



## City of Lake Elmo

3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615  
[www.lakeelmo.org](http://www.lakeelmo.org)

### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, January 12, 2009, at 7:00 p.m.**

### AGENDA

1. Pledge of Allegiance
2. Election of Officers
3. Approve Agenda
4. Approve Minutes
  - a. None
5. Public Hearings
  - a. VARIANCE AND LOT LINE ADJUSTMENT: Consideration of an application to permit the movement of the internal lot line between 8190 Hill Trail. N (PID: 09-029-21-23-0004) and 8186 Hill Trail N (PID: 09-029-21-23-0003); R-1 zoning.
6. Business Item
  - a. Sign Ordinance Project Update
  - b. Planning Commission Terms
  - c. 2009 Work Plan
  - d. 2009 Meeting Schedule
7. Informational Item: Government Training Services – Upcoming Workshops (verbal)
8. City Council Updates
  - a. December 9
    - i. T-Mobile Tower Application – tabled, upcoming workshop
    - ii. Interim Use Permit; Emerson - approved
  - b. January 6 – Moratorium for Wireless Telecommunication Towers
9. Adjourn

ITEM: Hold a public hearing to consider an application from James Dillon for a variance related to a lot line adjustment at 8190 Hill Trail North – R1 zoning – PID 09-029-21-23-0004.

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Kelli Matzek, City Planner

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#### SUMMARY AND ACTION REQUESTED

The Planning Commission is being asked to conduct a public hearing and consider a variance request from James Dillon to move a property line between 8190 and 8186 Hill Trail North such that the total parcel area of 8186 Hill Trail North is reduced by 470 square feet. Both of these lots are non-conforming with regards to the R-1 District lot area requirement of 1.5 acres per lot, and a variance is required to reduce the size of these lots below their current size. The lot line adjustment requires an administrative approval and will be acted upon once the variance application has been decided by the City Council.

The variance has been requested in order to move the boundary between the two affected parcels to a location that was previously assumed to be the property line before a survey was recently completed for one of the parcels. The applicant has stated a variance is justified because the current owner will not be able to adequately maintain this land due to the difference in elevation between the properties and a retaining wall that was installed in this area.

For variance applications, the burden is on the applicant to demonstrate why this situation is unique and necessitates flexibility to code requirements. To make this case, a variance can only be granted by the city when strict enforcement of the code would cause undue hardship on a property owner. "Hardship" is broken down into the following three components:

- a. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*
- b. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and*
- c. *The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.*

In reviewing the request against the three criteria listed above, staff determined all criteria were met, relying on the applicant's statement that not having good access to the strip of property to be transferred (in order to conduct normal maintenance and avoid erosion problems) should be considered a hardship.

#### ADDITIONAL INFORMATION:

- The DNR did not submit any comments concerning the application.
- Valley Branch Watershed District noted that the applicant will need to obtain a watershed permit in order to proceed with the lot line adjustment.

RECOMMENDATION:

Staff recommends that Planning Commission recommend approval of the proposed lot area variance for Jim Dillon to allow a lot line adjustment that will reduce to total area of the existing non-conforming property at 8190 Hill Trail North by 470 square feet.

ORDER OF BUSINESS:

- Introduction ..... Kyle Klatt, Director of Planning
- Report by staff ..... Kyle Klatt, Director of Planning
- Questions from the Commission ..... Chair & Commission Members
- Applicant Comments .....Chair facilitates
- Questions of the Applicant ..... Chair & Commission Members
- Open the Public Hearing ..... Chair
- Close the Public Hearing ..... Chair
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (10):

1. Staff Report
2. Area Map
3. Proposed Survey
4. Application Form
5. Applicant's Narrative
6. Aerial Photograph
7. Comment from Valley Branch Watershed District

City of Lake Elmo Planning Department  
**Lot Line Adjustment and Variance Report**

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*To:* **Planning Commission**

*From:* Kyle Klatt, Planning Director

*Meeting Date:* **1-12-09**

*Applicant:* **James and Robbi Dillon; Frederick and Carol Paul**

*Owner:* Same

*Location:* **8190 Hill Trail North and 8186 Hill Trail North**

*Zoning:* R-1

***Introductory Information***

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***Proposed Project:*** The applicants are seeking to adjust an internal lot line between 8190 Hill Trail North and 8186 Hill Trail North. This property line movement would result in decreasing the lot size for 8186 Hill Trail North which would require a variance as the result would be a more non-conforming lot with regards to lot size. Specifically, the variance being requested is to allow the property at 8186 Hill Trail North to be reduced in size from 19,530 square feet to 19,060 square feet (470 square feet) when a 1.5 acre (65,340 square feet) minimum lot size is required.

***Lot Line Adjustment:*** The applicants are requesting a lot line adjustment due to the topography of the lot and confusion over the location of the internally shared lot line.

*Topography*

The applicants are seeking to move the internal lot, in part, due to the existing topography and the location of existing retaining walls which pre-date their ownership of the properties. By allowing the movement of the lot line, the property owners of the southerly property would be able to better access and maintain the walls than that of the northerly property. The proposed placement of the internal lot line would provide the Dillon's the land rights and access to that area so that they may legally continue to maintain the retaining walls as they have for over eighteen years.

*Misconception of Existing Lot Line Location*

Both property owners were under the understanding that the internal lot line was already in the location they are proposing. This was found to be incorrect when Mr. Paul surveyed his property as part of rebuilding his home after a fire destroyed the original structure.

**Variance Request(s):**

A simple lot line adjustment could have been administratively processed, however, as the movement of the lot line results in one of the lots being reduced in size to create a more non-conforming situation, a variance is also required.

Both properties are currently legally nonconforming to the minimum lot size in the R-1 zoning district and Shoreland District regulations. Because one of the lots is being proposed to be more non-conforming by being reduced in size, the proposed lot line adjustment will require the following variance:

1. A **470-square-foot variance** to reduce the size of the existing non-conforming Lot 3 from 19,560 square feet to 19,060 square feet. The proposed area remaining for both affected lots will be well short of the minimum lot size of 65,340 square feet in the R-1 Single Family Residential zoning district and Shoreland District.

A single family residential structure is considered a permitted use for both lots regardless of the lot size since these structures have been in existence prior to the City's zoning and subdivision regulations.

**Applicable Codes:**

**Section 153.09 Exceptions to Platting.**

Subd. B. Lot line adjustment. A lot line adjustment is a division of land which in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. [Note: a lot line adjustment is exempt from compliance with all of the platting and subdivision requirements and can be approved administratively by the City].

**Section 150.255 Shoreland Standards.**

Subd. (B) Lot area; no sewer. The chart outlines that non-sewered riparian lots on recreational development lakes in the R-1 zoning district are required to have a 1.5 acre minimum lot size.

**Findings & General Site Overview**

**Site Data:**

**8186 Hill Trail North**

Existing Lot Size: 0.45 acre (19,530 square feet)

Existing Use: Single Family Dwelling

Existing Zoning: R-1, Shoreland District

Property Identification Number (PID): 09-029-21-23-0003

Legal Description: Lot 3, Block 1, J.L. Cohn Subdivision, Washington County,

Minnesota

**8190 Hill Trail North**

*Existing Lot Size:* 0.39 acre (16,913 square feet)

*Existing Use:* Single Family Dwelling

*Existing Zoning:* R-1, Shoreland District

*Property Identification Number (PID):* 09-029-21-23-0004

*Legal Description:* Lot 4, Block 1, J.L. Cohn Subdivision, Washington County, Minnesota

**Application Review:**

**Applicable  
Definitions:**

**DWELLING, SINGLE-FAMILY.** A residential structure designed for or used exclusively as 1 dwelling unit of permanent occupancy.

**HARDSHIP.** The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

**LOT, RIPARIAN.** A separate parcel of land within a designated shoreland area having frontage along a lake or tributary stream.

**ORDINARY HIGH WATER MARK OR ELEVATION (O.H.W.).** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

**SHORELAND.** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extend of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be

reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

**Variance  
Criteria:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. For ease of review, staff provides a three-part breakdown of the definition of "hardship" in Lake Elmo City code to ensure the requests are meeting the spirit and intent of the ordinance.

1. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists.*

The applicant has provided a written narrative that contains the reasons for the request, and which provides a response to the variance criteria found in the City Code. In this case, the two affected property owners have assumed the line between their properties was located in a specific location only to find out after the preparation of a new survey that the line is in a different location. Staff has found that the key factors that make this situation unique verses other potential lot splits in the area are 1) difference in elevation between the homes and, 2) the fact that retaining walls have been built and other improvements made based on the assumed lot line location.

Proper maintenance of this area to be transferred is also a critical aspect to the request since it is located over a natural drainage way between the two properties. It would be very difficult for the "Parcel A" owner to maintain this narrow strip of land because it would be nearly impossible to access from the adjacent higher ground. Without proper maintenance, which the applicant has been performing for many years, the current drainage patterns could create an erosion problem.

There does not appear to be any other options for re-aligning the shared property line in a way that would eliminate the need for a variance.

2. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.*

As noted above, the applicant has requested a variance because of the topography, retaining walls, and existing vegetation that are unique to this site. If the two properties were located at the same grade with no significant improvements between them, the physical location of the property line would not be as important. The existing alignment of the property line to be moved is also very unusual because it does not intersect the street right-of-way at a perpendicular angle. The proposed lot line alignment is much more logical since it places the line closer to the midway point between each of the residential structures on the lots.

(cont.)

3. *The unique conditions of the site were not caused or accepted by the landowner*

after the effective date of the city's zoning regulations.

The subdivision creating the two affected lots was approved long before the City's current zoning regulations were adopted. The retaining wall and other improvements pre-date the present property owners, and helped to further create some confusion over the exact location of the line between the two properties. At some point in the past, the lot sizes would have been conforming to the applicable codes; however, the present lot sizes are significantly smaller than the minimum of 1.5 acres required in an R-1 zone and Shoreland District.

Based on the information provided by the applicant and the staff comments noted above, it appears that the request meets the criterion for the approval of a variance.

**Variance Conclusions:** Based on our analysis of the review criteria in City Code, staff would recommend **approval** of the variance request to allow the movement of the internal lot line between 8190 Hill Trail North and 8186 Hill Trail North.

**Resident Concerns:** Staff is not aware of any resident concerns surrounding the requested variances. One resident who received notification called city hall to offer support for the application as he would be out of town and could not attend the meeting.

**Additional Information:** Neither the watershed district nor the DNR provided comment in support or in opposition to the proposed application. Valley Branch District Engineer noted that the applicant will need to secure a permit from the watershed district for the lot line change.

**Conclusion:**

The applicants are seeking approval of the lot line adjustment and 470 square-foot variance from the lot area requirements of the City's R-1 Zoning District and Shoreland District.

**Commission Options:** The Planning Commission has the following options:  
A) Recommend approval of the lot line adjustment and variance request;  
B) Recommend denial of the lot line adjustment and variance request;

The 60-day review period for this application expires on 2-15-09, but can be extended an additional 60 days if more time is needed.

**Staff Rec:** **Staff is recommending approval** of the variance requests to allow a lot line adjustment between the properties located at 8186 and 8190 Hill Trail North that will result in one of the non-conforming parcels to be reduced in area by 470 square feet



based on the following:

1. The proposed lot line adjustment cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists.
2. The plight of the landowner is due to the physical conditions unique to the land, and are not applicable to other lands, structures, or buildings in the same zoning district.
3. The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

***Denial  
Motion***

To deny the request, you may use the following motion as a guide:

***Template:***

**I move we recommend that Council deny the requested variance based on the following findings of fact...*(please site reasons for the recommendation)***

***Approval  
Motion  
Template:***

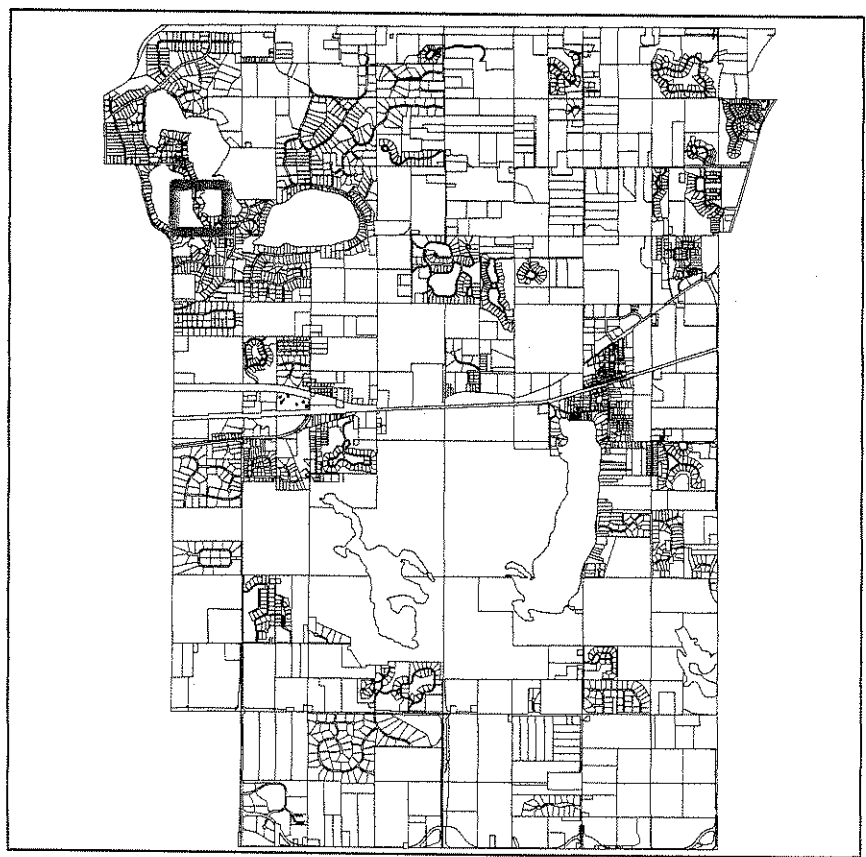
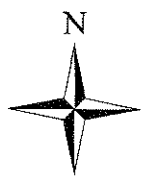
To approve both requests or one of the requests, you may use the following motion as a guide:

**I move we recommend that Council approves the requested variance based on the following findings of fact...*(use staff's findings provided above or cite your own)***

cc: James and Robbi Dillon, Co-Applicant  
Frederick (Larry) and Carol Paul, Co-Applicant



8190 Hill Trail North





Fee \$ 725.00

### City of Lake Elmo DEVELOPMENT APPLICATION FORM

*pd. ck# 5131  
dated 12-15-08  
name: Robin  
Dillon*

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment              | <input checked="" type="checkbox"/> Variance * (See below)           | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment                 | <input type="checkbox"/> Minor Subdivision                           | <input type="checkbox"/> 01 - 10 Lots                                   |
| <input type="checkbox"/> Text Amendment                            | <input checked="" type="checkbox"/> Lot Line Adjustment              | <input type="checkbox"/> 11 - 20 Lots                                   |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> 21 Lots or More                                |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.)           | <input type="checkbox"/> Site & Building Plan Review                 | <input type="checkbox"/> Excavating & Grading Permit                    |
|  |  | <input type="checkbox"/> Appeal <input type="checkbox"/> PUD            |

APPLICANT: James P. Dillon 8190 Hill Tr. No. Lake Elmo, Mn. 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-773-9162 651-770-7896  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: \_\_\_\_\_  
(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): \_\_\_\_\_

Lot 4, Block 1, J.L. Cohn subdivision, Washington Co., Minnesota

DETAILED REASON FOR REQUEST: See Attachments

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

See Attachments

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

James P. Dillon 12-15-08  
Signature of Applicant Date

Robin A. Dillon 12-15-08  
Signature of Applicant Date

This request for a lot line adjustment between Lots 3 and 4, Block 1, J.L.Cohn subdivision, Washington Co., Minnesota, and any required variance is based on the following reasons.

1. A survey was completed on Lot 3 as part of the issuance of a building permit to rebuild the owners home after a fire destroyed the original structure. This survey placed the lot line between Lots 3 and 4 substantially closer to the home on Lot 4 than either property owner expected. The confusion over this lot line was based on information given to the current property owners by the original property owners, as well as the construction of walls, etc. by the original owners. Due to the confusion arising from the original survey and the information given to the current property owners by the original property owners, a new survey was recently completed (see attached survey to see where the lot line is, and where the property owners are requesting the lot line be adjusted).
2. Due to the topography of the lots, and the placement of walls by the original owners, it is difficult for the owner of Lot 3 to access or maintain that portion of Lot 3 under consideration. Additionally, and due to the information provided by the original owners, the current owners of Lot 4 have maintained, and substantially improved the portion of Lot 3 under consideration for over 18 years. These improvements have included reconstruction of deteriorating walls both on the property and along the shoreline, as well as extensive planting of vegetation and trees. Both of these steps were taken not only to beautify the property, but more importantly, to minimize erosion of the property both overland and along the shoreline. The cost of these improvements to the current owners of Lot 4 have been substantial, to say the least.
3. Adjusting the lot line as requested will more evenly divide the area between the homes on these lots.
4. This lot line adjustment will result in Lot 4 being less nonconforming.
5. Adjustment of this lot line will not change the use or character of the land involved, or the surrounding neighborhood, in fact it will guarantee its preservation.

In closing, I would state that the only reason for this variance request is that it will result in Lot 3 being **slightly** more nonconforming (approximately 2.4%). Further, the owners of both properties are in agreement that allowing this lot line adjustment is a simple, straightforward solution to resolve any confusion or potential future issues regarding that portion of the property under consideration.

Sincerely,

Jim and Robbi Dillon, Applicants and Owners of Lot 4

*James A. Dillon*      *Robbi A. Dillon*      12-15-08

Larry and Carol Paul, Co-Applicants and Owners of Lot 3

*Larry Paul*      *Carol Paul*      12-14-08

# AERIAL IMAGE

8186 HILL TRL N

8190 HILL TRL N



## Kyle Klatt

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**From:** John Hanson [JHanson@barr.com]  
**Sent:** Monday, January 05, 2009 10:42 AM  
**To:** Kyle Klatt  
**Subject:** Dillon/Paul Lot Line Change

Kyle:

Thank you for forwarding to me the Variance and Lot Line Adjustment information for the Dillon and Paul lots. All lot line changes require a Valley Branch Watershed District (VBWD) permit. Please inform the permit applicants to apply for a VBWD permit. A VBWD permit application form can be downloaded from the VBWD's website: [www.vbwd.org](http://www.vbwd.org).

If you or the applicants have any questions, please let me know.

John

John P. Hanson, P.E.  
Barr Engineering Company  
Engineers for the Valley Branch Watershed District  
4700 West 77th Street  
Minneapolis, MN 55435-4803

952.832.2622 phone  
952.832.2601 fax  
651.748.4230 VBWD project office

Planning Commission  
Date: 1/12/09  
Item: 6b  
Regular

ITEM: Planning Commission Terms  
SUBMITTED BY: Kelli Matzek, City Planner  
REVIEWED BY: Kyle Klatt, Director of Planning

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**SUMMARY AND ACTION REQUESTED:**

The city code states that a Planning Commissioner's term shall last for three years and a voting member can serve two consecutive terms. All appointments will expire on December 31<sup>st</sup> of a given year. The city code regarding the commission is attached for your information.

Below is a chart identifying the expiration of term for each commissioner and if a commissioner is eligible to reapply for a three year term. Staff will further explain the chart and answer questions at the meeting.

<b>Commissioner</b>	<b>Term Expires</b>	<b>Eligible to reapply for 3 year term</b>
Brenda Anderson	12/31/2010	Yes
Mark Deziel	12/31/2008	Yes
Julie Fliflet	1/16/2009	Yes
Greg Hall	12/31/2010	Yes
Bob Helwig	12/31/2008	No, (But can reapply for 1 year term)
Laurie McGinnis	12/31/2010	Yes
Mike Pearson (2 <sup>nd</sup> Alt)		
Jennifer Pelletier	1/31/2009	No, (But can reapply for 1 yr 11 month term)
Todd Ptacek (1 <sup>st</sup> Alt)		
Ben Roth	12/31/2010	No
Robert Van Zandt	12/31/2010	No

At this time, the city has received five applications for future vacancies on this commission. Those interested in reapplying are encouraged to do so and will be interviewed along with other interested residents. If someone is not eligible to reapply for a three year term, the commissioner may interview with the City Council for an alternate position on the commission.



## PLANNING COMMISSION UPDATE:

Positions to interview and appoint for in January, 2009 beginning to serve under appointment column

Expiration date as it currently stands	New appointment starts serving	Length of new term	New term expires	Current commissioner eligible to reapply for three term
12/31/08	1/09	3 years	12/31/2012	Yes (Deziel)
12/31/08	1/09	1 year	12/31/2010	No (Helwig)*
1/16/09	2/09	2 years 11 mos.	12/31/2012	Yes (Fiflet)
1/31/09	2/09	1 year 11 mos.	12/31/2010	No (Pelletier)*

\*will have served two terms

### Appointed for 3 year terms on February 4, 2008

Greg Hall  
Ben Roth  
Robert Van Zandt  
Lauire McGinnis

### Appointed for 3 year term on April 1, 2008

Brenda Anderson

### 1st Alternate effective February 4, 2008

Todd Ptacek

### 2<sup>nd</sup> Alternate effective June 17, 2008

Mike Pearson

### Applications on File

Joan Ziertman  
5761 Keats Avenue

Todd Williams  
3025 Lake Elmo Avenue N.

Larry Green  
11686 58<sup>th</sup> Street N.

Steve Britz  
8182 Hidden Bay Trail

Saleh Van Erem  
5429 Lake Elmo Avenue N.

### Applications of candidates interviewed, but not appointed

Tom Armstrong  
Tom Bidon

## PLANNING COMMISSION

### § 32.025 ESTABLISHMENT.

A Planning Commission is continued in the city.

(1997 Code, § 210.01)

### § 32.026 PURPOSE.

The Planning Commission is established to meet the requirements of state statute; to develop and enforce the Comprehensive Plan and amendments to the plan, subject to Council approval and the requirements of the Municipal Planning Act; and to review and make recommendations on subdivisions, zoning applications, planned unit developments, and site and building plans as provided by ordinance. No expenditures by the Commission shall be made unless and until authorized for the purpose by the Council.

(1997 Code, § 210.02)

### § 32.027 COMPOSITION.

(A) *Generally.* The Planning Commission shall consist of 9 voting members and 2 non-voting alternate members. The voting members shall be appointed for a 3-year term so that only 1/3 of the appointments will expire on December 31 of each year. Voting members may not serve more than 2 consecutive terms. Appointment to an additional term(s) will be considered with the available applicant pool. Alternate members shall be appointed to serve until there is a vacancy on the Planning Commission. The City Council shall appoint a first alternate and a second alternate who shall become voting members in the order of their appointment upon a vacancy on the Commission.

(1997 Code, § 210.03) (Am. Ord. 97-96, passed 1-15-2002; Am. Ord. 97-147, passed 2-15-2005; Am. Ord. 97-200, passed 11-5-2007)

(B) *Special appointments.*

(1) At the discretion of the City Council, up to 5 additional appointments can be made to the Planning Commission, for each special project, including but not limited to Environmental Management, Maintenance Advisory, and the Old Village, to assist with special projects currently in process, or directed by the City Council to be studied, drafted, and completed.

(2) The term of the special appointments shall expire 2 years from the date of appointment, or upon completion of the special project, whichever is first. Any special appointee may request reappointment if the specific project is not completed in that time.

(3) (a) Special project appointees shall have full voting privileges only on issues specifically related to the special project.

(b) Full voting privileges for the regular Planning Commission shall remain consistent with this section.

(Ord. 97-67, passed 1-2-2001; Am. Ord. 97-70, passed 1-16-2001)

### **§ 32.028 QUALIFICATIONS.**

Each member and alternate member shall be a resident of the city. Wherever possible, Commission members should represent all geographical areas of the city and a cross-section of the population of the city at the time of appointment.

(1997 Code, § 210.04)

### **§ 32.029 REMOVAL.**

Any member or alternate member may be removed by a 4/5 vote of the Council, for cause. Cause shall include but not be limited to having more than 3 consecutive absences or being absent from more than 1/3 of the meetings in any 1 calendar year. The Council may consider exceptional circumstances when applying this rule.

(1997 Code, § 210.05)

### **§ 32.030 OFFICERS.**

The Commission shall elect a Chairperson, a Vice Chairperson, and a Secretary from among its appointed members at the annual meeting each year, for a term of 1 year. The Chairperson shall preside at all meetings of the Commission, if present, and shall perform all other duties and functions required by state statute or assigned by the Commission or the Council. The Vice Chairperson shall perform these duties in the absence of the Chairperson. If a vacancy occurs in the Chairperson's office, the Vice Chairperson shall assume the Chairperson's duties for the remainder of the year, and a new Vice Chairperson shall be elected by the Commission at a special election to be held at the next regularly scheduled Commission meeting, after at least 2-days written notice to each Commission member. The Secretary shall perform those duties assigned by state statute only. A recording Secretary shall be appointed by the Council to take and keep the minutes and records of the Commission.

(1997 Code, § 210.06)

### **§ 32.031 ANNUAL MEETINGS.**

(A) The Commission shall hold an annual meeting the second Monday in the month of January in each year.

(B) The meeting shall be devoted to the election of officers and other business as shall be scheduled.

(1997 Code, § 210.07)

### **§ 32.032 ANNUAL WORK PLAN.**

The Planning Commission shall meet with the Council at the Commission's first meeting in September each year to develop an annual work plan, including a list of projects, points of interaction

on projects, programs, and goals for the following year.

(1997 Code, § 210.08)

### **§ 32.033 REGULAR MEETINGS.**

Regular meetings shall be held in the City Hall at 7:00 p.m. on the second and fourth Mondays of each month. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting or if there are no scheduled agenda items on the Thursday prior to the meeting. All action taken by the Commission shall be by the affirmative vote of a majority of the members present.

(1997 Code, § 210.09)

### **§ 32.034 SPECIAL MEETINGS.**

Special meetings of the Commission shall be held in the City Hall at a time and place designated or at a public place at a time designated and shall be called by the Chairperson. Upon the written request of at least 4 members, the Chairperson shall be required to call a special meeting to be held within 7 days of the request. Written notice of the meeting shall be given to all members not less than 3 working days in advance of the meeting.

(1997 Code, § 210.10)

### **§ 32.035 QUORUM.**

A quorum shall consist of 5 members.

(1997 Code, § 210.11) (Am. Ord. 97-14, passed 9-2-1997)

### **§ 32.036 VOTING.**

Each member attending any meeting shall be entitled to cast 1 vote. Voting shall be by voice vote. If any member has a personal interest of any kind in the matter before the Commission, the member shall disclose the interest and be disqualified from voting upon the matter. The Secretary shall record in the minutes that no vote was cast by that member. Alternate members shall be entitled to cast 1 vote in the absence of any member. The second alternate shall be entitled to cast 1 vote in the absence of any 2 members.

(1997 Code, § 210.12)

### **§ 32.037 PROCEEDINGS.**

At any regular meeting of the Commission, the following shall be the regular order of business:

- (A) Roll call;
- (B) Approval of agenda;

- (C) Minutes of the preceding meeting;
- (D) Public hearings as scheduled on the agenda;
- (E) Old and new business as scheduled on the agenda;
- (F) Communications;
- (G) Other; and
- (H) Adjournment.

(1997 Code, § 210.13)

### **§ 32.038 RULES OF PROCEDURE.**

All meetings of the Commission shall be conducted in accordance with the Revised Robert's Rules of Order.

(1997 Code, § 210.14)

### **§ 32.039 AGENDA.**

The Chairperson shall cause all items to be considered at any meeting to be placed on a written agenda by the City Administrator or an appointed designee. The City Administrator, or appointed designee, shall advise the Chairperson of any matters the Commission must consider by Council directive, ordinance, or statute and shall have prepared and supply a written agenda of all meetings to all Commission members, the Council, and the public no less than 4 days before each meeting.

(1997 Code, § 210.15)

### **§ 32.040 RECORDS.**

Each formal action of the Commission shall be embodied in full upon the minute book as formal motion or resolution. The minutes of each meeting shall be provided to each member, the Council, and the public no more than 7 days after the date of each meeting. The recommendations and findings of the Commission shall be presented to the Council at the next regularly scheduled Council meeting. The records of meetings and actions and recommendations shall be transmitted to the City Administrator, or appointed designee, for keeping and distribution.

(1997 Code, § 210.16)

### **§ 32.041 TRAINING.**

Commission members shall be encouraged to avail themselves of training courses offered by the city, the state, and other government and public training agencies and the Council shall budget for the reimbursement of expenses incurred in training each year.

(1997 Code, § 210.17)

## § 32.042 DUTIES AND POWERS OF THE COMMISSION; COMPREHENSIVE PLAN.

(A) *Plan.* The Planning Commission shall have the powers and duties given city planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a Comprehensive Plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan, and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to the Comprehensive Plan program. After the Commission has prepared and adopted the Comprehensive Plan, it shall periodically, but at least every 5 years, review the Comprehensive Plan and any ordinances or program implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a Comprehensive Plan or any section, it shall be the concern of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the Council.

(C) *Zoning ordinance.* The Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the Council as may be prescribed by the zoning ordinance.

(D) *Conditional use permits.*

(1) The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance.

(2) The Commission shall report its recommendations to the Council for action.

(E) *Subdivisions.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance; the Commission shall report its recommendations to the Council for action.

(F) *Variations.* The Planning Commission shall hear all variance requests from the literal provisions of this code, and shall follow the guidelines set forth in the zoning code.

(G) *Capital Improvement Program.*

(1) (a) The Planning Commission shall endeavor to obtain from city officers a descriptive list of proposed improvements for the ensuing 5-year period.

(b) The Planning Commission shall also request from the local school district a similar list of its proposed public works.

(2) (a) The Planning Commission shall list and classify all the proposed public works and

shall prepare a coordinated program of proposed public works for the ensuing year and for a projected 5-year period.

(b) The program shall be recommended by the Planning Commission to the Council and to the other officers, departments, boards, or public bodies as have jurisdiction over the recommended planning or construction of the public works.

(1997 Code, § 210.18)

Planning Commission  
Date: 1/12/09  
Item: 6d  
Regular

ITEM: 2009 Planning Commission Meeting Schedule

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Director of Planning

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**SUMMARY AND ACTION REQUESTED:**

The planning commission is being asked to review and approve a 2009 meeting schedule. Please see the attached schedule.

*Suggested motion for consideration:*

*Move to approve the 2009 Planning Commission meeting schedule.*

ATTACHMENTS: 2009 Planning Commission Meeting Schedule



# CITY OF LAKE ELMO PLANNING COMMISSION

## 2009 - 2010 MEETING SCHEDULE

### 2009

January 12	Monday	<i>Annual Meeting – Election of Officers</i>
February 9	Monday	
March 9	Monday	
April 13	Monday	
May 11	Monday	
June 8	Monday	
July 13	Monday	
August 10	Monday	
September 14	Monday	
October 14	<b>Wednesday</b>	<i>(Due to Monday Holiday)</i>
November 9	Monday	
December 14	Monday	

### 2010

January 11	Monday	<i>Annual Meeting – Election of Officers</i>
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*Note: The Fourth Tuesday of every month is reserved for the Planning Commission to hold special meetings on an as-needed basis.*