

**City of Lake Elmo
Planning Commission
Special Meeting Minutes of September 15, 2003**

The Chairman called to order the special meeting of the Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Berg, Bunn, Johnson, Sessing, Van Pelt, Sedro, Pelletier, Deziel. ALSO PRESENT: Dick Thompson, TKDA; Councilmember DeLapp, Commissioner Williams, Commissioner Bucheck. STAFF PRESENT: City Planner Chuck Dillerud and Kimberly Schaffel, Recording Secretary.

ZONING ORDINANCE

The Planner gave the Commission four items that need to be addressed in the draft of the zoning ordinance.

1. Allowable Uses
2. Dealing with Non-conformity
3. The Math
4. Internal Drafting Problems

City Planner

We need to review the uses in the draft, and determine if some uses will not be allowed in the City. The numbers in the tables are fill-ins. Actual figures will be different. The ordinance draft is copied and expanded from a working copy that was created for another city.

Commissioner Bunn

We need valid numbers so we can come up with a range for numbers of houses in the Old Village.

Dick Thompson, TKDA

He thinks typographic and terminology issues will be cleaned up in time for the next meeting. 2-2 New or Unclassified Land, remove that sentence. We don't plan for areas outside the City. Next section, Village Residential 2.2.11 wherever it says City insert Old Village.

Commissioner Deziel

Page 2.c. Boundaries approximating (waterways).

Dick Thompson, TKDA

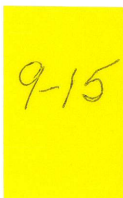
Leave it in until we draw the map.

City Planner

Need more definitions, including Old Village. He will try to do it.

Dick Thompson, TKDA

Lane can't really do that. Route 5 is State Trunk Highway 5. Section 2.222 Italicized question- the answer is no. Delete MUSA. Leave the rest of it.



Discussion item: List of districts is relatively thin. Neighborhood Conservation Districts are areas that are already developed. This deals with the many variances and non-conforming issues. Where did the 24,000 square feet come from? R-1 Mixed Lots around Lakes.

City Planner

The first one is so ill-defined. NCLR.

Dick Thompson, TKDA

He thinks it means the lake lots.

City Planner

There is no numerical standard. At one point we allowed 1.5 acre lots. If we give a lower floor, people will split the lots. We have to insure that the ISTS will function.

Commissioner Deziel

There could be an overall addition standard that you have to meet setbacks, building size, and demonstrate the ability to have a working septic.

City Planner

That is usually for new platting. Newer systems do a better job and don't need to be as large as older systems once were.

Commissioner Bunn

How do you do those numbers so you don't have a lot of infilling?

City Planner

The average lot size in a specified perimeter keeps an average up so the character of the neighborhood doesn't change. It can read that if it meets a standard on the effective date of the ordinance it is conforming.

City Planner

Maybe we could establish it at one acre with the ability for ISTS to percolate. With the Old Village, those homes might be on sizable wetland treatment systems.

Dick Thompson, TKDA

The mobile home park has to stay. He was attempting to address the small lots around lakes. New Scandia has a lot of variances. There will probably not be a big increase in density.

City Planner

There is no consistency in the Old Village. He likes the idea of a parcel of record as of the date of the ordinance with a very minimal floor number that will also have a functioning system.

Commissioner Deziel

With a 900 square foot house, setbacks, and septic, we can create a minimum lot size that is larger than what we have. Some might have a holding tank until the public septic becomes available.

Commissioner John

On Lake Jane, there are three or four one-half acre or less lots. Will that become a precedent? Is it likely that recreational lots could then be built upon? There has to be something that says we

cannot do it.

City Planner

The fact that it is in shoreland may preclude our doing anything with that. NCLR.

Commissioner Deziel

Could we negotiate with the DNR?

City Planner

We could try that. We have to have our own Lake District.

Commissioner Van Pelt

Why can't we take a Lake District lot, call it conforming with its structures? If they make a change, they have to go against minimum lot size. Grandfather existing lot lines and structures. Then performance standards come into play if they try to change or expand its use.

City Planner

That is already in the Code except with a 50% loss of value in non-conforming areas.

Commissioner John

He does not want to see those one-half acre lots developed. He knows of an existing home that was destroyed, and now it is being rebuilt and it is very large.

Commissioner Van Pelt

Performance standards for new building would prevent that sort of thing from happening.

City Planner

Thinks we are stuck with DNR and state rules. Collapse NC24 and NCLR to give capability to any given piece of ground.

Commissioner Deziel

The problem with non-conformity is there is the necessity for a variance. Try to eliminate the need for variances. The non-conforming properties cannot do things by simply pulling a permit. In the Tri-Lakes, residents want to do something, but they are not doing things to improve their properties because of the non-conformity issues. Bring more of the City into conformity with the new ordinance.

Commissioner Van Pelt

He agrees we need a separate Lake District. He recommends we keep 1.5 and NC 24. He doesn't think they need to be consolidated.

Dick Thompson, TKDA

There is the question of the 24,000 square feet. If you have standards and people don't meet them, they are non-conforming. So we create different sets of standards for each district. That makes most homes and lots conforming in each district. Maybe 24,000 is not the number.

City Planner

He can perform a GIS search for lot sizes. There is currently a house in the Old Village with a property line running down the peak of the house, and it is not a duplex. He can get an idea of that number where houses already exist. It may vary by neighborhood.

Commissioner Sedro

The feel of a 1.5 acre lot neighborhood is quite different from a .5 acre lot neighborhood.

Dick Thompson, TKDA

Just because it is in the Code does not mean you have to map it. Come up with data for the Lakes District.

Commissioner Deziel

We could have the NC District in Old Village versus new residential. The idea is to make it somewhat similar. At some point in the in-fill housing provision, we may have substantially different rights in the Old Village and not elsewhere. We should be looking for parity on the in-fill issues.

City Planner

We could take some VR standards and make sure they are not holding differently from NR.

Dick Thompson, TKDA

Does the AG District on Page 2-5 need to survive? It has been kept as a holding zone only. It is no longer needed. There is no harm in keeping a district in here, if you don't have it you can never map it.

Commissioner Sessing

This is AG versus Old Style AG with alternate income potential. We need to keep it.

Commissioner Deziel

We need to keep the cultural standard. We would be shocked to eliminate the AG District.

Dick Thompson, TKDA

There is no AG market for land in the county any longer. Farms here will continue but the idea of AG purchases in the county - the land is overpriced. You can still have farms for the long-term future.

City Planner

Intrinsically the land value is based upon what it can produce. Every decision that takes AG up to something else is creating.....

Commissioner VanPelt

How would we like to see those AG areas eventually develop?

City Planner

We deal with that on the Comp Plan. We designate every square inch of the City as some future use. There is no AG, it is RAD. In the Comp Plan the door is open.

Commissioner Bunn

She did a comparison between AG and CS; there are few differences. In practice, they meet all the requirements of CS, we would not need the extra category. AG versus Intensive AG, do we have any of it in the City?

Dick Thompson, TKDA

The standard is cropping-soybeans and corn, intensive would be feed lots, hog farms,

turkey/chicken/meat farms, manure. A dairy farm would probably r be Intensive AG.

Commissioner Bunn

We can define AG in a way that it is conforming under Agriculture Use in CS. Why are single family homes not permitted in AG?

City Planner

We have no desire for Intensive AG.

Councilmember DeLapp

You cannot overrule state law.

City Planner

We can define AG so Intensive AG is precluded.

Commissioner Williams

Page 2-5, top of page A. says, it is not intended to handle a significant part of the City's growth; then it says Countryside is intended to handle the burden of the City's growth.

City Planner

RAD could be Countryside but not 2.5 acres. This complies with the Comp Plan.

Commissioner Williams

4.110 table, 1:10 is discouraging. Page 4-3. Clustering and more dense planned is the way the City is going to grow from now on.

City Planner

That is what the Comp Plan says.

Dick Thompson, TKDA

Development is more dense, but there is more open space.

City Planner

The Comp Plan says 16:40 wall to wall.

Commissioner Sedro

Is the intention to steer people toward clusters?

City Planner

One out of the last 13 developments is RE. It is easier to do clusters. Why would a businessman do an RE when he can cluster? While we do not have zones guided RE, if someone wanted to rezone RAD to RE, there would be little trouble.

Dick Thompson, TKDA

Section 3 addresses allowable uses. P, L, N, S.

City Planner

L and S, particularly L - designates the Planning Commission and City Council to delegate to the Planner to make those decisions.

Dick Thompson, TKDA

They use the Certificate of Compliance at the county level. It is not an uncommon approach.

Commissioner Deziel

Objective standards stated here indicates there are subjective standards elsewhere.

City Planner

S does imply quantitative standards. S could become the Conditional Use Permit.

Dick Thompson, TKDA

The Special Exception is a CUP in Wisconsin. The framework is permitted, prohibited, limited, and Special Exceptions. The courts expect some discretion in these kinds of things.

M/S/P, Helwig/Van Pelt, Get rid of Intensive Agriculture entirely. VOTE: 9:0.

AG USES, clearing, farmstead, intensive Agriculture, nursery, commercial stables and kennels.

Commissioner Berg

There is a question of when a stable becomes intensive AG.

Commissioner Bunn

Commercial Recreation is under AG now. That is an N on this chart.

City Planner

Golf courses are PF, the golf practice facility is zoned AG with a CUP.

Clear-cutting has no current requirements now. No permits are now required.

Chairman Helwig made a motion to eliminate of clear cutting. Withdrawn.

Dick Thompson, TKDA

Removal from the ordinance means you are silent on an issue, leaving it in means you can regulate it.

City Planner

Section 5.0, on page 11.

Dick Thompson, TKDA

Many cities have ordinances that put conditions on cutting where and when. Maybe not as a part of this ordinance but somewhere else.

Commissioner Van Pelt

Limit cutting with an L or an S?

Dick Thompson, TKDA

Yes, P is permitted. Might have to have a staff person dealing with it.

City Planner

With performance zoning, you have to reforest and match the caliper inches.

M/S/P, Sessing/Van Pelt, Changing as an L, for a staff person to determine. **VOTE: 9:0.**

Commissioner Williams

Kennels, lot size clarification.

Commissioner Van Pelt

All these uses need standards. We should agree that we need standards, and a review will take place at a subsequent meeting.

City Planner

Find a reference code or else we have to create one.

Commissioner John

L is limited on estates. Might want to N.

Dick Thompson, TKDA

Farmstead is house and outbuildings. Single Family AG is N. Lane may be thinking of more than one single family residence.

M/S/P, Deziel/Sessing, SF in AG should be changed from N to P. **VOTE: 9:0.**

M/S/P, Johnson/Berg, Eliminate kennels in RE, V, S8, N. BC, S, and CS, remains limited use. **VOTE: 8:1** (Sedro- A noise limit instead).

Dick Thompson, TKDA

Residential uses category as Single Family (Estate), cluster, plan is PUD, hamlet would be another little village within your city.

Commissioner Johnson

Lane said you need TDR to do the hamlet.

M/S/P, Sessing/Johnson, Eliminate hamlet. **VOTE: 9:0.**

Apartments over commercial use, Mixed Use, are not allowed in most districts except in the Old Village, Commercial, and Regional Highway.

Commissioner John

A Commercial Group Home would not be permitted in the Old Village.

City Planner

The one we have now would be non-conforming.

Commissioner John

It could be over a commercial or limited use.

Dick Thompson, TKDA

We should review all of them and take them from P to _____. CSE and VC limited, NC and VR permitted. M/S/P, Sessing/Helwig, All P becomes L under Group Homes, and VC becomes L. **VOTE: 9:0.**

City Planner

With six or fewer inhabitants we have no exemption.

Dick Thompson, TKDA

Residents like to get notice of it. Set it as S, then setting the standards later will give it an L.

City Planner

With Family Daycare, if six or fewer children we can't touch it.

Commissioner Bunn

Page 13, Home Occupation, does not meet what is on the table, there is direct conflict. We need a definition for people who work out of the home.

Dick Thompson, TKDA

We will work the whole section over then go over it again. Institutional uses and scale. It is an artificial differentiation. You have no regional churches. They are big with large traffic.

City Planner

We have Community Churches.

M/S/P, Berg/Johnson Delete Regional Churches. VOTE: 8:1 (Deziel- Why not on a highway? 80,000 square feet is the cut off.)

N all the way on Regional.

Institutional Residential - Need a definition, and Protective Care too. Public Service might be police and fire. We need more clarification.

Utilities: sub-stations, telephone exchange buildings, seems like a narrow definition. It is too restrictive. Designations seem reasonable but Special in the AG because they could be larger in AG. Countryside might not be an L.

Adjourn 5 minutes at 9:00.

Reconvene at 9:05 p.m.

Continue another hour on 9/22. Set 9/29 now if you can make it.

Commercial Uses Bed and Breakfast- Okay as Limited Use.

Commercial Lodging – Okay as Business Use.

Commercial Retail – Okay in Old Village and Retail Highway.

Drive-In, allow a bank, movies, standards will limit it. Movie would be a non-conforming use. Pharmacies yes. Food or Drink no.

M/S/P, Berg/Helwig, Omit Heavy Retail and Service. VOTE: 9:0.

Hospitals - Okay.

Light Auto Services - Definition of light, Limited with standards.

Mixed uses - 30% of floor area shall be residential. Need further definition.

Commissioner Van Pelt

How does it differ over commercial apartments?

Office – Okay, and clarify Home Office.

Restaurants – Okay.

Services - Definition.

Shopping Center - Misleading, may mean something of a smaller scale. More definition.

70% glass in Retail Village Scale, maybe only on the first floor.

Vehicle sale, rental, and service. Hoods being opened.

Veterinary Care - Why not in RH? Free standing can be more intense use.

Dick Thompson, TKDA

We will redraw the map to fit these districts.

AG Support Services – Okay.

Commercial Amusement Outdoors - Close at 10 p.m.

Lumber Company - Lake Elmo Hardwood should be non-conforming.

Recreation and Amusement - Cannot outlaw the first use. We must have an ordinance for Adult uses. Clarification.

City Planner

The language on Commercial Amusement Sections that is bothersome, on page 24 Outdoor, may want to screen/unnatural from neighbors.

Campgrounds are zoned PF. Have to keep that designation.

Indoor Commercial Amusement - Definition.

Commercial Outdoor Amusement - No paintball.

Recreation In or Outdoors - Tennis, rinks, etc. No allowance for tent bubbles just restricted. M/S/P, Berg/Sedro, To change from P to L under both recreation categories. **VOTE: 9:0.**

Commissioner John

What about Village Commercial and Commercial Amusement Indoor? Permitted.

Industrial Uses, recycling? Utilities? Warehousing? FedEx, UPS, definition.

Storage Units - Where is it classified.

Mining and Recycling - Special Exceptions, non-conforming, we have no ordinance.

Airports and heliports, ultralight port in Lake Elmo. Very few locations in 7 county metro area.

Communications Towers – We have to have them. N in NC category. Water Tower in NC, likely candidate and full already. Adding an antenna does not make it a communications tower.

Special Uses - Gun club.

Temporary Uses - Xmas tree sales. Too restrictive. **M/S/P**, Sessing/Pelletier, Keep L across the board for Xmas tree sales, but Planner will work on definition text for standards. **VOTE: 9:0.**

Commercial Outdoor Sales Events

Concrete Asphalt Batch Plants - Leave it in as N's across the board.

Contractor's Office - Temporary use why not in AG too?

Farmstands – Okay.

Garage Sales – **M/S/P**, Sessing/Helwig, P not an L for Garage Sales. **VOTE: 9:0.**

Model Homes, parade of homes, okay.

Public Interest, get a definition.

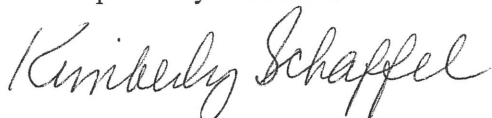
Special Events

Manufactured Home to replace for a rebuild when a house burns. Temporary for ailing parents. Limited.

Definitions next Monday night from Dick. Criteria relating to proper districts.

Adjourned 10:00 p.m.

Respectfully submitted



Kimberly Schaffel