

**City of Lake Elmo
Planning Commission Meeting
Minutes of August 8, 2011**

Chair Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m. COMMISSIONERS PRESENT: Bidon, Fliflet, Hall, Obermueller, Pelletier, Van Zandt and Williams (7:02). Absent: Haggard and Ziertman. STAFF PRESENT: City Planner Matzek and Planning Intern Johnson.

Agenda

Commissioner Williams would like to propose a change to the agenda where the Commission will make an announcement about the Visual Preference Survey on Wednesday, August 10 from 6:30 to 8:00 pm.

Commissioner Fliflet publically welcomed Commissioner Van Zandt back.

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

Minutes- None.

Chair Van Zandt made an announcement about the Visual Preference Survey.

Public Hearing- Variance Request 2860 Lake Elmo Avenue North

Planner Matzek introduced the variance request for 2860 Lake Elmo Ave. N. She stated the variance requested is to allow two holding tanks to be located within the side yard and lakeshore setback as well as to be allowed for more than 12 months. The applicant, Clyde Durand, wishes to sell his property and must update his waste system to bring it up to Code. She stated that the small R-1 property is just 0.14 acres in size and is not guided for future sewer connection, nor is there capacity on the City's 201 system. Planner Matzek then explained the variance criteria and offered three options: approval with a document recorded against the property identifying frequent pumping may be necessary, approval with a restriction for seasonal use only or denial.

Chair Van Zandt asked how much it costs to pump these holding tanks. In addition, Chair Van Zandt asked why the applicant could not plug into the sewer on Lake Elmo Ave.

Planner Matzek noted that the applicant told her that it cost around 200 dollars to pump the holding tanks. She then explained that the future sewer pipe going by the applicant's property would be a force main, and therefore cannot attach to residential properties.

Commissioner Fliflet asked why the holding tank system is only viable for 12 months.

Commissioner Obermueller asked about the design of the holding tank system regarding an alarm, as well as inquired about what type of system is currently employed. In

addition, Commissioner Obermueller asked whether or not there are any other properties that are restricted to seasonal use.

Pete Ganzel, Washington County Department of Public Health and Environment

Mr. Ganzel noted that holding tanks are not recommended for a residential property due to the high water use and high cost. He then explained the difference between a cesspool and dry well. Mr. Ganzel noted that these types of systems are no longer allowed under County ordinance, because they are considered a health threat.

Commissioner Fliflet asked which situation would be better; the current dry well system or the holding tank system.

Pete Ganzel responded that the holding tank system is definitely better. However, a future buyer of this property would have to be informed of the associated cost of frequently pumping these holding tanks.

Clyde Durand, the applicant

Mr. Durand explained the history of the family property. He noted that the cesspool was installed in the 1960's. He also said he thought his property was grandfathered in.

Commissioner Williams asked whether or not the applicant had discussed obtaining property across the street for a septic system.

The applicant stated that he felt that the adjacent property owner would not be interested in this scenario.

CHAIR VAN ZANDT OPENED THE PUBLIC HEARING AT 7:31 P.M.

Donald Durand, 2860 Lake Elmo Ave. N.

Mr. Durand stated that he does not want a septic system in his front yard as he may sell in the future and thought that would deter buyers. He also asked Planner Matzek about where the holding tanks would be in relation to the High Water Mark.

Planner Matzek noted that the Valley Branch Water District requested that the holding tanks be placed 5' higher than where they are currently proposed. She reiterated that this is a recommendation, not a requirement.

Donald Durand asked whether there would be alarm systems, as well as whether or not the tanks could be placed in the road right of way.

Planner Matzek noted that there would be alarms and that placing the tanks in the road right of way was not possible by condition of Washington County.

Clyde Durand, the applicant, noted that his property had been flood proofed up to the 100 year flood level.

CHAIR VAN ZANDT CLOSED THE PUBLIC HEARING AT 7:38 P.M.

Commissioner Fliflet asked for guidance from Planner Matzek in terms of similar situations or examples.

Planner Matzek noted that in another case on Klondike Ave. the property owner had a septic system on a property across the street. The case required a variance and the City attached a condition for a one acre easement as it was owned by the same property owner at the time. Planner Matzek also highlighted a case in Stillwater Township where the property was restricted to seasonal use.

Commissioner Fliflet noted that the holding tanks appear to be the best option, and that the financial burden at this point falls on the homeowner.

M/S/P, Fliflet/Hall, move to approve the variances requested to allow two holding tanks with the condition that a document be recorded against the property. Vote: 5-1
(Commissioner Williams voted no)

Public Hearing- Variance Request 2976 Lake Elmo Avenue North

Planner Matzek introduced the variance request at 2976 Lake Elmo Ave. to construct an addition to the home within the 100' setback of the OHW line setback. Planner Matzek also noted that the addition to the home does meet all other setback criteria other than the OHW line setback.

Commissioner Obermueller asked why there is an issue of tree replacement.

Planner Matzek explained that because the property is in a shoreland district, and therefore requires more stringent review of which trees are planned to be removed.

John and Bonnie Butenhoff, the applicants

Mr. Butenhoff explained that they are planning this addition for safety reasons relating to the long distance between the home and the garage. During the winter months, the path to the garage becomes icy. The applicants noted that they are getting older and feel that attaching the garage would be wise for safety reasons. In addition, they stated that they would like to add a rain garden in the front of the home to help mitigate storm water runoff from Lake Elmo Avenue.

Commissioner Williams asked why they don't simply tear down the old garage.

The applicant noted that the existing structure is sturdy and in good shape.

CHAIR VAN ZANDT OPENED THE PUBLIC HEARING AT 8:04 P.M.

Donald Durand, 2860 Lake Elmo Ave.

Mr. Durand noted that three previous families have moved from this property because of the safety issue related to backing out of the driveway on to Lake Elmo Ave. Mr. Durand

noted he supports the granting of this variance because it will allow the applicant to back out of their garage and turn around to approach Lake Elmo Avenue straight on.

PUBLIC HEARING CLOSED AT 8:05 P.M.

Commissioner Fliflet asked why the narrow part of the structure is a bridge.

The applicant explained the bridge is an architectural feature, as well as allowing for the rain garden to exist underneath.

M/S/P Williams/Obermueller, move to approve the variance with the conditions outlined as well as an addition condition that no part of the new structure is closer to the OHW than the original structure. Vote 6:0

Public Hearing- *Interim Use Permit Request 11211 North 60th Street*

Planner Matzek introduced the item. She said the ordinance has been revised over the past few years and the applicants now need an Interim Use Permit for an Agricultural Sales Business to allow the sale of produce grown off-site. She said their request is for 10 years, or until the sale of the property to a non family member. She said the structure that is used for these sales is existing and does not require any additional construction.

Commissioner Williams asked about the staff condition that 40 acres continually be used for the agricultural sales business. He also asked if it would make sense to combine properties.

Planner Matzek noted that Staff is not concerned about the agricultural operation as a whole shrinking to below 40 acres as they currently own 149 contiguous acres.

Keith Bergmann, the applicant

Mr. Bergmann noted that these sales activities of products grown off-site have been going on for many years. The applicant went on to explain the history of the site and the order in which property was purchased. He said the note regarding the outstanding drainage permit issue arose from the natural gas line project done in 2009. Mr. Bergmann expressed concern regarding the trip generation issue in terms of amount of property used in the calculation.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:28 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:28 P.M.

Commissioner Fliflet noted that this type of family business is what Lake Elmo should encourage.

M/S, Fliflet/Van Zandt, move to approve the Interim Use Permit with the attached conditions and with a clarification on which land would be utilized for calculating trip generation.

M/S/P, Williams/Hall, move to amend the motion to clarify that there should be at least 40 acres within the Interim Use Permit. Vote: 6-0.

Public Hearing- Conditional Use Permit Amendment 5825 Kelvin Avenue North
Planning Intern Johnson introduced the item by giving a background of the request. He said the church is requesting an additional 84 parking stalls that is compliant with all setback requirements. He said the applicant would like to leave the parking lot unpaved for five years. He explained that the City is requesting an easement to allow construction of a larger watermain because the plat for the residential portion of the development has been delayed.

Commissioner Fliflet inquired about the future growth of the Church. She wanted to ensure that the parking lot would be large enough to compensate for the future growth of the Church.

Commissioner Obermueller asked when the plantings for screening would occur.

Planning Intern Johnson noted that this should occur as soon as the parking lot is constructed.

Commissioner Bidon wanted to inquire about the drainage plan for the parking lot.

Planner Matzek noted that the City Engineer did evaluate the site and felt there was enough infiltration areas around the parking lot to compensate for storm water management needs.

Commissioner Fliflet noted that she has heard a lot of complaints regarding the lights in the parking lot of the Church being on late at night.

Planner Matzek noted that this is a code enforcement issue.

Bob Brydges, Executive Pastor at Rockpoint Church

Mr. Brydges spoke about the issues pertaining to congestion related to a lack of parking, in some cases causing safety concerns. He also noted that they would like their staff to park in the overflow lot so guests have easier access to parking. Bob Brydges noted that class 5 rock will be used for the overflow lot. In regard to the lighting concern, he noted that the lights work on a timing system and are not on all night. Mr. Brydges noted that the congregation has grown to around 1500 people. High points during Sunday services are 950 people spread over two services.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:59 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:59 P.M.

M/S/P, Obermueller/Hall, move to recommend approval of the request with the attached conditions noted in the staff report, as well as a condition ensuring that screening is planted as soon as the lot is constructed.

Commissioner Williams requested a friendly amendment be added to attach another condition in which the Church should provide a landscape plan and storm water management plan. He noted that Bremer Bank supplied a much more detailed plan of their parking lot.

Commissioner Obermueller accepted the friendly amendment.

Vote: 6:0.

Business Items- *Visual Preference Survey announcement*

Chair Van Zandt made an official announcement regarding the Visual Preference Survey on Wednesday, August 10th at City Hall.

City Council Updates

Planner Matzek noted that the City Council approved the Ziertman variance, as well as the Lovett Variance. Planner Matzek also noted that an appeal regarding a fence permit was passed as well.

Staff Updates

The Planning Department wanted to publicly welcome back Chairman Van Zandt, as well as notify the Planning Commission that this would be Planning Intern Johnson's last meeting.

Commission Concerns

The Planning Commission thanked Planning Intern Johnson for his work.

Adjournment

Meeting adjourned at 9:06 PM

Respectfully submitted,

Kelli Matzek
City Planner