

**City of Lake Elmo
Planning Commission Meeting
Minutes of November 7, 2011**

Chair Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m. COMMISSIONERS PRESENT: Van Zandt, Fliflet, Ziertman, Haggard, Obermueller, Williams, Pelletier (7:40). COMMISSIONERS ABSENT: Hall, Bidon. STAFF PRESENT: Planning Director Klatt

Agenda

M/S/P, Williams/Ziertman, move to approve the agenda as amended. Vote: 6-0

Minutes – 9/12/11; 9/26/11; 10/12/11; 10/24/11

Van Zandt noted that the first part of the September 12, 2011 meeting should be identified as a workshop. M/S/P, Fliflet/Ziertman to approve the minutes of the September 12, 2011 meeting as amended. Vote 5:0 with Williams abstaining.

M/S/P, Williams/Haggard, to approve the minutes of the September 26, 2011 meeting as presented. Vote 5:0 with Ziertman abstaining.

M/S/P, Fliflet/Ziertman., to approve the minutes of the October 12, 2011 meeting as presented. Vote 4:0 with Williams and Haggard abstaining.

M/S/P, Williams/Fliflet, to approve the minutes of the October 24, 2011 meeting as presented. Vote 4:0 with Obermueller and Haggard abstaining.

Public Hearing- *Lake Elmo Sod Farm Interim Use Permit*

Klatt presented information concerning an application from the Lake Elmo Sod Farm, 456 Manning Avenue North, for an interim use permit to continue the operation of a seasonal sales lot from which to sell Christmas Trees that are grown off-site. He noted that Staff is recommending approval of the request and that the Interim Use Permit (IUP) have an ending date of 5 years from the date of adoption or upon sale of the property to an outside party.

Anthony Myhra, representing the Lake Elmo Sod Farm, responded to a question concerning parking on the site. He noted that the highest number of vehicles ever parked on the site was 25; and that other than a very limited number of peak hours, they do not have a large amount of traffic coming on to their property.

Haggard asked when the tree sales would start. Myhra indicated that they would begin their sales the day after Thanksgiving, and that all of the deliveries would be made with one truck.

Williams asked if a five year term was acceptable for the Interim Use Permit; Myhra responded that this time limit would be acceptable.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:34 P.M.

No one spoke during the public hearing.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:34 P.M.

M/S/P, Williams/Fliflet, to recommend approval of the interim use permit pursuant to the staff findings and with a requirement that the applicant comply with the City's sign regulations for agricultural businesses. Williams noted that the renewal period would be for five years or until the property is transferred, whichever occurs first. Fliflet asked to clarify that the expiration date would be January 2017 and Williams concurred with this change. Fliflet and Williams also agreed to add a statement that the interim use permit would apply only to the sale of Christmas Trees and not to any of the sod farm activity. Vote: 6:0.

Public Hearing – *Krueger Tree Farm Interim Use Permit*

Klatt presented the staff report and recommendation concerning a request for an interim use permit by the Krueger Tree Farm, 4452 Lake Elmo Avenue North, to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm.

Neil Krueger, representing the Krueger Tree Farm, stated that they have been growing trees for 30 years on this site, and that it has been pretty much the same operation during that period of time. He noted that they are looking to keep the tree farm in the family, and that the City should be promoting family farms in its rural areas. He further noted that Lake Elmo is looking to retain its rural character, and that the tree farm is a good fit for the open space.

Krueger asked that the City do a better job of involving people that are impacted by regulation changes and to improve the communication with residents on such matters. He expressed concern regarding the proposed time limits for the interim use permit, noting that it can take 10-12 years to grow a tree before it is ready for sale. Krueger requested a renewal period of 20 years rather than the 10 that had been recommended by staff.

Deb Krueger, representing the Krueger Tree Farm, distributed a packet of information to the Planning Commission concerning the tree farm. She stated that there is a significant difference between their operation and one that trucks produce in from other sites. Krueger indicated that they would like to put their land under a conservation easement and that they would be looking at participating in a transfer of development rights program if one is developed for the Village Planning Area.

Fliflet suggested that a sale or transfer within the immediately family should be allowed without a need to renew the interim use.

The Commission generally discussed the issues associated with a longer renewal period, and any potential issues with setting a different review time frame for some permits. Klatt noted that the Commission does have the discretion to set different review periods, but that it should clarify the differences that warrant a longer or shorter term.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:08 P.M.

No one spoke during the public hearing.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:08 P.M.

The Commission asked what would happen to the interim use permit if the sales activity changed. Klatt noted that certain activities on the site are permitted or would otherwise retain grandfathered rights that would not be impacted by the interim use.

M/S/P Fliflet/Ziertman, to recommend approval of the interim use permit for Krueger Tree Farm to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm, with the following changes to the conditions as recommended by staff: 1) change whichever is greater to whichever is earlier, 2) require a renewal of the interim use permit only upon the sale to an outside party, and 3) specify that the permit expires in January of 2032. Fliflet requested an amendment to the motion that was accepted by Ziertman to specifically note in the permit that supplementing of trees shall be allowed throughout the duration of the permit regardless of the frequency of this activity. Vote with amendment: 6:0.

Staff Updates

Klatt noted that the next meeting has been cancelled due to the Thanksgiving holiday.

Adjournment

Meeting adjourned at 8:32 PM

Respectfully submitted,

Kyle Klatt
Planning Director