



## **City of Lake Elmo**

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Lake Elmo, Minnesota 55042

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### **NOTICE OF MEETING**

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

#### **AGENDA**

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

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

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

**Agenda**

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

**Minutes**

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

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

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

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

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

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

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

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

**APPROVED: JUNE 26, 2006**

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

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

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

Vote: 9:0

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

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

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

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

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

## MEMO

(June 22, 2006 for the Meeting of June 26, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: New Zoning Ordinance

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I am sending along your "workbook" binders for the new zoning ordinance. At this point we have not used section tabs, but they will be supplied once we know a bit more about what directions we are headed. No sense in constantly changing them or having miss-labels.

Within what is now a pretty empty workbook I have inserted the materials that I had ready at the last meeting but decided to hold until we had the books to place them in. Those materials cover tow resource topics:

1. The controlling State Statutes regarding city zoning ordinances and subdivision regulations. What we can and can't do – right up front.
2. Two zoning ordinance "Tables of Contents" (one from Plymouth and one from Oak Park Heights). Both of those zoning ordinances are reasonably contemporary and Euclidian in structure. One of these (or an iteration) could be used as the outline for our ordinance. We need to work off an outline or we will get lost in the process.
3. A copy of the Land Use Plan classifications from the 2030 Comprehensive Plan. This becomes a "running start" on the zoning districts we will need in our new ordinance – and on our new zoning map.

On June 26 I suggest we discuss and maybe even decide some umbrella policy for this project, including the following:

1. **How much of the City's development regulations should be encompassed within the new zoning ordinance?** Today (if you look at your Code books) you will see that many of the regulations you see in those tables of content examples is scattered throughout our Code – not in the zoning ordinance (landscaping, signs, lighting, parking, grading, site plan review – just to name a few). Should we also roll the subdivision regulations into the work we are doing (making this a Development Code, rather than just a zoning ordinance?)
2. **Will our work be better served and more/less expedient by having the Commission appoint sub committees to work on the various sections of the new ordinance?** Potentially more meetings for staff to service, but we will also be better staffed after July 3 as well. If that is a strategy the Commission wants to

pursue, June 26 is the time to set up those sub committees – roughly along the outline – if any – that the Commission desires to follow with the new ordinance.

This should be enough for us to cover on June 26.

**MEMO**

(June 22, 2006 for the Meeting of June 26, 2006)

To: Lake Elmo Planning Commission

From: Chuck Ollerud

Subject: Zoning Text Interpretation – Accessory Structures

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A recent inquiry regarding a building permit for an accessory structure in the AG zoning district has raised an issue of logic and intent within the RR and AG district standards. Indeed the Building Official and the City Planner independently advised the potential building permit applicant differently as to the intent of the subject code language. As I look at it (repeatedly) it certainly appears that the language in question could be read two very different ways.

I have attached the table of allowable accessory structures from the 1999 amendments to that section of the zoning ordinance. The language in question is that which is highlighted regarding allowable accessory buildings in “Agricultural (Non-conforming)”. Note that “Non-conforming” in this case means AG zoned lands where the buildings are not being used for agricultural production. The issue is whether the terminology “total area” applies to each of the two allowable buildings, or whether it is meant to be the aggregate of the two allowable buildings. Can there be two building that are each a maximum of 2,000 square feet, or two buildings that total in aggregate a maximum of 2,000 square feet area.

If one moves on to the “Rural Residential” section of the accessory building table you find that, while only a single accessory structure is permitted, that structure may be 3,000 square feet in area. Is it logical to limit the maximum area of an accessory building to 2,000 square feet in the (non-conforming) AG district to 2,000 square feet and permit an accessory building of 3,000 square feet in the (supposedly more restrictive) RR zone by interpreting the AG standard to be two buildings with an aggregate area of the 2,000 square feet? It seems to be more logical to assume that the AG district standard should be interpreted to be two building of 2,000 square feet each maximum – an aggregate maximum of 4,000 square feet.

At least a couple of the current commissioners were serving in 1999 when we last looked at accessory building standards – as was the current City Planner as a very new staff member at the time. Perhaps they can shed some light on what was intended with this language.


I do not believe it is the time to start otherwise tinkering with the accessory building standards, even though there has been recent discussion of a need to revisit those standards at the City Council. Staff is requesting only the Commission’s recommendation regarding how to interpret the specific wording – which we will place on the Council agenda for July 5.

Maximum Number and Size of Accessory Buildings	
<b>Agricultural</b>	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal forty (40) acres, or more and buildings are agricultural buildings as defined in 300.13 Subd 3 (A) (5)
<b>Agricultural (Non-conforming)</b>	
Up to ten (10) acres	Two buildings with a total area not to exceed one thousand (1,000) square feet
Over 10 but less than a nominal forty (40) acres	Two buildings with a total area not to exceed two thousand (2,000) square feet.
<b>Rural Residential</b>	
Up to 10 Acres (Nominal)	One 2000 square feet detached building in addition to an attached garage.
10 Acres to 15 Acres	One 2500 square feet detached building in addition to an attached garage.
15 Acres to 20 Acres	One 3000 square feet detached building in addition to an attached garage.
<b>Residential - R1, RED and OP</b>	
5,000 square feet to 1 Acre	A combined 1200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure.
Over 1 Acre to 2 Acres	One 1200 square feet detached residential garage or building in addition to an attached garage.
Over 2 Acres	One 1300 square feet detached residential garage or building in addition to an attached garage.

**Section 2. Amendment:** The following Section of the Lake Elmo Municipal Code is hereby repealed.

300.07 Subd. 4. B. 2. b.

**Section 3. Effective Date:** The ordinance shall become effective upon its passage and publication according to law.

  
 Lee Hunt, Mayor

Adopted by the Lake Elmo City Council on the 17<sup>th</sup> day of November, 1998.

Attest:

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 Mary Kueffner, City Administrator

Published in the Stillwater Gazette. August 5, 1999