

**City of Lake Elmo
Planning Commission Meeting
Minutes of April 24, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Armstrong, Van Zandt, Ptacek, Schneider, Fliflet, and Pelletier, Park (7:06 p.m.), and Deziel (7:10 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Anez. ALSO PRESENT: Mayor Dean Johnston.

Agenda

M/S/P, Ptacek/Armstrong to accept the Agenda as presented. Vote: 8:0.

Minutes

M/S/P, Ptacek/Pelletier to accept the Minutes of April 10, 2006 as presented. Vote: 7:0:1
Abstain-Helwig: Absent.

PUBLIC HEARING: Variance-8009 Hill Trail

The Planner presented the variance application for front yard setback and minimum lot size. The applicant proposes an addition to an existing home of three or four bedrooms with a second story. The existing home encroaches 2.5 feet into the front setback. City records reveal the septic system was installed through the 201 Program in 1985 and it is sized by volume for a two bedroom home. Impervious surface coverage standards are met, even with the addition.

The Planner said the lot size variance request is comparable to other requests the city has heard from within this neighborhood. He said it is a neighborhood of very small non-conforming lots as compared to current zoning standards, and the proposed addition expands the non-conformity for this property. He said City records indicate the house was constructed in 1945 with several remodels and upgrades but no enlargement. The Planner explained that over the passage of time, standards have been adopted for what constitutes a legal bedroom and one of the two bedrooms originally constructed is not legal. The Planner said the introduction of the City's Shoreland Ordinance and Zoning Code created the property's non-conformities.

The Planner said he recommends approval subject to an approved septic system redesign before the building permit is issued to match the number of legal bedrooms this home will have.

Jason Tacheny, Applicant

Mr. Tacheny said the house currently has one bedroom. He has three children, and that is a hardship for the entire family. The Zoning changed after the house was built. One bedroom is not to Code due to inadequate egress along with a circuit box in that room. He said he has a certified septic design prepared that is sized for four bedrooms. He noted that the addition encroaches only 2.5 feet into the front lot setback.

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, Armstrong/Fliflet to recommend approval of variances for front set back and lot size

minimums for the construction of an addition to the home at 8009 Hill Trail based on three Findings:

1. The property cannot be put to reasonable use because the home was designed and constructed 60 years ago, well before public health and safety standards existed; application of those standards today limits the existing home to one bedroom, and this neither in character with the balance neighborhood, nor is it a reasonable use of the property.
2. The variance requested results from circumstances unique to properties where principal structures were constructed to adoption of City Zoning and Shoreland Regulations, and the circumstances of the variance were not created by the applicant in that context.
3. Granting of the variance will not change the essential character of the neighborhood.

And conditional upon the approval of a new septic design prior to the issuance of a Building Permit. Vote: 9:0.

PUBLIC HEARING: Variance-Rockpoint Church

The Planner said there are variance requests for the previously tabled church site plan. He noted that if the zoning text amendment for PF architectural standards that appears later on the agenda is adopted, only the side wall height variance will remain.

Richard Stuhlman, BWBR Architects

Mr. Stuhlman presented a 3-D model of the church as originally designed. He said the largest portion of the building faces the trees. He also presented a site plan to show the church orientation on the site. He said it is several hundred feet from the church to the easterly property line. There are trees to the east on the property line but some on neighboring property. Mr. Stuhlman said in trying to force a solution to dispense with need for the variance, the building appearance does not really change very much for passersby and neighbors.

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

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:36 P.M.

M/S/P, Fliflet/Pelletier to recommend approval of a variance for Rockpoint Church to allow side walls of the structure to extend to a maximum of 49 feet based on the following Findings:

1. The property cannot be put to reasonable use without the granting of the variance requested. The proposed sidewall height variance applies to only a portion of the building and relates to utilizing the site contours as they appear naturally and minimizing the impervious coverage of the site by creating floor area vertically rather than horizontally.
2. The variance requested results from circumstances unique to this Place of Worship use and the physical characteristics of the site.
3. Granting the variance will not change the essential character of the neighborhood.
4. In addition, the need for the variance arises due to the walk-out nature of the lot, that the intent of the Ordinance probably was not to preclude such a structure, and the neighboring homes this church might affect will be moving in after the church is being built so they will be aware of it before they move in.

Vote: 9:0.

Commissioner Ptacek suggested review of the Code for walkout buildings.

Site Plan: Rockpoint Church

M/S/P, Deziel/Schneider to take from the Table the Site Plan for Rockpoint Church and recommend approval based upon staff review. Vote: 9:0.

PUBLIC HEARING: Fences as Screening and Security

The Planner said this review is being requested for areas of the City where commercial property adjoins residential or agricultural property. If a commercial property owner or developer does not screen its own lot, the residential property should be allowed to fence. Draft language was prepared adding one part of one sentence and that will allow fencing at rear or side lot lines in those cases.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:47 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:48 P.M.

M/S/P, Armstrong/Schneider, to recommend approval of additional language of Code with an amendment changing residential uses to residentially zoned lot. The affected sentence will read, "Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located, except where residential zoned lots share a common property line with commercial uses or commercial zoning districts."

Vote: 8:1, Nay-Ptacek: Does not like changing Code for a particular neighborhood.

PUBLIC HEARING: Architectural Performance Standards-PF Zoning District

The Planner prepared a draft of the architectural performance standards identical to what is found in other commercial zoning districts.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:51 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:52 P.M.

M/S/P, Ptacek/Pelletier, to add Architectural Performance Standards in the PF Zoning District because the Planning Commission intended it to be included in the Code when originally brought forth for other zoning districts. Vote: 8:1, Nay-Deziel: Opposed original architectural standards.

Outdoor Social Events in the AG Zone

The Planner said the Council asked for some additional conditions to be reviewed with regard to Outdoor Social Events, including the maximum number of event attendees and traffic impact on adjoining neighbors. The Council also suggested that some applicants should provide site plans for screening and that liquor at these events and event closing time were also concerns. The

Council suggested perhaps the site must be empty of everyone except the residents by 10:00 p.m.

M/S/P Fliflet/Schneider to change the time for Outdoor Social Events so that no event shall operate outside the hours of 10 a.m. through 10 p.m. Vote: 8:1, Deziel-Mornings could be earlier.

M/S/F, Deziel/Van Zandt to change the time for Outdoor Social Events so that no event shall operate outside the hours of 8 a.m. through 10 p.m. Vote: 2:7, Nay: While 10 p.m. may be too late, 8 a.m. may be too early. Lyzenga, Armstrong, Fliflet, Helwig, Ptacek, Schneider, Pelletier.

M/S/F, Pelletier/Schneider, Attendance at Outdoor Social Events shall be limited to 20 persons per acre to a maximum of 250 persons. Vote: 3:6, Nay-Lyzenga, Fliflet, Van Zandt, Ptacek, Helwig, and Deziel. Fliflet would rather have it open and regulated when the application comes in. Maybe there are circumstances we have not yet considered.

M/S/P, Lyzenga/Ptacek to define Outdoor Social Events as events where no admission fee is charged. Vote: 9:0.

M/S/P, Armstrong/Ptacek to recommend that attendance at Outdoor Social Events be confined to 20 persons per acre to a maximum of 500 people. Vote: 7:2, Nay: Schneider and Pelletier-Too many people.

M/S/P, Ptacek/Schneider to limit Outdoor Social Events to comply with City Code Ambient Noise Standards and to allow no artificial lighting. Vote: 9:0.

The Chair recessed the meeting at 8:32 p.m. and reconvened at 8:38 p.m.

Metro Transit Park and Ride

The Planner said Metropolitan Transit would like to place for a 500 car park and ride on a site where the City could also co-locate a water tower in the area of the City south of 10th street. He reported that Metro Transit is looking for a permanent facility to replace the temporary facility now at Guardian Angels Church. The Planner said that the City Council at their last Workshop, asked for a recommendation from the Planning Commission whether to support park and ride and if so, which of these three sites would be preferable. The City Engineer recommends the Keats location as most suitable topographically for a water tower.

The Administrator said this will be an express bus route with direct service to Cimarron. Metro Transit has its own security.

M/S/P, Park/Van Zandt to recommend the site at Keats and I-94 for a Park and Ride because it is the best site for a water tower. Vote: 6:3, Nay: Helwig, Schneider, Ptacek- Not enough information. Schneider- We do not have enough information, and we should not be pinning it down to a location.

Review of Setbacks in RR Zoning District

The Planner presented a comparison between setbacks in two zoning districts. He noted that one is RR with low density and the other is RE with higher density, yet the setbacks in RE are greater than they are in RR. The Planner said the RR standards were written long before the RE standards. The Planner said the City Council would like the Commission to consider amending setbacks to increase the RR setbacks to be equal with the RE setbacks.

M/S/P, Armstrong/Deziel to recommend making no change to RR setbacks because there will be no new RR parcels in Lake Elmo; existing owners knew what they were getting when they bought RR parcels; and RE setbacks were created to keep houses apart in a higher density neighborhood of homes. Vote: 8:1, Schneider-We should address it.

City Council Update

The Planner said the Hidden Meadows Preliminary Plat and the Final Plat and Development Agreement for Discover Crossing were approved and Outdoor Social Events was returned to the Planning Commission.

The Administrator said the meeting for the Village Plan was well attended and consultants are hoping to bring the compiled input to the Council with staff recommendations on May 16.

Adjourned at 9:11 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, April 24, 2006, at 7:00 p.m.

AGENDA

1. Agenda Approval
2. Minutes
 - a. April 10, 2006
3. PUBLIC HEARING: Variance~8009 Hill Trail
4. PUBLIC HEARING: Variance~Rockpoint Church
5. Site Plan Continued: Rockpoint Church
6. PUBLIC HEARING: Text Amendment~Fences as Screening and Security
7. PUBLIC HEARING: Text Amendment~
Performance Standards in PF Zoning District
8. Outdoor Social Events
9. Metro Transit Park and Ride
10. Review: Setbacks in RR Zoning
11. City Council Update
12. Adjourn

The public is invited to attend.

**City of Lake Elmo
Planning Commission Meeting
Minutes of April 10, 2006**

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

Agenda

M/S/P, Armstrong/Roth, To accept the Agenda as presented. Vote: 8:0.

Minutes

Commissioner Fliflet was present at the last meeting.

M/S/P, Roth/Pelletier, To accept the Minutes of March 27, 2006 as amended. Vote: 8:0.

Preliminary Plat Continued: HIDDEN MEADOWS OF LAKE ELMO

The Planner explained this application was tabled after the Public Hearing was conducted on March 27, 2006. The City Engineer's Memo reflects a few items of concern and there remains the issue of increasing the vegetative screening buffer on the easterly boundary because it is reduced from 200 to 100 feet with the neighboring parcel being eligible for OP development in the future. An e-mail received from the Engineer this afternoon was distributed.

M/S/P, Deziel/Lyzenga, to remove from the Table the preliminary plat of HIDDEN MEADOWS OF LAKE ELMO. Vote: 8:0.

Paul Danielson, Kimley-Horn Associates

Mr. Danielson presented a slide show with photographs of the site and the church site. He presented his plans for landscaping within the buffer zones that showed the planting of six foot spruce trees at the edge of the tree line within the new backyards. He said the site is gently rolling and the area of the buffer is at the toe of a slope where it would be impractical to try to build a berm where there are already concerns for drainage due to the topography of the site.

Mr. Dyer

Mr. Dyer asked about access for his neighbor who is landlocked. He said that neighbor has an ingress and egress easement across his property. He said he has approached the applicants several times since 2004. He said he was hoping that as a good neighbor, the applicants would provide access for the landlocked parcel as well as for him to subdivide in the future. He suggested it would increase tax revenue and might help with density issues. He also suggested that the developer would be better served by doing it. He asked if it is incumbent upon the developer to think about the effect on neighboring parcels, and that he is not a fan of pocket developments. He observed that the Church members have no other options to get out of the site toward Lake Elmo Avenue. He asked if Minnetonka has had issues with that type of development and whether it is successful.

The Planner said:

- The City can and often has established street stubs.
- To what extent it is done is relative to policy.
- Minnetonka had few if any through streets in the 1960's and 1970's. It was successful in some cases and in others it created public safety problems. The City of Minnetonka corrected some of the problems at considerable expense.
- The Lake Elmo City Council's desires have been, during his tenure, to maintain pocket neighborhood communities with a tight grid of thoroughfares.

The Planner said his concern was whether or not the existing tree line would be year round effective, and he has not been to the site to make that determination. He noted that evergreen trees and the planting

scheme would be fine under normal circumstances. He suggested that another option would be not to build two-story houses on those lots along the east property line.

The Planner said the original preliminary plat had a street stub to the east boundary but the City Council ordered it removed.

M/S/P, Armstrong/Deziel to recommend approval of the preliminary plat, development stage plan and conditional use permit for HIDDEN MEADOWS OF LAKE ELMO conditional upon implementation of the landscape plan presented tonight and conditional upon compliance with the City Engineer's comments and recommendations and the conditions and recommendations of the Valley Branch Watershed District Permit. Vote: 8:0.

Site Plan Continued: Rockpoint Church

The Planner said the hearing for variances for the church site have been scheduled for April 24, 2006. The site plan remains on the table.

Commissioner Deziel requested a legal opinion on the constitutionality of city regulation of .religious symbols like the proposed steeple.

Mr. Danielson said the site plan has changed slightly from the computer animation shown last year.

Minutes and Structure

Administrator Rafferty said the City needed to organize better because minutes were becoming unwieldy. He reported that Staff researched the League and received an opinion from the City Attorney for presentation to the City Council. He noted that the idea is not to limit comment but to put it into the appropriate context such as in the form of a motion. The Administrator said a policy still needs to be created for retention of tapes and DVD's.

Commissioner Fliflet asked for clarification as to how to present information to the Council.

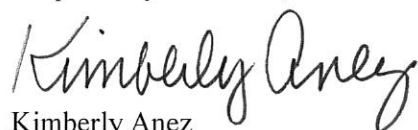
The Planner said information is presented to Council in the form of motions and he explains to the Council why votes are split. He said motions should always include Findings.

City Council Update

The Planner said a variance for a large home on both Lakes DeMontreville and Olson was denied by Council on a split vote because of concerns for the number of future bedrooms. A Public Information Forum on the Village Area Master Plan will be held on April 19 at the Elementary School, presentation at 6:30 p.m. and at 7:30 p.m. a set of story boards with time for questions, answers and comments. The Council will then decide whether to move forward at their first meeting in May. The Met Council Board meets tomorrow on the Lake Elmo Comprehensive Plan. Council has directed another workshop be established with Lane Kendig for the Zoning Ordinance. Home Occupations will be addressed at the Council Workshop April 19.

Adjourned 7:58 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary



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4. Site Plan Continued: Rockpoint Church
5. Minutes and Structure
6. City Council Update
7. Adjourn

The public is invited to attend.