

City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, August 16, 2010, at 7:00 p.m.

AGENDA

- 1. Pledge of Allegiance
- 2. Approve Agenda
- 3. Approve Minutes
 - a. June 28, 2010
- 4. Public Hearings
 - a. None
- 5. Business Items
 - a. Comprehensive Plan Urban (Sewered) Area Density Analysis Discussion (continued)
 - b. General Discussion Concerning Meeting Agenda and Procedures
 - c. Zoning Ordinance Discussion Agricultural Sales Businesses
 - d. Village Area Work Plan Verbal
- 6. Updates (Verbal)
 - a. City Council;
 - i. August 4, 2010 Meeting: Final Adoption of Comprehensive Plan Update tabled
 - ii. August 12, 2010 Workshop: Comprehensive Plan Urban Area Density Analysis
 - b. Staff Updates
 - c. Commission Concerns
- 7. Adjourn

City of Lake Elmo Planning Commission Meeting Minutes of June 28, 2010

Vice Chair Fliflet called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Britz, Fliflet, Hall, Pearson, Pelletier, Williams, and Ziertman. Absent: McGinnis, Van Erem and Van Zandt. STAFF PRESENT: City Administrator Messelt, City Attorney Sandstrom, Planning Director Klatt, Planner Matzek, and Planning Intern Bailey.

Agenda

M/S/P, Hall/Williams, move to approve the agenda as presented. Vote: 8:0.

Minutes – *May 10, 2010*

Commissioner Hall asked for Mr. Freeman's statement on page four to be clarified. M/S/P, Williams/Pearson, move to approve the minutes as revised. Vote: #:0. Abstained:

Public Hearing – Home Occupation Ordinance

Planning Intern Bailey gave the history on the evolution of the proposed ordinance and explained the ordinance changes from the last time the commission reviewed the ordinance. She identified typos previously presented to her by Commissioner Williams.

Commissioner Williams asked how a wayside stand would be reviewed in relation to the home occupation ordinance.

Planning Intern Bailey said the ordinance would explicitly exclude wayside stands.

Vice Chair Fliflet asked to have the end of the sentence striken in the garage sale definition so it wouldn't be repetitive and the meaning wouldn't change. She asked how holiday boutiques would fit into the definition of garage sales.

Commissioner Pelletier suggested private parties such as candle parties should not be limited to twice a year like a public garage sale. She asked what the previous discussion was regarding limiting storage for home occupations.

Planning Intern Bailey said the commission had discussed it at length at a past meeting and the majority of the commission voted to not regulate the amount of storage allowed.

THE VICE CHAIR OPENED THE PUBLIC HEARING AT 7:26 P.M.

No one spoke.

THE VICE CHAIR CLOSED THE PUBLIC HEARING AT 7:27 P.M.

Commissioner Pearson asked if renters should be allowed to conduct a home occupation.

Lake Elmo Planning Commission Minutes; 6-28-10

Planning Director Klatt suggested requiring the property owner to sign the application form.

M/F, Williams moved to approved the draft including the corrections in subdivision five where additional language should be added requiring a property owner's signature on a home occupation permit. Motion failed for a second.

Commissioner Ziertman suggested hours of operation are added to the ordinance.

A straw vote was taken and a majority voted for 7 a.m. to 10 p.m. seven days a week.

Vice Chair Fliflet asked that the following language be added to the exception section: "This ordinance does not pertain to licensed day care facilities as they are licensed by the State."

Commissioner Ziertman asked if the code regulated the type or size of vehicles allowed in residential areas.

Planning Director Klatt stated that the specific section of code could be referenced in the home occupation ordinance.

Commissioner Pelletier said she is uneasy about not regulation the amount and location of storage associated with a home based business.

A straw vote was held in favor of the currently drafted wording regarding storage. Six commissioners were for leaving the text as written. Two opposed: Ziertman and Pelletier.

Commissioner Ziertman suggested taking out "seasonal goods" from the definition.

A straw vote was taken and a majority voted in favor of creating a second definition and removing "seasonal goods" from the garage sale definition.

Commissioner Hall suggested the sales could be defined as public and private with different requirements. He said public sales, like garage sales, could be allowed twice a year for three days each whereas private sales, like a Mary Kay party, could be unlimited.

M/S/P, move to recommend approval of the ordinance as amended with the understanding that staff will circulate potential rewording of the definitions.

Pelletier suggested a friendly amendment that the straw votes and discussion of the commission on the topic be passed along to the City Council.

Vote: 8:1. Ziertman against as she believes it is a mistake not to regulate the storage size.

The commission took a break from 8:25 p.m. to 8:30 p.m.

Public Hearing - Wayside Stand Ordinance Revision

Commissioner Ziertman recused herself from the discussion in case there was a potentially perceived or apparent conflict of interest.

Administrator Messelt gave the history of the City Council's review, action, and direction to staff regarding a complex application in 2009 from the Country Sun Farm business located along Highway 36. He identified staff's efforts thus far. Mr. Messelt asked the commission to accept comments that go beyond the scope of the ordinance revision in front of the commission, but to recognize that discussion of them would be more appropriate in the future. He also noted the desired intent of the city to move forward with a farmers' market.

Planning Director Klatt identified the proposed change to the wayside stand definition and distributed correspondence he received earlier from Country Sun Farm.

VICE CHAIR FLIFLET OPENED THE PUBLIC HEARING AT 8:41 P.M.

Debra Krueger was called to speak, but she had already left.

Neil Krueger, 4452 Lake Elmo Avenue North

Mr. Krueger said that he is in support of the proposed change to the wayside stand definition.

Keith Bergmann, Country Sun Farm and Greenhouse

Mr. Bergmann said their business started as a wayside stand and has grown; and opined that wayside stands are almost the same as an agricultural business. He said this proposed change would make things worse, not better. He identified an issue for farmers with discontiguous parcels being unable to move and sell their produce across the street. Mr. Bergmann said this is being presented solely because of the current lawsuit. He said this change does not make it better for residents, it only makes it better for the city because the current language is unconstitutional. He said that due to weather, animals, and crop rotation, sometimes a farmer needs to bring in product from outside to sell.

M/S/P, Williams/Pearson, move to close public hearing. Vote: 7:0. (Ziertman abstained.)

VICE CHAIR FLIFLET CLOSED THE PUBLIC HEARING AT 8:47 P.M.

Commissioner Williams asked how non-adjacent parcels or rented fields would be addressed.

Attorney Sandstrom suggested reviewing and/or clarifying the definition of "operator."

City Administrator Messelt said that it had not been addressed, but staff can look into that concern.

Planning Director Klatt said that all parcels are not equally able to support a wayside stand due to size, location, and other characteristics.

City Administrator Messelt suggested the possibility of a permit process to allow crops to be brought to one site from another property owned by the same person. He said this administrative remedy would have to be cleared with the city attorney. He said the ordinance could also be amended in the future or another definition could be added to clarify the questions being posed.

M/S/P, Williams/Hall, move to separate the motions for the ordinance approval and the recommendation of a farmers market. Vote: 6:1. Britz against.

M/S/P, Pelletier/Pearson, move to recommend approval of the ordinance revision as presented.

M/S/P, Williams/Britz, while not committing the city to any expenditures for land, facilities, or personnel, the planning commission endorses the concept of an establishment of a Lake Elmo's farmers market to preserve and enhance the current and future offering of fresh produce and related goods to the local community. Vote: 4:3 (Pelletier, Fliflet, and Pearson against as they believe the language was too strongly worded.)

Business Item: Comprehensive Plan – Rural Area Density Analysis Discussion Planning Director Klatt summarized his analysis of the land available for non-sewered development. He provided projected populations broken down by 40, 20, and 10 acre minimum lot size at a density of 18 units per 40 acres. He said it is possible that smaller properties would combine and develop.

Commissioner Pearson asked if it was possible to provide incentives for the smaller sized parcels to consolidate.

Administrator Messelt said it is possible, but that many of the smaller parcels are not contiguous. Also, some property owners may choose not to develop at the highest density allowed.

Business Item - Staff Updates

Planning Director Klatt said at its workshop, the Council gave staff direction to bring decision items for the Village Area forward with the intention of moving forward and making progress.

Administrator Messelt gave a brief description of what information has been given to the Council and what information is still needed.

Business Item – Commission Concerns

Commissioner Hall said one of the document in the CD handed out at the last meeting with the recent Comprehensive Plan is missing every other page.

Commissioner Williams asked for a status update for the Senior Housing and Farm School application. He asked what the commission's role will be in negotiations through the PUD.

Administrator Messelt said the City Council will be discussing the application along with the commission's recommendations and suggested conditions at the next workshop. He said the negotiations will occur at the Council meetings, but that one or two commissioners can attend the meeting to represent the commission's recommendation.

Planning Director Klatt said the development stage plan will be coming back to the commission for review at such time as the next stage in the application process is received and processed.

Adjournment:

M/S/P, Pearson/Hall, move to adjourn at 10:45 p.m. Vote: 8:0.

Respectfully submitted,

Kelli Matzek Planner

Planning Commission

Date: 8/16/10 Business Item

Item: 5a

ITEM: Comprehensive Plan - Urban (Sewered) Area Density Analysis Discussion

(cont.)

SUBMITTED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review the employment projections for the Village Area and estimated future population for the entire city in 2030 (both sewered and unsewered households). This is a continuation of a presentation by staff from the July 26th Planning Commission meeting in which staff provided an analysis of the I-94 area for both future sewered housing and employment as well as housing information for the Village Area.

In calculating the employment RECs required for the Village Area, staff subtracted what was calculated for the existing and future sewered employment South of 10th Street and the existing employment in the Village from the total required RECs to arrive at this number. Staff is suggesting the employment count in the Village Area will need to be revisited as the number was found by "backing" into it and there is some concern about reaching the targets set in both the Memorandum of Understanding (MOU) and the Comp Plan for the I-94 area.

The population was calculated assuming an average of 2.75 people per household. The resulting population matches that required by the MOU - 24,000 people by 2030.

REVIEW OF COMP PLAN PROJECTIONS AND ANALYSIS:

J-94 to 10th Street

Staff has some concern with meeting the employment requirements as outlined in the Memorandum of Understanding (MOU). The density requirement for employment in the I-94 corridor is 40 employees per acre for both the area guided as Business Park and Limited Business. This high density may be difficult to achieve as the idea of a corporate campus at the corner of Manning and I-94 may no longer be supported by the market. As a real world example, at the July meeting, staff provided a map showing some examples in the Lake Elmo Eagle Point Business Park development of the number of employees per acre. In addition, staff found that the Imation Corporate Campus located in Oakdale is at 22 employees per acre. This may help to visualize what 40 employees per acre may look like in the future.

Village Area

Staff calculated 53.6 <u>new</u> employment RECs would be required in the Village Area to meet the total Employment RECs identified in the MOU – assuming the I-94 area meets the projected RECs.

Staff did not calculate out employees per acre as was done in the I-94 area; some of the existing businesses may be redeveloped and would therefore subtract from the existing REC count. In essence, the land would be double counted and staff would not be sure as to the net change in RECs. Given the low number of RECs required compared to that existing in the Village Area (218 RECs currently), staff is not concerned with meeting the equation of 10 employees per acre as set forth in the MOU as that is a rule of thumb for planning employment without knowing what type of businesses will be coming.

Population

Staff calculated the projected total population based on the number of households in the future sewered areas, existing non-sewered homes, and future non-sewered residences to arrive at a number incredibly close to the 24,000 required in the MOU.

ADDITIONAL INFORMATION:

 Given the complex nature of this information, Staff is planning to take time with the Planning Commission to review and discuss attached charts and maps at the August 16th meeting.

STAFF RECOMMENDATION:

The Planning Commission is not being asked to take any specific action at this time. Staff is seeking feedback concerning the methodology used to achieve the scenarios described above, and any additional comments regarding the Comprehensive Plan's employment and population projections.

ORDER OF BUSINESS:

ATTACHMENTS:

- Village Area Employee Analysis Chart
- 2. Overview Chart

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	1-94	Cimarron	Existing Village Area	Village Area New	2030 Unsewered Households	Existing Sewered Employment	Calculated Total	Totals Required by MOU
Residential RECs	3,590	200	194	916	E CONTRACTOR CONTRACTO			5,200 RECs
Total Population	006'6	1,375	534	2,519	9,700		24,028	24,000 population
Employment (employees)	10,284 (employees)	F	2,180	536 (employees)	#	1000 (employees)		14,000 employees
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 Can switch between using calculation 10 employees RECs in Village Area 	using calcu	ation 10 emp	11	new REC and existing calculated	ig calculated	- C. (1)		
4. 1000 employees in Eagle Point Business Park not accurate, but is the number used in the Comp Plan and MOU; currently not fully developed	Eagle Point E	Business Part fully develope	k not accurate, bu	ut is the numbe	r used in the			
5. Using the requirement of 14000 total Sewered Employees, but Comp Plan calls for 13,000 total Sewered Employees	int of 14000	total Sewerec	l Employees, but	. Comp Plan ca	Ils for 13,000 total		A TANAN TANA	may the state of t
6. Used 2.75 people per household for each category	er household	for each cate	gory		, A. A. A.			A () () () () () () () () () (
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8. 3,527 households were used in the rural unsewered areas	ere used in t	he rural unse	wered areas			AMAZON AM		day a factor of the contract o
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Comprehensive Plan Requirements		}		
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MOU Requires	REC's	Capacity		
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lew	1,300 Employment RECs	13,000 Employees		
-94 Analysis				
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otal New Required		13,000		
otal New Projected - I-94		10,284		
otal Existing (New Connection) in Village		2,180		
Remaining Required	53.6 RECs	536 Employees		
*This number was calculated by TKDA using the Met Council standard o	f how to calculate REC's; planning staff of	onverted to employees		
lew Non-Residential Development in Village Area				
	RECs	Density	Capacity	
	53.6	10 employees = 1 REC	536 Employees	
/illage Master Plan Designation	Acres	Density	Capacity	
and Guided for Civic	17	Delisity	Сарасну	
and Guided for Mixed Use Development (partial)	25.2			
and Calada for Mixed Coe Development (partial)	20.2			
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	76.6	***	550 Employees	
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Planning Commission

Date: 8/16/10

Planning Commission Meeting Agenda Discussion

Business Item Item: 5b

ITEM: General Discussion Concerning Meeting Agenda and Procedures

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Bruce Messelt, City Administrator

Kelli Matzek, City Administrator

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to set aside a portion of its next meeting to conduct a general discussion concerning the setting of the agenda, and in particular, how items are brought forward for discussion. Part of the reason for this request is due to Staff receiving multiple requests from individual members to speak on a specific topic that otherwise was not included as part of the next agenda. Before adding these individual requests to the agenda, Staff is suggesting that the entire Commission discuss the proper procedures for bringing information forward and to also consider whether or not to set aside specific time on the agenda for "Planning Commission Concerns". Should the Commission elect to keep time on the agenda open for general comments from individual Commissioners, it will be useful to establish the ground rules for what types of discussion would be appropriate during these times.

RECOMMENDATION:

No specific action is necessary on this item, Staff will take any specific direction from the Planning Commission as appropriate for preparing future agendas,

ATTACHMENTS:

1. None

ORDER OF BUSINESS:

- Introduction and Presentation by Staff......Kyle Klatt, Planning Director

Planning Commission

Date: 8/16/10 Business Item

Item: 5a

FEM: Zoning Ordinance Discussion – Agricultural Sales Businesses

SUBMITTED BY: Kyle Klatt, Planning Director & K

REVIEWED BY: Bruce Messelt, City Administrator

Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider several potential alternative options for regulating agricultural sales businesses within the community. This review is intended to help develop a response to direction from the City Council late last year concerning these types of business activities. In particular, the Council requested that Staff develop and review options for regulating the possible sale of supplemental agricultural produce that is grown off-site from where it is sold but consistent with the ongoing agricultural activities and ethic. At this time, the information to be discussed is very preliminary in nature and intended to provide Staff with additional feedback that will be used to prepare a more specific ordinance amendment.

BACKGROUND:

In 2008, the City approved several amendments to the City Code that amended some of the definitions associated with agricultural activity and clarified where these types of activities are permitted, either by right or conditionally, within the City. These amendments did not change existing provisions in the code that defined an agricultural sales business as the "retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products *produced on the premises*". Similar language was also included in the wayside stand definition, although this particular definition was further revised by the City Council within the past few months to be consistent with the agricultural sales definition.

The 2008 Ordinance also amended the City's sign regulations to allow certain types of businesses, including agricultural sales, to install off-site advertising related to the business.

The current agricultural sales uses that are defined and regulated by the City include the following:

AGRICULTURAL SALES BUSINESS. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products produced on the premises. The operation may be indoors or outdoors, include pick-your-own opportunities, and may involve accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the AGRICULTURAL SALES BUSINESS.

AGRICULTURE. The production of livestock, dairy animals, dairy products, fur-bearing animals, horticultural and floricultural nursery stock, fruits of all kinds, vegetables, forage, grains, bees, and apiary products.

FARM, RURAL. The portion of a 10 or more acre parcel of land which is devoted to agriculture by the property owner or by a lessee of the property owner.

WAYSIDE STAND. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the WAYSIDE STAND on site.

There is also a definition in the Code for a "Roadside Stand" that is more general in terms of what can be sold from this type of stand, but this use is not listed in any of the City's zoning district regulations, nor is Staff aware of any uses that have been classified under this definition in the past.

In late 2009, it was brought to the City Council's attention that there was an agricultural sales operation in Lake Elmo that was selling Christmas trees and other products that were not produced on the premises. In addition, Staff has identified at least two other agricultural sales businesses that may also be importing all or a portion of their produce. Rather than taking immediate action to enforce the City Code at that time, the City Council decided to first study the issues associated with these uses and requested that Staff develop some alternatives to regulate this type of activity.

As part of the initial process to prepare a list of alternatives, Staff offered to meet with the owners all of the larger agricultural sales operations within the community. Some of these businesses met with Staff while others did not pursue additional conversation after initial discussion with Staff.

REVIEW OF OPTIONS:

Because the Planning Commission and Council spent a fair amount of time in 2008 updating the City's agricultural use provisions, Staff is not recommending significant revisions to the ordinances, as they presently exist. The 2008 amendments included a comprehensive review of all agricultural use categories, and the changes that were made improved consistency throughout the code. These improvements are most noticeable when reviewing the list of uses permitted in each zoning district. Prior to the updates, many agricultural uses were defined, but not listed in any specific district. In other cases, uses that should be consistent across similar districts were only allowed in a specific district. As another specific change, the City created a new use category for "Agricultural Entertainment". These types of uses would otherwise not have been allowed in the City because there was no appropriate zoning category defined for them.

The specific aspect of the City's agricultural sales provisions that the Council asked to be studied concerns the "grown on the premises" requirement found in both the Agricultural Sales definition and the Wayside Stand Definition. Based on the Council direction, Staff is suggesting that the Planning Commission consider several options for regulating agricultural uses that could incorporate a limited "grown off the premises provision", and the impacts such might have on the agricultural operation, the surrounding neighborhood and the community writ large.

From a planning and zoning perspective, it is important that the Commission consider the overall impacts such a zoning change might have on the community. The Zoning Ordinance and Zoning Map divide the City into distinct zoning districts, the purpose of which is primarily to reduce conflicts between uses that are incompatible with one another. Zoning helps ensure, for example, that a meat packing plant will not be located in the middle of a residential subdivision, or that a jail is located across the street from a school. Zoning also helps implement the City's Comprehensive Plan which establishes the future plan for transportation, infrastructure, parks, and other public improvements through the community.

In this case of agricultural products, the sale of agricultural goods that are grown off-site functions much more like a commercial operation than an agricultural one, especially when none of the product being sold is grown on site. While a limited amount of such sales might not have any significant impacts on the surrounding lands, a large operation that imports most of its products certainly has the potential to generate large amounts of traffic, require significant upgrades to public infrastructure, and could generate other impacts like noise, dust, lighting, etc. that could negatively impact surrounding land uses. These

potential impacts, and the location of the zoning districts that might be affected by any changes, should be considered as the Planning Commission reviews the alternatives recommended by Staff

Should the City wish to consider allowing the supplemental sale of similar agricultural products grown off site within Agricultural or Rural Residential districts, Staff would suggest discussion of the following options:

- Allow the sale of agricultural products grown off-site as an interim use permit. This approach may be the most appropriate to take, since all areas that are currently zoned Agriculture or Rural Residential are guided for Rural Agricultural Density, which allows for residential development at a density of up to 0.45 residential units per acre or are in a holding district to be developed at a higher density as sewered development. An interim use permit specifically allows uses and activities that may not be consistent with the long range plan for an area, but that are expected to cease or be terminated at some time in the future. Such a permit could allow limited off premise sales to be established for a set period of time or until the property is developed. In order to implement this option, the City would need to create a new interim use and incorporate it into the appropriate zoning district requirements. Staff would also recommend that standards for this interim use also be developed and codified as part of the Zoning Ordinance, such as a minimum lot size requirement and parking requirements.
- Create a new interim use for agricultural products grown off site, but classify this interim use as a
 non-agricultural low impact use. These types of uses are already permitted in certain portions of
 the City, and include specific standards that are intended to minimize the size and overall impacts
 from such uses. The bus garage/truck terminal along Hudson Boulevard is an example of an
 existing commercial/industrial type activity that has been permitted under this section of the City
 Code.
- Amend the definition of Agricultural Sales and Wayside stands to allow some agricultural
 products produced off the premises to be sold from these establishments. This allowance could
 limit the overall sales to a specific percentage of the overall products being sold or could more
 simply require that any product being sold also be grown in any percentage on the premises.
- Reclassify the sale of agricultural products grown off site as a commercial activity and limit such sales to commercial zoning districts. The City allows the sale of agricultural products in its commercial districts independent of where they are grown. However, the City may want to specify (clarify?) that agricultural product sales are a permitted activity in these zones. Again, this type of activity seems to fall within the broader category of retail sales (and is similar to other types of sales uses).
- Develop a licensing requirement for agricultural sales businesses that would allow them to obtain a license or permit from the City to import some (or all) of a product from off-site. A license or permit would allow a property owner to secure approval for a specific period of time and a specific product and volume/quantity; and consistent with other City licenses, would typically need to be renewed on an annual basis. The advantage of this alternative is that it would allow a grower to supplement their crop when needed, but would not require a formal zoning approval, which might take more time and effort to secure. It would be critical to develop a clear list of standards that must be met in order to pursue a licensing option.
- Keep the current regulations in place, which does not allow any produce to be brought in from offsite. As noted in one of the previous alternatives, produce could still be sold in commercial zones within the City.

RECOMMENDATION:

Staff is recommending that the Planning Commission consider the alternatives proposed by Staff. No action is requested at this time.

ATTACHMENTS:

1. None

ORDER OF BUSINESS:

-	Introduction	Kyle Klatt, Planning Director
-	Report by staff	Kyle Klatt, Planning Director
_	Questions from the Commission	. Chair & Commission Members
-	Open the Public Hearing	Chair
-	Close the Public Hearing	Chair
-	Call for a motion	Chair Facilitates
-	Discussion of Commission on the motion	Chair Facilitates
_	Action by the Planning Commission	. Chair & Commission Members