



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 14, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:02 p.m.

COMMISSIONERS PRESENT: Hall, Fliflet, Obermueller, and Williams;

COMMISSIONERS ABSENT: Haggard; and

STAFF PRESENT: Planning Director Klatt and City Planner Johnson

Approve Agenda:

The Commission accepted the agenda as presented.

Approve Minutes:

M/S/P: Obermueller/Williams motion to accept the minutes from the October 22, 2012 meeting as presented; ***motion carried: Vote: 2-0 (Fliflet and Hall abstained).***

Public Hearing: *Variance – 8961 37th Street North; Terri Franzwa*

Klatt introduced the variance by noting the two aspects of the Zoning Ordinance that require variance, which are minimum lot size (R-1 District) and minimum lot area for septic.

In sharing the history of the lot, Klatt noted that a previous variance was granted for this property in 2007 for the same two provisions. However, after two extensions, the previous variance has expired. It is important to note that the lot in question is similar or larger in size than the lots of the neighboring properties. The applicant would like to construct a single-family home on the lot. In addition, Klatt noted that the applicant has provided a plan for a septic system to serve the home, including a primary and secondary drainfield.

Klatt then explained the four criteria for granting a variance. He noted that Staff has found that the proposed variance meets all of the criteria. Therefore, Staff is recommending approval of the variance. Staff also recommends that the approval contain a condition that the property shall connect to the municipal water system.

Obermueller asked if the neighborhood is served by City water.

Klatt noted that 37th Street is served by City water.

Williams asked if both primary and secondary drainfield sites have been tested.

Klatt noted that they have been tested and the applicant is awaiting approval of the septic permit from Washington County. This approval is necessary for the approval of the building permit.

Public Hearing opened at 7:18pm

No one spoke.

Public Hearing closed at 7:19pm

M/S/P: Hall/Fliflet, motion to recommend approval of the variance request with the condition as drafted by Staff, ***motion carried unanimously: Vote: 4-0.***

Public Hearing: *Variance – 794 Jasmine Avenue North; Gary and Richelle Jader*

Johnson presented a report concerning a request from Gary and Richelle Jader for a variance to construct an accessory building closer to the front property line than a principal structure. He noted that the proposal involves the construction of a detached garage for the purpose of storage of tools and equipment. Johnson reviewed the current site conditions along with photographs of the property with the Planning Commission.

Johnson presented findings drafted by Staff, and noted that the Staff found the applicant was able to demonstrate compliance with all variance criteria from the Zoning Ordinance.

Fliflet asked the status of the lot across from the applicant's property. Johnson noted that this lot is a vacant, buildable lot within Stonegate.

Obermueller asked if the applicant had identified a specific garage door height. Richelle Jader distributed an elevation drawing depicting the garage. Obermueller asked if the plans included lighting that complies with the City's lighting ordinance. Johnson replied that Staff would continue work with the applicant to ensure that the lighting complied with the ordinance.

Gary Jader reported that three additional neighboring property owners have written letters in support of the proposed variance. He submitted three letters for consideration by the Planning Commission.

Public Hearing opened at 7:36 p.m.

Williams noted that the Commission received letters from Berniece and Dale Meyer, Ron and Colleen Isrealson, and Gino and Peggi Monico, all noting that the plans were deemed acceptable and that they supported the project.

No one spoke at the hearing.

Public Hearing closed at 7:37 p.m.

M/S/P: Fliflet/Obermueller, motion to recommend approval of the variance request with the condition as drafted by Staff, ***motion carried unanimously: Vote 4-0.***

Public Hearing: Zoning Text Amendment – GB Zoning District; Therapeutic Massage Businesses

Johnson reviewed a staff report which recommended the adoption of a zoning text amendment to change Therapeutic Massage Businesses from a conditional to a permitted use in the City's GB – General Business zoning district. He noted that Staff is recommending this action in conjunction with a proposal to require licensing for all massage businesses in the community. Staff is suggesting that the proposed text amendment not be acted upon by the City Council until the Council also considers the massage licensing ordinance.

Williams asked what other service businesses are licensed by the City. Johnson noted that the City presently licenses liquor establishments and animals. Klatt stated that adult entertainment establishments are also required to secure a license from the City.

Williams expressed concern with the overall costs to the City to implement and oversee a licensing program for massage businesses. Johnson replied that the City would be charging a fee based on the expected review costs, and that most of these costs would typically be associated with the initial review of a licensing request.

Public hearing opened at 7:45 p.m.

No one spoke.

Public Hearing closed at 7:45 p.m.

Obermueller noted that it would be more difficult to take enforcement action against a business under a conditional use than it would be to deal with a business subject to licensing requirements.

Hall noted that it is quite common for cities to regulate these types of businesses through a licensing program. Any problems can typically be addressed much more quickly through a licensing system.

M/S/P: Hall/Williams, motion to recommend approval of a zoning text amendment to change therapeutic massage from a conditional use to a permitted use subject to the adoption of a licensing ordinance for these businesses, with a statement from the Planning Commission noting their concern regarding the potential costs for monitoring such a licensing program, ***motion carried unanimously: Vote 4-0.***

City Council Updates

The City Council approved the request for a Conditional Use Permit related to a grading project at 9242 Hudson Blvd. Staff will work with the applicant to ensure that all conditions associated with the approval are met.

The City Council interviewed two candidates for the Planning Commission at the previous meeting. Three more interviews are scheduled for the next Council meeting.

Staff Updates

Justin Bloyer submitted his resignation from the Planning Commission. Staff is anticipating that appointments to the four open spots on the Planning Commission will be made in the next month.

Commission Concerns - None

Adjournment at 7:56 p.m.

Respectfully submitted,

Nick Johnson
City Planner