



City of Lake Elmo

777-55
Jan. 22
2001

3800 Laverne Avenue North / Lake Elmo, Minnesota 55049

The Lake Elmo Planning Commission will meet on Monday, January 22, 2001, at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota .

AGENDA

1. Agenda
2. Minutes – January 11, 2001

CONVENE WITH “OLD VILLAGE” SPECIAL PROJECTS Members

3. **Public Hearing:** Zoning Text Amendment
Old Village Architectural Standards

ADJOURN as “OLD VILLAGE” SPECIAL PROJECTS

RE-CONVENE as PLANNING COMMISSION

4. **Public Hearing:** *(continued)* Text Amendments to Open Storage
Setback for Low Impact Non-Agricultural
Conditional Use Permits

(continued) E & E, LLC
Conditional Use Permit – Low Impact AG
5. **Public Hearing:** *(continued)* Zoning Ordinance
OP (Open Space)
6. Other
7. Adjourn

**Reminder – Planning Seminar with Gunnar Isberg, City Hall, Saturday, February 10, 2001
9:30 a.m. – 1:30 p.m. (Luncheon will be served). Please RSVP Cynthia Young – ASAP
and*

*If you have not already done so, please RSVP 2001 Volunteer Appreciation Party, Friday, February 9, 2001 –
6:00 p.m. and following... Lake Elmo Banquet Hall.*

Approved 2/12/01
Lake Elmo
Planning Commission

Meeting Minutes
Monday, January 22, 2001

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, Deziel (arrived 7:25 p.m.), Helwig, Herber, Mandel, Ptacek, Sedro, and Sessing. Also present: Special Project Members John, Herreid, Frost and Williams, and Planner Dillerud. Absent: Berg, Taylor.

Chairman Armstrong convened the "Old Village" Special Project segment of the meeting.

3. PUBLIC HEARING: Old Village Architectural Standards

Planner Dillerud explained that the City Council recently repealed the Village Commission Enabling Ordinance, and, concurrently amended the Planning Commission Ordinance to expand its membership by the addition of Special Projects Members from the Village Commission to deal with issues directly related to their former duties. He said the City Council directed staff to complete a draft of the conversion of the Old Village Architectural Guidelines into Ordinance format. He noted that the City Council directed these standards be applied as Code for only new and rehab commercial construction, and new residential construction within the prescribed geographic limits described. He said many "judgement calls" remain within the standards of the ordinance, which appear to be unavoidable given the nature of what is trying to be accomplished with the standards.

Planner Dillerud noted it was the intent of the "Administration" section of the draft to introduce an Architect Certification of Compliance process.

He discussed the Zoning Ordinance Amendment notification procedure, as required by Statute, and mentioned that staff had also posted the Notice of Public Hearing at the Lake Elmo Post Office, Library, Hagbergs Market, and Website. He noted that the City Administrator suggested it might be desirable to do a direct mailing of the notification, and asked the Commission to comment in that regard.

Commissioner Sedro questioned if the term, "original materials" being encouraged might be less energy efficient than optional materials. Special Project Member Herreid said that there is a full range of current building materials, which itself might be substituted for existing wood, windows, etc.

Commissioner Sessing questioned the logic behind setting standards for new development adjacent to existing development that does not conform to the architectural guidelines.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:21 p.m. - NO COMMENTS

Special Project Member Williams reminded staff that when he was a Village Commissioner, he had submitted a list of amendments to the guidelines, and requested they be reviewed and inserted into the draft ordinance.

Special Project Member John said he felt all residential and commercial property owners in the Old Village area should be notified, and receive a copy of the draft ordinance.

M/S/P John/Helwig - to request staff circulate the full text of the draft Old Village Architectural Guidelines and Public Hearing Notice to all existing commercial parcel owners in the Old Village Overlay District, and owners of undeveloped residential parcels in the Old Village Overlay District; and, circulate a cover letter and Public Hearing Notice to all remaining residential property owners in the Old Village Overlay District, indicating the proposed guidelines do not affect their property.
(Motion Passed 13-0).

Commissioner Mandel questioned the overlay district as it relates to 30th Street as the southern boundary, noting both north and south sides of 30th Street are included, and Heritage Farm OP Development would be included if the draft guidelines remain unchanged.

Planner Dillerud said the south side of 30th Street from Lisbon Avenue to Manning would be excluded by noting Heritage Farm.

Commissioner Sedro expressed her concern for the size of the landscaping as it affects parking areas.

Commissioner Deziel said he was concerned about some language, such as rhythm, which was difficult to define and enforce.

Special Project Member Williams said there were many qualitative terms found within the draft ordinance, and requested the Planner review his previously submitted memorandum on the topic, and create those changes.

Planner Dillerud said those changes would be made - not to this document, but to Section 150 (Definitions) of the Municipal Code.

The Commissioners discussed the feasibility of contracting a specific architect to review and approve proposals for projects in the Old Village Overlay District.

Special Project Member Williams suggested applicants might submit computer-generated images of how a project may appear, and how it fits into the surrounding area.

Special Project Member Herreid added that an artist's rendering of the final result could also be an option.

Planner Dillerud suggested applicants might present photo images of their plans to be submitted to a reviewing architect for certification.

Special Project Member Williams suggested the City "cut it's losses" regarding the designs of the current commercial projects in the Old Village Overly District, and adopt the standards, thereby having more control over new construction.

Special Project Member John stated the absence of standards has resulted in some objectionable buildings.

Commissioner Deziel said he was concerned that using new wood on structures was not encouraged by present commercial zoning standards.

M/S/P Armstrong/Sessing - to postpone the Public Hearing - Zoning Text Amendment - Old Village Architectural Guidelines to the Monday, February 26, 2001 meeting.
(Motion Passed 13-0).

Planner Dillerud suggested that in the future, the Planning Commission convenes with Special Project Member issues at 6:00 p.m.

ADJOURN as "Old Village" Special Projects/BREAK

RE-CONVENE as Planning Commission
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1. Agenda

M/S/P Helwig/Sedro - to accept the agenda, as presented.
(Motion Passed 9-0).

2. Minutes

M/S/P Sessing/Deziel - to approve the Minutes from the January 8, 2001 meeting, as amended.
(Motion Passed 7-2). Abstain: Herber, Mandel.

4. Public Hearing *(continued from January 8, 2001)*

**Zoning Ordinance Text Amendments to Open Storage Setback; and,
Allowable Uses for Low Impact Non-Agricultural Conditional Use
Permits**

**E & E, LLC
West of Manning Avenue & I-94
Conditional Use Permit - Low Impact Non-Agricultural
Rezone from RR to AG**

Planner Dillerud said, upon completion of this Public Hearing, the Planning Commission should reach a conclusion as to what they will recommend to the City Council regarding the amendments to the Low Impact Ag CUP text of the zoning ordinance. He explained that should the amendments be recommended for approval as drafted, the E & E proposal, as drafted, would appear to be potentially in compliance with the zoning ordinance, and no variances would be required.

He further explained that should the Planning Commission recommend the proposed amendments not be adopted, the E & E proposal would not be in compliance with the ordinance, the result being the applicant would either amend his CUP application to comply with the current Low Impact AG standards, or request the Planning Commission to again consider the zoning ordinance variances first applied for. He noted that the applicant had also submitted a revised Conditional Use Permit plan for the site.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 8:45 p.m. - NO COMMENTS

After the Commissioners reviewed the proposed text amendments, Commissioner Brass stated she was still opposed to amending the setback requirement to 50 feet from the I-94 frontage road, explaining she did not want to see this become the habit along the corridor.

M/S/P Mandel/Sessing – to recommend the City Council approve Zoning Text Amendments:

“Purpose” (Section 300.07 Subd. 4A.2.(g) 1.) :

It is also the intent of the City to preserve the appearance of rural character within the community by establishing standards for the setback and screening from adjacent property and public roadways by natural features of any open storage as may be associated with the Non-Agricultural Uses.

and,

Substitute for “Standards” (Section 300.07 Subd.4A.2.(g) 3d :

d. All outside storage responsive to Paragraph 2a. above shall be setback a minimum of 200 feet from any property line, or public roadway, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the Conditional Use Permit, which shall clearly demonstrate, by view cross sections, that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height, or for any other reason shall be sole grounds for rescinding the outdoor storage portion of the Conditional Use Permit.

(Motion Passed 8-1). Opposed: Brass

M/S/P Ptacek/Sessing – to recommend the City Council approve the following proposed language to Section 150-Definitions- of the Municipal Code:

Non-Agricultural Low Impact

Non Agricultural Low Impact Use means the outdoor storage of off-road mobile construction equipment of any weight, excluding semi-truck trailers, or any vehicle over 26,000 pounds capable by design of being licensed for use on public roadways; the indoor storage of the aforementioned items and other goods and materials which, in the determination of the City Council, do not jeopardize the health, safety, or welfare of the City; nature farms; agricultural museums; farmer’s markets; small engine repair shops; contractor maintenance shops; or office space as an accessory use to the aforementioned uses.

and,

Contractor Maintenance Shop

A contractor maintenance shop is a facility for the repair and maintenance of the equipment owned by a contractor in the construction building maintenance, or landscaping industry.

(Motion Passed 9-0).

Planner Dillerud briefly reviewed the E&E Conditional Use Permit proposal, stating the applicant would present a revised plan, based upon the discussion that occurred at the January 8, 2001 meeting.

Tim Freeman

Folz, Freeman & Dupay (*representing the applicant*)

Mr. Freeman presented a revised plan, which indicated additional tree screening to the north, and an extended berm, which would limit the view of the outdoor storage on the site.

Commissioner Deziel stated the Code requires additional screening of the site than what was proposed by the applicant. Commissioner Mandel said he felt additional screening/berms on the north side of the parcel was not required.

Mr. Freeman agreed to add a single row of coniferous plantings, similar to those proposed along the I-94 frontage road, along the entire periphery of the 2.76 active use area of the 70-acre site.

M/S/P Helwig/Sessing - to recommend the City Council approve the Rezone from RR to AG, and Low Impact AG Conditional Use Permit for E&E, LCC, based upon the following conditions:

1. City Council approval of the rezoning of the site from RR to AG.
2. City Council adoption of an Amendment to Section 150 and Section 300 of the Municipal Code to permit the open storage of certain vehicles in excess of 26,000 pounds.
3. City Council amendment of Section 150 and Section 300 of the Municipal Code to permit "contractors maintenance shops" as an allowed Low Impact use.
4. City Council Amendment of Section 300 of the Municipal Code, substituting a 50-foot setback for open storage for a 200 foot setback, where a suitable screening alternative is provided; and, only along the I-94 frontage road.
5. Modification of the applicant's CUP plan to provide coniferous plantings, similar to those proposed along the I-94 frontage road, along the entire periphery of the 2.76 active use area of the 70 acre site.
6. Submission by the applicant; and, approval by the City Council of a commercial Site Plan responsive to Section 520 of the City Code.

(Motion Passed 7-2). **Opposed: Brass - feels the screening to the north is not adequate, and most of the equipment will be visible; Deziel - feels the overall process changes the rules for some, and sees a rapid deterioration by the intense use of agricultural land, and, feels some applicants can get the ordinances changed, and some cannot.**

Chairman Armstrong said applicants might wish to follow the variance procedure, or meet the requirements of the Municipal Code, and in the previous discussion, the applicant followed the process as set forth in the Municipal Code.

5. OP Ordinance - Modifications to Hearing Draft

The Commissioners discussed the previously recommended amendments to the draft OP Ordinance. There was discussion regarding minimum lot size, densities, street width, ratio of parcel width to length, buffering standards, and density bonus for historic preservation.

The Commission recommended additional changes to the aforementioned provisions of the Ordinance, and requested Planner Dillerud amend the draft, and send on to the City Council at its February 6, 2001 meeting.

M/S/P Helwig/Sessing - to recommend the City Council repeal existing 300.07, O subsection (the OP Ordinance) and adopt the draft, as amended.

(Motion Passed 8-1). Abstain: Deziel

Chairman Armstrong adjourned the meeting at 10:00 p.m.

Respectfully submitted, Cynthia Young-Planning Secretary