



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, October 22, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. September 24, 2007
4. Public Hearings:
 - a. VARIANCE: Review of an application for a 20 foot variance to a lakeshore setback for a septic system at 8186 Hill Trail North – R-1 zoning.
 - b. CONDITIONAL USE PERMIT: Review of an application from Common Ground Church to allow the use of horses on site.
 - c. INTERIM USE ORDINANCE: Review of a draft interim use ordinance.
 - d. IMPERVIOUS SURFACE ORDINANCE: Review of a draft ordinance to alter the existing impervious surface coverage permitted in an Open Space Preservation development.
 - e. CITY CODE RENUMBERING ORDINANCE: Review ordinance revising numbering system for city code book.
5. Business Items:
 - a. None.
6. Informational Items:
 - a. City Council Updates
 - i. October 16 – Whistling Valley III – Final Plat approval
 - ii. October 16 – I-94 to 30th Street Infrastructure Project Presentation
 - b. October 18 – I-94 to 30th Street Infrastructure Project Presentation at OakLand Junior High School
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of October 22, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Armstrong, Deziel, Helwig, Lyzenga, McGinnis (7:03), Pelletier, Ptacek, Roth, Schneider, and Van Zandt. STAFF PRESENT: Senior Planner Gozola and Planner Matzek.

Agenda

M/S/P, Deziel/Van Zandt, to approve the agenda as presented. Vote: 9:0.

Minutes – September 24, 2007

Commissioner Helwig asked that his name be added to the list of commissioners present.

M/S/P, Helwig/Schneider, to approve the minutes as amended. Vote: 6:0. Abstained: Lyzenga, Pelletier, and Helwig.

McGinnis arrived at 7:03 p.m.

Public Hearings:

Variance – 8186 Hill Trail North

Planner Matzek provided the Planning Commission with background on the application and explained the request for the 20-foot lakeshore setback variance for the proposed replacement septic site. She said both the septic designer and the City's building inspector have reviewed the design and find that the proposal is appropriate given the limitations on the site.

William Rust, Rust Architecture

The applicant's representative Mr. Rust spoke in favor of the application explaining that two certified septic inspectors have reviewed the proposal and neither identified any reason for concern.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:10 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:10 P.M.

Commissioner Helwig noted that the system was elevated well above the lake and asked where the secondary site was located.

Planner Matzek indicated that the building official identified this as an existing non-conforming lot which is not required to identify a secondary site as it is pre-existing and is not new construction.

M/S/P, Armstrong/Schneider, to recommend approval subject to staff conditions. Vote: 9:0.

Conditional Use Permit – Common Ground Church

Senior Planner Gozola said this was actually an amendment to a Special Use Permit, which is an old mechanism no longer included in city code. He provided the Planning Commission with background on the application and explained the request to allow horses on the site for a year-round Hoof Prints ministry. He stated that the property is guided for Agriculture in the Comprehensive Plan and part of the parcel is currently being used for farming, but the zoning of the property is Public Facilities. Senior Planner Gozola said that staff is recommending denial.

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

No one spoke.

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

Commissioner Deziel said it would not be difficult to treat this differently than neighboring lands. The horses would still need to meet the requirements as anywhere else in the city.

Senior Planner Gozola said that if the commission disagrees with staff and would like to interpret code broadly to include this use, it would be important to look at what is listed in the PF zoning district and feel comfortable saying that it is an allowed use or to change code to include language specifically allowing the use.

M/S/P, Helwig/Roth, to recommend denial of the application. Vote: 7:2.

M/S/P, Armstrong/Pelletier, to recommend the council direct staff to look at working on the PF zoning district to allow the stabling of horses. Vote: 8:1.

Interim Use Ordinance

Senior Planner Gozola provided the Planning Commission with information on the interim use permit tool and associated consent agreement template. The proposed ordinance was based on feedback received from the October 10th meeting. The proposed ordinance includes Non-Agricultural Low Impact Uses as an interim use in the HD-A-BP zoning district with a proposed increase of maximum size percentage of ten percent and a proposed increase of impervious surface of five percent.

Commissioner Schneider expressed concern that the percentages proposed allowed a high amount of actual land to be impervious.

Senior Planner Gozola said the proposed percentages were drafts that could be discussed and altered. He said that his interpretation would include storm water ponds, berms, and

landscaping in calculation of the ten percent and the five percent would be only impervious surface areas such as gravel and buildings.

Commissioner Armstrong said he had made a copy of the original Non-Agricultural Low Impact Use code and passed it out to the commission.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:13 P.M.

Terry Emerson, 2204 Legion Ln Cir N

Mr. Emerson stated that he is worried a future interpretation of code may change in the future and would request that the impervious surface percentage would be increased to six percent. He said that the bus company is at 6.6 trips per acre per day and would ask if that number could be increased to eight. He also stated that he signs four year leases with the bus company, so he is concerned if the IUP could be taken away after two years as proposed. He said his land would not be developed for ten years, so it would not make sense for him to come in every two years.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:18 P.M.

Commissioner Armstrong said there is a discrepancy between existing staff's interpretation of the code and how the three applications under that code were handled. He said they did not want to put a cap on the 'good' things like screening by adding it into the four percent. He suggested wording the IUP to increase the allowed area from four to five percent. The amendment he is proposing does not provide further rights to property owners than what was given to the original three applicants.

Senior Planner Gozola said one of the reasons he wrote the IUP the way he did was to not impact the existing CUPs. He said that he recommends gravel be included in the impervious surface definition as it does create runoff.

M/S/P, Helwig/Schneider, move to include Commissioner Armstrong's proposed language in the IUP. Vote: 6:2:1. Pelletier abstained. Roth voted against because he thought the commission could have kept working with the language.

Chairman Ptacek called a break at 8:57 p.m. and brought the commission back at 9:04 p.m. Commissioner Roth left.

Senior Planner Gozola asked for direction on the interim use permit tool.

M/S/P, Armstrong/Deziel, move to recommend approval of section one as written, approval of section two with an amendment to paragraph E, and direct staff to publicly notice a change in wording for the non-agricultural low impact uses as a CUP. Vote: 9:0.

Impervious Surface Coverage

Senior Planner Gozola said that due to a change in the review process of building permit applications, it was identified that the current city code allowing ten percent of impervious surface coverage per lot in OP developments has not been followed in a number of developments. He proposed three options for suggested text to address the non-conformities. He also suggested definitions for impervious surface and building footprint.

Commissioner Lyzenga said she does not see this as the city's issue and an increase in percentage would be like a reward to developers.

Commissioner Deziel said the issue could be brought on by the homeowner widening their driveway or adding a sidewalk.

Commissioner Armstrong said allowing twenty percent on each lot would still have a ten percent overall impervious surface because fifty percent of the development is open space.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:25 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:25 p.m.

M/S/P, Pelletier/Ptacek, move to recommend option two and the additions of the two definitions proposed. Vote:8:1. Commissioner Lyzenga voted against the motion because she is opposed to anything that would encourage builders to build larger homes.

City Code Renumbering Ordinance

Senior Planner Gozola said that because the existing code is difficult for staff and residents to utilize, a recodified code has been prepared which would integrate previously approved changes. He said nothing in the code has been changed in the process.

Commissioner Armstrong said he would like to see it before the commission approves it.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:36 PM.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:36 P.M.

M/S/P, Armstrong/Helwig, motion to table the item so the commission may review an electronic copy provided by staff. Vote: 7:2.

Informational Items

Senior Planner Gozola said that the Whistling Valley Final Plat was approved at the October 16th Council meeting. He said a presentation of information on the infrastructure from I-94 to 30th Street was given at the October 16th Council meeting and on October 18th at the OakLand Junior High School.

Adjourned at 9:44 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelli Matzek".

Kelli Matzek
Planner