



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 22, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Obermueller, Haggard, and Bloyer;

**COMMISSIONERS ABSENT:** Fliflet and Hall; and

**STAFF PRESENT:** Planning Director Klatt and City Planner Johnson

**Approve Agenda:**

The agenda was approved as presented.

**Approve Minutes:**

M/S/P: Bloyer/Obermueller, motion to accept the minutes for 10/10/12 as presented;  
***motion carried, Vote: 3-0 (Haggard abstained).***

**Public Hearing:** *None*

**Business Item:** Conditional Use Permit Amendment – Gatsby Investors, LLC

Klatt noted that the proposed grading project is a continuation from the meeting on September 10, 2012. In addition, the applicant was unable to attend due to a scheduling conflict.

Klatt went on to explain the suggested conditions for approval that Staff outlined at the previous meeting. These included several conditions that should be completed in association with the construction of the site, including:

1. Approval of the gas line easement holder
2. Submission of a landscape plan
3. Access to the ski hill must be primarily through the retail sales building
4. South Washington Watershed District Permit
5. Grading must not disturb the existing drain field
6. Long-term drain field protection through fencing or another mechanism
7. Easements must be granted to the City over the pond and access areas
8. Modifications to the grading plan per City Engineer's recommendations
9. Exterior lighting plan
10. City Engineer requirements

These conditions must be part of any approval.

Haggard asked about the size of the promotional events. She wanted to know how these promotional events impact the available parking at the store

Klatt explained that the site already hosts promotional events now as part of the interior use of the facility. The promotional events are not expected to increase the need for parking. However, a code issue does exist at this site related to half of the existing marking not meeting the surfacing requirements. Nevertheless, City Staff feels that this is a separate issue independent of the Conditional Use Permit.

Haggard requested that there be no amplified music or public address system on the ski hill due to the future residential development around the area. In addition, Haggard felt that the pond area to the rear of the hill should have fencing to serve as a barricade for safety purposes. Finally, Haggard suggested that the City require a minimum size of tree for the tree replacement associated with the landscape plan.

Williams asked if the City currently has a minimum size requirement for tree replacement.

Klatt has noted that the City has required a minimum of 1.5" caliper trees for various landscaping projects associate with subdivisions in Lake Elmo. He recommends using the 1.5" caliper standard for now.

Bloyer asked if there is existing amplification of music now, and does the City have a noise ordinance to protect against such amplification.

Klatt noted that the City already has a noise ordinance. He suggested that if the Planning Commission is concerned about future noise levels, than the best strategy would be to place conditions related to future noise at the time of approval.

Obermueller noted that placing additional conditions or restrictions related to noise defeats the purpose the promotional events, which is to generate energy and excitement for the retail store. She noted that she may not support additional restrictions.

Bloyer suggested that the City should use the existing noise ordinance to address these issues.

Williams suggested an amendment to the third condition to note that access to the ski hill should avoid the drain field area.

Obermueller asked about the location of the existing trees on the site. She wanted to know if any of these trees may pose a safety hazard for skiers going down the hill.

Klatt noted that the trees were inventoried as part of the plan, and they do not appear to be a safety hazard for the skiing area. In addition, Staff believes that the applicant should have to mitigate the tree loss as much as reasonable, which will include additional plantings. The existing trees serve as an effective buffer for future commercial development in the area.

Klatt also noted that the backside of the site, including a deep ponding area, will undergo significant grading. He added that Commissioner Haggard previously suggested adding a protective fence around the ponding area may be a good safety measure to discourage skiing down the backside of the hill.

Klatt explained another possible amendment suggested by Haggard to set a caliper level for the trees that would be installed to replace the displaced trees.

The Planning Commission engaged in a discussion about safety measures related to the north side of the hill and the ponding area.

Klatt noted that a fence was installed as a barrier to a storm water retention pond near Lake Elmo Elementary School to act as a buffer. This was a different situation, but offers one example.

Williams asked what emergency response or medical staff would think of this design on the backside of the hill.

Klatt noted that the Engineers did review the design in this regard.

Williams asked what legal recourse the City would have to require a fence after the fact if there were safety concerns.

Klatt noted that the easement granted to the City for monitoring the storm water pond would give the City access. However, the City may not have the legal position to require a fence after the fact.

Williams suggested that a condition be included that the applicant must demonstrate to the City Engineer and Planning Director that measures have been taken to maintain safety and prevent accidental access to rear storm water area. This will be condition #11.

Related to condition #2, Klatt noted that Staff will complete some research to see what size of planting will be required for tree replacement.

Williams also noted that a condition will be added that the ski hill must follow the existing noise ordinance, which will be condition #12.

Obermueller noted that she did not want to require standards that would hinder the applicant's business.

The Planning Commission discussed whether the special event permit was appropriate.

Klatt explained that the promotional events are included as part of the retail use of the building. Therefore, a special event permit would not be appropriate for these events.

M/S/P: Bloyer/Obermueller, motion to recommend approval of the CUP with the proposed amendments and additional conditions; ***motion carried, Vote: 4-0.***

### **City Council Updates**

Klatt reported that the City Council adopted Resolution 2012-53, approving a Conditional Use Permit at 11200 Stillwater Blvd. N. to allow therapeutic massage.

Bloyer wanted to find out more information regarding the City's efforts to recruit more Planning Commissioners.

Johnson noted that the City has received three to four applications for open seats on the Planning Commission. More than likely, these applicants will be interviewed at the next City Council meeting on 11/7/12.

### **Staff Updates**

Design Standards Stakeholder Workshop is scheduled for October 29, 2012 @ 6:30-8:00pm at City Hall.

Klatt noted that the next Planning Commission meeting will be on Wednesday, November 14, 2012 due to the observance of the Veterans Day holiday.

### **Commission Concerns - *None***

Adjournment at 7:50pm.

Respectfully submitted,

Nick Johnson  
City Planner