

**City of Lake Elmo
Planning Commission Meeting
Minutes of June 28, 2010**

Vice Chair Fliflet called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Britz, Fliflet, Hall, Pearson, Pelletier, Williams, and Ziertman. Absent: McGinnis, Van Erem and Van Zandt. STAFF PRESENT: City Administrator Messelt, City Attorney Sandstrom, Planning Director Klatt, Planner Matzek, and Planning Intern Bailey.

Agenda

M/S/P, Hall/Williams, move to approve the agenda as presented. Vote: 8:0.

Minutes – May 10, 2010

Commissioner Hall asked for Mr. Freeman's statement on page four to be clarified.

M/S/P, Williams/Pearson, move to approve the minutes as revised. Vote: #:0.

Abstained:

Public Hearing – Home Occupation Ordinance

Planning Intern Bailey gave the history on the evolution of the proposed ordinance and explained the ordinance changes from the last time the commission reviewed the ordinance. She identified typos previously presented to her by Commissioner Williams.

Commissioner Williams asked how a wayside stand would be reviewed in relation to the home occupation ordinance.

Planning Intern Bailey said the ordinance would explicitly exclude wayside stands.

Vice Chair Fliflet asked to have the end of the sentence stricken in the garage sale definition so it wouldn't be repetitive and the meaning wouldn't change. She asked how holiday boutiques would fit into the definition of garage sales.

Commissioner Pelletier suggested private parties such as candle parties should not be limited to twice a year like a public garage sale. She asked what the previous discussion was regarding limiting storage for home occupations.

Planning Intern Bailey said the commission had discussed it at length at a past meeting and the majority of the commission voted to not regulate the amount of storage allowed.

THE VICE CHAIR OPENED THE PUBLIC HEARING AT 7:26 P.M.

No one spoke.

THE VICE CHAIR CLOSED THE PUBLIC HEARING AT 7:27 P.M.

Commissioner Pearson asked if renters should be allowed to conduct a home occupation.

Planning Director Klatt suggested requiring the property owner to sign the application form.

M/F, Williams moved to approved the draft including the corrections in subdivision five where additional language should be added requiring a property owner's signature on a home occupation permit. Motion failed for a second.

Commissioner Ziertman suggested hours of operation are added to the ordinance.

A straw vote was taken and a majority voted for 7 a.m. to 10 p.m. seven days a week.

Vice Chair Fliflet asked that the following language be added to the exception section: "This ordinance does not pertain to licensed day care facilities as they are licensed by the State."

Commissioner Ziertman asked if the code regulated the type or size of vehicles allowed in residential areas.

Planning Director Klatt stated that the specific section of code could be referenced in the home occupation ordinance.

Commissioner Pelletier said she is uneasy about not regulation the amount and location of storage associated with a home based business.

A straw vote was held in favor of the currently drafted wording regarding storage. Six commissioners were for leaving the text as written. Two opposed: Ziertman and Pelletier.

Commissioner Ziertman suggested taking out "seasonal goods" from the definition.

A straw vote was taken and a majority voted in favor of creating a second definition and removing "seasonal goods" from the garage sale definition.

Commissioner Hall suggested the sales could be defined as public and private with different requirements. He said public sales, like garage sales, could be allowed twice a year for three days each whereas private sales, like a Mary Kay party, could be unlimited.

M/S/P, move to recommend approval of the ordinance as amended with the understanding that staff will circulate potential rewording of the definitions.

Pelletier suggested a friendly amendment that the straw votes and discussion of the commission on the topic be passed along to the City Council.

Vote: 8:1. Ziertman against as she believes it is a mistake not to regulate the storage size.

The commission took a break from 8:25 p.m. to 8:30 p.m.

Public Hearing – *Wayside Stand Ordinance Revision*

Commissioner Ziertman recused herself from the discussion in case there was a potentially perceived or apparent conflict of interest.

Administrator Messelt gave the history of the City Council’s review, action, and direction to staff regarding a complex application in 2009 from the Country Sun Farm business located along Highway 36. He identified staff’s efforts thus far. Mr. Messelt asked the commission to accept comments that go beyond the scope of the ordinance revision in front of the commission, but to recognize that discussion of them would be more appropriate in the future. He also noted the desired intent of the city to move forward with a farmers’ market.

Planning Director Klatt identified the proposed change to the wayside stand definition and distributed correspondence he received earlier from Country Sun Farm.

VICE CHAIR FLIFLET OPENED THE PUBLIC HEARING AT 8:41 P.M.

Debra Krueger was called to speak, but she had already left.

Neil Krueger, 4452 Lake Elmo Avenue North

Mr. Krueger said that he is in support of the proposed change to the wayside stand definition.

Keith Bergmann, Country Sun Farm and Greenhouse

Mr. Bergmann said their business started as a wayside stand and has grown; and opined that wayside stands are almost the same as an agricultural business. He said this proposed change would make things worse, not better. He identified an issue for farmers with discontinuous parcels being unable to move and sell their produce across the street. Mr. Bergmann said this is being presented solely because of the current lawsuit. He said this change does not make it better for residents, it only makes it better for the city because the current language is unconstitutional. He said that due to weather, animals, and crop rotation, sometimes a farmer needs to bring in product from outside to sell.

M/S/P, Williams/Pearson, move to close public hearing. Vote: 7:0. (Ziertman abstained.)

VICE CHAIR FLIFLET CLOSED THE PUBLIC HEARING AT 8:47 P.M.

Commissioner Williams asked how non-adjacent parcels or rented fields would be addressed.

Attorney Sandstrom suggested reviewing and/or clarifying the definition of “operator.”

City Administrator Messelt said that it had not been addressed, but staff can look into that concern.

Planning Director Klatt said that all parcels are not equally able to support a wayside stand due to size, location, and other characteristics.

City Administrator Messelt suggested the possibility of a permit process to allow crops to be brought to one site from another property owned by the same person. He said this administrative remedy would have to be cleared with the city attorney. He said the ordinance could also be amended in the future or another definition could be added to clarify the questions being posed.

M/S/P, Williams/Hall, move to separate the motions for the ordinance approval and the recommendation of a farmers market. Vote: 6:1. Britz against.

M/S/P, Pelletier/Pearson, move to recommend approval of the ordinance revision as presented.

M/S/P, Williams/Britz, while not committing the city to any expenditures for land, facilities, or personnel, the planning commission endorses the concept of an establishment of a Lake Elmo's farmers market to preserve and enhance the current and future offering of fresh produce and related goods to the local community. Vote: 4:3 (Pelletier, Fliflet, and Pearson against as they believe the language was too strongly worded.)

Business Item: Comprehensive Plan – Rural Area Density Analysis Discussion

Planning Director Klatt summarized his analysis of the land available for non-sewered development. He provided projected populations broken down by 40, 20, and 10 acre minimum lot size at a density of 18 units per 40 acres. He said it is possible that smaller properties would combine and develop.

Commissioner Pearson asked if it was possible to provide incentives for the smaller sized parcels to consolidate.

Administrator Messelt said it is possible, but that many of the smaller parcels are not contiguous. Also, some property owners may choose not to develop at the highest density allowed.

Business Item - Staff Updates

Planning Director Klatt said at its workshop, the Council gave staff direction to bring decision items for the Village Area forward with the intention of moving forward and making progress.

Administrator Messelt gave a brief description of what information has been given to the Council and what information is still needed.

Business Item – Commission Concerns

Commissioner Hall said one of the document in the CD handed out at the last meeting with the recent Comprehensive Plan is missing every other page.

Commissioner Williams asked for a status update for the Senior Housing and Farm School application. He asked what the commission’s role will be in negotiations through the PUD.

Administrator Messelt said the City Council will be discussing the application along with the commission’s recommendations and suggested conditions at the next workshop. He said the negotiations will occur at the Council meetings, but that one or two commissioners can attend the meeting to represent the commission’s recommendation.

Planning Director Klatt said the development stage plan will be coming back to the commission for review at such time as the next stage in the application process is received and processed.

Adjournment:

M/S/P, Pearson/Hall, move to adjourn at 10:45 p.m. Vote: 8:0.

Respectfully submitted,

Kelli Matzek
Planner