

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

#### AGENDA

#### LAKE ELMO PLANNING COMMISSION

DECEMBER 17, 1990

Please note that all public hearings have been called for 7:30 p.m. The time set forth on this agenda is a guideline and may start before or after noted time.

- 7:30 p.m. MEETING CONVENES
1. AGENDA
  2. MINUTES: November 26, 1990
- 7:40 p.m. 3. PUBLIC HEARING: Comprehensive Plan Amendment
- 8:15 p.m. 4. Rezoning (Continuation) Arabian Hills
- 8:45 p.m. 5. PUBLIC HEARING: Conditional Use Permit with variances for advertising sign:  
Applicant: 3M/National Advertising Co./  
Crossroads Collisions
- 9:00 p.m. 6. PUBLIC HEARING: Limited Business (L.B.)  
Zoning Ordinance
7. Concept Review: Fox Fire Manor
  8. Residential Estates Ordinance Review
  9. Environmental Coalition
  10. Other
  11. ADJOURN

LAKE ELMO PLANNING COMMISSION MINUTES

November 26, 1990

Vice Chairman John called the Planning Commission meeting to order at 7:40 p.m. in the council chambers. Present: John, Conlin, Dick Johnson, Thomas, Johnston, Stevens, Wilfong, Bucheck, Enes (arrived 8:45), City Planner Mike Black, Administrator Kueffner, Councilman Williams. Absent: Arkell, DeLapp.

1. AGENDA

Add: 3A. Petition Amending Comp. Plan.

M/S/P Johnson/Stevens - to accept the November 26, 1990 Planning Commission Agenda as amended. (Motion carried 8-0.)

2. MINUTES: October 22, 1990

M/S/P Stevens/Conlin - to accept the October 22, 1990 Planning Commission Minutes as amended. (Motion carried 5-0, Abstain: Wilfong, Thomas, John.)

3A. Petition Amending Comp. Plan

Steve Korhel, 5540 Keats Ave., stated he was spokesman for the petition presented at the November 20th City Council meeting, and referred by the City Council to the Planning Commission. Korhel went over the four reasons for the request to remove the RED "dip" area on the Future Land Use Map. Korhel stated the petition is an attempt to show the majority of the area land owners do not want this area zoned RED.

The Commission stated that this area is not out of character on the Future Land Use Map as there are other areas resembling it. The Commission heard comments from area property owners and looked at the Comprehensive Plan regarding amendments. The Comprehensive plan states the procedure for amendments is first a petition, second an application for amendment, third a public hearing.

M/S/P Bucheck/Wilfong - to hold a Public Hearing regarding the petition requesting an amendment to the Lake Elmo Comprehensive Plan that the property, located in the Southeast 1/4 of Section 3, T29N, R21W, be amended from the Future Land Use of RED to the Future Land Use of RAD; subject to completion of an application form within 72 hours, and based on a legal opinion by the City Attorney, and that all property owners within 350 feet be notified. (Motion carried 8-0.)

Conlin was concerned about any legal ramifications this may have, the City has shown intent.

M/S/P Stevens/Conlin - to request the City Administrator call a public hearing for (the above motion) the petition for amendment to the Comp. Plan for December 17, 1990 at 7:30 p.m. (Motion carried 8-0.)

3B. Arabian Hills: Continuation of Public Hearing

Vice Chairman John called the public hearing to order at 8:45 p.m. This is a continuation of the public hearing opened on October 8, 1990, for re-zoning and preliminary plat approval of "Arabian Hills". All property owners within 350 feet were re-notified.

Due to the petition to amend the Comprehensive Plan and also due to the fact that the preliminary plat does not meet all the minimum requirements of the RE Ordinance the Applicant, Roger Kolstad, requested that his application be tabled until the meeting on December 17th. Chairman John closed the Public Hearing.

M/S/P Conlin/Enes - to grant the applicant's request to table the application for re-zoning and preliminary plat approval until the December 17, 1990 Planning Commission meeting. (Motion carried 9-0.)

4. Concept: R1 Preliminary Plat - Clifford Atkins

Mr. Atkins is looking for direction from the Planning Commission to proceed with rezoning and preliminary plat (Mr. Atkins was not present). The Future Land Use Map shows this property to be SRD which is R1. The Planning Commission stated that they have adopted a resolution prohibiting any further rezoning to R1 within the City. The Commission suggested Mr. Atkins rezone to RE and request a variance for his 16+ acres, or ask for an amendment to the Comp. Plan, or ask for the R1 zoning based on the Future Land Use Map, or ask the Planning Commission to request an amendment to the Comp. Plan.

M/S/F Stevens/Enes - to deny rezoning to R1 and suggest to Mr. Atkins to pursue the possibility of a variance to develop as RED. (Motion failed 4-5.)

M/S/F John/Johnston - to recommend to the City Council this property be deemed part of the existing R1, and to give Mr. Atkins direction to proceed under the R1 zoning. (Motion failed 3-6.)

M/S/F Johnston/Enes - to recommend the City Council grant a limited exception to implement the R1 zoning of this specific property to be consistent with the Future Land Use Map. (Motion failed 4-4, abstain: Johnson.)

M/S/P Thomas/Stevens - to make no recommendation. Mr. Atkins is advised that the Planning Commission does not propose to give him any direction on this subject and that he should approach the Planning Commission with a specific proposal. (Motion carried 9-0.)

Councilman Williams suggested the Planning Commission make an official action asking for the City Council to give them direction on what to do for this particular problem.

M/S/P Bucheck/Wilfong - that the Planning Commission ask that the City Council give the Planning Commission direction as to the conflict between the Future Land Use Map, the Comp. Plan and the Resolutions. (Motion carried 9-0.)

#### 5. Limited Business Ordinance

On Saturday, November 17, an informal meeting was held to discuss the Limited Business District. People attending this meeting were asked if they wanted to they could submit Permitted Use suggestions. Mike Mazzara attended the meeting and has submitted the following suggestions through Commissioner Conlin: The City would definitely miss the boat if it didn't include Highway Retail at intersections, also to identify Office Park Areas (clumped in an area), and this Limited Business District should be promoted.

The Commission went through the Limited Business District Ordinance as drafted by City Planner Black. Attached are the changes suggested by the Planning Commission, and the motions were as follows:

M/S/P Johnson/Conlin - to accept (A) (1-5) the Purpose as amended. (Motion carried 9-0.)

M/S/P Bucheck/Wilfong - to accept (B) (1-5) under Permitted Uses as amended. (Motion carried 9-0.)

M/S/P Bucheck/Conlin - to accept all the proposed changes made to the Limited Business Ordinance. (Motion carried 9-0.)

M/S/P Conlin/Johnston - to call for a public hearing to consider the Limited Business Ordinance as proposed for December 17, 1990 at 7:30 p.m., and to notify all property owners within the proposed district as shown on the Future Land Use Map and all adjoining property owners, and to also notify businesses in the "Old Village" business district. (Motion carried 9-0.)

M/S/P Johnston/Conlin - to adjourn the Planning Commission meeting at 11:30 p.m. (Motion carried 9-0.)

LB - Limited Business District

(A) Purpose

The purpose of the Limited Business District is to establish a comprehensive planned framework for development along I-94. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district.

ADDED → It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare and similar problems. Specific development goals within the district include the following:

- (1) To encourage a high quality development standard for structures within the district properties, which are among the most visible in the City.
- (2) To protect the natural environment, in accordance with City Ordinances.
- (3) To limit development to comply with the capacity of regional and local road systems.
- (4) To limit development by setting stringent requirements for on-site sewer systems in order to avoid a ~~pre-mature-~~ need for expansion of the Metropolitan Urban Service Area line and sanitary sewer facilities.
- (5) To establish permitted, accessory and conditional uses in order to stimulate local economic prosperity along the interstate corridor and within the Metropolitan Rural Service Area while closely monitoring the magnitude of development so not to prematurely demand the expansion of local governmental services.

(B) Permitted Uses Permitted uses are as follows:

- (1) Clinics for human care including medical, dental, osteopathic, chiropractic and optometric offices.
- (2) Finance, insurance, real estates, investment offices banks (with no drive-up windows).
- (3) General offices including administrative, executive, and corporate headquarters.
- (4) Professional offices providing services such as legal, engineering, architectural, accounting, auditing and bookkeeping.
- (5) Travel and employment agencies.

(C) Conditional Uses Conditional Uses are as follows:

(1) Banks and financial services with drive-up windows.

~~(2) -- Exterior storage yard (not allowed in front yard and subject to screening requirements) --~~

(2) Health clubs including tennis, racketball, aerobics, weight lifting, swimming, weight loss clinics (all facilities to be housed inside).

(3) Limited retail uses including:

(a) retail sales clearly accessory to the permitted - *ADDED* principal use of the land, ~~such as for example:~~ - *ADDED* 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 foregoing when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.

(b) The retail sale of commodities marketed to the local ~~sub-regional~~ area such as:

- (1) Greenhouses and nurseries, landscaping services, flowers and floral accessories.
- (2) Art sale and gallery.
- (3) Furniture, home furnishings and related equipment.
- (4) Vineyard and winery produce and sale.
- (5) Sporting goods, skiing, bicycles, motorcycles, snowmobiles, boats and fishing gear (all storage restricted to inside).

~~(c) -- Other retail sales marketed toward the automobile traffic and of a impulse nature such as gasoline sales, convenience store and deli foods may be allowed as part of the overall larger development and where said use is clearly subordinate to other permitted uses.~~

(5) Full service restaurants where food is served to a customer and consumed while seated at a counter or table, ~~and not including fast food service, drive-through service or take-out orders.~~

*ADDED* → (6) Golf courses, Club houses, Golf sales, Driving ranges.

(D) Permitted Accessory Uses

Permitted accessory uses shall include required off-street parking, loading areas and signs as regulated in this ordinance. Only accessory structures which are clearly incidental and subordinate to the business will be permitted.

(E) Minimum District Requirements

- (1) Lot Area: 3.5 acres
- (2) Minimum Lot Width: 300 feet
- (3) Minimum Lot Depth: 400 feet
- (4) Building setback from property lines:
  - (a) Front 100 feet
  - (b) Side 50 feet
  - (c) Side (street) 100 feet
  - (d) Rear 50 feet
  - (e) any line adjacent to a residential zone ~~-100 feet~~ 150 feet
- (5) Parking setback from property lines:
  - (a) Front 50 feet
  - (b) Side 50 feet
  - (c) Side (street) 50 feet
  - (d) Rear 50 feet
  - (e) any line adjacent to a residential zone 100 feet
- (6) Maximum Building Heights: 35 feet
- (7) Maximum Lot Coverage by all structures: 25%

~~-(8)- Maximum Total Lot Coverage of all impervious surface: ----- 50%~~

*ADDED* → (8) Maximum area to be covered by buildings, parking lots, driveways and other hard surfaces:

<u>Lot size</u>	<u>Covered Area</u>
Up to 4 acres	45% of lot size
Larger than 4 acres to 8 acres	35% of lot size
Larger than 8 acres	25% of lot size

(9) Sewer Discharge: No sewer discharge shall exceed a ratio of 3.0 SAC units per 3.5 acres. SAC units shall be determined according to Section 309 h. and i.

ADDED→(10) Minimum Building Floor Size: 4,000 square feet

(F) Special District Requirements

Due to the high visibility of the Limited Business zone, the following architectural, parking, landscaping, lighting and glare standards shall be in addition to other existing standards in the zoning code relating to the same:

(1) Architectural Standards

(a) It is not the intent of the City to restrict design freedom unduly when reviewing project architecture in connection with a site and building plan. However, it is in the best interest of the City to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods. New building proposals shall include architectural plans prepared by a registered architect and shall show the following:

- (1) Elevations of all sides of the buildings.
- (2) Type and color of exterior building materials.
- (3) Typical general floor plans.
- (4) Dimensions of all structures.
- (5) Location of trash containers and of heating, cooling and ventilation equipment and systems.

(b) Unadorned prestressed concrete panels, concrete block and unfinished metal shall not be permitted as exterior materials. The City may at its sole discretion allow architecturally enhanced block or concrete panels.

(c) All rooftop or ground mounted mechanical equipment and exterior trash storage areas shall be enclosed with materials compatible with the principal structure.

(2) Parking

ADDED → All drives and parking lots shall be constructed with concrete or blacktop, and with concrete curb and gutters. Where appropriate, sidewalks may be required.

Parking lot landscape areas, including landscape islands shall be reasonably distributed throughout the parking lot area so as to break up expanses of paved areas.

(3) Landscaping

All yard area shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming,



landscaping and/or fencing for the purpose of screening noise, sight, sound and glare. A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the site plan.

Where areas abut residential districts, a buffer area of a minimum depth of 100 feet will be required. Such a buffer area shall be completely constructed and approved by the City prior to all final City inspections for construction on site. Prior to the issuance of a building permit or commencement of any improvements on site, the owner shall provide the City with a financial security for a minimum of 24 months, approved by the City Attorney, to assure construction of the buffer area.

(4) Lighting and Glare

Plans for new developments shall include a lighting plan denoting the location, type and height of lighting fixtures and the illumination patterns shown on a site plan. Glare whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

ADDED: (5) Traffic

No use shall be allowed unless the property owner provides a road plan acceptable to the City, which shall demonstrate, at a minimum, that the proposed use and resulting traffic will not adversely affect the then existing traffic of the City. All private roads must comply with existing City Ordinances, with construction and maintenance being the sole responsibility of the property owner.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: December 17, 1990

AGENDA TOPIC:	PUBLIC HEARING:	Comprehensive Plan Amendment	ITEM NO. 3.
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This is a public hearing to consider an amendment to the 1990 Comprehensive Plan as petitioned by local residents. (Copy attached) Notice was published in the City's official newspaper and property owners within 350 feet have been notified of this public hearing (Copy attached).

Although the recommendation to the Council on this proposed Comp Plan amendment is the responsibility of the Planning Commission, staff must address the reasons listed in said petition. This should enable the Planning Commission to make a well thought-out recommendation on this request.

Reason #1. "Spot Zoning" is illegal:

Spot Zoning, as identified on page 352 of a book entitled "The Language of Cities" defines Spot Zoning as: "The designation of an isolated parcel of land for a use classification harmful to or in consonant with the use classification of the surrounding area so as to favor a particular owner. The courts have held such zoning to be "unreasonable" and "capricious". To avoid judicial invalidation, zoning of small areas can be enacted only when it is in furtherance of a general plan properly adopted by, and designed to serve the best interests of the community as a whole. This does not mean that an entire City or County must be zoned at one time, but there must be uniformity in the class or type of building to which the zoning applies.

3. PUBLIC HEARING: Comprehensive Plan Amendment (Continued)

In looking at the overall Future Land Use Map and the current zoning of the property just west of the dip, it does not appear that the area in question is "isolated".

Reason #2. Bridge Issue: I have attached excerpts of the 20 year plan from MnDOT. What this report states is that only the portion of Highway 36 that goes through Stillwater will have either an expressway or a freeway basic design, as determined by the project.

There is nothing in Mn/Dots 20 year plan, at this point in time, that indicates any change to Highway 36 through Lake Elmo.

Reason #3. Inconsistency with adjacent RED Future Land Use:

One property owner in the dip area did, indeed, request consideration for RED land use. I have enclosed the minutes that refer to that Council discussion.

Reason #4. Notification: Attached is a certified copy of the public hearing notice that was published in our legal newspaper. It was at the suggestion of Councilman Williams that the staff send a copy of the notice and the FLU Map to all residents in the City. There certainly may be room for improvement to better inform our residents on issues, but the fact remains we met statutory requirements.

Staff has tried to address the concerns raised by the petitioners, but should you have any further questions, please don't hesitate to call prior to the meeting.

Rec. 11/29/90

Comprehensive Plan Amendment

Simple Lot Division

Zoning District Amendment

Large Lot Subdivision

Text Amendment

Subdivision

Sketch

Conditional Use Permit

Preliminary

Final

Variance

Subdivision Variance

Appeals

Flood Plain Conditional Use Permit

Trailer Park

Shoreland Permit

Site & Bldg. Plan Review

Planned Unit Development

Mining Permits

Applicant STEVE KORTHEL 5540 KEYS AVE No. 770-2591  
(Name) (Address) (phone)

Owner LANDOWNERS OF THE "DIP" 777-1174  
(Name) (Address) (phone)  
M.T.

Property location (Street Address and Legal Description):

(A) S. East quarter of Section 3 (three) of Hwy  
36 "RED" ZONE - As shown on the Future Land  
Use Map (current).

Description and/or Reason for Request (Cite Ordinance Section):

(A2) PLS. SEE ATTACHMENT - A'

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to addition application expense.

Steve Korthel 11/27/90 3:00 P.M.  
Signature of Applicant Date

11/9/90

A'

4 of 4  
Pages

Received  
NOV 15 1990  
ALL

A PETITION REQUESTING AN AMENDMENT TO THE  
LAKE ELMO COMPREHENSIVE PLAN  
Dated May 30, 1990

THE AMENDMENT:

On page 30 of the Lake Elmo Comprehensive Plan, dated 5/30/90, is the cities Future Land Use Map. On this map we are requesting that the "DIP" area (please see attachment for definition) be removed from the "RED" zoned section, that borders the south side of Highway 36, and be put back into an "RAD" zoning classification.

OUR REASONS:

1. "spot zoning" is illegal. The inclusion of the dip area in the Highway 36 "RED" zone, breaks the horizontal boundary of this section. We are concerned that not only does this appear to be an example of spot zoning, but that its existence may encourage other similar zoning attempts in our area.

2. A new bridge in the Stillwater area is considered by many to be a reality. If it does happen, Highway 36 will become a FREEWAY and access to Keats avenue may be denied. This would cause all those living in and around the "DIP" area to find alternative routes of exit.

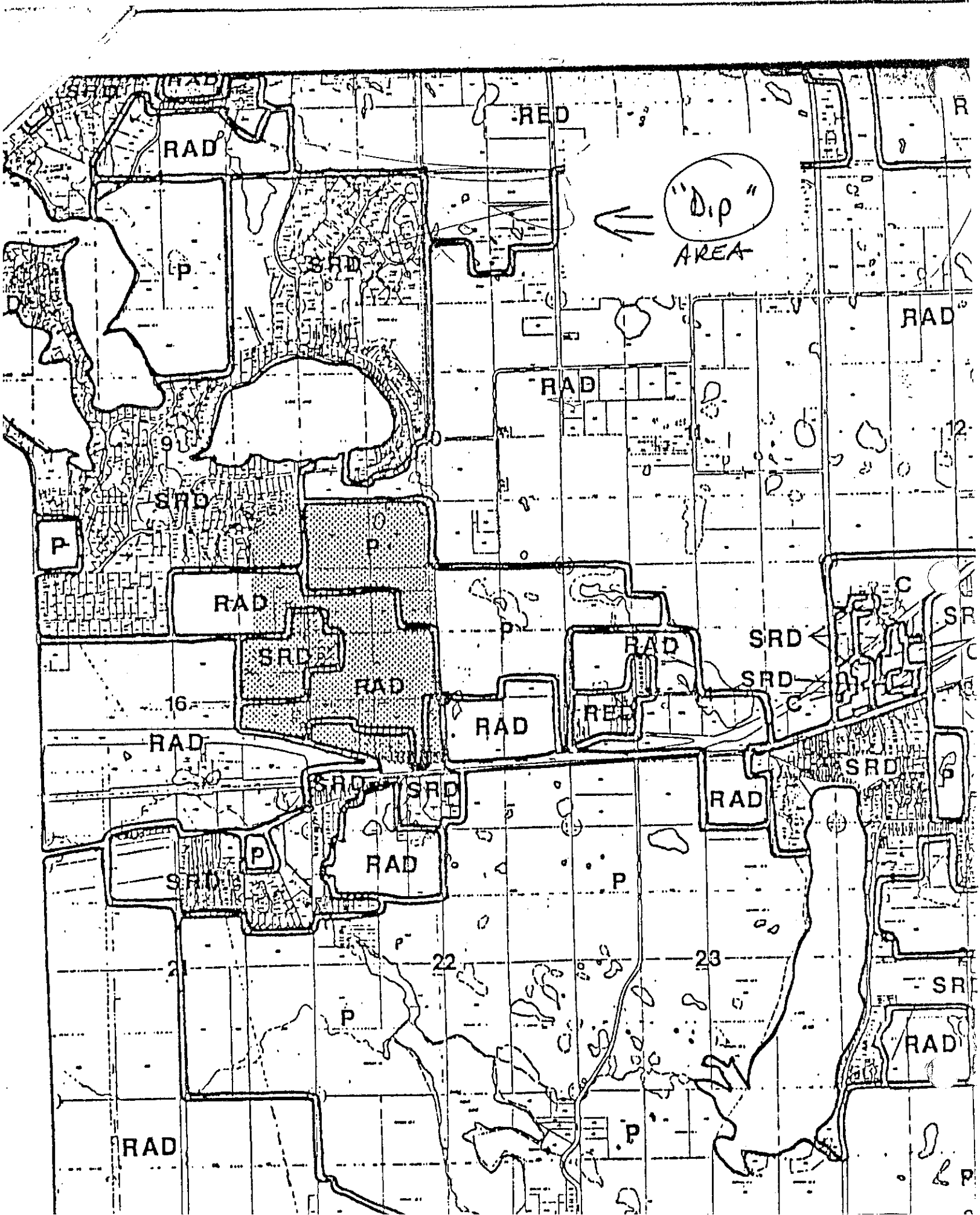
3. Including the "dip" area in the Highway 36 "RED" zone, does not seem consistent with the manner in which the other zones were drawn. The "DIP" appears to have been included to favor one particular landowner. None of the adjoining landowners approve of this zoning decision.

4. Although the city tried to notify everyone affected, and certianly exceeded its notification requirement. There was almost "complete surprise" by the residents that live in and around the "DIP" area, when the reality of the future land use map decision was realized.

We are asking that you restore what we had, and change the "DIP" area back to an "RAD" zoning classification.

A PETITION REQUESTING AN AMENDMENT TO THE  
LAKE ELMO COMPREHENSIVE PLAN  
Dated May 30, 1990

* date *	name	address	* age
11-14-90	Gene Korkel	5540 Keats Ave N.	> 18
11-14-90	Harcy M. Korkel	5540 Keats Ave N.	718
11-14-90	Christine Hermanson	5545 Keats Ave N.	718
11-14-90	Thomas Hermanson	5545 Keats Ave	718
11-14-90	Mel Eder	4890 Keats Ave N.	43
11-14-90	Marge Demylling	1530 Bellano	718
11-14-90	Cynthia M. Kalciga	5055 Keats Ave No.	718
11-14-90	George A. Dege	5193 KEATS AVE N.	718
11-14-90	K. Rhein	5193 Keats Ave No.	718
11-14-90	<del>Edward E. Dege</del>	<del>5193 KEATS</del>	718
11-14-90	Cecilia J. Dege	5193 Keats Ave No.	718
11-14-90	Ken A. Schubert	5222 Keats Ave N	718
11-14-90	Bill Schubert	5222 Keats Ave N	718
11-14-90	Cynthia J. Strohman	5240 Keats Ave. N.	718
11-14-90	Dele Eggen	5250 Keats Ave No.	718
11-14-90	Sam Eggen	5250 KEATS Ave No	718
11-14-90	Ken Baliga	5435 Keats Ave No	718
11-14-90	Claine Kalciga	5435 Keats Ave N	718
11-15-90	Jana A. Kalciga	9377-53 <sup>rd</sup> St. N.	718
11-15-90	Russell Kalciga	9377-53 <sup>rd</sup> St. N.	718
11-15-90	Terry Lehman	9353-53 <sup>rd</sup> St. N.	718
11-15-90	Lloyd E. Lehman	9353-55 <sup>th</sup> St. N.	718
719-9075 11-15-90	Laverne Y. Thatcher	9320 No. 53 <sup>rd</sup> St.	718
11-15-90	John W. Thatcher	" "	718



State of Minnesota

City of Lake Elmo

Kathy Weeks, being first duly sworn, deposes and says:

I am a United States citizen, over 18 years of age, and a resident of the City of Lake Elmo, Minnesota

On December 4, 1990, acting on behalf of the said city, I deposited in the United States post office at Lake Elmo, Minnesota, copies of the attached Public Hearing Notice to Amend the Comp. Plan, enclosed in sealed envelopes, with postage thereon fully prepaid, addressed to the following persons at the addresses appearing opposite their respective names:

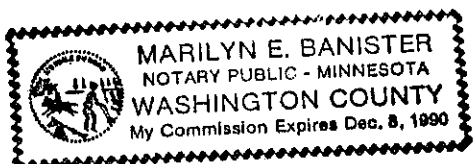
Name	Address
(See Attached List)	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

There is delivery service by United States mail between the place of mailing and the places so addressed.

Kathy Weeks  
Signature

Subscribed and sworn to before me this 4 day of December, 1990.

Marilyn E. Banister  
Notary Public





## Notice of Public Hearing

The Lake Elmo Planning Commission will hold a public hearing on Monday, December 17, 1990 at 7:30 p.m., at City Hall, 3800 Laverne Avenue, to consider a petition presented to the City for an amendment to the Comprehensive Plan. Said petition requests that the property, located in the Southeast 1/4 of Section 3, T29N, R21W, with designated Future Land Use of RED, Rural Estates Density, be amended to a Future Land Use of RAD, Rural Agricultural Density.

All persons who wish to speak regarding this proposed amendment to the 1990 Comprehensive Plan will be given that opportunity at this public hearing.

Mary Kueffner  
City Administrator  
November 27, 1990

Published St. Croix Valley Press December 5, 1990

Norcott Investment Co.  
Attn: Larry Lisle  
5926 Bass Lake Rd.  
Crystal, MN 55429

Don Richie  
9393 55th St. N.  
Lake Elmo, MN 55042

Jerry Dreis  
9480 53rd St. N.  
Lake Elmo, MN 55042

William Horwath  
9440 53rd St. N.  
Lake Elmo, MN 55042

Richard Rengstorf  
9400 53rd St. N.  
Lake Elmo, MN 55042

Russell W. Wegwerth  
9377 53rd St. N.  
Lake Elmo, MN 55042

Rolf Schubert  
5222 Keats Avenue N.  
Lake Elmo, MN 55042

Pete & Pam Eggen  
5250 Keats Avenue N.  
Lake Elmo, MN 55042

Steve & Nancy Korhel  
5540 Keats Avenue N.  
Lake Elmo, MN 55042

Thomas Hermanson  
5545 Keats Avenue N.  
Lake Elmo, MN 55042

Keith Raleigh  
5435 Keats Avenue N.  
Lake Elmo, MN 55042

John & Helen Regenold  
626 W. Cottage Avenue  
St. Paul, MN 55117

David & Cynthia Sterholm  
5240 Keats Avenue  
Lake Elmo, MN 55042

George Dege  
5193 Keats Ave. N.  
Lake Elmo, MN 55042

Catherine Crocker  
5093 Keats Ave. N.  
Lake Elmo, MN 55042

Mary Kane  
5010 Keats Ave. N.  
Lake Elmo, MN 55042

Arlene Meyer  
11601 Capri Dr.  
Sun City, AZ 85351

Robert & Marie Meyer  
5220 Keats Ave. N.  
Lake Elmo, MN 55042

Lake Elmo also receives funds through the Municipal State Aid program and has a continuing program to maintain and rebuild MSA roads in the City. Refer to the latest 5-year "MSA Street Plan".

### 3. Parks

The City also maintains a five year parks plan which emphasizes development of City parks.

### 4. Fire Department

The City also has a five year plan for its Fire Department. The main emphasis is to provide funds to replace equipment as needed.

## E. COMPREHENSIVE PLAN AMENDMENT PROCEDURES

Ideally, the Comprehensive Plan should be reviewed and updated annually in order to reflect current community attitudes and to remain a legitimate guide for growth and decision making. Before any development proposal is considered, it should be evaluated for consistency with this plan. If a proposed development is not consistent, the City must first determine if the Comprehensive Plan should be amended. An amendment to the Comprehensive Plan may be initiated by a petition of property owners or citizens, a recommendation of the Planning Commission, or by action of the City Council. Applications for amendments which are initiated by property owners or citizens shall be filed with the City and shall include all information as stated on the application form. The Planning Commission shall hold at least one public hearing on the proposed amendment, notice of which shall be published in the City's designated legal newspaper according to the requirements for amendments to the zoning ordinance. Within 90 days after receipt of an application, the planning commission shall make a written report to the City Council stating it's findings and recommendations unless the applicant requests in writing that an extension of time for review be granted by the planning commission. The City Council may hold a public hearing within 30 days after the receipt of the report and recommendations of the Planning Commission, if deemed necessary. The Council may also request further information or reports from the Planning Commission. All proposed amendments shall be simultaneously coordinated with other public jurisdictions such as Metropolitan Council, school districts, and adjacent cities. Any amendment to the Comprehensive Plan shall require a four-fifths affirmative vote of the City Council for adoption. No application which has been denied shall be resubmitted for a period of six months from the date of such order of denial.

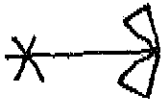
## THE LANGUAGE OF CITIES : 352

heat, fire hazards, noxious gases, industrial wastes, transportation and traffic, aesthetics, and psychological impacts.

Performance standards are also being employed for subdivisions; here, instead of specifying the width of a roadway or right-of-way, the performance regulation sets forth the required number of moving lanes, pedestrian ways, and parking facilities. Similarly, population density might fix over-all density requirements, such as six dwelling units per acre with a minimum lot area of 4500 square feet. This might afford opportunity for more original design and innovation than the rigid regulation and allow freer expression to technology, future as well as present.

Performance standards have not won general acceptance or achieved perfection. They may be subject to over-liberal interpretations under political pressures; technical know-how is not always available in small places; they often emphasize minimum rather than desirable standards. But the more detailed specification also has its problems, and performance standards have provided an experimental frontier pointing the way to a new form of land and building regulation that might season subdivision formations with something better than more of the same. (See ARCHITECTURE, LEGISLATIVE; PLANNED-UNIT DEVELOPMENT.)

*zoning permit* An official finding that a planned use or structure complies with the zoning regulations or is allowed by the granting of an exception or variance. No new development or substantial change of use can occur until such a permit is issued. (See CERTIFICATE OF OCCUPANCY.)



*zoning, spot* The designation of an isolated parcel of land for a use classification harmful to or inconsonant with the use classification of the surrounding area so as to favor a particular owner. The courts have held such zoning to be "unreasonable" and "capricious." To avoid judicial invalidation, zoning of small areas can be enacted only when it is in furtherance of a general plan properly adopted by, and designed to serve the best interests of, the community as a whole. This does not mean that an entire city or county must be zoned at one time, but there must be uniformity in the class or type of building to which the zoning applies.

*zoning, time* Restricting an existing non-conforming use to a specific period, upon the expiration of which it becomes illegal. Sometimes referred to as "amortization of the use," it is presumed to afford the non-

conforming owner a reasonable return on his investment under the zoning ordinance; billboards, garages, gas stations, etc.; some require abandonment after a certain period, usually twenty. The validity of such zoning is upheld in all jurisdictions, and was affirmed in the *Wicks v. Board of Supervisors* case, the rulings were upheld in *Wicks v. Board of Supervisors* and *Wicks v. Board of Supervisors* of Muscovite ukase "business" and "administrative" nature, waiving the rules. Zoning is a part of the political kit of local government. (See PRE-EXISTING.)

**Major Section : 8**

**Trunk Highway : 5**

**Termini : I-694 to TH 36**

TH 5 is a state, minor arterial, FAU highway that should be considered for turnback to a local, minor arterial, FAU route. This section of TH 5 should remain a good two-lane roadway with few signals, high speeds, and limited access to accommodate medium volumes and long-range trip lengths. Physical improvements warrant a low to medium priority, as does maintenance.

**Major Section : 9**

**Trunk Highway : 8**

**Termini : I-35 to Wisconsin**

TH 8 is and should remain a state, principal arterial, FAU highway. This two-lane roadway should have no signals and should remain accessible for high speed travel (55 mph) to accommodate high volumes and long trips. Peak travel demands (mostly on weekends) may require consolidation or control of access and TSM measures through each city on the roadway. The roadway warrants a medium to high priority for physical improvements and for maintenance.

**Major Section : 10**

**Trunk Highway : 10**

**Termini : Ramsey/Anoka County Line to I-35W**

TH 10 in this section will be a state, principal arterial, FAP route when it is completed. The four-lane roadway should have full access control with interchanges, high speeds (55 mph) and no signals. The roadway warrants a high priority for physical and capacity improvements and for maintenance.

**Major Section : 11**

**Trunk Highway : 10**

**Termini : Hennepin County Line to I-35W**

TH 10 is a state, minor arterial, FAU highway that should be considered for turnback to a local, minor arterial, FAU route upon the completion of TH 10 between TH 47 and I-35W (major section 10). Until the turnback is completed, the roadway will continue to serve high traffic volumes and therefore should remain a good four-lane roadway with coordinated signals, high capacity intersections, and no new access. The roadway warrants a low priority for physical improvements; and a medium priority for safety improvements at intersections and maintenance.

warrant consideration and should be allowed. The roadway warrants a high priority for maintenance.

**Major Section : 28**

**Trunk Highway : I-35W**

**Termini : Lake Drive To North Jct. I-35/I-35E**

I-35W is and should remain an Interstate freeway. On this four-lane roadway, interchange modifications, relocations or additions should be allowed within the MUSA boundary if warranted through the Metropolitan Highway Interchange process. Capacity improvements within the MUSA boundary should be allowed. The roadway warrants a high priority for maintenance.

**Major Section : 29**

**Trunk Highway : 36**

**Termini : I-35W to TH 61**

TH 36 is and should remain a state, principal arterial, FAP route. On this four-lane roadway interchange modifications, relocations or additions should be allowed if warranted through the Metropolitan Highway Interchange process. The route should have full access control and high speeds (55 mph) should be encouraged. Capacity and physical improvements warrant a high priority. The roadway warrants a high priority for maintenance.

**Major Section : 30**

**Trunk Highway : 36**

**Termini : TH 61 to I-694**

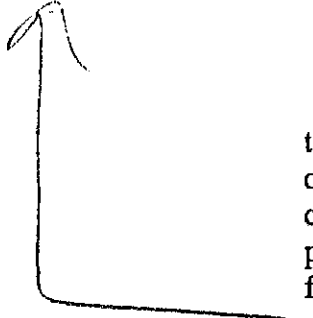
TH 36 is and should remain a state, principal arterial, FAP highway. From TH 61 to White Bear Ave., the roadway should be a four-lane freeway with full access control and high speeds (55 mph). Interchange modifications, relocations or additions should be allowed if warranted through the Metropolitan Highway Interchange process. Capacity and physical improvements warrant a high priority, as does maintenance.

**Major Section : 31**

**Trunk Highway : 36**

**Termini : I-694 to Wisconsin**

TH 36 is and should remain a state, principal arterial, FAP highway. Between I-694 and Stillwater, the roadway should remain an expressway in good condition with high speeds (55 mph), access at major crossroads, and no signals. The portion of the major section



through Stillwater (TH 36 or TH 5) will have either an expressway or a freeway basic design, as determined by the St. Croix River crossing replacement project. The roadway warrants a medium priority for capacity and physical improvements and a high priority for maintenance.

**Major Section : 32**

**Trunk Highway : 49**

**Termini : University Ave. to I-694**

TH 49 is a state, minor arterial, FAU highway that should be considered for turnback as a local, minor arterial, FAU route. On this roadway, average speeds of 30-40 mph are encouraged and signals should be allowed consistent with operating speeds. Improvements requiring rights of way or consolidation or access control warrant a low priority. Capacity or physical improvements also warrant a low priority, as does maintenance. TSM measures, however, warrant a high priority.

**Major Section : 33**

**Trunk Highway : 49**

**Termini : I-694 to I-35W**

TH 49 is and should remain a state, minor arterial, FAU highway. This highway should be a fair condition, two-lane roadway with few signals, and moderate to high speeds (45-55 mph) to accommodate medium-to long range trips. MnDOT should encourage TSM measures, such as consolidation and control of access, for the sections of this roadway that pass through highly developed areas. The roadway warrants a medium priority for maintenance.

**Major Section : 34**

**Trunk Highway : 49**

**Termini : I-35W to End (Metro Training Center)**

TH 49 is a state, minor arterial highway that should be considered for turnback as a local, collector street. Average speeds (40 mph) on this two-lane roadway are encouraged. The roadway warrants the lowest priority.

**Major Section : 35**

**Trunk Highway : 50**

**Termini : I-35 to North Jct. TH 3**

TH 50 is a state, minor arterial, FAS highway that should be considered for turnback as a local, major collector, FAS route. This

**Major Section : 59**

**Trunk Highway : 88**

**Termini : Hennepin County Line to I-35W**

TH 88 is a state, minor arterial, FAU highway that should be considered for turnback as a local, minor arterial, FAU route. The roadway is a high speed (55 mph) four-lane roadway that warrants a low priority for capacity improvements and maintenance.

**Major Section : 60**

**Trunk Highway : I-94**

**Termini : Mississippi River to I-694/I-494**

I-94 is and should remain an Interstate freeway. On this eight-lane roadway, interchange modifications, relocations or additions should be allowed if warranted through the Metropolitan Highway Interchange process. A high priority is warranted for capacity improvements and maintenance.

**Major Section : 61**

**Trunk Highway : I-94**

**Termini : I-694/I-494 to Wisconsin**

I-94 is and should remain an Interstate freeway. On this four-lane roadway, interchange modifications, relocations or additions should be allowed if warranted through the Metropolitan Highway Interchange process, but are discouraged outside the MUSA boundary. A high priority is warranted for capacity improvements and maintenance.

**Major Section : 62**

**Trunk Highway : 95**

**Termini : TH 61 to I-94**

TH 95 is and should remain a state, minor arterial, FAS highway. On this two-lane roadway, traffic signals should be discouraged outside cities, but allowed within city limits. TSM measures, safety improvements, and consolidation of access warrant a medium priority. Reconstruction activities such as shoulder widening are not warranted except for spot safety improvement. Capacity improvements and maintenance warrant a medium priority.



Larry Bohrer pointed out that during development you are given the opportunity to define drainage, ponding and right-of-way easements and the City is in a very good position to impose these costs on a developer. Otherwise, to improve that area with the types of ponding or other needs, the City would have to purchase the land or condemn it.

Under watershed law, Bohrer explained the City has to have a drainage plan within the local plan for that part of the City that lies in the VBWD. According to Bohrer, since the VBWD Managers were amending their basic plan, Karen Chandler of Barr Eng., lead him to believe that our deadline for a Water Management Plan was not to come in the upcoming year; therefore, the City did not budget for it.

Bohrer felt it would be better for the City to have a drainage plan in place when a developer comes in with an application. The City can either adopt the VBWD Plan as our plan or develop their own that would follow their basic guidelines. If the City adopts their plan, that is expedient and cheap, but it doesn't address our individual problems. In his opinion the most immediate need is the ~~whole~~ village area, north of the railroad tracks.  
old

Cletus Tauer, 5270 Keats Avenue, requested consideration for RE zoning on his 40+ acres (South of Hwy 36, abutting Foxfire Estates on the West which has a 66 ft. wide road easment off of Keats Avenue). Tauer stated he has no immediate plans, but he had talked to Bruce Folz and was aware of the plan for connecting the street.

Based on the health, safety and welfare issue and the possibility of the road being connected without the City incurring any expense, Councilman Hunt would support the RE zoning for the Tauer property.

In trying to bring some overall criteria for RE 2 1/2 acre versus 5 acre, Councilman Williams suggested RE 5 acres rather than the proposed 2 1/2 acre of the tabletop farmland on the southside, 1/2 mile to the east of Cty Road 13B and for the area west of Cty Rd. 15 by the Oakland Jr. High School. (Planning Commission member Steve DeLapp indicated area by lining with 5 acre color code).

Councilman Graves stated he would be comfortable with 5 acre RE, but with the realization that it is a Comp Plan and it can be changed if people come in and request 2 1/2 acre RE.

Councilman Hunt had no problem supporting this area as 5 acre RE because he felt 10th Street has become a very busy street and 2 1/2 acres of flat land is not as promising as 5 acres.

Based on conversations he has had with these propertyowners, <sup>next to Cty. Rd. 15</sup> Moe felt they would not be interested in developing 5 acre parcels.

Councilman Williams submitted a revised Resolution for Council consideration. Williams stated "In the past he has gone on record as saying he is not convinced that commercial development on I-94 is necessarily in the best interest of the City. However, if the Council adopts this Future Land Use Map as a workable document, then he is committed to making that zone work as best that we can."

Planning Commission member Ed Stevens explained at the last meeting, the PZ decided they didn't have to specifically state what businesses should or should not be qualified for along I-94, that it would just be understood. After later consideration, it seemed to some of the PZ members that it would be better to let the Council know their recommendations. For this purpose, Ed polled the PZ members, who signed and submitted their recommendations to the Council.

M/S/P Graves/Hunt - to amend the Future Land Use Map to include the Cletus Tauer property (42.75 acres) as 2 1/2 acre RE Zoning; the two parcels north of Eden park indicated by Councilman Williams with surface water problems remain Rural Residential, but would be available for RE development (Upper parcel proposed as 5 acre RE, Bottom parcel proposed as 2 1/2 acre RE) post completion of the 1990 Surface Water Management Plan; area east of Cty. Rd 13B, South of 10th Street for 3/4 mile be changed to 5 acre RE from 2 1/2 RE shown at present, areas by 15th Street, South of Oakland Jr. High School be changed to 5 acre RE. (Motion carried 4-1 Moe: He was not in favor of the zoning change to 5 acre RE for the property on Manning and I-94).

The revised resolution that Williams provided was discussed and changed as follows: the moratorium was eliminated, Interstate Freeway Business Development will be an interim <sup>name for the</sup> zoning category along I-94 corridor, and amend the text of the 1989 Comp Plan to reflect the intent of the FLUMap as amended by consensus on May 16, 1989. (See Resolution 89-31)

M/S/P Williams/Hunt - to adopt Resolution 89-31 approving the Future Land Use Map Concept, as amended by consensus of the Council on May 16, 1989 and directing an amendment to the Comprehensive Plan to reflect the Future Land Use Map. (Motion carried 5-0).

B. Rezoning: Packard Park, 3rd Addn. (Gene Peltier)

Now that the Council has reached a consensus on a future land use map, the Council reconsidered the zoning application from Gene Peltier.

Councilman Williams questioned the Council's action to adopt the Future Land Use Map before the Public Hearing was held and made the following motion.

M/S/ Williams/Hunt - to adopt Ordinance 8024 amending the 1979 Municipal Code, Section 301.070C, to wit: rezone the parcel described as THAT PART OF THE NORTH 44.5 ACRES OF THE SOUTH 57.89 ACRES OF GOVERNMENT LOT 3, SECTION 24, T29N, R21W, WASHINGTON COUNTY, MINNESOTA LYING WEST OF THE EAST 1090 FEET; EXCEPT THE TRACTS DESCRIBED IN BOOK 96 OF DEEDS, PAGE 98; AND BOOK 96 OF DEEDS, PAGE 99 AND BOOK 105 OF DEEDS, PAGE 240 from Rural Residential to R1, based on its conformance with the proposed future land use map, and based on a favorable recommendation from the Planning Commission; contingent on the rezoning to be effective after formal adoption by the City Council of the Future Land Use Map which showed this land as R1.

Councilman Graves stated he has every intent to move ahead with this plan. He pointed out tht once again at this meeting, the Council by majority

PRINTER'S AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA )
County of Ramsey ) ss

Eugene D. Johnson, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as The St. Croix Valley Press, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed CITY OF LAKE ELMO Lake Elmo Comp. Plan for the City of Lake Elmo, Washington County, MN which is attached was cut from the columns of said newspaper, and was printed and published once each week, for Two successive weeks; it was first published on Wednesday, the 23 day of May, 1990, and was thereafter printed and published on every Wednesday to and including Wednesday, the 30 day of May, 1990 and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]
TITLE: Publisher

Subscribed and sworn to before me on this 30 day of May, 1990.

[Signature: Margaret M. Wegscheider]

Notary Public, Ramsey County, Minn.

My Commission expires Feb. 14, 1990

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space. \$ 15.50 (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter. \$ 5.67 (Line, word, or inch rate)
(3) Rate actually charged for the above matter. \$ 5.67 (Line, word, or inch rate)

CITY OF LAKE ELMO

NOTICE OF PUBLIC HEARING FOR 1990 LAKE ELMO COMPREHENSIVE PLAN FOR THE CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

The Lake Elmo Planning Commission will hold a public hearing on Monday, June 11, 1990 at 7:30 p.m. at city hall, 3800 Laverne Ave. N., Lake Elmo, MN to receive public comment on the proposed 1990 Lake Elmo Comprehensive Plan.

A complete copy of the proposed 1990 Lake Elmo Comprehensive Plan, including the City's Future Land Use Map is on file at the city office for public review.

All persons who wish to be heard regarding the proposed 1990 Lake Elmo Comprehensive Plan will be given that opportunity at this public hearing. Written comments will be accepted up until the time of the public hearing.

Mary Kueffner
City Administrator
May 21, 1990

Published in the St. Croix Valley Press May 23 & 30, 1990

PRINTER'S AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA )
County of Ramsey ) ss

CITY OF LAKE ELMO
WASHINGTON COUNTY,
MINNESOTA
ORDINANCE 8038
AN ORDINANCE ADOPTING THE
1990 COMPREHENSIVE PLAN
FOR LAKE ELMO, MINNESOTA
BEFORE RECEIVING COMMENTS
FROM SURROUNDING LOCAL
GOVERNMENTS, SCHOOL
DISTRICTS AND METROPOLITAN
AND/OR STATE AGENCIES SO AS
TO PROVIDE GUIDANCE IN
PLANNING AND ZONING ISSUES
FOR THE CITY OF LAKE ELMO

WHEREAS, the City of Lake Elmo has spent
considerable time developing a new
Comprehensive Plan; and

WHEREAS, The Lake Elmo Planning
Commission has completed a plan, held public
hearings on the matter, and recommended a new
Comprehensive Plan to the City Council for
approval.

NOW THEREFORE, BE IT RESOLVED:

1. That, the Lake Elmo City Council adopted
the 1990 Comprehensive Plan in order to provide
policy direction and guidance for several imminent
planning and zoning decisions the City currently
faces.

2. THAT, the City Council directs the City
Administrator to submit the 1990 Lake Elmo
Comprehensive Plan to surrounding local
governments, school districts and metropolitan
and/or state agencies for review and comments.
Comments will be received up until December 3,
1990 and will be studied and considered for
incorporation into the 1990 Comprehensive Plan
by the Planning Commission and the City Council
after all comments have been made.

Adopted this 21st day of August, 1990 by the
City Council of the city of Lake Elmo.

Susan Dunn, Mayor

Attest:

Mary Kueffner, City Administrator

Published in the St. Croix Valley Press September
26, 1990.

Eugene D. Johnson, being duly sworn, on oath says that he is the
publisher or authorized agent and employee of the publisher of the
newspaper known as The St. Croix Valley Press, and has full knowledge
of the facts which are stated below:

(A) The newspaper has complied with all of the requirements consti-
tuting qualification as a qualified newspaper, as provided by Min-
nesota Statute 331A.02, 331A.07, and other applicable laws, as amend-
ed.

(B) The printed CITY OF LAKE ELMO
Ordinance 8038

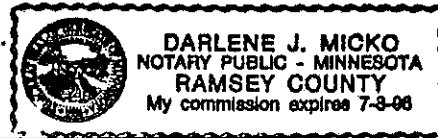
which is attached was cut from the columns of said newspaper, and was
printed and published once each week, for One successive weeks;
it was first published on Wednesday, the 26 day
of September, 1990, and was thereafter printed and published on
every to and including the day
of 19; and printed below is a copy of the lower
case alphabet from A to Z, both inclusive, which is hereby acknowledged
as being the size and kind of type used in the composition and publica-
tion of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]
TITLE: Publisher

Subscribed and sworn to before me on
this 26 day of September, 1990.

[Signature]



Notary Public, Ramsey County, Minn.

My Commission expires July 8, 1996

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space. \$ 15.50 (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter. \$ 5.67 (Line, word, or inch rate)
(3) Rate actually charged for the above matter. \$ 5.67 (Line, word, or inch rate)

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: December 17, 1991

AGENDA TOPIC: Rezoning (Continuation) Arabian Hills

ITEM  
NO. 4.

The applicant has requested that the Planning Commission consider, at this meeting, the rezoning request and that the Commission take further action to table its recommendation on the preliminary plat.

I have just received a letter from Met Council indicating that its review of our Comp Plan will be done by February 25, 1991. Regardless of what we have been told in the past, we cannot officially rezone any property based on its conformity to our Comp Plan until we receive approval from Met. Council. You do, however, have the option to recommend that the City Council approved the requested rezoning contingent upon approval of our Comp Plan by the Met Council.

DEC 13 1990

**THE PROFESSIONALS, INC.**  
REAL ESTATE & CONSULTING CENTER

December 12, 1990

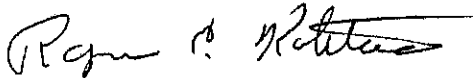
City of Lake Elmo  
3800 Laverne  
Lake Elmo, MN 55042

RE: Northern Lakes Diversified, Inc.  
6579 North Shore Trail  
Forest Lake, MN 55025

Dear Members:

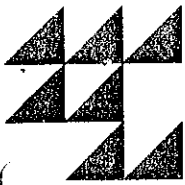
On behalf of Northern Lakes Diversified, Inc., I am requesting that the preliminary approval process of our plat of Arabian Hills be tabled until further notice.

Sincerely,



Roger Kolstad

RK/jl



DEC 10 1990

METROPOLITAN COUNCIL, Mears Park Centre, 230 East Fifth Street, St. Paul, MN. 55101 612 291-6359

December 6, 1990

Ms. Mary Kueffner  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo MN 55042

RE. City of Lake Elmo Comprehensive Plan Amendment Review  
Complete Update of Comprehensive Plan  
Metropolitan Council District 16  
Metropolitan Council Referral File No. 15238-1

Dear Ms. Kueffner:

The Metropolitan Council staff has reviewed the city of Lake Elmo's proposed comprehensive plan amendment received by the Council on November 27, 1990.

The staff has questions regarding the plan in the areas of sewers, natural resources, and transportation. Specifically, what assurances does the city have that operators of private treatment systems will operate and maintain their wastewater treatment plants? What is meant by "major" wetlands as it relates to wetland protection?

A proposed amendment that represents a complete update may not be put into effect by the local unit of government until the Council review is complete. The law allows the Council 90 days from receipt of the proposed amendment to complete its review. If the Council requires a modification to the proposed amendment, the amendment may not be put into effect until the Council has approved the modification.

The 90-day review period ends on February 25, 1990. Within that 90-day period, Council staff will complete a review of the proposed plan amendment and forward a copy of the staff report to the city prior to consideration by the Metropolitan and Community Development Committee.

If you have any questions during the review period, please feel free to contact Richard Thompson, principal reviewer, at 291-6457.

Sincerely,

Steve Keefe  
Chair

cc. Patrick J. Scully, Metropolitan Council District 16  
John Rutford, Metropolitan Council Staff  
Richard Thompson, Metropolitan Council Staff







may be placed into effect. Any amendment to a plan or program subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan or program. The written statement of the council shall be filed with the plan of the local government unit or the program of the school district at all places where the plan or program is required by law to be kept on file.

Subd. 3. If a local governmental unit fails to adopt a comprehensive plan in accordance with Laws 1976, chapter 127, sections 1 to 23 or if the council after a public hearing by resolution finds that a plan substantially departs from metropolitan system plans and that the local governmental unit has not adopted a plan with modifications required pursuant to section 473.866 within nine months following a final decision, order, or judgment made pursuant to section 473.866, the council may commence civil proceedings to enforce the provisions of Laws 1976, chapter 127, sections 1 to 23 by appropriate legal action in the district court where the local governmental unit is located.

*History: 1975 c 13 s 19; 1976 c 127 s 14; 1977 c 347 s 68*

#### 473.181 ADDITIONAL COUNCIL REVIEW POWERS.

Subdivision 1. **Trunk highways.** The council shall review proposed trunk highway construction pursuant to sections 161.171 et seq.

Subd. 2. **Parks.** The council shall review local government park master plans pursuant to section 473.313. The metropolitan council shall approve the use of moneys made available for land acquisition to local units of government from the land and conservation fund, the open space program of HUD, the natural resources account in the state treasury, if the use thereof conforms with the system of priorities established by law as part of a comprehensive plan for the development of parks; otherwise it shall disapprove of the use thereof.

Subd. 3. **Metropolitan transit commission.** The council shall review acquisition of public transit systems and the issuance of revenue bonds by the metropolitan transit commission pursuant to sections 473.405, subdivision 5, and 473.438, subdivision 7.

Subd. 4. **Solid waste.** The council shall review solid waste management activities of local government units as provided in sections 473.801 to 473.834 and 115A.80 to 115A.89.

Subd. 5. **Airports.** The council shall review metropolitan airports commission capital projects pursuant to section 473.621, subdivision 6. The plans of the metropolitan airports commission and the development of the metropolitan airports system by the commission shall, as provided in sections 473.611, subdivision 5, and 473.655, be consistent with the development guide of the council.

*History: 1975 c 13 s 20; 1984 c 644 s 60; 1984 c 654 art 3 s 113*

#### 473.191 LOCAL PLANNING ASSISTANCE.

Subdivision 1. The metropolitan council may, at the request of local governmental units, enter into contracts or make other arrangements with local governmental units and others for the provision of services for and assistance with comprehensive community planning. This may include:

(a) Assistance in the preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities together with long-range fiscal plans for such development;

(b) Programming of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program;

(c) Coordination of all related plans of the departments or subdivision of the government concerned;

(d) Intergovernmental coordination of all related planned activities among the state and local governmental agencies concerned; and

development within each local governmental unit and on policies, statements, and recommendations contained in metropolitan system plans.

*History: 1976 c 127 s 5; 1977 c 347 s 68*

#### 473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.

Local governmental units shall consider in their initial comprehensive plans submitted to the council, and school districts shall consider in their initial capital improvement programs submitted to the council, any amendments or modifications to metropolitan system plans which were made by the council and transmitted prior to January 1, 1978. Thereafter, within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan and each affected school district shall review its capital improvement program to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit or school district shall prepare the amendment and submit it to the council for review pursuant to Laws 1976, chapter 127, sections 1 to 23.

*History: 1976 c 127 s 6; 1977 c 347 s 68*

#### 473.857 SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.

Subdivision 1. If a local governmental unit or school district and the council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the advisory committee or by the state office of administrative hearings for the purpose of considering amendments to the system statement. The request shall be made by the unit or district within 60 days after receipt of the system statement and shall be accompanied by a description of the disagreement together with specified proposed amendments to the system statement. If no request for a hearing is received by the council within 60 days, the statement shall be final.

Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory committee or administrative law judge may employ the appropriate technical and professional services of the commissioner of energy and economic development for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

Subd. 3. Within 30 days of receipt of the report, the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation.

*History: 1976 c 127 s 7; 1977 c 347 s 68; 1980 c 615 s 60; 1981 c 356 s 241; 1983 c 289 s 115 subd 1; 1984 c 640 s 32*

#### 473.858 COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS.

Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with Laws 1976, chapter 127, sections 1 to 23 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 Laws 1976, chapter 127, sections 1 to 23 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 supersedes the plan.

Subd. 2. Local governmental units shall submit their comprehensive plans to the council at least 90 days prior to the submission of the metropolitan system plan.

Subd. 3. The council shall prepare a comprehensive plan for the governing body.

Subd. 4. The council shall prepare comprehensive plans and official statements of Laws 1976, chapter 127, sections 1 to 23, and programs, sewerage treatment and disposal programs, and other programs, and submit them to the council for review and approval pursuant to sections 1 to 23.

*History: 1976 c 127 s 8*

#### 473.859 COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS.

Subdivision 1. Local governmental units shall prepare comprehensive plans, including policies, standards, and programs for the redevelopment and improvement of local governmental units which is evenly distributed and which increases the capacities upon which the public facilities are based. The plan on adjacent areas shall be necessary, to satisfy the requirements of a comprehensive plan and comprehensive plan statute.

Subd. 2. Local governmental units shall intensify commercial, industrial, and residential development for such purposes as historic sites and development. The plan shall also include providing adequate regional housing use planning to moderate income.

Subd. 3. Local governmental units shall prepare a comprehensive plan character, location, and public facilities and shall include at least such detail as to departures from a public facilities plan.

(a) A transportation service plan.

(b) A sewerage treatment and disposal plan.

Subd. 2. Local governmental units shall submit their proposed plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the plan to the council and shall submit copies to them on the submission of the plan to the council.

Subd. 3. The plans shall be submitted to the council following approval by the planning commission of the unit and after consideration but before final approval by the governing body of the unit.

Subd. 4. Comprehensive plans, capital improvement programs, sewer policy plans and official controls of local governmental units adopted prior to the requirements of Laws 1976, chapter 127, sections 1 to 23 shall remain in force and effect until amended, repealed or superseded by plans or controls adopted pursuant to Laws 1976, chapter 127, sections 1 to 23. Existing comprehensive plans, capital improvement programs, sewer policy plans, and official controls may be amended and new capital improvement programs and official controls may be prepared and adopted prior to the submission to the council of comprehensive plans required by Laws 1976, chapter 127, sections 1 to 23.

History: 1976 c 127 s 8; 1977 c 347 s 68; 1985 c 62 s 4

#### 473.859 COMPREHENSIVE PLAN CONTENT.

Subdivision 1. **Contents.** The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of Laws 1976, chapter 127, sections 1 to 23. The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the local governmental unit pursuant to the applicable planning statute.

Subd. 2. **Land use plan.** A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204, and an element for protection and development of access to direct sunlight for solar energy systems. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

Subd. 3. **Public facilities plan.** A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(a) A transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(b) A sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system,

**473.865 IMPLEMENTATION OF PLANS.**

Subdivision 1. 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. 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. 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.

*History: 1976 c 127 s 16; 1977 c 347 s 68*

**473.866 CONTESTED CASES; ADMINISTRATIVE AND JUDICIAL REVIEW.**

The council's decision to require modification under section 473.175 may be contested by the affected local governmental unit. The unit shall have 60 days within which to request a hearing on the council's decision to require modification. If within 60 days the unit has not requested a hearing, the council shall make its final decision with respect to the required modifications. If an affected unit requests a hearing, the request for hearing shall be granted, and the hearing shall be conducted within 60 days by the state office of administrative hearings in the manner provided by chapter 14 for contested cases. The subject of the hearing shall not extend to questions concerning the need for or reasonableness of the metropolitan system plans or any part thereof. In the report of the administrative law judge the costs of the hearing shall be apportioned among the parties to the proceeding. Within 30 days after the receipt of the report the council shall, by resolution containing findings of fact and conclusions, make a final decision with respect to the required modifications of the comprehensive plan. Any party to the proceeding aggrieved by the decision of the council may appeal to the court in the manner provided in chapter 14 for contested cases. The record on appeal shall consist of: (1) the administrative law judge's record and report, and (2) the findings, conclusions and final decision of the council. The scope of review shall be that of section 14.69, provided that: (1) the court shall not give preference to either the administrative law judge's record and report or the findings, conclusions and final decision of the council, and (2) the decision of the court shall be based upon a preponderance of the evidence as contained in the record on appeal. The costs of the appeal shall be apportioned by the court.

*History: 1976 c 127 s 17; 1977 c 347 s 68; 1980 c 615 s 60; 1982 c 424 s 130; 1984 c 640 s 32*

**473.867 PLANNING ASSISTANCE; GRANTS; LOANS.**

Subdivision 1. The council shall prepare and provide advisory materials, model plan provisions and official controls, and on the request of a local governmental unit may provide assistance, to accomplish the purposes of Laws 1976, chapter 127, sections 1 to 23. The council may also provide specific technical and legal assistance in connection with the preparation, adoption and defense of plans, programs, and controls.

Subd. 2. The council shall establish a planning assistance fund as a separate bookkeeping account in its general fund for the purpose of making grants and loans to local governmental units under this section. The council shall adopt uniform procedures for the award, disbursement and repayment of grants and loans.

Subd. 3. Local governmental units may apply, contract for and receive loans and grants as provided herein, and the provisions of chapter 475 shall not apply to loans made pursuant hereto. Applications for grants and loans shall be submitted to the council describing the activities for which the grant or loan funds will be used: the

persons which the grantee or borrower shall provide information as the subject of contracts for disbursement of the funds and other appropriate management decisions on the recipient.

Subd. 4. Grants for project, service or activity.

Subd. 5. Loans: as the council determines nor be for a term in excess of the planning period under this section.

*History: 1976 c 127 s 18*

**473.868 HOUSING**

Subdivision 1. The council in the metropolitan area shall determine for certain portions of the metropolitan area development by municipal construction of moderate density housing a significant portion.

Subd. 2. As used in this section a municipality which provides access to sewer and water.

Subd. 3. The council shall establish an advisory committee consisting of representatives of officials, consumers and management and the council may determine the scope of governmental rule-making for housing. The committee shall determine the necessary including:

(1) A zoning classification for a maximum single family dwelling.

(2) Building requirements.

(3) Minimum area for single family homes.

(4) The requirements for off-street parking.

(5) Zoning classifications for multifamily dwellings.

(6) Minimum area for multifamily dwellings.

(7) Requirements for off-street parking requirements.

Subd. 4. On the request of a local governmental unit, the council shall, on the council's recommendation, determine the requirements for housing.

*History: 1976 c 127 s 19*

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: December 17, 1990

AGENDA TOPIC: PUBLIC HEARING: Conditional Use Permit  
with variances for advertising sign.

ITEM 5.  
NO.

3M/National Advertising Co./Crossroads Collision Ctr.

Mr. Joseph McCormick of 3M/National Advertising Company has applied for two variances: (1) Variance from City Code, Section 505.260 (Distance between signs). There is also a business sign on the property. (2) Variance from Section 505.320.c.2. (Size of sign--672 sq.ft. where 200 sq.ft. is allowed).

A variance request must show a hardship due to the land or structures on the property. Economic or financial considerations do not constitute a hardship alone.

Mr. McCormick is also requesting a Conditional Use Permit to allow the construction of an outdoor advertising billboard at 8910 Hudson Boulevard. Section 505.320-A. of our City Code requires a C.U.P. for this type of sign.

Mr. McCormick will be present to answer any questions you may have.

CITY OF LAKE ELMO

DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Simple Lot Division
- Zoning District Amendment
- Large Lot Subdivision
- Text Amendment
- Subdivision
- Conditional Use Permit
- Sketch
- Variance
- Preliminary
- Appeals
- Final
- Trailer Park
- Subdivision Variance
- Site & Bldg. Plan Review
- Flood Plain Conditional Use Permit
- Mining Permits
- Shoreland Permit
- Planned Unit Develop.

Applicant 3M/National Advertsing Company  
c/o Joseph P. McCormick, Attorney at Law  
1422 West Lake Street, Minneapolis, MN 55408 (612) 827-5454  
 (Name) (Address) (Phone)

Owner Crossroads Collision Center, Inc.  
8910 Hudson Boulevard, Lake Elmo, MN 55042  
 (Name) (Address) (Phone)

Property location (Street Address and Legal Description):

8910 Hudson Boulevard, Lake Elmo, MN 55042

See Attached Supplemental Information for Legal Description

Description and/or Reason for Request (Cite Ordinance Section):

See Attached Supplemental Information

Variance From City Ordinance Sect. 505.260 (Distance Between Signs)

Variance From Size of Sign Sect. 505.320-C-2 (672 sq. Ft. where 200 sq. Ft. is Allowed) + Conditional Use Permit.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

J.P. McCormick 10/5/90  
 Signature of Applicant Date  
 (3M National)

JOSEPH P. McCORMICK  
ATTORNEY AT LAW  
301 RAINBOW BUILDING  
1422 WEST LAKE STREET  
MINNEAPOLIS, MINNESOTA 55408  
612-827-5454

November 14, 1990

Mr. James McNamera  
Building Inspector  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

**Re: Request for Variance/Conditional Use Permit**

Dear Mr. McNamera:

Enclosed herein please find the application of 3M/National Advertising Company for a variance and conditional use permit to allow the construction of an outdoor advertising billboard at 8910 Hudson Boulevard, Lake Elmo, Mn. I have also enclosed all the supporting materials; separate checks for the application fee and the required escrow and the list of property owners within 350 feet of the subject parcel.

I appreciate your continued cooperation in getting this matter on the agenda for a public hearing. Please contact me when the date and time for hearing has been set or should you have any questions in this regard.

Sincerely,

  
Joseph P. McCormick

JPM/wp  
Enclosures

SUPPLEMENTAL INFORMATION

**Applicant**                    3M/National Advertising Company  
                                      c/o Joseph P. McCormick, Attorney  
                                      1422 West Lake Street  
                                      Minneapolis, Minnesota 55408  
                                      (612) 827-5454

**Owner**                         Crossroads Collision Center  
                                      8910 Hudson Boulevard  
                                      Lake Elmo, Minnesota 55042

**Property Address**            8910 Hudson Boulevard  
                                      Lake Elmo, Minnesota 55042

**Legal Description**

The West 175.0 feet of the East 568.52 feet of the South 373.37 feet of the East one-half of the Southeast quarter (E 1/2 of SE 1/4) of Section Thirty-three (33), Township Twenty-nine (29) North, Range Twenty-one (21) west, Village of Lake Elmo, Washington County, Minnesota, containing 1.5 acres, more or less, subject to the right-of way of Minnesota Highway 12.

**Description and/or Reason for Request:** The applicant is requesting a variance from the City of Lake Elmo Sign Ordinance, Chapter 505, Section 505.320, Subdivision C.2. which requires that no sign exceed two hundred (200) square feet in area. Additionally, applicant requests a variance from Section 505.260 which requires all signs on the same side of the street to maintain a distance of at least 3,000 feet from each other.

The applicant wishes to construct a 672 sq. ft. sign at the address above captioned. This property is located in a commercial/industrial zone and therefore is a permitted use upon procurement of a conditional use permit.

The proposed sign will be located on property directly parallel to Hudson Boulevard and Interstate Highway 94. Interstate Highway 94 is heavily travelled and has posted speed limits up to 55 m.p.h. Most communities, for safety purposes, allow the construction of advertising signs up to a maximum of 750 sq. ft. if the sign is fully visible from an Interstate Highway. The concerns of these communities seem to center upon the fact that the Interstate carries much heavier traffic; travels at speeds up to and exceeding 55 m.p.h. and it apparently is believed that smaller signs, whether business, directional or advertising, would cause a motorist's eyes to



focus on such signs for a greater period than is deemed safe and prudent. By allowing signs up to 750 sq. ft., the general public is able to capture the entire message in a shorter period of time, thus insuring the safety of all motorists. Additionally, since the sign will be larger, and therefore more easily readable, the spacing requirements of 3,000 feet could be safely waived.

Conversly, there is an acceptable rationale for smaller signs in residential districts and upon roads with a much lower speed limit; to-wit: the motorist, by travelling at substantially reduced speeds is able to direct his eyesight towards a much smaller sign without the inherent dangers present when travelling at higher speeds.

The variance will allow the construction of an advertising sign which may possibly be used by Lake Elmo businesses in order to direct potential customers to their place of business. Additionally, the applicant will assume responsibility for the care and maintenance of not only the sign, but also, the surrounding land. In many instances the applicant allows a certain amount of public service announcements (PSA's) to be placed upon the billboard face at either a reduced cost or at no cost at all.

Finally, and most importantly, the industry standard for signs to be placed upon an outdoor advertising billboard is either 378 sq. ft. or 672 sq. ft. All painted bulletin panels are designed to meet this universal size requirement so as to keep design and construction costs reasonable for both the billboard owner and the advertiser. In order to conform to a size limit such as 200 sq. ft. would add tremendously to the budget of all potential advertisers and virtually deny them access to reasonably priced advertising. Even "printed posters", as opposed to painted bulletin panels are manufactured in a universal size of 12' X 25' or 300 sq. ft. per surface. The size restriction of 200 sq. ft. would preclude even this simplified form of advertising panel.

In summary, the applicant respectfully requests permission to construct a 672 sq. ft. sign at the proposed location. It is located adjacent to an interstate highway which carries traffic at speeds up to 55 m.p.h.; the size variance will allow the traffic to move much more safely than if a sign of smaller size and ad copy were constructed on this site; the improvements to the property will provide additional tax revenue to the City of Lake Elmo; the signage may possibly be used by local business to attract new customers to their place of business thus increasing the revenue base for Lake Elmo; there will be a tangible benefit to the property owner through increased income from his property; the applicant will be maintaining the surrounding area after construction of the sign and the sign may be made available from time to time, for local and national public service announcements.

State of Minnesota

City of Lake Elmo

Sharon Lumby, being first duly sworn, deposes and says:

I am a United States citizen. over 18 years of age, and a resident of the City of Lake Elmo, Minnesota

On December 4, 1990, acting on behalf of the said city, I deposited in the United States post office at Lake Elmo, Minnesota, copies of the attached Public Hearing Notice 3M/National Advt./ Outdoor Sign, Crossroads Collision, etc enclosed in sealed envelopes, with postage thereon fully prepaid, addressed to the following persons at the addresses appearing opposite their respective names:

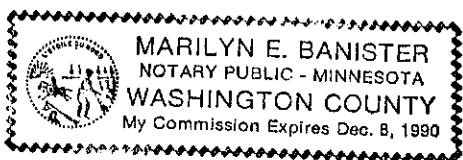
Name	Address
<u>See Attached Address List</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

There is delivery service by United States mail between the place of mailing and the places so addressed.

Sharon Lumby  
Signature

Subscribed and sworn to before me this 4th day of December, 1990.

Marilyn E. Banister  
Notary Public



NOTICE OF PUBLIC HEARING

The Lake Elmo Planning Commission will hold a public hearing on Monday, December 17, 1990 at 7:30 p.m. at City Hall, 3800 Laverne Avenue N., Lake Elmo, MN to consider the request of 3M/National Advertising Company/Crossroads Collision Center, Inc. for a Conditional Use Permit to allow an outdoor advertising sign and to consider variances from the Sign Ordinance, Section 505.320, Subdivision C.2. requiring that no sign exceed 200 sq.ft. in area and a variance from Section 505.260 which requires all signs on the same side of the street to maintain distance of at least 3,000 feet from each other.

The property is legally described as the West 175.0 feet of the East 568.52 feet of the South 373.37 feet of the East one-half of the Southeast quarter (E1/2 of SE1/4) of Section Thirty-three (33), Township Twenty-nine (29) North, Range Twenty-one (21) west, Washington County, MN, containing 1.5 acres, more or less, subject to the right-of-way of Minnesota Highway 12. The property is commonly known as 8910 Hudson Boulevard.

All persons who wish to be heard regarding this request will be given that opportunity at this public hearing. Written comments will be accepted up until the time of the public hearing.

Mary Kueffner

City Administrator

November 29, 1990

St. Croix Valley Press December 5, 1990

Northland Land Company  
3500 W. 80th St.  
Bloomington, MN 55431

State of Minnesota  
Minn Dept. of Transportation  
Transportation Bldg.  
St. Paul, MN 55155

Eleanor M. Pierre  
122 Puma Ln  
Mahtomedi, MN 55115

Timothy & Damiani Montgomery  
12232 Akron Avenue  
Rosemount, MN 55068

Roy & Lucille Durov  
9120 Hudson Blvd.  
Lake Elmo, MN 55042

Lampert Lumber Co.  
P.O. Box 64547  
St. Paul, MN 55164

J & W Boat & Motor  
9815 Royal Palm Dr.  
Bradenton, FL 33421

Dolan Family Partnership  
Dolan J.H. & Daniel & Mary  
9200 Hudson Rd.  
Lake Elmo, MN 55042

Summit Natl Bank & Pfaff John  
205 Aurora Avenue  
St. Paul, MN 55103

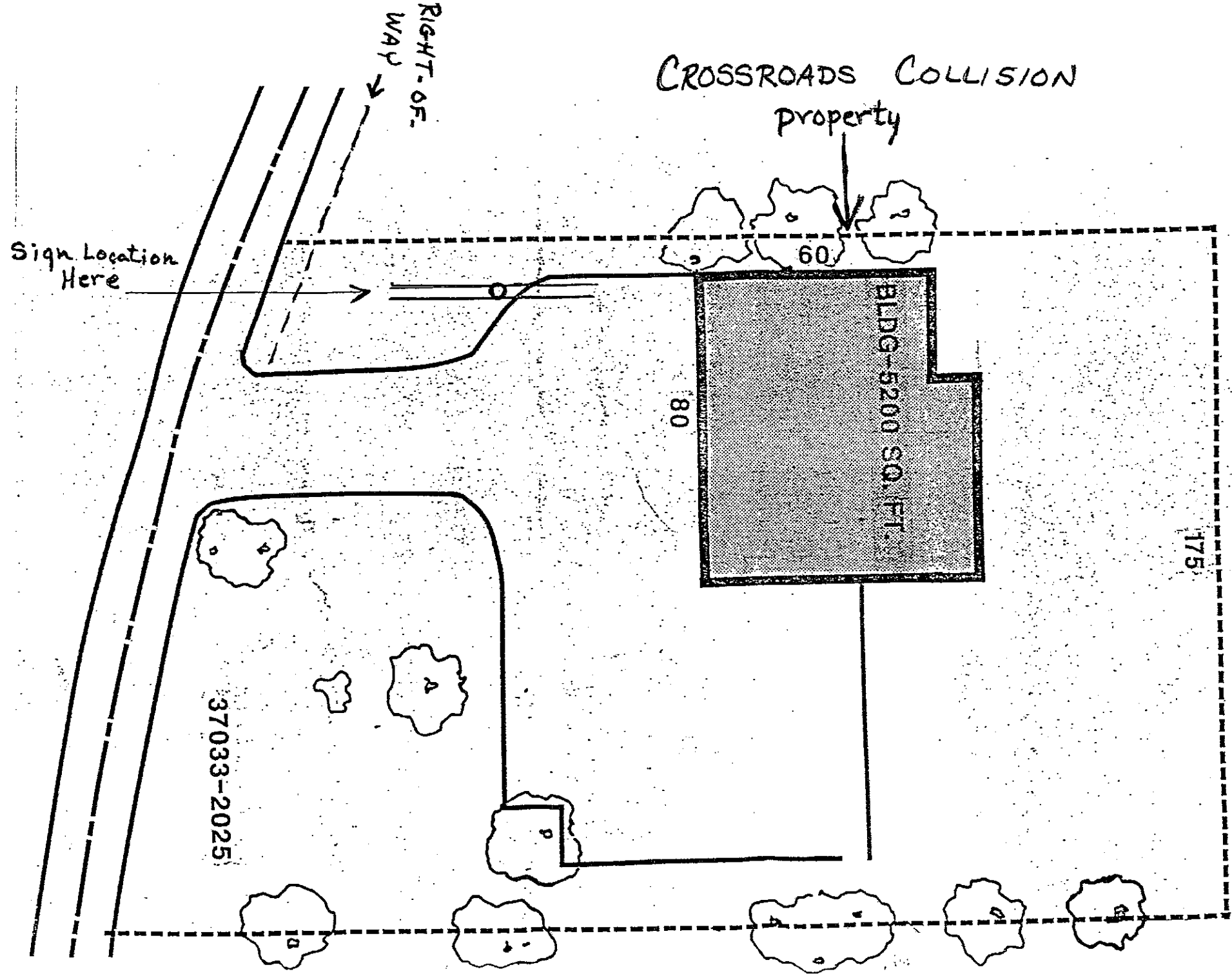
Midcontinent Radio of MN Inc.  
708 S. 3rd St. #200  
Minneapolis, MN 55415

3M/National Advertising Co.  
c/o Joseph P. McCormick  
Attorney at Law  
1422 West Lake St.  
Minneapolis, MN 55408

Crossroads Collision, Center  
8910 Hudson Blvd.  
Lake Elmo, MN 55042

# CROSSROADS COLLISION

property



Sign Location Here

RIGHT-OF-WAY

80

60

BLDG-5200 SQ. FT.

175

37033-2025

CITY OF LAKE ELMO  
REQUEST TO APPEAR BEFORE THE CITY COUNCIL  
OR PLANNING COMMISSION

If you wish to address the City Council or Planning Commission, please follow the suggestions listed below:

(Please Print)

Name JOE M<sup>C</sup>CORMICK Date 12/17  
Address 1422 W. LAKE ST MPLS MN Phone 827-5454  
Agenda Item or Subject you wish to address 3M CUP

Company or Individual Representing, if applicable 3M

NOTES: Please complete this form so that you may be recognized at the appropriate time on the Agenda. You are under no obligation to speak if you decide against it during the meeting. Please state your full name and address so that the record of your comments will be complete in the minutes of this meeting.

Welcome to this meeting. We are pleased that you are taking this means of participating in your City government. On agenda items, the City is sincerely interested in your viewpoints and concerns. However, the Council or Planning Commission may not be able to take public comments on all issues or at any given meeting. If you wish to be heard:

1. Raise your hand.

If the Mayor or Chairman can accept public comment, you will be recognized.

2. When recognized by the Mayor or Chairman, state your name and address.

3. State your positions and reasons as concisely as possible.

If you cannot be recognized, and still have concerns, please call the City Administrator, Patricia Morrison, at 777-5510 during regular hours.

COUNCIL MEMBERS:

Susan Dunn, Mayor

Lake Elmo City Office ---777-5510

Lee Hunt

3800 Laverne Avenue North

Todd Williams

Lake Elmo, Minnesota 55042

Charles "Chuck" Graves

Don Moe

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: December 17, 1990

AGENDA TOPIC: PUBLIC HEARING: Limited Business (LB) Zoning	ITEM NO. 6.
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This is a public hearing to consider comments relative to the proposed Limited Business Zoning District. Notice has been published in our legal newspaper and property owners have been notified, as directed by the Commission (roster attached.)

Attached is a copy of Mike Black's report which he made after he and I review the proposed ordinance with our City Attorney, Jerry Filla.

I've talked to our attorney about an issue that may be brought up regarding adoption of the LB Zoning District. He states that the City can adopt any ordinance supporting our new Comp Plan, the key is that we cannot rezone anything to LB until after Met Council reviews our Comp Plan.

As usual, please call me if you have any questions prior to the meeting.





**JAMES R. HILL, INC.**  
PLANNERS ENGINEERS SURVEYORS

9401 JAMES AVE. SO., SUITE 140, BLOOMINGTON, MN 55431 612/884-3029 FAX 884-9518

MEMORANDUM

TO: Lake Elmo Planning Commission  
FROM: Mike Black *h.l. ml*  
DATE: December 12, 1990  
RE: LIMITED BUSINESS DISTRICT

On Tuesday, December 11, 1990, the City Administrator, Mary Kueffner, and myself met with the City Attorney, Jerry Filla, to review the proposed LB district regulations. The following are suggested changes or comments made by the City Attorney at our meeting.

(A) (3) To allow development which complies with the capacity of regional and local road systems.

(A) (4) To guide development by setting stringent requirements for on-site sewer systems in order to avoid a need for expansion of the Metropolitan Urban Service Area line and sanitary sewer facilities.

(C) (1) Any permitted land use with drive-up facilities.

(C) (3) (b) The City Attorney stated that the wording in this section will be subject to future interpretation because of "retail sales...such as". A variety of stores could fit the term "retail sale of commodities to the local area". The following options were discussed:

1. Do not allow any retail sales except those defined in (C) (3) (a).
2. Allow only the retail sales of those listed in (C) (3) (b) (1-5).
3. Re-write the lead in sentence to be more specific - such as, Retail establishments whose primary business is the sale of a single item commodity and marketed to the residents of Lake Elmo such as: (1-5)

(E) (9) The Attorney noted that the reference to Section 309 h and i is in the Interstate Corridor Overlay District ordinance which may be repealed after adoption of the LB District ordinance.

(F) Special District Requirements. Due to the high visibility of the Limited Business zone, the following architectural, parking, landscaping, lighting and glare standards shall be in addition to other existing standards in the zoning code relating to the same and where these requirements may be in conflict with other ordinance requirements the most stringent standard shall apply:

Lake Elmo Planning Commission  
December 11, 1990  
Page 2

In addition to the above comments, I asked the City Attorney if the City could adopt specific criteria or standards for a conditional use in a LB zone in addition to the existing criteria listed in Section 301.060 D. (page 301-21) which apply to all conditional uses in the City. The Attorney responded that yes we could adopt special criteria for a CUP in the LB zone. The following is then suggested:

(D) (1) Conditional Use Criteria

In addition to the criteria stated and determinations needed for approval of conditional use as stated in Section 301.060 D.1., the following criteria shall also apply:

1. The use will not create an excessive burden on public facilities or services which serve or are proposed to serve the area.
2. The use will be sufficiently separated by distance or screening from any adjacent residential zone and that the structure, use or site shall have an appearance that will not have an adverse effect upon adjacent properties.

cc: Mr. Jerry Filla, City Attorney  
Ms. Mary Kueffner, City Administrator

State of Minnesota

City of Lake Elmo

Kathy Weeks, being first duly sworn, deposes and says:

I am a United States citizen. over 18 years of age, and a resident of the City of Lake Elmo, Minnesota

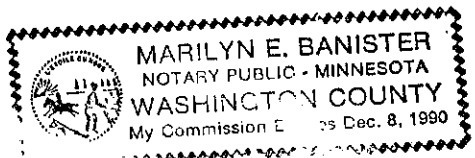
On December 6, 1990, acting on behalf of the said city, I deposited in the United States post office at Lake Elmo, Minnesota, copies of the attached Public Hearing Notice for the Limited Business Zone enclosed in sealed envelopes, with postage thereon fully prepaid, addressed to the following persons at the addresses appearing opposite their respective names:

Name	Address
(See Attached List)	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

There is delivery service by United States mail between the place of mailing and the places so addressed.

Kathy Weeks  
Signature

Subscribed and sworn to before me this 6 day of December, 19 90.



Marilyn E. Banister  
Notary Public

## Notice of Public Hearing

The Lake Elmo Planning Commission will hold a public Hearing on Monday, December 17, 1990 at 7:30 p.m. at City Hall, 3800 Laverne Ave. N. to receive public comment and pass on to the City Council a recommendation on the proposed Limited Business (LB) Zoning district.

The proposed LB ordinance will affect property along the I-94 corridor, as defined in the 1990 Lake Elmo Comprehensive Plan, including the Future Land Use Map.

### LB - Limited Business District

#### (A) Purpose

The purpose of the Limited Business District is to establish a comprehensive planned framework for development along I-94. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare and similar problems. Specific development goals within the district include the following:

- (1) To encourage a high quality development standard for structures within the district properties, which are among the most visible in the City.
- (2) To protect the natural environment, in accordance with City Ordinances.
- (3) To limit development to comply with the capacity of regional and local road systems.
- (4) To limit development by setting stringent requirements for on-site sewer systems in order to avoid a need for expansion of the Metropolitan Urban Service Area line and sanitary sewer facilities.
- (5) To establish permitted, accessory and conditional uses in order to stimulate local economic prosperity along the interstate corridor and within the Metropolitan Rural Service Area while closely monitoring the magnitude of development so not to prematurely demand the expansion of local governmental services.

#### (B) Permitted Uses Permitted uses are as follows:

- (1) Clinics for human care including medical, dental, osteopathic, chiropractic and optometric offices.
- (2) Finance, insurance, real estates, investment offices banks (with no drive-up windows).

- (3) General offices including administrative, executive, and corporate headquarters.
- (4) Professional offices providing services such as legal, engineering, architectural, accounting, auditing and bookkeeping.
- (5) Travel and employment agencies.

(C) Conditional Uses Conditional Uses are as follows:

- (1) Banks and financial services with drive-up windows.
- (2) Health clubs including tennis, racketball, aerobics, weight lifting, swimming, weight loss clinics (all facilities to be housed inside).
- (3) Limited retail uses including:
  - (a) retail sales clearly accessory to the permitted principal use of the land, for example: 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 foregoing when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.
  - (b) The retail sale of commodities marketed to the local area such as:
    - (1) Greenhouses and nurseries, landscaping services, flowers and floral accessories.
    - (2) Art sale and gallery.
    - (3) Furniture, home furnishings and related equipment.
    - (4) Vineyard and winery produce and sale.
    - (5) Sporting goods, skiing, bicycles, motorcycles, snowmobiles, boats and fishing gear (all storage restricted to inside).
- (5) Full service restaurants where food is served to a customer and consumed while seated at a counter or table.
- (6) Golf courses, Club houses, Golf sales, Driving ranges.

(D) Permitted Accessory Uses

Permitted accessory uses shall include required off-street parking, loading areas and signs as regulated in this ordinance. Only accessory structures which are clearly incidental and subordinate to the business will be permitted.

(E) Minimum District Requirements

- (1) Lot Area: 3.5 acres
- (2) Minimum Lot Width: 300 feet
- (3) Minimum Lot Depth: 400 feet
- (4) Building setback from property lines:
  - (a) Front 100 feet
  - (b) Side 50 feet
  - (c) Side (street) 100 feet
  - (d) Rear 50 feet
  - (e) any line adjacent to a residential zone 150 feet
- (5) Parking setback from property lines:
  - (a) Front 50 feet
  - (b) Side 50 feet
  - (c) Side (street) 50 feet
  - (d) Rear 50 feet
  - (e) any line adjacent to a residential zone 100 feet
- (6) Maximum Building Heights: 35 feet
- (7) Maximum Lot Coverage by all structures: 25%
- (8) Maximum area to be covered by buildings, parking lots, driveways and other hard surfaces:

<u>Lot size</u>	<u>Covered Area</u>
Up to 4 acres	45% of lot size
Larger than 4 acres to 8 acres	35% of lot size
Larger than 8 acres	25% of lot size

- (9) Sewer Discharge: No sewer discharge shall exceed a ratio of 3.0 SAC units per 3.5 acres. SAC units shall be determined according to Section 309 h. and i.
- (10) Minimum Building Floor Size: 4,000 square feet

(F) Special District Requirements

Due to the high visibility of the Limited Business zone, the following architectural, parking, landscaping, lighting and glare standards shall be in addition to other existing standards in the zoning code relating to the same:

(1) Architectural Standards

- (a) It is not the intent of the City to restrict design freedom unduly when reviewing project architecture in connection with a site and building plan. However, it is in the best interest of the City to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods. New building proposals shall include architectural plans prepared by a registered architect and shall show the following:
- (1) Elevations of all sides of the buildings.
  - (2) Type and color of exterior building materials.
  - (3) Typical general floor plans.
  - (4) Dimensions of all structures.
  - (5) Location of trash containers and of heating, cooling and ventilation equipment and systems.
- (b) Unadorned prestressed concrete panels, concrete block and unfinished metal shall not be permitted as exterior materials. The City may at its sole discretion allow architecturally enhanced block or concrete panels.
- (c) All rooftop or ground mounted mechanical equipment and exterior trash storage areas shall be enclosed with materials compatible with the principal structure.

(2) Parking

All drives and parking lots shall be constructed with concrete or blacktop, and with concrete curb and gutters. Where appropriate, sidewalks may be required.

Parking lot landscape areas, including landscape islands shall be reasonably distributed throughout the parking lot area so as to break up expanses of paved areas.

(3) Landscaping

All yard area shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming, landscaping and/or fencing for the purpose of screening noise, sight, sound and glare. A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the site plan.

Where areas abut residential districts, a buffer area of a minimum depth of 100 feet will be required. Such a buffer area shall be completely constructed and approved by the City prior to all final City inspections for construction on site. Prior to the issuance of a building permit or

commencement of any improvements on site, the owner shall provide the City with a financial security for a minimum of 24 months, approved by the City Attorney, to assure construction of the buffer area.

(4) Lighting and Glare

Plans for new developments shall include a lighting plan denoting the location, type and height of lighting fixtures and the illumination patterns shown on a site plan. Glare whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

(5) Traffic

No use shall be allowed unless the property owner provides a road plan acceptable to the City, which shall demonstrate, at a minimum, that the proposed use and resulting traffic will not adversely affect the then existing traffic of the City. All private roads must comply with existing City Ordinances, with construction and maintenance being the sole responsibility of the property owner.

All persons who wish to be heard regarding approval and adoption of this proposed zoning district will be given that opportunity at this public hearing. Written comments will be accepted at the City Office until 4:30 p.m., December 17, 1990.

Mary Kueffner  
City Administrator  
November 28, 1990

Published St. Croix Valley Press December 5, 1990



C.A. Gerbitz  
11299 N. Stillwater Blvd  
Lake Elmo, MN 55042

MinnHealth PA  
Lake Elmo Clinic  
11240 N. Stillwater Blvd  
Lake Elmo, MN 55042

Lake Elmo Chiropractic Family Practice  
3394 Lake Elmo Ave.  
Lake Elmo, MN 55042

Lake Elmo Family Eye Clinic  
3394 Lake Elmo Ave.  
Lake Elmo, MN 55042

Mitchell's Fly Shop  
3394 Lake Elmo Ave.  
Lake Elmo, MN 55042

Lake Elmo Bank  
11465 39th Street N.  
Lake Elmo, MN 55042

Lake Elmo Pharmacy  
11240 N. Stillwater Blvd.  
Lake Elmo, MN 55042

Kirk Dahl, D.D.S.  
11325 N. Stillwater Blvd.  
Lake Elmo, MN 55042

Jennifer Tschumper  
Stillwater Area Chamber of Commerce  
c/o Lake Elmo Business Assoc.  
Birck Alley Bldg.  
423 S. Main Street  
Stillwater, MN 55082

Savanna Designs  
3511 Lake Elmo Ave.  
Lake Elmo, MN 55042

Lake Elmo Custom Mold  
3520 Laverne Ave.  
Lake Elmo, MN 55042

D.H. Dockendorf  
P.O. Box 199  
Lake Elmo, MN 55042

Lake Elmo Motors  
11179 N. Stillwater Blvd.

Lake Elmo, MN 55042

Lake Elmo Branch Library  
3459 Lake Elmo Ave.  
Lake Elmo, MN 55042

Gibbs Lumber  
3687 Layton Ave.  
Lake Elmo, Mn 55042

Wood Specialists  
11090 N. Upper 33rd St.  
Lake Elmo, MN 55042

Micro-Sota  
3549 Lake Elmo Ave.  
Lake Elmo, MN 55042

Lake Elmo Barber Shop  
3251 Lake ELmo Ave.  
Lake Elmo, MN 55042

Village Hair Care  
3517 Lake Elmo Ave.  
Lake Elmo, MN 55042

Salon Elite  
3515 Lake Elmo Ave.  
Lake Elmo, MN 55042

Headlines Hair Studio  
3476 Lake Elmo Ave.  
Lake Elmo, MN 55042

Bruce Peltier  
220 Lake Elmo Ave.  
Lake Elmo, MN 55042

The Forest in Lake Elmo Partnership  
4801 W. 81st Street S.  
Bloomington, MN 55437

Dolan Family Partnership  
Daniel & Mary Dolan  
600 W. Seventh St.  
St. Paul, MN 55102

Lampert Bldg.  
36 S. Snelling Ave.  
St. Paul, MN 55105

James Dovolis  
1113 E. Franklin Ave.  
Minneapolis, MN 55404

Dale Properties  
4825 N. France Ave.  
Minneapolis, MN 55429

Countryside Inn Motel  
Delores Flatau

9730 Hudson Blvd.  
Lake Elmo, MN 55042

Walter Ebertz  
810 S. McKnight Road  
St. Paul, MN 55128

Federal Land Co.  
3470 Washington Dr.  
Eagan, MN 55122

Donald Regan  
2866 White Bear Ave.  
St. Paul, MN 55128

Robert & Grace O'Neal  
2040 Edgcumbe Road  
St. Paul, MN 55116

Lake Elmo Repair  
11179 N. Stillwater Blvd.  
Lake Elmo, MN 55042

Lake Elmo Oil  
11127 N. Stillwater Blvd.  
Lake Elmo, MN 55042

Hagbergs Country Market  
11325 Stillwater Blvd  
Lake Elmo, MN 55042

Brookman Motors  
11144 N. Stillwater Blvd  
Lake Elmo, MN 55042

Twin Points Tavern  
11199 N. Stillwater Blvd.  
Lake Elmo, MN 55042

Leslie's Floor Decor  
11227 N. Stillwater Blvd  
Lake Elmo, MN 55042

Village Upholstery  
11074 N. 35th St.  
Lake Elmo, MN 55042

Lake Elmo Feed Mill  
11123 Upper 33rd St.  
Lake Elmo, MN 55042

Fireside Antiques  
3417 Lake Elmo Ave.  
Lake Elmo, MN 55042

White Hat Restaurant  
Attn: Ed Gorman  
11011 Stillwater Blvd.  
Lake Elmo, MN 55042

Jeff & Cindy Salus  
275 Lake Elmo Ave.  
Lake Elmo, MN 55042

Ray Salus  
404 Lake Elmo Ave.  
Lake Elmo, MN 55042

Trans City Inv.  
2284 W. 7th St.  
St. Paul, MN 55116

Jamie Olson  
7715 Robe Manzel Rd  
Granite Falls, WA 98252

Secure Properties  
2325 S. Buttercup  
Mesa, AZ 85208

Dayton Dev.  
c/o DHC Property Tax Dept.  
777 Nicollet Mall  
Minneapolis, MN 55402

James & Mildred Ryan  
944 Pineview Ct.  
St. Paul, MN 55128

Lake Elmo Inn  
3443 Lake Elmo Ave.  
Lake Elmo, MN 55042

Lake Elmo Hardwood Lbr.  
11320 Upper 33rd St.  
Lake Elmo, MN 55042

Gisela's Interiors  
3479 Lake Elmo Ave.  
Lake Elmo, MN 55042

Crossroads Collision Center  
8910 Hudson Blvd.  
Lake Elmo, MN 55042

Northland Co.  
3500 W. 80th St.  
Bloomington, MN 55431

MN/DOT  
Transportation Bldg.  
St. Paul, MN 55155

Steve & Muriel Kopesky  
122 Puma Ln.  
Mahtomedi, MN 55115

Douglas DeCoster  
W. 2074 1st Bank Bldg.  
332 Minnesota St.  
St. Paul, MN 55101

Roy & Lucille Durow  
9120 Hudson Blvd.  
Lake Elmo, MN 55042

Timothy Montgomery & Louis Damiani  
12232 Akron Ave.  
Rosemount, MN 55068

William Durow  
10263 Manning Ave.  
Hastings, MN 55033

Gene Peltier  
10376 Hudson Blvd  
Lake Elmo, MN 55042

John Blomquist  
Suite 700  
360 N. Robert St.  
St. Paul, MN 55101

Leonard & Louanne Hanson  
10824 Hudson Blvd.  
Lake Elmo, MN 55042

DEC 17 1990



December 14, 1990

Ms. Mary Kueffner, Administrator  
Lake Elmo Planning Commission  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Mary,

The Lake Elmo Business Association, a committee of the Stillwater Area Chamber of Commerce, has spent considerable time reviewing the Planning Commission's recommendation on the proposed Limited Business (LB) Zoning district along the I-94 corridor.

We believe that, like the City of Woodbury, the City of Lake Elmo should take a reasonable approach in planning along the I-94 corridor in assuming that when economic conditions require, urban services may be needed and available. This planning approach is imperative to ensure that this section of land remains in the Lake Elmo city limits, now and in the future.

Enclosed is a revised copy of the proposed Limited Business (LB) Zoning District. Changes are indicated by bold face type. We strongly encourage the Planning Commission to review our input, and consider adopting our recommendations.

Sincerely,

Mike Mazzara  
Chair, Lake Elmo Business Association  
State Bank of Lake Elmo

## LE - Limited Business District

## (A) Purpose

The purpose of the Limited Business District is to establish a comprehensive planned framework for development along I-94. This district may be used as a transitional district until such time as urban services are needed and available. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image, and minimizes adverse impacts from traffic congestion, noise, odor, glare and similar problems. Specific development goals within this district include the following:

- (1) To encourage a high quality development standard for structures within the district properties, which are among the most visible in the City.
- (2) To protect the natural environment, in accordance with City Ordinances.
- (3) To limit development to comply with the capacity of regional and local road systems.
- (4) REMOVE
- (5) To establish permitted, accessory and conditional uses in order to stimulate local economic prosperity along the interstate corridor and within the Metropolitan Rural Service Area while closely monitoring the magnitude of development so not to prematurely demand the expansion of (remove: local) governmental services.

## (B) Permitted Uses Permitted uses are as follows:

- (1) Clinics for human care including medical, dental, osteopathic, chiropractic and optometric offices.
- (2) Finance, insurance, and real estate, investment offices, banks. (remove: with no drive-up windows.)
- (3) General offices including administrative, executive, and corporate headquarters.
- (4) Professional offices providing services such as legal, engineering, architectural, accounting, auditing and bookkeeping.



(5) Travel and employment agencies.

(C) Conditional Uses Conditional uses are as follows:

(1) Banks and financial services with drive-up windows.

(2) Health clubs including tennis, racquetball, aerobics, weight lifting, swimming, weight loss clinics (all facilities to be housed inside.)

(3) Limited retail uses including:

(a) retail sales clearly accessory to the permitted principal use of the land, for example: 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 foregoing when conducted in the building primarily occupied by medical, dental, osteopathic, chiropractic or optometric offices.

(b) The retail sale of commodities to be marketed to the local area such as:

(1) Greenhouses and nurseries, landscaping services, flowers and floral accessories.

(2) Art sale and gallery.

(3) Furniture, home furnishings and related equipment.

(4) Vineyard and winery produce and sale.

(5) Sporting goods, skiing, bicycles, motorcycles, snowmobiles, boats and fishing gear (all storage restricted to inside.)

(c) Other retail sales marketed toward the automobile traffic and of an impulse nature such as gasoline sales, convenience store and deli foods may be allowed as part of the overall larger development and where said use is clearly subordinate to other permitted land uses.

(5) Full service restaurants where food is served to a customer and consumed while seated at a counter or table.

(6) Golf courses, club houses, golf sales, driving ranges.

(D) Permitted Accessory Uses

Permitted accessory uses shall include required off-street parking, loading areas and signs as regulated in this ordinance. Only accessory structures which are clearly incidental and

subordinate to the business will be permitted.

(E) Minimum District Requirements

- (1) Lot Area: 3 acres
- (2) Minimum Lot Widths: 200 feet
- (3) Minimum Lot Depth: 300 feet
- (4) Building setback from property lines:
  - (a) Front 50 feet
  - (b) Side 20 feet
  - (c) Side (street) 50 feet
  - (d) Rear 30 feet
  - (REMOVE: (e) any line adjacent to a residential zone 150 feet)
- (5) REMOVE
- (6) Maximum Building Heights: 60 feet
- (7) REMOVE
- (8) Maximum total lot coverage of all impervious surface 50 percent
- (9) Sewer Discharge: Must comply with city ordinances.
- (10) REMOVE

(F) Special district requirements

Due to the high visibility of the Limited Business zone, the following architectural, parking, landscaping, lighting and glare standards shall be in addition to the other existing standards in the zoning code relating to the same:

(1) Architectural Standards

- (a) It is not the intent of the City to restrict design freedom unduly when reviewing project architecture in connection with a site and a building plan. However, it is in the best interest of the City to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods. New building proposals shall include architectural plans prepared by a registered architect and shall show the following:

- (1) Elevations of all sides of the buildings.
- (2) Type and color of exterior building materials.
- (3) Typical general floor plans.

- (4) Dimensions of all structures.
- (5) Location of trash containers and of heating, cooling and ventilation equipment and systems.
- (b) The exterior surfaces of all buildings shall be faced with brick, stone, architectural concrete (blocks), precast concrete, glass or equivalent.
- (c) All rooftop or ground mounted mechanical equipment and exterior trash storage areas shall be enclosed with materials compatible with the principal structure.

(2) Parking

All drives and parking lots shall be constructed with concrete or blacktop, and with concrete curb and gutters. Where appropriate, sidewalks may be required.

Parking lot landscape areas, including landscape islands shall be reasonably distributed throughout the parking lot area so as to break up expanses of paved areas.

(3) Landscaping

All yard area shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berthing, landscaping and/or fencing for the purpose of screening noise, sight, sound and glare. A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the sight plan.

REMOVE next paragraph (i.e. Where areas abut residential districts, a buffer area of a minimum depth of 100 feet will be required., etc.)

(4) Lighting and Glare

Plans for new developments shall include a lighting plan denoting the location, type and height of lighting fixtures and the illumination patterns shown on a site plan. Glare whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

(5) REMOVE (Traffic)



# Federal Land Company

Yankee Square Office II • 3470 Washington Drive • Suite 102 • Eagan, Minnesota 55122  
Tel. 612-452-3303 FAX 612-452-3362

December 17, 1990

Mary Kueffner  
City Administrator  
Lake Elmo City Hall  
3800 Luverne Avenue North  
Lake Elmo, Minnesota 55042

RE: Proposed Limited Business Zoning Ordinance

Dear Ms. Kueffner:

Federal Land Company is in receipt of the Notice of Public Hearing that the Planning Commission will be conducting a public hearing on Monday, December 17, 1990, to receive public comment and pass on to the City Council a recommendation on the proposed Limited Business (LB) zoning ordinance. It is Federal Land Company's understanding that a portion of its property located in the northwest quadrant of the intersection of I-94 and County Road 19 will be included in the area designated for Limited Business development on the City's 1990 Future Land Use Plan.

There are two points pertaining to the public hearing and proposed LB zoning classification which Federal Land Company desires to address. The first point is that conducting a hearing on the LB zoning ordinance is premature at this time. The second point is that Federal Land Company feels that the proposed LB zoning ordinance is inadequate and contradictory to the City's best interests.

1. CONDUCTING A PUBLIC HEARING ON THE PROPOSED LB ZONING ORDINANCES IS PREMATURE AT THIS TIME.

Minnesota Statutes Section 473.175 provides that no action shall be taken by any local governmental unit to place a comprehensive plan or any part thereof into effect until the Metropolitan Council has reviewed the plan and the local governmental unit has incorporated any modifications promulgated by the Metropolitan Council. Minnesota Statutes Section 473.858, Subdivision 2 provides that local governmental units shall submit their proposed plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the Comprehensive Plan to the Metropolitan Council. Finally, Minnesota Statutes Section 473.865, Subdivision 2 provides that a local governmental unit shall not adopt any official control (i.e. a zoning ordinance or zoning classification) or fiscal devise which is in conflict with its comprehensive plan. The Metropolitan Council has not completed their review of the proposed 1990 Comprehensive Plan recently promulgated by the City of Lake Elmo. The Metropolitan Council will not complete its review nor provide comments until February of 1991. Therefore, the proposed 1990 Comprehensive Plan cannot be adopted by the City until that time.

The existing Comprehensive Plan, whether it be the 1979 Plan as Federal Land Company contends or the 1986 Plan as the City contends, contains no Limited Business (LB) zoning classification. Therefore, pursuant to Minnesota Statutes Section 473.865, Subdivision 2, the City cannot adopt the Limited Business (LB) zoning

Mary Kueffner  
December 17, 1990  
Page 2

classification or ordinance unless and until the proposed 1990 Comprehensive Plan is actually adopted. The City should, in order to comply with Minnesota Statute, wait until the comments received from the Metropolitan Council (and adjacent communities, if not yet received) are incorporated into the proposed 1990 Comprehensive Plan, prior to considering and adopting the Limited Business (LB) zoning classification and ordinance.

2. THE PROPOSED LIMITED BUSINESS (LB) ZONING IS INADEQUATE AND CONTRADICTORY TO THE CITY'S BEST INTERESTS.

Federal Land Company has during the last year provided trial testimony and appeared before the Lake Elmo Planning Commission and Council presenting evidence that the its property in Lake Elmo is unsuited for residential development. The Limited Business (LB) Zoning ordinance being proposed by the City is an acknowledgment that the I-94 corridor is best suited for commercial, rather than residential, development. However, the Limited Business zoning classification and ordinance being proposed is lacking in several respects.

First, the permitted and conditional uses included are much too limited. Retail sales, motels and hotels, motor fuel stations, convenience stores, and fast food restaurants are noticeably absent. The presence of I-94, its diamond interchange with County Road 19 and the location of the Regional Park makes the Federal Land Company property well suited for these uses. There already are several retail and other commercial uses in existence along the freeway. Therefore, it is unreasonable and unfair to limit the uses to those set forth in the proposed ordinance. Furthermore, if the City is serious about broadening its tax base, the uses which I have cited above, especially retail sales and motor fuel stations, must be allowed.

Secondly, the 3.5 acre lot area and 300' x 400' lot size is not conducive to quality development. The maintenance of oversized lots will, in Federal Land Company's opinion, result in unnecessary cost which will cause developers to cut back on building aesthetics and result in large areas containing noxious weeds and areas overgrown with vegetation. It is much more appropriate to regulate lot size and dimensions through reasonable parking and sanitary sewer requirements. Finally, the 300' x 400' lot dimensions will probably preclude development in Federal Land Company's "island area" due to its unique shape, although the area of the parcel is almost 5 acres. Therefore, there should be no specific lot area or dimensions for lots in the LB area.

Thirdly, the setbacks and minimum lot coverages are excessive. I do not know of another city in the metropolitan area which requires greater than a 25% "green area". Based upon Federal Land Company's past experience, if the setbacks and lot coverages being proposed are used, there will be a serious problem controlling weeds and noxious vegetation. This is not conducive to the health, safety or public welfare of the community. Again the legitimate controls for the City is the proper enforcement the sanitary sewer rates as promulgated by the Metropolitan Sanitary Sewer Commission and reasonable parking requirements.

In conclusion, Federal Land Company believes that hearings should not be held on the proposed Limited Business (LB) zoning ordinance unless and until the proposed 1990 Comprehensive Plan is actually adopted. Furthermore, when the Limited Business zoning ordinance is considered, it should be revised to include hotels and motels, retail sales, motor fuel sales, convenience stores, fast food restaurants, and other uses which accommodate the users of the adjacent roadways and park. The lot area and sizes should be eliminated as reasonable requirements for sanitary sewers and parking will dictate lot area and size. Finally, the setbacks and green areas should be substantially reduced to accommodate quality and desirable commercial development.

Mary Kueffner  
December 17, 1990  
Page 3

Federal Land Company appreciates the opportunity to state its views on your proposed ordinance. We believe that the implementation of the position set forth in this letter is necessary for the City to act lawfully and reasonably on this matter.

Sincerely,

Charles R. Bartholdi

Charles R. Bartholdi  
Legal Department, Attorney

DEC 17 1990

Jamie L. Olson for the  
JAWETO PARTNERSHIP  
7715 Robe Menzel Road  
Granite Falls, WA 98252

Mary Knefner and the  
Mayor of Lake Elmo  
3800 Laverne Ave. North  
Lake Elmo Court House  
Lake Elmo, MN 55042

December 12, 1990

Dear Mary Knefner, Mayor and City Council Members of Lake Elmo;

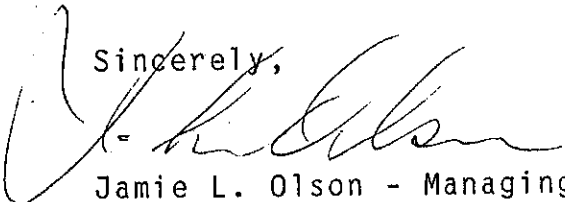
I am responding to the Notice of Public Hearing scheduled for December 17, 1990. I am the managing partner for the JAWETO Partnership which owns the property on I-94, specifically property number 37036-2850. Our property is currently zoned General Buisness (GB). It has been zoned GB for more than thirty-five years. For most of those years a motel was operated on the property. I have been trying for the last six years to get a permit allowing me some kind of business use.. any kind of business use on this site but have benn denied a CUP to operate an advertising structure here four times over the last six years. Denied illegally! Now you are proposing to **DOWN zone** our property to RAD on the future Land Use Plan!!! Proposing to do away with all GB zoning!!!

This is akin to insanity. The need for business development along the east-bound I-94 corridor of Lake Elmo is pressing to the point of being stressfull. This recommendation only frustrates a development process wich is natural and will ultimately take place with or without Lake Elmo's permission...

In the meantime you will **not** be allowed to **DOWN ZONE OUR PROPERTY!** That is a **taking**. I intend to defend our private property rights in the legal courts of Minnesota until my last penny is spent and my dying breath is drawn.

I do not believe that the government of the City of Lake Elmo can go on on-trampeling private property rights and offending honest, tax-paying citizens forever. It has to stop somewhere.

Sincerely,



Jamie L. Olson - Managing Partner, JAWETO PARNERSHIP  
CC. James J. Hanton

# Countryside Pools, Inc.

Fiberglass and Vinyl Swimming Pools

Spas

Chemicals

Accessories

November 29, 1990

Rita Conlin  
Planning Commission  
City of Lake Elmo  
Lake Elmo, MN 55042

Dear Ms. Conlin:

I am writing this letter as a concerned business owner in Lake Elmo. My company was established eleven years ago from ground zero. I know the trials and tribulations of making a business grow and be profitable.

We are located north and east of the wide open quadrant of I694 and I94. The growth in Woodbury directly to the south is exploding with various construction projects extending from residential to shopping malls. This type of growth does not happen overnight, but through a concerted effort by potential developers and city government.

The news from the Lake Elmo side is centered around Oakdale annexing Lake Elmo properties or future developers wanting to establish business but are discouraged or flatly refused due to existing zoning restrictions. I feel strongly the attitude and atmosphere toward business must be changed. Interstate 94 will be lined with businesses some day, with or without Lake Elmo government.

I strongly propose that landowners be encouraged and supported when opportunities are presented to Lake Elmo government so the tax base can remain under Lake Elmo city management. There is still time for corrective action with proper land management.

Sincerely



Dennis R. Opland  
President  
Countryside Pools, Inc.



REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: December 17, 1990

AGENDA TOPIC: Concept REview: Fox Fire Manor.

ITEM  
NO. 7.

Attached is a preliminary plat for a proposed development in the RED zoning district.

The first step is rezoning the property, which is covered under Section 301.060 E (page 301-25) of the code. Staff hopes to run this application concurrently with the preliminary plat which is covered under Section 401.220 & 401.230.

The Commission can proceed with calling a public hearing for January 14, 1991, however, the same restrictions will apply to this rezoning as Arabian Hills. (Rezoning approval would be contingent upon Comp. Plan approval by Met. Council).

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Conditional Use Permit
- Variance
- Appeals
- Trailer Park
- Site & Eldg. Plan Review
- Mining Permits

- Simple Lot Division
- Large Lot Subdivision
- Subdivision
- Sketch
- Preliminary
- Final
- Subdivision Variance
- Flood Plain Conditional Use Permit
- Shoreland Permit
- Planned Unit Development

Applicant Pacesetter Property Management Inc. (Contact person: Larry Liles.) 5926 Basslake Road Crystal 537-0235  
 (Name) (Address) (phone)  
 Owner Carl E. Brogan 9376 - 55th Street Lake Elmo 55429  
 (Name) (Address) (phone)  
Same as applicants 770-6002  
 (Name) (Address) (phone)

Property location (Street Address and Legal Description):

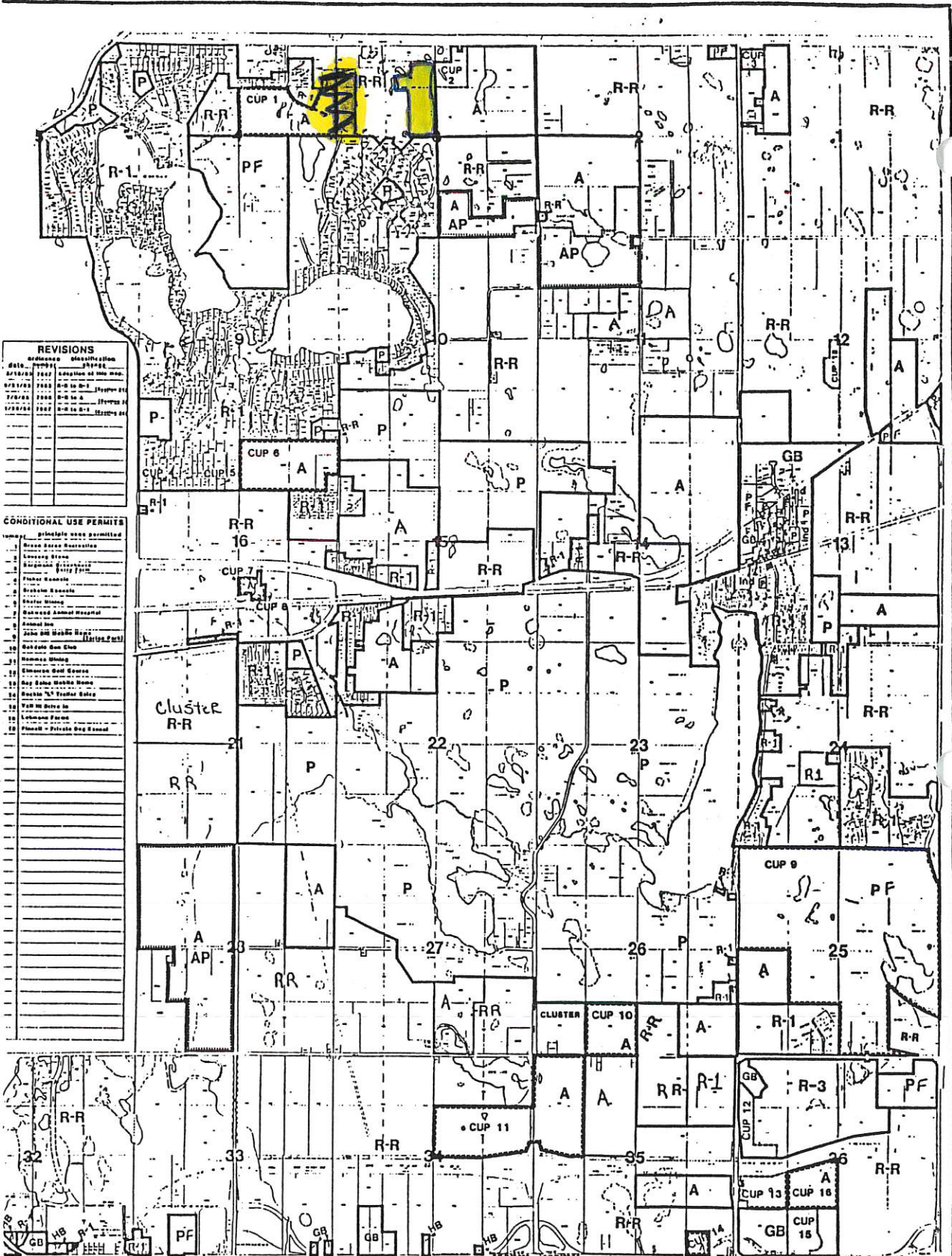
Location map and legal description attached

Description and/or Reason for Request (Cite Ordinance Section):

To plat land into 2 1/2 acre minimum lots (6 lots per 20 Acres)  
For residential development. To zone land RE

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to addition application expense.

Pacesetter Property Management, Inc.  
By: Lawrence D Liles, CFO  
Carl E Brogan  
 Signature of Applicant 11-30-90 Date



**REVISIONS**

Date	Revised	Modification
10/1/83	1	Adoption of this map
10/1/83	2	R-1 to R-1
10/1/83	3	R-1 to R-1
10/1/83	4	R-1 to R-1
10/1/83	5	R-1 to R-1
10/1/83	6	R-1 to R-1
10/1/83	7	R-1 to R-1
10/1/83	8	R-1 to R-1
10/1/83	9	R-1 to R-1
10/1/83	10	R-1 to R-1
10/1/83	11	R-1 to R-1
10/1/83	12	R-1 to R-1
10/1/83	13	R-1 to R-1
10/1/83	14	R-1 to R-1
10/1/83	15	R-1 to R-1
10/1/83	16	R-1 to R-1
10/1/83	17	R-1 to R-1
10/1/83	18	R-1 to R-1
10/1/83	19	R-1 to R-1
10/1/83	20	R-1 to R-1
10/1/83	21	R-1 to R-1
10/1/83	22	R-1 to R-1
10/1/83	23	R-1 to R-1
10/1/83	24	R-1 to R-1
10/1/83	25	R-1 to R-1
10/1/83	26	R-1 to R-1
10/1/83	27	R-1 to R-1
10/1/83	28	R-1 to R-1
10/1/83	29	R-1 to R-1
10/1/83	30	R-1 to R-1
10/1/83	31	R-1 to R-1
10/1/83	32	R-1 to R-1
10/1/83	33	R-1 to R-1
10/1/83	34	R-1 to R-1
10/1/83	35	R-1 to R-1
10/1/83	36	R-1 to R-1

**CONDITIONAL USE PERMITS**

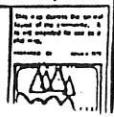
Number	Conditional Use Permit
1	Private Use Permit
2	Special Use Permit
3	Special Use Permit
4	Special Use Permit
5	Special Use Permit
6	Special Use Permit
7	Special Use Permit
8	Special Use Permit
9	Special Use Permit
10	Special Use Permit
11	Special Use Permit
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14	Special Use Permit
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24	Special Use Permit
25	Special Use Permit
26	Special Use Permit
27	Special Use Permit
28	Special Use Permit
29	Special Use Permit
30	Special Use Permit
31	Special Use Permit
32	Special Use Permit
33	Special Use Permit
34	Special Use Permit
35	Special Use Permit
36	Special Use Permit

10-7-83 March 15, 1983

lake zoning

A agriculture  
 R-1 one family residential  
 P public

R-3 manufactured home park  
 R-R rural residential  
 Ind Industrial  
 CUP Conditional Use Permit



GEOCODE: 03-29-21-42-0002  
PIN : 370032005  
Owners

MEYER FRANK V & ARLEENE M  
TRUSTEES  
750 N HWY #95 - #305  
BAYPORT MN

550030000

Contract Purchasers

NORTHERN LAKES DIVERSIFIED INC.  
11000 CENTRAL AVE NE  
BLAINE MN

554340000

GEOCODE: 03-29-21-13-0002  
PIN : 370032050  
Owners

PALZER PROPERTIES  
3919 52ND AVE N  
MINNEAPOLIS MN

554290000

Contract Purchasers

NELSON PROPERTIES INC  
6579 NORTH SHORE TRL  
FOREST LAKE MN

550250000

GEOCODE: 03-29-21-12-0001  
PIN : 370032100

LAUSENG RUBEN D & LAUDINE P  
09591 60TH ST  
LAKE ELMO MN

550420000

GEOCODE: 03-29-21-12-0002  
PIN : 370032150

PEDERSON MORRIS E & DONNA J  
09585 60TH ST  
LAKE ELMO MN

550420000

GEOCODE: 03-29-21-31-0001  
PIN : 370032400

KLEIS LAWRENCE F  
09241 60TH ST  
LAKE ELMO

N  
MN  
550420000

~~370032040~~

will be added

GEOCODE: 03-29-21-24-0001  
PIN : 370032600

KLEIS LAWRENCE F  
09241 60TH ST  
LAKE ELMO

N  
MN  
550420000

GEOCODE: 03-29-21-21-0002  
PIN : 370032660

JOHNSON GORDON G  
9265 60TH ST N  
LAKE ELMO MN

550420000

GEOCODE: 03-29-21-21-0003  
PIN : 370032700

UNITED POWER & LAND CO  
414 NICOLLET MALL  
MINNEAPOLIS MN

554020000

GEOCODE: 03-29-21-22-0002  
PIN : 370032800

SCHAEFER ALVIN J  
9109 60TH ST N  
LAKE ELMO MN

550420000

GEOCODE: 03-29-21-22-0005  
PIN : 370032950

SCHAEFER ALVIN J  
9109 60TH ST N  
LAKE ELMO MN

550420000

~~GEOCODE: 03-29-21-33-0001  
PIN : 372402000~~

~~CITY OF LAKE ELMO  
C/O ADMINISTRATOR  
3880 N LAVERNE AVE  
LAKE ELMO MN~~

Park

550420000

*will be added*

37240 2200  
3800

Lot 1 } Fox Fire  
Lot 13 }

GEOCODE: 03-29-21-42-0002  
PIN : 370032005  
Owners

MEYER FRANK V & ARLEENE M  
TRUSTEES  
750 N HWY #95 - #305  
BAYPORT MN 550030000

Contract Purchasers

NORTHERN LAKES DIVERSIFIED  
INC  
11000 CENTRAL AVE NE  
BLAINE MN 554340000

GEOCODE: 03-29-21-13-0001  
PIN : 370032040

KORHEL STEPHEN T JR & NANCY  
5540 KEATS AVE N  
LAKE ELMO MN 550420000

GEOCODE: 00- - - -0000  
PIN :

000000000

GEOCODE: 03-29-21-31-0002  
PIN : 372402200  
Owners

SCHIFSKY MARGO  
9393 55TH ST N  
LAKE ELMO MN 550420000

Contract Purchasers

GALE DENNIS S & RICHIE DON W  
III  
9393 55TH ST N  
LAKE ELMO MN 550420000

GEOCODE: 03-29-21-31-0011  
PIN : 372402800

BOSTROM WARREN R & GLORIA J  
9363 55TH ST NO  
LAKE ELMO MN 550420000

*NOTE: 37003-2055 IS NOT LISTED IN OUR RECORDS AS OF 11-29-90*

There were 5 parcels searched in this request.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: December 17, 1991

AGENDA TOPIC: RESIDENTIAL ESTATES ORDINANCE REVIEW	ITEM NO. 8.
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At its December 4, 1990 meeting, the City Council directed the Planning Commission to review the intent of the RE Ordinance as it relates to park dedication. Councilman Graves thought that the intention was to have the average lot size calculated after subtracting a 10% land dedication.

I doubt that we will get far with this item on the agenda, and in assuming that, staff will have more time to research the Planning Commission, Parks Commission, and City Council records for a more comprehensive review at your next meeting.



The Council questioned the deck proposed on the drawing that was submitted to them that night. The drawing in the Council packet did not include a deck. Therefore, the Council could not take any action on the deck at this time. The applicants would have to reapply for a variance for a deck. The Council indicated to the applicants they would not be favorably inclined to look at a further encroachment of this side of property with the addition of a deck.

M/S/P Armstrong/Hunt - to approve a variance for sideyard setback for the purpose of constructing a 24' x 26' addition for Wayne and Kathy Wensley, 8470 DeMontreville Trail N., based on the hardship the house was placed on an erroneous assumption of their propertyline, the house to the south is 135' away, the lay of the land makes this the most logical place to put the addition on the house, it preserves the septic and drainfield area, and only a small portion of this addition will actually interfere with the sideyard setback, and based on the neighbor's letter (Jeffrey & Kathleen Hamme) indicating no objection to this variance request. (Motion carried: 4-1: Williams: He noted he has voted against other variances of this type in the past for the reasons he stated and adjustment of the size of the addition could have avoided the variance.)

B. PUBLIC HEARING: David Schwarz, 10961 32nd St. N.  
Variance for height of garage

The applicant requested this item be deleted and placed on the January 15th Council agenda.

C. Residential Estates Zone

In response to a proposal to the City requesting approval of a preliminary plat, Councilman Graves pointed out the developer took the total acreage and divided it by 3.33 acres and came up with the number of allowed lots. Graves felt this was not the intent of establishing the RE Zoning District. He felt the gross development area; exclusive of park dedication acreage, was to be 3.33 acres and felt this was not clear within the zoning ordinance.

M/S/P Graves/Hunt - to direct PZ to look at the intent of the RE Zoning District. (Motion carried 5-0).

Councilman Graves indicated he saw as a goal of the RE Zoning Dist. the ability to utilize "more desirable areas" or portions of parcels of land for the residential development. He asked if it would be to the advantage of land utilization policy to obtain our community goals to obtain open space if we were to develop a provision within the RE Zone which would allow clustering. The consensus of the Council was not to send clustering in RE back to the PZ for discussion.

D. Park Dedication

Councilman Graves recalled the Council had rewritten the portion of the ordinance that dealt with park dedication and requiring up to 10% of the total gross acreage of a proposed development and/or up to \$450



REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: DECEMBER 17, 1990

AGENDA TOPIC:

ITEM  
NO.

9

This item was placed on the agenda by Chairman DeLapp.

I think this is an excellent concept, and Lake Elmo should proceed in joining this effort.

If you would like to make a recommendation to the Council to get additional information, turn this over to the Solid Waste Committee, or be the first community in Washington County to join this coalition, please do so.



**METROPOLITAN AIRPORTS COMMISSION**

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450

Phone (612) 726-8100 • Fax (612) 726-5296



October 15, 1990

*copy c6  
pp  
file  
copied 10/24*

Ms. Harriet McPherson  
State Representative  
243 State Office Building  
St. Paul, Minnesota 55155

RE: Lake Elmo Airport Master Plan

Dear Representative McPherson:

As agreed at our September 18, 1990 meeting, I want to provide you an update as to where things stand regarding completion of the Lake Elmo Airport Comprehensive Plan (Master Plan).

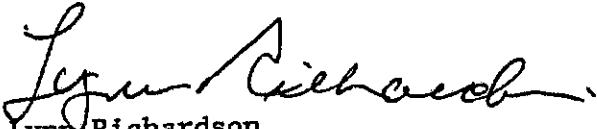
Presently we are drafting a "Memorandum to citizens in the vicinity of Lake Elmo Airport". It is our intention that this letter, when finalized, be distributed to all residents in Lake Elmo, West Lakeland and Baytown Township. This letter is intended as a "primer" as to what the Metropolitan Airports Commission planning process is, and what it is not. We would truly appreciate your review and comment on this letter so that we can distribute it as soon as practical. I will forward the letter this week.

Regarding the status of the Master Plan Update, we are presently analyzing additional aircraft noise monitoring data compiled at the airport over the past several weeks. This noise monitoring information will supplement that compiled earlier and hopefully can address some of the concerns expressed at the three public meetings held in recent months. Besides the noise information, we are compiling a list of aircraft owners who base their aircraft at the Lake Elmo Airport. This listing should provide a more specific indication of the "service area" of aircraft owners located at the airport.

In my next report to you, later this month, I will be able to provide some more specific information regarding the public information/hearing process that we intend to provide for this Master Plan Update. Currently, our thinking is that it would best serve the interested citizens if we were to hold a public information meeting, possibly between 6 and 8 pm, and follow it up with a more formal public hearing about 8 pm. Such a format would allow considerable open discussion prior to the actual hearing. In the past, our hearing process has required a minimum of 15 days notice of hearing followed by a 5-10 day open hearing record. I see no reason why this process could not apply here.

I trust you will take an opportunity to review and provide any comments on the soon to follow draft letter and that you will get back to me, or Mark Ryan at your earliest convenience. I have copied this letter to both Lake Elmo and Baytown Township so that they too can provide input to the information letter.

Sincerely,



Lynn Richardson  
Deputy Executive Director-Airports

ELMO-MAS/MR

cc: Mayor of Lake Elmo  
Baytown Township Chairman  
West Lakeland Townboard Chair

