

**The Lake Elmo Planning Commission  
Will hold a meeting on  
Monday, May 24, 2004 at 7:00 p.m.**

In Council Chambers,  
Lake Elmo City Hall  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

5-24  
2004

**AGENDA**

- 1) Pledge of Allegiance
- 2) Agenda
- 3) Welcome Charles Schneider
- 4) Minutes of May 10, 2004
- 5) Organizational – Elect a Secretary
- 6) Public Hearing Continued - Variance - Isaacson
- 7) Limited Business – Discuss Allowed Use Addition
- 8) Enclosure – Draft Fence Ordinance
- 9) City Council Update
- 10) Adjourn

The public is invited to attend.



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 24, 2004**

Chairman Helwig called to order the Planning Commission Meeting at 7:00 p.m. COMMISSIONERS PRESENT: Deziel, Sedro, Berg, Ptacek, Meldahl, Sessing, Van Pelt, Johnson, Pelletier, Schneider; STAFF PRESENT: City Administrator Rafferty, City Planner Dillerud, and Recording Secretary Schaffel.

**Pledge of Allegiance**

**Agenda**

M/S/P, Meldahl /Berg, To accept the Agenda as presented. VOTE: 9:0.

**Welcome to Charles Schneider, 2<sup>nd</sup> Alternate.**

Commissioner Van Pelt was made Full Voting Member and Liz Johnson was moved to First Alternate.

**Minutes of May 10, 2004**

Commissioner Johnson, said on the 2<sup>nd</sup> page bottom, a motion was made and seconded but a motion to table took precedence, and there was no vote. On page 6 bottom, in the last sentence she suggested that, "Historic barns should get approval for historic colors." On page 7, third paragraph, the first sentence should end after, "Character."

Commissioner Sedro said that on page 7, she is indicated as seconding a motion for which she abstained from the vote. Commissioner Sessing said he was the seconder on that motion.

M/S/P, Johnson/Deziel, To accept the Minutes of May 10, 2004 as amended. VOTE: 9:0.

M/S/P, Ptacek/Sedro, To nominate Commissioner Sessing for Secretary. VOTE: 8:0:1 (Abstain: Sessing).

**Variance Public Hearing Continued: Isaacson**

The Planner reminded the commissioners that at the last meeting, the applicant was asked if he wanted to table his application. He explained that a new drawing submitted by the applicant did not get added to the packet. The drawing was distributed. The Planner said the 6 feet side yard minimum suggested by straw vote of the Commission on May 10 is reflected in the applicant's drawings staff dated May 20. The Planner presented a set of alternative positive Findings. He said the Applicant had also dropped off letters of support from his neighbors.

Commissioner Johnson noted that the front setback in the new plan is less than previously requested and less than required. The Planner said the front yard setback is not as important an issue in this case since the excess right-of-way of "paper" Park Street results in an effective front set back well in excess of Code standards. He repeated that he believed that Park Street would never be constructed since all residences with frontage on that right-of-way now access from 50th Street North.

The Planner reported that Commissioner Sedro had earlier asked about the ability for emergency vehicles to access the rear of the property. She continued her questioning by asking the width of emergency vehicles.

The Planner responded that no emergency vehicle is wider the 8.5 foot maximum allowable width on public streets without a special permit; and that most were significantly narrower than the 8.5 feet. He also said it is possible for emergency vehicles to access the rear of this lot on the west side, where a 10 foot set back has been maintained..

Commissioner Schneider said he drove past the site, and asked about the neighbor's driveway in relation to the property line.

Mr. Isaacson said the dirt driveway borders the property line.

**M/S/P, Sessing/Johnson, To take the Isaacson Variance from the Table. VOTE: 9:0.**

The Chairman introduced the letters from Douglas, Severin, Marin, and Braun, the Isaacson's neighbors.

Commissioner Deziel said he was pleased to see the redesign, and the garage is 30 feet from the built street.

**M/S/P, Johnson/Deziel, To recommend approval for side and front yard variances to accommodate the garage construction per the graphics staff dated May 20, 2004, and based on the following Findings:**

1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property – as noted by Finding #1 – that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

**VOTE: 9:0.**

#### **Limited Business Use Addition**

The Planner introduced the proposed use of a salon in the Limited Business District by the prospective tenant at Prairie Ridge Office Park.. He reported that a salon is not presently a conditional or permitted use in the LB district. He advised that the Planning Commission can initiate amendment of the Zoning Ordinance. He said the commission has done so in the past. The Planner reminded the commission that new uses always appear on the horizon That could be reason to amend them into the Zoning Ordinance.

Commissioner Sedro said the salon use seems different from the other uses because more water is used in a salon. She said she is concerned about the septic system.

The Planner said the building square footage determines the septic generation, and the system is designed accordingly. He said that square footage limits the scale of the use automatically.

Commissioner Sedro said the potential tenant proposes 18 styling stations, generating more traffic than other uses on the list of allowed uses.

The Planner said the Commission can use the exact proposal as a basis to include or exclude this type of use. He said the Commission can set the conditions they want to include with any CUP eventually approved for this use. He said that Commission's decision will be based on the scale of the use, not use itself. If the Commission amends the code, the applicant could then come in with a full application responsive to the use description and conditions that appear in the Zoning Ordinance after amendment..

Commissioner Ptacek said when looking at other allowed uses in the Limited Business District, the trips by vehicle appeared to be about the same for any other listed business. He said the use should be allowed because a salon could generate just as much or as little traffic or septic use as the other allowed uses.

**M/S/P, Johnson/Deziel, To direct staff to publish a hearing notice to amend the uses in the Limited Business District to include a salon as a Conditional Use.**

Concern was expressed about hair in septic systems. Commissioner Johnson said most salons use catch traps in the drains.

Commissioner Ptacek asked about SAC Units generated by a salon use.

The Planner said that getting into SAC Units might be too fine-tuned for this stage of the process. He said there is a shared septic system in this LB development, and specific conditions may be placed on specific units within that development.

**VOTE: 9:0.**

Commissioner Berg asked about the letter from the potential applicant. Is she a potential renter and can renters get a CUP? The Planner said normally not, CUP's run with the land, and if an applicant were only a tenant that request would be viewed differently. The Planner said the building owner would be responsible for the entire operation.

### **Draft Fence Ordinance**

The Planner thanked the many commissioners who attended the Council's fence workshop. He reported that after three months of work on the draft fence ordinance, the Council wanted to be more directive as to what the ordinance standards would be. The Planner reviewed with the Commission the outcomes of the Council workshop. He added that issues of finished side orientation and fences in City easements would also need to be addressed by the ordinance amendments.

Commissioner Sedro pointed out that Item 3 of staff's May 20 Memo mentions cyclone fences, yet Item 6 does not include the cyclone fence when addressing allowable fence colors.

Commissioner Sedro said she didn't understand what Item 1 was trying to say.

The Planner explained that applied to fences in street or front yard setbacks. The allowable fence location is the 30 feet setback, whether or not an adjacent house is rear of that line. He said the same principle would apply on a corner lot.

Chairman Helwig questioned why vinyl fences could be any color but white.

Commissioner Sessing asked about woven wire fence. If it were an addition on to existing fence, would the original fence have to change to green or black?

Commissioner Van Pelt said that, in essence, there would be no backyard privacy fences by the Council's directions on fence standards.

The Planner said there was a discussion about the circumstances on extraordinarily small lots. He said the Council might go along with privacy fences in a townhouse configuration, and also other configurations if the fence was substantially within the property set back line, such as an architectural extension of the house.

Commissioner Meldahl said many cities allow an eight foot privacy fence around a patio.

The Planner said the problem with that is where is the patio ending?

Commissioner Sessing noted that the Council spoke of taller fences inside the building line screening boats and motor homes, but ran out of time to discuss that on May 10.

The Planner and Chairman said they did not hear it that way.

The Planner brought up security fencing for pools. He said a fence can be 75% open and still secure.

Commissioner Sedro asked if it is the job of the Planning Commission to pass on what it comes up with, or to do what the Council says.

Commissioner Deziel said maybe if the Commission brings some of these issues to the hearing we might hear some of the reasons for the Council's changes.

The Planner said the Council wants no privacy fences to six feet in height on property lines..

Commissioner Sedro said the council dealt with style but not with functionality.

Chairman Helwig said why we have to have the hearing when we don't agree with the council. Shouldn't the council have the hearing?

The Planner said it would be better for the Planning Commission to hold the hearing. He said he can structure the hearing notice generic enough so both drafts can be presented. The Planner said the Planning Commission is appointed to do the legwork for the council, and at other times to do what council asks them to do.

Commissioner Deziel said the council did not follow the commission's process; instead they gave a lecture and then their process.

The Planner asked the council directly what are a large lot and a small lot. There has been no answer yet. Most of our new cluster developments do not allow fences at all. He said maybe we should not reach the point of mandating it.

Commissioner Sedro said the Council dealt with style but not with functionality.

Chairman Helwig asked why does the Commission have to have the hearing when it does not agree with the Council? Shouldn't the Council have the hearing?

The Planner said it would be better for the Planning Commission to hold the hearing. He said he can structure the hearing notice generic enough so both drafts can be presented. The Planner said the Planning Commission is appointed to do the legwork for the Council, which may, at other times, include doing what Council asks them to do.

Commissioner Ptacek said he can live with most of the Council's ordinance direction, but not with the specified fence colors. He said he does not agree that the City should legislate colors. He recommended including the ordinance for public hearing without the colors of fences specified. Otherwise, he said he would prefer to send up to the Council the original fencing ordinance.

Commissioner Ptacek said the Commission can send a strong message tonight. He said the city does not gain by publishing a generic notice. He said he would rather debate it now, and send the result to public hearing.

Commissioner Sedro said she would like to hear public comments on both ordinances.

Commissioner Deziel said he would like to have the generic notice because the Commission only heard subjective opinions as to why the Council made the changes they did. He said privacy is important to some people. He said if the Commission and Council are making laws for other people to live by, the City should be more accommodating.

Commissioner Pelletier asked about publishing in the newsletter and web site. She said fencing is a large enough issue to try for better attendance.

Commissioner Van Pelt agreed that the hearing notice should be generic since there are very different opinions between the Council and the Commission as to appropriate fence standards.

M/S/P, Ptacek/Deziel, To direct staff to publish the generic fence ordinance notice, and bring all ideas forward for public discussion.

Commissioner Schneider suggested that the more restrictive the notice appears, the better the attendance will be.

**VOTE: 9:0.**

**CITY COUNCIL UPDATE**

The Planner reported that the City Council denied the septic variance for Gary Webster, and they approved entering a contract with SEH for a Trails System Plan which would then come before the Planning Commission as a Comprehensive Plan Amendment. The Planner said he has been working on the new Zoning Ordinance with Dick Thompson over the last several weeks.

The Planner said a Concept Plan application has been submitted for the church-owned site at Keats and 36 for 48 of their acres. He said there are also two other sizable applications expected in the next thirty days.

Chairman Helwig asked if an OP development is created on the church land, does it come back into taxable property?

The Planner said it does.

The Planner announced that the Supreme Court will hear the City's case against the Metropolitan Council in the first week of June but that he has no idea when a decision will be rendered.

**ADJOURN 8:09 P.M.**

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary

5/6/04

LAKE ELMO

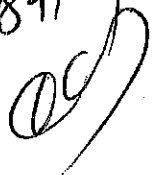
As the residents of 8001 50<sup>TH</sup> STREET, we're OK  
with Bill Isaacson's variance to build the  
garage approx 2ft from the east side property  
line.

Jim Douglas  
Jan Kefner

Rec'd  
5/10/04  
[Signature]

I agree with Will Trackson  
request for variance for 2 foot set back  
for garage from east property line

R. K. Myran  
8033 50<sup>th</sup> St. N

Reid  
5/84/04  




City of Lake Elmo

Mike Severin  
8012 50<sup>th</sup> St. N  
Lake Elmo

To Whom It May Concern:

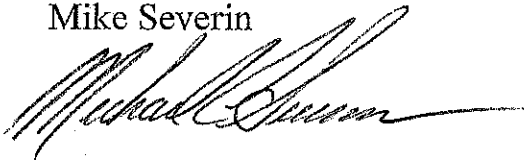
This letter is in regards to the variance being requested by Will Isaacson for the construction of a garage.

We have no objections to the planned construction. It is a new home that currently has no garage. I do not know what the original plans were regarding a garage for the home, but surely the city must have known that a new home built with city approval would eventually require a garage in keeping with every other house built in the city.

A man has to have a garage, and denying his request would be unamerican.

I would ask that the city approve his request for the variance, as a nice home like that without a garage just wouldn't be right.

Respectfully,  
Mike Severin



Raid  
5/84/04

① DAVID L. BROWN  
7990 50TH ST. N  
LAKE ELMO, MN.  
55042

MAY 10 2004

NEITHER MARY OR I HAVE A  
PROBLEM WITH BILLY GETTING A  
VARIANCE TO BUILD HIS GARAGE.

Done Bro  
Mary Brown

Rec'd  
5/24/04  
ee

5/2/04

LAKE BLMO

As the residents of 8001 50<sup>TH</sup> STREET, we're OK  
with Bill Isaacson's desire to build the  
garage approx 2ft from the east side property  
line.

Jim Douglas  
Jan Keefner

Rec'd  
5/18/04  
[Signature]