

**City of Lake Elmo
Planning Commission Meeting
Minutes of November 8, 2010**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Britz, Hall, Pearson, McGinnis, Van Zandt, Williams and Ziertman. Absent: Fliflet, Pelletier and Van Erem. STAFF PRESENT: Planning Director Klatt.

Agenda

Minutes – September 13, 2010

M/S/P, Pearson/Bidon, move to approve as presented. Vote: 7:0. Williams abstained.

September 27, 2010

Commissioner Williams said “now” should be changed to “not” on page three, “commend” should be “comment” on page five, and the lines should be removed from the bottom of page four.

M/S/P, Williams/Ziertman, move to approve as amended. Vote: 6:0. Britz and McGinnis abstained.

Public Hearing – *OP Buffer Setback for Meyers Pineridge Development*

Planning Director Klatt summarized the proposed revisions to the buffer setbacks for the Meyers Pineridge development.

Commissioner Williams identified that a 100 foot buffer setback from the North side would not impact existing structures.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:09 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:10 P.M.

M/S/P, Bidon/Pearson, move to recommend approval of the buffer setbacks suggested by staff.

Commissioner Williams suggested leaving the setback at 100 feet from the North.

Vote: 7:1. Commissioner Williams voted against.

Public Hearing – *Zoning Text Amendment: Addition of Rear Yard Setback and Reference to Buffer Setback for OP Developments*

Planning Director Klatt identified this as a follow up to previous work the commission has accomplished and direction given to staff. Staff is suggesting the addition of a 15-foot rear yard setback as all other zoning districts have a rear yard setback identified. He

said staff is also suggesting the addition of a reference to the buffer setbacks within the chart for clarification and ease of use.

Commissioner Williams asked for the rear yard setback in other residential zoning districts.

Planning Director Klatt said the R-1 district's rear yard setback was 40 feet and the RR district was 40 feet, but they are typically larger lots. He said those are setbacks for the primary structure, but the rear yard setbacks for accessory buildings are 10 feet.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:21 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:21 P.M.

Commissioner Williams stated he believed 15 feet was too small as the R-1 zoning district has lot sizes relatively close to that of Open Space Preservation developments and has a 40 foot rear yard setback.

M/S/P, Williams/Hall, move to recommend approval of the suggested changes, but with a 20 foot rear yard setback.

Commission Britz suggested changing the text to "See city staff or website for individual development requirements."

Commissioners Williams and Hall approved the suggested change.

Vote: 8:0.

Public Hearing – *Special Event Permit Ordinance*

Planning Director Klatt noted that the commission discussed this item roughly a year prior, but changes have been made to the draft since then. Mr. Klatt asked the commission to review and consider a special event permit ordinance which regulates temporary, outdoor privately-sponsored events open to the general public where such event would not otherwise be permitted under the City's zoning regulations. He said this ordinance has been revised to allow a temporary agricultural sales business in certain circumstances.

Commissioner Britz said the proposed text requires an application not less than 30 days before the event, but asked if a case for an appeal occurs, would the 30 days be long enough.

Planning Director Klatt said the 30 days is a minimum, but if there was some question that an application may be denied, the applicant should be in talking to staff early.

Commissioner Bidon asked if there should be a minimum attendance threshold for a required permit.

Planning Director Klatt said he thinks there is room for staff discretion to determine if a permit is not needed. He said a private event may have a known number of people expected to attend whereas a public event may be more difficult to judge.

Commissioner Williams identified that on page three, a Council waiver could be requested. He asked what would happen if an event spilled outside due to the number of people who attended.

Planning Director Klatt said that there is no way to regulate everything and there will always be some grey areas, even with this ordinance and permit in place. He said other regulations such as noise and odor can still be enforced, even in cases where a Special Event Permit would not be required.

Commissioner Ziertman asked about the agricultural sales component of the Special Event Permit. She said she thought the intent was to supplement a failed crop and was therefore wondering why the proposed fee is higher than the regular Special Event Permit when the review should be less intensive of staff's time. She also asked why there are additional requirements proposed for the agricultural sales Special Event Permit that are not imposed upon the initial farm.

Planning Director Klatt said the Council has the ability to waive requirements. He said staff can review the fee schedule again.

Commissioner Williams identified that the city had previously discussed administrative fees, but on page four it references a misdemeanor under enforcement and penalties. He asked how the administrative fees would relate to the enforcement of this ordinance.

Planning Director Klatt said he would add reference language to the appropriate section.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:59 P.M.

Neil Krueger, 4452 Lake Elmo Avenue

Mr. Krueger asked how the interim use permit was related to the Special Event Permit. He asked what were the steps to sell Christmas trees at Krueger's Christmas Tree Farm. He said he has not been informed about the rules as they are being made and thinks it may harm farmers' businesses.

Planning Director Klatt said that selling materials grown on site does not require a permit from the city, bringing in materials from off-site requires an Interim Use Permit, and a Special Event Permit is a secondary tier to do interim sales for up to three months. Planning Director Klatt said it is his understanding that the Krueger Christmas Tree Farm sells what is grown on site, so Mr. Krueger would not need any permits from the city.

Mr. Krueger asked if he would need a Special Event Permit to sell wreaths and Christmas tree stands.

Planning Director Klatt said he believes there are provisions in code that allow them to sell those items and the Special Event Permit relates to agricultural products brought in from off-site.

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

Commission Williams suggested adding language to 2F1B “and playback devices.”

M/S/P, Van Zandt/Williams, move to table the ordinance to incorporate the many changes suggested by the commission. Vote: 8:0.

Business Item – Interim Use Permit for Open Sales Lot at 9200 Hudson Boulevard
Planning Director Klatt informed the commission that this application was in front of them at the last meeting and was tabled due to some issues the applicants wanted to review with staff. He said staff has since met with the applicants, the attorney has reviewed the terms and conditions of the Interim Use Permit, and it is believed there is an agreement both sides can agree to. He summarized the application and recommended approval of the Interim Use Permit with a few additional conditions.

Chairman Van Zandt said he visited their site, but found even vehicles that were deemed totaled were still of nice quality and were not an eyesore.

Commissioner Pearson asked if the Interim Use Permit (IUP) would be void if the property was sold.

Planning Director Klatt said it is possible the applicants could transfer ownership of the business just by informing the Council at that time and would not be required to apply for a new IUP. He said typically an IUP could be worded to end when a transfer of ownership occurs. He said it would be likely the IUP would be revised to reflect the new ownership.

Commissioner Britz said there may be a discrepancy in the length as in the permit agreement it states 10 years, but the other references state 5 years.

Planning Director Klatt said it should be 10 years.

Commissioner Britz asked what was the estimated timeline for sewer being extended to this property.

Planning Director Klatt said the Comprehensive Plan says 2015 – 2020, but it is a guess at this time.

M/S/P, Williams/Pearson, move to recommend approval of Interim Use Permit for an Open Sales Lot at 9200 Hudson Boulevard. Vote: 8:0.

Business Item – Election Results

Planning Director Klatt congratulated Commissioner Pearson on his election to the City Council, which will become effective January 1st. He said Councilmember Park was reelected and Councilmember DeLapp was not. He said Mayor Johnston was not elected to the County Commissioner position and will finish his term as Mayor.

Business Item – Commissioner Terms

Planning Director Klatt identified five commissioner terms that are expiring at the end of 2010 with one commissioner unable to reapply for a full voting member position. He asked the commissioners to let staff know if they were interested in reapplying.

City Council Updates

Planning Director Klatt said the Interim Use Permit and Holding District ordinances were approved by the City Council.

Staff Updates

Planning Director Klatt asked the commission if they would like to cancel or reschedule their December 27th meeting.

Chairman Van Zandt asked for a straw vote to cancel the second meeting of December. There was unanimous support.

Commission Concerns

None.

Adjournment:

The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Kelli Matzek
Planner