

**City of Gem Lake  
Planning Commission Meeting – October 10, 2023  
Meeting Minutes**

Planning Commission Chair Joshua Patrick called the meeting to order at 7:00 p.m. Commission Members Art Pratt, Derek Wippich and Don Cummings were present. Not present was Stephanie Farrell. Also present: City Planner Evan Monson, City Attorney Kevin Beck, Acting City Clerk Melissa Lawrence, Barnett Companies General Manager Jack Mayeron, Barnett Companies Owner and President Bruce Barnett, Barnett Kia General Manager Michael Barnett, Architectural Consortium Architect Elliot Stendel, Elan Lab Civil Engineer Steve Johnston, Stinson LLP Attorney Steve Mayeron, and residents Rick Bosak, Paul Emeott and Nikki and Ted Pax.

**October 10, 2023**

A motion was made by Commissioner Pratt to accept the agenda, seconded by Commissioner Wippich. Voice vote taken, all voted yes, motion passes, agenda accepted.

**Minutes**

A motion was made by Commissioner Pratt to approve the August 9, 2023, Planning Commission Meeting minutes, seconded by Commissioner Wippich. Voice vote taken, all voted yes, motion passes, minutes are approved.

**Public Hearings**

**Interim Use Permit First Year Review for Goats at 3944 Scheuneman Road**

City Planner Evan Monson summarized the request. The applicants proposed having goats on their property last year, and to use an existing barn located on their property. The City reviewed their request and approved two goats on the property through an interim use permit (IUP). Said IUP would run for one year and would have to be renewed. The one-year period was chosen to allow the City to see if issues would arise with the proposed use, as farm animals are not a common occurrence in the city nowadays. The Planning Commission reviewed and recommended approval at the September 2022 Planning Commission meeting, and the City Council approved the request per the commission's recommendation at their September 20, 2022, meeting.

The applicant has submitted an application to renew their IUP for two goats on their property, with an added request to allow two additional goats on the property for a total of four goats.

The city's Consolidated Land Use Ordinance permits both housing of farm animals and agricultural structures for housing of farm animals through either a Conditional Use Permit (CUP), or an Interim Use Permit (IUP). Conditions of approval can be added to both types of permits; an IUP can also have an end date for the use, in which the applicant would have to reapply to continue the interim use.

The applicant are proposing to continue using an existing barn on the site to house two goats, and would like to house two additional goats as well. A fenced in area for the goats of 82 feet by 103 feet (8,446 SF) was installed east of the barn. The existing barn is approximately 430 SF in size, and was previously used under previous owners for housing farm animals (horses) as well. The applicant also has some chickens on the property, chickens and fowl are regulated by Ordinance #141.

The Consolidated Land Use ordinance outlines what uses are permitted in each zoning district. Section 7.3.1 notes that a CUP or IUP can be issued for "the harboring and housing of agricultural animals on lots greater than one (1.0) acre". The applicant's property is over the one acre in size, so this requirement is met.

Section 7.3.3 notes that agricultural structures are able to be permitted to house farm animals, such as goats. The site already has an existing barn that was previously used for housing farm animals. The barn does not conform to the agricultural building setback of 100 feet from property lines or neighboring dwellings, as required in 7.3.3(B), so it is nonconforming. While the structure can continue as a nonconforming agricultural structure, it would not be able to expand in size. The IUP last year permitted the barn can be used to house goats but could not be enlarged due to its nonconforming status.

Fencing requirements are outlined in Section 16.13 of the ordinance. These standards include a number of general provisions, such as fencing not extending into right-of-way or easements, within property lines, and other requirements typical of cities throughout the metropolitan area. Section 7.5.2(A) notes additional requirements for fences in the 'RO' zoning district.

The review last year determined that fencing on the site be located a minimum of five feet from the south property line, unless approval was received from the neighbor to allow the fence on the property line. Extension of the fenced in area may be a topic of discussion for the commissioners.

The commission should also discuss if more than two goats should be permitted. There have been no complaints received at the time of writing this report. The fenced in area is approximately 8400 SF, or 0.19 acres.

The City adopted an animal ordinance (No. 142) in October 2022 (after the issuance of the IUP to the Pax family) that sets a one animal per 0.5 acre of pasture requirement. This was not a new requirement with the adoption of ordinance No. 142, as the ordinance previously existed in No. 69. This would mean that the Pax's would have to increase their fenced-in pasture area up to one acre to keep two goats. Three goats would require 1.5 acres, while four goats would require two acres (which would exceed the size of their property). With the parcel at 1.85 acres in size, dedicating 1.5 acres to pasture would take up nearly 81% of the property, and could significantly stand out from neighboring single family residential uses.

Commissioner Cummings introduced a motion to open the public hearing on the matter at 7:07 p.m., seconded by Commissioner Pratt. Voice vote taken, all in favor, motion carried.

Applicant Ted Pax shared that he felt 0.5 acres per goat was a bit excessive, but they can expand the fence if needed.

Commissioner Cummings wanted to make the applicant aware that the City needs to be concerned about accommodating agricultural use in a low density residential area.

Commission Chair Patrick asked those in attendance if anyone else had any comments on the matter. The public had no other comments.

Commissioner Wippich introduced a motion to close the public hearing on the matter at 7:13 p.m., seconded by Commissioner Pratt. Voice vote taken, all in favor, motion carried.

Commissioner Wippich suggested to the applicants that they do some research on their own to suggest changes to the current zoning ordinance and agricultural animal ordinance. The Planning Commission agreed that a request to renew the IUP for two goats on the property was reasonable and would like to revisit the topic on more goats in the future once some research has been completed and presented.

City Planner Evan Monson recommends approval based on the recommendations prepared by himself which include:

1. The applicant is permitted to utilize the existing barn on-site to house up to two goats.
2. A minimum of one acre of fenced-in pasture is needed for two goats.
3. Proposed fencing shall be placed at minimum five feet from property lines to the south, unless written consent and approval is received from the neighboring property owner to place the fence on the property line.
4. The IUP shall expire in one calendar year from the date of approval, so as to allow the city to review and ensure the use is in compliance with conditions of this approval, and other city ordinances have been met.
5. Additional goats or livestock on the site shall require an amendment to the IUP.
6. The applicant is required to adhere to all applicable local, State, or Federal regulations.
7. The applicant is required to acquire any other applicable local, State, or Federal permits for this request.

Commissioner Wippich introduced a motion to recommend approval the IUP to the City Council based on the recommendations by City Planner Evan Monson for 2 (two) goats on the prpoerty, seconded by Commissioner Pratt. Voice vote taken, all in favor, motion carried, IUP will be forwarded to the City Council for approval.

### **Old Business**

None

### **New Business**

#### **Barnett Kia Dealership Concept Plan**

City Planner Evan Monson summarized the details of the concept plan. At 3610 Highway 61 North, Barnett Companies is looking to remove their existing building (31,865 SF) and build a new one (32,265 SF + 7,668 SF upper level) on the north side of their property. The building would be an upgraded version of their existing one, including spaces for a carwash, service garage, sales floor, for vehicle delivery, and administration. Parking will be added in place of the original building.

The existing building is proposed to remain until the new building is constructed, and then would be removed. Phasing and sequencing plans would be put in place to remain operational.

The property to the North, 3700, is also owned by Barnett. They plan to survey this area and propose a lot line adjustment to shift the property line north by approximately 215’.

Both properties are within the city’s Gateway Zoning District, and are within the Neighborhood Center subzone. The Gateway Zone has established different building types, which dictate the built form of new development within the zone. The Gateway Zone discusses different uses that are permitted as well. The applicant’s proposed building type would not be consistent with the building types currently in the Gateway Zone, while the proposed use is currently listed as a nonconforming use in the zone.

Barnett Kia’s Architect Elliot Stendel shared with the Commission the concept plan for the new building. Barnett is wondering what the next steps would be to move the process along. The Commission provided some feedback on the project that they feel Barnett should touch on such as the need for more green space.

City Planner Evan Monson shared that Ordinance No. 131 would need to be reviewed and amendments would need to be made to accommodate this type of use in the Gateway District. Applications necessary for this request would be:

- An amendment to the future land use map of the comprehensive plan.
- An application to amend the zoning ordinance to permit auto dealerships as a use, and add a new Building Type template.
  - Amendments to the zoning ordinance would require review by the Planning Commission, and approval or denial by City Council.
- A zoning compliance permit application for redevelopment within the Gateway Zone, and a Planned Unit Development application.
  - A Planned Unit Development would be reviewed by the Planning Commission, and approved or denied by the City Council.
- A lot line adjustment for the proposed shifting of the north lot line to allow the building to be built as proposed.
  - A survey for the lot line adjustment could be reviewed concurrently with a Planned Unit Development request.
- A sign permit, for proposed signage.
- An erosion and storm water control permit application upon approval of an erosion and stormwater control plan.

### **MS4 Compliance Items**

SEH Professional Engineer Emily Jennings reviewed the City’s Consolidated Land Use Ordinance and Domestic Animal Ordinance to ensure that sections relating to the MS4 permit were up to date. Mrs. Jennings created a memo outlining her recommended changes to the Ordinances to ensure the City is following all regulations.

#### **Ordinance No. 131 – Redlines to Section 22 and 29**

Updates to Ordinance No. 131 include:

- Section 22. Erosion, Sediment, and Waste Controls and Stormwater Management
  - The section title was revised to better align with the content.
  - Erosion, Sediment, and Waste Controls:
    - There are minor changes to the Criteria subsection to align with the MS4 permit.
    - An Erosion and Sediment Control Plan subsection was created to provide clarity to proposers on submittals to the City for review.
  - Stormwater Management:
    - Changes to the Regulation subsection are proposed to align with the MS4 permit requirements.
    - Changes to the Criteria subsection are proposed to provide updated and clear design standards for project proposers.
    - Changes to the Alternative Compliance subsection are proposed to align with the MS4 permit requirements.
    - A Stormwater Management Plan subsection was created to provide clarity to proposers on submittals to the City for review.
  - Not-applicable information was removed from the section.
  - Other minor revisions to content and formatting.
- Section 29. Storm Sewer Use
  - A subsection for Salt and Deicer Storage Requirements was added per the MS4 permit requirements.

#### **Ordinance No. 131 Appendix A – Definitions**

An addition of a couple new definitions were added to the current list.

#### **Ordinance No. 140 – Minor Edits to Animal Waste Section**

Updates to Ordinance No. 140 include:

- Section 5. Owner to Clean Up After Dog
  - There are minor suggestions to change the term ‘dog’ to ‘domestic animal’ to align with the requirements of the MS4 permit.

The Commission felt that all changes recommended by SEH Professional Engineer were reasonable based on her professional experience in the area. Commissioner Wippich introduced a motion to recommend approval or the recommended changes to the City Council, seconded by Commissioner Pratt. Voice vote taken, all voted yes, motion carried. Recommended changes will be forwarded to the City Council.

#### **Ordinance No. 45 Garbage and Refuse Discussion**

After a meeting with the Ramsey County Environmental Health team regarding promotion of materials on the City’s website it prompted the Acting City Clerk to look at the current Garbage and Refuse Ordinance. Upon reviewing the ordinance Mrs. Lawrence noticed that the Ordinance has not been reviewed in 30 years and could use an update.

City Planner Evan Monson summarized the details of why a review was needed. Gem Lake’s current ordinance, No. 45 Garbage and Refuse, was adopted in 1983. The City Council is looking at potentially limiting the number of garbage haulers that are allowed in the city, and would like the Planning Commission to study the issue. A survey was sent out to all residents by the city to gauge who their current hauler is and their satisfaction with the service. The survey will close on October 31st. At this time, the

Planning Commission should begin to familiarize themselves with the current ordinance, and see what other communities do.

Mrs. Lawrence is working on gathering responses to supply a report for the next Planning Commission meeting to help determine any changes that could be made to the Ordinance. The Commission will look over the current Ordinance and compare it to surrounding Ramsey County cities and bring suggestions to the next Planning Commission meeting.

**Open Items for Commission Members to Bring Up**

None

**Future Meetings**

City Council Meeting, Tuesday, October 17, 2023 at Heritage Hall, and Planning Commission Meeting, Tuesday, November 14, 2023 at Heritage Hall.

**Attendance Inquiry**

Commissioner Chair Patrick surveyed the Commission to see if any of the members would have any issues attending the October 10, 2023 meeting. At this time those in attendance have no scheduling conflicts.

**Adjournment**

Being there no further business, following a motion from Commissioner Wippich, seconded by Commissioner Pratt, the meeting adjourned at 8:23 p.m.

*Respectfully submitted, Melissa Lawrence*