



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 13, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Haggard, Kreimer and Reeves;

**COMMISSIONERS ABSENT:** Larson and Morreale;

**STAFF PRESENT:** City Planner Johnson.

**Approve Agenda**

The Planning Commission accepted the agenda as presented.

**Approval of Minutes:** April 22, 2013

M/S/P: Kreimer/Reeves, move to accept minutes as presented, **Vote: 3-0, Motion Carried**, Haggard did not vote.

**Presentation – Speak Your Peace:**

Reeves spoke about Speak Your Peace, which is a campaign focused on improving civil discourse through raising awareness about the nine tools of civility (basic principles of respect). The Planning Commission is requested to affirm the resolution adopted by the City Council on April 16, 2013.

M/S/P: Reeves/Haggard, move to support and affirm resolution 2013-028 passed by the City Council on 4/13/13, **Vote: 4-0, Motion Carried.**

**Public Hearing:** *Zoning Text Amendment – Specific Development Standards*

Johnson began his presentation with proposed ordinance updates pertaining to specific development standards for multiple use classifications in the Lake Elmo Zoning Code.

The Planning Commission reviewed the ordinance at the 4/22/13 meeting and identified specific considerations regarding open space and noise. To address these concerns, Staff is recommending proposed language where the applicant would need to demonstrate why green space could not be allowed on site for two specific uses: congregate housing and nursing and personal care.

In regards to noise, Staff is not recommending any changes as noise is addressed in other section of City Code. In addition, Staff proposed other additions in regards to canopy standards and gas stations and drive-through businesses.

Finally, Staff is recommending to strike §154.102 and §154.109, Drive-In Business and Service Stations respectively, as they are redundant or do not reflect best practices.

Reeves asked if there was any consideration or conflict with homeowners associations regarding solar energy systems. Johnson explained that HOA covenants can be more restrictive than City code and homeowners should be aware of neighborhood covenants when choosing to move into a neighborhood.

Williams asked about the numbering of the ordinances. He stated that it seemed like the number system with 154.102 & 154.109 were out of sync. Johnson explained that as things are passed or not passed, things need to be re-slotted and the planners are always aware of that.

Williams also asked where the car repair facilities fit in. Johnson stated that this, along with other items, need to be moved to this section at a later date. Reeves felt if there were other things that also needed to be moved, car repair could be discussed at that time.

Haggard asked about the inoperable/unlicensed vehicle standard. There was a general discussion regarding the wording of that provision. The Planning Commission felt that the provisions should be made clearer for enforcement purposes. Johnson stated that the purpose is to prevent junk cars and other nuisances associated with gas stations. The Planning Commission suggested that subsection B4 read “not complying with subsection B3”.

Williams opened the public hearing at 7:53 p.m.

Dean Dodson, 2915 Jonquil Trail N, asked if the aesthetic standards of the Damon Farber & Assoc. Theming Study are addressed in the Zoning Code. Johnson explained that the Theming Study relates only to public spaces, such as streetscape and community spaces. However, the document is being distributed to every developer, and they are encouraged to use theming elements when possible. As a follow up, Dodson asked how the City achieves the desired theming if it is not required. Johnson stated that some use types are more suited to the theming elements than other. In addition, the City can set the tone for by incorporating these elements in the public right-of-way and other areas. Private development often follows the established context of the area.

Williams closed the public hearing at 7:58 p.m.

Haggard asked a number of questions pertaining to noise, parking and standards related to drive-through businesses. Johnson addressed Commissioner Haggard’s questions and added that the review of drive-through businesses is mostly addressed through the Conditional Use Permit process.

M/S/P: Reeves/Haggard, move to approve the specific development standards ordinance as amended. **Vote: 4-0, Motion Carried.**

**Business Item: Zoning Text Amendment – Sign Ordinance**

Johnson reviewed proposed changes to the City's sign code in anticipation of increased demand of signage associated with sewered growth in Lake Elmo. As new use classifications come to Lake Elmo, the current Sign Ordinance does not adequately address all of the needs for future signage.

Staff used a model ordinance from the City of Middleton, WI. This model ordinance is comprehensive and addresses a multitude of different sign types in terms of current best practices. The ordinance is easier to navigate allowing for better administration.

Johnson pointed out that overall the proposed ordinance is less restrictive than the existing ordinance. Some of the major differences include the following:

- The existing ordinance does not address signage needs for properties that have a zero lot-line or no setback.
- The current ordinance exempts signs less than 6 square feet. The new ordinance recognizes that some smaller signs do need to be regulated.
- The existing ordinance created specific sign districts for I-94 and the Village district. Staff feels that it is more appropriate to regulate signs through zoning or use classification.
- The proposed ordinance also allows for electronic variable signs which are currently not allowed in the existing ordinance. The proposed ordinance does not allow for any flashing or blinking lights however.
- The ordinance will also be located in the Zoning Code (Chapter 154) instead of in the Building Code (Chapter 151).

The Planning Commission had a good discussion and asked Johnson a multitude of questions. Johnson will conduct additional research to address these signage related questions. The Commission discussed sign location and sign projection, and asked if address signs could be attached to fences. There was also a discussion about sign illumination. Finally, the Planning Commission asked for additional images or pictures of some of these signs to serve as examples.

Williams was interested in the light source for illuminated signs in the context of the City's dark skies ordinance, requiring the light source to only shine downward. Reeves was not as concerned about the direction of the light as about the glare to passing motorists and pedestrians and adjacent properties.

Williams thought that for temporary window signs restricting to 30% of the window area was too restrictive as well as the awning size of 36 inches was too small. Johnson reminded the Commission that window signs did not require a permit, so it was important to come up with a number of some sort. The Commission felt that 48 inches may be more appropriate for awnings. Planner Johnson noted that he will complete additional research in the context of the existing awnings downtown.

The Commission acknowledged that it is difficult to come up with a signage provision that would address every scenario that could occur. If the Commission is interested in being more restrictive in the Village, they may want to explore a comprehensive downtown signage district.

Johnson noted that this signage district should not apply to Hwy-5 given the different streetscape, travel speeds and wide right-of-way.

The Commission asked for some minor changes for menu signs, real estate signs and garage sale signs.

Reeves asked where monument signs for residential subdivisions fell in the code. Planner Johnson said he will look into how they should be addressed.

The Planning Commission directed the staff to hold the public hearing May 29<sup>th</sup>, 2013.

**Business Item:** *Zoning Text Amendment – Administration and Enforcement*

Johnson reviewed the proposed revisions to the Zoning Ordinance that establish how the ordinance will be administered. The proposed changes would replace sections 154.015 through 154.021. The following components were reviewed:

- Identifying the City Staff responsible for issuing permits, enforcing code, keeping records, processing applications and performing other administrative duties related to the Ordinance.
- This ordinance describes the application and review process that now includes a unified list of application requirements for each type of permit.
- There would be a unified public hearing review process.
- The proposed ordinance describes all permits that are required under the Zoning Ordinance and is recommending a new category called “certificate of compliance”.
- Staff also recommended that the Ordinance describe the design review process associated with the Lake Elmo Design Standards Manual.
- The proposed Ordinance also describes the process for addressing enforcement.

The Planning Commission had some clarifying questions regarding mailed notifications, grading permits, zoning amendments, and who fulfilled the role of zoning administrator. Johnson clarified these items.

Williams suggested that for zoning amendments initiated internally, there should be a statement that if initiated internally, all of the submission requirements would be submitted or waived by the Director of Planning.

Haggard asked about revoking a CUP. She wanted to know how hard it is to do and if it has ever happened in Lake Elmo. Johnson explained that it would have to be something pretty blatant and it would require a public hearing. It is more difficult to suspend a CUP than a license, such as a massage therapy license.

Williams asked that the provisions regarding public hearing within the Planning Commission section be made consistent with original public hearing section.

The Planning Commission directed the staff to hold a public hearing May 29<sup>th</sup>, 2013.

**Business Item:** *Zoning Text Amendment – Fence Ordinance*

Johnson reviewed proposed changes to the Fence Ordinance, including the following items:

- First, Staff is recommending that it be moved to Article 5 – General Regulations.
- The current Fence Ordinance does not have specific standards as it pertains to commercial fencing. With expected growth, now is a good time to address this deficiency.
- The current ordinance also does not allow for privacy fencing in residential zones. With higher density residential development staged to occur with the City's Comprehensive Plan, Staff anticipated that the demand for privacy fencing will increase. The proposed fence ordinance would allow for solid fences up to 6' in residential zones except in front or side (corner) yard setback areas.
- The proposed ordinance recommends eliminating references to fencing as screening as screening will be handled in the landscaping and screening section in the future.
- The proposed ordinance recommends a height allowance for commercial fences of up to 8'. For fences over 8', a CUP would be required to allow staff, the Planning Commission and the City Council to review the purpose of the fence more fully.
- The last recommendation deals with eliminating the provision of the fence ordinance dealing with shoreland districts. This is not included in the ordinances of other Cities and staff would like to conduct more research regarding the inclusion of fencing in shoreland areas.

Williams suggested that there should possibly be a table showing different fence height for different districts.

Haggard asked about electric fencing. Should that be in the code? Williams suggested that more research should be done regarding electric fencing.

Haggard asked about corner lots and setbacks. Johnson suggested that a minimum setback could be set, but that the setback may create problems in districts with minimal setbacks, such as the VMX district. Reeves pointed out that there was a traffic obstruction provision in the ordinance that may supersede the setback requirement.

Kreimer asked if the locking swimming pool covers could be substituted for the fence requirement around pools. Haggard and Reeves felt that the fence is required for safety. Johnson noted that the proposed fence ordinance would leave the provisions for fencing around swimming pools in place.

Haggard asked if there should be separate standards for commercial fences, especially in regards to maintenance. There is nothing in the code regarding required colors. She also noted that the permitted materials should be tweaked.

Williams felt that there should be a list of exemptions that would not require a permit such as garden fences and seasonal recreational fences such as hockey boards.

The Planning Commission directed the staff to hold a public hearing May 29<sup>th</sup>, 2013.

### **City Council Updates**

The City Council approved the following items at the 5/7/13 meeting:

1. Minor Comprehensive Plan Amendment – Olson Lake Trail Sewer Project
2. Zoning Map Amendment
3. Off-Street Parking Ordinance
4. Tree Preservation Ordinance, with minor amendment.

**Staff Updates**

Staff asked the Planning Commission to consider moving the May 28<sup>th</sup> Planning Commission meeting to Wednesday, May 29<sup>th</sup>, 2013 due to the Memorial Day holiday.

**Commissioner Concerns** - *None*

Adjourned at 11:30p.m.

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant