

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 10, 2009**

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

**Agenda**

M/S/P, Fliflet/Van Erem. Vote: 9:0.

**Minutes – July 13, 2009**

Commissioner Fliflet said she did not vote for the straw poll identified on page two; she did not want the process to be expedited as she wanted to ensure voices were heard. Commissioner Ziertman said she voted against the straw vote for removing the minimum size limit for the towers.

M/S/P, Ziertman/Fliflet to approve the minutes as amended. Vote: 7:0.

**Public Hearing - Variance at 8618 Ironwood Trail North**

Planner Matzek introduced the variance application to allow a covered porch to encroach five feet within the required thirty foot front yard setback at 8618 Ironwood Trail North. Staff recommended denial of the application based on the variance criteria.

Commissioner Fliflet asked if any of the existing homes in the neighborhood encroach into the setback.

Planner Matzek said that there may be one elsewhere in the neighborhood, but it was unconfirmed at this time.

*Vernon Reichow, 8618 Ironwood Trail North*

Mr. Reichow explained that the covered porch is proposed to allow room to turn a wheelchair around as he and his wife both had fathers in wheelchairs. They are proposing to have a covered porch to protect it from the elements and to make their home more accessible for when they are elderly as they would like to stay in their home.

**THE CHAIRMAN OPENED THE PUBLIC AT 7:20 P.M.**

Rita Conlin, 8560 Ironwood Trail North

Mrs. Conlin stated that she is in favor of the variance. She said she appreciates that they are trying to create generational type housing as Lake Elmo does not have any senior housing currently. She said it speaks to the stability of the neighborhood.

**THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:24 P.M.**

Commissioner Fliflet said that she is supportive of the variance as it is towards the street and does not encroach upon neighbors and because they could have come in with a 20 foot uncovered porch that would be permitted, but this requires a variance because it has a cover.

Commissioner Pearson said he does not see a hardship. If in the future they were in a wheelchair maybe it would be a hardship at that time.

Commissioner Williams said it is their duty to uphold the code as written if a hardship is not present. The hardship must be associated with the land or the structures and not with the use.

Commissioner McGinnis asked why there was a difference between allowing covered versus uncovered porches are allowed in the code.

Planner Matzek stated that uncovered porches do not provide a visual barrier and may therefore be considered permitted as they are at ground level.

Commissioner Van Erem pointed out that there is eight feet to work with in a conforming location and would like better documentation from the applicants on why the additional five feet is necessary.

M/S/F, Fliflet/Bidon, move to recommend approval of the variance request. Vote: 4:5.

**Business Items - Wireless Communication Ordinance Draft**

Planning Director Klatt introduced and explained different sections of a rough draft of an ordinance to revise the existing text regulating wireless telecommunication towers.

Commissioner Williams asked why the section regarding damages was removed.

Planning Director Klatt stated that the consultant hired to assist with the development of the ordinance recommended that be removed because the towers rarely fail, it was unnecessary in the code.

Commissioner Ziertman said that under the new "Proof of Need" section, the search radius is shown at four miles, but that the consultant had suggested five miles previously.

Commissioner Williams suggested the height threshold should be specified in the section regarding location requirements.

Commissioner Fliflet said that in the Site Ranking Analysis section, number six should be more clearly worded regarding zoning districts and that although one through six appear to be a ranking system, the last three appear to be statements. She said letter "b" should have stronger wording.

Commissioner Ziertman said she is opposed to eliminating a minimum parcel area. She said she is comfortable with a five acre minimum, but that two acres is not large enough to support all the facilities and accommodate the necessary setbacks. She said she would like to see a maximum height be reduced to 150 feet in Agricultural and Business Park zoning districts.

Planning Director Klatt said that the commission should eliminate the option now of allowing towers on smaller lots if that is something they do not want to ever consider.

Commissioner Williams said he does not feel comfortable with having a zero minimum parcel size requirement in the PF zoning district; it should be kept at 2.5 acres.

Commissioner Fliflet asked that the zoning districts be listed instead of stating "residential."

Chairman Van Zandt asked that the code specify that the city should retain the qualified engineer for reviewing the application so as not to leave room for interpretation.

Commissioner Fliflet asked if language could be added to say that if a tower is proposed next to residential uses that it will be more important to review impact to neighbors.

Commissioner Williams asked if the city insurance agent could be contacted to find what they are comfortable with requiring for setbacks. He suggested adding to the Minimum Conditions requirements that the city should perform a final inspection to ensure all conditions are met before the tower becomes operational. He asked that the landscaping and screening requirements in the Tower Standards specify at what time of year the screening would be evaluated.

Planning Director Klatt suggested the evaluation would be for summer, leaf-on conditions.

A FIVE MINUTE BREAK WAS TAKEN AT 9:35 P.M.

Chairman Van Zandt said that DeMontreville Trail is being discussed to be turned back over to the city. He said that many people use that road for walking and would like to see it improved to be one-foot wider and would suggest the aprons be built with that thought.

Adjourned at 10:25 p.m.

Respectfully submitted,

Kelli Matzek  
Planner