

**CITY OF LEXINGTON
REGULAR PLANNING COMMISSION MEETING MINUTES
May 14, 2014 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER

A. Roll Call

Vice chairperson Hoska called to order the Regular Planning Commission meeting of the City of Lexington on May 14, 2014 at 7:00 p.m.. Commissioners Present: John Bautch, Caleb Johnson, and Mark Vanderbloomer. Excused absence: Chairperson Chris Olsson Also Present: John Hughes, Councilmember; Bill Petracek, City Administrator; Dawn Grote, Administrative Coordinator; Jim Willard, Blue Collar BBQ; Tim & Lori Glover, Bistro Leroux.

2. CITIZENS FORUM

No one was present to address the Planning Commission

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Vanderbloomer made a motion to approve the agenda as type written. Motion seconded by Johnson. Motion carried 4-0

4. LETTERS AND COMMUNICATION

A. Building Permits for April 2014 – *Some discussion. No action taken.*

5. APPROVAL OF PLANNING COMMISSION MINUTES

A. April 9, 2014

Hoska made a motion to approve the April 9, 2014 minutes. The motion was seconded Bautch. Motion carried 4-0.

6. DISCUSSION ITEM:

A. Conditional Use Permit – Blue Collar BBQ, 4115 Woodland Road.

Petracek provided an explanation of the conditional use permit application that has been submitted by Tom & Sharon Kranz, property owner at 4115 Woodland Road, on behalf of Blue Collar BBQ. He stated that Attorney Glaser requested Blue Collar BBQ obtain a conditional use permit on the property prior to them moving ahead with a “sit down” restaurant and based on a legal opinion provided by Glaser in 2007 for Classic Pizza for the same building and

property, the applied conditions would be the same for Blue Collar BBQ. Petracek added that the conditions of the permit issuance would make the lot and building legal for its intended use. The Commission had much discussion on Attorney Glaser's legal opinion and its application to Blue Collar BBQ's lot and building.

Jim Willard from Blue Collar BBQ was present to answer the Commission's questions about their business. Discussion ensued.

Vanderbloomer questioned the need for Blue Collar BBQ to have to go through the process of obtaining a conditional use permit when this permit was issued to Classic Pizza in 2007. He explained that since the land use – sit down restaurant – hasn't changed since 2007, it shouldn't be necessary. Vanderbloomer further explained that as long as the property maintains its use, there is no need for P & Z to reissue the permit. Hughes agreed with Vanderbloomer. Discussion ensued. Petracek explained that Attorney Glaser said it was necessary for Blue Collar BBQ to apply for the conditional use permit when they decided that they were going to provide seating for their business. Discussion ensued. Petracek stated he would have Attorney Glaser provide clarification through a written opinion on the need for a conditional use permit.

The Commission discussed the parking requirements that Attorney Glaser provided as a condition of the permit. It was discussed that more conditions may need to be placed on the parking requirements.

A motion was made by Johnson for the conditional use permit application to proceed to a public hearing with further conditions to be determined following public comments at the hearing. The motion was seconded by Vanderbloomer. Motion carried 4-0.

B. Proposed Amendment 14-01 – An Ordinance Amending B-2 and B-4 Zoning Regulations

Petracek explained that the proposed ordinance amendment to the zoning code is being brought to the Commission for discussion as a result of Tim & Lori Glover wanting to serve beer and wine in their new restaurant, Bistro Laroux.

Tim and Lori Glover were present to answer questions from the Commission. Ms. Glover explained that the intention of Bistro Laroux is to not be open past 10:00 pm, and they would like to be able to serve beer and wine in their restaurant because it goes hand-in-hand with Cajun style food. They are not planning on serving liquor.

Councilperson Hughes asked the question if the zoning ordinance amendment could allow for a beer and wine license, but not allow a liquor license. Discussion ensued. Commissioner Johnson asked to have Attorney Glaser provide some clarification of the ordinances cited in the proposed ordinance amendment. Discussion ensued.

Petracek provided an explanation to the proposed ordinance amendment in a B-2 zone, as Carbone's currently has a liquor license, which is a non-conforming use in a B-2 zone; serving liquor, beer, and wine is currently not a permitted use. Discussion ensued. Vanderbloomer explained that the Commission should consider allowing beer and wine to be sold in a B-4 zone,

but maintain the B-2 zone as is currently written, so that Carbones would continue as a non-conforming use. Discussion ensued.

The Commission asked that an item be placed on the June P & Z agenda to discuss the regulations in a B-5 zone and its permitted uses. Petracek also stated he would check with Attorney Glaser if a beer and wine could be allowed as a permitted use, and not allow liquor.

A motion was made by Vanderbloomer to deny the proposed amendment 14-01 – an ordinance amending B-2 and B-4 zoning regulations. The motion was seconded by Hoska. Motion carried.

C. Ordinance 14-02 – An Ordinance Revising City Code Chapters 5, 6, and 10

John Bautch had requested to have this item on the agenda for discussion so that Planning and Zoning had an opportunity to see the amendments that were made to the Entertainment License Ordinance by the City Council. Discussion ensued. No action taken.

7. NOTE COUNCIL MINUTES:

- A. April 3, 2014
- B. April 10, 2014
- C. April 17, 2014

The Commission discussed the April 10th City Council minutes and the Council's discussion on organized waste hauling. No action taken.

8. PLANNING COMMISSION INPUT – *Johnson asked about the Flowerfield Road project. Discussion ensued.*

9. ADJOURNMENT

A motion to adjourn was made by Bautch at 9:12 pm. The motion was seconded by Hoska. Motion carried 4-0