

**City of Lake Elmo
Planning Commission Meeting
Minutes of September 14, 2009**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Anderson, Bidon, Britz, Fliflet (7:03), Hall, Pearson, Van Zandt, Williams, and Ziertman. Absent: McGinnis and Van Erem. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

Agenda

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

Minutes – June 8, 2009

M/S/P, Hall/Bidon to approve the minutes as presented. Vote 8:0.

Public Hearing: Variance for 8199 Hill Trail North

Planning Director Klatt introduced the variance application for construction of a 147 square-foot addition and related breezeway to the house which increases the non-conforming impervious surface coverage at 8199 Hill Trail North. Although the original application included a variance for a deck, staff found that the deck would be permitted without a variance. Staff is recommending approval of the application with two conditions.

Commissioner Hall asked how storm water is managed on that corner of the house.

Greg Lohmer, applicant

Mr. Lohmer stated that there are gutters directing the water. He said his house was built in 1972 and a number of internal remodels have been done. He would like to upgrade and remodel the bedroom to be more accommodating for him as he ages, which is why the expansion is in the proposed location.

Commissioner Williams asked if part of the sidewalk could be removed. He said he does not see a hardship and would like to see the variance further minimized.

Mr. Lohmer said the existing stairs will stay, but the sidewalk will be covered by the addition.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:32 P.M.

No one spoke.

Planning Director Klatt said a neighbor, Mr. Dillon wrote to staff with his support of the application as he was unable to attend the meeting. Mr. Dillon said his primary concern was with water drainage as there were past issues with water draining onto the cul-de-sac.

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

M/S/P, Ziertman/Fliflet, move to recommend approval of the variance request.

Commissioner Williams proposed an amendment to the motion to add the condition that the sidewalk would be removed up to the existing top step.

Straw vote of amendment denied with a vote of 1:7.

Vote: 8:1.

Public Hearing: *Conditional Use Permit Amendment; Country Sun Farm & Greenhouse*
Planner Matzek briefly identified the application and said that the applicant has requested the application be tabled to further discussion options with city staff.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:55 P.M.

M/S/P, Fliflet/Williams, move to table application to September 28th meeting. Vote: 9:0.

Public Hearing: *Zoning Text Amendment; Permitted Encroachments*
Planner Matzek introduced the proposed text amendment. The City Council directed staff to bring to the commission language to consider allowing covered porches into front yard setbacks.

Commissioner Ziertman asked why the text proposes allowing the covered porches six feet into the setback and not a percentage of the setback in the zoning district.

Planner Matzek stated that the setbacks vary so widely in different zoning districts and there may be some non-conforming structures already within the setback which may cause confusion.

Commissioner Fliflet asked that a second sentence be added to clarify that the encroachment was not permitted in a side yard setback.

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

No one spoke.

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

M/S/P, Fliflet/Williams, move to approve staff recommended language and to add a second sentence clarifying the encroachment is not permitted in the side yard setback.

Planning Director Klatt suggested that low decks be added as well.

Motion amended – Fliflet/Williams to include patios and decks where the language was struck. Vote 9:0.

Business Item: *Sanctuary Landscape Plan Revision*

Planning Director Klatt said that the developer in the St. Croix's Sanctuary development was found in default and the city is working to close out the development. The city has a financial guarantee remaining, but it will not fully cover the remaining items. A revised landscape plan is proposed which would be less expensive than the existing residents in the development are agreeable to.

Amanda Clementson, a designer with Landscape Architecture, Inc. presented the original landscaped plan, the history, and the revised plan.

Commissioner Hall asked if the city would consider changing the ordinance to allow more flexibility for landscaping in the future.

Planning Director Klatt said the commission has the authority to make that recommendation to the council.

Chairman Van Zandt suggested looking for other money available to assist in the landscaping, such as money from the county for buckthorn removal.

Commissioner Williams suggested planting smaller trees in larger quantities as they will grow larger later.

Ms. Clementson said the warranty only protects the trees for a finite time and the larger trees are less desirable by deer for rubbing, which many times lead to the trees dying.

M/S/P, Anderson/Ziertman, move to recommend approval of revised landscape plan for St. Croix's Sanctuary.

Discussion:

Commissioner Fliflet suggested removing the language "and clustered along lot lines."

Commissioners Anderson and Ziertman agreed to the amendment.

Commissioner Williams suggested the paragraph clarify that "the two trees per building site shall be provided in the front yard." Vote 9:0.

Commissioner Williams suggested it be clarified that the builder or homeowner is responsible for adding the trees to the lot. Vote: 9:0.

Vote: 9:0 on original vote.

Business Items: *Buffer Setbacks in Open Space Preservation Developments*

Planner Matzek introduced the item and provided staff's recommendation for the developments of St. Croix's Sanctuary, Discover Crossing, and Whistling Valley I.

M/S/P, Ziertman/Fliflet, move to recommend buffer setbacks of 100 feet from the East, 50 feet from the South, 50 feet from the West, and 200 feet from the North at the St. Croix's Sanctuary development. Vote 8:1. Commissioner Bidon voted against.

M/S/P, Bidon/Britz, move to recommend buffer setbacks of 100 feet from the East, 100 feet from the South, 200 feet from the North, and 50 feet from the West at the Discover Crossing development. Vote: 9:0.

M/S/P, Williams/Anderson, move to recommend buffer setbacks of 0 feet from the East, North, and West; 200 feet from the South at Whistling Valley I development. Vote: 9:0.

M/S/P, Williams/Ziertman, to recommend staff be directed to bring forward a suggested rear yard setback in the OP developments. Vote: 9:0.

The commission tabled the remaining parts of the item.

Business Items: *Economic Development Activities*

The commission tabled the item.

City Council Updates

The items were tabled.

Councilmember Brett Emmons introduced himself.

Meeting adjourned 10:01 p.m.

Respectfully submitted,

Kelli Matzek
Planner