future Land Use designations in its municipality. At the present time, 3M owns 195 acres of land in the western part of Lake Elmo. This land lies directly east of Ideal Avenue and is found in the N.E. and S.E. quadrant of Highway 5 and Ideal Avenue.

Because of 3M's long-term ownership and planning for this parcel of land, we respectfully request the future land use designation of Light Industrial/Commercial which is more compatible with our long term needs, and the character of this area.

Thank you for your consideration.

  
Donald R. Jordan  
3M Real Estate Dept

dpc: J. W. Stoker.

I bet Steve  
cant wait to  
show 3 in-  
his behind  
your 100000%

DATE APPROVED: 7-23-90  
DATE ISSUED: 8-10-90

LAKE ELMO PLANNING COMMISSION MINUTES

JULY 9, 1990

Chairman DeLapp called the Planning Commission meeting to order at 7:38 p.m. in the City Council chambers. Present: DeLapp, Bucheck, Arkell, Wilfong, Conlin, Stevens, Johnson, John, Johnston, Thomas, Planner Mike Black, and Administrator Kueffner. City Council members: Williams, Hunt, Armstrong.

1. Agenda

Add: 4A. Address letter from Met Council on Draft Comp Plan, 4B. Address Requests from Public Hearing, 5. Airport Extension Information.

M/S/P Bucheck/John - to approve the July 9, 1990 Planning Commission agenda as amended. (Motion carried 9-0).

2. Minutes: June 25, 1990

M/S/P Bucheck/Wilfong - to approve the June 25, 1990 Planning Commission minutes as amended. (Motion carried 7-2-0 Abstain: Conlin, John).

3. Concept Review: "The Meadows"

Bruce Folz presented a concept review for a preliminary plat of a 3-lot subdivision known as "The Meadows" by owners, Grace and Ronald Colosimo and Danny and Gail Collyard. Folz indicated all of the lots meet the area requirements and have more than 125' of road frontage. The land for a street right-of-way was dedicated to the City from the Springborns. (The road is not improved to City standards.) Therefore, Folz pointed out, the City would have to grant permission for the developer to build a road on City property. According to Bruce Folz, Grace Colosimo has informed him that they intend to petition the City to have them build this road and then assess the three benefitted property owners, Maistrovich to the West, and Collyards and Colosimo.

Dan Collyard explained they bought Colosimo's home on 5 acres on a warranty deed. There was an option clause on this deed, that after 3 years if they didn't exercise to buy the option of purchasing the south 3 acres, then the 3 acres go back to Colosimo. Collyard had the understanding, if the option was turned down, Isle Avenue would still continue as proposed. Now, they (Collyards) have to split this land up in order for Colosimo's to sell the portion that is returned to them. Gail Collyard stated they have an underlying contract with Colosimo's, where Colosimo's have agreed to come back and do a proper subdivision and put in an improved road.

The Commission commented on the configuration of Lot 2 and recommended finding a way to straighten out this propertyline. Collyard explained when he put in his swimming pool, he went by the property lines that Ron Colosimo had a fence line on.

Conrad Adams, brother of Grace Colosimo, stated he had talked to other people in this area and found that they would not like to see the road go through because of added traffic onto Jane Road North. Adams also spoke to Tony Maistrovich who indicated he didn't feel it was necessary to put in a road at this time. Adams added, it would be more economical for (Colosimo's) to consider a 2-lot subdivision with a split in the middle of Lot 2 rather than a 3-lot subdivision because then a through street would not be required.

When Springborn 2nd Addition was approved, Dick Johnson recalled the Council considered the cul-de-sac as temporary so a variance was not needed for size because Isle Avenue North would be a through street.

The Commission asked the City to provide them with any information about an agreement the City may have for putting in a road and a larger map with the insertion of the proposed subdivision. If there is a ponding problem, the Commission asked if there would be enough land on Lot 2 for a house and two drainfields.

M/S/P Bucheck/Johnson - to call a public hearing for July 23, 1990 at 7:30 p.m. to consider the request of Grace and Ronald Colosimo and Danny and Gail Collyard for preliminary plat approval of a 3-lot subdivision to be known as "The Meadows". (Motion carried 9-0).

#### 4. Joint Workshop with City Council on Comprehensive Plan

Mike Black addressed the preliminary review done by Bob Overby, Met. Council Planner, on the Lake Elmo Comp Plan update.

In order to expedite the completion of the Comprehensive Plan, the Commission felt clarification was needed on comments made by Met. Council listed in this review letter. (See letter dated June 27, 1990, to Mary Kueffner from Ann Hurlburt). Therefore, the following motion was made:

M/S/P Bucheck/Johnson - to expedite the completion of the Lake Elmo Comprehensive Plan, the PZ approves a meeting with PZ Chair S.DeLapp, Admin. Kueffner, and City Planner, Mike Black and Bob Overby and Ann Hurlburt from the Met Council before the next PZ meeting. (Motion carried 9-0).

#### 5. Address Public Hearing Requests

At their June 11th meeting, the Commission held a Public Hearing on the Comprehensive Plan and Future Land use Map. The Commission indicated they would address each individual request on their own merits.

Don Bishop, General Partner-Lake Elmo Heights, requested extension of RED from west of Inwood Avenue to the south boundary of Section 21.

M/S/P Bucheck/Wilfong - to recommend to the City Council the requested area remain RAD Zoning on the Future Land Use Map based on poor soils in area, the covenant states no future residential development, neighbors expect the land to stay in RAD Zoning and facts have not been proven for a zoning change. (Motion carried 9-0).

Charlotte and Joseph Moris, 10500 250th St., Scandia, MN. indicated their farm is proposed for RAD Zoning on the Future Land Use Map. They felt this was too restrictive and requested RED Zoning.

M/S/P Arkell/Conlin - to recommend to the City Council the requested area remain in RAD zoning on the Future Land Use Map based on the lack of facts have not been given as to why this zoning would be restrictive. (Motion carried 9-0).

Jim McLeod, 2543 Lake Elmo Avenue, felt the area south of Hwy 5 and East of Inwood Avenue would be more suitable for some type of Industrial or low density office space and not suited for residential houses.

M/S/P Johnston/Buckeck - to recommend to the City Council the requested area remain RED on the Future Land Use Map because of the concern for this area being a large water runoff area and the PZ does not want this to become a strip development with the associated problems. (Motion carried 8-1 John: He did not consider this area as prime residential due to being located close to the railroad tracks and Hwy 5. By requiring this area zoned residential, you are stagnating the area and denying everything).

Donald Jordan, 3M Real Estate Dept., requests 195 acres of land in the western part of Lake Elmo, directly east of Ideal Avenue and in the N.E. and S.E. quadrant of Highway 5 and Ideal Avenue, be designated Light Industrial/Commercial.

M/S/P Bucheck/Johnson - to recommend to the City Council the requested area not be changed to Light Industrial/Commercial on the Future Land Use Map based on sufficient reasons have not been given for a zoning change. (Motion carried 8-1 DeLapp: He would rather see an RED Zoning).

Charles Bartholdi, representing Federal Land Company, requests extension of Highway Business futher N. to 1/2 mile of Cty Road 19 and I-94. Marilyn Durrow requests their property on the SW corner of Section 35 on I-94 (on east side of Cty Rd. 19) be considered for something other than residential.

M/S/P Johnson/John - to recommend to the City Council the request for the extension from 1/4 mile to 1/2 mile by Federal Land Company and Marilyn Durrow be denied and remain as RED designation on the Future Land Use Map based on reasons stated at the PZ meeting when they recommended the CC not approve the extension of Highway Bus 1/2 mile. (Motion carried 8-1 Johnston: She felt residential values in this area was low and commercial would be more compatible with the character of the area).

Jean Durand, 11332 20th St. N., stated their land is zoned RR and requested their property be zoned RED.

M/S/P Bucheck/Johnson - to recommend to the Council that the requested area be considered for RED zoning on the Future Land Use Map based on this area is surrounded by 1 1/2 acre homesites on three sides, and they have been assessed for 4 units on 20th Street when the street was overlaid. (Motion carried 6-3: Bucheck: The land should be rezoned to RED in the future, but we need to wait and see what can be done with the water problems; Wilfong, Stevens: There was Council consensus that this area remain in Ag Zoning until the water problems are solved.)

Terry Emerson, 2204 Legion Avenue, request a change in the proposed zoning of their property, approx. 70 acres located at the NW quadrant of County Road 15 and 10th Street N., from RAD to RED Zoning.

M/S/P Johnston/Johnson - to recommend to the City Council that this area not be considered RED on the Future Land Use Map based on sufficient reasons have not been given for denser development. (Motion carried 8-1-0 Abstain: DeLapp: He abstained because of a potential conflict of interest.)

Administrator Kueffner will review the files for information on whether or not Hammes Country Vista's Final Plat was recorded.

Northern Vineyards requested a winery with a store with retail sales and planting of a vineyard on 20 acres zoned Rural Residential located at the SE corner of DeMontreville Trail and Highway 36.

M/S/P Stevens/Arkell - to recommend to the City Council that this area remain RED on the Future Land Use map based on this proposal would be a traffic hazard and not consistent with the Residential zoning designated on the Future Land Use Map. (Motion carried 9-0).

The following areas were found to be incorrect on the FLUMap: the outline of the current Cimarron golf course should be shown, Kleis Park should be indicated, and Friedrich's property was not colored correctly for zoning designation.

M/S/P Johnson/John - to table a recommendation on the Comp Plan and Future Land Use Map until the next PZ meeting or until comments are received from the Met Council. (Motion carried 9-0).

#### 6. Airport Extension Information:

Rita Conlin reported Dennis Conlin, who is Lake Elmo's representative to the Met Council's study of reliever airports, received a copy of the Regional System Reliever Airports Study. The City will receive a copy of the report. A Met Council Rep. will give a presentation on the Lake Elmo Airport on August 6, 8:00 p.m. at Hooley Hall.

M/S/P Johnston/Arkell - to adjourn the Planning Commission meeting at 11:05 p.m. (Motion carried 9-0).