

**City of Lake Elmo
Planning Commission Meeting
Minutes of September 28, 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, Hall, McGinnis, Pearson, Van Erem, Van Zandt, and Williams. Absent: Ziertman. STAFF PRESENT: Planner Matzek, Planning Director Klatt.

Agenda

M/S/P, Fliflet/Hall, move to approve as presented. Vote: 9:0.

Minutes

None.

Public Hearings – *Conditional Use Permit Amendment for Country Sun Farm & Greenhouse*

Planning Director Klatt stated that the applicants have asked that their application be tabled to look into other options of how to move forward. The applicant was intending to move an existing greenhouse to the new area, but as it is zoned Rural Residential, greenhouses are not permitted.

Keith Bergmann, co-applicant

Mr. Bergmann said that when the process first started, they were unaware of some things the city had done, such as creating a definition for Agricultural Entertainment Businesses. He and his family are interested in doing this now in anticipation of changes to the intersection of Lake Elmo Avenue and State Highway 36, which would impact their property.

THE CHAIRMAN OPENED THE PUBLIC HEARING 7:09 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:09 P.M.

M/S/P, Williams/Pearson, move to table the application to the second meeting in October. Vote: 9:0.

Public Hearing – *Wireless Communication Ordinance Amendment*

Planning Director Klatt summarized the history of the process and then went through changes to the ordinance.

Commissioner Fliflet said items one through five appeared as a ranking system, but six and seven appeared to be more general statements. She said that although towers are not allowed in OP districts as identified in the chart, it is not listed in the prohibited areas.

Commissioner Bidon asked what would take priority when power lines easements exist within open space easements.

Planner Matzek said that some OP developments have power line easements in outlots with conservation easements. She said she would assume that the language in the Land Trust easement would not permit expansions to the existing poles within the easements.

Commissioner Williams said that it is important for the property owner to be responsible as a Conditional Use Permit runs with the land, not the user.

Commissioner Hall suggested changing the heading from "Minimum Conditions" to "General Conditions" as not all of the conditions would be utilized for every permit.

Mr. Lysiak suggested striking "No interference with local television and radio reception will be allowed" for condition number five. He also said that number fourteen is repetitive of number sixteen and the word "interference" can be removed from page three under exemptions.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:35 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:35 P.M.

Commissioner Pearson said he is surprised the city is considering allowing lighted towers as the city is sensitive to light pollution. He asked if not allowing lighted towers would remove many parcels as contending locations.

Planning Director Klatt said that if there is a situation the commission does not want to occur, it should be taken out of the code now as it is important to be upfront with the code requirements.

The commission took a straw vote to increase the tower height from 75 feet to 100 feet in residential areas. Vote: 9:0.

Commissioner Fliflet said she would be supportive of 150 feet as they could always require the carrier to be at a lesser height. She suggested adding a sentence requiring the need for the applicant to prove the height is necessary.

Commissioner Williams asked that the terminology for antennae be consistent in the ordinance, to delete the word "and" from page one letter F, and to deal with height as well as location on page three under Proof of Need. He suggested removing "over" from page six as it is redundant, adding "if and how" to page four, and asked if 35 feet should be increased as identified on page five as the T-Mobile applicants pushed back saying analyzing anything less than 75 feet would be a waste of money and time to analyze.

Planning Director Klatt identified that 35 feet is the typical height restriction now in the code.

Commissioner Williams suggested that there be a minimum area for PF zoning districts. He asked if there was a definition of “Public Entity” and said he is not in favor of having the definitions in this ordinance and not in the definition section.

A straw vote was held regarding eliminating lighted towers. 3:4. Opposed: Anderson, Bidon, Hall, and McGinnis.

Planning Director Klatt said that increasing the allowed height up to 150 feet in a residential area is a substantial change and a new public hearing should be noticed and held at a future commission meeting.

M/S/P, Fliflet/McGinnis, move to table the item as substantial changes were made from what was originally published and renoticing should occur in the newspaper. Vote 9:0.

Business Item – *Review of Open Space Preservation (OP) Buffer Setbacks (cont.)*

Planner Matzek identified this as an ongoing project to review the individual OP developments. At the September 14th meeting, the commission made recommendations on buffer setbacks for St. Croix’s Sanctuary, Discover Crossing, and Whistling Valley I developments. She asked for input on Whistling Valley II, Whistling Valley III, and Farms of Lake Elmo developments.

M/S/F, Hall/Van Erem, move to recommend buffer setbacks at Whistling Valley II be 50 feet from the North and East, 85 feet from the West, and 100 feet from the South. Vote: 3:5. Abstained: McGinnis.

M/S/P, Fliflet/Anderson, move to recommend buffer setbacks at Whistling Valley II be 85 feet from the West, 100 feet from the South, and 0 feet from the East and North. Vote: 7:2. Opposed: Van Erem and Hall.

Meeting adjourned 10:05 p.m.

Respectfully submitted,

Kelli Matzek
Planner