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Lake Elmo Planning Commission

MEETING NOTICE

Council Chambers
Lake Elmo City Hall

Monday, November 14, 2005, 7:00 p.m.



AGENDA

1. Agenda
2. Minutes of October 24, 2005
3. Home Occupations
4. 2006 Meeting Schedule
5. 2006 Work Plan
6. City Council Update
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of November 14, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Ptacek, Deziel, Fliflet, Van Zandt, Sedro, Roth, Schneider, Pelletier, and Armstrong. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Recording Secretary.

Agenda

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

Minutes of October 24, 2005

M/S/P, Ptacek/Sedro, to accept the Minutes of October 24, 2005 as presented. VOTE: 8:0:1
Abstain~Helwig.

Home Occupations

The Planner said he thought that the ordinance from City of Shoreview was reasonably consistent with where our commission seemed to want to go. The Planner used the Bunn Table and inserted Shoreview items where applicable. That table is in the Agenda Packet, and the Planner displayed it on the overhead viewer.

The Planner explained that an accessory structure is a structure detached from the primary structure. An attached garage does not qualify as an accessory structure. Shoreview does not allow any home-based business activity in an accessory structure.

Commissioner Sedro said she wanted the maximum of 20% removed (Item I).

Commissioner Schneider asked if farming is exempt. The Planner said it is.

Commissioner Ptacek had a lot size concern for accessory structures. He would redirect staff for that. If the business is virtually invisible as to sight, sound, and smell, etc., it should not bother anyone. He recommended removing some of the 'weasel words.' Customer visits to a site might be included for Home Offices perhaps by appointment only. The Administrator said permitting for home offices could be done administratively but said the Code should be clear. The Planner said it could be difficult to monitor appointment only.

Commissioner Deziel said there is no distinction between categories if that was changed. If there is concern, we could require a permit for some of the issues that might otherwise be prohibited. He thinks we should waive requirements for broad bands of items in the tables.

The Planner said, of Codes he reviewed, there was a licensing standard. Administrator Rafferty said the reason cities do that is if someone decides not to comply, then the license can be pulled and they cannot operate. By setting a monetary standard, it becomes difficult to manage for a licensing issue.

Commissioner Fliflet said her parking preference was the original chart from February. They may not have more than 3 parking spaces, etc. That measures the effect on a neighbor.

Commissioner Armstrong said this has been a relatively non-problematic portion of the Code and it has been applied across the board. Thinks a permit system would be unnecessary. He said he thinks one column instead of three. Any violation is considered a misdemeanor, etc. There are remedies within our Code.

The Administrator would prefer a permit or a license. If they are operating outside their permission, a license could be revoked and used as another piece of evidence in a courtroom. A compliance campaign

would be necessary for existing residents engaged in home businesses.

Commissioner Sedro disagreed that parking spaces are important she said that parking spaces are insufficient for controlling traffic, and traffic coming and going every few minutes impacts neighbors.

Commissioner Schneider asked at what point does a commercially used accessory structure change the homestead.

Commissioner Ptacek said that septic pumping used to not be regulated. Now we regulate it because there were enough people in the state who did not comply with guidelines.

A straw poll was conducted and there were 6 in favor, 2 against licensing in any form; a dog license approach. Burden of proof should be on the neighbor who complains.

Administrator for licensing to work, it has to be communicated to the public. Constraints are on that home-based business. There would not be door to door questions. A license can be refused on grounds, such as manufacturing. That would not be a home-based business for a residential district.

The Planner said there are distinctions among these categories.

Commissioner Deziel asked for clarification on enforcement. Maybe a homeowner didn't know they needed it.

The Planner said maybe there have been five complaints from your neighbors. We have a problem that appears to be more than a home-based business. You do need a license, and you cannot operate under these conditions.

Commissioner Sedro said she works at home one day per month. That should not need a license. There is actually less traffic impact to the neighborhood.

Commissioner Van Zandt said there needs to be a distinction between home office and home business. No disruption to the neighbors, no need for a permit.

Commissioner Fliflet no customers or clients, no deliveries, no products, etc., they would not need a permit.

Chairman Helwig said that counting cars visiting a home would be very difficult for determining if the visitors were customers or guests.

Commissioner Deziel said the need to regulate should correlate with the concept of contributing to the public welfare. Are we improving the situation or just creating another burden? Unless there is compelling argument that something must be done, we should get out of it or get into it as lightly as possible.

The Commissioners determined a need for distinction within Non AG and Non RR. The straw poll was unanimous for a single column there.

Straw poll vote for whether there should there be a distinction between Home Office and Home Based Business. 8:2 (Two categories).

Commissioner Armstrong asked the threshold that should require a permit.

M/S/P, Ptacek/Schneider, to direct staff to retool the chart and language so the City does not require a City permit if a home office does not have customer visits on-site. An Administrative Waiver can be

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granted by the City Administrator for permits if there are customer visits on site for Home Offices.
VOTE: 8:1, Nay: Deziel.

M/S/P, Fliflet/Ptacek, To remove the Structure Use row and under the Storage row within the table provided by staff, to say all business related equipment, material, or stock must be stored entirely within the structures on the site. Anything related to a business must be kept entirely within structures because the City should not care if business material is in a basement or in a shed in the backyard. VOTE: 8:1, Nay: Roth~Warehousing concern for large amounts of stock in trade.

The Planner said we control the size of vehicles in residential neighborhoods by gross weight size.

The Planner said we could eliminate the row about on-site business vehicles.

Commissioner Armstrong asked if the Code can be enforced, why would we need a permit? We have enough conditions here without a permitting system. What are the externalities that are going to exceed a threshold? Home Office is so simple it does not need consideration.

Planner asked about adjusting customer visit provision by appointment.

M/S/P, Armstrong/Deziel, to direct staff to investigate traffic count enforcement methods for home business customers, deliveries, etc. in residential zones. VOTE: 9:0.

2006 Meeting Schedule and Work Plan

M/S/P, Ptacek/Armstrong, to adopt the 2006 Meeting Schedule and 2006 Work Plan as presented.
VOTE: 9:0. (Attached)

City Council Update

The Planner updated the Commissioners with regard to the Hardy building move, removing OP from AG and RR versus a moratorium for OP development city-wide. City attorney said we could do it that way, but easier to repeal that section of the code. The Council approved the 8 unit development of PARK MEADOW.

The Planner said the Council met in a Workshop about early comments from the Metropolitan Council. They directed the Planner to send a letter, because they did not believe the mechanics in the Resolution whereby the extension of time was granted were reasonable conditions. Other communities submitted their comments. Woodbury were to be asked what their thoughts were with regard to commercial guiding along the I-94 corridor. OPH continues to be interested in annexing east of Manning above 50th street.

The sale fell through for the Barr Construction purchase in the Harty Insurance Building on Highway 5. Approvals for the site are valid for one year.

Adjourn at 8:46 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

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