

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 23, 2010**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m. COMMISSIONERS PRESENT: Bidon, Britz, Fliflet, Hall, Pearson, Pelletier, Van Zandt, and Ziertman. Absent: McGinnis, Van Erem, Williams. STAFF PRESENT: Planner Matzek

**Agenda**

**Minutes** – *None.*

**Public Hearing** – *Conditional Use Permit; 9200 Hudson Boulevard; Cranky Ape*  
Planner Matzek summarized the conditional use permit application for 9200 Hudson Boulevard which is zoned HD-GB-SRD. She said that the open sales lot, as requested by the applicant, is allowed as a conditional use permit in the holding district. Staff is recommending approval with conditions.

Commissioner Britz asked if the business would continue when the sewer becomes available.

Planner Matzek said that a CUP continues with the property and could not be revoked at the time sewer is available to the site. She said that the property owners would need to terminate the use for a year or violate a condition of approval for the CUP to be terminated.

Commissioner Bidon expressed his opinion that it would make more sense for the area along I-94 to be used for commercial purposes and residential development to be constructed to the North.

*Jay Adams, Owner Cranky Ape*

Mr. Adams said the website has between 65 and 125 auction items up for bid at any one time over nine sites nation-wide; roughly half would be in Minnesota. He said there is no live block for a live auction – it is all online, but someone can come to the site and get on a computer to bid. He said they are amenable to finishing the landscaping. Mr. Adams said they have about 35 employees, but would expect about 50. He said they do not service the vehicles; any fixes are cosmetic and the sales are as-is.

THE CHAIR OPENED THE PUBLIC HEARING AT 7:27 P.M.

No one spoke.

THE CHAIR CLOSED THE PUBLIC HEARING AT 7:28 P.M.

Commissioner Fliflet said that although she thinks this business will have less of an impact than the previous user, she would not be in favor of a conditional use permit because it is not in conformance with the Comprehensive Plan. Instead, she would be in favor of an interim use permit like that of the trucking company on Hudson Boulevard.

Planner Matzek said that the holding district language states those conditional use permits allowed in the General Business district are allowed as a CUP in this holding district as well which is why staff is recommending approval. She said that the current city code does not allow an open sales lot as an interim use permit on this property and the city code would need to be changed.

M/S/P, Bidon/Hall, move to approve conditional use permit for Cranky Ape company at 9200 Hudson Boulevard. Vote: 5:3. Pelletier, Fliflet, and Britz voted against.

Commissioner Fliflet suggested adding a condition prohibiting live auctions.

M/S/P, Van Zandt/Pearson, move to add as a condition of approval that live auctions would be prohibited. Vote: 8:0.

**Business Item:** *Distribution and Discussion: A Citizen's Guide to Influencing Local Land Use Decisions*

Planner Matzek introduced the informational item that was provided by 1000 Friends of Minnesota. She said the section on variances may have changed due to the recent court case, but thought it was good information for citizens. She asked for suggestions for getting the information out to residents.

Commissioner Pelletier suggested putting some of the information on the city's website or sending copies out to Homeowner Association contacts.

Commissioner Hall suggested distributing it at the Fall Festival.

Chairman Van Zandt suggested having other clubs such as Rotary or Jaycees distribute it at their meetings.

**City Council Updates:**

Planner Matzek said the City Council approved the final Comprehensive Plan and directed staff to move forward with the SSTS ordinance at the August 17<sup>th</sup> meeting.

**Adjournment:**

The meeting was adjourned 7:58 p.m.

Respectfully submitted,

Kelli Matzek  
Planner