

**City of Gem Lake
Planning Commission Meeting – June 1 2021
Meeting Minutes**

Planning Commissioner Chairman Don Cummings called the virtual meeting to order at 7:05 p.m. Commission Members Stephanie Farrell, Joshua Patrick, Art Pratt and Derek Wippich were present. Also present: Planning and Zoning Tom Riedesel, City Attorney Patrick Kelly, Mayor Gretchen Artig-Swomley, and residents Daniel Meysembourg, Ben Johnson, Jim Lindner, Issac Nelson, Harry Groves, Hazel White, Cindy Scruggs, Bob Scruggs, Carol Schacht.

Approval of Minutes

Pratt introduced a motion to approve the minutes of the May 4 Planning Commission Meeting. Wippich seconded the motion. All in favor, motion approved.

New Business

Cummings informed those in attendance that three public hearings would be held in succession, and that the public would have a chance to provide input on all three subjects. He stressed that there was only one application on the table that required action-that being the matter of a Conditional Use Permit for an 8' fence on the applicant's property. The other two matters would be discussed, due to the intertwined nature of the issues at hand.

Cummings pointed out that each of the three topics had been properly noticed in the White Bear Press and that neighbors within 350 feet of the property in question had been sent a letter about the public hearings.

- **Amendment to the Gem Lake Consolidated Land Use Ordinance Number 131, RS Zone District**

Tom Riedesel reviewed a report on the request by Dan Meysembourg to begin an organic truck farm on his property at 4144 Scheuneman Road. After a careful look at the various applicable ordinances for this type of use, he determined that the use was permitted, although the lot was only .44 acres in size.

Wippich introduced a motion to open the public hearing on the Consolidated Land Use Ordinance 131. Pratt seconded the motion. All in favor, motion approved.

Cummings stressed that no application for variance, amendment or CUP regarding this ordinance had been received. Due to the interconnected nature of the farming request, he felt it was a good idea to discuss the possible need for future amendments as it regards truck farming. Since it was determined that this use was permitted in this zone, the commission felt no particular action was needed at this time. Wippich suggested that the commission look at the possible need to place language in the ordinance section pertaining to maximum percentage of a property that could be under cultivation for purposes of a truck farm. Another suggestion was that truck farming be specifically limited to certain zones in the city or to property of a certain defined size, such as a minimum of one acre.

Wippich motion to close the public hearing on this matter. Patrick seconded the motion. All in favor, motion carried.

- **Conditional Use Permit at 4144 Scheuneman Road to Permit an 8 foot Fence for Urban Gardening**

Tom Riedesel reviewed the application, which pertained to a request for an 8-foot fence around large garden areas. He pointed out several issues as follows:

- The standard fence ordinance in Gem Lake limits fence height to 6 feet, rather than 8;
- The homeowner wishes to plant produce gardens up to the fence line, rather than the 25-foot set back required by the agricultural ordinance and for fenced in garden areas.
- 8 foot fences are allowed by Conditional Use Permits for truck farming purposes, as long as all other conditions of the ordinance are met.

Wippich introduced a motion to open the public hearing on the matter of a CUP for an 8-foot fence on the applicant's property for purposes of protecting crops from deer and other animals. Pratt seconded the motion. All in favor, motion approved. The Commission discussed the proposed project at length, including a short presentation from homeowner Meysembourg.

Several neighbors spoke up in support of Meysembourg's organic farm concept they included Bob and Cindy Scruggs. They stated that the applicant had discussed his plans with them in detail and they were comfortable with the 8 feet fence. The applicant stated that the fence was largely see-through. Pratt pointed out that the ordinance had language pertaining to a requirement for fencing that was 80% open. Lindner asked the applicant to clarify exactly where the fencing would be placed. Meysembourg provided a document showing the fencing plan and answered several questions.

Schacht asked the Commission to define the term "truck farming." According to Webster's Dictionary, the term was determined to mean an operation that grew vegetables for sale.

Wippich motioned to close the public hearing. Farrell seconded the motion. All in favor, motion approved. Pratt introduced a motion that the Planning Commission recommend to the Gem Lake City Council approval of an application for a CUP for an 8-foot fence for truck farming purposes on the property owned by Dan Meysembourg, as long as the fencing was 80% open and that all other conditions of the ordinance were met. Wippich seconded the motion. All in favor, motion approved.

- **Variance at 4144 Scheuneman Road to allow reduced setback for garden fencing requirements**

Cummings introduced the subject by stressing that no variance application had been received for the setback issue, as of yet. Therefore, today's discussion would be aimed at gathering feedback and ideas. Farrell introduced a motion to open the public hearing. Patrick seconded the motion. All in favor, motion carried.

There was a lengthy discussion on the matter of setbacks for garden fences. The current code requires for a 25 foot set back from property lines for an 8 foot garden fence. Due to the small size of the property Meysembourg felt this would place a significant hardship on his organic garden concept by drastically reducing the area of potential cultivation.

Pratt said he was not in favor of doing a city-wide change in the entire ordinance to eliminate the setback requirement, suggesting instead that a more strategic look at various zone districts might be a better approach. Another idea was to treat this as a potential variance based on the uniqueness of the property.

Wippich suggested taking a look at permitted uses in each zone so tiny lots would not be used for truck farming in the future.

City Attorney Kelly provided an explanation of the difference between a CUP and a variance. He also went into some detail as to permissible reasons for granting a variance, according to state law. Nelson said he had no problem with the concept of organic truck farming, as long as neighbors and the railroad had no issues with it.

Patrick introduced a motion to close the public hearing on the set back question. Wippich seconded the motion. All in favor, motion carried.

Pratt asked for precedents on how variances have to pass the test for being unique to property circumstances. Kelly said more information would be forthcoming.

Cummings directed Kelly to ask Meysembourg to fill out an application for a variance on the set back requirement for his property. After that, a public hearing could be scheduled for the July Planning Commission and voted on by the city council later that month.

Open Items

Cummings gave a brief update on the commission's work to update the home occupation ordinance. A hearing on this matter with several proposed changes will be held later in the summer.

The commission is also looking at the list of permitted uses in the Gateway District in anticipation of future development. There was nothing new to report on the City's Comprehensive Plan.

Next Meetings/Workshop

City Council Meeting, June 14, 2021 at Heritage Hall. The June Workshop is canceled.

Adjournment

Being there no further business, following a motion from Commissioner Patrick, seconded by Commissioner Wippich, the meeting adjourned at 8:46 p.m.

Respectfully submitted, Gretchen Artig-Swomley