

**City of Lake Elmo
Planning Commission Meeting
Minutes of December 11, 2006**

Vice Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Van Zandt, Deziel, Lyzenga, Pelletier, Fliflet, Schneider, Armstrong, and (7:05) McGinnis. STAFF: Interim Administrator Bouthilet, Assistant Planner Matzek, and Recording Secretary Anez. ALSO PRESENT: Special Projects Director Susan Hoyt, Mayor D. Johnston and Councilmember Johnson.

Agenda

M/S/P, Armstrong/Van Zandt to accept the Agenda as presented. Vote: 8:0.

Minutes

M/S/P, Lyzenga/Deziel to accept the Minutes of November 27, 2006 as presented. Vote: 7:0:1.
Abstain: Pelletier.

Public Hearing: CUP Amendment~Oakdale Gun Club

The Assistant Planner said the gun club sits on 62 acres with an extensive history since 1965. Previous amendments to the CUP included a caretaker house and an accessory structure. The applicants wish now to add an accessory building for storage.

Schneider asked about the overhang size being exceptionally large.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:05 P.M.

A letter from Knappogue Farm which was signed by Jackie McNamara was read into the record by Commissioner Pelletier and will be made a part of these minutes.

Richard McNamara, Knappogue Farm

Mr. McNamara said he was not present to complain about the club or the new building but addressed the sound especially in summer months. He said they cannot hear themselves talk at their farm. He would like a barrier constructed or time constraints for operation and without everybody shooting all at once. He wondered if there are more people at the gun club these days as the past year has been really loud. He said they have noticed it more since the Gun Club relocated the driveway. He said it really is a health and safety issue with all that noise. He invited anyone to walk in the back portion of their forty acres and they would not hear themselves think.

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

Jerome Marah, Director of the Gun Club

Mr. Marah said he has been with the club since 1975 and held this position since 1976. He said the club has done extensive work for sound reduction. They contract for independent sound studies. Every time they do a sound study, they perform it on the extreme southern boundary for those neighbors. The contractors have been unable to record 70db leaving the site. They are generally 65-68 db depending on the wind. The shooting ranges are under cover. They have almost completely enclosed one of the gun ranges. They are working to enclose other ranges too to keep noise within boundaries. They have looked at planting more trees as well, but trees only deafen sound a bit.

Mr. Marah said that traffic in and out of the driveway was a concern for the neighbors across the street so the club relocated their driveway further to the west, making it safer. He said the overhang for the storage building will be for a canopy for the rain.

Commissioner Pelletier asked the hours of operation.

Mr. Marah said they are open to the public from 8 a.m. to 4 p.m. On November 19, 2006, they closed until the 1st Saturday in June 2007. The range is open each year on Saturday and Sunday until mid-October and then open to the public every day after that from 8 to 4. Forty-five minutes before sunset, club members must stop shooting. Timetables are taken from the DNR hunting regulation book. Mr. Marah said they once had complaints about shooting at sunrise but that was goose hunters elsewhere.

Assistant Planner Matzek said Building Official/Code Enforcement Officer Jim McNamara went out to the site after a verbal complaint was received last week followed by the letter from Knappogue Farm, and after inspecting the site said there were no violations of the CUP.

M/S/P, Armstrong/Schneider to recommend approval of an Amendment to the Conditional Use Permit of the Oakdale Gun Club for construction of a 36 X 60 accessory structure for storage.
Vote: 9:0.

PUBLIC HEARING: Rezoning to Village Residential

Assistant Planner Matzek explained that this rezoning of the Village Area will be responsive to the Village Area Master Plan. The specifics of that plan are not yet finished so specifics as to use and density are not yet available. The proposal presented tonight is flexible enough to allow for the completion and implementation of the Village Area Master Plan.

The Assistant Planner also noted that the city has requested an extension from the Met Council because the zoning districts and map are required to be submitted by January 16, 2007, and it will be difficult to meet that deadline given the loss of key staff members. The City Council will review the extension request at their next meeting.

Chairman Ptacek said he spoke with the City Attorney and staff and both recommendations are to request an extension of our deadline.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:24 P.M.

Jose Chaves, 3505 Kelvin Avenue North

Mr. Chaves said his property is south of Hamlet on Sunfish Lake, next to Schiltgen Farm, and indicated on the map that it was just west of the Village Area and adjacent to Sunfish Lake. He said the parcel is landlocked. He would like to find road access for that property. He has tried for a long time and there is no access. He hopes he will learn how this plan will affect him and his access. Preliminary surveying estimates say it is buildable and meets setbacks. He was assured when Hamlet on Sunfish was constructed that the city would not allow him to become landlocked but that is what happened.

Peter Coyle, Larkin and Hoffman

Mr. Coyle he said he is attending the meeting on behalf of the Sreatons whose affected land is on the northeast tip of the Village Area at Highway 5 and Manning. He asked if the substance of Lake Elmo Planning Commission Meeting Minutes of December 11, 2006

the Village Plan is still being created. He asked if a Land Use Map was ready. With respect to Village Residential zoning, he asked if 3 units per acre minimum will be required. He asked if allocations of the density were still to be determined. He questioned staff's schedule and why the public hearing is being conducted if we don't have the substance of the Village Plan tonight. He asked if this hearing was driven by deadlines of Met Council and asked when will there be another hearing.

Commissioner Ptacek explained that there have been delays due to staffing resources. The city does not have an exact date for the next public hearing.

Assistant Planner Matzek said it will be renoticed in the future. She said she would like City Attorney Filla at the next public hearing.

Todd Williams, Old Village Resident

Mr. Williams explained his extensive history as a councilmember and commissioner for the city, and said he is very familiar with this concept for the Village Area. He has been to all the public meetings and the one issue of most concern is the total number of units. He said he understands PUDs and the need for flexibility but he wants to know how many total houses will be in the Village Area. Normally, the number of units would not be given, but a density. There is an escape clause written into this code that reads, "Unless part of a PUD" which would put no limit on the number of units. He said he thinks it should be corrected. The Comp Plan mentions a number of units to be accommodated in the Old Village. This code will be a matter of law when it is passed and it is important for it to be clarified and pinned down better than it is.

The Commission agreed those points were well taken.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:35 P.M.

Commissioner Deziel said the city does want PUDs.

Commissioner Lyzenga said she would like to clarify that tonight we are not designing the Village area but going through the formal process of reclassification.

Assistant Planner Matzek clarified that this rezoning is tied to the Village Plan. This is the connecting piece and not just a name change. She explained that existing homes will not have to be torn down if they do not meet new setbacks.

Susan Hoyt, Project Director for Village Master Plan

Ms. Hoyt introduced herself and said she is here to learn as well. She said that the PUDs brought forward in the future will develop criteria for the number of homes and even for home designs. This is a kind of transition zone and transition discussion.

Commissioner Fliflet asked if there will be a public hearing for Village Master Plan details.

Ms. Hoyt said she believes the Master Plan will define the area with clear criteria. She said she believed that property owners would like to know what they could do in some detail, and some of that is not available tonight.

Commissioner Armstrong said he would like to pass it quickly because of the Met Council. He said that last time the city requested an extension, a wastewater impact fee was also given. He

said the Planning Commission has been left out of the loop with regard to the Village Plan. The code before the Commission is pretty generic and little to be afraid of.

M/S/P, Armstrong/Fliflet to amend 3A, Uses permitted in VR by Conditional Use Permit in front of townhouse add single family detached. Vote: 9:0.

M/S/P, Armstrong/Deziel Amend 2A under VR to read, "One family detached dwellings, one unit per 20 nominal acres." Vote: 9:0.

Commissioner Armstrong said that in and of itself this code is harmless, the Commission will have the right to see PUD Plans as they are submitted, and judge them as they come in. He said this code is vague but it needs to be at this point. He is comfortable with the text now.

Commissioner Pelletier asked if there will be another opportunity to speak for residents at some point.

Interim Administrator Bouthilet said there will be public hearings for specific design standards after they become available.

Assistant Planner Matzek said that CUPs and PUDs will also require public hearings.

Commissioner Armstrong said he would like the Planning Commission to create some PUD guidelines so applicants know what would the City would like to see: setbacks to existing homes, landscaping, more stringent buffering, etc. He said he would like a clean draft after changes have been implemented into this draft.

Interim Administrator Bouthilet said with all the public hearings for all the other zones, we cannot meet the January 8 meeting deadline.

Commissioner Lyzenga said if we cannot meet the deadline, she would rather the Commission be more thoughtful in their work.

M/S/P, Armstrong/Van Zandt, to table VR zoning text for a fresh draft until a future date uncertain. Vote: 9:0.

Variances ~ Millers on Bennett Avenue

The Assistant Planner said the applicants for this variance withdrew their application, and they plan to have a meeting with staff after the holidays.

Zoning Districts

Commissioner Pelletier asked about General Business zoning district allowable uses such as cafes and restaurants limited to full table service. She would like a coffee shop without full service as well.

Commissioner Lyzenga thought it would need to be incidental to something like a bakery.

Commissioner Van Zandt said we have to get more creative or we are not going to have a village like the City would want to claim. The City needs to have something more than just the Lake Elmo Inn.

Commissioner Ptacek suggested the Commission either propose a change or ask a question that can be answered.

Commissioner Pelletier asked if the Assistant Planner can bring back proposed text for GB coffee shops.

M/S/P, Deziel/Lyzenga to allow coffee shops as a permitted use in the General Business Zoning District. Vote: 9:0.

Commissioner Armstrong said there are blanks in some districts with regard to impervious surface percentages.

Assistant Planner Matzek will come back with Impervious Surface Percentages for each Zoning District.

Commissioner Van Zandt left the table at 8:38 p.m. and returned at 8:40 p.m.

The Assistant Planner was asked to bring NC back to the next meeting with regard to average lot sizes in neighborhoods.

Commissioner Armstrong distributed a list of Amendments to the various zoning districts and they are attached. The Commission reviewed them.

M/S/P, Armstrong/Van Zandt to recommend approval of the list of distributed zoning district Amendments with the exception of Item 14. Vote: 9:0.

2007 Planning Commission Meeting Schedule

M/S/P, Deziel/McGinnis to adopt the 2007 Planning Commission Meeting Schedule. Vote: 9:0.

City Council Updates

Assistant Planner Matzek informed the Commission the Eagle Point Business Park 7th Addition was approved at the last City Council meeting.

Adjourned at 9:00 p.m.

Respectfully submitted,



Kimberly Anez
Recording Secretary

