

**City of Lake Elmo
Planning Commission Meeting
Minutes of November 23, 2009**

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

Agenda

Planning Director Klatt asked to add "Discussion of December Meetings" to Business Items. M/S/P, Fliflet/Ziertman, move to approve as amended. Vote: 7:0.

Minutes – None

Public Hearings – Variance, 11140 20th Street Court North

Planning Director Klatt introduced the previously tabled item. The application is to allow the construction of an addition at 11140 20th Street Court North to be 22.8 feet back from front property line. The ordinance allows the averaging of front yard setbacks, thereby reducing the requested variance to less than four feet.

Commissioner Ziertman said the position of the improved cul-de-sac inside the right-of-way is not centered and the location of the permitted adjacent home closer to the road leads to her support of the variance.

Mr. Burns, the applicant, handed out a packet of information and spoke regarding the width of the cul-de-sac.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:31 P.M.

Jerry Junker, 11130 20th Street Court North

Mr. Junker wanted to repeat from the last meeting that his is the closest home and would be most impacted by the variance. He is supportive of the applicant's request.

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

M/S/P, Fliflet/Ziertman, move to recommend approval of the variance request at 11140 20th Street Court North based on the location of the improved cul-de-sac and the potential differing interpretation of code from 30 years ago. Vote: 7:0.

Public Hearings – CUP Amendment, Rezoning, CUP for Country Sun Farm & Greenhouse

Planner Matzek introduced the item by saying there are three components to the application: a rezoning from Rural Residential to Agricultural, a CUP amendment to allow the movement of an existing greenhouse to additional land, and a CUP for an Agricultural Entertainment Business. She said at this time the staff classified the existing

uses on the site to determine whether they are permitted, conditionally permitted, incidental or accessory to the property, or not allowed by code. Staff is recommending approval of the three components to the application with conditions outlined in the staff report and denial of four uses currently existing on the property.

Commissioner Ziertman asked if a greenhouse could be moved to the proposed parcel as it would be allowing an accessory building on a parcel without a primary structure, which is not allowed by code.

Planner Matzek said that it could be allowed as a part of the conditional use.

Planning Director Klatt asked the commission to consider if the "L" portion of the parcel that surrounds the residential property should be included in the CUP as it does not seem practical.

Keith Bergmann, Co-Owner of Country Sun Farm & Greenhouse

Mr. Bergmann said this application began because of discussions with MnDOT and Washington County regarding the future reconfiguration of Co Rd 17 and SH 36. He said one of the options would be to add a frontage road that would remove the land currently utilized by their business. He said they would also like to utilize an overflow parking lot left by Northern Natural Gas as the area is already disturbed. The additional land proposed to be added to the CUP would be buffered from the residential development as they own the land which is held in a conservation easement by the MN Land Trust. He said they have always sold pumpkins, Christmas trees and flowers from the property, but that the produce has not been entirely grown on the site which is now being identified by staff as not allowed.

Eileen Bergmann, Co-Owner of applicant

Mrs. Bergmann gave a history of how the CUP began with just seven or eight acres and eventually expanded over time to end up at the current 43 acres, with the last expansion including 20 acres in 2003 by the City Planner at the time. The agricultural barn on the "L" area of the parcel is used to store straw. She said a few years ago they had asked the city to add the "L" area of land to the adjacent residential parcel, but that was denied.

Planning Director Klatt said that the ordinance since 1979 has identified that seasonal sales were for items produced on the site. He said that the interchange project mentioned by the applicant has been postponed with no future timeline or funding identified at this time. He asked the commission to weigh in on the staff interpretation of the existing uses identified that are not permitted by code.

Commissioner Ziertman suggested that the city code should specify allowing a small percentage of product be allowed to be brought to a site for sale.

Mrs. Bergmann said that it was interpreted previously under "sales lot" that agricultural related products such as pots and soil could be sold in addition to their flowers.

Commissioner Fliflet said that a CUP would govern what can be sold on the property, not what the city code says. She said that the ordinance from 2008 allowing Agricultural Entertainment Businesses was not intended to exclude accessory activities such as children's activities without an agricultural component. She suggested adding the language in the CUP now to allow bringing in produce from off-site for sale as it is a use that has been ongoing. She did not want to suggest a percentage allowed as she thought it would be difficult to enforce.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:01 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:02 P.M.

Commissioner Ziertman said she had a hard time with where to draw the line between an Agricultural Entertainment Business and a commercial use. The ordinance should restrict what is brought to a site so it does not become a store-front.

M/S/P, Fliflet/McGinnis, move to recommend approval the rezoning from Rural Residential to Agricultural as presented. Vote: 7:0.

M/S/P, Fliflet/McGinnis, move to amend existing CUP to add approximately 24 acres and to accommodate the overflow parking lot. Vote: 7:0.

M/S/P, Fliflet/Van Erem, move to recommend approval of a CUP for Agricultural Entertainment Business for the 67 acres and to allow family entertainment activities without a direct agricultural component and the sale of agricultural product not grown on the site. Vote: 6:1. Ziertman opposed the vote as she did not believe the sale of produce from off-site was clear.

Planning Director Klatt stated that this motion does not appear to be consistent with the city code and would like some evidence of support.

Commissioner Fliflet said it is obvious they have not been growing Christmas trees on the property, but they have been allowed to do it – it is a non-conforming use and the addition of the language will clarify this for the future.

Proposed Revisions to Buffer Setbacks in Open Space Preservation (OP) Developments

Planner Matzek said the review of the buffer setbacks for the 17 OP developments have been reviewed by the City Council at a workshop. The discussion included the recommendation of an additional setback to require new homes to be built closer to the roadway, thereby leaving a backyard that could be utilized for accessory buildings and reducing future variances.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:27 P.M.

Lisa Pella, St. Croix Sanctuary Resident

Ms. Pella asked for clarification on the proposed buffer setbacks in the St. Croix's Sanctuary development.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:34 P.M.

M/S/P, McGinnis/Van Zandt, move to recommend approval of the OP buffer setbacks as specified in the staff report. Vote: 6:1. Bidon opposed.

Capital Improvement Plan; 2010-2014

Finance Director Bouthilet gave a brief description of a CIP and the recommendations provided by the Park Commission.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:38 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:38 P.M.

M/S/P, McGinnis/Bidon, move to approve the CIP. Vote: 7:0.

Business Items – Planning Commissioner Terms

Chairman Van Zandt stated this updated was provided for their information.

Business Items - Discussion of December Meetings

Chairman Van Zandt said he had talked with planning staff and suggested cancelling the December 28th commission meeting.

City Council Updates

Planning Director Klatt said the City Council approved the Wireless Telecommunication Tower Moratorium repeal and the Comprehensive Plan Submission at the November 17th meeting.

Adjourned at 9:43 p.m.

Respectfully submitted,

Kelli Matzek
Planner