



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, November 26, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 22, 2007
4. Public Hearings:
 - a. ZONING CODE TEXT AMENDMENT: An ordinance to allow horses as an interim permitted use in the PF zoning district for religious institutions.
 - b. Draft CIP for 2008 - 2012
5. Business Items:
 - a. Neighborhood Conservation District (NC)
 - b. Ordinance 97-180 Accessory Buildings
 - c. Site Plan Review: City Hall Annex
 - d. Draft Park Plan
6. Informational Items:
 - a. City Council Updates
 - i. November 20 – None.
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of November 26, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Armstrong, Deziel (7:01), Fliflet, Helwig, Lyzenga, McGinnis, Ptacek, Roth, and Van Zandt. STAFF PRESENT: Senior Planner Gozola, Planner Matzek, and Finance Director T. Bouthilet.

Agenda

M/S/P, Helwig/Van Zandt, to approve the agenda as presented. Vote: 8:0.

Commissioner Deziel arrived at 7:01 p.m.

Minutes – October 22, 2007

M/S/P, Helwig/Van Zandt, to approve the minutes as presented: Vote: 8:0. Fliflet abstained.

Zoning Code Text Amendment – Public Hearing

Senior Planner Gozola gave a background on his suggested four IUP standards for allowing horses on PF zoned properties and is also proposing a clerical change to clarify the existing ordinance. He said that the staff report addresses a code interpretation issue. He explained that the section of the code on hazards and nuisances states that horses are allowed on parcels greater than five acres, but he would suggest reading the code as a whole which would not mean it is an allowed use in every zoning district.

Commissioner Fliflet said she does not think horses should be required to be removed from the site during non-pasturable times of the year.

Commissioner Helwig said horses need shelter year round and water sources should be considered.

Commissioner Deziel asked why the city should be regulating this issue as it is addressed in state regulations.

Commissioner Armstrong said he is concerned the city is only looking at allowing the interim use to only be applicable to churches and not to parks or schools.

Senior Planner Gozola said he believes the Minnesota Pollution Control agency regulations address pollution, but may not address other aspects the city may wish to regulate.

Commissioner Lyzenga said she would like to see this as an interim use in the PF zoning district and not be specific to churches. She said number three in the proposed ordinance can be eliminated.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:25 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:25 P.M.

M/S/P, Fliflet/Armstrong, move to recommend approval of the proposed IUP with a change under wording subd. 3a and the title to remove the specific connection to churches and to remove number three in the suggested text as it is addressed in number four regarding livestock regulations. Vote: 9:0.

Draft CIP 2008-2012 – Public Hearing

Finance Director T. Bouthilet presented the draft 2008-2012 Capital Improvement Plan. He explained that a more detailed comprehensive CIP would be reviewed during the upcoming year and brought back to the commission. He said that at that time more specific city projects and revenue sources would be identified including the village area and the area south of 10th street. He said the Park Commission has recommended approval of the draft parks section.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:56 P.M.

John Huot, 5110 Kirkwood Avenue

Mr. Huyet said he received a letter from the city identifying that there was no funding for roads this upcoming year. He and his wife were told by the city a number of years ago when they were looking for a home that Kirkwood Avenue would be paved the following year. He said the road is still not paved, but he hopes it will be. He also asked for speed limit signs on the road.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:01 P.M.

Commissioner Fliflet said when people are told by the city that something is going to be done, it should be.

Chairman Ptacek called for a five minute break.

The commission reconvened at 8:15 P.M.

M/S/P, Van Zandt/Roth, move to approve as presented. Vote: 8:0. Commissioner Deziel was absent during the vote.

Neighborhood Conservation District (NC)

Senior Planner Gozola reviewed the proposed NC District language after reviewing the variances applied for in the past five years. He said the existing city code provides flexibility on all but the side yard setbacks and a change in the state statute regarding non-conforming structures may have an impact on reducing the number of potential future variance applications.

Commissioner Deziel said that in the 70's and 80's, the city took a different standard and created many non-conforming lots so any minor improvement on the lot would require a variance. He said that a new NC district would get away from those variances and the lack of certainty for those property owners and a non-conforming situation.

Senior Planner Gozola said he would disagree that variances are needed for minor improvements due to lot sizes.

Commissioner Armstrong said when the commission left off with the NC district last fall, they had just started talking about this district. He said the intent was that residents were unable to prove a hardship when they wanted to expand their homes. He said it is important to have a good definition of adjacency averaged and would like that further explored. He said this district could also have an impervious surface coverage or floor area ratio.

Commissioner Deziel said a major problem was created when trying to apply the adjacency averaging in actual circumstances.

Senior Planner Gozola said that with adjacency averaging, it is allowing a moving target – if someone builds with regard to the neighbor's setback, then their neighbor can in return build differently.

Chairman Ptacek asked staff to come back with a better definition for the tools discussed.

The item was tabled.

Ordinance 97-180 Accessory Buildings

Senior Planner Gozola said this ordinance was originally reviewed by the Planning Commission in 2006, but did not proceed forward to the City Council at that time. He said this ordinance is to clarify existing text on the number of accessory buildings allowed.

M/S/P, Armstrong/Deziel, move to recommend approval of suggested code clarification.
Vote: 9:0

Site Plan Review: City Hall Annex

Senior Planner Gozola said the proposal is to remove the existing trailer from the city hall site and to add a larger temporary structure for additional meeting space. The proposed structure would be in a conforming location and five additional trees would be planted.

Commissioner Van Zandt expressed concern with the potential for mold in the walls and suggested checking this before the structure is purchased.

Commissioner Fliflet asked what the timeline was for a new city hall.

Finance Director T. Bouthilet said realistically, it could be five years before a new city hall would be built.

M/S/P, Armstrong/McGinnis, move to recommend approval of the site plan for the city hall annex. Vote: 7:2. Commissioners Fliflet and Helwig voted against. Commissioner Helwig said he voted against the motion because he believes the city is foolishly spending money and it is a lot of money for a meeting space. Commissioner Fliflet said she voted against the motion because it is not a part of the CIP.

Draft Park Plan

Planner Matzek said the Draft Comprehensive Park Plan has been provided in advance as it is a large document to read through. She said it will be discussed at the December 10th meeting, at which time the Planning Commission will see a presentation from the park consultants and a public hearing will be held.

Council Items

Planner Matzek said there were no updates at this time.

Chairman Ptacek asked for all the commissioner term information to be provided in writing.

Senior Planner Gozola said he received that information from the City Clerk and will pass along that information.

Adjourned at 8:57 p.m.

Respectfully submitted,



Kelli Matzek
Planner