

City of Lake Elmo  
Planning Commission Meeting  
Minutes of June 26, 2006

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Van Zandt, Roth, Schneider, Lyzenga, Armstrong 7:03 p.m., Deziel 7:06 p.m., McGinnis 7:10 p.m., and Pelletier, 7:29 p.m. STAFF PRESENT: Planner Dillerud and Recording Secretary Anez.

**1. Agenda Approval**

M/S/P, Roth/Lyzenga to approve the Agenda as presented. Vote: 5:0.

**2. Minutes of June 12, 2006**

M/S/P, Van Zandt/Roth to approve the Minutes of June 12, 2006 as presented. Vote: 5:0.

**3. Zoning Text Interpretation – Accessory Structures**

M/S/P Lyzenga/Van Zandt to recommend that staff should have the liberty to interpret the passage in the section of code relating to Maximum Number and Size of Accessory Buildings in the Agricultural Zone as relating to individual buildings based on the absence of the word, "Combined." Armstrong prefers more liberal interpretation. Vote: 6:2, Nay: Schneider, Abstain: Deziel cannot support it because it is not correct, it fails to be consistent, yet he can't go against it because it indicates proper use of the property.

**4. Zoning Ordinance**

Two city ordinances were provided in workbooks. The Planner said their structures seem good. He recommended moving items from other areas of our existing code that we deal with frequently, and adding them into the new zoning ordinance. He suggested that signs, lighting, site plan review, landscaping, and some parking should be included into the Zoning Ordinance. We could include subdivision code making it subject to appeal provisions resulting in it becoming a development code rather than a subdivision code. Our zoning ordinance will have to address the new classifications. The Planner said the City Council has rejected Performance-based Zoning in favor of a Euclidian Zoning Ordinance.

M/S/P, Roth/McGinnis to include in the new zoning ordinance all pertinent regulations except the subdivision ordinance. Vote: 9:0.

The Planner said the next meeting will begin the process of suggested text additions to the new ordinance. He asked the commissioners if they would like to split into two committees to do the work.

M/S/P, Armstrong/Deziel To tackle the new zoning ordinance as a whole commission and to proceed with extra meetings if necessary. Vote: 9:0.

The Planner said the next step is to have one or two items and our own Table of Contents and address the orphans in our existing code. He will also bring a calendar for extra meetings. He said the new ordinance will have more graphical depictions, similar to the fence ordinance.

Commissioner Armstrong asked about the non-conformities issue and eliminating some variances in the future, allowing rebuilds for damage more than 50%. The Planner said that NC

**APPROVED: 7/10/06**

Zoning is designed for structuring district standards to better reflect what exists today. Commissioner Armstrong said that in other cities, the purpose of non-conformities is for redevelopment. He said our philosophy is different from other cities because they want to do away with non-conformities, and our city does not.

#### **5. City Council Update**

Hamerly Variance on Hill Trail was approved exactly as recommended along with the modification suggested by the Planning Commission.

Preliminary Plat and Site Plan Review HOA 2<sup>nd</sup> Addition/Rasmussen College were both approved exactly as recommended.

The Council approved Phase II of the Village Contract so we will have detail and execution elements.

Zoning Text Amendment-Architectural Performance Standards were adopted.

Zoning Text Amendment-RR Setbacks and questions why the RR setbacks were not returned to them yet.

#### **6. Adjourned at 8:03 p.m.**

Respectfully submitted,



Kimberly Anez  
Recording Secretary



## **City of Lake Elmo**

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Lake Elmo, Minnesota 55042

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### **NOTICE OF MEETING**

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, June 26, 2006, at 7:00 p.m.**

#### **AGENDA**

1. Agenda Approval
2. Minutes of June 12, 2006
3. Zoning Text Interpretation – Accessory Structures
4. Zoning Ordinance
5. City Council Update
6. Adjourn

City of Lake Elmo  
Planning Commission Meeting  
Minutes of June 12, 2006

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

**Agenda**

M/S/P, Ptacek/Van Zandt to approve the Agenda as presented. Vote: 9:0.

**Minutes**

M/S/P, Ptacek/Armstrong to approve the Minutes of May 22, 2006 as amended to reverse the order of the mover and seconder for the motion on page 2 from Roth/Deziel to Deziel/Roth. Vote: 9:0.

**PUBLIC HEARING: Variances at 9429 Jane Road**

The Planner explained that the orientation of the existing garage on this parcel forces residents to back out onto Jane Road. The home is setback far enough from the lake but is situated very close to Jane Road. The proposed new garage will be side loading.

M/S/P, Ptacek/Van Zandt to recommend approval of the variance to side yard setback and front setback at 9429 Jane Road North to demolish an existing garage and construct a small home addition and new garage based upon the following Findings:

1. The property cannot be put to reasonable use without the granting of the variances requested. Reasonable use must be defined in the context of the reasonable availability of locations that comply with R-1 setbacks to construct a garage of the dimensions proposed in a manner that will improve the safety for motorists on Jane Road North.
2. The variance requested results from physical circumstances unique to this property relative to elevations/drainage created by others from reconstructed Jane Road to the existing garage, and the extensive setback of the house/septic system location that results in no other locational alternative for a reconstructed garage.
3. Granting of the variances will not change the essential character of the neighborhood.

And especially because it will improve safety for motorists on Jane Road, subject to the condition that any structure, including eaves, roof overhang, gutters, etc., not encroach closer than the minimum existing distance between the existing garage to the side property line, and subject to the condition that gutters must be installed along the entire south eave line to direct roof water away from the neighboring property to the south precluding roof drainage from encroaching upon that neighboring property. Vote: 9:0.

**PUBLIC HEARING: Preliminary Plat of HOA 2<sup>nd</sup> Addition  
And Section 520 Site Plan Review of Rasmussen College**

The Planner explained that the preliminary plat submission is another phase of the Eagle Point Business Park project that began in 1999. The site is at Inwood and Hudson Boulevard. The process has been to create a lot to suit the building proposed and to leave the remaining land as outlots, and such is the case now.

M/S/P, Ptacek/Armstrong to recommend approval of the preliminary plat of HOA 2<sup>ND</sup> ADDITION subject to the recommendations of the City Engineer, City Attorney, and those of the South Washington Watershed District as found to be reasonable and practical by the City Engineer. Vote: 9:0.

M/S/P, Ptacek/Armstrong to recommend approval of the Section 520 Site Plan for Rasmussen College, subject to the following conditions:

1. Compliance with the recommendations (if any) of the City Engineer, City Attorney and those of the South Washington Watershed found to be reasonable and practical by the City Engineer.
2. Modification of the site plan parking arrangement to eliminate the park setback encroachments at both the south and north street frontages.
3. Modification of the luminaire plan to reduce the foot candle illumination to 3 foot candles or less beyond a 20 foot arc from the light sources.
4. Elimination of all exterior lighting within the public street right-of-way unless specifically approved by the City Council.
5. Payment of Public Use Dedication fees in the amount of \$9,852 prior to issuance of a building permit.
6. Submission of a landscape architect's certification of the value of the landscape plan in compliance with the formula provided by Section 520 of the *Lake Elmo Municipal Code*, and provision by the applicant of a Letter of Credit in that amount securing the plan prior to issuance of a Building Permit.

Vote: 9:0

M/S/P, Deziel/Roth to recommend the City Council consider extra circumstances within the lighting plan to allow lighting the public street and cul de sac because of the nature of the school but that lighting must be turned off between 11 p.m. and 5:00 a.m. Vote: 8:1 Nay-Schneider, We don't need the lights.

#### **PUBLIC HEARING: Zoning Amendment, RR Setbacks**

M/S/P, Armstrong/Schneider to table consideration of changes to RR setbacks until the Planning Commission addresses the new Zoning Ordinance where the issue can be reviewed comprehensively at that time because we are being asked to compare RR setbacks to those in RE and they have different guiding in our Comprehensive Plan. RR and AG are the same guiding; RE is a separate guiding. The RE Zoning District was created for uniformity in new RE neighborhoods and to keep homes equidistant from each other in those neighborhoods. There are different philosophies in those two zoning districts and review is unnecessary at this time. Vote: 9:0.

#### **PUBLIC HEARING: Zoning Text Amendments~Architectural Performance Standards**

M/S/P, Roth/Ptacek to recommend modification of the Architectural Performance Standards in the commercial zoning districts to exclude artificial or thin veneer brick or stone less than nominal 4 inches thick as a primary exterior surfacing material, to include cedar or redwood wood siding and architectural metal panels as an exterior surface accent material. Vote: 8:1,

**APPROVED: JUNE 26, 2006**

Nay-Deziel, For numerous reasons he was opposed to the creation of these standards from the beginning.

The Planner noted that extra meetings will probably be necessary to get the Zoning Ordinance work finished to send to the City Council by October. He proposed an additional meeting the first Monday of every month beginning in August.

**City Council Update**

An Assistant Planner, Kelli Matzek has been hired and will begin work on July 3.

Home Occupations were returned to City Council Workshop for further consideration.

Adjourned at 8:30 p.m.

Respectfully submitted,

Charles Dillerud, City Planner



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#### AGENDA

1. Agenda Approval
2. Minutes of May 22, 2006
3. PUBLIC HEARING: Variance to Front Setback and Lot Size  
9429 Jane Road North
4. PUBLIC HEARING: Preliminary Plat of HOA 2<sup>ND</sup> ADDITION -  
Site Plan Review-Rasmussen College
5. PUBLIC HEARING: Zoning Amendment – RR Setbacks
6. PUBLIC HEARING:  
Zoning Text Amendment – Architectural Performance Standards
7. Zoning Ordinance (Time Permitting)
8. City Council Update
9. Adjourn