

**City of Lake Elmo
Special Planning Commission Meeting
Minutes of July 31, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 6:32 p.m. COMMISSIONERS PRESENT: Lyzenga, Armstrong, Schneider, Fliflet, Deziel, Ptacek. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez. COUNCIL MEMBERS PRESENT: Mayor Dean Johnston.

The Agenda includes only the Zoning Ordinance.

Zoning Ordinance

The Planner answered questions from the last meeting, and said that with regard to the term "Fee Title," the City Attorney said it is common practice to use that phrasing in zoning ordinances. The code repeatedly makes reference to the Zoning Administrator, and the Planner said he believes that is the City Administrator in Lake Elmo. It is common for the administrator to delegate the authority of the Zoning Administrator to the City Planner or a similar position where such a professional is on staff.

Commissioner Schneider asked if we need to be as specific to say which edition of the dictionary is used for definitions.

The City Planner said that it was important to specify in that manner to enable courts and others to understand the foundation for the terms utilized in the ordinance. There are often small but important changes in dictionaries from edition to edition.

Commissioner Armstrong said that Interim Use could be an end run around restrictions. Cage Fighting is an example. Other events like Huff-n-Puff or Seasonal Farm Sales could be classified as Interim Uses.

Commissioner Ptacek said that Outdoor Social Events took a few meetings but the commission did what they felt was best for the city.

M/S/P, Armstrong/Schneider Section 154.080 through 154.084 to delete Interim Uses entirely. Vote: 7:0.

M/S/P, Ptacek/Armstrong to keep refining and defining Administrative Permits in areas that in staff's opinion would streamline processes that could fall within that section. Vote: 6:1. Nay-Schneider, would like to know/vote for who is doing the administrating.

M/S/P, Armstrong/Deziel to put the Minor Variance section in the 'Maybe File' and revisit it when we get to the Neighborhood Conservation Zoning District. Vote: 7:0.

M/S/P, Ptacek/Fliflet to notify at a distance of 350 feet for a Major Variance and adjust fees accordingly. Vote: 7:0.

Commissioners Schneider and Fliflet suggested moving Board of Adjustments forward from page 17 to the beginning of the section, before the first time it mentions Board.

Neighborhood Conservation Zoning District (NC)

The Planner explained that on smaller lots, the code should address appearances, surface water runoff (impervious), and wastewater solutions. He asked the commission's preference for an lot area averaging system for each neighborhood, or whether to abandon that strategy and go to performance with at least the three noted criteria. In the case of shoreland lots, the DNR Commissioner has the right to approve alternative standards in accordance with MN Rule 7080.

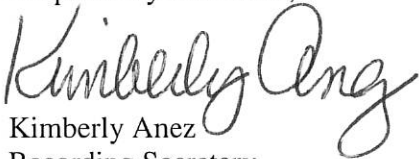
Mayor Johnston said that when the 50th Street Reconstruction was done there were about 15 lots that were unbuildable; he clarified that some percentage could become buildable within this scenario.

The Planner said that in the City's current code allowable percentage of impervious surface varies from the OP standard of 10%, to the Shoreland standard of 15% or 6,000 square feet, the R-1 standard of 25%, and the BP standard of 75%.

M/S/P, Armstrong/Ptacek to direct staff to pursue performance standards in the NC District and to provide guidance for what those standards should be, including Floor Area Ratios, impervious surfaces, and septic systems. Vote: 7:0.

Adjourn at 8:03 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary



City of Lake Elmo

3800 Laverne Avenue North
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NOTICE OF MEETING

The City of Lake Elmo Planning Commission
Will hold a Special Meeting on
Monday, July 31, 2006, at 6:30 p.m.

AGENDA

1. Agenda
2. Zoning Ordinance
3. Adjourn

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

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:05 p.m. after a quorum was present. COMMISSIONERS PRESENT: Ptacek, Lyzenga, Pelletier (7:03 p.m.), Roth (7:04 p.m.), and Armstrong (7:05), Deziel (7:06 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez.

Agenda

M/S/P, Ptacek/Lyzenga to approve the Agenda as presented. Vote: 6:0.

The July 10, 2006 Minutes were postponed.

**PUBLIC HEARING: C & C North America, Variance
(And a Section 520 Site Plan for C & C North America)**

The Planner said the public notice is for a Public Hearing for a variance. He said that the Site Plan does not require a public hearing but the application is coincidental so it will be reviewed simultaneously. The parcel is triangular on Hudson, I-94, and a Tributary Stream. Concurrent with the application is a Section 520 Site Plan. The site is currently an Outlot of Eagle Point Business Park, an approved PUD.

Structure setback variances are from roads and a tributary stream. Parking and driveway setbacks must also comply except the Council may waive those setbacks. Approximately 50 feet of the building is within the setback of the Tributary Stream. The Tributary Stream meanders close to the westerly boundary of the parcel. The location of the parking spaces on the west side of the parcel also fall within the stream setback. Impervious surface coverage is higher than is usually allowed but provisions were made for it in the Eagle Point Business Park PUD approval in 1999.

The Planner said that the DNR, applicant, and United Properties met earlier in the day to discuss the DNR's issues with the Tributary Stream Shoreland variances. He reported to the Commission that a mitigation plan has been agreed to by all parties, and based on that plan DNR will retract its objection to the variances. The planner also reported that the site is proposed to be "over parked" by 17 spaces. He noted that the plan shows 15 parking spaces within the OHW setback of the stream which could be proof of parking thereby eliminating that variance.

Scott Wiestling, Finn Daniels Architects

Mr. Wiestling said the applicants will eliminate 15 parking spaces and replace with proof of parking; bring landscape island calculations into compliance; and, will comply with other issues raised in the Staff Report and concurred in at the meeting with DNR..

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:26 P.M.

Nobody was present in the audience.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:27 P.M.

M/S/P, Ptacek/Roth to recommend approval of a zoning variance to permit structure encroachment into the OHW setback of a Tributary Stream on Outlot C, Eagle Point Business Park per plans staff dated July 19, 2006 based on the following Findings:

1. The property cannot be put to reasonable use without the granting of the variance requested.
2. The variance requested results from a circumstance unique to this property. The brief sharp meander of the tributary stream - which otherwise flows generally straight - adjacent to a portion of the site places an unreasonable burden on the design of the site and placement of structures.
3. Granting of the variance will not change the essential character of the neighborhood.

Vote: 7:0.

M/S/P, Ptacek/Roth to recommend that the City Council not waive or modify the Tributary Stream parking and drive setback standard of 100 feet depicted on plans staff-dated July 19, 2006, and require the 15 parking spaces on said plan along the west site boundary not be constructed but become "proof of parking." Vote: 7:0.

M/S/P, Ptacek/Roth Section to approve the Section 520 Site Plan for Outlot C, Eagle Point Business Park per plans staff-dated July 19, 2006, subject to the following conditions:

1. Compliance with the recommendations of the City Engineer and City Attorney – specifically regarding surface water drainage.
2. Compliance with recommendations of the South Washington Watershed District that are found to be reasonable and practical by the City Engineer.
3. City Council approval of the variance for structure setback to the OHW.
4. Conversion of the 15 off-street parking spaces at the west site periphery to "proof of parking" to possibly be constructed at some future time - only with the specific approval of the City and the DNR.
5. Compliance with the parking landscape island requirements as prescribed by Section 300.13 Subdivision 6B of the City Code.
6. All exterior lighting fixtures (including any "wall paks") shall be of a full cut-off design. The applicant shall submit manufacturer cut sheets for all exterior light fixtures for City Staff confirmation of compliance prior to issuance of any Building Permit.
7. Compliance with the landscape plan surety requirements of Section 520, Subdivision 1C of the City Code.
8. Provide a landscape plan for stream bank restoration acceptable to the DNR.

Vote: 7:0.

Zoning Ordinance

Assistant Planner Matzek distributed draft zoning text. The draft combines existing ordinances with Plymouth and Oak Park Heights.

Assistant Planner Matzek said that Page 8 says pre-application is not required. She said the City Attorney agreed it may be a good idea but suggested the pre-application meeting should either be made mandatory or removed as it is just a suggestion in this text.

APPROVED: 08/14/06

Commissioner Armstrong said he strongly recommended keeping the wording the way it is for pre-application. Consensus of the commission is to leave it the way it is.

The Planner said that Land Annexed to the City FRD, is a Plymouth term, it would automatically become AG.

Fee owner signing an application. Assistant Planner Matzek said a contractor can come in with an application but we want to have the fee owner's signature. Assistant Planner Matzek will check with the City Attorney.

Page 13 Two-thirds vote. Commissioner Armstrong said this is state statute. In event council expands, two-thirds of full City Council will always work. That was agreed to by consensus.

The Planner said this proposed code text will be left the way it is and staff will continue to add to it until we get to the districts, and orphans will be added as we go along. By September the entire proposed zoning code revision should be complete.

Commissioner Armstrong asked if the commission will we be able to see an outline of how a specific zone will be laid out. He asked if there would be a cookbook of uses per zone or a more generalized method. The Commission will need to decide quantitative standards by district.

The Planner suggested the commission could come up with a neighborhood designation within the NC land use areas because each neighborhood is different. The existing platted lots are often non-conforming. To be sure the City was dealing with wastewater properly, lots were sized appropriately in the past zoning ordinance.

It was suggested that perhaps we could create a sliding scale of impervious, septic and number of bedrooms, setbacks, etc. The City has been approached with tear down situations and those owners are unable rebuild without a variance.


The Planning Commission will meet for a special meeting on Monday, July 31, 2006.

City Council Update

The Planner said the Event Center was approved enthusiastically. Apostolic Bible Church was tabled at the applicant's request. The Council tabled Home Occupations on recommendation of City Attorney due to ongoing litigation. Park Meadows didn't plat on time and approval expired so Council reissued final plat approval. They reconsidered the park and ride. They tabled accessory buildings in AG zone because they thought it might have something to do with the ongoing litigation.

Having no further business before them, the Planning Commission adjourned at 8:19 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, July 24, 2006, at 7:00 p.m.

AGENDA

1. Agenda Approval
2. Minutes of July 10, 2006
3. PUBLIC HEARING: Variance: C & C North America
 - a. Site Plan: C & C North America
4. Zoning Ordinance
5. City Council Update
6. Adjourn

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

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Van Zandt, Deziel, Ptacek, Lyzenga, and Pelletier (7:05 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez. ALSO PRESENT: Mayor Johnston.

Agenda

M/S/P, Ptacek/Van Zandt To approve the Agenda as presented. Vote: 5:0.

Minutes of June 26, 2006

M/S/P, Lyzenga/Deziel To approve the Minutes of June 26, 2006 Vote: 4:0:1 Abstain: Ptacek-Absent.

**PUBLIC HEARING: Variance - Lake Elmo Inn Event Center
Site Plan: Lake Elmo Inn Event Center**

The Planner explained the addition proposed to the existing building is approximately 1800 square feet but there are significant changes proposed to the site itself. Covered walkways are proposed up to the rights of way of both Highway 5 and Layton Avenue. That design concept of bringing the buildings to the street is an important component of the New Urbanism the city is embracing in the Village Area Plan.

The Planner said the dedicated alley should be considered a public street for the purposes of this application according to an opinion of the City Attorney. The impervious coverage on the lot is already approximately 76%, and there is a surface water problem in the neighborhood. Landscaped areas and islands have been introduced in the plan although there is also additional parking proposed. The added islands and added paving are close to a push as to surface water. A French Drain is proposed for the west side of the site to

John Schiltz, Applicant and Owner of the Lake Elmo Inn Event Center

Mr. Schiltz said owning an event center been a dream for a long time. He hopes that the work he has done in Lake Elmo over the last 22 years convinces the commission of his commitment and dedication. He is trying to sell this site to brides. It has to be modified inside and out. He will make the site look very nice. He hopes to create the same for his neighbors at this site that his neighbors enjoy near the Inn. He said he realizes that problems regarding this site were created in the past by a previous owner, and he plans to mend those fences however he can.

Mark Putman, Owner/Operator, Putman Landscape Design

Mr. Putman explained that he was a consultant for the Lynsky office building that presented a traditional neighborhood design now called New Urbanism. They tried to reintroduce those principals on that site.

Mr. Putman said he began working on the Village Area Plan one year ago, with designs where an entire site is covered by building, parking, plaza, and a few trees. When John Schiltz approached him he looked at this site through those eyes. If Highway 5 is to eventually become a Main Street, the general goal is to bring something of the building to the main street. What will cause people to want to have weddings here? That is one part of the mission for the exterior. They are attempting to create an event equivalent of the Lake Elmo Inn.

Mr. Putman says that in his designs he attempts to use alleys and carriage ways as much as possible. They believe it to be a traffic calming device. They do not intend cars to be hanging out into the alley. They will alter the angle to allow the largest pickup to park there.

The Planner said they will need 5 or 6 feet of fence or the equivalent down the south line and some portion of the west line to comply with Section 1345 of the City Code.

Mr. Putman said they would prefer some combination of living screening/fencing. Mr. Putman said that with regard to stormwater storage, Todd Erickson, P.E. of FFE has conveyed his letters of recommendation to the City Engineer. He said that Todd feels confident the concept of French Drains will work to mitigate some of the water issues.

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

Nobody came forward.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:49 P.M.

Mr. Putman said the walkway element would provide a place for a classy sign and they would intend to use the design logo on the plans as a concept for signage.

M/S/P, Deziel/Van Zandt To recommend for approval the variances and site plan based on recommendations of staff with understanding conditions and a third condition to preclude angle parking from encroaching onto the public alley right of way. Vote: 6:0.

Introduction of Kelli Matzek, the new Lake Elmo Assistant Planner

The Planner said Kelli Matzek comes from the City of Minnetrista where she was Assistant Planner. She received her Undergraduate Degree from Gustavus Adolphus and her Masters from the University of Minnesota. She has interned many other places. Her spouse works in the GIS Department at Washington County, Minnesota. She will take a larger role with the Planning Commission over time.

The Commissioners welcomed Kelli Matzek.

PUBLIC HEARING: Comprehensive Plan Amendment and Rezoning for the Apostolic Church Site

The Planner said the City Council initiated this petition to reclassify and rezone this 13 acre portion of a parcel on the north side of 10th Street from PF to RAD (Comp Plan) ; and PF to RR (zoning). He reported that no church construction has taken place over 17 years, nor has there been any indication from the owner that church construction is contemplated in the near future..

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:18 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:19 P.M.

M/S/P, Ptacek/Deziel To recommend amending the Comprehensive Plan to reclassify the site owned by Apostolic Church from PF to RAD. Vote: 6:0.

M/S/P, Ptacek/Van Zandt To recommend the Apostolic Bible Church site to be rezoned from PF to RR on the condition that the Comprehensive Plan amendment to reclassify the site to RAD is approved. Vote: 6:0.

Lake Elmo Zoning Ordinance – Orphan Project

The Planner said the first portion of the Zoning Ordinance to address will be the orphans. These are areas of Code that should be considered for incorporation into the Zoning Ordinance. The Assistant Planner will present the orphans and the commission can discuss which they wish to incorporate into the Zoning Ordinance. A handout was distributed listing the orphans in the Code.

The Assistant Planner said she began with Oak Park Heights and Plymouth Zoning Codes. Tables of Content were compared and she identified those items not in our Zoning Code. American Legal Publishing was searched for those items in place in Lake Elmo but not within our Zoning Code. Definitions could be helpful to have its own definitions. Site Plan Review are in both OPH and Plymouth. Power Point Presentation. Oak Park Heights and Plymouth were very similar.

The Planner suggested the Commission select items to be rolled into our Zoning Code. Separate appeal sections or variance procedures can be rolled into one section.

Chairman Helwig suggested adding hours of operation and noise.

M/S/P, Ptacek/Pelletier To recommend moving forward with adding all of the following portions of the existing recodified *Lake Elmo Municipal Code* along with hours of operation and noise into the new Zoning Ordinance because developers and others trying to use the Zoning Code will find it easier to have all of these items in a single place.

- Fees - 153 (Subdivision) and 151 (Building Reg.)
- Certificates of Occupancy – 153 (Subdivision)
- Swimming Pool Fences – 151 (Bldg. Reg.)
- Mining – Ch. 90 (Mining)
- Design Guidelines – 151.142 (Bldg. Reg.)
- Definitions - 11.01 (General Code Provisions)
- Site and Building Plan Review - 151.070 (Building Reg.)
- Platting – 153.06 (Subdivision Reg.)
- Grading and drainage – 151.017 (Building Reg.)
- Traffic sight visibility triangle – 96.03 (Nuisances)
- Glare, Odors, Noise, Dust, Smoke – 96.03 (Nuisances)
- Exterior Storage – 150.001 (General Provisions)
- Screening – 150.020 (General Provisions)
- Landscaping – 150.070 - 150.075 (General Provisions)
- Parking Regulations (Ch. 72)
- Moving Buildings Into City - 151.019 (Building Reg.)
- Home Occupations - Existing definition for “Home Occupation” – draft ordinance in progress.
- Sign Regulations -151.115 thru 151.124 (Building Reg.)
- Keeping of Animals - 95.70 (Animals)

APPROVED: 08/14/06

- Wireless Telecommunication Tower Permit: 150.110 – 150.126 (General Provisions)
- Amateur Radio Tower Antenna 150.155 – 150.160 (General Provisions)
- Public Property/R-O-W Right-of-Way Management Permits (Chapter 94)
- Excavation and Grading Permits - 151.017 (Building Reg.)
- Manufactured Home Park – 151 (Building Reg.)
- Swimming pools
- Lighting

Vote: 6:0.

Zoning Ordinance – Neighborhood Conservation

The Planner presented a handout presenting a concept for Neighborhood Conservation and how shoreland should be addressed. This Code could be designed so we could request a commissioner of the DNR to accept an alternate approach to shoreland. He asked the commissioners to review the handout and be ready to discuss it at the next meeting.

Zoning Ordinance Extra Meeting Schedule

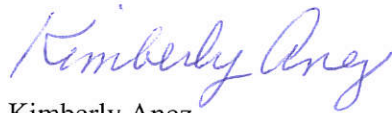
The Commissioners accepted the additional meeting schedule, and all the extra meetings will begin at 6:30 p.m.

City Council Update

The Planner said the Council approved the Final Plat of HOA 2ND ADDITION and Development Agreement and HIDDEN MEADOWS 2ND ADDITION and Development Agreement.

The meeting adjourned at 8:39 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary



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1. Agenda Approval
2. Minutes of June 26, 2006
3. PUBLIC HEARING: Variance: Lake Elmo Event Center, 3712 Layton Ave.
 - a. Site Plan: Lake Elmo Event Center
4. PUBLIC HEARING: Comp Plan Amendment & Rezoning, Apostolic Church Site
5. Zoning Ordinance
6. Zoning Ordinance: Extra Meeting Schedule
7. City Council Update
8. Adjourn