



CITY OF LAKE ELMO
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MEETING NOTICE

**The Lake Elmo Planning Commission
Will hold its regular meeting on
Monday, September 27, 2004 at 7:00 p.m.**

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

AGENDA

1. **Pledge of Allegiance**
2. **Agenda**
3. **Minutes of September 13, 2004**
4. **Public Hearing: Amateur Radio Tower – Smith/Holm**
5. **Public Hearing: Preliminary Plat – TAPESTRY at Charlotte's Grove**
6. **Public Hearing: Comprehensive Plan Amendment – Inwood Associates**
7. **Public Hearing: Variance from Sideyard Setback – Brookman**
8. **Public Hearing: CUP - Family Entertainment Center**
9. **City Council Update**
10. **Adjourn**

**City of Lake Elmo
PLANNING COMMISSION MEETING
Minutes of September 13, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Johnson, Sessing, Ptacek, Schneider, Sedro, and Deziel. STAFF
PRESENT: City Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel.

AGENDA

M/S/P, Sedro/Johnson, To accept the Agenda as amended to include Agenda Item 1A. **VOTE: 7:0.**

MINUTES

M/S/P, Sedro/Johnson, To accept the Draft Minutes of August 9, 2004 as presented. **VOTE: 6:0:1**
(Abstain: Ptacek).

M/S/P, Johnson/Sedro, To accept the Draft Minutes of August 23, 2004 as presented. **VOTE: 7:0.**

PUBLIC HEARING:

SIDEYARD VARIANCE -- 8384 Stillwater Boulevard - Price

The Planner introduced the application for a garage remodel in the Beau Haven neighborhood. When Eagle Point Creek Estates was created, outlots were added to enlarge the Beau Haven lots.

The Planner said the applicant proposes to construct a new garage on the west side of his house. Today in a phone call, the applicant asked for a modification to his original application by reducing the width of the garage to the existing width of 22 feet. However, that would still require a variance to 1.5 feet of setback encroachment.

The Planner said a Motion recommending approval would result in slightly different Findings than those found in the Staff Report. From a staff perspective, a recommendation for approval would be recommended.

Commissioner Schneider asked would the garage slab have to be torn up and repoured

Mr. Albert Price

Mr. Price said he will submit a compromised plan for twenty-two feet. The garage has poor construction and the slab has to be removed.

Commissioner Deziel asked why the garage is not being attached to the house.

Mr. Price said there are sidewalk and stairs in between.

Chairman Helwig said attaching the garage to house raises insurance rates too.

Mr. Price offered a modified plan to staff.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:10 P.M.

Commissioner Sessing read a letter from a neighbor that recommends approval that is *attached to the minutes from John Duford.*

THE CHAIR CLOSED THE PUBLIC HEARING AT 7:12 P.M.

M/S/P, Ptacek/Johnson, To recommend approval of a sideyard setback variance of 8 feet 5 inches for

construction of a detached garage in accordance with plans submitted today to staff based upon the following Findings:

1. The property can not be put to reasonable use without the granting of the variance requested.
2. The variance requested results from physical circumstances unique to property. The circumstances of the variance relate to a probable 1968 error in locating the garage structure to be replaced in the same location. The amended application proposes a new garage no wider than that proposed to be replaced.
3. Granting of the variance will not change the essential character of the neighborhood.

And conditional upon tax parcel consolidation of the outlot with Lot 5 of BEAU HAVEN.

Commissioners Ptacek and Deziel would not have voted for the original plan. **VOTE: 7:0.**

PUBLIC HEARING:

Conditional Use Permit in Limited Business Zoning District – Salon/Day Spa

The Planner reported that the City Council amended Conditional Uses in the Limited Business Zone recently to allow Beauty Salons and accessory use of Day Spas. The applicant would utilize one-half of the building for the Salon/Day Spa. He said there is little difficulty with the plan with two exceptions. First, hair and chemicals might be introduced into the private septic system. He suggested that the City might wish to look at the system when it gets pumped every two years, and that the applicant suggests there are adequate traps for hair collection.

The Planner said the other issue of concern is parking. He noted that the Commission had discussed parking at the platting stage of Prairie Ridge. The office parking formulas were used for this development - one space per 200 square feet of office area. Some proof of parking was approved until it was demonstrated that users required more. In the applicant's documentation, she estimated between 16 and 22 spaces would be needed at any point in time while about twelve spaces would be proportionately assigned to the half building proposed for the salon/day spa use.

The Planner said the applicant called today for a possible solution. Staff suggested she get with the developer and discuss additional proof of parking should the parking problems occur in the future. The developer's designer came up with more future parking. That results in about 14 more proof of parking spaces.

Two options are in the staff report; first consider tabling to mitigate the parking problem. Second, approve the application with two conditions for approval to city council.

Commissioner Sedro asked if this application might be too intense a use for this zone.

The Planner said intensity of use would be measured by impacts to neighbors, traffic, and wastewater generation.

Commissioner Deziel asked if this septic fails, isn't it the owner's responsibility.

The Planner said in this case it is shared septic, so the association is responsible.

Commissioner Ptacek said that while there may be some concern, this is a CUP with annual review and the Commission can modify and scale back the use if problems arise.

The Planner agreed that the CUP gives the city a measure of control.

Commissioner Johnson asked about roadway safety and accessibility. She pointed out that employees could park farther away than customers.

The Planner said the Fire Chief reviews access to hydrants, buildings, etc. He said the primary concern is parking in aisles where it could be a public safety hazard.

Commissioner Sedro asked what the city allows for lighting and signage. She said she prefer the lights in PRAIRIE RIDGE OFFICE PARK be turned off after business hours.

Applicant, Mary Gander

Ms. Gander said the natural beauty of the location is something she does not wish to interfere with. She offered the solution of the new design of proof of parking. She said it is very difficult for particular businesses to fit established standards. The hours of operation will be 7 am to 9:30 p.m. and part of the day on Saturday. The state provides regulation, guidelines, and licensing. At a spa, necessarily, you will never be at capacity. Employees are staggered throughout that period, and normally don't work overtime. The salon capacity would be at 50% most of the time. She said only one-half of the stations are open at any particular time. She said the occupancy is staggered in waves over a longer day. She said if they don't have to make more parking she would rather not create the additional impervious surface and impact the natural beauty of the site.

Ms. Gander said she contacted the State PCA who sent her to others and an expert at the U of MN. There are businesses on a hot list for their impact on septic systems, and salons are not on that list. No studies have been done yet because salons are not even close to those on the hot list. Salon chemicals are regulated heavily by the FDA. There are stringent testing requirements for those products. Water usage will be equivalent to a residential home of five bedrooms. She said salons are not on a hot list for water usage either.

Commissioner Schneider asked for more detail about the 25 employees, and only about one-half working at a given time.

Ms. Gander said that not every employee will have a client; there will be employees for reception, janitorial, clerical, etc.

Ms. Melissa

Ms. Melissa said retail products are generally sold during a service. Services such as manicure and massage are generally booked together. Clients and employees overlap.

Commissioner Schneider asked what if another salon was next door.

Ms. Gander said she is buying the building and hoping to rent the other one-half to a dentist, a complimentary business.

Ms. Melissa said those businesses usually have regular business hours.

Ms. Gander said they selected the building with the highest number of parking spaces adjacent to it.

Commissioner Deziel said that most clients make appointments, and that probably accounts for scheduling better. He asked what percentage of traffic is during off hours after 4:30 p.m. and Saturdays.

Ms. Melissa responded that the busiest appointment times are Thursday evenings and Saturday mornings. The majority of people in her profession are women with children who work when they can around school events and soccer games.

Pete Tacheny developer and owner of Prairie Ridge showed the final plat of the development and modifications to the parking lot plan for the new, additional proof of parking.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:52 PM.

Nobody offered testimony.

THE CHAIR CLOSED THE PUBLIC HEARING AT 7:53 PM.

M/S/P, Ptacek/Johnson, To recommend approval of the application for a conditional use permit for a beauty salon/day spa, amending Finding number 2 for the proposed proof of parking, and with a condition number 3 to provide proof of parking as submitted in two drawings submitted on 9/13/04.

Commissioner Schneider asked how additional parking would affect impervious surface calculations.

Considering the size of the site, the Planner said that much asphalt won't affect anything.

VOTE: 7:0.

PETITION TO VACATE A PORTION OF 55TH STREET – CARRIAGE STATION

The Planner explained about vacations of streets. There are two types. A petition was brought to the Public Works Council Committee. They asked the Planning Commission to provide a recommendation to the City Council. The Public Hearing will be before the City Council. What is proposed is the portion of 55th Street depending upon access to two properties. Those accesses have to be maintained at some level. With the platting of Carriage Station, four or five years ago, one of the agreements attached to that approval was that 55th Street between Marquess Trail and Manning be closed to traffic. One reason was it was used a shortcut, second potential for Carriage Station residents using it as a route to Highway 36 because Manning is gravel in very poor condition. 55th Street north is a statutory street presumed to be 33 feet wide on each side of the centerline. The developer of Carriage Station constructed a barrier to close that road by berming and trees. Road improvements were not maintained but more importantly they were not affective. Wood barricades and fences were defeated by people who wanted to get around it. Public Works gets out there almost monthly to perform some work. This has culminated recently somebody took a chainsaw to the wooden barrier. Residents on both sides of the street have been faced with this traffic that does not belong there but also two dead end streets. They have petitioned to vacate this entire portion of street. Review has to include the future of this area. How are the future residents of this area going to have access? Highway 36 has no additional access. West, they are too far away from Lake Elmo Avenue. 50th Street there will be some sort of access. Manning will provide access to the north.

The Planner reported that the City Engineer recommends no vacation. 55th Street could ultimately become a significant street.

Commissioner Johnson said we are trying to look at the options of other property owners around it. She is concerned about traffic generation. When we look at developments, the commission tries to get them multiple accesses.

Commissioner Deziel said he noticed the barrier has two sides and is right connected. We could move the central closure point to eliminate one dead end. Right now there are two ending points.

The Planner agreed that would mitigate it to some degree. When this was reviewed in the past, there was discussion about one owner moving their driveway access over to Manning.

Commissioner Sedro said she understands not wanting neighbors to cut through. It seems the city's attempts to close the road has caused some of these problems. What about reopening the street with

traffic calming? Like many stop signs. Would that be effective?

The Planner said that would not be effective.

Commissioner Johnson said that if we extended the dead end, do we also extend the asphalt?

The Planner said that it currently ends at the existing dead end.

Commissioner Ptacek said he was around before Carriage Station, and there was contentious discussion from neighbors all around. The existing residents on Manning expected some reasonable expectation of privacy and less traffic. He thought that was all temporary. The commission has to allow for future development. We need to plan for it, regardless of public sentiment.

M/S/P, Ptacek/Sessing, To recommend denial of the petition and denial to vacate any portion of 55th Street, but to work with homeowners and city staff for a more permanent barrier to replace the one there, based upon Findings in the Staff Report.

Commissioner Ptacek said his reasoning is because we know that road will have to be opened some time in the future to allow for future development.

Chairman Helwig said that Jersey Walls are less penetratable. Another idea is a fence across with an inlet for walking through, or to move to the further extremes. He also said that the deputies could explore the area more often.

The Planner concurred that we need something more effective than what we have but it will cost money. How much time and money do you put in if you plan to tear it out in the future? The residents present are not concerned only with activities but the long term future of the street. He said that there will be a Public Hearing at the council level.

Commissioner Ptacek said that whether the barrier is permanent or not may not be the commissioners' duty to worry about.

Five people asked to speak and the chairman allowed them to do so, but off the record.

Commissioner Deziel said he is uneasy about suggestions for the barrier. He feels that more can be done about it. What is there is inadequate, because it can be easily broken or cut. He would not recommend vacation but mitigation of the problems.

Chairman Helwig disagreed because he prefers permanent barriers versus temporary barriers.

Commissioner Ptacek agreed that the spirit and intent was never to make it permanent. He said he believed the developer said that to calm other neighbors.

VOTE: 7:0.

CITY COUNCIL UPDATES

The Planner reported that the City Council adopted the amendment of verbiage for Family Entertainment Center as a conditional use in the General Business Zone and the definition. They also made a determination for a slope definition that calls for the highest ridge line for building height.

The Planner said the council reviewed the Highlands Trail Speed Study. A stop sign was put in at an intersection even though there is no speeding to speak of. Now a second sign has been installed. The city may redesign that street as part of our trail plan.

The Planner said that the City Council accepted Jeff Berg's and Jim Van Pelt's resignations. Currently there are five applicants to be interviewed at the next Council Meeting. Charlie Schneider was made Full Voting Member of the Planning Commission.

ADJOURNED AT P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Schaffel".

Kimberly Schaffel
Recording Secretary