

City of Lake Elmo

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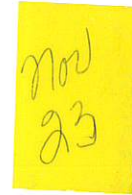
3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

Meeting Notice

The Lake Elmo Planning Commission will meet Monday, November 23, 1998 at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue, Lake Elmo, Minnesota.

AGENDA

1. AGENDA
2. Minutes October 26, 1998
3. Public Hearing: Conditional Use Permit
A-2-Z Daycare/Learning Center
901 Lake Elmo Avenue
(Cimarron) Linda Kuester; applicant
4. Public Hearing: Open Space Land Use
5. Public Hearing: Rezone Op to AG & RR
6. Public Facilities Ordinance: Continued Consideration
7. Sketch Plan Review: Abbott/Friederichs
3600 Kelvin Avenue
*Presented by Tim Freeman
Folz, Freeman & Dupay*
8. Sketch Plan Review: Kelly Schmidt
8766 Lake Jane Trail
*Presented by Tim Freeman
Folz, Freeman & Dupay*
9. OTHER
10. Adjourn



Planning Commissioners are reminded to always bring their Codebooks and Comprehensive Plan to ALL meetings. Also....PLEASE, when speaking, USE THE MICROPHONES provided. Residents watching the broadcast on cable at home are not able to hear your comments unless you do so.

Revised Draft

**City of Lake Elmo
Planning Commission**

**Meeting Minutes
Monday, November 23, 1998**

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Brass, Gerard, Helwig, Herber, Lipman, Mandel, Ptacek, Sedro, and Sessing, City Planner Dillerud and Councilmember Johnston. Absent: Commissioner Berg.

1. AGENDA

Add 9.a; Training report-Cynthia Young, Secretary.
M/S/P Helwig/Brass – to accept the agenda, as amended.
(Motion Passed 9-0).

2. MINUTES

M/S/P Sessing/Herber – to approve the Minutes from the October 26, 1998 meeting, as presented.
(Motion Passed 8-0). (Absent; Berg)

3. Public Hearing: Conditional Use Permit

**A-2-Z Daycare/Learning Center (Cimarron)
901 Lake Elmo Avenue
Linda Kuester; applicant.**

Planner Dillerud said the State of Minnesota had notified the City that the applicant is seeking day care licensure at the Cimarron Community Building. He said the City had been asked to certify zoning compliance of the day care application. He said although R-3 district standards do not list day care as a permitted use, the standards do provide that uses intended for the convenience and enjoyment of residents of multi-family developments are permitted by conditional use permit. He said the applicant proposes a daycare/learning center to provide care for up to 30 children. He said approval is recommended which includes the following conditions:

1. The Conditional Use Permit is issued to Linda Kuester, and is not transferable as to person or location without City approval.
2. The Conditional Use Permit shall be renewed annually consistent with City procedures for annual Conditional Use Permit renewals.
3. The Conditional Use Permit shall remain valid only while the use and facility remains licensed for day care by the State of Minnesota. Revocation or suspension of State licensing shall constitute automatic revocation of the Conditional Use Permit without further notice, hearings or process.
4. Compliance with all other applicable City Code provisions.

Linda Kuester (applicant), said the children enrolled at the proposed daycare/learning center would not be using the Cimarron Community swimming pool. She said that children would attend no more than 12 hours a day. She said A-2-Z would provide insurance, and hoped that this facility would benefit the residents of Lake Elmo not only by offering daycare, but provide jobs by drawing on the local population as staff members.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:15 p.m.,
NO COMMENTS.

Commissioner Lipman suggested deleting "suspension" from condition No. 3 because State Statutes provide an appeal process to licensed daycare providers, which allows the licensee a 10-day window to comply. He said automatic revocation of a CUP by the City may not be necessary.

M/S/P Lipman/Sedro – to amend Condition No. 3 as follows:

- 3. The Conditional Use Permit shall remain valid only while the use and facility remains licensed for day care by the State of Minnesota. Revocation of State licensing shall constitute automatic revocation of the Conditional Use Permit without further notice, hearings or process.**

(Motion Passed 9-0).

M/S/P Helwig/Sessing – to recommend a resolution granting a conditional use permit to Linda Kuester for a State licensed day care and learning center located at 901 Lake Elmo Avenue, Cimarron Community Center, to include the following amended conditions:

1. The Conditional Use Permit is issued to Linda Kuester, and is not transferable as to person or location without City approval.
2. The Conditional Use Permit shall be **reviewed** annually consistent with City procedures for annual Conditional Use Permit review.
3. The Conditional Use Permit shall remain valid only while the use and facility remains licensed for day care by the State of Minnesota. Revocation of State licensing shall constitute automatic revocation of the Conditional Use Permit without further notice, hearings or process.
4. Compliance with all other applicable City Code provisions.

(Motion Passed 9-0).

5. PUBLIC HEARING: Open Space Land Use

Planner Dillerud said that on the recommendation of the Planning Commission, the City Council directed preparation of an amendment to the Land Use Map element of the Comprehensive Plan regarding the OP land use classification. He reviewed the evolution of the current directive and discussed a land use map that highlighted the areas that would be impacted by the proposed amendment.

The Commissioners discussed the parcels that were guided RAD and decided to exempt four areas in the City that they had previously agreed should remain guided RE.

Chairman Armstrong opened the Public Hearing for comments at 7:43 p.m.

**Tim Freeman
Folz, Freeman & Dupay**

Mr. Freeman asked two questions:

- 1. Was the intent to restrict development on parcels of land less than 10 acres?*

Chairman Armstrong said no, but that subsequent developments would be permitted by Conditional Use Permit.

- 2. Had the individual landowners been notified?*

Planner Dillerud said individual landowners were not notified, however the same notification process done in 1996 had been followed.

Chairman Armstrong closed the Public Hearing at 7:46 p.m.

M/S/P Sessing/Helwig – to recommend a resolution amending the Future Land Use Map of the 1990 Lake Elmo Comprehensive Plan relating to areas classified OP (Open Space Development) Zoning District consistent with the map attached to the Planner's Report, except that no reclassification from RE to RAD is recommended.

(Motion Passed 9-0).

5. PUBLIC HEARING: Zoning Ordinance Amendments – OP in AG and RR Districts

Planner Dillerud reviewed previous discussions the Commission had regarding Section 300.07 of the Zoning Code. He said there were two choices available in the RAD and AG Zoning Districts; one being OP a permitted use, the other being OP allowed by CUP.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 8:00 p.m., no comments.

M/S/P Armstrong/Mandel – approve the zoning ordinance amendment as written for the RR section specifically allowing Conditional Use Permits for Open Space Developments in the RR section and removing that from AG.

(Motion Passed 9-0).

6. Public Facilities Ordinance: Continued Consideration

Planner Dillerud said he modified the working draft of the PF Ordinance to add language to the Buffer section to accomplish the adopted motions made by the Commissioners at their previous meeting.

Commissioner Lipman said item d. and i. did not have a provision for wastewater standards, and said he thought those standards should be added.

Jeff Roos

(Representing Apostolic Bible Church)

Mr. Roos asked if the Planning Commission would consider changing Subd.5. Minimum District Requirements, Lot Size – Maximum to: 15 Acres Buildable Area.

M/S/P Helwig/Herber – to recommend amending Section 300.07 M Zoning District adding a provision for wastewater standards to d. and i. And adding buildable area to Subd.5. Minimum District Requirements, Lot Size – Maximum.

(Motion Passed 9-0).

7. Sketch Plan Abbott/Frederichs, 3600 Kelvin Avenue, minor lot line adjustment.

Tim Freeman

Folz, Freeman & Dupay

Mr. Freeman presented a sketch and a brief overview of the above referenced proposed project.

8. Sketch Plan Kelly Schmidt, 8766 Lake Jane Trail, Minor Subdivision.

Tim Freeman

Folz, Freeman & Dupay

Mr. Freeman presented a sketch and brief overview of the above referenced proposed project.

M/S/P Armstrong/Sedro – to recommend the City Council repeal Section 400.07, Subd. 1-6 of the 1997 Lake Elmo Municipal code.

(Motion Passed 9-0).

9. Planning Commission Training Workshop

Cynthia Young said that she had contacted Professor Gunnar Isberg, Hamline University, and discussed setting up a training workshop to include the Planning Commission, City Council, Village Commission and Parks Commission. She said Professor Isberg will present an overview of planning basics then field questions specific to the concerns of Lake Elmo. A tentative workshop date is Saturday, January 16, 1999. She said more information will follow.

Chairman Armstrong adjourned the meeting at 9:00 p.m.

Respectfully submitted, Cynthia Young, Recording Secretary