

infringing on the Krueger property. She would like the landscaping looked at more closely. Wensman said he will follow up with the City Engineer to see if it isn't functioning properly.

Dodson had a question on the CIC agreement. Wensman stated that this new property needs to be incorporated into the agreement.

Williams asked if this development met the street naming ordinance. Wensman stated that it would meet the current ordinance.

M/S/P: Dunn/Williams, move to postpone consideration of the final plat and PUD development plans for the Wildflower at Lake Elmo 2nd Addition upon the completion of the next agenda item, ***Vote: 5-1, motion carried, with Dodson voting no.***

Public Hearing – Conditional Use Permit – 5699 Keats Ave – Additional Accessory Building in RR Zoning

Wensman started his presentation regarding a Conditional Use Permit for an additional accessory building in the RR zone at 5699 Keats Ave. This is located in the North/Central section of the city in a rural residential zoning district. On lots 10-15 acres, you are allowed 2 buildings up to a combined 2500 square feet. The applicant is asking for this building for agricultural purposes. They are being taxed as an agricultural property. They have (6) 650 foot rows of raspberries, pumpkins, squash and vegetables. They desire to expand their farm to house chickens and goats and for the storage of agricultural equipment. Agricultural production is an allowed use. The setbacks are met and will be put in a lower elevation. Right now there is a lot of exterior storage of equipment on this property and this will alleviate the need for that.

There currently are no development standards outlined in Article 7 which is referred to. Article 5 has standards for accessory buildings and structures generally. Notices were sent out and there was one public comment expressing concerns about drainage and if there was a need for storage on this property. A condition was added in response to this comment. Staff is recommending approval with 12 findings. Staff is recommending approval with 13 conditions of approval.

Williams asked for clarification of the allowed building sizes and numbers and if it was a total aggregate area. Wensman pulled up code and it confirmed it is aggregate maximum size. Williams is also wondering about the last condition that if the property subdivides does that mean the building has to come down. He is also wondering about the condition referring to Home Based Business. Wensman stated that the request is for an agricultural building and should not be used for a home based business. There is already a lot of storage on the site and some kind of limit has to be placed for the building to be used appropriately. Williams feels that condition number 5, might not be applicable and number 10 seems to cover it.

Dodson is wondering if they need a finding stating why they need a conditional use permit. Wensman stated that there really aren't standards so he thinks it would be based on implied need, but it is not really provided.

Kreimer asked if there were standards that it has to be compatible with the house. Wensman referred to the code and accessory buildings have to be compatible with the principle structure, but pole buildings are an exception to that rule.

Rod Sessing, 5699 Keats Ave, is asking for a conditional use permit to store his agricultural equipment inside as it deteriorates 10 times faster sitting outside. They would like to expand their farm to have organic chickens and eggs as well as milking goats. It bothers him that they talk about tearing down a building. When the variance went through for his neighbor, a tear down clause was talked about, but it was not approved that way. He would like the tear down clause to be removed. He agrees that it will only be used for AG, but to tear down a perfectly good building later on, doesn't make sense. Sessing stated that drainage is not going to be an issue as water flows to the south and there is a pond to the south to collect water.

Public Hearing opened at 8:35 pm

There were no other written or electronic comments received

Public Hearing closed at 8:35 pm

Dodson asked for more clarification regarding the drainage issue. Wensman stated it was just a concern that this building might increase the water drainage to the area. This would be addressed through the building permit process if there were any issues.

Dunn agrees with not needing the home occupation part in there and also with not tearing it down. Wensman stated that the Ziertman's building was obtained through the variance process and variances run with the land. Therefore, there was no condition placed on the building to be torn down. A CUP runs with the land, but they can expire if conditions are not met. If you want to take out that clause, you would need to strike the condition that it only be used for agricultural purposes and they could use it for whatever they wanted.

Fields does not feel that the condition should be struck. The request is for an additional building for an agricultural purpose and that is what it needs to be used for. If the agricultural use goes away, the building can be left vacant, but can't just be used for any use. Dunn and Lundquist agreed.

M/S/P: Williams/Lundquist, move to recommend approval of the request for a conditional use permit for an additional accessory structure in the RR – Rural zoning district for the property located at 5699 Keats Avenue N, subject to the amended conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Wildflower 2nd Addition Final Plat and Final PUD Plan

Public Hearing opened at : pm

There were no other written or electronic comments received

Public Hearing closed at : pm

M/S/P: /, move to recommend approval of the final plat and PUD development plans for the Wildflower at Lake Elmo 2nd Addition based on the finding of fact in the staff report, ***Vote: -, motion carried unanimously.***

Public Hearing – Conditional Use Permit Amendment – Rockpoint Church Parking Lot

Wensman started his presentation

Public Hearing opened at : pm

There were no other written or electronic comments received

Public Hearing closed at : pm

M/S/P: /, move to , ***Vote: -, motion carried unanimously.***

City Council Updates – October 4, 2016 Meeting

- i) OP Ordinance – Passed
- ii) Horning Lot Size Variance – Passed
- iii) Fence Ordinance Amendment – Solid Wall Fences – Passed
- iv) Common Ground IUP – Passed
- v) Wasatch Storage Partners CUP - Passed

Staff Updates

- 1. Upcoming Meetings
 - a. October 24, 2016
 - b. November 14, 2016

Commission Concerns