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Lake Elmo Planning Commission
MEETING NOTICE
Monday, December 13, 2004

WORKSHOP on Home Occupations at 6:00 PM

Regular meeting 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 November 22, 2004
4. Public Hearing: Preliminary Plat ~ CARDINAL VIEW
5. Neighborhood Conservation Districts
6. Proposed 2005 Meeting Schedule and Work Plan
7. City Council Update
8. Adjourn

**LAKE ELMO PLANNING COMMISSION
WORKSHOP ON HOME OCCUPATIONS
DECEMBER 13, 2004**

Chairman Helwig called to order the workshop of the Planning Commission at 6:00 p.m. COMMISSIONERS PRESENT: Roth, Johnson, Sessing, Sedro (Deziel 6:05 p.m., Tom Armstrong 6:12 p.m., Todd Ptacek 6:30 p.m.). STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Recording Secretary Schaffel. ALSO PRESENT: Guest Facilitator Julie Bunn, Councilmember Johnston.

The Chair gave the floor to Julie Bunn.

Ms. Julie Bunn opened the topic by saying she would be looking at goals, where we are now, pending recommended code, and some questions to facilitate the discussion. She gave everyone a handout. She said there are two major choices for staff direction. 1st is that the current definition has some problems. 2nd might be to start from the beginning because the current code is inadequate. She said that there are three options available- a traditional format with lists of do's and don'ts, a performance approach focusing on impact, or some combination of the two.

The Planner said there is a councilmember who thinks there is a connection between home occupations and accessory buildings. He advocates looking at both aspects. The scale of a home occupation could be related to the scale of accessory structures allowed. If percentage of area is utilized, we might wish to look at occupations that way also.

Ms. Bunn said there is a difference in definitions between Home-based Businesses versus Home Occupations. In literature, home occupations look at specific types of businesses. There is more variety than that in our community already so Ms. Bunn said she chose the broader term.

Ms. Bunn distributed a three-page handout. Existing code language was reviewed. Ms. Bunn said Lane Kendig's language refers to Home-based Business. The second page was a list with a rough sense of what is already going on in our community and eight categories of home-based businesses. She spoke to a UPS driver who said that UPS delivers to at least 100 home businesses in Lake Elmo.

The commissioners and staff took a few minutes to answer the three questions on the first page of the handout.

Julie gave an overview of the necessity of home-based businesses and why a home-based business might be bad. She said that pollution, visual impact, and traffic/parking could be the reason.

Ms. Bunn said that when she thought about the various areas of our community: Village/Urban, suburban, and rural areas of residential, she concluded that a one size fits all approach may not work in Lake Elmo. Our job is more challenging because of it. The resulting code change might result in a more complicated/more flexible ordinance.

Ms. Bunn said that rural character farms have equipment, trucks, accessory buildings, cottage industries, small scale manufacturing. Those require freedom and flexibility.

Ms. Bunn said typically the issue of code review results in tweaking of definitions. We have an

opportunity to consolidate all home businesses into the code so it may be dealt with as a package. She asked the commissioners what three issues most concern them about the existence of home-based businesses.

The consensus from commissioners was traffic, pollution, lighting, and exterior appearance including signage.

Commissioner Johnson said there is also the issue of when a home business has outgrown the home, and how a city can help provide that guidance.

The Planner said the concern he has is how to draft an ordinance for enforcement. Right now a home occupation is invisible according to our definition. We end up regulating by complaint. He would like to know how to avoid that in the future.

Ms. Bunn said there are issues of administration as well as enforcement, licensing, permitting, staffing, follow up, etc.

The Planner said permittees or taxpayers must cover the administrative costs.

Ms. Bunn noted that her research revealed that a number of cities with 6-10,000 population instituted permitting and licensing.

Commissioner Johnson said in our wealthy community, she is concerned about overlooking blue collar residents.

Ms. Bunn agreed that the literature mentions bias against trades versus white collar occupations.

Commissioner Deziel suggested that if we focus on externalities we could avoid 'types' of businesses. He would not want the ordinance to be excessively regulatory and stifling. The city's concern should always be health, safety, and welfare. He would prefer to look at impacts such as traffic issues as opposed to types of businesses. We should only regulate what we have to.

Commissioner Bunn agreed that if the code were to address specific businesses, it could be outdated very early.

Chairman Helwig said this issue has come up in the past. It would be better to make a list of what we do not want rather than what we do want.

Commissioner Armstrong said that would be similar to what we have now. State regulations cover many of the trades that we restrict. The city does not need to look behind the door. If it is a lawful occupation, our focus should be on external factors.

Commissioner Johnson said we would not want to look at screening parking.

Ms. Bunn pointed out a method of Stratification by Mr. Wunder, Page 13. He differentiates levels of magnitude.

Commissioner Deziel thinks it should apply throughout residential zones without so many separations. We should minimize differences in residential districts.

Ms. Bunn asked if there should be a difference in AG versus smaller or estate parcels.

Chairman Helwig said he thinks we can narrow it down and exclude AG from this review. The Alternative AG ordinance works and is in place by Special Permit. We should not consider it.

The Planner asked for clarification – whether the commission is talking about not regulating home businesses in AG or not allowing them. In the AG zone, multiple accessory buildings are allowed.

Chairman Helwig said that by definition a farm is a home business. A farmer might have a cash crop, and he builds what he wants on acreage of so much or larger.

The Planner said when the farm use is abandoned we have multiple large buildings. Then it might be used as an auto repair.

Chairman Helwig said we have forced elimination of buildings when that happened.

Chairman Armstrong said there are permitted uses in AG.

The Planner said there are multiple reasons to have different standards for AG.

Administrator Rafferty said we should not confuse definitions of home occupations within the AG zone.

Chairman Helwig said we can review its application in AG after we are finished with a determination.

Commissioner Armstrong said the code should be uniform across all the zones. He said we could look at percentage limitations in accessory structures as a percentage of the footprint on the house, etc. The zones already have limitations on accessory structures so we do not have to concern ourselves with construction of new accessory buildings.

Commissioner Deziel asked if we are concerned about traffic, appearance, and noise or what is going on inside the building.

The Planner said he tends to agree. How do you determine the floor area being used? He does not want staff in the position of having to go inside and perform inspections. He would like it to be measurable from the outside.

Ms. Bunn asked about number of employees. She said our code says none, Kendig says two. She read about a home business with one hundred employees pulling in \$100,000,000 per year. She said she means employees working inside the home other than the occupants.

The commissioners generally agreed they would prefer to regulate parking and traffic rather than employees.

Commissioner Roth said we should also address customer hours which have to do with traffic flow.

APPROVED

Ms. Bunn asked about the business location. Should it be in the house only, accessory structures only, or both.

Commissioners who offered opinions agreed that overflow into accessory structures seemed okay.

Councilmember Johnston said he is concerned about percentages and magnitude. If a house footprint is 2000 square feet, then by percentage a business might be allowed 1500 square feet of warehouse. He would not like the code to create an incentive to build a warehouse which could happen if you allow home occupations by scale or percentage like 40%.

Chairman Helwig said we will need another workshop early next year. He invited Ms. Bunn to facilitate that workshop.

The Workshop adjourned at 6:59 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

**CITY OF LAKE ELMO
PLANNING COMMISSION MEETING
MINUTES OF DECEMBER 13, 2004**

Chairman Helwig called to order the regular meeting of the Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Roth, Johnson, Sessing, Sedro, Deziel, Armstrong, Ptacek, and
Schneider (7:02 p.m.) STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Recording
Secretary Schaffel. ALSO PRESENT: Councilmember Johnston.

AGENDA

M/S/P, Sessing/Johnson, To accept the Agenda as presented. **VOTE: 9:0.**

MINUTES

M/S/P, Johnson/Deziel, To accept the Minutes of November 22, 2004 as presented. **VOTE: 8:0:1**
(Ptacek-Abstain).

PUBLIC HEARING PRELIMINARY PLAT – CARDINAL VIEW

The Planner introduced the application for a Residential Estates development on the north side of 15th Street and adjacent to the west side of Lake Elmo Park Reserve and one parcel east of CARDINAL RIDGE. He reported that the applicants propose to divide the parcel into seven single family lots, with the homestead to be located on a 7th lot. He reported that the present land use guiding for this site is RAD and the zoning is RR; and that the applicant proposes RE guiding and RE zoning.

The Planner reported that the City Council has previously indicated that if an applicant came forward with a plan to develop fewer than 40 acres, the Council would consider changing the guiding from RAD to RE and rezoning to RE as well. He observed that based on that history, the requested Comprehensive Plan Amendment is justified., and that once an amendment to the Comprehensive Plan is warranted, the rezoning is as well, according to state law.

The planner reported that staff plat calculations based on the RE standards came up with two possible issues:

1. Should lot size average (3.3 acres) be based on gross or net acres? The applicants propose gross acres.
2. RE standards require 20,000 square feet of septic area demonstrated per lot. The applicants only demonstrate 10,000 square feet per lot.

The Planner said that there had been discussion in the past regarding a road extension from the parcel to the northwest. The Planner questioned whether it would be wise to extend 16th street to create a double access. He said there may not be a need for a double opening on that road, and the steep ravine in that area might make it difficult to create that street. He concluded that it is probably impractical and unnecessary.

Findings

The Planner said the Comprehensive Plan Amendment reflects change in conditions. He said the rezoning is supported by the Comprehensive Plan, and the Preliminary Plat complies with standards for Residential Estates and subdivision standards of Section 400, except as noted.

The planner said that when the averaging of lots is resolved by the commission and the septic is satisfactorily resolved, he would recommend approval of the Preliminary Plat of CARDINAL VIEW with the following conditions:

1. Compliance with appropriate VBWD recommendations.
2. Grant a trail easement on 15th Street.

Commissioner Schneider asked if the property to the west has been ghost platted.

The Planner said it has been ghost platted as an OP development with residential lots concentrating on the north end of the parcel.

Tim Freeman, Land Surveyor/Land Planner - Folz, Freeman, and Erickson

Mr. Freeman said they expect that the Met Council will review this application administratively, which usually takes a couple of weeks. On the trail corridor, they are neutral. They have no opinion. He said that with the road extension issue, the contour map shows a substantial ravine. That is why they did not consider it, and it would have to go too far to the north.

Mr. Freeman said that Dale Eklin has done most of the soil testing in the city. He said Mr. Eklin was animated about details of 20,000 square feet. Following Section 700 of the code, Mr. Eklin tested for primary and secondary septic sites on each lot. The better the soil, the smaller the area needed. He suggested that the 20,000 square feet was created in the Code to be sure any lot would have space for a septic system. He said he has ordered Mr. Eklin to look at an expanded area on each lot. He would like that information added to the approval, and he will have it prior to the Council meeting

Commissioner Schneider pointed out a discrepancy between Figures C and D as to cul-de-sac diameter – one says 60 feet diameter and the next page reads 50 feet diameter. He said that it may not make a difference since the City Engineer wants a differently designed cul de sac.

Commissioner Ptacek said that 20,000 square feet is a great idea. He said on 2.5 acre lots in his development, no area percolated on four lots, and those lots ended up with mound systems.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:29 PM

Lil Linder

Ms. Lindner said her property is south of the westerly end lot. She would like to see some berming on that end so there are no complaints from the new residents in the development regarding the Lindner's business. She said her business has lots of trucks in and out. She said she is in 100% agreement about having the trail as proposed by the staff.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:30 PM

Mr. Freeman said they intend to plan for berming and trees to screen the southerly parcel. They will disclose to potential buyers that there is a business and traffic there. They are also working on tree protection on the westerly end of the parcel, and an agreement will be created to preserve the stand of trees.

The Planner said that Section 400 provides a supplemental form of information like a Landscape Plan. He said that will go to the City Council with the Final Plat.

M/S/P, Ptacek/Sessing, To recommend approval of the Comprehensive Plan Amendment, Rezoning , and Preliminary Plat of CARDINAL VIEW based on findings and conditions in the Staff Report of December 8 and applicants' graphics staff dated December 8; conditional also upon the addition of a Landscape Plan with screening for the Linders' parcel and the westerly neighbor.

VOTE: 9:0.

NEIGHBORHOOD CONSERVATION DISTRICTS

The Planner said he would like to postpone discussion of Neighborhood Conservation Districts, and that he will bring it back to the commission in January.

2005 WORK PLAN

M/S/P, Armstrong/ Johnson, To adopt the 2005 Work Plan. **VOTE: 9:0.**

CITY COUNCIL UPDATES

The Planner said that the work required for the Comprehensive Plan will require the Commission to meet three meetings per month through April or May to meet the deadline in June.

The Planner reported that on Dec. 7, the City Council held a hearing about an accessory structure constructed without a permit in front of a house.

The Planner said the Council held a new 55th Street vacation hearing, since the original legal description did not fully describe the area to be vacated. Much work is required to acquire the necessary easements.

The Planner announced that the Final Plat and Development Agreement for TAPESTRY were approved on Tuesday. The Minor Subdivision for Engstrom/Dupuis and FIELDS II was approved.

The Planner reported that the Family Entertainment Center came back with a new exterior elevation much modified from the original. The Council approved it.

The Planner said that an owner at Upper 33rd and Lake Elmo Avenue cleared the corner of the bus stop and asked for angle parking. That issue was tabled last Tuesday.

Commissioner Sedro asked about lighting at Prairie Ridge.

The Planner said he sent a letter to Mr. Tacheny today. He said the lighting complies at the entrances but you can see the bulbs, and you are not supposed to see the bulbs. He asked him to shield the light, tip the light, or lower the pole. However, those lights do meet the code.

Adjourned at 7:47 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary