



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615
www.LakeElmo.Org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, March 13, 2006, at 7:00 p.m.

AGENDA

1. Agenda Approval
2. Minutes
 - a. February 27, 2006
3. PUBLIC HEARING: Variance ~ Septic within house setback
4. PUBLIC HEARING: Consider Code Amendment - Home Occupations
5. PUBLIC HEARING: Consider Code Amendment – Wedding Ceremonies in AG Zoning District
6. City Council Update
7. Adjourn

The public is invited to attend.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: March 9, 2006 for the Meeting of March 13, 2006

Applicant: Scharrer

Location: 7949 Hill Trail

Requested Action: Septic System Setback Variance

Land Use Plan Guiding: SRD

Existing Zoning: R-1

Site History and Existing Conditions:

City records reveal that a home was constructed on this 27,500 square foot parcel in 1976. In 1982 a permit was issued for a "basement finish", and later a permit was issued for a deck addition. No planning zoning applications are of record on this site. It appears that the original 1976 septic system is still in service.

Discussion and Analysis:

The applicant advises that the existing drain field on the site has reached the end of its useful life. The applicant needs to install additional septic tankage and a new drain field. The applicant further advises that the septic designer reports that the only available location on the site for a drain field of the required size will place the end of the new drain field within 15 feet of the existing home where Section 700 of the City Code prescribes a minimum 20 foot setback from structures.

Section 700 of the City Code provides that variances from the standards prescribed for private septic systems may be considered by the City. Those variances must be processed in the same manner as zoning ordinance variances – hence the Hearing before the Planning Commission. Presumably the same hardship standards apply with septic variances as with zoning variances.

Findings and Recommendations:

Staff review of the proposal for replacement septic treatment has addressed two primary questions:

1. Is there another location on the site where the new drain field could be located, and no setback variance be required?
2. Is a mound system an alternative that will eliminate the need for a setback variance?

If either answer is in the affirmative, a hardship will be difficult to find in this case.

We have spoken with the applicant regarding both questions. The applicant states (and we do not have any information to counter this) that existing tree cover and the well location behind the house preclude a drain field there. The well setback of 50 feet alone limits where the drainfield could be located.

There would appear to be an option of using a mound system, thereby reducing the areal extent of the "drain field" and attaining the 20 foot set back from the house. Use of mound system waste treatment has not been a preferred solution in Lake Elmo, and was not even legally possible until 2000 when the City Code was amended consistent with Minnesota Rules 7080 in that regard. Even then, mound systems (with their inherent tendency to freeze, and other potential issues) are generally considered the solution of last resort in Lake Elmo.

Based on the foregoing it appears to staff that Findings to support a hardship can be made in this case, as follow:

1. The property can not be put to reasonable use without the granting of the variance requested. The existing home must be served with private septic and a new drain field location is required.
2. The variance requested results from circumstances unique to properties where historic platting has resulted in parcel area insufficient to support proper septic system replacements without variance from septic setback standards adopted after the parcels were platted and homes constructed.
3. Granting of the variance will not change the essential character of the neighborhood.

Planning Commission Actions Requested:

Motion to recommend approval of a variance at 7949 Hill Trail to construct a replacement septic drain field within 15 feet of an existing structure where a 20 foot setback is required by Section 700 of the City Code based on plans staff-dated March 9, 2006, and the Findings of the Planning Staff Report of March 9, 2006.



Charles E. Dillerud, City Planner

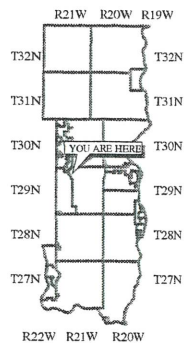
Attachments:

1. Location Map
2. Air Photo
3. Applicant's Documentation

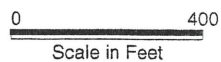
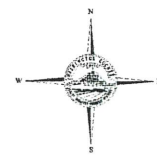
LAKE DEMONTREVILLE

LAKE DEMONTREVILLE

SITE



Vicinity Map

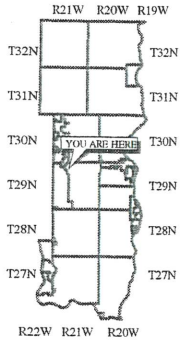


This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

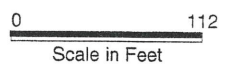
Source: Washington County Surveyor's Office. Phone (651) 430-6675

Parcel data based on AS400 information

Location Map



Vicinity Map



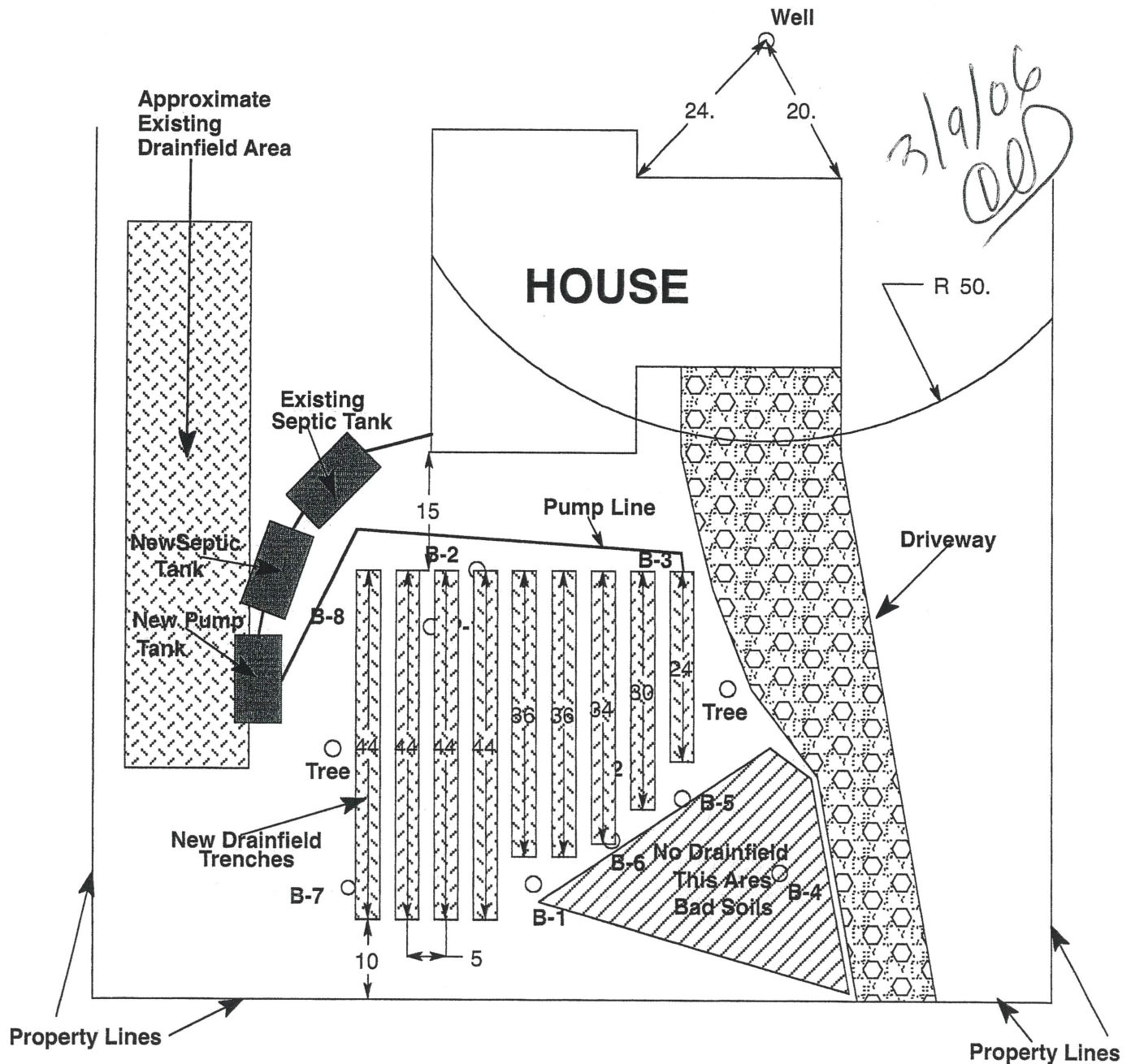
Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.
Phone (651) 430-6875

Parcel data based on AS400 information

New System Design



7949 Hill Trail

SCALE: 1"=20'

March 9, 2006

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Home Businesses

As we advised the Commission on February 27, a Notice of Public Hearing has been published to consider Zoning Ordinance amendments related to the regulation of home businesses. Following the Commission's discussion and motions of direction on February 27 (and discussion with the City Attorney) staff has re-structured the regulatory approach to the subject as follows:

1. Amending Section 150 of the City Code (Definitions) to delete the existing "Home Occupation" definition and add definitions for "Home Office" and "Home Based Business". This is not a Zoning Ordinance amendment – simply a City Code amendment.
2. Adding a new Section 1115 to the Licensing chapter of the City Code that prescribes the procedures and standards for licensing a Home Based Business. (not Home Offices). This is not a Zoning Ordinance amendment – simply a City Code amendment.
3. Amending 7 paragraphs of the Zoning Ordinance, by substituting "Home Offices" and "Home Based Businesses" (as regulated by Section 1115) for Home Occupations" as Accessory Uses in the AG, RR, R-1, R-2 and RE zoning districts; and adding those as Accessory Uses to the R-3 and R-4 districts. "Home Occupations" are not now listed in the R-3 and R-4 districts. This is a Zoning Ordinance Amendment, and the only official subjects of the Hearing that has been Noticed.

We believe we have structured the subject in the manner the Commission has unanimously directed. Yet, with a subject as potentially complex (and even contemporary and contentious) as regulating home businesses, we concede that the subject may still need massaging. Once the Hearing has been completed Commission action is requested to either transmit the entire package of amendments to the City Council (either as written or with minor modifications). If the Commission desires major modifications, we recommend that the matter be referred back to the staff with specific drafting direction.

New Definitions Added to Section 150 – Repeal “Home Occupation” Definition

Home Based Business

Any gainful occupation or profession engaged in by an owner/occupant of a dwelling when carried on totally within a dwelling unit or in an accessory building, and entrance to the home occupation is or can be obtained from within the structure. A home based business shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by Minnesota 13§609.33 Subdivision 1, or similar uses.

Home Office

Any gainful occupation or profession engaged in only by an owner and full time occupant of a dwelling when carried on totally within a dwelling unit and entrance to the home office is or can be obtained from within the structure. There shall be no business-related deliveries, no non-resident employees, no business related vehicles, no signage of any type, no external evidence of a business, no keeping of stock- in-trade and no customer visits to the site.

DRAFT – March 9, 2006

Section 1115 – Home Based Businesses

Subd. 1 Purpose and Intent

The City of Lake Elmo recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes use of residences for limited business purposes, when such business use is appropriately regulated, may result in a reduction of vehicle trips on City streets as well as economic benefit to City residents. It is therefore the purpose and intent of this Section to allow the use of residences for limited business purposes while regulating such business use in a manner that precludes such business use from becoming a nuisance to neighboring residential property owners; and preserving the distinction between residential and commercial zoning districts.

Subd.2 Home Based Business and Home Office

Licensing responsive to this Section shall be applicable to Home Based Businesses, but not to Home Offices, as both are defined by Section 150 of this City Code.

Subd. 3 Licensing Procedures

Property owners conducting or proposing to conduct a Home Based Business as defined by Section 150 of the City Code shall make application for a Home Based Business License in a form prescribed by the City Administrator. The City Administrator shall make a determination regarding compliance of the Home Based Business with the standards herein prescribed within 30 days of submission of a complete license application. A decision of the City Administrator regarding the issuance of a Home Based Business may be appealed to the Board of Adjustments and Appeals as prescribed by Section 200.01 of the City Code.

Subd. 4 License Fee

The City Council shall, from time to time, establish a Home Based Business license fee in a sufficient amount to fully compensate the City for costs of processing the license application.

Subd. 5 Term of License and Revocation/Suspension

Upon issuance, a first license to conduct a Home Based Business shall remain in effect indefinitely unless suspended or revoked by the City Administrator for cause. The City Administrator may suspend or revoke a Home Based Business license upon a finding that the licensee fails to comply with the Home Based Business Performance Standards specified by this Section. A decision by the City Administrator to

suspend revoke a Home Based Business license may be appealed by the licensee to the Board of Adjustments and Appeals as prescribed by Section 200.01 of the City Code.

Subd. 6 Home Based Business Performance Standards

Review of applications for Home Based Business licensing and subsequent determinations regarding revocation of a Home Based Business license shall be based on the initial and continued compliance of a Home Based Business on the following Performance Standards:

1. Tax Class Status The property must be classified as Homestead by the Washington County Assessor.

2. Impact on Adjacent Properties The home based business shall have no adverse affect on adjacent properties due to traffic or offensive noise, light, odor, dust or other noxious substances, as may be defined elsewhere in the City Code.

3. Exterior Appearance There shall be no exterior evidence that a building is being used for any purpose other than as a residential dwelling or permitted accessory structure.

4. Number of Businesses More than one home based business is allowed, however the combined impact shall be considered when evaluating the terms of the Conditional Use Permit.

5. Residency A full-time resident of the property must conduct the business.

6. Non-resident Employees There shall be employees on site that are not full time residents of the residence.

7. Business Vehicles A maximum of 3 business vehicles may be on site at any time. Said vehicles must be in compliance with City Code regulations regarding the maximum size of vehicles permitted to be parked in residential zones.

8. Customer Visits to Site Permitted only where specified by the Home Based Business license.

9. Deliveries to Site No more than six delivery/pickup trips per week. Delivery vehicles shall not be larger than a typical step van.

10. Storage Related to the Home Based Business All storage of equipment, material or stock must take place within a fully enclosed and roofed structure.

11. Off-Street Parking When customer site visits are specifically allowed by the Home Based Business license, adequate off Street Parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding neighborhood.

12. Specific Prohibitions Exterior Business use, storage, or equipment, except vehicles as otherwise regulated; signage of any type related to the Home Based Business. Any noise, odor, vibration, light, glare, and/or electromagnetic interference as defined and regulated by the City Code and State Rules or Statute.

HEARING DRAFT

Zoning Ordinance Text Amendments – Home Offices/Home Based Businesses

1. Amend Section 300.07 Subdivision 4A 3 (AG Accessory Uses) to delete subparagraph c. “Home Occupations”, and add: “c. Home Offices as defined by Section 150.” And “d. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”
2. Amend Section 300.07, Subdivision 4B2 (RR Accessory Uses) to delete subparagraph b. “Home Occupations”, and add: “b. Home Offices as defined by Section 150.” And “c. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”
3. Amend Section 300.07, Subdivision 4C2 (R-1 Accessory Uses) to delete subparagraph d. “Home Occupations”, and add: “d. Home Offices as defined by Section 150.” And “e. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”
4. Amend Section 300.07, Subdivision 4D2 (R-2 Accessory Uses) to delete subparagraph d. “Home Occupations”, and add: “d. Home Offices as defined by Section 150.” And “e. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”
5. Amend Section 300.07, Subdivision 4E2 (R-3 Accessory Uses) to add: “g. Home Offices as defined by Section 150.” And “h. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”
6. Amend Section 300.07, Subdivision 4F2 (R-4 Accessory Uses) to add: “c. Home Offices as defined by Section 150.” And “d. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”
7. Amend Section 300.07, Subdivision 4DG2 (RE Accessory Uses) to delete subparagraph a.iii. “Home Occupations”, and add: “iii. Home Offices as defined by Section 150.” And “iv. Home Based Businesses as defined by Section 150 and as regulated by Section 1115.”

MEMO

(March 9, 2006 for the Meeting of March 13, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Zoning Ordinance Text Amendment – Commercial Outdoor Social Events

As directed by the Commission on February 27, 2006, staff has published an Official Notice of a Public Hearing to consider amendment to the Zoning Ordinance text to allow issuance of a Conditional Use Permit in the AG zoning district for commercial outdoor social events as requested by a Lake Elmo property owner. We have attached a HEARING DRAFT of how such an amendment could appear – using the content suggestions of Commissioner Armstrong from the February 27, 2006 Commission Minutes (and a couple of additional restrictions).

Please note that this addition to the list of AG Conditional Uses is structured differently than the other CUP uses on the list with “Required Conditions”. This is preferred zoning practice to provide the Public and applicants advance notice of minimal CUP conditions that are expected. That does not, however, preclude the staff from recommending and the Commission and/or City Council from including additional conditions found to be necessary to preserve the Public health, safety and general welfare – or, denying a CUP on the basis that those same concerns can not be reasonably assured. An applicant simply meeting those required conditions does not mean automatic CUP approval, nor if the CUP is approved, additional conditions.

Following the public Hearing Commission action is requested to either recommend a disposition (approve or not) of the proposed amendment to the City Council, or; refer the proposed amendment back to the staff for further work.

March 9, 2006

Draft ZO Amendment – Commercial Outdoor Social Events

Amend Section 300.0t Subdivision 4A2 (Conditional Uses) by adding:

- h. Commercial Outdoor Social Events, subject to the following required conditions:
 - i. A site tax parcel area not less than 10 acres.
 - ii. No existing permanent or newly constructed structures may be used.
 - iii. Events limited to twice weekly during the months of May to October.
 - iv. Attendance at events shall be limited to 200, including event staff.
 - v. No amplified sound (music or voice) is permitted.
 - vi. Events are limited to 6 hours each - not concurrent.
 - vii. All parking shall be off-street, and shall be set back and/or adequately screened from adjoining properties.
 - viii. No event shall continue later than 10:00 PM.
 - ix. On-site portable sanitation adequately sized for the events.

**City of Lake Elmo
Planning Commission Meeting
Minutes of February 27, 2006**

DRAFT

*Distributed at PZ Meeting on
3/13/06. KAA.*

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Van Zandt, Deziel, Ptacek, Fliflet, Armstrong, Pelletier, and Park (7:12 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston.

Agenda

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

Minutes of February 13, 2006

Commissioner Ptacek, Page 3, the motion made by Armstrong/Fliflet, Ptacek should replace Pelletier under the Nay votes.

Commissioner Pelletier, The vote that was 8:1 Nay – Fliflet, for the drive-up window, should be 7:2 Nay – Fliflet and Pelletier- Commissioner Fliflet stated that her nay vote was because the restaurant owner requesting this amendment had inferred his disinterest in anything other than a message board and intercom. The Commission voted against those so she sees no need to add verbiage relating to a drive up window since there is no need and no applicant.

M/S/P, Ptacek/Van Zandt to accept the Minutes of February 13, 2006 as amended. Vote: 8:0.

Home Occupations

The Planner said he published a hearing notice for March 13, 2006. Discussion will take place this evening. He said he was discomfited with some wording in the example code. He phoned the City Attorney to ask if there had been challenges to that wording (“... adverse affect on adjacent properties.” “... adequate off-street parking must be provided...”) in Shoreview. There have been no challenges.

Commissioner Fliflet suggested a change under Prohibited Businesses “... due to traffic.” Maybe traffic should be removed because it is covered in other boxes.

The Planner suggested “as may be defined elsewhere by applicable city codes.” as potential language .

Commissioner Lyzenga asked for clarification about how Home Occupation is defined now.

The Planner said what is in Section 150 of the City Code is inadequate and that is prompting this change. He referred the Commission to the Section 150 Home Occupation which was attached to the staff memo in their agenda packets.

Commissioner Lyzenga said that the present Home Occupati9on definition seems to cover what needs to be covered.

The Planner said “stock in trade” stored on the premises seems to have been the primary issue prompting this review by the Commission, but that the concept of regulating land use by definition only is inappropriate practice.

Mayor Johnston reported to the Commission that the Home Occupation issue has been discussed at Council meetings.

Commissioner Armstrong asked if the staff's intent is to replace Section 150 Definitions.

The Planner said he planned to divide the Home Occupation definition into two new definitions: "Home Office" and "Home Based Business" .

Commissioner Armstrong said he does not want to completely eliminate some of the clauses in the current Home Occupation definition that do work well. Set up a permitting process but what will the difference be in permitting between home offices and home based businesses.?

Commissioner Ptacek said that for him the distinction was between goods and services. The storage of stock in trade seemed to be the problem at the Council but with no exterior evidence of the storage or use , he did not see a concern.

Commissioner Deziel said the approach under consideration could result in the need for a permit for a Tupperware Party.

Commissioner Fliflet considered a Home Occupation as a person working from home at their computer. No customers, delivery, parking, etc. Everything else could be a home-based business regardless of the size.

The Planner said Home Offices could be permitted in all zones, Home-based Businesses could be limited to AG and RR Zones, since larger properties presented less concern for impact on adjacent property owners.

Chairman Helwig said he agreed with Commissioner Armstrong about the value of the present Home Occupation definition. He suggested using the definition, taking out objectionable items.

Commissioner Armstrong asked about a home office sales rep where the principal location for a business in the home. He said we are dealing with a situation where a home is the only primary location for a business, and the homeowners is deducting a portion of the home for taxes, etc. He suggested treating all zones treated equally, and maintaining some of the Home Occupation definition.

Chairman Helwig asked about service companies, lawn care, plumber, snow plowing. Need to fit that into the scheme. Equipment and stock in trade are the concerns.

Commissioner Ptacek said customers coming and going and stock in trade are the concerns.

The Planner said if nobody can see stock-in-trade, and we are controlling deliveries, what is the problem?

Mayor Johnston said the Council discussed this and three members provided written input and a fourth gave a verbal statement. Over the counter retail sales and warehousing were undesirable. A reasonable control of over the counter sales may be a dollar minimum or 100 square feet. If you don't put in some restrictions you are ignoring the requests of 4/5 of Council. That was a strong desire from the Council.

Commissioner Ptacek said he does not understand the negative impact of warehousing if a neighbor cannot see it, touch it, or smell it.

Commissioner Pelletier said it would be crazy to try to regulate that.

Mayor Johnston said we are talking about an exchange of payment for goods on hand. A retail sporting goods business operated in this city. The philosophy is if we allow large square footages for storage of stock in trade, eventually neighborhoods change because we are providing incentive.

Commissioner Van Zandt said there are two major holiday boutiques in the city where more than half the house is used to display stock. Those events are assets to the community. There should be a distinction between ongoing versus seasonal or sporadic. Parking is a problem during those times.

Commissioner Lyzenga said there could be dollar threshold, the generation of revenue. It is simply an enforcement tool. A business owner could be asked to produce a tax return.

Chairman Helwig pointed out that gemstones have high value but little pieces that could fit into one drawer in the home.

Commissioner Fliflet said if a neighbor is not bothered, we should not regulate it? If a basement is completely full of stuff it does not affect anyone. Deliveries and traffic affect neighbors.

Commissioner Deziel asked the difference between step-vans and vehicles with customers.

Commissioner Fliflet said nothing larger than a step-van to make deliveries of product. Number of trips and traffic are the concern.

Commissioner Deziel said he has six customers per year. We should have safe harbors of storage volume, over the counter sales, customers and deliveries, and anything in excess of those safe harbors requires a permit.

Commissioner Lyzenga questioned whether it would be enforceable. Who is going to make the judgment and do the investigation? Keep it generic and put in some measurements. The tool triggers a complaint going to court. Keep it simple.

Commissioner Deziel agreed that a tax return would be subpoenaable along with other business records. There should be reasonably low thresholds.

The Planner said if it is structured to be enforced by the next door neighbor then that is not a good ordinance.

M/S, Ptacek/Van Zandt to move forward with table as presented and redefine Home Occupation as stated with elimination of "no stock in trade to be stored on the premises" and "no over the counter retail sales" without eliminating the ability to have a home party.

MOTION WITHDRAWN

M/S/P, Ptacek/Fliflet to redefine Section 150 - Home Occupation striking two phrases "no stock in trade to be stored on the premises" and "no over the counter retail sales." Vote: 9:0.

M/S/P Armstrong/Fliflet to combine the two columns for Home Occupations into one. Vote: 9:0.

M/S/P, Armstrong/Deziel to establish safe harbor criteria for a Home Office as home-based, no sales, stock, or customers, and it will need no permit. Vote: 9:0.

M/S/P Armstrong/Fliflet any Home-based Business not qualifying for the safe harbor needs a one time Administrative Permit registering the business with the City of Lake Elmo. Vote: 9:0.

The Planner will draft text accordingly and present it to the Commission for the Public Hearing of March 13, 2006.

Commissioner Fliflet said that parking should be no more than three spaces like in the existing definition.

Wedding Ceremonies in AG Zoning District

The Planner said he has been trying to get a handle on this use since the interested Lake Elmo party has reported that a similar use is regulated in Stillwater.

Commissioner Ptacek said the concern is alcohol for money.

The Planner said that liquor licensing is a separate issue granted by City Council on a case by case basis.

Chairman Helwig's concerns were for parking, sanitary, and noise. He asked if they wanted a bad weather shelter.

Commissioner Deziel suggested that an event or two special occasions could be permitted but a regular establishment with permanent or semi-permanent structures would be more restricted.

Commissioner Armstrong suggested adding Weddings to the CUP list under AG. H, Outdoor social events limited from May to October no more than twice per week, no excessive noise, no more than 200 people, all off street parking, no permanent structures, adequate portable sanitation, no more than six hours per each event, no later than midnight, and maybe screening or proximity to neighbors.

Commissioner Training Dates

Bob Van Zandt and Nicole Park have had no Planning training. They can choose April 12 or June 15 for an entire day session at the Extension Service at St. Paul Campus. Staff will advise Laurie McGinnis too. 9 am to 4:30 pm.

City Council Updates

No planning items were on the last agenda.

Employee and Volunteer Recognition Dinner is planned for March 10, 2006 at 6:30 p.m. at Tartan Park Clubhouse.

Adjourned 8:21 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

*Distributed at PZ Meeting
on 3/13/06. KAA*

TO: Lake Elmo Planning Commission

FROM: Carol Palmquist

DATE: February 27, 2006

RE: Follow-up, Vineyard Weddings

RECEIVED
MAR 01 2006

At the January 23, 2006 meeting of the Lake Elmo Planning Commission, the following questions were raised relative to proposed weddings in my vineyard:

1. PARKING: All parking will be contained within my property lines. Specifically, at the south End of the field.
2. NOISE: We will abide by the Lake Elmo Noise Ordinance. We want to be respectful of our Neighbors, and plan to cease music by 10:00 PM.
3. STRUCTURES: No permanent structures are to be constructed. Tents will be rented from a local vendor.
4. HOURS OF OPERATION: Weddings and receptions may occur from 10:00AM-10:00PM.
5. FREQUENCY: Initially, one wedding and reception per weekend.
6. LIQUOR LICENSE: To be held by Northern Vineyards Winery.
7. SECURITY: To be provided by Northern Vineyards Winery.
8. RESTROOM FACILITIES: To be rented per event.

The original letter of request is attached for your re-review.

We are happy to address any other questions/concerns which may arise.

CC: Chuck Dillerud



RECEIVED
JAN 09 2006

January 9, 2006

Dear Mr. Dillerud:

Following our meeting of 1/9/06 and as you recommended, I am requesting an opinion as to a proposed use of my property. The property is zoned Agriculture and I currently operate a vineyard, growing grapes for Northern Vineyards Winery, a cooperative winery in Stillwater.

Northern Vineyards produces and sells wine at its winery premises, and also allows the premises to be used for special events such as plays, parties, showers, weddings, and receptions. The winery has had requests from couples planning weddings to hold an outdoor ceremony and reception in a vineyard, and I have agreed that my property could be made available for them.

There is a field access directly off of 55th Street, so parking will be provided on my property. Facilities for the events would be rented portables such as tents, tables and chairs, and restrooms. Winery staff would be responsible for setting up and clearing away temporary facilities. Food service, if any, would be catered in, and beverage service of wine, beer, and non-alcoholic beverages would be provided by Northern Vineyards. Northern Vineyards will be properly licensed and insured.

The primary use of my vineyard remains that of growing grapes. Does this occasional use of the vineyard, as described above, qualify as an accessory use for property zoned as Agriculture?

Thank you for your attention to this matter.

Sincerely,


Carol Palmquist

Chuck Dillerud

From: Dean A. Johnston [DandKJohnston@comcast.net]
Sent: Monday, March 13, 2006 10:53 AM
To: Martin Rafferty
Cc: Chuck Dillerud
Subject: Home Based Business

*Distributed at PZ
Meeting of 3/13/06.
KAA*

Marty

I believe that the proposed changes to our zoning ordinances on the subject of Home Based Businesses need to reflect the following changes:

1. Licensing should be annual rather than in perpetuity.
2. Storage of stock in trade must be limited to a specific, reasonable upper limit like 100 sq. ft. This could be subject to inspection as part of the licensing requirement. Contrary to flippant comments about a home-inspection-Gestapo, an inspection requirement is a reasonable consideration for the ability to conduct a business in a residential area.
3. Customer visits to the site should contain a specific, reasonable upper limit like 4 per day.

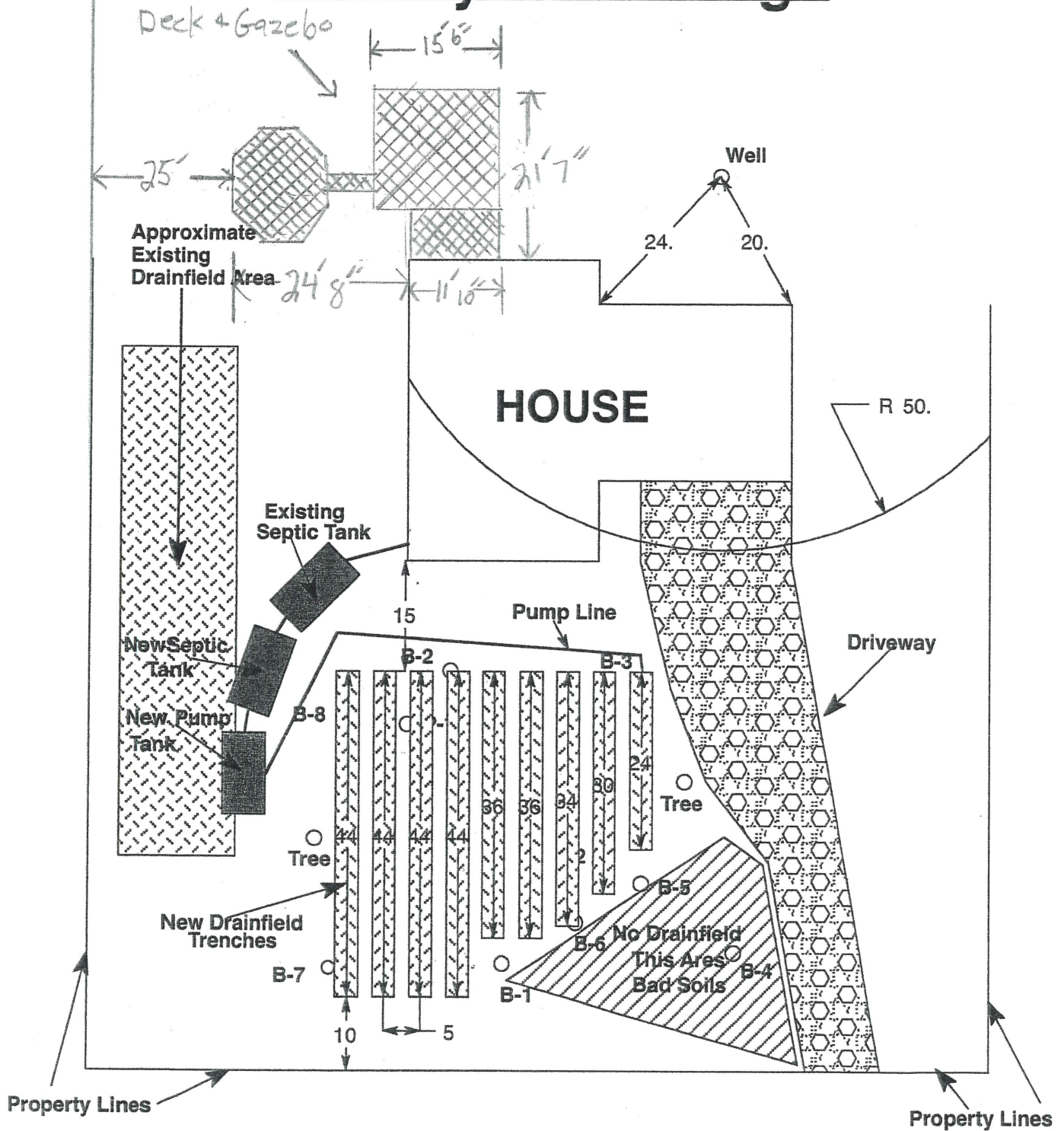
Would you please ensure that the PZ Commission and Council are made aware of these concerns at or before the hearing.

Thank you.

Dean Johnston
651-777-4444

Distributed at meeting
of 3/13/06.
KAA

New System Design



7949 Hill Trail

SCALE: 1"=20'



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

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www.lakeelmo.org

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AMENDED AGENDA

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4. PUBLIC HEARING: Consider Code Amendment - Home Occupations
5. PUBLIC HEARING: Consider Code Amendment – Wedding Ceremonies in AG Zoning District
6. PUBLIC HEARING: Consider Code Amendment – Drive-up Service Windows Adjacent to Restaurant in GB Zone
7. City Council Update
8. Adjourn

The public is invited to attend.

Distributed at PZ Meeting on
3/13/06 + Agenda Amended.

KAA

e. **Uses Permitted by Conditional Use Permit:** (Amended Ordinance 97-20 on 10-21-97)

General Business	
Bed and Breakfast Facility	15 Beds Maximum
Boarding Care Facility	15 Residents Maximum
Day Care Centers	40 Children Maximum
<u>Drive-up Window Service (Restaurants)</u>	<u>Shall not include menu boards or intercom system; and must provide adequate vehicle stacking outside of public street right-of-way.</u>
Kennels	
Nursing Care Facility	15 Residents Maximum
Open Sales Lots	
Manufacturing	Any industrial manufacturing operation in existence within the City at the effective date of this section, including manufacture of wood products and plastic products, may continue the use as a conforming use without a conditional use permit. Nothing in this provision shall otherwise be construed to require the City to authorize any manufacturing use in the general business zone after the effective date of this section.
Veterinary Clinics	

General Business

Accounting	
Advertising	(Sign fabrication not a permitted use)
Alterations	
Apparel Cleaning pick-up Stations	
Apparel Repair and Alterations	
Architectural	
Art Gallery	
Auditing	
Bakeries	(with production of bakery goods limited to retail sales)
Barber Services	
Beauty Shops	
Bookkeeping	
Business and Management Consultant Offices	
Business Associations	
Cafes and Restaurants	(Limited to full table service operations)
Cafes and Restaurants – Drive-up Window	(Menu Boards and intercom systems prohibited) (Adequate vehicle stacking must be provided)
Charitable	
Chiropractic	
Civic, Social and Fraternal Association Offices and Halls	
Collection and Adjustment Services	
Credit Reporting (Consumer and Mercantile)	
Dental	
Detective and Protective Agencies	
Duplication	
Educational	
Employment Agencies	
Engineering	
Finance	
Galleries	
Governmental Offices	
Insurance	
Investment	
Labor Unions	
Legal	
Libraries	
Mailing	
Medical	

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f. **Accessory Uses.**

(1.) **Drive-up Window Service (Restaurants). Shall not include menu boards or intercom system; and must provide adequate vehicle stacking outside of public street right-of-way.**

g. **General Requirements.**

FYI

Our code allows peddling door to door of only foods from a farm.
(meat, dairy, produce.)

NOT LEGAL but....