



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, November 23, 2009, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 26, 2009 – to be distributed
4. Public Hearings
 - a. VARIANCE: Consideration of an application to allow construction of a house addition 7 and one-half feet into the required 30 foot front yard setback as required in the R-1 zoning district at 11140 20th Street Court North; PID: 24-029-21-33-0009.
 - b. CONDITIONAL USE PERMIT AMENDMENT, CONDITIONAL USE PERMIT, AND REZONING: Consideration of an application to amend an existing Conditional Use Permit for Country Sun Farm & Greenhouse at 11211 60th Street North by adding acreage to the existing 43 acres. The amendment would also reclassify some of the existing uses as an Agricultural Entertainment Business. The applicants are seeking to rezone the property from Rural Residential to Agricultural; PID: 01-029-21-21-0007.
 - c. Proposed Revisions to Buffer Setbacks in Open Space Preservation (OP) Developments
 - d. Capital Improvement Plan; 2010 - 2014
5. Business Items
 - a. Planning Commissioner Terms
6. City Council Updates - Verbal
 - a. November 17th
 - i. Wireless Telecommunication Tower Moratorium Repeal – approved
 - ii. Comprehensive Plan Submission - approved
7. Adjourn

ITEM: Continue the review of an application from James Burns for a variance from the front yard setback requirement in an R1 zoning district to allow the construction of a building addition – PID 09-029-21-23-0006

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Administrator

SUMMARY AND ACTION REQUESTED:

At its November 9, 2009 meeting, the Planning Commission considered an application from James Burns for a variance allow the construction of an addition to an existing residence at 11140 20th Street Court North that would be set back 22.8 feet from a front property line, or 7.2 feet closer to this line than allowed under the R-1 Single Family Residential Zoning District requirements. The variance has been requested to allow an expansion and improvement of the primary structure on this site that would otherwise not be able to take advantage of access to sunlight from the south, among other reasons as stated by the applicant.

As part of the public hearing process and review, it was pointed out by the applicant that a provision in the Zoning Ordinance allows for the averaging of front yard setback requirements when other structures along the street have been built at a sub-standard setback. The exact provision from the ordinance reads as follows:

Front setbacks. Where adjacent residential structures on the same side of the street between intersections have front yard setbacks different from those required, the front yard minimum setback shall be the average of the immediately adjacent structures. If there is only 1 immediately adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the required front yard setback exceed the required minimum established within the districts of this chapter.

After reviewing this language, staff determined that it would apply to the applicant's situation. This provision impacts the original request by reducing the required front yard setback by 4 four feet (from 30 feet to 26 feet). The applicant would still like to pursue a variance; however, the reduction being sought has changed from 7.2 feet to 3.2 based on the language noted above.

SETBACK ANALYSIS:

In order to apply the averaging provision to the current situation, the applicant has measured from the center of the cul-de-sac right-of-way to the nearest adjoining structures to determine the required setback. The measurements obtained indicated that the house to the east is set back 20 feet from the front property line while the garage to the south is located 32 feet from the property line. The average measurement for these two properties is 26 feet, which is therefore the set back that applies to the applicant's property.

Staff has attempted to trace the averaged setback line on the applicant's original survey to show where this new line will fall with respect to the proposed addition and other aspects of the site. The house addition would still encroach by 3.2 feet into this required setback, and the applicant has indicated that they would still like to pursue a variance based on the rationale that was provided to the Planning Commission at its last meeting.

One additional point that the applicant would like to make is that the cul-de-sac, when it was paved, was not centered within the platted cul-de-sac right-of-way and it was built with an oblong shape as well. This has resulted in a situation in which the boulevard area is not consistent around the cul-de-sac, and specifically, that the distance between the front property line of the parcels around the cul-de-sac and the curb line of the street varies from one location to another. The applicant would like to point out that as it currently stands, the center of the paved portion of the cul-de-sac is 6 feet further away from his house than it would be if it were centered within the right-of-way. In essence, he is suggesting that if the street was platted with a uniform boulevard of 10-15 feet (which is common in most new subdivisions) he would not need a variance to build the addition as proposed.

ADDITIONAL STAFF REVIEW COMMENTS:

Staff was able to visit the site earlier in the week and can confirm that the setback measurements obtained by the applicant are accurate. The reduction of the requested setback variance to 3.2 feet and additional statements from the applicant concerning the center of the cul-de-sac should not change any of the analysis presented by staff at the last meeting. Although the requested setback variance is now half of the distance discussed by the Planning Commission previously, the Commission still needs to document that there is a hardship associated with the property in order to recommend approval. The off-set location of the cul-de-sac certainly helps explain why the proposed addition would be consistent with the character of the neighborhood, but the location of the street does not appear to cause a hardship that prevents the applicant from having reasonable use of the property.

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; the unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations; and*
- c. *The variance, if granted, will not change the essential character of the neighborhood.*

In reviewing the request against the three criteria listed above, staff determined all criteria were not met as strict adherence to the code would still allow reasonable use of the property. The basis for staff's findings is included in the previous report.

ADDITIONAL INFORMATION:

- Two of the neighboring property owners have submitted letters in support of the requested variance.
- Staff is requesting that Commissioners bring the previous packet of information concerning this item to the meeting, and in particular, the folder provided by the applicant. The above comments should provide a minor addendum to the staff report from the last meeting. Commissioners should contact staff prior to the meeting if new copies of the information distributed at the last meeting are needed.

RECOMMENDATION:

Staff recommends that Planning Commission recommend denial of the variance request for James Burns, 11140 20th Street Court North, to allow the construction of an addition to an

existing residence at this address that would be set back 22.8 feet from a front property line, or 3.2 feet closer to this line than allowed under the R-1 Single Family Residential Zoning District requirements

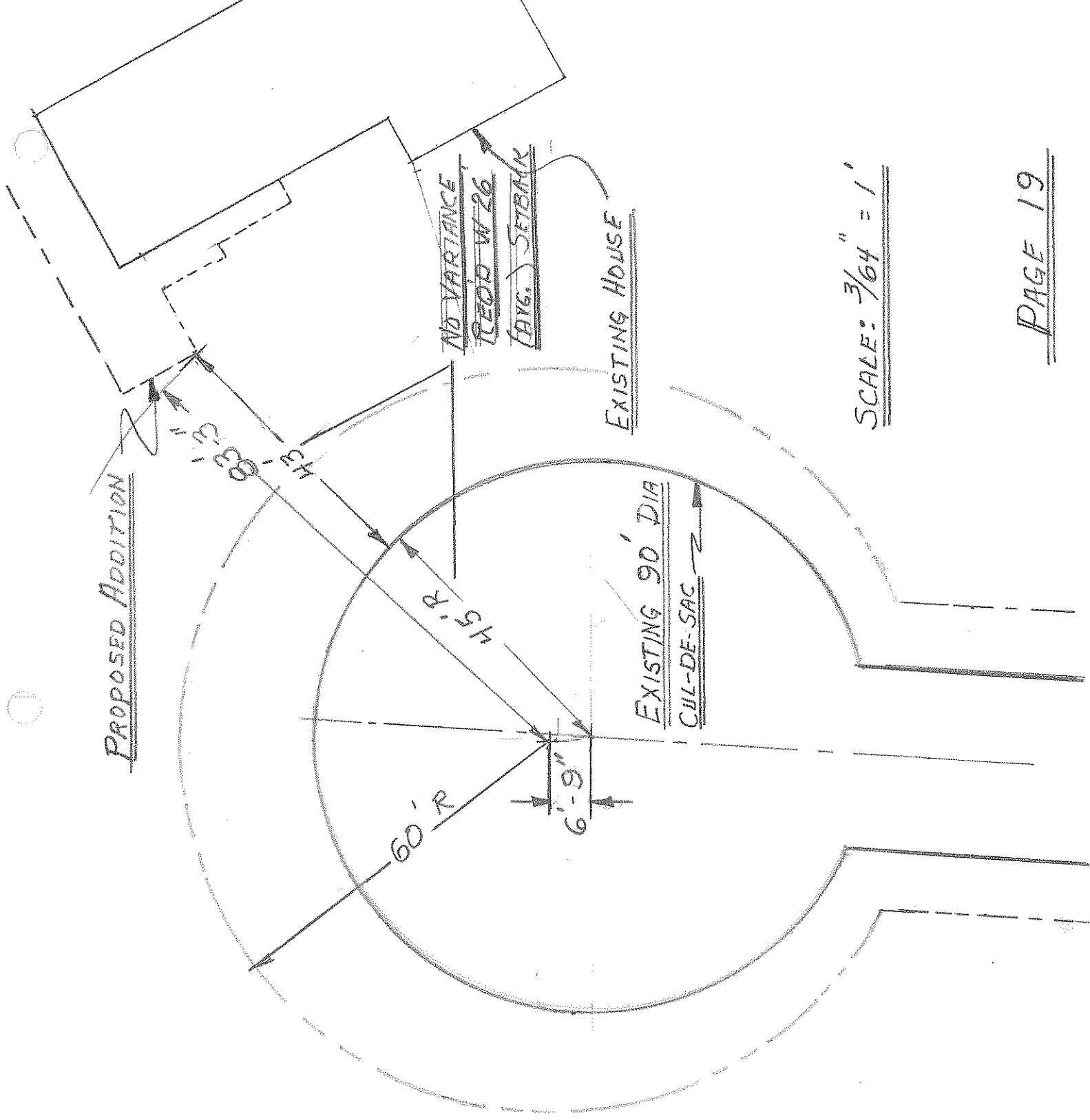
ORDER OF BUSINESS:

- 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
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (2):

1. Cui-de-sac drawing (from applicant)
2. Site survey with new setback line
3. Aerial image with revised setback line

PROPOSED ADDITION



EXISTING HOUSE

EXISTING 90' DIA
CUL-DE-SAC

NO VARIANCE,
REQD W-26
(AIG.) SETBACK

SCALE: $\frac{3}{64}'' = 1'$

PAGE 19

**Aerial Image with
Revised Setback Line**

26' Setback Line



ITEM: Consider an application to rezone a property from Rural Residential to Agricultural, to amend an existing Conditional Use Permit to include approximately 24 acres and the construction of a 39,900 square foot parking lot, and a Conditional Use Permit for the entire 67 acres to allow an Agricultural Entertainment Business for Country Sun Farm and Greenhouse which operates at 11211 60th Street.

REQUESTED BY: Country Sun Farm & Greenhouses

SUBMITTED BY: Kelli Matzek, City Planner 

REVIEWED BY: Bruce Messelt, City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to conduct a public hearing, consider a request from Country Sun Farm & Greenhouse, and to make a recommendation to the City Council on the requests. The applicants have amended their application to request consideration of the following:

- REZONING: To rezone a 33.44 acre parcel from Rural Residential (RR) to Agricultural (Ag). This rezoning could allow the future movement of an existing greenhouse from the original CUP area to the new proposed area as greenhouses are not permitted in the RR zoning district.
- CONDITIONAL USE PERMIT AMENDMENT: To amend the existing conditional use permit currently allowing operation of Country Sun Farm & Greenhouses at 11211 60th Street North to add approximately 24 acres of land (as the rest is in a roadway easement) for the “greenhouse” and “open sales” uses currently permitted. This land would be added to allow the eventual future movement of existing uses for the business. This amendment would include the construction of an overflow parking area of 39,900 square feet (87 parking stalls) which is accessory to the other uses on the site.
- CONDITIONAL USE PERMIT: To add a CUP for the entire 67 acres of property allowing an “Agricultural Entertainment Business” on the property as conditionally permitted. At this time it would be appropriate to list the specific existing and proposed uses on the site to clarify which current uses are permitted under the existing and/or proposed CUP.

Staff is recommending approval of the rezoning request and subsequent conditional use permit amendment as they meet the criteria outlined in code which is more fully explained on pages 5, 6, and 7 of the full staff report attached.

Staff reviewed the list of **existing** uses as identified by the applicant and classified if the uses were permitted, conditionally permitted, or not permitted by code. It is important to clarify this

information at this time as both staff and the applicant have found no clear record in the existing conditional use permit outlining many of the uses that have existed on the site for (in some cases) a decade or more.

Existing Use Classification	
Agricultural Entertainment Business	Corn Maze Hay Ride Petting Zoo / Farm Haunted House Seasonal Sale of related Christmas decorations (such as wreaths or other agricultural-type creations) Children Activities and Games with an Agricultural component
Permitted Use in Agricultural or Rural Residential Zoning District	Growing of Field Crops Housing and Care of Livestock Growing of Flowers
Agricultural Sales Business OR Wayside Stand	Seasonal Sales of fresh flower and plant material (if the products are produced on the premises or can meet the definition of "wayside stand") Seasonal Sales of pumpkins (if the products are produced on the premises or can meet the definition of "wayside stand") Seasonal Sale of Christmas trees (if the products are produced on the premises or can meet the definition of "wayside stand")
Existing CUP	Greenhouse growing range Sale of concessions (as previously outlined in CUP amendment approvals)
Incidental Use (Permitted)	Halloween/Holiday decorations
Not Allowed/Permitted	Children Activities and Games without an Agricultural component Seasonal Sales of fresh flower and plant material (if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand") Seasonal Sales of pumpkins (if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand") Seasonal Sales of Christmas trees (if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand")

Staff is recommending approval of the Conditional Use Permit to allow an Agricultural Entertainment Business on the entire 67 acre site for those specified uses above. The full criteria review for both a CUP and an Agricultural Entertainment Business (as outlined in code) is available on pages 9 through 13 of the full staff report attached. The recommended approval is only for those uses listed above in the appropriate section with seven conditions as outlined on page 17 of the full staff report.

The Planning Commission is being asked to consider the three components to the application along with the staff interpretation of whether the existing uses are permitted, conditionally permitted, or not permitted on the property.

FUTURE CONSIDERATIONS:

Because some concern has been expressed regarding existing uses on the site and the future guidance of the property (non-sewered higher density residential – OP development), staff has suggested five options for consideration if the city is concerned with past or future expansions and more commercial type uses on the site (page 11 and 12 of the full staff report).

In accordance with the discussions at the time the ordinance was approved regarding Agricultural Entertainment Businesses and Agricultural Sales, it is recommended that the Planning Commission and City Council add the evaluation of these (and similar) uses to the 2010 Planning Commission Work Plan. This would allow the commission and council to:

- evaluate the effectiveness of the existing ordinance
- further review how agriculture sales businesses should be regulated within the community
- study options for regulating these uses as a commercial business
- investigate alternative regulation mechanisms that would allow specific activities on an interim basis (i.e. a special event permit or interim use permit)
- review the differences between wayside stands and seasonal sales, and specifically whether or not the sale of produce grown off-site should be allowed
- consider adding greenhouses as an allowed uses in rural residential and other zones and establishing a size limitation for "residential" greenhouses

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the application to rezone the 33.44 acre parcel from Rural Residential to Agricultural, to amend the existing CUP to include approximately 24 acres, and to add a CUP allowing an Agricultural Entertainment Business on the entire 67 acres subject to clarification regarding the uses allowed by code.

Staff is also recommending the Planning Commission make a recommendation that certain uses and activities are not compliant with the zoning ordinance and that these uses and activities will need to be discontinued.

- Children Activities and Games without an Agricultural component
- Seasonal Sales of fresh flower and plant material [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]
- Seasonal Sale of pumpkins [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]
- Seasonal Sale of Christmas trees [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]

SUGGESTED MOTIONS:

Move to recommend approval of the CUP for an Agricultural Entertainment Business for Country Sun Farms & Greenhouse on the entire 67 acres with the conditions identified in the staff report.

Move to recommend approval of the rezoning from Rural Residential to Agricultural.

Move to recommend approval of the CUP amendment request with the conditions identified in the staff report.

ORDER OF BUSINESS:

- Introduction Kelli Matzek, Planner
- Report by staff..... Kelli Matzek, Planner
- 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 (5):

1. Staff Report
2. Applicant's Submittals (Narratives & Maps)
3. Letter from MnDOT
4. Resolution 83-8
5. Resolution 2004-039

City of Lake Elmo Planning Department
**Conditional Use Permit Amendment, Rezoning,
And Additional Conditional Use Permit Request**

To: **Planning Commission**

From: Kelli Matzek, City Planner

Meeting Date: **11-23-09**

Applicant: **Country Sun Farm & Greenhouses**

Owner: Richard and Eileen Bergmann; Keith Bergmann

Location: **11211 60th Street North**

Zoning: A – Agricultural and RR – Rural Residential

Introductory Information

Requested Application:

The applicants have submitted an application for consideration of the following three components:

- **REZONING:** To rezone a 33.44 acre parcel from Rural Residential (RR) to Agricultural (Ag). This rezoning could allow the future movement of an existing greenhouse from the original CUP area to the new proposed area as greenhouses are not permitted in the RR zoning district.
- **CONDITIONAL USE PERMIT AMENDMENT:** To amend the existing conditional use permit currently allowing operation of Country Sun Farm & Greenhouses at 11211 60th Street North to add approximately 24 acres of land (as the rest is in a roadway easement) for the “greenhouse” and “open sales” uses currently permitted. This land would be added to allow the eventual future movement of existing uses for the business. This amendment would include the construction of an overflow parking area of 39,900 square feet (87 parking stalls) which is accessory to other uses on the site.
- **CONDITIONAL USE PERMIT:** To add a CUP for the entire 67 acres (original 43 plus 24 proposed) of property allowing an “Agricultural Entertainment Business” on the property as conditionally permitted. At this time it would be appropriate to list the specific existing and proposed uses on the site to clarify which current uses are permitted under the existing and/or proposed CUP.

Property Information:

The City’s files identify a history of a greenhouse operation at the site dating back to the 1970’s. A letter from 1979 to Mr. Bergmann states that a new ordinance was adopted in October of 1979 allowing “agri-business” such as theirs as a CUP and indicated that Mr. Bergmann must apply for such if he wished to continue that use on

(cont.) the property. This is the first record indicating such a use on the property, though “agri-business” is no longer defined or mentioned in the existing code. In 1980, a letter was sent to Mr. Bergmann extending the CUP for a greenhouse (the “agri-business”) which was renewed annually until 1983 when the CUP was amended to include “sales lot.” Since then, the records at both the city and the county show a number of resolutions amending the CUP to include additional acreage, additional uses (such as food sales), and expansion of existing structures.

Abbreviated History of the CUP amendments:

Resolution 83-8 (January 1983): authorizes the operation of a greenhouse and sales lot

Resolution 84-43 (July 1984): expanding the area covered by the CUP for the use of greenhouses and sales lot; to relocate the greenhouse and sales building; variance approval to side yard setback

Resolution 87-27: allowing a temporary use for the operation of an asphalt mix plant (since expired)

Resolution 2003-070: allows the sale of food items such as snacks and carnival type foods/beverages

Resolution 2004-039: allows the expansion of the greenhouses

The CUP was reviewed annually for a number of years by city staff, primarily in the 80’s and 90’s. The staff at that time found the uses on the site to be acceptable and recommended approval to the City Council of the annual review for the Country Sun Farm & Greenhouse CUP.

Staff could not find mention in the existing CUP of the uses on the property beyond the greenhouses, sales lot, and sale of food. Although there was no mention of uses on the site such as the haunted house, hay rides, corn maze, or petting farm in the resolution, there was mention in past staff reports to both the commission and the council that the uses did exist at that time.

The applicant has identified with this application a list of existing uses on the site which will be analyzed later in this report for conformance with the current city code.

Existing Uses on the Site as identified by the applicant:

Greenhouse growing range
Corn maze
Petting zoo/farm
Growing of field crops
House and care for livestock
Raise flowers
Hayrides

- (cont.)
- Halloween decorations
 - Haunted House
 - Children Activities and Games
 - Seasonal Sales of fresh flower and plant material
 - Seasonal Sale of Christmas trees and related Christmas decorations
 - Seasonal Sale of pumpkins
 - Sale of concessions (as previously outlined in CUP amendment approval)
- Activity locations are depicted in the applicant's submittals which are attached at the end of the report.

Applicable Codes: § 154.018 **CONDITIONAL USE PERMITS.**

- (A) *Granting/denial.* Conditional use permits may be granted or denied in any district by action of the governing body according to the standards for that district in granting a conditional use permit, the governing body shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities, the effect on property values of property in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it determines that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the community nor will cause serious traffic congestion, nor hazards, nor will seriously depreciate surrounding property values, and that the use is in harmony with the general purpose and intent of this chapter and the Comprehensive Plan, the Council may grant the permits.

§ 154.020 AMENDMENTS.

- (H) *Zoning and the Comprehensive Plan.* Any amendment to this chapter shall amend the Comprehensive Plan in accordance with the amendment. The Planning Commission shall inform the Council of any zoning proposal which does not conform to the Comprehensive Plan and inform the Council as to why the plan should or should not be amended.
- (J) *Conformance with Comprehensive Plan.* In granting or recommending any rezoning or other permit provided for in this chapter, the Zoning Administrator, the Planning Commission, or Council shall find that the proposed development conforms substantially to the policies, goals, and standards of the Comprehensive Plan.

§ 11.01 DEFINITIONS.

AGRICULTURAL ENTERTAINMENT BUSINESS. An agricultural sales business

(cont.) that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

AGRICULTURAL SALES BUSINESS. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products produced on the premises. The operation may be indoors or outdoors, include pick-your-own opportunities, and may involve accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the **AGRICULTURAL SALES BUSINESS**.

OPEN SALES LOTS. Lands devoted to the display of goods for sale, rent, lease, or trade, where the goods are not enclosed within a building.

WAYSIDE STAND. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the **WAYSIDE STAND** on site or on other property in Lake Elmo.

§ 154.033 AG OR A – AGRICULTURAL.

- (A) *Permitted uses and structures.*
- (8) Wayside stands;
 - (9) Agricultural sales businesses subject to performance standards outlined in § 154.110;
- (B) *Uses permitted by conditional use permit.*
- (1) Greenhouses;
 - (8) Agricultural entertainment businesses subject to the following performance standards: {see analysis on page 7 below}

§ 154.036 RR – RURAL RESIDENTIAL.

- (A) *Permitted uses and structures.*
- (3) Wayside stands; and
 - (4) Agricultural sales businesses subject to performance standards outlined in § 154.110.
- (C) *Conditionally permitted uses.*
- (4) Agricultural entertainment businesses subject to the requirements outlined in § 154.033(B)(8).

Findings & General Site Overview

Site Data:

Existing CUP Property

Lot Size: Approximately 43 acres
Existing Use: Country Sun Farm & Greenhouse operations
Existing Zoning: A (Agricultural)
Property Identification Number (PID): 09-029-21-12-0001

Proposed Additional Land for CUP

Lot Size: Approximately 24 acres (this does not include the road right-of-way which when added totals 33.44 acres)
Existing Use: Farm/Construction Site for Northern Natural Gas Project
Existing Zoning: RR (Rural Residential)
Proposed Zoning: Ag (Agricultural)
Property Identification Number (PID): 01-029-21-21-0007

Application Review:

Rezoning:

Rezoning from Rural Residential to Agricultural

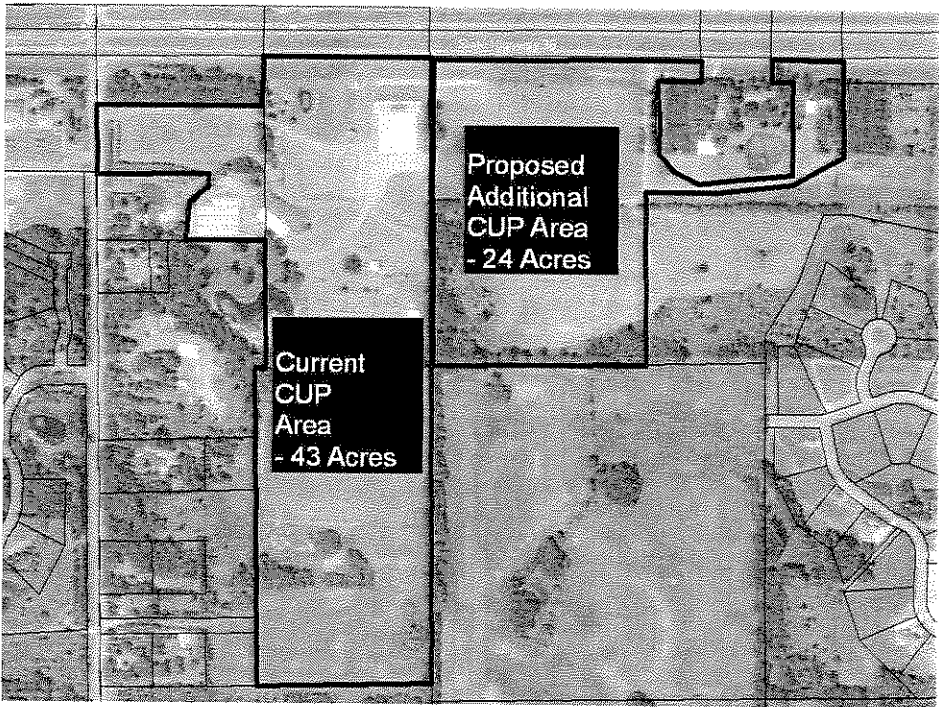
The applicants are requesting the currently farmed property at 01-029-21-21-0007 be rezoned from Rural Residential to Agricultural. The entire property (including State Highway 36 road right-of-way) is 33.44 acres.

The property currently may be subdivided into at least two, if not three, 10-acre parcels with regards to lot size only. The applicants are requesting this property's zoning be changed to Agricultural which has a 40 acre minimum lot size. This significant change in minimum lot size eliminates the ability of the property to be subdivided. The applicants are aware of this change, but are requesting the rezoning to occur as the intent is to leave the property intact and to utilize the land for the Country Sun Farm & Greenhouse business. The applicants state in their application that the intent is to move the existing greenhouse, corn maze, and hayride area to this new property in the event that the potential future reconfiguration of the Lake Elmo Avenue (CSAH 17) and State Highway 36 interchange and additional frontage road would eliminate the area the uses are currently occupying. Because this parcel is zoned Rural Residential (the property on which the business runs is currently zoned Agricultural), the applicants do not have the option of moving the existing greenhouse to this property.

In looking strictly at the rezoning request without consideration of the intent, the rezoning of this parcel is consistent with the Comprehensive Plan with regards to the future land use guidance. The Land Use Plan classifies this area as guided for Rural Agricultural Density (RAD), which is consistent with both the Rural Residential and Agricultural zoning districts.

Staff would recommend **approval of the rezoning** from Rural Residential to Agricultural as it is in conformance with the Comprehensive Plan. The applicants request that if the CUP amendment is not approved, that the property be retained as a

<p>(cont.)</p>	<p>Rural Residential parcel and not rezoned.</p> <p><i>Suggested Condition for Consideration:</i></p> <p>The applicant could be asked/required to refrain from moving the existing greenhouse to the proposed location until such time as a reconfiguration of the interchange is confirmed. At this time, a reconfiguration has not been decided upon and the project has been delayed with no specified timeline.</p>
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<p>CUP Amendment Review:</p>	<p><i>Land Addition, Overflow Parking</i></p> <p>The applicants are requesting to add an additional approximately 24 acres to the area currently operating under a CUP (33.44 acres minus the State Highway 36 road right-of-way area).</p>  <p>The reasoning for the request as stated by the applicant is to prepare for a future improvement to the Lake Elmo Avenue and State Highway 36 interchange. The alteration to the intersection and a potential service road could displace some of the applicant's property currently utilized for the hay ride, corn maze, and greenhouses. That land would instead be utilized as a frontage road for Highway 36. The existing uses (greenhouse, hay ride area, and corn maze) that would be displaced are proposed to be relocated to the proposed additional land to the East.</p> <p>The applicants are also interested in adding an overflow parking area. The proposed 39,900 square foot area is to be created of crushed limestone and/or recycled pavement millings. The parking lot is being proposed at this time to take advantage of work recently completed in that area by the Northern Natural Gas company within</p>
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(cont.)

their easement. The company has utilized that portion of the applicant's land as a parking area for vehicles associated with the work. The property owners would like to utilize a portion of this as an overflow parking area as the area is already compacted and disturbed. The remaining area will be restored. If additional overflow parking is needed beyond what is proposed, the grassy area will be utilized. This will minimize the impervious surface area, the resulting runoff, and reduce or eliminate the potential for vehicles visiting their business from parking on State Highway 36.

However, the land on which the current CUP operates is zoned Agricultural while the property proposed to be added to the CUP is currently zoned Rural Residential. While the Agricultural zoning district currently identifies greenhouses as a conditional use, the Rural Residential zoning district does not – thus the earlier identified rezoning request.

Although neither zoning district currently identifies a "sales lot" as either permitted or conditionally permitted, the CUP for the existing Agricultural zoned property will continue to allow that use on the existing property if, and until, it is discontinued for a year at which time that use will no longer be permitted.

If the property is rezoned to Agricultural, a greenhouse could be conditionally permitted on the additional 24 acre property. Staff would find that the movement of the existing greenhouse to the property would meet the requirements of a conditional use permit and would **therefore recommend approval**.

The movement of a corn maze and hay ride area will be analyzed in the third section of this application – the reclassification of existing uses as an Agricultural Entertainment Business.

CUP Review: *Reclassification of Some Existing Uses as Agricultural Entertainment Business*

Country Sun Farm & Greenhouse has existed in some form since at least the 1970s according to previous staff reports and other city documents. Since then, the land area and the uses on the site have evolved over time. The original CUP was for the greenhouse to be utilized at the property on just a few acres. Resolution 83-8 identifies granting of a conditional use permit to allow a greenhouse and sales lot at the Bergmann's property. Other amendments have allowed the expansion of the existing greenhouses and sale of limited foods and beverages.

Although there are gaps in documentation, staff's interpretation is that the current operation of Country Sun Farm & Greenhouse occupies the existing approximately 43 acres under the resolution conditionally permitting greenhouses, sales lot, and food sales (as specified). It is assumed that previous staff interpreted the uses such as the corn maze, petting zoo, hay rides, agricultural sales, and kid activities being utilized on the existing site as being considered permitted under the conditional use permit or an incidental and accessory use to those permitted uses. At this time, staff will reevaluate the existing uses on the site and suggest clarifying what uses are permitted

(cont.)

on the site – either through the existing CUP or through the proposed Agricultural Entertainment Business CUP being proposed.

In 2008, the city code was amended (Ordinance 08-006) to include definitions for *Agricultural Entertainment Business* and *Agricultural Sales Business*. The Agricultural Entertainment Business use was added as conditionally permitted in both the Agricultural and Rural Residential zoning districts at that time. The Agricultural Sales Business use was added as a permitted use (not a CUP) in both districts.

As mentioned earlier in the report, staff suggests taking time to clarify what existing uses on the site will be considered conditionally permitted as an Agricultural Entertainment Business, what existing uses (if any) are outright permitted as an Agricultural Sales Business, and what existing uses (if any) are not permitted on the site. This analysis is intended to provide further clarity for both the city and the property owners in the future as to what is acceptable on the property.

This separate Agricultural Entertainment Business CUP would function in parallel with the existing CUP for the greenhouse, sales lot, and food sales as permitted on the “original” 43 acres and for the amended CUP, should that be approved.

Analysis of Existing Uses on the site:

Staff recommends that the following uses fall under the classification of an Agricultural Entertainment Business as defined in the code:

- Corn maze
- Hayrides
- Petting zoo/farm
- Haunted House
- Seasonal Sale of related Christmas decorations (such as wreaths or other agricultural-type creations)
- Children Activities and Games with an Agricultural component

Staff recommends that the following uses fall under the category of a permitted use in the Agricultural or Rural Residential zoning district (a CUP not required):

- Growing of field crops
- Housing and care for livestock
- Growing flowers

Staff recommends the following uses fall under the category of Agricultural Sales Business OR Wayside stands (which is allowed/permitted):

- Seasonal Sales of fresh flower and plant material [if the products are produced on the premises or can meet the definition of “wayside stand”]
- Seasonal Sale of pumpkins [if the products are produced on the premises or can meet the definition of “wayside stand”]
- Seasonal Sale of Christmas trees [if the products are produced on the premises or can meet the definition of “wayside stand”]

(cont.)

Staff recommends that the following uses be analyzed as part of proposed amendment to the existing CUP. The City's records indicate that these uses have previously been granted approval.

- Greenhouse growing range
- Sale of concessions (as previously outlined in CUP amendment approval)

Staff recommends the following use be classified as incidental to the property as residents are allowed to celebrate holidays with outside decorations:

- Halloween/Holiday decorations

Staff recommends the City clarify that the following uses are not allowed/permitted, nor conditionally permitted on the site:

- Children Activities and Games without an Agricultural component
- Seasonal Sales of fresh flower and plant material [if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand"]
- Seasonal Sale of pumpkins [if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand"]
- Seasonal Sale of Christmas trees [if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand"]

Staff utilized the previous analysis in moving forward with which uses to utilize in the following review:

CUP Review Criteria (Section 154.018):

The following review criteria (in italics) are taken directly out of the Lake Elmo City Code for all CUPs:

- *Effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands.*

The permitting of an Agricultural Entertainment Business on the entire 67 acres (existing plus proposed acreage) would not have a negative impact on the health, safety, morals, convenience, or general welfare of occupants of surrounding lands.

The proposed addition of approximately 24 acres for movement of existing uses and the inclusion of an overflow parking area will not negatively effect the health, safety, morals, convenience, or general welfare of occupants of surrounding lands. The movement of the existing uses (hay ride, corn maze, etc.) in the future to this site will create more of a buffer between the seasonal uses and the existing residential homes along Lake Elmo Avenue. The property being requested to be considered for inclusion is currently bordered to the North by State Highway 36, to the South by vacant land previously used for agricultural purposes and to the East by a residential home owned by the applicant's son and dedicated open space property owned by the applicants. Therefore, it can be reasonably assumed that the movement of the uses further from the more densely built homes along Lake Elmo Avenue (County Road 17) would reduce the impact of the uses. At this time the applicants are not proposing

(cont.)

to increase the intensity of the uses on the existing property, but to maintain what is on the site.

- *Existing and anticipated traffic conditions (incl. parking facilities on adjacent streets and land)*

The applicants' proposal includes the construction of a 39,900 square foot overflow parking area of 87 designated parking stalls as well as a designation of an additional grassy area if additional parking is necessary. This proposal will address existing and anticipated parking needs by providing additional parking for visitors on the site. By allowing additional parking, the applicants are working to address concerns expressed in the past of parking that has occurred on State Highway 36. A letter received from MnDOT regarding the application confirms that the owner's plan for parking expansion should provide enough parking on site to eliminate the need for parking on the TH 36 shoulder, which has serious safety concerns.

The letter also briefly mentions that a future interchange at the interchange of Lake Elmo Avenue (CSAH 17) and TH 36 will impact this property and its current access locations. At this time, staff believes the applicant's proposal does not warrant addressing the access to the site.

- *Effect on utility and school capacities*

The addition of land and an overflow parking area to the existing CUP will have no effect on utilities or school capacities.

- *Effect on property values of property in the surrounding area*

The property values of the surrounding properties will not be negatively impacted by the addition of the land to the existing CUP or the continued uses on the existing land. The Bergmanns' or their relatives own property to the East of the proposed additional land, State Highway 36 is to the North, and vacant/agricultural land is to the South. Should the land to the South be developed someday as an Open Space Preservation development (for which it is eligible by standards of minimum lot size), a buffer setback will likely be established which will serve as a barrier to the seasonal uses nearby, should that be a concern in the future.

- *Effect of the proposed use on the Comprehensive Plan (in harmony with the general purpose and intent of this chapter and the Comp Plan)*

Both the property under the existing CUP and the proposed additional property are guided in the Future Land Use for "RAD - 0.45 DU/Acre" as designated in the Lake Elmo Comprehensive Plan. The RAD designation stands for Rural Agricultural Density and is related to the zoning classifications Agricultural (AG or A) and Rural Residential (RR).

The city does not have a slated timeframe for which this property (or any property outside of the future sewered areas) is scheduled to convert to a higher density residential use as an Open Space Preservation development, which is the 0.45 DU/Acre mentioned in the Land Use guidance section of the Comprehensive Plan.

The Comprehensive Plan states that the city has a "desire to preserve its rural

(cont.)

character, open space and green corridors.” In keeping with this statement and the verbally stated intent to allow owners of larger properties in the city to continue to make a living from their land, staff is interpreting the continued use of the existing Country Sun Farm & Greenhouse activities as compliant with the city’s intent for large rural lots, agricultural-type uses, and the Comprehensive Plan.

The Agricultural Entertainment Business use was specifically included as a conditionally permitted use in the A and RR zoning districts in 2008, but not the commercially oriented zoning districts (HB, LB, GB) in the city. This action taken by the city provides direction to staff to continue the interpretation that an Agricultural Entertainment Business is considered, in fact, agricultural in nature and not commercial. Because the city code must be in harmony with the Comprehensive Plan, staff would find the addition of this language to the code in 2008 to be in accordance with the intent of the Comprehensive Plan.

Because the city code has listed Agricultural Entertainment Businesses as a conditionally permitted use and as the city has received an application for such, the city must permit the use if it is found to meet all the outlined requirements for both a conditional use permit as well as the individual requirements listed for an Agricultural Entertainment Business.

Staff’s interpretation that the corn maze, hayride, petting zoo/farm, haunted house, and seasonal sale of related Christmas decorations that are agricultural in nature at Country Sun Farm & Greenhouse are in accordance with the Agricultural Entertainment Business use as defined and allowed by CUP in the A and RR zoning districts and therefore compliant with the Lake Elmo Comprehensive Plan.

Should the Commission or Council disagree with staff’s interpretation, the following are a few options that could be considered:

Option One: One option would be to change the zoning for all Agricultural and Rural Residential zoned properties guided for this unsewered higher density residential land use in the future into a holding district. This holding district could restrict what can be done on the properties to ensure they are in keeping with the planned future residential development on the property. The Comprehensive Plan identifies approximately 1,000 properties within the city as guided for this type of land development (although this number includes some existing OP development parcels, which would not be included).

Option Two: A second option would be to re-evaluate what is considered an agricultural use and identify if an Agricultural Entertainment Business is something the city would like to see in the rural areas of the city.

Option Three: An option would be to explore the interim use of properties guided for higher density non-sewered development – Open Space Preservation Developments. This would require amendments to the existing code to identify interim uses in the Agricultural and Rural Residential zoning district. In this particular situation, a legal opinion would be requested to identify if there are any legal rights of the applicant to

continue those uses not specified in the CUP (such as the corn maze, haunted house, etc.).

Option Four: An option would be to consider those properties along major roadways such as Interstate 94 and State Highway 36 that are operating as more of a commercial type use to be rezoned. This would require major changes to the Comprehensive Plan, zoning map, and zoning ordinance.

Option Five: To direct staff to research if a different taxing system could be used on properties that are zoned of a rural or residential nature, but function more like a semi-commercial property seasonally or year-round.

The following review criteria (in italics) are taken directly out of the Lake Elmo City Code for all Agricultural Entertainment Businesses:

Agricultural and Rural Residential Zoning District Review Criteria (Section 154.033)

(a) The property proposed to be used for agricultural entertainment must be located with direct access to a collector or arterial street as identified in the comprehensive plan;

Currently, the property has right-in right-out access off TH 36 as well as reasonable access off of County Road 17.

(b) All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines;

As mentioned previously in this staff report, the applicants are proposing to add two overflow parking areas – one of which would be improved and the other to remain grass.

The applicants are proposing to construct the improved parking lot of crushed limestone and/or recycled pavement millings. This is consistent with the requirement for surface type.

Staff will add as a condition of approval that the parking area be 30 feet from all property lines.

(c) No more than 25% of the site may be covered with impervious surface and the remainder shall be suitably landscaped;

The applicants are no where near the 25 percent maximum impervious surface coverage as all the area proposed to be covered under this CUP is largely open or used for agricultural purposes.

(d) Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s);

The applicants are not requesting to add any buildings at this time.

(e) Trash containers must be located inside or screened in an acceptable manner;

Staff will add this as a condition of approval.

(f) Discharge of firearms, including blanks, shall not be allowed on the property;

The applicants are requesting this condition be modified to allow the discharge of firearms during times and dates that the business is not open to the public. This would allow the property owners to continue utilizing their land for private hunting purposes.

Staff would find this request to be reasonable and would recommend adding this to an approved CUP.

(g) The property owner shall give the city permission to conduct inspections of the property in order to investigate complaints;

Staff will add this as a condition of approval.

(h) The property owner must take reasonable steps to prevent trespassing on adjacent properties by employees, contractors or patrons;

Existing buffers such as a tree line as well as a fence do provide a vegetative and fenced buffer of the property.

(i) Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate sites shall be protected in the site plan design, and will only need to be used upon failure of a primary site; and

The applicants are currently operating with an existing well and septic system. Because they are not asking to add any buildings at this time which would require sanitary facilities or a water supply, staff would suggest this be addressed in the future if such a building is added.

(j) Adherence to the general review criteria applicable to all CUP applications.

Staff finds this criteria is met, as analyzed earlier in this report.

Application

Staff would recommend **approval** of the request to rezone the 33.44 acre property at

Conclusions: 01-029-21-21-0007 from Rural Residential to Agricultural.

(cont.) Staff would recommend **approval** of the CUP amendment request (dependent upon approval of the previously stated rezoning) as the Agricultural zoning district conditionally permits greenhouses. This would include approval of the improved overflow parking area of 39,900 square feet.

Staff would recommend **approval** of an Agricultural Entertainment Business for Country Sun Farms & Greenhouses at 11211 60th Street North for the entire 67 acres. This would permit the uses as identified on page 8 and 9 of the staff report.

Staff would recommend **denial** of the continuation of the existing uses on the site:

- Children Activities and Games without an Agricultural component
- Seasonal Sales of fresh flower and plant material [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]
- Seasonal Sale of pumpkins [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]
- Seasonal Sale of Christmas trees [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]

Resident Concerns: Staff has been made aware there may be some concerns regarding what uses have been allowed to occur on the site for the Country Sun Farm & Greenhouse property as well as the rezoning request.

Additional Information:

- The applicants may choose to perform such activities as listed in the Agricultural Sales Business definition on either properties as that is listed in both Agricultural and Rural Residential zoning districts as permitted uses. A greenhouse connected to a sales area may be considered an Agricultural Sales Business. Assuming the standards outlined in code are met, the applicants are allowed to do so without a conditional use permit.
- Neither the watershed district nor the DNR provided comment in opposition to the proposed application.
- The proposed overflow parking area will require a permit from the Valley Branch Watershed District as the impervious surface area proposed would exceed 6,000 square feet.
- A Mn/DOT drainage permit will be required to ensure that current drainage rates to Mn/DOT right-of-way will not be increased.

**Future
Consideration:**

Because some concern has been expressed regarding existing uses on the site and the future guidance of the property (non-sewered higher density residential – OP development), staff has suggested five options for consideration if the city is concerned with past or future expansions and more commercial type uses on the site (page 11 and 12 of the full staff report).

In accordance with the discussions at the time the ordinance was approved regarding Agricultural Entertainment Businesses and Agricultural Sales, it is recommended that the Planning Commission and City Council add the evaluation of the these (and similar) uses to the 2010 Planning Commission Work Plan. This would allow the commission and council to:

- evaluate the effectiveness of the existing ordinance
- further review how agriculture sales businesses should be regulated within the community
- study options for regulating these uses as a commercial business
- investigate alternative regulation mechanisms that would allow specific activities on an interim basis (i.e. a special event permit or interim use permit)
- review the differences between wayside stands and seasonal sales, and specifically whether or not the sale of produce grown off-site should be allowed
- consider adding greenhouses as an allowed uses in rural residential and other zones and establishing a size limitation for "residential" greenhouses

Conclusion:

The applicants are seeking approval of the following for Country Sun Farms & Greenhouses:

- **REZONING:** To rezone a 33.44 acre parcel from Rural Residential (RR) to Agricultural (Ag). This rezoning could allow the movement of an existing greenhouse from the original CUP area to the new proposed area as greenhouses are not permitted in the RR zoning district.
- **CONDITIONAL USE PERMIT AMENDMENT:** To amend the existing conditional use permit currently allowing operation of Country Sun Farm & Greenhouses at 11211 60th Street North to add approximately 24 acres of land (as the rest is in a roadway easement) for the “greenhouse” and “open sales” uses currently permitted. This land would be added to allow the eventual movement of existing uses for the business. This amendment would include the construction of an overflow parking area of 39,900 square feet (87 parking stalls).
- **CONDITIONAL USE PERMIT:** To add a CUP for the entire 67 acres of property allowing an “Agricultural Entertainment Business” on the property as conditionally permitted. At this time it would be appropriate to list the specific existing and proposed uses on the site to clarify which current uses are

permitted under the existing and/or proposed CUP. A CUP Amendment to add approximately 24 acres to the existing CUP for Greenhouses and Open Sales Lot.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the rezoning request, CUP amendment and improved overflow parking area, and additional CUP for Agricultural Entertainment Business uses;
- B) Recommend denial of the rezoning request, CUP amendment, improved overflow parking area, and additional CUP for Agricultural Entertainment Business uses request;
- C) Recommend approval of the applicant's requests with alterations to the list of permitted uses, conditionally permitted uses, and uses that are not permitted as identified by staff on pages 8 and 9 of this report.

The 60-day review period for the CUP amendment and CUP for Agricultural Entertainment Business application expired on 10-19-09, but **was extended** an additional 60 days to **12-18-09**. If an additional extension is needed, the applicants must approve the request. The 60-day review period for the rezoning will also expire on **12-18-09**, but **can be extended** an additional 60 days if necessary.

Staff Rec:

Staff is recommending approval of the request to rezone the 33.44 acre parcel from Rural Residential to Agricultural based on the following:

1. The rezoning would be in conformance with the land use guidance identified in the Comprehensive Plan.
2. By allowing the rezoning, the minimum lot size would increase (a "down-zoning" of the property) thereby eliminating the ability to subdivide and retaining larger agricultural lots. This parcel would be retained in its current configuration, easing the transition to its future guided use as an Open Space Preservation development as specified in the Comprehensive Plan.

Staff is recommending approval of the CUP amendment to add 24 acres and an overflow parking area at based on the following:

1. If the rezoning is approved, the Agricultural zoning district conditionally permits the use of greenhouses on the property.
2. The movement of a greenhouse to a location more remote from existing residential homes will reduce negative impacts.
3. The applicants are proposing to have the additional 24 acres available for use by Country Sun Farm & Greenhouse in anticipation of needing to relocate existing uses from one property to another in response to potential future construction of a frontage road and reconfiguration of the intersection of County Road 17 and State Highway 36.
4. The proposed overflow parking areas (both improved and grass) would reduce

(cont.)

or eliminate the parking that may take place on State Highway 36 by visitors to the site.

Staff is recommending approval of the additional CUP for the entire 67 acres (existing 43 acres plus proposed 24 acres) to reclassify **some** of the existing uses (as specified earlier in the report) on the property to Agricultural Entertainment Business:

1. In 2008, the City of Lake Elmo approved Ordinance 08-006 which defined Agricultural Entertainment Business and identified the use as conditionally permitted in the Agricultural and Rural Residential zoning districts.
2. The expansion of land and potential movement of existing uses would reduce the impact to adjacent neighbors.
3. The addition of the overflow parking area would take advantage of existing disrupted areas as a result of work done by Northern Natural Gas.
4. The CUP for an Agricultural Entertainment Business at this time does not permit the increase of intensity of the uses, but instead clarifies the permissible uses on the site for staff and the property owners.
6. The conditions outlined in both Section 154.018 for Conditional Use Permits and Section 154.033 for Agricultural Entertainment Businesses are met.

Staff is recommending the following uses do not meet the existing code requirements and be discontinued from the site:

- Children Activities and Games without an Agricultural component
- Seasonal Sales of fresh flower and plant material [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]
- Seasonal Sale of pumpkins [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]
- Seasonal Sale of Christmas trees [if the products are NOT produced on the premises and can NOT meet the definition of “wayside stand”]

With the following conditions:

1. The applicants must obtain any required permits from the Valley Branch Watershed District and the Minnesota Department of Transportation.
2. The designated parking area shall be 30 feet from all property lines.
3. Trash containers must be located inside or screened in an acceptable manner.
4. The property owners may allow the discharge of firearms during times and dates that the business is not open to the public. This would allow the property owners to continue utilizing their land for private hunting purposes. The discharge of weapons must be in conformance with Lake Elmo City Code requirements.
5. The property owner shall give the city permission to conduct inspections of the property in order to investigate complaints or to provide necessary updates to the city files or City Council.
6. The physical relocation of the existing greenhouse would not require a further conditional use permit amendment as the applicant has identified a future

location with this application. Instead the applicant must comply with the process outlined in Section 151.070 Plan Review.

7. If the approved activities are expanded or additional activities or buildings are added, a Conditional Use Permit Amendment must first be approved.

**Motion
Template:**

To recommend denial of the requests, you may use the following motion as a guide:

Move to recommend denial of the CUP for an Agricultural Entertainment Business for Country Sun Farms & Greenhouse on the entire 67 acres.

Move to recommend denial of the rezoning from Rural Residential to Agricultural.

Move to recommend denial of the CUP amendment request.

...(please site reasons for the recommendation)

**Approval
Motion
Template:**

To recommend approval of the requests, you may use the following motion as a guide:

Move to recommend approval of the CUP for an Agricultural Entertainment Business for Country Sun Farms & Greenhouse on the entire 67 acres with the conditions identified in the staff report.

Move to recommend approval of the rezoning from Rural Residential to Agricultural.

Move to recommend approval of the CUP amendment request with the conditions identified in the staff report.

...(use staff's findings provided or cite your own)

cc: Richard and Eileen Bergmann, applicants
Keith Bergmann

To whom it may concern:

After recent discussions with City Staff, I have prepared some additional maps of Country Sun Farm's layout, to better describe the activities taking place at Country Sun Farm.

First, we are actually asking about two different issues with respect to what we are requesting on our CUP requests. First we would like to place additional property which we own into our CUP as the highway 36, Lake Elmo Ave. intersection plans we have been looking at with the city, county and state, essentially wipe out a large portion of our property which is currently in CUP. Basically, when the project goes through, our greenhouse growing range, corn maze, and most of our petting zoo area will be part of a road system. It is for these reasons that we are requesting to add the additional land under our CUP so that when the time comes, we can make plans with the city on how to best move some of these activities from one location to another. We would like to do this at this time, and not wait for the roads to actually start pushing there way through, so that we can make better plans and preparations as we await this projects arrival and completion.

Secondly, we are asking that we be placed under the Agricultural Entertainment Business category, as it was brought to our attention that this new category was created to basically address businesses such as ours. Our current CUP does not outline very well what we are and are not allowed to do on the property, and it would seem that what we have previously been allowed to do would fit very well into this new category. Essentially we are not asking that we change anything other than to categorize our business as something which the city has recently so well defined.

Finally, the maps included:

The red highlighted area shows our existing area under the current CUP. Within this area, we grow field crops, house and care for livestock, and raise flowers. Our fall hayrides also drive around this area and show people our fields and animals, and Halloween decorations which we seasonally put up and take down.

The orange highlighted area shows where on the property we have activities and decorations for the public to walk around at their leisure and explore. Included in this area is our haunted house (which is only viewed from the outside), our petting zoo, our corn maze, the loading and unloading area for the hay ride, and area for kids activities and games.

The blue highlighted area depicts the property which we are asking be placed under our current CUP. The plans for this area would be to move some or all of the existing activities from the orange area to this location depending on what is done with the highway 36, Lake Elmo Ave. intersection project. Also, the greenhouse growing range, and some parking area would possibly have to be moved due to the road project. Finally, the hayrides would drive through fields in this area as the pick up and drop off location for the hayride would possibly also need to be moved.

The green highlighted area shows property owned by Country Sun Farm which will be maintained as a buffer area between the activities taking place at Country Sun Farm, and newly built houses in recently added developments. This land is currently in the Minnesota Land Trust, and has been set aside to perpetuate and maintain its current green space and natural elements and features.





Packing Box

Corn
Maze
Area

Concess







and walking
area building
house

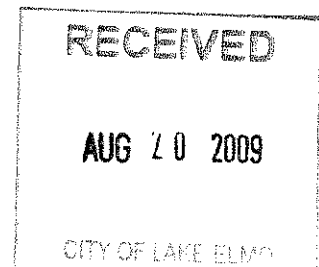
Animal Farm buildings

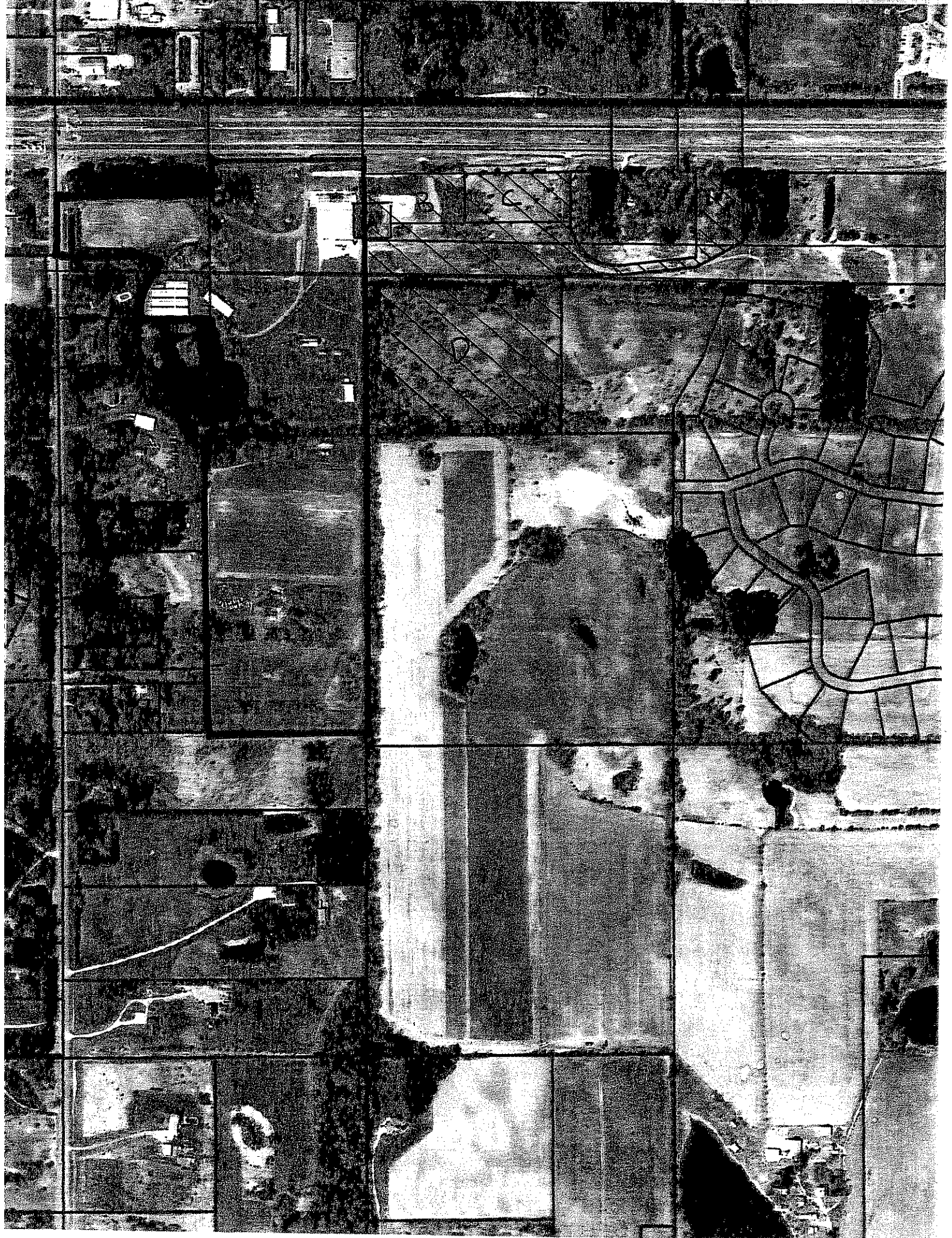
Pole Barn /
Shop Area

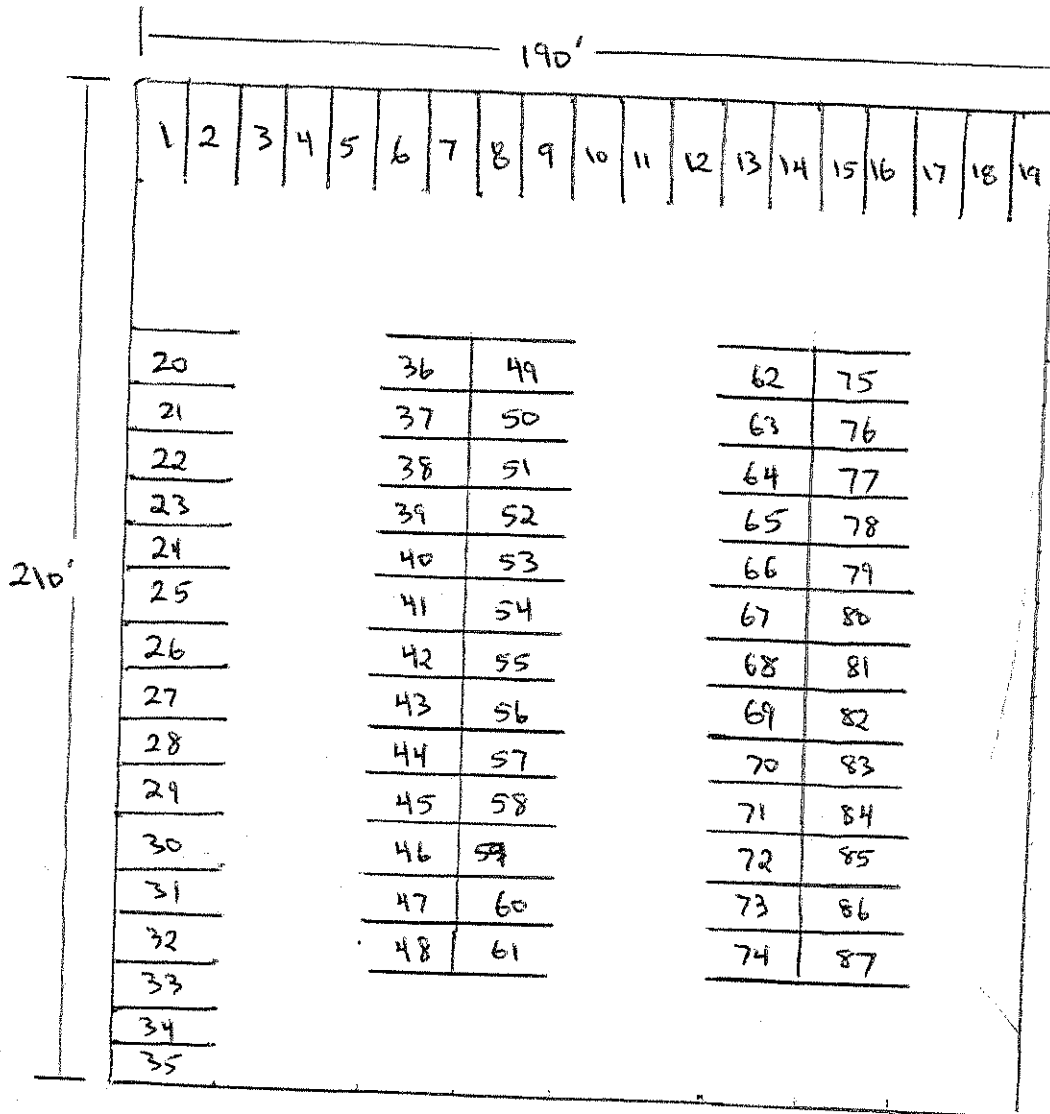
Greenhouse /
Growing
Area

Legend

-  current C.U.P. property
-  proposed property to be entered in C.U.P.
-  possible greenhouse space 150' x 144'
-  proposed overflow parking area to be covered
in crushed limestone and/or recycled pavement millings
210' x
-  proposed overflow parking area to remain grass field
210' x 350'
-  possible future corn maze / display area / hayride area







$\frac{1}{4}'' = 10'$

- B** - Proposed parking lot layout
 stall size 10' x 20'
 aisle ways 30' wide



Minnesota Department of Transportation

Metropolitan District

Waters Edge
1500 West County Road B-2
Roseville, MN 55113-3174

September 15, 2009

Mr. Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



SUBJECT: **Country Sun Farm and Garden Center**
(Mn/DOT) Review #S09-034
SE Quadrant of TH 36 and Lake Elmo Ave (CR 17)
Lake Elmo/Washington County
Control Section 8204

Dear Mr. Klatt:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above referenced site plan. Please address the following comments before any further development:

Mn/DOT supports the owner's plan for parking expansion. This should provide enough parking on site accessibility to eliminate the need for parking on the TH 36 shoulder, which has serious safety concerns. Currently, the property has right-in right-out access off TH36 as well as reasonable access off CSAH 17. Washington County has been reviewing concepts for a potential interchange at Lake Elmo Ave (CSAH17) /TH36 in the future. A future interchange at this location will impact this property and its current access locations.

Water Resources:

A Mn/DOT drainage permit will be required to ensure that current drainage rates to Mn/DOT right-of-way will not be increased. The additional parking area will add impervious surface, which could increase flow to Mn/DOT Right-of-Way. Also, with the current submittal it is unknown if any drainage work or grading is proposed on Mn/DOT Right-of-Way.

The drainage permit application along with a current plan sheets, site layout, and copies of the information listed below, should be submitted to:

Minnesota Department of Transportation
Metropolitan District - Permit Office
1500 W. County Road B-2
Roseville, MN 55113

The following information must be submitted with the drainage permit application:

- 1) A grading plan showing existing and proposed contours,
- 2) Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows,
- 3) Drainage computations for pre and post construction conditions during the 2, 10, 50 and 100 year rain events, and

4) An electronic copy of any computer modeling used for the drainage computations.

Please direct questions concerning drainage issues to Bryce Fossand (651-234-7529) or (bryce.fossand@dot.state.mn.us) of Mn/DOT's Water Resources section.

Permits:

As noted previous, a drainage permit is required. Further, any work that impacts Mn/DOT right-of-way will require a permit. Permit forms are available from MnDOT's utility website at <http://www.dot.state.mn.us/utility/forms/index.html>. Please include 1 full size plan set and 1 11x17 plan set for each application. Please direct any questions regarding permit requirements to Buck Craig, MnDOT's Metro Permits Section, at (651) 234-7911.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Reviews
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require either:

1. One (1) electronic pdf. version of the plans (the electronic version of the plan needs to be developed for 11" x 17" printable format with sufficient detail so that all features are legible);
2. Seven (7) sets of full size plans.

If submitting the plans electronically, please use the pdf. format. Mn/DOT can accept the plans via e-mail at metrodevreviews@state.mn.us provided that each separate e-mail is less than 20 megabytes. Otherwise, the plans can be submitted on a compact disk.

If you have any questions regarding this review please feel free to contact me at (651) 234-7792.

Sincerely,

Jon P. Solberg
Senior Planner



Copy via Groupwise to:

Ann Braden
Richard Scarrow
Adam Josephson
Buck Craig
Douglas Nelson
Wayne Lemaniak
Tod Sherman
Bryce Fossand

RESOLUTION
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

Document
442652
1/4/83

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT
TO Richard Bergmann - Berry Farm Greenhouse
FOR Greenhouse and sales lot
IN THE AG ZONING DISTRICT FROM JANUARY 1, 1983 through
DECEMBER 31, 1983.

WHEREAS, Richard Bergman
has applied for a Conditional Use Permit for a Greenhouse & sales lot
on S 534.9 ft of the N 925.9 ft of the W 1/2 of the NW 1/4 of
Sec. 1. T 29, R21W.

at 5833 Lake Elmo Ave. N.
in the City of Lake Elmo from January 1, 1983 through December 31,
1983; and has submitted all required information and fees for the
application for such permit; and,

WHEREAS, Section 301.070 D. 1. b. (1) and (5) of the
Municipal Code of Lake Elmo requires a Conditional Use Permit to
operate a greenhouse and sales lot
in the City of Lake Elmo; and,

WHEREAS, Sections 301.130 C. D. E. F. G.
of the Municipal Code of Lake Elmo sets forth the conditions under
which said permit may be granted and such use permitted; and,

WHEREAS, the applicant meets or exceeds all the conditions
set forth above;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the
City of Lake Elmo,

THAT, the Conditional Use Permit for a greenhouse and sales lot
at 5833 Lake Elmo Ave. N.

is hereby granted to Richard Bergman
from January 1, 1983 through December 31, 1983, subject to
the following conditions:

This Conditional Use Permit may be rescinded, after a 2 week notice and a public hearing, if the City Council finds that the public health, safety, or welfare is jeopardized.

ADOPTED, this the 4th day of January, 1983, by the City Council of the City of Lake Elmo, Washington County, Minnesota

Signed:

Maynard L. Eder
Maynard L. Eder, Mayor

Attest:

Laurence E. Whittaker
Laurence E. Whittaker
City Administrator

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-039

A RESOLUTION AMENDING THE COUNTRY SUN FARM GREENHOUSE
CONDITIONAL USE PERMIT AND APPROVING THE SECTION 520 SITE PLAN

WHEREAS, Richard Bergman, Country Sun Farm Greenhouses, at 11211 60th Street North, has made application to amend their Conditional Use Permit to add green house structures of 1,920 square feet (each) to either end (east and west) of the existing retail structure.

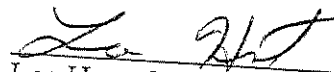
WHEREAS, at its April 26, 2004 meeting, the Planning Commission recommended approval of Richard Bergman's request to amend the Conditional Use Permit for the addition of two green houses at Country Sun Farm based on the following Findings:

1. Although the additional growing function at this facility may also result in additional retail function, the traffic safety concern is mitigated by the traffic light that is about to be installed at Highway 36 and Lake Elmo Avenue.
2. The planned addition to the facility will be used as a growing space, though it may have a duplicate retail use
3. The applicants are a family whose business is deeply rooted in agriculture. They are trying to pass on an agricultural business from one generation to another, and with the hope to pass it on to the next generation in the future. Their business is primarily growing and the sale of agricultural products grown on site.

WHEREAS, at its May 4, 2004 meeting, the Lake Elmo City Council reviewed the application for a Section 520 Site Plan amendment of Richard Bergmann and Country Sun Farm, plans staff dated April 22, 2004.

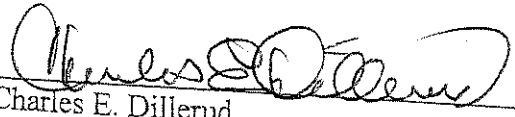
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the application of Richard Bergman, Country Sun Farm Green houses, to amend the Conditional Use Permit and Site Plan for two additions to the retail sales building of approximately 2,000 square feet each, per plans staff dated April 22, 2004, and based on the Findings recommended by the Planning Commission.

ADOPTED by the Lake Elmo City Council on the 4th day of May, 2004.



Lee Hunt, Mayor

ATTEST:



Charles E. Dillerud
Acting City Administrator

ITEM: **Proposed Revisions to the Buffer Setbacks in Open Space Preservation (OP) Developments**

SUBMITTED BY: Kelli Matzek, Planner

REVIEWED BY: Kyle Klatt, Planning Director

The City Council discussed the buffer setbacks recommended by the commission at their November 10th workshop. With two minor exceptions, the Council found the commission's recommendations appropriate. The following chart identifies the recommended buffer setbacks, with the few changes recommended by the City Council in **bold** (the N/A's were previously "0").

Recommended Buffer Setbacks in OP Developments (in feet)					
	North Edge	South Edge	West Edge	East Edge	Exception Parcel
St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shores	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Already Approved by Council; Resolution 2009 - 033					
Tana Ridge	Not addressed	Not addressed	50	50	
Parkview Estates	50; except Lot 9, Block 5 use 20 ft	Not addressed	Not addressed	50	

Additional Setback

In addition to the minor suggested changes by the Council for setbacks in the Whistling Valley I and II developments, there was a discussion regarding placing an additional, second setback. This additional setback was discussed as a way to limit structures over a certain height with the intention of requiring the homes to be built closer to the road. This would reduce or eliminate new homes from being built further back on the lot and limiting or eliminating area in the rear yard for future accessory buildings.

ACTION REQUESTED:

The Planning Commission is being asked to review recommended buffer setbacks for additional OP developments and to provide a recommendation to the City Council for future action.

ADDITIONAL INFORMATION:

- o In an effort to address denied building permits due solely to the buffer setback, on July 7, 2009, the City Council approved resolution 2009-033 reducing buffer setbacks in the Tana Ridge and Parkview Estates development. Because both developments are zoned OP and not approved as a Conditional Use Permit, a public hearing was not required. Since then, the City Attorney has advised staff to proceed with revising buffer setbacks by ordinance, thus the Tana Ridge and Parkview Estates developments are included in the proposed action.
- o The Hidden Meadows development, while an OP development, was not evaluated at this time, as the final plat for the residential lots has not been approved. The buffer setbacks can be addressed for that development at the time of final plat approval.
- o Though not required, the city mailed notices to contact points for the Homeowner Associations of the various OP developments in addition to publishing the public hearing notice in the legal newspaper and on the city’s website.
- o The variance discussed at a previous commission meeting regarding the Northwest corner lot (flag lot) in the Cardinal View development has been further researched. It was found that a building permit was issued on January 17th of 2001, a stop work letter was sent on March 15, 2001, and the Planning Commission denied the variance by Resolution 2001-023. However, the applicant appealed the denial which was then overturned by the City Council at the time with the condition that the applicant must plant trees to provide screening. The Council minutes state that “The Council noted that the ordinance requiring the 100’ setback might need to be changed.”

RECOMMENDATION:

At this time, staff is asking the Planning Commission to review the buffer setbacks outlined above and to make an official recommendation to the City Council.

ORDER OF BUSINESS:

- Introduction..... Kelli Matzek, Planner
- Report by staff..... Kelli Matzek, Planner
- 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

Planning Commission
Date: 11/23/09

AGENDA ITEM: Public Hearing on the 2010-2014 Capital Improvement Plan
SUBMITTED BY: Tom Bouthilet, Finance Director
REVIEWED BY: Bruce Messelt, City Administrator *BAM*

SUMMARY AND ACTION REQUESTED: The Planning Commission is being asked to conduct a Public Hearing and subsequently approve the 2010-2014 Capital Improvement Plan. Mr. Tom Bouthilet, the City's Finance Director, will be present to brief the Commission and assist as needed with the Public Hearing.

Recommended Motion #1: *To open and conduct a public hearing on the proposed 2010-2014 Capital Improvement Plan*

Recommended Motion #2: *To close the public hearing on the proposed 2010-2014 CIP*

Recommended Motion #3: *To forward the proposed 2010-2014 CIP and the comments received during this Public Hearing to the City Council for subsequent review, assessment and adoption.*

BACKGROUND: Attached, please find the 2010-2014 Capital Improvement Plan (CIP). MN State Statutes views the Capital Improvement Plan as an element of the Comprehensive Plan, which requires a Public Hearing by the Planning Commission and subsequent formal adoption by the City Council. Consistent with State Statute a Notice of a November 23, 2009 Public Hearing was published in the City's official newspaper.

The draft 2010-2014 CIP has been compiled by City staff, with input from the various agencies and departments, prioritized by the City Administration, initially reviewed and discussed by the City Council at a recent public Workshop, and formally reviewed and endorsed (with only minor changes) by the Parks Commission.

ADDITIONAL INFORMATION: The purpose of a Capital Improvement Program is to provide a multi-year plan of major projects and related expenditures. It is intended to be used as a tool for identifying future infrastructure projects and to prevent duplication of projects (i.e. street reconstruction project followed in a subsequent year by a water main project). The CIP is also used as a long term financial guide to identify expenditures and related funding sources.

Major projects planned for 2010 includes City's share of the Jamaca Ave Roundabout \$244,000 (primarily funded with MSA funds) along with a new City Well and Pumphouse #4 \$855,000 (Enterprise Fund-MDH low interest loan).

ATTACHMENT: Draft 2010-2014 Capital Improvement Program

DRAFT

Fund/Category	Project	Detail or Street From/To	2010	2011	2012	2013	2014	Future	Funding Source
Parks	Sunfish Lake Park	Information Kiosk	\$2,000						100% DNR
Parks	Carriage Stalton	Pathway	\$2,000						Park Dedication Fees
Parks	Lions Park	Replace Shelter, Roof	\$4,000						Park Dedication Fees
Parks	Sunfish Lake Park	Rain Gardens	\$8,500						50% From Wash, Conservation 50% Park Ded.
Parks	Sunfish Lake Park	Management Plan	\$10,000						75% Greenway, 25% Park Ded.
Parks	Sunfish Lake Park	Boulders, Gate, Landscaping	\$12,000						Park Dedication Fees
Parks	Signage	All Parks	\$13,000						Park Dedication Fees
Parks	Pebble Park	Tennis Court Resurface	\$20,000						Park Dedication Fees
Parks	Pebble Park	Convert Ballfield	\$20,000						Park Dedication Fees
Parks	DeMontreville Park	Picnic Shelter	\$45,000						Park Dedication Fees
Parks	Sunfish Lake Park	Prairie establishment	\$46,500						\$24,925 Greenway Grant 21,550 Park Ded.
Parks	Tana Ridge	Future Amenities		\$5,000					
Parks	DeMontreville Park	Resurface Basketball Court		\$5,000					
Parks	Sanctuary	Master Plan		\$5,000					
Parks	Stonagate Park	Parking Lot		\$10,000					
Parks	Sunfish Lake Park	Park Planning		\$20,000					
Parks	Heights Park	Park Development		\$25,000					
Parks	Lake Jane Hills Park	Off Leash Dog Park			\$5,000				
Parks	Sunfish Lake Park	Entrance / Interpretive signage			\$10,000				
Parks	Sunfish Lake Park	Planting / Trails			\$10,000				
Parks	Lions Park	Tennis Court			\$12,000				
Parks	Tablyn Park	Tennis Court Overlay			\$25,000				
Parks	Sunfish Lake Park	West-side Development			\$10,000				
Parks	VEW Park	Ballfield Improvements			\$25,000				
Parks	Ridge Park	Play Area Chips			\$10,000				
Parks	Sunfish Lake Park	Prairie establishment		\$5,200	\$2,000				
Parks	Sanctuary	Future Amenities		\$1,000	\$4,000				
Parks	Trail Improvements		\$50,000	\$50,000	\$50,000				
	Total Park Dedication (404)		\$233,000	\$126,200	\$128,000	\$53,000	\$53,000	\$0	
Infrastructure Reserve (409)									
Infrastructure	Per 2009 Transportation plan								
Infrastructure	Sealcoating (see 2010 detail below)		\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$148,526	General Tax Levy
Infrastructure	28TH STREET N (Gravel)	WEST END TO JAMLEY TO EAST END	\$83,811						70% Property Tax Levy; 30% Assessments
Infrastructure	57TH ST N	55TH ST TO JULIEP WAY	\$149,587						70% Property Tax Levy; 30% Assessments
Infrastructure	59RD ST N	EAST SIDE OF FOXEIRE, ADDITION TO KEATS AVE	\$128,369						70% Property Tax Levy; 30% Assessments
Infrastructure	ISLE AVE N	JAMACA AVE N TO SOUTH END	\$46,680						70% Property Tax Levy; 30% Assessments
Infrastructure	JANE RD N	JAMACA AVE N TO WEST END	\$244,007						70% Property Tax Levy; 30% Assessments
Infrastructure	JAMACA AVE ROUNDABOUT (MSAS)	JAMACA CT TO TH 5		\$262,254					70% MSA Funds; 30% Assessments
Infrastructure	KIRKWOOD LANE (Gravel)	11TH STREET TO NORTH END		\$36,245					70% Property Tax Levy; 30% Assessments
Infrastructure	LAVERNE AVE N	50TH STREET TO NORTH END		\$22,947					70% Property Tax Levy; 30% Assessments
Infrastructure	LAYTON AVE N	11TH ST N TO 12TH ST N		\$66,656					70% Property Tax Levy; 30% Assessments
Infrastructure	LEEWARD AVE N	CSAH 10 (10TH ST N) TO 11TH ST N		\$72,120					70% Property Tax Levy; 30% Assessments
Infrastructure	11TH ST N	CSAH 10 (10TH ST N) TO 12TH ST N		\$26,225					70% Property Tax Levy; 30% Assessments
Infrastructure	12TH ST N	LAVERNE AVE WEST TO CUL-DE-SAC		\$20,762					70% Property Tax Levy; 30% Assessments
Infrastructure		LAYTON AVE TO LEEWARD AVE		\$61,193					70% Property Tax Levy; 30% Assessments
Infrastructure		LAVERNE AVE TO LAYTON AVE N		\$29,504					70% Property Tax Levy; 30% Assessments
Infrastructure		WEST CUL-DE-SAC TO LAVERNE AVE		\$39,338					70% Property Tax Levy; 30% Assessments
Infrastructure		CSAH 10 (10TH ST) TO CUL-DE-SAC		\$409,773					70% MSA Funds; 30% Assessments
Infrastructure		47TH ST TO TH 36							70% Property Tax Levy; 30% Assessments
Infrastructure		TH 36 TO LINDEN AVENUE							70% Property Tax Levy; 30% Assessments
Infrastructure		DEMONTREVILLE TRAIL N TO CUL-DE-SAC							70% Property Tax Levy; 30% Assessments
Infrastructure		HIGHLANDS TRAIL N TO 59TH ST N							70% Property Tax Levy; 30% Assessments
Infrastructure		HYTRAIL AVE N							70% Property Tax Levy; 30% Assessments
Infrastructure		59TH ST N							70% Property Tax Levy; 30% Assessments
Infrastructure		59TH ST N							70% Property Tax Levy; 30% Assessments
Infrastructure		HIGHLANDS TRL N							70% Property Tax Levy; 30% Assessments
Infrastructure		HIGHLANDS TRL N							70% Property Tax Levy; 30% Assessments
Infrastructure		HIGHLANDS TRL N							70% Property Tax Levy; 30% Assessments
Infrastructure		HIGHLANDS TRL N							70% Property Tax Levy; 30% Assessments
Infrastructure		DEMONTREVILLE TRAIL N TO HYTRAIL N							70% Property Tax Levy; 30% Assessments
Infrastructure		HIGHLANDS COURT N TO HYTRAIL N							70% Property Tax Levy; 30% Assessments
Infrastructure		59TH ST N TO HIGHLANDS COURT N							70% Property Tax Levy; 30% Assessments
Infrastructure		MN TH 36 TO 59TH ST N							70% Property Tax Levy; 30% Assessments
Infrastructure		DEMONTREVILLE TRAIL PLACE TO CUL-DE-SAC							70% Property Tax Levy; 30% Assessments
Infrastructure		DEMONTREVILLE TRAIL CIR N							70% Property Tax Levy; 30% Assessments

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Fund/Category	Project	Detail or Street From/To	2010	2011	2012	2013	2014	Future	Funding Source
Infrastructure	DEMONTREVILLE TRAIL PL N	DEMONTREVILLE TRAIL CT TO CUL-DE-SAC			\$12,381				70% Property Tax Levy; 30% Assessments
Infrastructure	50TH/KIMBRO AVENUE (MSAS)	47TH ST TO CSAH 17			\$1,029,841				70% MSA Funds; 30% Assessments
Infrastructure	KELVIN AVE N	NEW SUBDIVISION ROAD TO STILLWATER LANE				\$44,052			70% Property Tax Levy; 30% Assessments
Infrastructure	37TH ST N	MN TH 5 (STILLWATER BLVD) TO STILLWATER LANE N				\$19,708			70% Property Tax Levy; 30% Assessments
Infrastructure	36TH ST N	JAMACA AVE TO IRWIN AVE				\$64,919			70% Property Tax Levy; 30% Assessments
Infrastructure	38TH ST N	JAMACA AVE TO IRWIN AVE				\$106,653			70% Property Tax Levy; 30% Assessments
Infrastructure	39TH ST N	CSAH 13 (IDEAL AVE) TO INNSDALE AVE N				\$26,663			70% Property Tax Levy; 30% Assessments
Infrastructure	INNSDALE AVE N	CSAH 13 (IDEAL AVE) TO INNSDALE AVE N				\$16,230			70% Property Tax Levy; 30% Assessments
Infrastructure	DEER POND TRL N	HIDDEN BAY TRAIL TO DEER POND COURT				\$41,734			70% Property Tax Levy; 30% Assessments
Infrastructure	DEER POND TRL N	DEER POND COURT TO JACK PINE TRAIL				\$33,619			70% Property Tax Levy; 30% Assessments
Infrastructure	DEER POND CT N	DEER POND TRAIL TO SOUTH END				\$602,823			70% MSA Funds; 30% Assessments
Infrastructure	20TH ST/MANNING TRL (MSAS)	CSAH 17 TO MANNING AVENUE					\$445,000		70% Property Tax Levy; 30% Assessments
Infrastructure	9TH ST & JASMINE AVE N. & JASMINE P	STONEGATE 1ST ADD.					\$3,800,000		20% MSA Funds 80% Property & Assessments
Infrastructure	OLD VILLAGE STREET & STORM	SOUTH OF RR TRACKS					\$3,900,000		47% MSA Funds 53% Property & Assessments
Infrastructure	OLD VILLAGE STREET & STORM	NORTH OF RR TRACKS							
Total Infrastructure Reserve (409)			\$777,454	\$1,174,017	\$1,865,038	\$1,252,973	\$570,000	\$7,848,526	
Capital Acquisitions (410)									
Information Technology	City Hall network		\$2,500						Capital Fund Balance
Information Technology	Replacement equipment		\$6,800						Capital Fund Balance
Information Technology	License updates		\$2,000						Capital Fund Balance
Information Technology	Finance software upgrade		\$14,900						Capital Fund Balance
Building	Bidg Permit Upgrade		\$6,500						Capital Fund Balance
Fire	Upgrade to Station 1		\$28,000						Capital Fund Balance
Fire	Upgrade to Station 2		\$35,000						Capital Fund Balance
Fire	2 sets turnout gear		\$3,600						Capital Fund Balance
Public Works	Pick-up Truck		\$35,000						Capital Fund Balance
Information Technology	Replacement equipment			\$12,000					Capital Fund Balance
Information Technology	License updates			\$2,000					Capital Fund Balance
Information Technology	Finance software upgrade			\$5,000					Capital Fund Balance
Fire	Replace duty car			\$35,000					Capital Fund Balance
Fire	2 sets turnout gear			\$12,000					Capital Fund Balance
Information Technology	Replacement equipment			\$2,000					Capital Fund Balance
Information Technology	License updates			\$5,000					Capital Fund Balance
Information Technology	Finance software upgrade			\$35,000					Capital Fund Balance
Fire	2 sets turnout gear			\$3,600					Capital Fund Balance
Public Works	Single/landem dump truck				\$12,000				Capital Fund Balance
Information Technology	Replacement equipment			\$2,000					Capital Fund Balance
Information Technology	License updates			\$5,000					Capital Fund Balance
Information Technology	Finance software upgrade			\$3,600					Capital Fund Balance
Fire	2 sets turnout gear			\$49,900					Capital Fund Balance
Public Works	Mini excavator				\$25,000				Capital Fund Balance
Information Technology	Replacement equipment			\$2,000					Capital Fund Balance
Information Technology	License updates			\$5,000					Capital Fund Balance
Information Technology	Finance software upgrade			\$3,600					Capital Fund Balance
Public Works	Upgrade Skid Steer to Dedicated Track				\$12,000				Capital Fund Balance
Fire	2 sets turnout gear			\$2,000					Capital Fund Balance
Fire	Ladder truck			\$5,000					Capital Fund Balance
Fire	Heavy rescue vehicle			\$10,000					Capital Fund Balance
Public Works	2 Leptops for Trucks			\$3,600					Capital Fund Balance
Public Works	Mower				\$850,000				New Equipment Certificates paid by property taxes
Total Capital Acquisitions (410)			\$134,300	\$57,600	\$212,600	\$85,500	\$32,600	\$425,000	New Equipment Certificates paid by property taxes
City Facilities (411)								\$6,500	Capital Fund Balance
City Facilities (411)		Undesignated City Facilities Improvements						\$45,000	Capital Fund Balance
City Hall		New City Hall site acquisition, if needed						\$250,000	TBD
City Hall		New City Hall building plans/specifications						\$250,000	TBD
City Hall		New City Hall construction						\$4,000,000	New bonds paid by property taxes
Fire		New fire station site acquisition, if needed						\$500,000	New bonds paid by property taxes
Fire		New fire station construction						\$4,000,000	New bonds paid by property taxes

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Fund/Category	Project	Detail or Street From/To	2010	2011	2012	2013	2014	Future	Funding Source
	CHERRYWOOD TRL N	BIRCH BARK TRAIL TO HIDDEN BAY TRAIL							
	DEER POND TRL N	WINDBREAK TRAIL N TO HIDDENBAY TRAIL							
	DEER POND TRL N	JACK PINE TRAIL TO WINDBREAK TRAIL							
	IMPERIAL AVE N	27TH ST TO NORTH CUL-DE-SAC							
	IMPERIAL AVE N	SOUTH STUB TO 26TH ST							
	IMPERIAL AVE N	26TH ST TO 27TH ST							
	INNSDALE AVE N	CSAH 6 (STILLWATER BLVD) TO SOUTH CUL-DE-SAC							
	INNSDALE AVE N	27TH ST TO SOUTH CUL-DE-SAC							
	INWOOD AVE N	CSAH 6 (STILLWATER BLVD) TO NORTH CUL-DE-SAC							
	JACK PINE TRL N	DEER POND TRAIL TO WINDBREAK TRAIL							
	WINDBREAK TRL N	JACK PINE TRAIL TO DEER POND TRAIL							
	WINDBREAK TRL N	HIDDEN BAY TRAIL TO JACK PINE TRAIL							
	42ND ST N	JAMACA AVE TO IVY AVE N							
	42ND ST N	LAKE JANE TRAIL TO IRVIN CIRCLE N							
	42ND ST N	IVY COURT N TO ISLE AVE N							
	42ND ST N	IRVIN CIRCLE N TO ISLE AVE N							
	JAMACA AVE N	LAKE JANE TRAIL TO 42ND ST N							
	JAMACA AVE N	42ND ST N TO 37TH ST N							
	JAMACA AVE N	37TH ST N TO 36TH ST N							
	JAMACA AVE N	36TH ST N TO 35TH ST N							
	JAMACA AVE N	35TH ST N TO JAMACA CT N							
	LAKE JANE TRL N	IRISH CT N TO JAMACA AVE N							
	LAKE JANE TRL N	IRISH CT N TO IRVIN CT N							
	LAKE JANE TRL N	CSAH 13 (IDEAL AVE) TO IRISH CT N							

Planning Commission
 Date: 11/23/09
 Item: 5a
 Regular

ITEM: Planning Commissioner Terms – Informational Item
 SUBMITTED BY: Kelli Matzek, City Planner
 REVIEWED BY: Kyle Klatt, Planning Director
 Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED:

Updated Commissioner Term Chart

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 31st of a given year.

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.

Commissioner	Term Expires	Eligible to reapply for 3 year term
Joan Ziertman	12/31/2009	Yes, (Serving 1 year term as FVM; could serve two additional three year terms as FVM)
Brenda Anderson (1 st Term)	12/31/2010	Yes
Greg Hall (1 st Term)	12/31/2010	Yes
Laurie McGinnis (1 st Term)	12/31/2010	Yes
Thomas Bidon (finish Todd Ptacek’s term)	12/31/2010	Yes, (was alternate, could serve two additional three year terms as FVM)
Robert Van Zandt (2 nd term)	12/31/2010	No, (could not serve again consecutively as a FVM, unless approved so by Council)
Julie Fliflet (2 nd Term)	12/31/2011	No, (reappointed to 2 nd term in Jan 2009; could not serve again consecutively as FVM, unless approved so by Council)
Mike Pearson (1 st Term)	12/31/2011	Yes, (was alternate, became FVM in Jan 2009)
Saleh Van Erem (1 st Term)	12/31/2011	Yes
Steve Britz (1 st Alt.)		
Todd Williams (2 nd Alt.)		

Commissioner Ziertman’s term is expiring at the end of this year as she is finishing the term of a previous commissioner. Therefore, this is not considered her first full “term.”

The City Council will consider her reappointment, if she so chooses, at their December 15th meeting.