



CITY OF LAKE ELMO
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Lake Elmo Planning Commission
MEETING NOTICE
Monday, April 11, 2005, 7:00 p.m.

In Council Chambers
Lake Elmo City Hall
3800 Laverne Ave. N.
Lake Elmo, MN 55042

AGENDA

1. Pledge of Allegiance
2. Agenda
3. Minutes
 - a. March 14, 2005
 - b. March 16, 2005
4. PUBLIC HEARING: Amend Fence Code
5. PUBLIC HEARING: CUP Amendment – Country Air Golf
6. Comprehensive Plan Amendment –Land Use Plan
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of April 11, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Ptacek, Roth, Fliflet, Lyzenga, Helwig, Sessing, Schneider, Sedro, and Armstrong, (Deziel: 7:14 p.m.). STAFF PRESENT: City Planner Dillerud, Administrator Rafferty, and Recording Secretary Kimberly Schaffel. ALSO PRESENT: Mayor Johnston, Councilmembers Johnson, Smith, and DeLapp.

AGENDA

M/S/P, Sessing/Lyzenga, to accept the Agenda as presented. VOTE: 9:0.

MINUTES OF MARCH 14, 2005

Commissioner Sessing requested a change to page 5 under Zoning to replace "recused" with "excused." Commissioner Ptacek asked to change page 7 to say, "The Council previously approved PUDs on Highway 5 and Carriage Station." M/S/P, Sedro/Sessing, to accept the Minutes of March 14, 2005 as amended. VOTE: 9:0.

MINUTES OF MARCH 16, 2005

Commissioner Sedro requested a change to page 2 on the last line from "senior housing" to a "multi-storied long term care facility." She also requested a change to page 3, 6th paragraph, after "Old Village Planning Meetings" to add "we heard that senior housing was wanted in the Old Village. Old Village residents' acceptance of density was relative to the density of their own neighborhoods." Commissioner Sessing asked to change page 4, 9th paragraph to say, "most important is minimum density south of 10th Street and to protect existing residents. M/S/P, Sessing/Sedro, to accept the Minutes of March 16, 2005 as amended. VOTE: 9:0.

PUBLIC HEARING: AMEND FENCE CODE

The Planner explained the history of the new fence ordinance. A Council Committee recommended adding the portion of fencing where an outdoor living area may be screened.

The Planner said that Solid Fencing of a height in excess of 72" should be deleted. That was an oversight.

The Planner explained that the intent of this ordinance amendment is to set limits on the amount of screened area a property owner may have. The only other alternative to fencing is an accessory building for storage items. The purpose of number 5 is to allow fencing in some proportion to the allowable square footage of accessory structure limitation. Ratio and proportion is also dealt with in this amendment. He said that the concept of an extended living area is also addressed. The size of a solid fence for an outdoor extended living area cannot exceed the size of the room from which you enter the yard. The fence must be physically attached to the structure at some point. The fence cannot extend beyond the edge of the house.

Commissioner Sedro asked if we prefer to see things sticking up above the 72" height of a fence.

Planner said prior fence ordinance allowed up to 8 feet for street fencing. That size fence may be more intrusive than what you may wish to screen.

Commissioner Roth asked for the definition of outdoor extended living area.

Commissioner Fliflet asked what if the area from which you exit the resident was an unfinished basement.

The Planner said that was a good point not considered which might need a qualifier.

Commissioner Fliflet suggested that such a fence should be attached at least on one side instead of not

specifying it.

Commissioner Deziel asked if this type of screening would apply only to street sides or any side yard.

The Planner said it would apply to any side yard Planner.

Commissioner Ptacek said that it might be drafted this way because we do not want a fence like that viewed from the front of the home. If the side yard is where a walkout is located, it would not be allowable.

Commissioner Sessing said that since it is attached to the home, it would require frost footings. If that fence was constructed within so many feet of the home, it might not need frost footings. That would cost less.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:24 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:25 P.M.

Commissioner Sessing suggested that the Council look at the RR zoning district where the code says that exterior storage farm equipment cannot be stored outside. He said he would like to see exterior storage changed for RR where farm equipment is often utilized.

The Planner said the commission could publish a hearing notice or make a recommendation to the City Council.

Councilmember DeLapp

Councilmember DeLapp said that he knows of a Lake Elmo 200-acre farm zoned RR. He said that change would be in order.

Commissioner Armstrong wondered if limiting to the room from which one exits the house is too arbitrary. He asked about limiting the screened area to the footprint size of the house. He gave an example of a breakfast nook of 6 X 8 feet.

The Planner said the footprint of the house might be excessive.

Commissioner Roth suggested the square footage of the room or 500 square feet whichever is greater.

Commissioner Fliflet suggested the fenced area should be no larger than one-half the foundation size of the house.

Commissioner Deziel said as a city we restrict more and more, and now we are liberalizing it on a restrictive basis. He said this code is too far from where we started. Now we are being asked to regulate something that is a minimal problem. He said that we are going backwards as a city, unnecessarily restricting our residents.

Commissioner Armstrong asked if the intent of item 5 general screening limiting to accessory structure dimension is to limit the amount of stuff in the backyard and how it is screened. He asked if there are problems arising from fence permit applications. He asked what the impetus is for these changes.

The Planner said the initiative came from Council Committee and staff drafted language.

M/S/F, Deziel/Armstrong, to recommend that screening may be allowed to a height of 72" as long as it is within the building setback of non-street yards, and remove the clause of accessory building.

Commissioner Armstrong said if the Council wants something different, they should do it. If the fence is not street screening fence, and it can meet the setbacks, that is all an individual should have to do.

Administrator Rafferty asked for clarification, not just all setbacks.

Commissioner Deziel said non-street setbacks only.

Administrator Rafferty said a resident came forward with a request for some living area that can be screened for privacy. Staff's concern is how overwhelming it could be. In our existing code, only 42" of solid fencing is allowed. If scale is not limited, a resident could potentially have a solid 72" fence from the back corner of the house to the rear setback line, which could be 400 feet long. He said that staff took the concept from the public request to create some privacy for a solid wall fence. That is where this amendment originated.

Commissioner Fliflet thought the rationale of number 5 was fine before the changes.

VOTE: 4:5 Nay - Roth, Ptacek, Lyzenga, Helwig, Schneider. FAILED

M/S/F, Ptacek/Schneider, to recommend the Fence Ordinance to the City Council as presented with the following changes:

1. Item 5- cross out of height of 72"
2. Outdoor Living Area- move forward with the addition of "provided that the area where the screened area closes and/or connects to the principal structure be no greater than six inches, and also that the total area of screening be no more than one-half the footprint of the primary residential structure.

VOTE: 4:5 Armstrong, Sedro, Sessing, Roth, Deziel. FAILED.

Commissioner Roth said he is not clear why these changes are necessary. He said he is having difficulty making the changes without a rationale. Maybe council committee has more information.

M/S/P, Ptacek/Schneider Pass on these changes to the Fence Ordinance without recommendation.

VOTE: 7:2, Nay: Sessing, Roth.

M/S/P, Sessing/Roth, to request the Council Committee to look at Section 1340 of the *Municipal Code* for farm implements and equipment to be allowed as exterior storage in the RR zoning district, and also trailer and boat storage of 25 feet, and to determine whether that type of storage includes RVs. VOTE: 9:0.

PUBLIC HEARING: AMEND CUP FOR COUNTRY AIR GOLF

The Planner explained the history of this site and Conditional Use Permit. The applicant proposes to construct covered tee boxes for twelve tees. He said that when he went out for an inspection of the site, he saw a similar structure. There was no building permit applied for. The Planner recommends tabling until the violation is corrected. If it is completed by the next meeting, he will bring it back. If it does not come back by the second meeting, he will then ask for it to be rejected before the 60 day application period ends.

The Planner offered options for the how the commission can handle this application tonight.

Joe Park Owner and Golf Professional

The structure was created for weather conditions. The structure was to determine size, adequate space for a golf swing, height and width. They tested with a temporary plastic shelter. Timing is very important because of weather. Requested contingent approval. He will need the parts to use on the permanent structure.

Nicole Park distributed a graphic of what the permanent structure will look like.

His business relies on the weather as the park is currently constructed. He is ready to go. The temporary structure is an eyesore. Mr. Park displayed a sample of cedar siding that matches the clubhouse on the site. The roofing material is a clear rippled fiberglass.

Commissioner Roth asked the maximum height of the roof. Width is 10 feet and height is 15 feet which will handle wind load with enough room in back. In winter it is heated. The stall would be shared in the wintertime.

Commissioner Roth said the temporary structure is taller than the clubhouse, and is visually impacting the neighborhood.

Mr. Park said that Ray Salas' criteria was to build berms high to reduce visibility from the road at 50 mph. The only time it can be seen if you turn into the facility. He said it will be 120 feet wide.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:05 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:06 P.M.

Commissioner Deziel said he would be willing to consider the application but the process must be respected.

M/S/P, Deziel/Ptacek, To table the application for a CUP Amendment at Country Air Golf pending compliance with City Code. VOTE: 9:0.

COMPREHENSIVE PLAN AMENDMENT – LAND USE PLAN

The Planner explained that the new graphic reflects the changes directed by the commission at the Public Hearing. This is a third option for how to deal with the Land Use Plan. 2.75 per dwelling unit was adopted at that meeting and 3,700 REC units below 10th Street. Some minor adjustments were made such as 2 acre lots backing up to Stonegate and green space has been narrowed significantly. Changed land use guiding immediately adjacent to The Forest to 3 units per acre except for the green space buffer.

The Planner said the second result of that direction is to have a surplus of 450 units that need to be accommodated north of 10th Street. This could be handled in three ways or could be divided evenly across the three options.

1. RAD2 with sites adjacent to peripheries of the community and on at least collector streets if not major arterial streets.
2. To increase density in Open Space Preservation developments to .45 which would result in about 150 more units.
3. Incentive within the Old Village allowing additional units in return for aggregation of their interest or coordination of those property owners.
4. Larger senior housing facility in the Old Village.

The Planner kept the hearing open in order to collect all the letters received from residents. He asked if the commission wants to see them all before making a recommendation to the city council.

Commissioner Ptacek said he would like to see all the hearing record before making a decision. Did we ever get the area south of 10th Street in terms of acres. Is that how we get to the 3,700?

Commissioner Roth said he wanted to see the densities discussed for buffering the existing residential developments.

Commissioner Lyzenga said we have not addressed the 13,000 employees that must be accommodated. What was the legal opinion regarding the level of detail required in mapping.

The Planner said he did ask the city attorney for an opinion. The requirement is to regulate for future sewer with no greater density than 1:20 acres. The second part to zoning it that way, it must be shown that way in the Comprehensive Plan. We came up with the question of can we have a two level map in order to accommodate the detail the Metropolitan Council wishes to see. That detail may not be required until sewer arrives.

Commissioner Lyzenga asked if it would be wiser to label it all 3 units per acre.

The Planner said you would not plan for the buffering and green space in the same level of detail.

Commissioner Armstrong would like to see language saying this is not firm guiding just an example of how it can be done.

The Planner said we have to make it clear that is their version once sewer does arrive.

Commissioner Armstrong said we don't have to commit, we just have to show a plan for urban reserve. There are so many details to be worked out and there is not enough time. This map is an illustration of efforts to fit these numbers. We should not have language saying we are doing this. We only have units and dates.

Commissioner Fliflet supports less detail. She does not want it to reflect staging.

Commissioner Sedro said it is worthwhile that we have done it, but would like to commit to as little as possible. The city should not automatically switch zoning.

Commissioner Deziel in 2020 version the OV concept was not done. The level of that plan was not so firmly established.

The Planner said we cannot make progress in enough time by doing it as Commissioner Lyzenga suggests. If we ever get past this stage, it will go to transportation at TKDA because we need to know what will happen to 10th Street, Keats, Manning, etc. We will have a model of how we will have to do it.

Commissioner Schneider said he has looked at other Comprehensive Plans and they do show future urban. This is way too detailed and we are painting ourselves into a corner.

The Planner said it would have to be acceptable under the MOU. This is the level of detail they expect to see.

Commissioner Deziel said he is not comfortable with RAD2. He does not see any farms south of the LEPR's northern boundary. He thinks it is a mistake because it seems opposite of everything we try to do with OP and OP Reserves. Going to .5 on OP you can pick up 300 units. Old Village could be tweaked. It would help the old village with more population and support of the businesses.

Commissioner Schneider agreed about RAD2.

The Planner said getting rid of RAD2 means 200 more units, perhaps to be incorporated into OP. He said 1 per acre does not mean one acre lots. You can cluster like we do in OP. It could be the same or more dense than OP.

Commissioner Sedro disagreed because we may need two pockets of RAD2 taking up 150 acres and OP at .45 on the corners and at the periphery. That will affect areas north of 10th Street less than OP higher density over the entire area.

The Planner said the wording would have to be different from "possibility."

Commissioner Lyzenga said we are going from one extreme to the other. All these decisions are expected in a few weeks. Deal with facts before us today and don't forecast or predict more than is necessary right now. Then carefully consider each step.

Planner said this is the level of detail we need now.

Commissioner Fliflet and Commissioner Roth said they don't see 200 acres used for RAD2 will impact so significantly.

Commissioner Sedro recommend to the level of detail under which they are comfortable and the Council will do what is necessary to beef it up or pare it down.

Commissioner Deziel said does not mind working on details through the summer. He hopes we do that. None of us are comfortable with this map as a recommendation.

Commissioner Roth said FUSD there is no clarification in the plan as to when these areas will develop. Would we then come back to the city for guidance? If you never get to this level of detail in your Comprehensive Plan then it is development driven.

Commissioner Schneider said we should just send our 2020 modification rather than a 2030. We could revisit it in a couple of years for the details then.

Commissioner Armstrong read the planning policy and land use plan except for typos and internal questions in the draft, he was generally happy with how they turned out.

M/S/P, Armstrong/Deziel, to recommend the Planning Policy and Land Use Plan as presented except for typographical errors and internal questions in the draft, and change the Land Use Plan and Planning Policy from 9,500 dwelling units in 2030 to 8,730. VOTE 9:0

M/S/P, Armstrong/Sessing, to direct staff to draft clear language in the City-wide Planning Policy on page 7 under "I-94," paragraph 3, indicating that reguinding will not be automatic but will require an affirmative resolution of the City Council before reguinding can take place.

Commissioner Deziel said the city should make sure the map with 3,700 units is not interpreted as an official document. VOTE: 8:1, Nay-Deziel.

MOTION: Armstrong, To delegate the leftover 450 units to 333 in OP and the balance to the Old Village and infill housing. FAILED FOR A SECOND.

MOTION: Schneider, To delegate the 450 units by increasing density to .45 in OP, infill, increase units in the Old Village, and RSOP. WITHDRAWN.

M/S/P, Sedro/Ptacek to recommend the 3,700 unit map for the area south of 10th street with strong language, and north of 10th street, that 450 units be distributed to each of the three options: 150 units for the Old Village bonus densities, 150 units to Open Space Preservation Developments, and 150 in RAD2, which will be situated on the perimeter of and particularly on the corners of the City.

Commissioner Lyzenga asked what makes the City default to this detailed map. She said she is not comfortable with this map under any circumstance. She said the Commission has been rushed into conclusions which results in too many questions.

Commissioner Sedro said this map is the best the Commission has come up with so far. Hopefully the Planning Commission can revisit it when we have more time.

Commissioner Ptacek asked for a friendly amendment to the motion. Eliminate the map and deal with the distribution of units only. He said the Commission should approve the text in the City-wide Planning Policy and Land Use Plan and RAD2.

Commissioner Sedro said she is more comfortable with RAD2 in small specific areas where it will be sited. She said that Open Space Preservation is in the entire city.

Commissioner Armstrong said he supports the motion but wants a follow up to narrow down the RAD2 areas.

VOTE: 8:1, Nay-Deziel.

M/S/P, Armstrong/Sessing, To eliminate the RAD2 areas of the map at southwest portion of the city off Inwood, and the western portion of the city at Highway 5. VOTE: 8:1 Nay-Ptacek- RAD2 off Highway 5 makes more sense with the development going on there in Oakdale.

M/S/P, Roth/Deziel, to modify the 3,700 map by moving the greenbelt areas shown south of 10th adjacent to the existing residential neighborhoods.

Commissioner Roth asked would trails be a taking? The Planner said the Trail Plan shows a corridor east to west. A Trail Corridor is okay but nothing geographically specific. However, he could approach it the way Commissioner Armstrong suggests with specific references to the three residential subdivisions.

Commissioner Roth would like to keep it with the green space in there. Commissioner Fliflet looks at it like common area. Commissioner Deziel likes the idea of a green way that makes a natural park area.

Commissioner Armstrong said that the goal is minimum impact in the transition areas. He suggested taking the lavender and green areas, combine them, and make it one unit per 2 acres with setbacks of 300-400 feet. He said that would mean no up front taking, allowing more planning flexibility. VOTE: 8:0:1, Ptacek-Abstain – Lack of information.

The Planner said he will ask the city attorney about Commissioner Armstrong's recommendation. Give someone reasonable use of the land, and it gives the city more flexibility.

M/S/P, Armstrong/Helwig, to recommend looking at combining low density residential of one unit per two acres and green space area with significant setbacks for existing residents to provide a wide enough buffer and eliminate chance of entire parcels being located within the green space area.

VOTE: 6:2:1 Abstain-Roth - Lack of Information.

Commissioner Deziel said he would like to leave the door open for mixed use along the commercial corridor for a multi use facility.

Commissioner Ptacek said he would rather have a project than a designation. We gave enough flexibility in the verbiage though maybe not enough in the map.

Commissioner Deziel said office and retail go well together, they are not a contradiction. We should not disregard the possibility to mix uses and shortchange ourselves. Restaurants and small retail shops would mix well with office.

Commissioner Roth did not hear from property owners desire to build infrastructure. Need to be careful opening barn doors. Bring in good proposals and if they have a good plan, high quality, we will take a look at it. Traffic for 12000 residents and 13000 employees will be enough, then you will have even more traffic if everything becomes a destination there.

Commissioner Roth's point is valid. New access ramps onto 94? Horse is out of the barn and we are trying to close the doors.

Commissioner Sessing said there should be more flexibility with developer PUD plans for large pieces of property.

Commissioner Sedro said we are also trying to help out our Old Village.

Commissioner Lyzenga asked if the commission could look at models of commercial for numbers of employees we are considering. What would be their appearance, impact; she would like visual aids.

Commissioner Schneider said 3M has 15,000 people in Maplewood.

M/S/P, Roth/Deziel, To amend the Staging Plan to reflect reduction in units. VOTE: 9:0.

Adjourn 9:51 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Schaffel".

Kimberly Schaffel
Recording Secretary