



**City of Lake Elmo
Planning Commission Meeting
Minutes of May 23, 2016**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Kreimer, Dunn, Fields, Larson, Lundquist and Williams.

COMMISSIONERS ABSENT: Haggard, Griffin & Dodson

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P:Williams/Dunn, move to approve the May 23, 2016 agenda as amended, **Vote: 6-0, motion carried unanimously.**

Approve Minutes: April 25, 2016

M/S/P: Williams/Lundquist, move to approve the April 25, 2016 minutes as amended, **Vote: 6-0, motion carried unanimously.**

Business Item – Zoning Text Amendment – Accessory Structure Ordinance in regards to fish houses.

Wensman started his presentation stating that this is not a public hearing, but a discussion item for the Planning Commission to consider prior to Public Hearing. This draft is requested by the City Council to consider fish houses on lots in the RS district, prior to a primary structure being built, limited to 120 square feet or less. This code will also define what a fish house is and require that it is licensed by the DNR.

Wensman stated that they are requiring that they be licensed each year to preclude them from not being more of a recreational or storage type use. This is a deviation from the rule that you need a primary structure before you can have an accessory structure. There is also a provision that limits them to parcels with direct lake access.

Wensman stated that there are 2 other pieces to look at along with this. Right now the code says that an accessory structure can be located closer to the front lot line by resolution of the City Council. Staff would like to see that required to be a variance. Also, currently parcels are allowed a tool shed in addition to allowed accessory structures up to 160 square feet. Staff would like that size to be increased to 200

square feet to be in line with the change in the building code requiring a building permit at 200 square feet instead of the previous 160 square feet.

Williams would like to propose the following change under section 1, the definition of fish house, he would like to add the clause “is not used for boat storage”. Williams would like the code to say “fish house” license to be more clear.

Kreimer would like to add “g” to section 3 to read that if a fish house license is not obtained, the structure will need to be removed within 60 days.

The Commission is fine with the change in size from 160-200 square feet for the “tool” shed, but would be interested in a different name for it as it isn’t important what is stored in there.

The Commission is agreeable to striking the language allowing an accessory structure in the front yard by resolution. Dunn was interested in getting input from the City Attorney also.

Business Items – Zoning Text Amendment – Discuss the Low Density Residential Setbacks

Wensman started his presentation by discussing the 5 foot setback and how it applies to the fire code. The question is whether they want to change that setback and if the lots are too narrow. Fields asked what the staff had to say. The new Building Official doesn’t mind the 5 foot setback, where the old Building Official had a strong opinion against.

Williams stated that he thinks if the width of the lot increases, the setback should also increase. He is concerned that if the lot width is increased and the setbacks are increased, it could negatively impact our required densities. He does feel this concern could be overcome though in the long range discussions.

Fields thinks the code is functional because there are methods to meet the fire code. It might be an education process for the builders. Wensman stated that this is the new Building Officials feeling as well.

Dunn would like to increase the setbacks so there is more room for safety issues. She did not see anything from the fire chief who was concerned about how close they were in the past. Williams would like to see a 10 foot setback on both sides. He doesn’t see the need to increase the lot width. Dunn agrees and would like to see a 10 foot setback on both sides. Fields doesn’t mind changing the setback, but does not want to see the lot width changed.

The Planning Commission would like to see this ordinance run by the City Council for feedback before it is brought back to them.

Business Item – Zoning Text Amendment – Discuss the VMX Zoning District

Wensman stated that this is somewhat of a housecleaning item. The Comprehensive Plan currently guides the downtown area as VMX. The zoning of those parcels is still general business with the exception of the Arbor Glen parcel which was rezoned to VMX. Staff would like to know if the Planning Commission is interested in rezoning that area to VMX at this time. Wensman stated that VMX is a more liberal code than the general business and allows more flexibility.

The Commission discussed the area that would be affected. Williams stated that he thinks this didn't move forward because they were possibly waiting to see a form based zoning code implemented. Williams would like to see the area rezoned to VMX as a group. Dunn is against rezoning the whole old Village to VMX. She would like to wait, look at the form based code and believes this area is too intense. Wensman stated it is only the parcels that are currently zoned general business. Dunn thinks it is too dense because it is 6-10 units per acre. She feels we have the opportunity to change some of the densities and she thinks the rezones should be done as needed.

Kreimer asked if there was any down side of doing it on an as needed basis like was done with Arbor Glen. Wensman gave an example that when people are looking at doing things in the Village, the current zoning is somewhat obsolete and could be construed a little bit like spot zoning.

Kathy Weeks, expressed concern that rezoning the whole area to VMX at once might create some non-conformities in the residential areas.

Wensman stated that he believes there is already non-conformities in the Village area and that rezoning to VMX will probably reduce the non-conformities as the standards are not as strict.

Williams stated that the VMX district has maximum setbacks and is wondering if a building becomes non-conforming because the setback is greater than allowed, would it require a variance to add on. Wensman stated as they look at the form based code, they can work through that. Williams is wondering if the new VMX is adopted would it make any existing businesses non-conforming. Wensman stated he is not aware of any.

Lundquist is wondering if VMX is adopted, would they be able to grandfather in existing businesses as being considered conforming. Wensman stated that they could.

Williams asked if there were any other categories of business in the Village. Wensman stated that currently the Village is all general business.

Kathy Weeks, 3647 Lake Elmo Ave, said she would like to see the general business carefully compared to the VMX district so that people don't need variances. She would rather see properties rezoned as projects come forward and would like this looked at carefully.

Fields would like to know how this rezone would affect current properties, but does not feel it should be done on a case by case basis. If this is the zone we are planning for, we should make the change so people know what opportunities are available. If VMX is not the zoning we are looking for in the Village, we should either make changes to the requirements, or adopt it as a whole.

Dunn did not think that the VMX zone would encompass as much area as is shown, but would only be attributed to new parcels to mesh with the old businesses. She feels that a blanket rezoning is just asking for trouble.

Larson is wondering if it might be possible to allow for parcels to choose if they want to stay with GB zoning or go with VMX. Larson wants to make sure that the VMX zoning will not change the existing GB setbacks, lot dimensions and facades. Wensman stated that any new projects coming in would need to conform with the VMX standards and the comprehensive plan guides it as VMX. Wensman stated that he would like to see the Commission get the VMX district how they want it and then adopt it as whole for the parcels currently zoned GB. Wensman stated that maybe they want to work to incorporate a form based code that can help incorporate new projects to be compatible with the old. Wensman would like to bring back a comparison for what we currently have vs. what the VMX would be.

Steve Johnson addressed the Commission regarding a storage building project that he is interested in constructing. There was some discussion regarding how the current code would apply and what he would need to apply for to accomplish his project.

Council Updates – May 3, 2016 Meeting

1. Inwood 3rd Addition Developers Agreement – passed.
2. Palmquist Wedding Ceremony Venue IUP – passed.

Council Updates – May 17, 2016 Meeting

1. Boulder Ponds 2nd Addition Final Plat – passed.
2. Boulder Ponds 2nd Addition Developers Agreement – passed.
3. Noise Ordinance – On hold.
4. Clarification on Zoning Code Amendment for Rural Districts – City Council clarified motion to repeal some uses in these districts.

Staff Updates

1. Upcoming Meetings
 - a. June 13, 2016
 - b. June 27, 2016

Commission Concerns

Williams asked about the revised work plan. Wensman stated that he will update the work plan and send out before the next meeting.

Tartan Park has a grading permit and has taken out one road to stop people from going in there.

Kreimer would like to see a consistent list of Cities that we use as comparison so it is not picking out ones that we like. Wensman stated that sometimes only certain cities have dealt with a specific issue.

Meeting adjourned at 8:44 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant