

**City of Lake Elmo
Planning Commission Meeting
Minutes of March 27, 2006**

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

Agenda

M/S/P, Pelletier/Van Zandt to accept the agenda as presented. Vote: 9:0.

Minutes of February 27, 2006

Commissioner Fliflet page two halfway down the page, it should say Home Office.
Commissioner Pelletier page one nay vote last sentence only Pelletier stated... Page three crazy to try to regulate Avon and those types of home parties-delete it.

M/S/P, Fliflet/Van Zandt to approve as amended. Vote: 7:0:2, Abstain: Roth and Schneider: Absent.

Minutes of March 13, 2006

Commissioner Fliflet page three motion to remove number six. Limit the number of hours not lateness of hours.

M/S/P, Roth/Fliflet to approve the Minutes of March 13, 2006 as amended. Vote: 7:0:2, Abstain: Armstrong and Pelletier: Absent.

M/S/P, Fliflet/Schneider to ask Council for clarification about why they would not want to read commentary and discussion points on planning issues.

Administrator Rafferty said staff will bring guidelines for the agenda to the next meeting.

Vote: 9:0.

Public Hearing: Preliminary Plat, Development Stage Plan and Conditional Use Permit for HIDDEN MEADOWS OF LAKE ELMO (Formerly known as Deer Glen)

The Planner said the applicant has submitted two related applications on a 108.62 acre site at Keats and Highway 36. The preliminary plat is for a 68 acre portion of the 108 acres. The balance of the site has been previously preliminarily platted including the church site, the homestead site, and the roadway.

Staff observed the preliminary plat essentially responds to the Concept Plan layout as approved. The Landscape Plan for the project is responsive to the OP Ordinance and Section 400 Subdivision requirements. Condition Number 5 for the east property line appears to have an existing tree line substituting for the 200 feet buffer. The City is looking for cross-sections to demonstrate the effectiveness of that buffer. The City Engineer indicates a number of items in an e-mail memo dated March 23, 2006, where there was not enough information provided by the applicant for him to finish a review. Staff recommends waiting for that supplemental information because of their number.

Paul Danielson, Engineer, Kimley-Horn and Associates

A change was made for the residential portion of the site and it was his intent to wait for a favorable response from the Planning Commission before submitting all of the engineering plans. He asked for a recommendation of removing some box elders in order to plant evergreens within that tree line. He said the conditions of the City Engineer are not a deal breaker and they could comply with submission requirements in time for the City Council Meeting. The cul-de-sac on the southwest corner was an issue. That was what was proposed at Concept Stage and the purpose is to slow down traffic and provide more green spaces. City standards for cul-de-sacs need to be provided. Cross sections for retaining walls were submitted. Those that require guard rails based on State standards will receive them. He is not sure it is necessary to get VBWD approval in order to get City approval. Storm sewer profiles were included in the submittal but he will provide as necessary. Septic system was provided in package for the church. Watermain sizing is not a huge issue. Trail widths and locations are not part of the City system so they were changed to loop within the neighborhood. Stubbing the trail to the east was discouraged by the Council. Conifers require a certain amount of light and the box elder canopy is too dense for them to survive. Roundabout was to calm traffic and to add nodes of common green space and broke up asphalt.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:35 P.M.

Jim Dyer, 5435 Keats Avenue

The Keats/Highway 36 intersection is going to fail and something needs to be done. It may not be the developer's fault or fully their responsibility. Pockets of development are all that are being created and you can't drive through neighborhoods anymore like you can in the Tri-lakes Area. Another parcel of land south of Outlot E or Outlot F of 20 acres will be further landlocked to the north by this development. The developers are not interested in providing access to the south property line. That outlot would be a nice driveway for the landlocked parcel to the south. Maybe residents could drive down this street instead of Keats Ave.

Steven Ziertman, 5761 Keats Avenue

Owner to west of the church location. The trail changed from the original design. He would like to be sure the trail maintains the appropriate setback from his property line. The road is already in going into the church in the development. The city is putting the horse before the cart. The road should not have gone in until this application was approved.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:41 P.M.

Pat Kinney, Developer

Mr. Dyer contacted the church asking the question about right of way. At this point we are too far into the plans to change them now. The Council did not want the road going through to the east, why would they put one in to the south. The southeast corner is hilly. They would have to redesign the whole plat two years into it.

M/S/P, Armstrong/Schneider to table the preliminary plat, OP Development Stage Plan, and Conditional Use Permit of HIDDEN MEADOWS OF LAKE ELMO to the April 24, 2006 Meeting. Vote: 9:0.

M/S/P, Armstrong/Schneider to amend the previous motion, and table the preliminary plat until such time as the Planner can return it to the Planning Commission. Vote: 8:01: Abstain:

Deziel-. Would like an opportunity to comment before tabling. He would prefer not to table as a first motion.

520 Site Plan: Rockpoint Church (Formerly Lakewood Evangelical Free Church)

The Planner explained that this application deals only with twenty acres of the 108 acres. The preliminary plat approved in the past creates this site. This site will have to be final platted before commencement of construction of the church. He referred to the Planning Staff Report and three variance issues that have been identified therein.

Richard Stuhlman, BWBR Architects

He reported that this is virtually the same building as the commission has looked at for two years. When approval was received for the Preliminary Plat in May, they developed drawings seen now by the Planning Commission. The exterior building materials were discussed in a meeting with the City Planner. Building and steeple height were also discussed. The highest point of the building is 49.5 feet to the peak of the roof at the front. The steeple and the cross tower is 58 feet tall. He noted that Lake Elmo zoning ordinance standards height standards said unoccupied spaces can be 25 feet higher than occupied adjoining spaces.

Paul Danielson, Kimley-Horn

They can comply with 20 feet setback by moving the parking lot west eight feet and keep same amount of parking.

Tom Durag, BWBR Architects

The highest point of the building is just over 49 feet. There are a number of planes that can make heights unclear. The church is about two football fields from the east property line. The southeast wall seems to be the one with the issue now and that side is a walkout. Classrooms under the sanctuary caused them to add windows and change the overall height of the church. They could abandon the windows and add soil or change the roof but would prefer a variance.

The elevation at the top of the spire tower is 58 feet and the cross is higher to around 70 feet high. The square footage of the building is about 25,000 square feet of footprint and 54,000 square feet of space over two stories.

The Planner said he might have misunderstood the drawings but he will discuss it with them. Unoccupied structure additional height of 25 feet does conflict with other areas of the code. The Planner will ask the City Attorney which controls in this case.

M/S/P, Roth/Schneider to table the application for the Rockpoint Church pending redesign or variance applications by the applicant. Vote: 9:0.

The meeting recessed at 8:24 p.m. and reconvened at 8:34 p.m.

Fences: Review Fencing as a Buffer Between Incompatible Land Uses

The Planner explained that the Council at the last Council Workshop has asked for a review of the Fence Ordinance with regard to fencing as screening between commercial and residential uses. There are several ways to allow fencing to be used as screening. Carriage Station was a PUD and Council allowed the evergreens to provide screening between the residential and commercial portions of that development. There are many areas in the City where this would apply. Perhaps screening can be done by the residential user when the commercial user does not.

Amended/Approved: 4/10/06

M/S/P, Roth/Deziel to publish a hearing notice to consider an amendment to the fencing ordinance as indicated in the Staff Report of March 22, 2006. Vote: 9:0.

City Council Updates

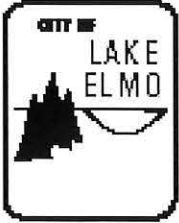
Text amendments to the Code for drive-up windows, outdoor social events, and home occupations were all referred to the Council Workshop of April 11 for discussion. They will reconsider the Haire Variance because their normal meeting date was changed. The Village Area Master Plan was presented at the Council Workshop and they directed a public open house on April 19, 2006 at the Elementary School at 6:30 p.m. Commissioners should try to attend. They may then submit it to the Planning Commission for public hearing. The Met Council Staff has recommended our 2030 Comprehensive Plan be approved without further modifications and that is expected to be heard and endorsed on April 12, 2006 by the full Met Council Board. The City Council suggested direction for review of the Zoning Ordinance. Lane Kendig will be contacted for another presentation. At that point, the Council will direct the Commission on the form of the new Zoning Ordinance.

Adjourn at 8:48 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary



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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, March 27, 2006, at 7:00 p.m.

AGENDA

1. Agenda Approval
2. Minutes
 - a. February 27, 2006
 - b. March 13, 2006
3. PUBLIC HEARING: Preliminary Plat, Development Stage Plan, Conditional Use Permit~HIDDEN MEADOWS OF LAKE ELMO (*Formerly Deer Glen*)
4. 520 Site Plan: Rockpoint Church (*Formerly Lakewood Evangelical Free Church*)
5. Fences: Review Fencing as Buffer Between Incompatible Land Uses
6. City Council Update
7. Adjourn

The public is invited to attend.

**City of Lake Elmo
Planning Commission Meeting
Minutes of March 13, 2006**

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

Agenda

M/S/P, Fliflet/Ptacek to add Public Hearing: Consider Code Amendment for Drive-up Service Windows Adjacent to Restaurant in GB Zone as publicly noticed and include as Item 6, and to accept the Agenda as amended. VOTE: 8:0.

Minutes of February 27, 2006

M/S/P, Fliflet/Roth to table minutes of February 27, 2006 until next meeting. VOTE: 8:0.

Public Hearing: Variance ~ Septic within house setback

The Planner said the home at 7949 Hill Trail North was constructed in 1976, and there is no record of improvements to the original septic system. The septic designer concludes there is only one location for the drainfield. In order for that system to be installed, it has to be fifteen feet from the house. The Planner looked at whether another location can be found or whether a mound system could be used. The Planner said the applicant says this location is the only one. He noted that mounds are generally looked at in Lake Elmo as a system of last resort because there have been problems with them here.

The Applicant, Mr. Scharrer, said he received a call from city staff to see if the drainfield could be placed elsewhere on the lot. He said the design submitted did not show the additional constraints of the deck or gazebo. He distributed a new design.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:15 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:16 P.M.

M/S/P, Van Zandt/Deziel, to recommend approval of the variance from the house setback for a septic system at 7949 Hill Trail North based on the findings in the Planner's Staff Report - points 1, 2, and 3, and the unknowns for an alternative system,. VOTE: 7:1 Nay: Ptacek-Staff should provide Planning Commission with the negatives of mound systems once and for all.

Public Hearing: Consider Code Amendment ~ Home Occupations

The Planner said he reduced the three columns to one in his Staff Report. Under Number 6 on second page, it should read, "... there should be NO employees on-site." Seven paragraphs would be added to the zoning ordinance under the various zoning districts where there are home occupations currently addressed.

Commissioners Roth and Deziel said to strike gains.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:32 P.M.

Jeannie Schnell

Ms. Schnell said she saw the article about Home Occupations in the Pioneer Press. She wrote a letter

to the mayor and she distributed it and read it.

She said she has lived in her house 30 years. She is concerned about so many restrictions, especially signs in yards. She thinks it is time to loosen restrictions not tighten them. She thinks some signs should be allowed. Stock in trade should be allowed. Code Enforcement should not include peeping in garage windows. With reductions in pensions and job losses, etc., people need opportunities to make extra money.

The Planner said there are many people who agree and also many people concerned about their neighborhoods.

A Man From the Audience

The man asked how will you measure adverse impact on adjacent properties?

The Planner said there are standards for odors, lumens of light, decibels, etc. That clause is also a concern to the Planner.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:38 P.M.

M/S/P, Fliflet/Roth to quantify the Code to limit the number of customers to a site to no more than 10 customer visits per day and add that clause to Number 8.

VOTE: 7:1 Nay~Lyzenga-Micromanaging; leaving it up to a license is sufficient.

M/S/P, Ptacek/Schneider to amend Code definitions adding Section 1115 to licensing and amending zoning districts as presented in the Planner's Staff Report.

VOTE: 8:0.

**Public Hearing: Consider Code Amendment ~
Outdoor Social Events in AG Zoning District**

The Planner said the draft Code amendment is generic for all AG properties. The City of Stillwater said they have a CUP or SUP for musical events only. The Planners said he took Commissioner Armstrong's factors into consideration and drafted for Municipal Code 300.07, 4.A.2. to add another Conditional Use to those already there. He said that is a more contemporary way to draft an ordinance.

The Planner distributed a letter from Carol Palmquist received on March 1, 2006.

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

Nobody spoke.

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

M/S/F, Deziel/Roth To limit No. 4 for Outdoor Social Events to ten guests per acre.

VOTE: 1:7 Failed. (Yea-Deziel)

M/S/P, Ptacek/Roth to limit Number 4 in the standards for Outdoor Social Events that attendance at events should be no more than 20 persons per acre, with a maximum of 500 persons, including event staff.

VOTE: 8:0.

M/S/P, Roth/Fliflet to limit sound to comply with the City Noise Ordinance.

The Planner read from the noise ordinance and said no sound above certain measurable thresholds should be discernible beyond the property line.

VOTE: 7:1 Ptacek-The intention was for no amplified sound.

M/S/P, Fliflet/Deziel to remove Number 6 from the standards for Outdoor Social Events limit the number of hours, not the lateness of hours. 7:1 Nay~Schneider-Can picture this being a hassle.

M/S/P, Ptacek/Fliflet to move forward with the text amendment for Outdoor Social Events subject to Conditions 1-9, eliminating Number six and to include the other amendments already made. VOTE: 8:0.

**Public Hearing: Consider Code Amendment~
Drive-up Service Window Adjacent to a Restaurant in the GB Zoning District**

The Planner provided three separate text amendments. The first could make drive up windows a conditional use permit, second would be a permitted use, and third would be an accessory use.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:25 P.M.

Ed Gorman

Mr. Gorman said he would like to be clear of the differences between restaurants and cafes. Some of those differences are: utensils and plates that are washed, table service versus counter service, menus versus menu board, in fast food there are no tips, in restaurants you tip the server. His requested outdoor menu board would be a marketing tool with less than 10% of his food items on the board. He solicited support from 100's of customers, many of them local, and from fellow businesses on Main Street on a petition. He presented the petition where the signers supported the drive-up service window with intercom and menu board. There is a health and safety issue with the window ordering option. Mr. Gorman said that Minnesota food code says that all openings to the outside be closed as much as possible to keep out insects, etc. Flies are an issue in summer. Without the intercom system and menu board, he cannot envision doing this completely and safely for his customers. Lake Elmo Bank has five speakers. The City could add the provisions for a limited menu board limited to ice creams and coffees.

Commissioner Deziel asked when does the sit down become secondary to the drive-up window? If you sell the restaurant, that future owner may have a different idea.

Mr. Gorman said a CUP could make the difference. This window does not make it fast food. He will still be classified as a table service restaurant..

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:35 P.M.

M/S/P, Ptacek/Schneider to move forward with the definition of drive-up window for cafes and restaurants in the GB zone with adequate stacking of automobiles and an intercom and menu board prohibited. VOTE: 6:2 ~ Van Zandt and Roth-Feels that maybe there was more that could be done to make this a possibility.

City Council Update

The Planner said that on March 6, the Council adopted a recommendation to update the 1990 Park Plan through the hiring of a consultant in order to expedite the work. The zoning variance for Haire for a large home on DeMontreville and Olson Lakes, was denied 4:0.

The Administrator said the Planning Commission is invited to participate in the Village Area Master Plan being presented tomorrow at the Council Workshop.

Adjourned at 8:52 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary



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4. PUBLIC HEARING: Consider Code Amendment - Home Occupations
5. PUBLIC HEARING: Consider Code Amendment – Wedding Ceremonies in AG Zoning District
6. City Council Update
7. Adjourn

The public is invited to attend.