

**AGENDA**  
**REGULAR PLANNING COMMISSION MEETING**  
**July 14, 2015 - 7:00 P.M.**  
**9180 Lexington Avenue, Lexington, MN**

REGULAR PLANNING COMMISSION MEETING

1. CALL TO ORDER
  - A. Roll Call: Chairperson Olsson, Commissioners Bautch, Johnson, Vanderbloomer
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
5. Building Permits for June 2015 pg. 1
6. APPROVAL OF PLANNING COMMISSION MINUTES
  - A. June 9, 2015 pg. 2-5
7. DISCUSSION ITEM:
  - A. Recommendation to approve Paster Properties Final Plat pg. 6-12
  - B. Discuss Accessory Building Ordinance pg. 13-14
  - C. Discuss M 2 Schedule of Uses Table pg. 15-16
8. NOTE COUNCIL MINUTES:
  - D. June 4, 2015 pg. 17-20
  - E. June 18, 2015 pg. 21-25
9. PLANNING COMMISSION INPUT
10. ADJOURNMENT

## June 2015 Building Permits

[illegible]

**unapproved  
CITY OF LEXINGTON  
PUBLIC HEARING  
&  
REGULAR PLANNING COMMISSION MEETING MINUTES  
June 9, 2015 - 7:00 P.M.  
9180 Lexington Avenue, Lexington, MN  
  
PUBLIC HEARING**

**1. CALL TO ORDER**

*Chairperson Olsson called to order the public hearing to consider comments by citizens regarding the proposed preliminary plat for Paster Properties on June 9, 2015 at 7:00 p.m. Commissioners Present: John Bautch, Caleb Johnson, and Mark Vanderbloomer. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Doug Borglund, MSA Planner; Ken Henk, Paster Properties; Eric Fosmo, Kimly-Horn/Paster Properties.*

*Citizens present for the public hearing:*

*Julie Trelstad – 9016 Dunlap Ave.*

*Stan Trelstad – 9016 Dunlap Ave.*

*Flo Skeate – 9004 Dunlap Ave.*

*Bernice Bautch – 8970 Alber Ave.*

*Steve Hamann – 8977 Dunlap Ave.*

*Lynn Ulve – 8893 Griggs Ave.*

*Janice Schaffhausen & Don Christensen – 4040 Restwood Rd.*

*Roseann Flor - 9052 Jackson Ave.*

**2. PUBLIC HEARING: Preliminary Plat – Paster Properties**

*Doug Borglund, MSA Planner, provided an overview of the Paster Properties preliminary plat and site plan.*

*Chairperson Olsson asked about Outlot A, Block 1 in regard to the R-3 Zoning regulations and if there has been a request to change it to an M-1 zone. Borglund explained that a zone change has not been requested but it is something the Commission will need to consider going forward with new development. Discussion ensued.*

*Steve Hamann – 8977 Dunlap Ave. – asked the Commission about potential uses for the property.*

*Ken Henk, Paster Properties, explained at this point Paster Properties, through the re-platting process, are trying to clean up the existing lot lines, easements, right-of-way on Griggs Ave., and remodel Northway Mall.*

*Commissioner Bautch asked Mr. Henk what is Paster Properties intent for the property being re-platted. Henk explained that at this point there are no plans to develop the vacant properties behind Northway Mall. He continued by saying that once it is re-platted, they may sell the individual outlots, but at this point their intention is to make the property easier to sell in the future; they are remodeling Northway Mall in anticipation of the Super Wal-Mart opening in September. Discussion ensued.*

*Flo Skeate – 9004 Dunlap Ave. – asked about the R-3 zoning and if would change with this process; she also asked about what would happened with the alley behind Tot Park. Petracek explained that the City's intention through our Parks Master Plan is to refurbish all of our parks including Tot Park; there has been no discussion about selling Tot Park. Discussion ensued.*

*Commissioner Johnson asked Henk about the improvements being made to Northway Mall. Henk provided a provided an explanation to the Northway Mall improvements to the Commission. Discussion ensued.*

### **3. ADJOURN PUBLIC HEARING**

*A motion was made by Olsson to adjourn the public hearing on the proposed Paster Properties preliminary plat at 7:38 PM. The motion was seconded by Johnson. Motion carried unanimously 4-0.*

## **REGULAR PLANNING COMMISSION MEETING**

### **4. CALL TO ORDER**

*Chairperson Olsson called to order the Regular Planning Commission meeting on June 9, 2015 at 7:39 p.m. Commissioners Present: John Bautch, Caleb Johnson, and Mark Vanderbloomer. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Doug Borglund, MSA Planner; Ken Henk, Paster Properties; Eric Fosmo, Kimly-Horn/Paster Properties.*

### **5. CITIZENS FORUM**

*No citizens were present to address the planning commission*

### **6. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*Olsson made a motion to approve the agenda with changes to Discussion items #10(B) and #10 (C) to be moved on the agenda to item #7. The motion was seconded by Johnson. Motion carried unanimously 4-0.*

### **7. DISCUSSION ITEM:**

A. Recommendation to approve Paster Properties Preliminary Plat

*Borglund discussed in detail the recommendation to approve the preliminary plat. Discussion ensued about the staff recommendations on the plat and the memo received from Paster Properties that provided their insight on the staff recommendations.*

*Borglund explained the need to discuss the 33' right-of-way on South Service Drive, which does not meet the City's code of a 50' right-of-way. He added that during a re-plat of property is the appropriate time to consider requesting the additional right-of-way from Paster Properties to ensure proper right-of way widths and to address any safety issues with the properties in question that could be changed through the re-platting process. Discussion ensued.*

*Olsson questioned item #6 of the staff recommendations in regard to the vacating of easements on the property. Borglund explained that under Minnesota State Statutes, the easements must be vacated as a separate process from the re-platting process. Discussion ensued.*

*The Commission discussed the recommendation from the City Engineer and his thoughts on the preliminary plat and site plan.*

*Eric Fosmo, Kimly-Horn Engineer representing Paster Properties, addressed the Commission by explaining that by the City asking for the additional right-of-way from Paster Properties would place an undue hardship on their properties by taking away parking spaces and flexibility for the future development of Northway Mall. Discussion ensued.*

*Petracek cautioned the Planning Commission on recommending to the City Council about requiring the additional right-of-way for South Service Drive. He added that this requirement through the re-platting process and taking away land and parking spaces in Northway Mall could force Paster Properties to pull-back their application to re-plat their properties. This could potentially make it difficult for them to market the land as they see it; we need to help Paster Properties develop this property, not create a hardship on them. Discussion ensued.*

*A motion was made by Chairperson Olsson to add and 8<sup>th</sup> condition to include a 50' right-of-way on South Service Drive. The motion was seconded by Vanderbloomer. The motion failed 1-3*

*A motion was made by Chairperson Olsson to approve and recommend to the City Council the Paster Properties preliminary plat with the separate seven (7) conditions as contained within the MSA staff report with a revision to point #7 that revised plans shall be submitted as required by the staff. The motion was seconded by Bautch. Motion carried unanimously 3-1.*

B. Recommendation to approve Paster Properties Northway Mall Site Plan.

*Steve Winter, City Engineer, discussed his recommendation on the Northway Mall Site Plan. Discussion ensued.*

*A motion was made by Bautch to approve and recommend to the City Council the Northway Mall Site Plan with the six (6) staff recommendations. The motion was seconded by Olsson. Motion carried unanimously 4-0.*

## **8. LETTERS AND COMMUNICATION**

A. Building Permits for May 2015

*Some discussion by the Commission on building permits*

## **9. APPROVAL OF PLANNING COMMISSION MINUTES**

A. May 12, 2015

*Olsson made a motion to approve the May 12, 2015 Planning Commission minutes as typewritten. The motion was seconded by Johnson. Motion carried unanimously 4-0.*

## **10. DISCUSSION ITEM:**

C. Discuss Accessory Building Ordinance

D. Discuss M 2 Schedule of Uses

*Olsson made a motion to table Discussion items 10 (C) & 10 (D) until the next Planning Commission meeting. The motion was seconded by Vanderbloomer. Motion carried unanimously 4-0.*

## **11. NOTE COUNCIL MINUTES:**

E. May 7, 2015

F. May 21, 2015

*Some discussion on the May 7th and 21st City Council minutes was had.*

## **12. PLANNING COMMISSION INPUT**

*No input from the Planning Commission*

## **13. ADJOURNMENT**

*A motion to adjourn was made by Bautch at 9:16 pm. The motion was seconded by Johnson. Motion carried unanimously 4-0.*

To: Planning & Zoning Commission  
From: Bill Petracek, City Administrator  
Date: July 8, 2015  
Re: Paster Property Final Plat approval

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Enclosed you will find the final plat application for the Paster Properties re-plat. Their proposed final plat has been reworked to address the preliminary plat issues that were recommended to Planning & Zoning by MSA Consultants to have fixed prior to the final plat approval.

At the time the packets were sent out there was some discussion from our consultants about lots 1A & Lots 1B being platted into one singular lot. MSA Consultants were working with Paster Properties consultants to work out these details. MSA Consultants will have an answer to this issue at the meeting prior to the Commission approving the final plat.

# City of Lexington

9180 LEXINGTON AVENUE • LEXINGTON, MINNESOTA 55014 • (763) 784-2792 • FAX (763) 785-8951

## APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

Street Location of Property: 901 Lake Drive, Lexington, MN 55014

Legal Description of Property: See attached.

### **Owner:**

Name: Northway Grandchildren Partnership/Northway Investment Company

Address: 2227 University Avenue West

City: Saint Paul State: MN Zip: 55114

### **Applicant (If Other than Owner):**

Name: Paster Properties – Kenneth Henk Phone: (651) 265-7860

Address: 2227 University Avenue West

City: Saint Paul State: MN Zip: 55114

Type of Request: ☐ Variance ☐ Conditional Use Permit ☐ Rezoning ☐ Site Plan  
☐ Minor Subdivision ☒ Major Subdivision ☒ Other (Final Plat)

Description of Request: Final Plat for Lexington Center 2<sup>nd</sup> Addition

Reason for Request: The re-platting of the Northway Shopping Center is proposed to prepare the property for sale and/or development and to dedicate right- of-way/easements to the City of Lexington on Griggs Avenue. The preliminary plat was approved by the City Council on June 18, 2015.

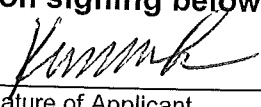
Present Zoning Classification: M-1 Central Business & R-3 Townhouse and 4-Plex

Existing Use of Property: Existing retail shopping center and daycare

Has a permit for a rezoning, variance, appeal or conditional use permit on the subject site or any part thereof been previously sought? No When?

### **DISCLAIMER**

**The fee charged for rezoning, variance, appeal or conditional use permit is nonrefundable. Upon signing below the applicant is acknowledging they have read and understand this.**

  
Signature of Applicant

6/29/15  
Date



# Kimley»»Horn

July 6, 2015

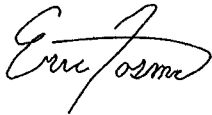
MSA Professional Services  
ATTN: Doug Borglund  
60 Plato Blvd, East, Suite 140  
St. Paul, MN 55107

**RE: Preliminary Plat Review Lexington Center 2<sup>nd</sup> Addition– MSA Comments**

Dear Mr. Borglund,

Kimley-Horn received the Preliminary Plat Review Lexington Center 2<sup>nd</sup> Addition comments on May 26, 2015 regarding the proposed Northway Shopping Center Improvements. All of the comments from the Review have been copied below and Kimley-Horn offers the corresponding responses in "red". Revised plans have been provided with this Letter for your review. Please let us know if there are any questions or concerns with the responses offered and we appreciate your time.

Sincerely,



Eric Fosmo, PE  
Kimley-Horn and Associates, Inc.

Comments/Responses

1. The plat must be signed and certified by a licensed land surveyor.

*Response: This comment has been addressed in the final plat.*

2. The legal description must be included on the plat.

*Response: This comment has been addressed in the final plat.*

3. A legend must be provided on the plat.

*Response: This comment has been addressed in the final plat.*

4. The boundary line must be a solid bold line. This boundary line must tie all the blocks on the plat together. The interior lot lines need to be solid. The boundary line on the certificate of survey does not match the one shown on the plat.

*Response. These comments has been applied in the final plat.*

5. The drainage and utility easements are missing around the perimeter of the lots. The drainage and utility easement should be a minimum as shown in Chapter 12 Section 12.50. Easements at least 10 feet wide or 5 feet along both sides of the property line. The exception to this minimum is for the west lot line of Outlot B Block 2. There is an existing 10-foot easement listed, but this should be platted with a 20-foot easement to properly maintain the existing sanitary sewer.

*Response: These comments have been applied to the final plat. There are two areas where these easements were not provided as described below.*

- Lot 1 Block 1 – southwesterly side, where easement would have conflicted with existing building.
- Lot 1A Block 2 – southerly side, where easement would have conflicted with existing building.

6. The building setback lines shall be removed from the outlots of the plat.

*Response: This comment has been addressed in the final plat.*

7. There is a proposed watermain and easement dedication listed on the north side of Outlot A Block 2. The easement as proposed back in 2008 shall be filed or a new easement must be shown on the plat for the water service to Lot 1 Block 2.

*Response: These comments have been addressed in the final plat.*

Based on the review of the preliminary plat and further discussions with the surveyor, the following additional changes have been made to the final plat

- Outlot A, Block 3 (as listed on the preliminary plat) has been removed from the final plat.
- Outlot labels has been updated to show consecutive lettering A, B, and C per County platting requirements
- Lot 1, Block 2 will actually be described as Lot 1A and Lot 1B, Block 2, since there is a combination of Abstract and Torrens property. Anoka County requires this approach.
- The plat has been prepared with the assumption that existing easements will be vacated prior to recording the proposed easements to be dedicated as part of the final plat.

PRELIMINARY COPY  
UNRECORDED AS OF 7-02-15

KNOW ALL PERSONS BY THESE PRESENTS: That Northway Grandchildren Partnership, a Minnesota general partnership, and Northway Investment Company, a Minnesota corporation, owners of the following described property:

All of Block 4 and 5, and Lots 1, 2, 3, 16, 17, 18, 20, 21, 22, 23, Block 5, "LEXINGTON CENTER", together with that part of Block 4 and 5, and Lots 1, 2, 3, 16, 17, 18, 20, 21, 22, 23, Block 5, "LEXINGTON CENTER", lying north of the eastern extension of the south line of Lot 6, and Block 4, and all of vacant James Avenue as depicted in the plat of "LEXINGTON CENTER".

AND  
Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 23, 24, 25 and 26, OTTE'S ADDITION to Lexington.

AND  
All that part of vacant Driggs Avenue as depicted in the plat of "LEXINGTON CENTER" and OTTE'S ADDITION to Lexington, lying north of the eastern extension of the north line of Block 5, "LEXINGTON CENTER", and lying north of the following described line:

Commencing at the southeast corner of Lot 4, OTTE'S ADDITION to Lexington; thence on an assumed bearing of North along the east line of said Lot 4, a distance of 71.4 feet to the point of beginning of the line to be described; thence South 41 degrees 03 minutes 10 seconds East to the West line of Lot 16, Block 4, "LEXINGTON CENTER", and then terminating.

AND  
Lot 5, OTTE'S ADDITION to Lexington.

Have caused the same to be surveyed and plotted as LEXINGTON CENTER 2ND ADDITION and do hereby dedicate to the public for public use the public way and the drainage and utility easements as shown by this plat.

The plat of LEXINGTON CENTER 2ND ADDITION was prepared by E. Rud & Sons, Inc., a Minnesota corporation, and was approved by the County Recorder/Registrar of Anoka County, Minnesota, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Northway Grandchildren Partnership, a Minnesota general partnership, has caused these presents to be signed by its general partner, Gerald E. Frisch, Trustee of the Otto N. Frisch Children Trust 1/4 dated August 1, 1988, its General Partner.

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Gerald E. Frisch, Trustee of the Otto N. Frisch Children Trust 1/4 dated August 1, 1988, and Gerald E. Frisch, Trustee of the Otto N. Frisch Children Trust 1/4 dated November 15, 2001, as joint grantors of the above described property, a Minnesota general partnership, on behalf of the general partnership.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

In witness whereof and Northway Investment Company, a Minnesota corporation, has caused these presents to be signed by its proper officer, Howard Frasier, Vice President.

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Howard Frasier, the Vice President of Northway Investment Company, a Minnesota corporation, on behalf of the corporation.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

I, Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision, that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the field notes and data upon which it is based; and that all vector boundaries and measurements shown on this plat have been measured and correctly set within one hundred feet of the corners and boundaries of the land shown on this plat, and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jason E. Rud, Licensed Land Surveyor  
Minnesota License No. 41576

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Jason E. Rud.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

The plat of LEXINGTON CENTER 2ND ADDITION was prepared and accepted by the City Council of the City of Lexington, Minnesota at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the plat is in compliance with the provisions of Minnesota Statutes, Section 525.03, Subd. 2.

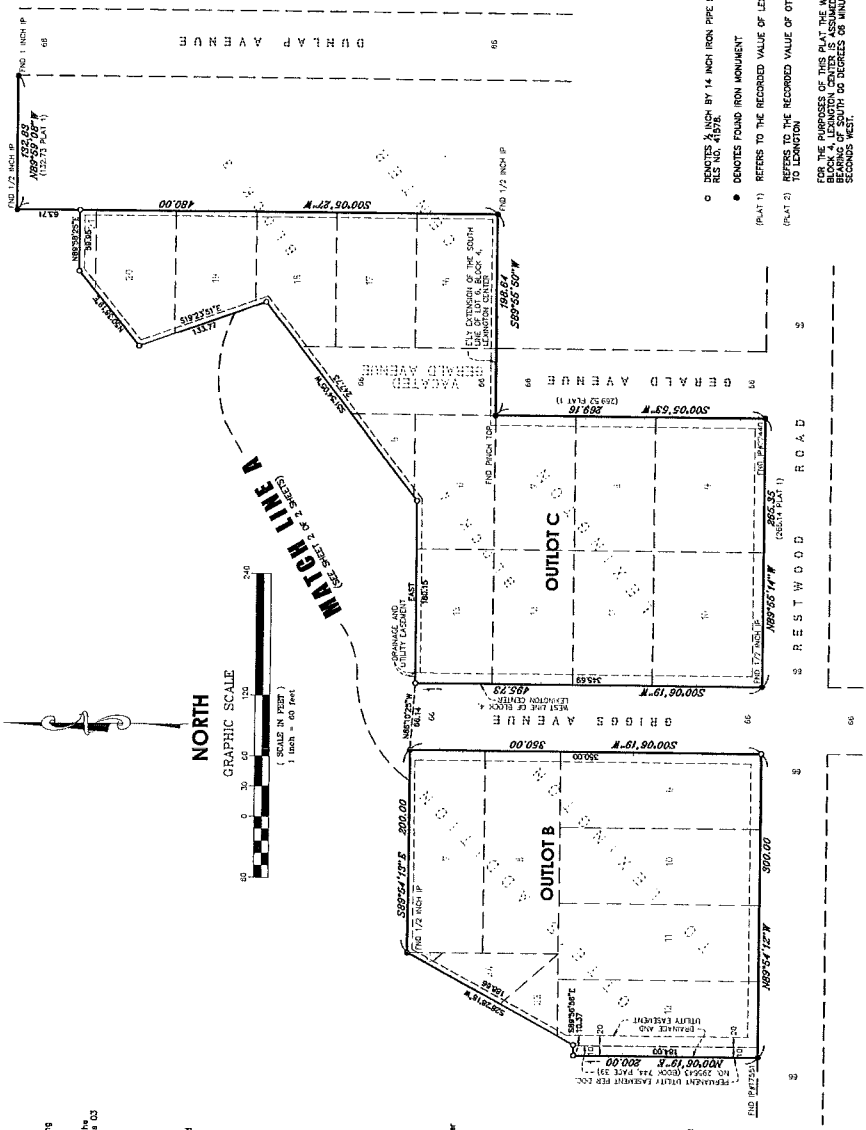
City Council, City of Lexington, Minnesota  
By \_\_\_\_\_ Mayor  
\_\_\_\_\_ Clerk

County Surveyor  
I hereby certify that it is accordance with Minnesota Statutes, Section 525.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Larry D. Nelson  
Anoka County Surveyor

# LEXINGTON CENTER 2ND ADDITION

City of Lexington  
County of Anoka  
Sec. 35, T31, R23



County Auditor/Treasurer  
County of Anoka, State of Minnesota  
I hereby certify that this plat of LEXINGTON CENTER 2ND ADDITION was filed in the office of the County Recorder/Registrar in Book \_\_\_\_\_ Page \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and was duly recorded on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Recorder/Registrar of Titles  
County of Anoka, State of Minnesota  
By \_\_\_\_\_ Deputy

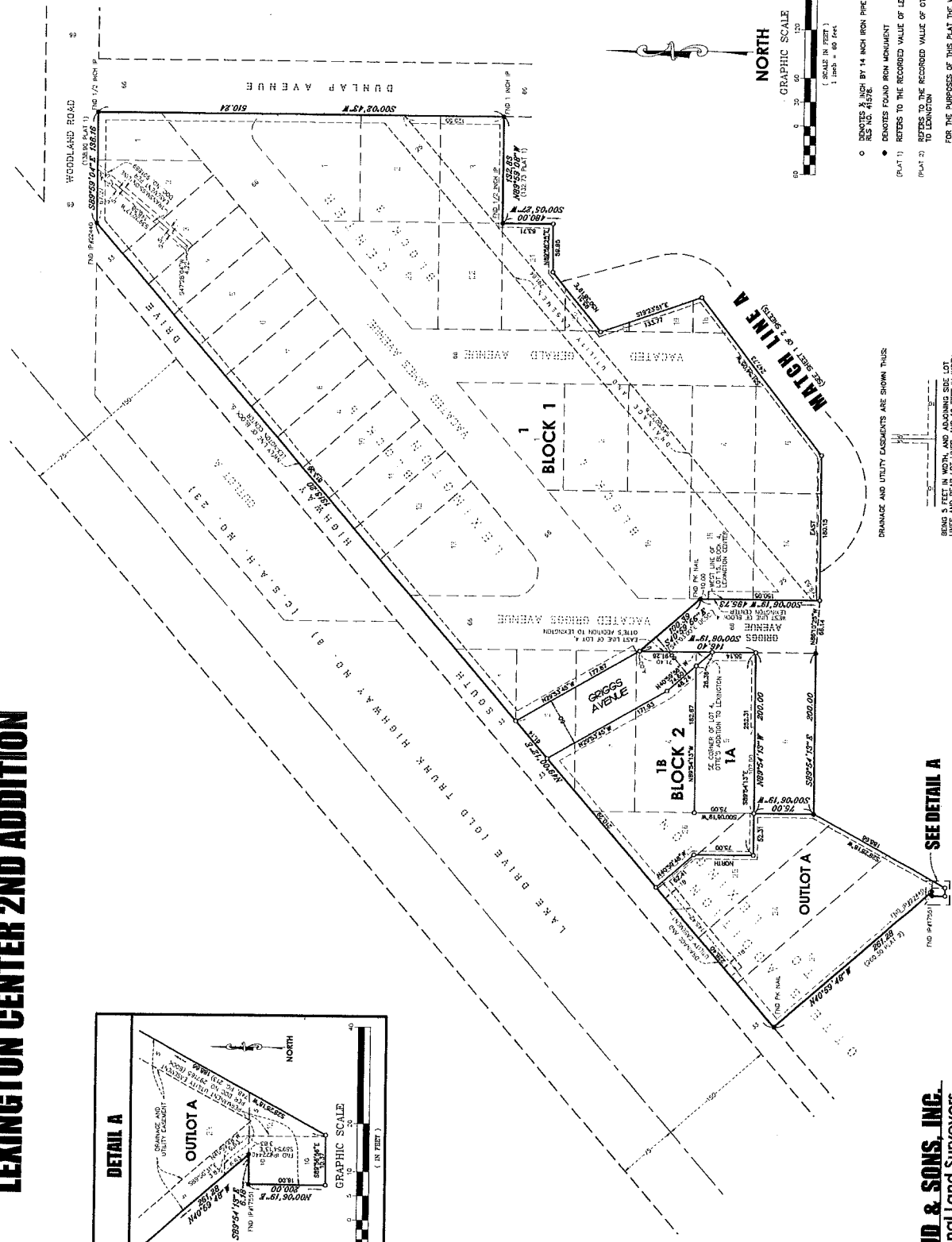
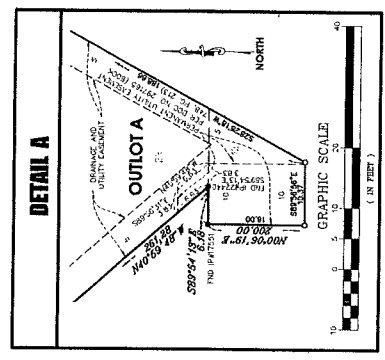
County Auditor/Treasurer  
County of Anoka, State of Minnesota  
By \_\_\_\_\_ Deputy

E. G. RUD & SONS, INC.  
Professional Land Surveyors

PRELIMINARY COPY  
UNRECORDED AS OF 7-02-15

# LEXINGTON CENTER 2ND ADDITION

CITY of Lexington  
County of Anoka  
Sec. 35, T31, R23



**K.E.G. RUD & SONS, INC.**  
Professional Land Surveyors

SEE DETAIL A

- DENOTES 1/2 INCH BY 14 INCH IRON PIPE MARKED BY  
ALS NO. 41576
  - DENOTES FOUND IRON MONUMENT
  - (PLAT 1) REFERS TO THE RECORDED VALUE OF LEXINGTON CENTER
  - (PLAT 2) REFERS TO THE RECORDED VALUE OF OTTE'S ADDITION
- FOR THE PURPOSES OF THIS PLAT THE WEST LINE OF  
LOT 10, BLOCK 2, SHALL BE THE WEST LINE OF  
THE RECORDED VALUE OF LEXINGTON CENTER  
BEARING OF SOUTH 90 DEGREES 00 MINUTES 19  
SECONDS WEST.

DRAINAGE AND UTILITY CASINGMENTS ARE SHOWN THUS

DRUMS 5 FEET IN DIAMETER AND 10 FEET HIGH  
LINES AND REAR LOT LINES, AND TO BE IN NORTH  
CORNER OF LOT 10, BLOCK 2, UNLESS  
OTHERWISE SHOWN ON THIS PLAT.

Legal Description – Northway Shopping Center – Paster Enterprises

All of Block 4 and 5, and Lots 1, 2, 3, 13, 16, 17, 18, 19, 20, 21, 22, and 23, Block 3, "LEXINGTON CENTER", together with that part of vacated Gerald Avenue as dedicated in the plat of "LEXINGTON CENTER", lying northerly of the easterly extension of the south line of Lot 6, said Block 4, and all of vacated James Avenue as dedicated in the plat of "LEXINGTON CENTER".

AND

Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 23, 24, 25 and 26, OTTE'S ADDITION to Lexington.

AND

All that part of vacated Griggs Avenue as dedicated in the plat of "LEXINGTON CENTER" and OTTE'S ADDITION to Lexington, lying Southerly of the southwesterly extension of the northwesterly line of Block 5, "LEXINGTON CENTER", and lying northerly of the following described line:

Commencing at the southeast corner of Lot 4, OTTE'S ADDITION to Lexington; thence on an assumed bearing of North along the east line of said Lot 4, a distance of 71.4 feet to the point of beginning of the line to be described; thence South 41 degrees 03 minutes 00 seconds East to the West line of Lot 15, Block 4, "LEXINGTON CENTER", and there terminating.

AND

Lot 5, OTTE'S ADDITION to Lexington.

## Memorandum

TO: Planning & Zoning Commission  
FROM: Kurt Glaser, City Attorney  
DATE: May 4, 2015, *revised May 10, 2015*  
RE: Commission changes to Accessory Buildings

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Please review these suggested changes to the Code to support the concepts discussed during the last Commission meeting regarding Accessory Buildings.

### Deletions from the Code to support Accessory Buildings.

~~UUUU. "Garage, Private" A detached accessory building or portion of the principal building, including a carport, which is intended to be used primarily for storing passenger vehicle.~~

**Question: how do we count the square footage of a 'carport' without a definition in the Code.**

~~XXXX. "Gazebo" An open pavilion, built as a freestanding structure and not intended for habitation.~~

Remove all references to "Storage Shed." Storage Shed is not defined anywhere in the Code.

### Additions to the Code to support Accessory Buildings.

## **SECTION 11.10. GENERAL PROVISIONS**

### **Subd. 4. Accessory Buildings, Structures, Uses.**

- A. No accessory building or use shall be constructed or use developed on a lot prior to obtaining a building permit for the principal building or use to which it is accessory.
- B. A detached accessory building shall not be located in any required front yard.
- C. All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.
- D. Accessory buildings shall be located behind the building setback line as herein regulated, subject to the building code, and fire zone regulations.
- E. Unless otherwise herein specified, no accessory building shall exceed the height of the principal building.
- F. No **accessory building** ~~used as a private garage used or intended for the storage of passenger automobiles~~ shall exceed the square footage of the main floor of the principal structure.

- G. ~~A detached accessory building, except **used as a** garages **or intended for the storage of passenger automobiles**, shall occupy not more than thirty (30) percent of the area of the main floor of the principal structure.~~
- H. All accessory buildings in residential districts shall be constructed with materials and to a design which conforms to neighborhood architecture.
- I. All accessory buildings in residential districts shall have a setback of ten (10) feet from the principal structure without fire wall construction and three (3) feet from the principal structure with fire wall construction.
- J. **Accessory buildings shall include, but are not limited to garages, carports, storage sheds, gazebos, or structures less than 200 square feet.**
- K. **Each lot is limited to no more than one structure less than 200 square feet per 10,000 square feet of property.**

## **SECTION 11.20. ADMINISTRATION**

### **Subd. 8 Zoning Permit**

- A. A Zoning Permit is required for the construction of a physical improvement that does not require a building permit and may be subject to inspection or review. The purpose of such a review is to ensure the improvement meets standard zoning requirements such as setbacks, hard surface coverage, structure height, etc. The Zoning Permit is a tool to help property owners insure that improvements they make to their property, particularly those improvements that are permanent or that would be difficult or expensive to move after the fact are installed according to City Code in the first place. Examples of the types of improvements include, but are not limited to, fences, patios, sport and tennis courts, driveway replacement/expansion and sidewalks, one-story detached accessory structures used as tool or storage, play houses/structures and similar uses, not to exceed 200 square feet in building area (multi-story structures or those larger than 200 square feet require a building permit), retaining walls less than 4 feet in height (retaining walls 4 feet and taller require a building permit).
- B. The City shall establish zoning permit fees sufficient to recover the costs of enforcing this section.

Section 11.33 SCHEDULE OF USES BY DISTRICT			
Land Use District	Uses Permitted Principal	Accessory	Conditional
<b>M-2</b>			
<b>Professional &amp; Business Office Development</b>	<b>Offices</b> Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental offices, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting and similar uses.	<b>Parking - surface or structure</b> "Parking Space" - A suitable surfaced and permanently maintained area on property either within or outside of a building of sufficient size to store one standard automobile. **See also Chapter 11; Subdivision 22 - Parking (page 335 - 338)	<b>Day Care Center</b> "Day Care Facility" - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home, including but not limited to family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, pre-schools, daytime
	<b>Public Utility Structures</b> "Public Land or Building" - Land or building owned and/or operated by a governmental unit.	<b>Garage</b> Numerous definitions - See also Chapter 11; Subdivision 24 "Garage, Common" - Multi unit garage for multiple dwellings "Garage, Private" - A detached accessory building or portion of the principal building, including a carport, which is intended to be used primarily for storing passenger vehicle. "Garage, Public" - A building used for the storage or care of power driven vehicles, or where such vehicles are equipped for operation, repair, or kept for storage, hire or sale. <b>Gazebo</b> **this item was deleted in an M-1 Zone "Gazebo" - An open pavilion, built as a freestanding structure and not intended for habitation	<b>Supervised Living Group Home (Residential Facility) for up to 6 persons excluding supervisors.</b> "Residential Facility" - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a twenty-four hour per day (24 hr./day) substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home, including but not limited to, state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children. <b>Temp Real Estate Office and Model</b>
	<b>Government Buildings</b> Public Land or Building" - Land or building owned and/or operated by a governmental unit.	<b>Tennis Court</b> **No Definition <b>Common Garage</b> "Garage, Common" - Multi unit garage for multiple dwellings	<b>Temporary Structure</b> - A structure without any foundation or footings and which shall be removed when the designated time period, activity, or use for which temporary structure was erected has ceased.
	<b>Single family detached &amp; two family residential dwellings</b> Dwelling, Single-Family" - A detached building containing one dwelling unit designed for occupancy for one family. "Two Family Home" - A structure on a single lot containing two dwelling units, each of which is totally separate from the other except for a common stairwell exterior to both units. "Dwelling, Two-Family" - A detached dwelling containing two dwelling units, designed for occupancy by not more than two families. <b>Duplex</b> **No formal definition for duplex	<b>Swimming Pool</b> **No definition <b>Storage shed</b> **this item was deleted in an M-1 Zone and this was added: See Chapter 11.10, Subdivision 4	<b>"Business, Temporary"</b> - Any person or corporation who engages temporarily in the business of selling and delivering goods, wears, or merchandise within the City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car. <b>"Temporary User"</b> - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period
	<b>Townhouses, Single and two family as part of an allowed structure, or standalone</b> "Townhouse" - A single family attached residence building consisting of three or more dwelling units having the first story at the ground level with no separate dwelling units directly above or below and with each dwelling unit separated from the adjoining unit by a fire resistant wall or walls with no openings and extending from the basement to the roof. <b>Parks &amp; Playgrounds</b> "Recreation, Public" - Includes all uses such as tennis courts, ball fields, picnic areas, and the like, that are commonly provided for the public at parks, playgrounds, community centers, and other sites, owned and operated by a unit of government for the purpose of providing recreation.	<b>Accessory Structure</b> "Garage, Private" - A detached accessory building or portion of the principal building, including a carport, which is intended to be used primarily for storing passenger vehicle. "Garage, Public" - A building used for the storage or care of power driven vehicles, or where such vehicles are equipped for operation, repair, or kept for storage, hire or sale. "Outdoor Storage" - The storage of any goods, junk, equipment, wood, trailers, material, merchandise, supplies or vehicles not fully enclosed in a building for more than twenty-four hours.	<b>Church</b> "Church" - A building or edifice consecrated to religious worship, where people join together in some form of public worship under the aegis and direction of a person who is authorized under the laws of the State of Minnesota to solemnize marriages. Camp meeting grounds, mikvahs, coffee houses, recreational complexes, retreat houses, sleeping quarters for retreatants during spiritual retreats extending for periods of more than one day, Bible camps with live-in quarters, ritual slaughter houses, radio or television towers and transmission facilities theological seminaries, day care centers, hospitals, and drug treatment centers are not churches. A church as defined above may include living quarters for persons employed on the premises of said church.
			<b>Private Kennel</b> ** No definition ( deleted from M-1 Zone)
			<b>Non-Retail Woodworking Studio</b> ** No definition
<b>Townhouse</b>			



	<div>Communcation Tower in excess of 45' from grade</div> <div>"Antenna" - An arrangement of wires, metal rods, panels, dishes, etc. used to send or receive electromagnetic or microwave signals.</div> <div>Home Occupations</div> <div>"Home Occupation" - See Section 11.60, Subd. 18.</div> <div>Wind Generator Private</div> <div>*This item was deleted from an M-1 Zone - No definition</div>

**Unapproved**

**PUBLIC HEARING  
&  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
June 4, 2015 – 7:00 P.M.  
9180 LEXINGTON AVENUE**

**PUBLIC HEARING**

**1. CALL TO ORDER: - Mayor Kurth**

A. Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

*Mayor Kurth called to order the Public Hearing on the Flowerfield Road improvements on June 4, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Tina Northcutt, Finance Director; Travis Schmid, Public Works.*

**1. PUBLIC HEARING: The purpose is to consider the making of improvements called Flowerfield Road.**

*Steve Winter, City Engineer provided a powerpoint presentation on the proposed Flowerfield Road feasibility study, which is a shared project with the City of Blaine. Discussion ensued.*

*Citizens present for the Flowerfield Road Public Hearing provided comments to the City Engineer:*

*Sharon Ginter – 3901 Flowerfield Rd., Lexington, MN.*

*Amimee Wimberly – 4041 Flowerfield Rd. Lexington, MN.*

*Russell Puse – 3851 Flowerfield Rd., Lexington, MN.*

**2. ADJOURN PUBLIC HEARING**

*A motion was made by Councilmember Plasch to close the public hearing on the Flowerfield Road improvements at 7:25 p.m. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.*

**1. CALL TO ORDER: – Mayor Kurth**

A. Roll Call - Council Members: Devries, Hughes, Payment, Plasch

*Mayor Kurth called to order the Regular City Council meeting of June 4, 2015 at 7:26 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Steve Winter, City Engineer; Travis Schmid, Public Works.*

## **2. CITIZENS FORUM**

*Former City Councilmember Betty Bailey approached the Council to discuss CenturyLink TV and their new Prism TV. Bailey handed out pamphlets describing the new Prism TV, and urged the Council to strongly consider them as a franchise in Lexington. Discussion ensued.*

## **3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*A motion was made by Councilmember Devries to approve the agenda as presented. The motion was seconded by Councilmember Hughes. Motion carried unanimously 5-0.*

## **4. INFORMATIONAL REPORTS:**

A. Airport (Councilmember Plasch)

*Councilmember Plasch provided an update on Aviation Days, the airport fly-in, motorcycle ride, and Mankato Airport Airshow. He also provided information about Joe Harris leaving the airport for a new job, and Glen Burke would be in charge during the interim. Discussion ensued.*

B. Cable Commission (Councilmember Payment)

*Councilmember Payment provided an update on the CenturyLink Cable franchise agreement process. Discussion ensued.*

C. City Administrator (Bill Petracek)

*Petracek provided an update on the Paster Properties/Northway Mall replat process, Parkview Manufactured Home Park, the fire station upgrades, and the strategic planning meeting set for June 11th. Discussion ensued.*

## **5. LETTERS AND COMMUNICATIONS:**

D. Anoka County Parks & Community Services – June 2015 newsletter

E. Rice Creek Watershed District – Notice of Annual Public Information meeting

F. Metropolitan Council 2014 Annual Population Estimate

G. Council Workshop meeting minutes – May 21, 2015

- H. Notice of Public Hearing – June 4, 2015 - Flowerfield Road Improvement
- I. Planning & Zoning -Notice of Public Hearing – June 9, 2015 Preliminary Plat

***Petracek asked the Council if they had any comments about the Metropolitan Council's 2014 estimated population provided under item F of Letters and Communications. Discussion ensued.***

#### **6. CONSENT ITEMS:**

- J. Recommendation to Approve Council Minutes:  
Council Meeting – May 21, 2015  
Recommendation to Approve Claims and Bills:  
Check #'s 13386 through 13389  
Check #'s 39580 through 39632  
Check #'s 10394 through 10407
- K. Recommendation to approve Business License Renewals
- L. Recommendation to approve vendor list for Lexington  
Farmers Market

***A motion was made by Councilmember Hughes to approve the consent agenda. The motion was seconded by Councilmember Devries. Motion carried 5-0.***

#### **7. ACTION ITEMS:**

- A. Recommendation to approve Resolution NO. 15-15 A Resolution Ordering Improvement and Preparation of Plans.

***A motion was made by Councilmember Payment to approve Resolution No. 15-15 – A Resolution Ordering Improvement and Preparation of Plans. The motion was seconded by Hughes. Motion carried unanimously 5-0.***

- B. Recommendation to approve New Business License (Vapers Paradise).

***Petracek provided a brief explanation of Vapers Paradise and their plans as a business. At this time Petracek explained their only business is selling the E-Cigs, and nothing else; they will need to obtain a tobacco license from the City. Discussion ensued.***

#### **A. MAYOR AND COUNCIL INPUT**

*Councilmember Devries relayed a citizen complaint about Hamline Ave. and people speeding in and out of Memorial Park after ballgames. Discussion ensued. Petracek stated he would let the P.D. know about the complaint.*

*Mayor Kurth asked citizens to watch out for kids as school is out.*

## **B. ADJOURNMENT**

*A motion was made by Councilmember Hughes to adjourn the Regular Council meeting at 7:49 p.m. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.*

/bp

**unapproved**  
**CITY OF LEXINGTON**  
**REGULAR COUNCIL MEETING**  
**JUNE 18, 2015 – 7:00 P.M.**  
**9180 LEXINGTON AVENUE**

**1. CALL TO ORDER: – Mayor Kurth**

- A. Roll Call - Council Members: Devries, Hughes, Payment, Plasch

*Mayor Kurth called to order the Regular Council meeting of the City of Lexington on June 18, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch.*

*Also Present: Bill Petracek, City Administrator; Tina Northcutt, Finance Director; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Doug Borglund, MSA Planner; Ken Henk, Paster Properties; Eric Fosmo, Engineer Consultant – Paster Properties; Jim Coan, Police Chief; Ron Nelson, Police Captain; Brandon Paul, Bamboo Betty's; Kaitlin Lochowich, Quad Press.*

**2. CITIZENS FORUM –**

*There were no citizens present to address the Council.*

**3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*A motion was made by Councilmember Devries to approve the agenda as typewritten. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.*

**4. LETTERS AND COMMUNICATIONS:**

- A. North Metro TV – May 2015 Update
- B. Planning & Zoning Public Hearing & meeting minutes – June 9, 2015
- C. City of Blaine meeting notice – 95<sup>th</sup> & Hamline - Conditional Use Permit
- D. Public Notice – Special Lexington Council Workshop meeting – 6-11-2015
- E. Public Notice – June 13, 2015 possible quorum of Lexington City  
Council/Fire Relief in attendance of graduation party
- F. Public Notice – Park Board will meet June 7, 2015 for weeding of City  
owned flower gardens

*No discussion on Letters and Communications.*

**5. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – June 4, 2015
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13390 through 13390  
Check #'s 39633 through 39681  
Check #'s 10408 through 10425
- C. Financial Reports
  - Cash Balances
  - Fund Summary – Budget to Actual
- D. Recommendation to approve Special Event Permit for Lexington Fire Relief Association Annual 5K Flash & Dash – July 18, 2015
- E. Recommendation to approve Business License Renewals

***A motion was made by Councilmember Plasch to approve the consent agenda items. The motion was seconded by Councilmember Hughes. Motion carried unanimously 5-0.***

## **6. ACTION ITEMS:**

- A. Discuss Planning & Zoning Commission recommendation to approve  
Paster Properties Preliminary Plat.

***Doug Borglund, MSA Planning Consultant, presented the preliminary plat for the Paster Properties and Northway Mall site plan. Discussion ensued. Petracek explained the need to work with Paster Properties to develop a site agreement to address the recommendations for the preliminary plat and site plan. Discussion ensued.***

***Ken Henk, Paster Properties, was present to answer questions on their intentions for the properties. He explained that the replat of their properties and improvements to Northway Mall is a result of a need to settle the estate of Howard Paster, to market the vacant property, and to prepare for the opening of the Super Wal-Mart in Blaine on Lexington Ave. Discussion ensued.***

***A motion was made by Councilmember Hughes to approve the Paster Properties Preliminary Plat. The motion was seconded by Councilmember Devries. The motion carried unanimously 5-0.***

- B. Discuss Planning & Zoning Commission recommendation to approve  
Northway Mall Site Plan

***A motion was made by Councilmember Hughes to approve the Northway Mall Site Plan. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.***

- C. Discuss Resolution NO. 15-18 A Resolution Ordering Preparation Of Report On Improvement – South Service Drive.

*Steve Winter, City Engineer, provided an overview of Resolution No. 15-18. He explained that Paster Properties has agreed to pay 100% of South Service Drive road reconstruction through special assessments. He added that this resolution will authorize MSA Consultants to move ahead with the feasibility study on the road. The specifications for the road improvements have been included in the bidding process for Flowerfield Road. Discussion ensued.*

*A motion was made by Councilmember Plasch to approve Resolution No. 15-18 – A resolution ordering the preparation of report on improvements – South Service Drive. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.*

- D. Recommendation to approve Resolution NO. 15-16 A Resolution Authorizing A Permanent Fund Transfer

*A motion was made by Councilmember Plasch to approve Resolution No. 15-16 – A resolution authorizing a permanent fund transfer. The motion was seconded by Councilmember Hughes. Motion carried unanimously 5-0.*

- E. Recommendation to approve Resolution NO. 15-17 A Resolution Seeking To Obtain A Premises Permit From The State Of MN Alcohol And Gambling For The Centennial HS Football Booster.

*A motion was made by Councilmember Devries to approve Resolution No. 15-17 – A resolution seeking to obtain a premises permit from the State of MN Alcohol and Gambling for the Centennial HS Football Booster. The motion was seconded Councilmember Hughes. Motion carried unanimously 5-0.*

- F. Recommendation to approve Repair Request – Lovell Building.

*A motion was made by Councilmember Devries to approve a bid for a repair request for Lovell Building in the amount of \$1,964.46 to North Metro Autoglass. The motion was seconded by Councilmember Plasch. Motion carried unanimously 5-0.*

- G. Recommendation to approve Annual Entertainment License

- Bamboo Betty's
- Cowboy's Saloon

*A motion was made to by Councilmember Devries to approve the annual entertainment license for Bamboo Betty's and Cowboy's Saloon. The motion was seconded by Councilmember Plasch. Motion carried unanimously 5-0.*

- H. Liquor License Renewals/Discuss recommendation for conditions on license.

*Councilmember Devries questioned Attorney Glaser's memo to the Council on the need to obtain video surveillance via the conditions of the liquor licensing process.*



*Attorney Glaser stated it is necessary to obtain this information for solving the assaults that occur on the property and for prosecutorial reasons. He had met with Cowboy's Saloon and they have no problem with being required to provide video surveillance when requested as a condition for the annual liquor license. Discussion ensued.*

*Brandon Paul, Bamboo Betty's General Manager, explained that he is the only person who knows how to operate the video surveillance system at their establishment; it is a very complicated system to use, but he is willing to train the police department on how to use and obtain the necessary information from the system. Councilmember Payment stated that this is not the first time we have had to request a video from Bamboo Betty's and did not receive it. Discussion ensued.*

*Councilmember Payment explained by providing a video protects the City & Bamboo Betty's so she is in agreement of imposing the condition of providing video surveillance upon request as part of the annual liquor license. Discussion ensued.*

*Mr. Paul stated that Bamboo Betty's wants to cooperate with the police department; he would like to be able to train the police department on how to use the video surveillance system to download the information they need. Councilmember Payment replied that it is not the police department's responsibility to be able to operate Bamboo Betty's equipment. Discussion ensued.*

*Mayor Kurth stated that he couldn't understand why if Bamboo Betty's wants to cooperate with the police department, then why is it that an incident that happened on April 26<sup>th</sup> and this is June 18<sup>th</sup> that the police department still has not received a video that they have requested. Discussion ensued.*

*Mr. Paul stated he did not have knowledge of the incident happening on April 26<sup>th</sup>. He was unaware that the police department had requested the video from the April 26<sup>th</sup> incident. He further explained that his Dad did not tell him. Discussion ensued.*

*Police Chief Coan addressed the Council and explained that the police department is not concerned about individual incidents, they just want Cowboy's and Bamboo Betty's to be more timely on providing videos in the future.*

*A Motion was made by Councilmember Devries to Adopt the Liquor License Renewal as stated in item 6(H) of the Agenda, with the additional conditions against Cowboy & Bamboo Bettys as contained in the Packet. The motion was seconded by Councilmember Plasch. Motion carried unanimously 5-0.*

## **7. MAYOR AND COUNCIL INPUT**

*Some discussion by the Council.*

## **8. CITY ADMINISTRATOR INPUT –**

*Petracek reminded the Council that the July 1st Council meeting is on a Wednesday evening. Discussion ensued.*

## **9. ADJOURNMENT**

*A motion was made by Councilmember Plasch to adjourn the meeting at 8:06 p.m. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.*

***Bill Petracek***  
***City Administrator***

/bp