

**City of Lake Elmo
Planning Commission Meeting
Minutes of February 23, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission. COMMISSIONERS PRESENT: Van Pelt, Ptacek, Meldahl, Deziel, Helwig, Berg, Johnson, Bunn, Pelletier. STAFF PRESENT: City Planner Dillerud and Recording Secretary Schaffel.

Commissioner Ptacek suggested we add Representative Lipman's Bill as item 5a on the Agenda. **M/S/P**, Ptacek, Johnson, To accept the Agenda as amended. **VOTE: 9:0.**

Commissioner Johnson pointed out a typographical error in the minutes on page two, third paragraph from the bottom. **M/S/P**, Johnson, Deziel, Approve Minutes of February 9, 2004 as amended. **VOTE: 6:0:3** (Abstain: Bunn Pelletier, Ptacek).

The Planner provided a new version of Lane Kendig's Fence Ordinance in the packet with the amendments he said he believed the Commission requested.

The Planner suggested that "Open to air and light," is a better term used in place of the word opacity. If you insert open to air and light into number 5 of the draft language, for fences over three feet in height, it sounds much better. Graphics were difficult to find but hopefully this language describes what the Planning Commission means.

Commissioner Van Pelt thought chain link on a street facing yard should only be through a permit for Special Exception.

The Planner said that in street yards that are also side yards, there would be no fence allowed. If you allow chain link in side yards, that might not work.

Commissioner Van Pelt said he did not intend for all chain link fences to have to have Special Exceptions.

Commissioner Johnson thought we included chain link in back yards. She suggested we remove the second sentence in item one of the draft language and incorporate it in number five where we are dealing with Special Exceptions in front yards. We may not have to address it in the second sentence of number one.

The Planner said that front yards, by common definition, would extend from the house to the street in front.

Commissioner Deziel suggested we make a distinction for street facing rather than just front yards.

The Planner said solid fencing would only be allowed in rear yards. All street yards would be treated the same whether front, side, or rear.

Commissioner Bunn thought street and side yards were treated the same if facing a street. She recommended that no chain link should be allowed at all in those situations except with Special Exceptions for security purposes. Traditional back yards could have chain link fencing.

Commissioner Van Pelt said that points five and six as written are okay because they are treating both in a common fashion.

Commissioner Bunn likes what number five says about front and street yards.

The Planner said the diagram in the draft ordinance, number 3, allows any kind of fence on an inside lot line. He asked if the commission wants that for all four sides of a lot with the sight triangle as our current ordinance allows now. He asked if fences should be no taller than three feet in front yards.

M/S/P, Bunn/Johnson, To allow solid fences up to the heights indicated on Diagram One, as drawn by the Planner. VOTE: 9:0.

The Planner reported that according to our current code, solid fences cannot be more than four feet except from the rear of the house back. The Planner asked if the commission would change anything for cyclone/chain link fencing.

Commissioner Bunn said that no fence facing a street can be chain link without a Special Exception permit, but allow six feet of any allowable fencing in a rear yard as in diagram 1, as drawn by the Planner. She said that chain link is inconsistent with other materials requirements. It looks commercial. We regulate all kinds of materials.

Commissioner Ptacek said that where six foot fences are allowed, they can be chain link. Three foot fences must be decorative/open air fencing.

Commissioner Meldahl said new chain link is not like the old style that turns rusty.

Commissioner Van Pelt said diagram two, as drawn by the Planner, is a compromise allowing adequate fencing to meet the needs of the residents and meet the spirit of the city. He said the commission regularly deals with aesthetics in materials. **M/S/P, Ptacek, Van Pelt, To adopt the changes made by the Planner to the fence ordinance with the diagram, and to allow chain link fencing by Special Exception only as shown in diagram two, as drawn by the Planner. VOTE: 8:0:1 (Abstain: Deziel).**

M/S/P, Deziel/Johnson, To adopt diagram three, as drawn by the Planner, for fences over three feet in front yards. Those fences may be as tall as six feet as long as all that portion above three feet is at least 75% open to air and light. VOTE 9:0.

Commissioner Deziel suggested that if fencing above three feet at a sight corner is 75% or more open to air and light we don't have to worry about those triangles. **M/S/P, Ptacek /Van Pelt, To recommend that if a fence is 75% open to air and light above three**

feet from the ground at a street corner, then the sight triangle provision may be eliminated. **VOTE 9:0.**

M/S/P, Johnson/Berg, To eliminate the second sentence in number one of the draft ordinance that says, "Chain link fences may be allowed only by Special Use Permit," and add it to number five of the draft ordinance. **VOTE: 9:0**

The Planner said he will eliminate the old graphics and add the new ones created tonight in the next draft.

CITY COUNCIL UPDATES

The Planner reported that the City Council received first of four studies for Old Village Plan – wastewater treatment. The study was received and the item was tabled until the others are completed. He reported that the water supply draft came today from TKDA.

The Planner reported that the Minor subdivision and clustering for the The Olsons was approved without changes by the City Council.

ADJOURN 8:03 PM.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kimberly Schaffel". The signature is written in a cursive, flowing style.

Kimberly Schaffel
Recording Secretary

Diagram 1
SOLID WALL FENCING

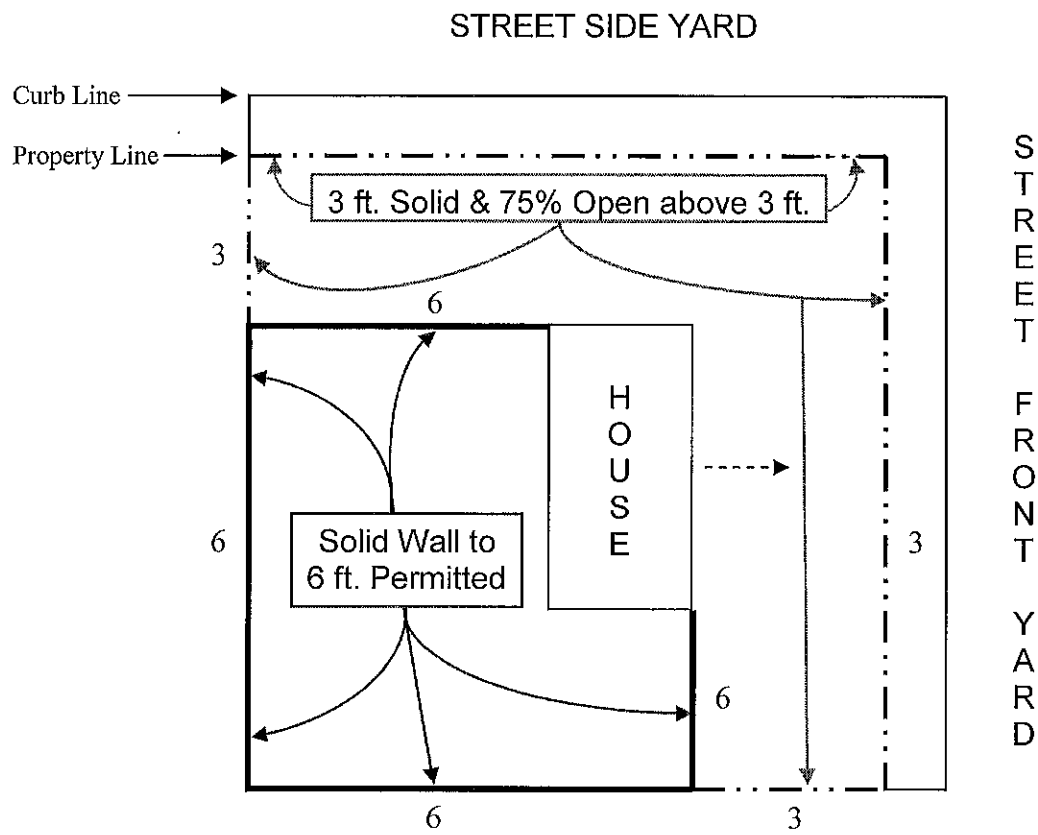


Diagram 2
CHAIN LINK FENCING

