



**City of Lake Elmo
Planning Commission Meeting
Minutes of May 29, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m.

COMMISSIONERS PRESENT: Williams, Reeves, Haggard, Larson and Dorschner;

COMMISSIONERS ABSENT: Morreale, Kriemer and Dodson; and

STAFF PRESENT: Planning Director Klatt and City Planner Johnson.

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: *May 13, 2013*

M/S/P: Reeves/Haggard, move to accept the minutes of May 13, 2013 as presented,

Vote: 3-0, Motion Carried with Dorschner and Larson not voting.

Public Hearing: *Zoning Text Amendment – Sign Ordinance*

Johnson stated that the Planning Commission was asked to consider a draft sign ordinance and consider adoption of the ordinance as presented. He reviewed several changes that have been made to the draft document based on comments from the Commission at its previous meeting. Johnson noted the Sign Ordinance is part of the overall Zoning Ordinance update that the City has been preparing over the last year or so.

Johnson reviewed the overall objectives of the Sign Ordinance and some of the issues that the proposed ordinance was drafted to address.

Williams asked to have language added to include all elections regardless of when they are held, including school board elections.

There was a general discussion concerning signs on trailers and other similar temporary signage. Haggard asked if existing temporary signs would be considered a legal non-conforming use. Johnson replied that these types of signs would not retain any non-conforming use rights.

Larson questioned the use of temporary signs for real estate open houses and how the ordinance would be enforced. Johnson noted that enforcement was going to be dependent on staff availability and the extent to which these signs may be problematic.

There was a general discussion concerning signage for multi-family projects. It was noted that such signs would be considered a directory sign.

Haggard asked how the City's theming project would apply the proposed ordinance. Johnson stated that the City may want to consider a more defined sign district if the City intends to adopt special standards for the Village planning area.

Williams opened the public hearing at 7:26 p.m. No one spoke and the hearing was closed at 7:27 p.m.

Williams expressed concern with the restriction on the placement of street addresses on anything other than the wall of a house. The Commission generally agreed with this concern and requested that the ordinance be updated to include provisions related to residential addresses.

Dorschner asked for clarification concerning temporary signs and the requirement for a specific orientation of these signs. The Commission directed Staff to eliminate the portrait requirement for portable signs and to include additional language for address signage to allow addresses off of a wall.

The Commission directed Staff to further revise the portable sign provisions to eliminate the maximum height requirement along with other minor modifications.

Reeves expressed concern that the provisions related to signs on private residential property were overly onerous.

Discussion on Temp/Portable signage that the restriction on the attention grabbing things are more geared to commercial type signage vs. on residential property. There was direction to require a secure attachment of balloons, etc. without additional restrictions.

Williams questioned the maximum size requirement for off-premises agricultural sales signs. The Commission noted that these signs are typically located along busier streets and that the larger size is justified in these instances.

Haggard asked about legal non-conforming signs and suggested that if a sign is 100% damaged, it should be replaced with a conforming sign. There was discussion of non-conforming signs and replacement. Planner Johnson will review state statutes and will consult with the City attorney regarding replacement.

Williams questioned the use of flashing signage on or behind building windows and noted a specific example in the Village area. Klatt stated that blinking lights that are part of a structure that is defined as a sign in the code, even if located behind a window, would need to comply with the proposed ordinance. He noted that an intent to capture the attention of people outside of the building would be an important consideration in handling these types of signs.

The Commission generally discussed the requirement for electronic message signs to not change any more than every 10 seconds. The Commission did not recommend any changes to the ordinance as presently drafted.

Larson questioned how the City's dark-sky ordinance would apply to the sign ordinance. Klatt noted that the City Code does include lighting standards that would need to be observed.

Haggard asked to include language under the purpose and intent section to reference the City's Theming manual. The Commission supported the inclusion of this language.

Haggard suggested that the code prohibit attachment of balloons, streamers, and other attention-grabbing materials to temporary signs. The Commission did not recommend any changes to this provision. Johnson recommended striking this language in the portable sign section.

Staff noted that the sign limitation for residential address and name signs applies only to Home Occupation and that address and nameplate signs are regulated elsewhere.

M/S/P: Haggard/Dorschner Motion to recommend approval the Sign Ordinance with the changes recommended by the Planning Commission and that the City develop a separate set of sign regulations for the Village Planning District. Vote: **Vote: 4-1, Motion Carried**, with Dorschner voting no. Dorschner noted that he would not support a Village-specific ordinance that limited the additional regulations to commercial properties.

Public Hearing: Zoning Ordinance Update – Article III Administration and Enforcement

Klatt asked that the Planning Commission open the public hearing concerning the proposed amendment and that the Commission continue the hearing to its next meeting. He noted that Staff needs to complete work on the Interim Use standards and has not yet had time to revise this section.

Williams opened the public hearing at 8:48 p.m.

M/S/P: Williams/Larson to continue the public hearing until the June 10, 2013 meeting, **Vote: 5-0. Motion Carried.**

Public Hearing: Fence Ordinance Amendment

Johnson explained that the Planning Commission reviewed a draft fence ordinance at its last meeting and that Staff has prepared a final draft of the ordinance for further review and consideration by the Commission. He noted that Staff is recommending a completely new and greatly simplified ordinance that provides greater flexibility for property owners that want to install a fence on their property.

Johnson reviewed the changes that have been proposed from the current regulations.

Larson questioned whether or not the Village planning area should have different fence requirements than other portions of the City. Johnson replied that the ordinance as drafted would apply to the entire City.

Reeves noted that the ordinance as drafted would not allow wood fences on residential properties in mixed-use areas.

Williams asked if silt fences would be considered temporary fencing. Johnson replied that silt fences and other erosion control measures would be exempt from the code.

The Commission reviewed the language exempting agricultural fences and asked Staff to delete the language concerning the keeping of livestock.

Williams opened the public hearing at 8:59 p.m. No one spoke and the hearing was closed at 8:59 p.m.

Williams asked if a Certificate of Compliance would be appropriate for temporary fences so that the City could verify consistency of such fences with the code. Johnson did not recommend requiring permits for these fences due to their temporary nature.

Haggard recommended keeping the air and openness requirement for those portions of a fence over 4 feet in height in residential districts. Commissioners Reeves and Dorschner did not agree with making a change that would prohibit privacy fences.

The Commission generally discussed the setback requirements for fences, and specifically, the restriction on higher fences in front and street-side yard setbacks.

Haggard suggested that the fence ordinance include a provision concerning allowable fence colors. Williams suggested that a fence be consistent with the character and style of the principal structure on the property. Staff reviewed the existing language concerning accessory buildings and consistency with the principal structure.

M/S/P: Reeves/Dorschner motion to recommend approval of the fence ordinance as

presented with a minor modification to the agricultural property exemption. **Vote: 4-1, Motion Carried**, with Haggard voting no.

Business Item: *Christ Lutheran Church Minor Subdivision*

Klatt provided an overview of the request for a minor subdivision by Christ Lutheran Church at 3549 Lake Elmo Avenue North. In advance of the minor subdivision request, the applicant was granted a variance to allow for a lot split that would create a non-conforming lot according to the General Business zoning. Moving forward, Klatt noted that the proposed subdivision would split the parcel into “Tract A” (.42 acres) and “Tract B” (0.27 acres). Tract B would be retained by the church for the purpose of overflow parking, and Tract A would be marketed for a future commercial use.

Regarding the variance, Klatt noted that there were two conditions of approval: a shared parking easement and a drainage easement for the storm water infiltration area on Tract B. The applicant has complied with these conditions of the variance by providing drafts of the easements.

Staff is recommending approval of the minor subdivision with two conditions:

1. The applicant shall execute a shared parking easement acceptable to the City Attorney at the time of sale of Tract A so there is a shared use agreement for the parking area on Tract B.
2. The applicant shall execute and record a drainage and utility easement in a form acceptable to the City Attorney prior to the transfer of Tract A to another party.

Jim Kelly, Congregation Preseident of Christ Lutheran Church, spoke in support of the minor subdivision and thanked Planning Director Klatt for his assistance on this action.

M/S/P: Dorschner/Haggard, move to recommend approval of the minor subdivision at 3549 Lake Elmo Avenue North with the conditions as outlined by Staff, **Vote: 5-0, Motion Carried** .

Business Item – Discussion of Rural Agricultural Density (RAD) and RAD-Alt Guidance in the Comprehensive Plan

Klatt started his presentation by outlining various terminology and history related to the RAD discussion. To provide further background and context, Klatt explained the history behind the RAD designation and the Open Space Preservation (OP) zoning provision. In addition, he explained that the RAD-2 land use category was included as part of the 2005 Comprehensive Plan. As part of this change, the RAD density was increased from 0.4 to 0.45 units per acre, and the RAD-2 category was created with a density of 2 units per acre. These changes were intended to account for additional growth while still maintaining the rural and open space character.

Moving forward, Klatt explained where the City utilized the RAD-2 land use category in 2005. The City guided two properties in Lake Elmo with the RAD-2 designation: the 3M site on Ideal Ave., and the Emerson parcel at 10th St. and Manning Avenue. In 2010, there was an application for a Minor Comprehensive Plan Amendment at the Friedrich property for a senior living and preschool project. The Comp Plan Amendment was granted for the Friedrich property, but the development application has since expired.

After providing the history, Klatt explained some of the current issues related to RAD and RAD-2, and included current considerations related to the Memorandum of Understanding with the Metropolitan Council. He also highlighted some trends related to current growth forecasts in the rural areas of Lake Elmo.

To wrap up, Klatt presented various options for the Planning Commission to consider in terms of making a recommendation about the RAD-2 land use category to the City Council. These options included:

1. Make no changes to the RAD or RAD-2 designation of the Comp Plan. This is the Staff recommendation.
2. Staff can conduct further study of RAD-2 in the context of our growth numbers in the rural areas.
3. Amend the Comp Plan to change the Friedrich site back to RAD land use category;
4. Amend the Comp Plan to change all of the properties guided as RAD-2 back to RAD and make up the growth numbers elsewhere;
5. Options 5-9 presented other various alternatives that would be required to maintain the City's growth numbers as part of the Comprehensive Plan.

Klatt finished up by stating that this item is intended as a discussion item for the Planning Commission to make a recommendation to the City Council.

Haggard asked about a reduction of densities that was permitted by an amendment of the MOU with the Metropolitan Council. Klatt noted that this reduction was only related to the densities pertaining to areas guided for sewer service.

Larry Weiss, 9302 Stillwater Blvd., noted that the neighbors around the Friedrich property are not supportive of any high density projects in that location. He would like to see the property be changed to the RAD designation.

Ed Nielson, 9498 Stillwater Blvd., shared his frustration about the proposed development project at the Friedrich property. He also presented technical considerations related to transportation of senior housing projects in the East Metro. He expressed concern that there was not enough information provided about the proposed development on the Friedrich property that would allow neighbors to fully comprehend the impacts of development on this site.

Dorschner stated that there are opportunities for providing the needed infrastructure to serve higher density development in other portions of the City.

Williams asked about the other RAD-2 properties other than the Friedrich property. Dorschner stated that he would support those properties remaining RAD-2, or RAD-Alt, if the appropriate infrastructure was in place.

Reeves noted that he needs more information about the City's growth projections before making a judgment about the Friedrich property or other properties that are guided as RAD-2, or RAD-Alt. He feels that more research is needed before the City makes any significant changes to the Comp Plan that would impact the overall growth projections, as required by the MOU.

Haggard noted that she would like to examine how all of the different areas of growth, both rural and urban, would be impacted before making a recommendation.

Larson noted that he does not feel that the land use or density fits at the Friedrich property.

Williams noted that the MOU does not require a certain number of rural units. The City Council decided to pursue the minimum amount of sewer units in favor of additional rural units. Williams noted that if the City wants to pursue 2 units per acre, than these areas should be sewer. He noted that the RAD-2 or RAD-Alt may not fit in the City's plans anymore. The 3M site and Emerson site are adjacent to areas that are guided for sewer. These areas could be opened up to sewer service to make up for the units that would be lost by changing the Friedrich property back to RAD. Williams noted that he supports changing the Friedrich property back to RAD. Williams proposed to recommend to the Council that the City eliminate the RAD-2 or RAD-Alt designation in favor of making up for growth numbers in other areas of the city that are adjacent to sewer.

Reeves asked if there would be any concerns by the property owners whose properties would be changed by the land use changes in the Comp Plan. Klatt noted that the City has the authority to guide parcels with appropriate land uses.

Haggard asked if the Friedrich property would have been considered without the development proposal. Klatt read the list of findings from the City Council Resolution that approved the Comp Plan Amendment in 2010. These were the key land use findings that informed the Council decision in 2010. In addition, Klatt noted that the RAD-2 designation was intentionally intended for senior housing. This was another consideration related to the Comp Plan change.

Klatt noted that the Planning Commission should make a motion if a change to the Comp Plan or some other action is desired.

Haggard reiterated that she would like more information about all of the growth forecasts of the City to make a more informed decision in advance of a motion.

Reeves noted that the land use of the Friedrich property should be revisited, but he does not feel qualified at this time to make a decision. He noted that the Council should revisit this issue. Williams asked about the RAD-2, or RAD-Alt, land use category in general. Reeves noted that it is difficult to make a decision at this time, but he did agree that 2 units per acre does seem more consistent with areas guided for sewer. He noted that if the units that would be lost due to a Comp Plan change could be easily accounted for elsewhere, than he would be in favor of examining the need for RAD-2.

Larson noted that the other properties that are RAD-2 have more viable sewer solutions, whereas the Friedrich property does not. He would support looking at changing the Friedrich property.

Dorschner added that it is tough to make a decision without more information. He thought it important to know whether sewer was viable at these other sites.

Haggard asked if there is a maximum number of units that could be added to the sewer system. Klatt noted that the Met Council has to plan for sewer capacity based on the City's Comprehensive Plan. Klatt noted there is built-in capacity for added development that were not previously planned. However, each additional development will be evaluated by Met Council in terms of capacity.

Williams notes that he has always had the concern about 2 units per acre on a community septic system, as is the case in RAD-2.

Klatt qualified what additional information the Planning Commission is seeking before making a recommendation on changing the Friedrich property, or RAD-2 designation as a whole. The additional information included the following:

- Conduct a deeper analysis about the overall growth numbers in relation to both the rural and urban areas of the city.

Klatt explained that he will share the sentiments of the Planning Commission with the City Council and gather additional information about this topic and present findings to the Commission at a later date.

Updates and Concerns

City Council approved the Zoning Text Amendment related to Specific Development Standards at the meeting on 5/21/13.

The City Council appointed two new Planning Commission members at the meeting on 5/21/13. The new members are Mr. Dean Dodson, Full Voting Member, and Mr. Dale Dorschner, 1st Alternate.

Staff notified the Planning Commission that the next meeting is scheduled for June 10, 2013.

Meeting adjourned at 10:49pm

Respectfully submitted,

Nick Johnson
City Planner