



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of June 24, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m.

**COMMISSIONERS PRESENT:** Williams, Reeves, Larson, Dorschner, Dodson and Kreimer;

**COMMISSIONERS ABSENT:** Morreale and Haggard; and

**STAFF PRESENT:** Planning Director Klatt and City Planner Johnson

**Approve Agenda:**

The Planning Commission accepted the agenda as presented.

**Approve Minutes:** *June 10, 2013*

M/S/P: Larson/Dorschner, move to accept the minutes of June 10, 2013 as presented;

**Vote: 5-0, Motion Carried**, with Reeves not voting.

**Public Hearing:** *Variance Request – 4719 Olson Lake Trail North*

Johnson presented an overview of the Variance request at 4719 Olson Lake Trail. The variance is a request to allow a covered porch within the 100 foot Shoreland setback. Staff found that all four criteria required for a variance were met.

Dodson asked about the height of the covered porch. Johnson noted that height is typically reviewed when a building permit is submitted.

Kreimer asked if there is any chance that sewer would not be going to this property. Johnson explained that we have a joint powers agreement with Oakdale and they project that there is capacity and we have put it in our Comprehensive Plan. Timing will depend on when the road project is done by Washington County.

Dorchner asked if the applicant intends to rebuild with the same footprint or will be moving it closer to the lake. Johnson replied that it is his understanding that it will be in the same place and if the porch was not covered, there would be no need for the variance as decks are a permitted encroachment.

Mary Florence Brink addressed the Planning Commission by further describing the physical considerations of the site and locating the new single family home.

Public Hearing opened at 7:20pm.

No one spoke.

Johnson noted that the application materials were submitted to the DNR and Valley Branch Watershed District for comment. These organizations did not comment on the request.

Public Hearing closed at 7:21pm.

Williams stated that this seems to be a reasonable request and are trying to keep the encroachment to a minimum. They are also trying to preserve some nice trees.

M/S/P: Dorschner/Larson, move to recommend approval of the variance at 4719 Olson Lake Trail; **Vote: 6-0, Motion Carried.**

**Public Hearing:** *Country Sun Farm and Greenhouses Conditional Use Permit Amendment and Interim Use Permit Renewal.*

Klatt presented an overview of the request by Country Sun Farm and Greenhouses. The request includes an amendment of the applicant's Conditional Use Permit, as well as a renewal of the applicant's Interim Use Permit. To clarify, only the amendment to the Conditional Use Permit requires a public hearing. Klatt began by providing a history of the site, specifically related to the different activities that occur on the site. He noted that the family/business have applied for various permits as they have expanded their business. For example, they have added agricultural entertainment and sale of off-premises goods.

Moving forward, Klatt provided an aerial map and highlighted all of the structures and uses on the site. Next, Klatt noted that the amendment that is requested is to allow inflatable jump/bounce houses to the allowed activities as governed by the Conditional Use Permit. In addition, Kyle highlighted the considerations of the Interim Use Permit renewal. Klatt provided a copy of the draft resolution to the Planning Commission. One of the requirements of the IUP resolution was to conduct traffic generation study. The applicants completed the study, monitoring traffic to the site. Klatt noted that the baseline data stayed within the required amounts with the exception of two days in the year. Given it was only two days, Staff does not feel that the amount of traffic warrants not renewing the Interim Use Permit.

Staff is recommending that the Planning Commission recommend approval of the request to amend the Conditional Use Permit.

Reeves asked Klatt about the applicant's previous use of inflatable bounce houses. Klatt noted that the applicants previously had this activity on their property when the requirements of the CUP were not as detailed. Once the City reviewed some of these activities, they added greater specificity to what activities are allowed. As time has gone on, the applicants have amended the CUP to allow greater variety of activities. Reeves asked if there were any concerns about safety or traffic. Klatt noted that there was not a lot of concern about the amount of traffic. The issue was compliance with the Code.

Dorschner asked if MnDOT has weighed in on this request due to the fact that the site is accessed from TH-36. In addition, why did the City require a traffic study? Klatt noted that the Council felt it was important to monitor the amount of traffic in terms of the ag sales and entertainment activities.

Williams asked about the zoning and tax classification of the property. Klatt noted that the site is zoned mostly RR and AG. Portions of the property are taxed at the commercial rate during certain times of the year.

Keith Bergman stated that one of their requirements was to count traffic into and out of the site, and that he had purchased this equipment to do the counting rather than hiring an engineer. He described the process of how their Conditional Use Permit evolved over time. Mr. Bergman also addressed the question about the tax classification of the property. He noted that some of the site is taxed commercial, but he is not sure how the assessor makes the tax determination.

Public Hearing opened at 7:55pm.

No one spoke.

Public Hearing closed at 7:55pm.

Williams noted that the tax issue does concern him because he feels that the operation is turning into a commercial operation, whereas the tax classification may not reflect the impact of the use. Larson noted that the commercial activity is quite limited and small in scale. Reeves noted that he shares the Chairman's concern about the tax classification, but he does not think that this activity is a source of large revenue. Keith Bergman stated that they probably only make a couple thousand dollars per year on the jump houses. Dorschner noted that it is important for the City to support these types of uses because it is part of the City's character and a unique activity in the metro area. Williams asked if time limitations for the activities associated with the CUP was possible or appropriate. The applicant noted that the activity is only utilized around Halloween when there are more children present at the farm. Klatt noted that he is not aware of a time limitation.

Larson noted that the business is also subject to sales tax. He asked if there were any tax considerations for the amount of business that is conducted. He also noted that he supports the Country Sun Farm and Greenhouse because it promotes the community's character. Reeves noted that he intends to support the action, but noted that there will be scenarios in the future where the City should become involved in terms of managing various uses and their impacts on adjacent properties. Klatt noted that the City's ordinance pertaining to Ag sales and entertainment businesses sets the requirements at a level that does not allow a full-blown commercial activity that has no real connection to agriculture. Klatt wrapped up by stating that the bounce houses are not the main source of business activity happening on the site, so he feels it's appropriate to allow additional flexibility for these types of uses.

Williams asked about the timing of this activity. Mr. Bergman noted that they are used around Halloween and they are taken down at the end of every business day.

Williams noted that he thinks it's prudent to set a condition on the CUP amendment that would set a time limitation. He recommended from the end of September to the end of October. The other members of the Planning Commission did not support a time limitation

M/S/P: Dorschner/Dodson, move to recommend approval of the amendment to the Conditional Use Permit; **Vote: 6-0, Motion Carried.**

The Planning Commission turned their attention back to the renewal of the Interim Use Permit. Williams noted that Staff is recommending that the IUP last five years, whereas the applicant has requested a renewal for 20 years. Mr. Bergman noted that five years is a short window of time in terms of long range planning for a business.

Dorschner asked about the other Interim Use Permits in the community. Klatt highlighted the Christmas tree businesses located on Manning and Lake Elmo Avenue. Klatt noted that the impacts and site characteristics drive the time limit of an Interim Use Permit. For example, the transportation characteristics of TH-36 is likely to change greatly in the coming years.

Reeves asked Kyle to elaborate on the 5-year recommendation. Klatt noted that the time limit coincides with the planned improvements of TH-36. The City has a responsibility to evaluate a use that may create some safety concerns depending on the site characteristics.

Mr. Bergman wanted to clarify the difference between his Interim Use Permit and Conditional Use Permit. The only change without the IUP would be that all produce would need to be grown on site, which doesn't really change the business itself.

Dorschner noted that he does not understand why the 5-year recommendation.

Klatt noted that the recommendation is linked to the fact that the City has determined to address this request through the IUP, which recommends that these uses be evaluated on an interim basis.

M/S/P: Dorschner/Reeves, move to recommend approval of the Interim Use Permit for a period of 10 years; **Vote: 6-0, Motion Carries.**

**Business Item:** *Hammes Estates Sketch Plan Review*

Nick Johnson presented an overview of a sketch plan for 173 units that has been submitted to the City for Hammes Estates from Hammes Estates, LLC. He noted that the proposed site is 78 acres and is guided for public sanitary sewer services and located within the I-94 Corridor planning area.

Dorschner asked about the mining operation and when it would cease. Johnson stated that Staff has indicated that the mining would need to stop once a final plat has been approved by the City, and in particular, when public improvements have been installed on the property. It was noted that the mining of the east side would be able to continue since it is physically separated from the proposed subdivision site.

Kreimer questioned the ability to construct a trail within the County right-of-way. Johnson noted that the City will continue to work with the County on trail planning and construction with the County right-of-way.

Tim Freeman and Todd Erickson of Folz, Freeman and Erickson, reviewed the proposed sketch plan for the property and presented a modified version based on recent meetings with City Staff. He noted that the plan is in the preliminary stages of development and is still undergoing revisions.

He noted that the trail system has been a major consideration in the subdivision design, with the intent of connecting to the surrounding neighborhoods and regional park system. A specific neighborhood park location has not been identified on the plan. The Planning Commission engaged in a discussion about the lack of a neighborhood park, noting concern.

There was a general discussion concerning the location of an access to an adjoining property. Johnson noted that two rights-of-way in the Stonegate subdivision have been vacated and cannot be used for access.

Dodson questioned the alignment of the streets and asked whether or not the roads could be designed to help reduce traffic speeds. Erickson responded that the width of the road will have a greater impact on speed than whether or not the road curves.

Kreimer asked about the lack of buffering being provided along Highway 19. Freeman replied that the County right-of-way was fairly wide in this location and should provide adequate separation for the actual driving lanes.

There was a question asked about the trail system and how this would function with the existing Stonegate Trails. Freeman stated that the connection between these two areas would be reviewed as the plans are further developed.

Kreimer stated that the City's future land use map was drafted so that the residential densities would decrease the further away from I-94 corridor that development would be located, and expressed concern that the proposed plan was not consistent with this general framework. Freeman explained that the lots in general were larger than planned in the development to the south, both in terms of size and width.

Williams commented that overall the development appeared consistent with the City's requirements, but expressed concern with the length of one cul-de-sac as noted by Staff from a fire protection stand point.

Dorschner asked about a time frame for bringing this plan forward. Tim Freeman stated that they want it in the ground as quickly as possible. It would benefit them if they were on track at the same time as Lennar.

### **Updates and Concerns**

Council Update – The City Council adopted the sign ordinance with some minor changes at the June 18th meeting. The fence ordinance and administration and enforcement ordinance were postponed until their next meeting.

Staff Update – The July 8<sup>th</sup> meeting has another concept sketch plan and a comprehensive plan amendment. Staff is also looking to scheduling a special meeting July 15th for a Preliminary Plat application for Lennar.

Meeting adjourned at 9:14pm

Respectfully submitted,

Nick Johnson  
Planner