



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 23, 2015**

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

COMMISSIONERS PRESENT: Dodson, Dorschner, Haggard, Dunn, Kreimer and Williams.

COMMISSIONERS ABSENT: Griffin, Larson & Fields

STAFF PRESENT: City Planner Stephen Wensman

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: October 26, 2015

M/S/P: Dorschner/Williams move to approve minutes as amended, ***Vote: 5-0, motion carried unanimously.***

The Commission would like to see greater clarity when there is an amendment to an original motion. There should be no vote attached to the original motion, but should be a statement that the original motion passed with the amendment.

Public Hearing – Conditional Use Permit Amendment – Oakdale Gun Club

Planner Wensman started his presentation explaining the CUP Amendment. Since the original CUP has been put into place, there have been numerous amendments to it. This CUP amendment is asking to construct (2) 8X8 trap shelters. There has been an increase in high school trap shooting and the demand at the range has increased. There is no plan to replace the airgun range that is being displaced by this new trap range.

Staff looked at the 5 criteria for approving a CUP and staff found that only one might be applicable. That would be affecting the surrounding properties. Staff found that this is not a significant change, so there would be little additional impact. Staff felt that the conditions have been met and is recommending approval. Staff had 2 conditions to recommend for approval. The first is a hangover from the last amendment, which is to provide an accurate drawing of the gun range. Staff would like the Commission to decide if what they have provided is sufficient or if something more detailed should be provided. The second would be to limit the time frame for usage. Staff is recommending from Jan 1 – March 14, no use. From March 15 – June 15, both ranges

can be used, but hours of operation should be limited to 3pm – half hour before sunset. June 16- August 31st, no use. Sept 1 – Nov 30th for high school competition. They can designate 6 weeks when both ranges may be used for competitions. Dec 1- Dec 31st, no use.

Haggard is wondering if buses transport the students and if there are a number of high schools that come at the same time.

Williams is wondering if the other time frames should also have operation hours. He would also like the business hours clarified to hours of operation.

Dodson asked why there is a limit to high school students. Wensman stated that it is what they are asking for.

Kreimer asked who received notice on this public hearing. Wensman stated that notice was mailed 750 feet as well as the notice in the paper.

The gun club representative stated that they currently have 1500 members. Dorschner asked if there were any leagues. They stated that there are no leagues. Tartan High School is the only High School that currently trap shoots there. Other High Schools would like to, but they are not able to accommodate them.

Williams asked if it would be a problem to restrict the trap shooting operation from 3pm – half hour before sunset in the fall as well. The trap representative would like the hours to be the same as the overall gun club.

Kreimer asked if there were any opportunities for noise abatement. The representative stated that they will be removing and replanting trees for noise.

Williams asked what the gun club would prefer as far as hours of operation. The representative stated that they would like the same hours of operation as the rest of the gun club.

Public Hearing opened at 7:33 pm.

There was no written or electronic correspondence.

Public Hearing closed at 7:34 pm.

M/S/F: Williams/Haggard move to Recommend approval of the Conditional Use Permit amendment for the Oakdale Gun Club with the following conditions 1) that the Gun Club will submit and updated and accurate site plan and 2) all operations of the Gun Club shall begin no earlier than 9:00 am on the weekends, **Vote: 3-3, motion failed.**

M/S/F: Dorschner/Dodson move to Strike the change of the opening time of 9:00 am from the original motion, **Vote: 3-3, motion failed.**

Haggard would like to see additional notification for surrounding residents because this is an expansion with noise impact.

M/: Dunn/ move to approve the Conditional Use Permit for the Oakdale Gun Club with 2 conditions 1) provide an accurate drawing of the gun range and 2) the 2nd and 3rd limit the time frame for usage. From March 15 – June 15, both ranges can be used, but hours of operation should be limited to noon – half hour before sunset. Sept 1 – Nov 30th for high school competition. They can designate 6 weeks when both ranges may be used for competitions. **Motion fails for lack of 2nd.**

Kreimer would like to see something in the “Fresh” for when this goes to City Council. It will reach more people than just the people within 700 feet.

M/S/P: Kreimer/Dunn, move to approve the Conditional Use Permit amendment for the Oakdale Gun Club with 2 conditions 1) provide an accurate and updated site plan that accurately (to scale) identifies all buildings, ranges, fences, driveway and other site improvements for City review and 2) limit the time frame for usage. January 1st through March 14th, no use is authorized. From March 15 – June 15, both ranges can be used, but hours of operation shall be limited to 2pm – half hour before sunset. Sept 1 – Nov 30th use shall be limited to high school teams and high school competitions. Hours of operation shall be limited to 2pm – half hour before sunset. The Gun Club can designate a 6 week period when both ranges may be used for competitions. Additionally, both ranges can be used on weekends for matches 8 am – half hour before sunset. December 1st through December 31st, no use is authorized. Additionally, there will be notification in the “Fresh” prior to this going to Council.

M/S/P: Williams/Dorschner, move to amend the existing motion to remove condition number 2 as written, meaning that the new lanes are available for use during normal hours of operation of the Gun Club. **Vote: 5-1, motion passed.**

M/S/P: Dodson/Dorschner, move to amend the original motion to strike condition number 1 to require an accurate site plan because the ariel view is adequate to meet the previous requirement. **Vote: 6-0, motion passed.**

Williams does not support the amendment because he feels that what was provided is not to scale. He doesn't feel it needs to be a survey, but should be more accurate with dimensions. The Gun Club presented Planner Wensman with a survey, so condition number 1 is met.

Original motion with amendments passed, **Vote: 5-1**. With amendments, the original motion became “move to recommend approval of the Conditional Use Permit amendment for Oakdale Gun Club to allow 2 new trap ranges to be available for use during normal hours of operation at the Gun Club. Additionally, notification will be in the “fresh” prior to this going to Council.”

Public Hearing – ZTA Permitted, Conditional and Interim Uses in Rural Districts

Planner Wensman started his presentation and went over what he found during his research regarding this topic. Staff is bringing forward for discussion the permitted, Conditional and Interim uses that were added to the code in 2013. These items include secondary dwelling, cemetery, commercial kennels and stables, golf courses, restricted recreation and agricultural sales businesses in the rural districts.

Williams stated that in November the Planning Commission recommended to change the definition for cemetery to remove mortuary and crematory.

Public Hearing Opened at 8:30 pm.

Rich Day, 11049 50th Street, would like the Planning Commission to delete Cemetery as a permitted use in the zones of Ag & RR due to the fact it is already allowed as a conditional use in PF.

Saxe Roberts, 11165 50th Street, would also like the cemetery use deleted from AG & RR zoning.

Jeff Saffle, 11180 50th Street, feels the placement of the cemetery is even less desirable as more homes are being built.

Written correspondence was received from Margaret Schmidt, 4525 Lake Elmo Ave, would also like the use of cemetery to be deleted from the AG & RR zone.

Public Hearing closed at 8:33 pm.

Dunn stated that she feels the conditional. Permitted and interim uses that were added in 2013 do not belong in AG & RR. She feels that they should be recinded.

There was discussion regarding the secondary dwelling. There was concern about the phrase “within a detached structure”. It was recommended to delete that last section.

M/S/P: Dodson/Williams, move to amend the definition of secondary dwelling to remove “or within a detached structure”. **Vote: 5-1, motion passed.**

M/S/P: Dodson/Williams, move to add secondary dwelling to rural residential. **Vote: 5-1, motion passed.**

M/: Dorschner/, move to add secondary dwelling to Rural Single Family. **Motion fails for lack of 2nd.**

M/: Dorschner/, move to add secondary dwelling to Rural Estates. **Motion fails for lack of 2nd.**

M/S/P: Haggard/Dunn, move to remove cemetery as a use in all rural areas and keep it in only the public facilities zone.

M/S/P: Williams/Kreimer, move to amend the motion to change the definition of cemeteries to “Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.” **Vote: 6-0, motion passed.**

Original motion removing cemetery as a use in all rural districts along with the cemetery definition amendment, **Vote: 6-0, motion passed.**

There was a general discussion regarding commercial kennels. The Commission generally felt that there were not enough standards in place. Planner Wensman stated that the Commission could put standards in. He explained that if there are standards, that sets out the minimum very clearly. With a CUP, you can put additional conditions on things that might be problematic.

M/S/P: Williams/Kreimer, move to remove commercial kennel from RT and RR, but leave in AG as a conditional use. **Vote: 5-1, motion passed.**

Dunn is concerned that the number of horses is not called out specifically. Others felt it was addressed in the general code of animals. Wensman stated that 1 horse is allowed per 2 grazeable acres. There was a general discussion and consideration if it would be covered under CUP. The Commission decided to leave commercial stable as a CUP in AG.

Based on the definition, Haggard doesn't feel that restricted recreation fits with the Comprehensive Plan.

M/S/P: Dunn/Haggard, move to remove restricted recreation from AG. **Vote: 6-0, motion passed.**

The Commission felt that the Agricultural Sales Business should remain as an interim use for RT, AG and RR.

M/S/P: Williams/Dorschner, move to recommend that the City Council approve the changes to the Permitted, conditional and interim uses as discussed by the Planning Commission.

M/S/P: Haggard/Dodson, move to amend the motion to have the staff look at putting stronger standards in for commercial kennels and commercial stables. **Vote: 6-0, motion passed.**

Original motion to recommend that the City Council approve the changes recommended by the planning Commission for the rural areas, including the amendment to look at standards for commercial kennels and stables, **Vote: 6-0, motion passed.**

Council Updates – November 17, 2015 Meeting

1. Hammes Plat Extension – Passed.

Staff Updates

1. Upcoming Meetings
 - a. December 14, 2015
2. There was a question regarding pigeons. Would Commission like to look at standards. Yes.

Commission Concerns

Dunn was wondering if the Airport issue came to the Planning Commission. Dodson stated that it was more of an informative discussion.

Dunn would like to try to figure out how we can notify more people as we change and grow.

Williams received a letter from Matt Barring regarding the bus rapid transit and the fact that there is a number of inaccuracies in it. Williams would also like Public Hearing to be listed in the “Fresh” instead of a link to Commission Agendas. Haggard is wondering if it might be helpful to add the zoning district that is affected.

Haggard asked about the building standards for homes built by the airport or railroad tracks. She would like to see something in the HOA documents with a sound disclosure.

Kriemer is wondering if something can be put in with the storm water bill regarding the “fresh” so that more people sign up and get information.

Meeting adjourned at 10:05 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant