

**AGENDA**  
**REGULAR PLANNING COMMISSION MEETING**  
**December 10, 2019 - 7:00 P.M.**  
**9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER
  - A. Roll Call: Chairperson VanderBloomer, Commissioners Bautch, Thorson, Koch and Murphy
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
  - A. Building Permits for November 2019 pg. 1-3
5. APPROVAL OF PLANNING COMMISSION MINUTES
  - B. November 12, 2019 pg. 4-5
6. DISCUSSION ITEM:
  - A. Discuss the City Council's Recommendation to have Planning and Zoning Review Lexington Lofts Plans. pg. 6
  - B. Discuss City Council's recommendation for Planning and Zoning to Review Ordinance 11.20 Subdiv. 4 – Zoning Amendments. pg. 7-10
  - C. Discuss Proposed Ordinance Changes – Outdoor Storage pg. 11-19
7. NOTE COUNCIL MINUTES:
  - A. November 7, 2019 pg. 20-25
  - B. November 21, 2019 pg. 26-28
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT



**City of Lexington**  
**Permits Issued & Fees Report - Detail by Address**

Issued Date From: 11/1/2019 To: 11/30/2019  
 Permit Type: All Property Type: All Construction Type: All  
 Include YTD: Yes Status: Not Voided

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>Permit Type: Building</b>													
Permit Kind:		Commercial New Construction											
Permit Kind:		Commercial Remodel											
Permit Kind:		Commercial Roofing											
Permit Kind:		Commercial Sign - Permanent											
Permit Kind:		Residential Demolition											
19-00133	11/07/2019	3815 MINUTEMAN LN	0			100.00		1.00					101.00
<b>Permit Kind: Residential New Construction</b>													
Permit Kind:		Residential Remodel											
Permit Kind:		Residential Repair											
Permit Kind:		Residential Roofing											
19-00137	11/12/2019	9127 DUNLAP AVE	0		8,000.00	145.00		1.00					146.00
19-00136	11/13/2019	8925 PASCAL AVE	0		14,000.00	145.00		1.00					146.00
19-00138	11/14/2019	9313 RYAN PL	0		12,000.00	145.00		1.00					146.00
<b>Permit Kind: Residential Siding</b>													
<b>Permit Type: Building - Totals</b>													
Period	4	0			34,000.00	535.00		4.00					539.00
YTD	74	0			1,152,376.01	17,711.04	6,169.19	383.70		1	2,485.00		27,177.93

**Permit Type: Mechanical**

Permit Kind:		Commercial HVAC											
19-00140	11/20/2019	4140 WOODLAND RD	0		2,800.00	56.00		1.40					57.40
Permit Kind:		Commercial New Construction											

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>Permit Type: Mechanical</b>													
<b>Permit Kind: Commercial Remodel</b>													
9-00134	11/06/2019	8741 GRIGGS AVE	0	0		40.00		1.00					41.00
<b>Permit Kind: Residential HVAC</b>													
9-00132	11/04/2019	8840 SYNDICATE AVE	0	0		40.00		1.00					41.00
<b>Permit Kind: Residential Remodel</b>													
<b>Permit Type: Mechanical - Totals</b>													
	Period		3	0	2,800.00	136.00		3.40					139.40
	YTD		24	0	2,076,740.00	42,362.80	26,966.42	961.09					70,290.31
<b>Permit Type: Other</b>													
<b>Permit Kind: Residential Roofing</b>													
<b>Permit Type: Other - Totals</b>													
	Period		0										
	YTD		2	0		290.00		2.00					292.00
<b>Permit Type: Plumbing</b>													
<b>Permit Kind: Commercial New Construction</b>													
<b>Permit Kind: Commercial Remodel</b>													
<b>Permit Kind: Residential Interior Remodel</b>													
<b>Permit Kind: Residential Remodel</b>													
<b>Permit Kind: Residential Water Heater</b>													
<b>Permit Type: Plumbing - Totals</b>													
	Period		0										
	YTD		20	0	1,973,272.00	40,361.44	25,562.19	910.10					67,062.73



Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>Permit Type: Zoning</b>													
<b>Permit Kind: Residential Accessory Building</b>													
<b>Permit Kind: Residential Driveway</b>													
19-00135	11/06/2019	9161 DUNLAP AVE		0		60.00							60.00
<b>Permit Kind: Residential Fence/Wall &lt; 6 FT</b>													
<b>Permit Type: Zoning - Totals</b>													
			Period	1	0	60.00							60.00
			YTD	15	0	900.00							900.00
<b>Report Total</b>													
			Period	8	0	731.00		7.40					738.40
			YTD	135	0	101,625.28	58,697.80	2,256.89		1	2,485.00		165,722.97

**MINUTES**  
**REGULAR PLANNING COMMISSION MEETING**  
**November 12, 2019 - 7:00 P.M.**  
**9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER

- A. Roll Call: Chairperson VanderBloomer, Commissioners Bautch, Thorson, Koch and Murphy

*Chairperson Vanderbloomer called to order the Regular Planning Commission meeting on November 12, 2019 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Also present: John Hughes, City Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney.*

2. CITIZENS FORUM

*No citizens were present to discuss items not on the agenda*

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

*Bautch made a motion to approve the agenda as typewritten. Murphy seconded the motion. Motion carried 5-0.*

4. LETTERS AND COMMUNICATION

- A. Building Permits for October 2019

*Vanderbloomer asked about the sign permit at 9005 S. Highway Drive for \$30,000. Discussion ensued.*

5. APPROVAL OF PLANNING COMMISSION MINUTES

- B. October 8, 2019

*Thorson made a motion to approve the October 8, 2019 minutes. Koch seconded the motion. Motion carried 5-0.*

6. DISCUSSION ITEM:

- A. Discuss Proposed Ordinance Changes – Outdoor Storage

*Attorney Glaser addressed the comments received from Building Official Ron Wasmund on the proposed ordinance changes for outdoor storage. Glaser stated that Mr. Wasmund's comments were very insightful to the enforcement of the ordinance. Discussion ensued.*

*The Commission discussed Mr. Wasmund's question about the 1-ton capacity for pick-ups under Section 11.60 Subd. 12 Exterior Storage and his suggestion for language. Vanderbloomer suggested incorporating the building official's language on 1-ton trucks into the proposed ordinance. Discussion ensued.*

*The Commission discussed Wasmund's comments about adding language regarding "tiny houses" as a manufactured home under Section 15.102 Subd. 1 (A) Recreational Vehicles.*

*Further discussion was had on the building official's suggestion on snowmobile trailer's with multiple sleds under Section 15.103 Subd. 1 (F) 3(b).*

*Murphy made a motion to recommend to the City Council to approve an ordinance amending outdoor storage based on the recommendations from Building Official Ron Wasmund and the Planning and Zoning Commission. Koch seconded the motion. Motion carried 5-0.*

B. Discuss 2020 P&Z Meeting date conflicts

- February 11, 2020 – Special Election (County Commissioner)
- August 11, 2020 General Primary Election

*The Commission discussed moving the regular P & Z meetings that conflict with 2020 election dates. The consensus of the Commission is to move the conflicting meetings to the Monday prior to the dates of February 11<sup>th</sup> and August 11<sup>th</sup>. Petracek stated he will have the new dates on the next agenda for approval.*

7. NOTE COUNCIL MINUTES:

- A. October 3, 2019
- B. October 17, 2019

*Some discussion was had on the police department union negotiations and Circle Pines Sausage Haus business license discussion that was had by the City Council.*

8. PLANNING COMMISSION INPUT

*Koch brought up a light pole at 9651 Griggs Ave that was shut off because the new property owner didn't want to pay the \$10/month to keep it on, so Connexus took the light down. She asked what could be done because the street has poor lighting since the light was taken down. Petracek explained that the City doesn't have involvement in lighting on private property and generally the energy companies use a specific formula for placement of light poles on city streets. Attorney Glaser stated that Connexus Energy will install lights on private property for \$13.00 per month fee. Discussion ensued.*

*Bautch asked about Lexington Lofts development not being approved by the City Council. Councilmember Hughes provided an explanation as to why he voted against the project. Attorney Glaser explained the need for a 4/5<sup>th</sup> vote of the Council to approve the development. Discussion ensued.*

*Bautch also asked about the progress of George's Texaco. Petracek stated that the owner has committed to having the project completed by the spring of 2020. Discussion ensued.*

*Petracek told the Commission that discussions with O'Reilly's has started up again. He added that the company has a verbal approval of their stormwater drainage system.*

9. ADJOURNMENT

*Bautch made a motion to adjourn at 7:43 p.m. Koch seconded the motion. Motion carried 5-0.*

To: Planning and Zoning Commission  
From: Bill Petracek, City Administrator  
Date: December 6, 2019  
Re: Planning and Zoning Discussion Items

---

**A. Discuss City the Council's Recommendation to have Planning and Zoning Review Lexington Lofts Plans.**

The City Council had a discussion at their November 21<sup>st</sup> workshop about the Lexington Lofts plans that were not approved. The plans were not approved due to the requirements of the Ordinance 11.20 Subdiv. 4 – Zoning Amendments that involves a 4/5<sup>th</sup> majority vote of the Council to approve a zoning request.

Following their discussion, the consensus was to vote at the December 5<sup>th</sup> meeting to send the Lexington Lofts plans back to the Planning Commission for further review, taking Councilmember Hughes- the one dissenting vote on the plans - thoughts for the project under consideration and make a new recommendation to the City Council.

The City Council voted unanimously on December 5<sup>th</sup> to send Lexington Lofts plans back to the Planning Commission for further review and recommendations. Norhart Development will be in attendance to allow for open discussion of the project.

**B. Discuss City Council's recommendation for Planning and Zoning to Review Ordinance 11.20 Subdiv. 4 – Zoning Amendments.**

The City Council would also like the Planning Commission to review Ordinance 11.20 Subdiv. 4 – Zoning Amendments regarding the 4/5<sup>th</sup> majority required to approve zoning changes, and make a recommendation to them on whether to change this requirement or not.

I have included a copy of the zoning regulation to be reviewed and an opinion from the League of Minnesota Cities regarding voting thresholds for land use ordinances that the city attorney would like you to think about in making your recommendations to the City Council on this issue.

**C. Discuss Proposed Ordinance Changes – Outdoor Storage**

Even though the Planning Commission made a recommendation to the City Council to approve the draft ordinance following your discussion at the September 8<sup>th</sup> meeting, Attorney Glaser and I were unclear on some items that were discussed. We wanted to have a follow-up discussion on some of the building official's comments that he provided on the proposed ordinance for outdoor storage.

zoning code and such amendments thereto as may, from time to time, be proposed.\*

- H. All written communications, from or through the Planning Commission will be routed through City staff. City staff will prepare minutes of Planning Commission meetings and all outgoing communications.\*

### **Subd. 3. Board of Appeals and Adjustments.**

- A. The City Council shall serve as the Board of Appeals and Adjustments. City Council Ex-officio to the Planning Commission shall serve as Chairperson of the Board of Appeals and Adjustments.
- B. Appeals to the Board of Appeals and Adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The Board of Appeals and Adjustments has the following powers with respect to the zoning ordinance:
  - 1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
  - 2) Rules for hearings before the Board of Appeals and adjustments can be found under City of Lexington Resolution 02 – 11.

### **Subd. 4. Zoning Amendments**

- A. Criteria for Granting Zoning Amendments. The Council may adopt amendments to this Chapter by a 4/5 vote relative to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City.
- B. Kinds of Amendments.
  - 1) A change in the District Boundaries.
  - 2) A change in a districts uses and regulations.
  - 3) A change in any other provisions of this Chapter.
- C. Initiation of Proceedings. Proceedings for amending this Chapter shall be initiated by at least one of the following three methods:

- 1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
- 2) By recommendation of the Planning Commission.
- 3) By action of the Council.

**D. Required Exhibits for Rezoning or District Regulations Changes.**

- 1) Abstracters property certificate showing property owners names and addresses within 350 feet of the outer boundaries of the property in question.
- 2) A boundary line survey.
- 3) A general development plan showing the potential development of the property, indicating proposed streets, buildings, drainage, and landscaping.

**E. Procedure. The procedure for a property owner to initiate a rezoning or district regulation change is:**

- 1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, obtain procedures, and an application form.
- 2) The applicant shall file the completed application form together with the required exhibits and fee with the City Clerk/Zoning Administrator. All applications for rezoning shall be received in the City Office no later than thirty (30) days prior to a Planning Commission meeting. If the City Clerk/Zoning Administrator shall determine that the application form is not complete, the City Clerk/Zoning Administrator shall, within ten (10) days of receipt of the application, send the applicant notice of the deficiency, and such notice shall state in writing the information which needs to be supplied.
- 3) The Zoning Administrator shall transmit the application and the required exhibits to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question.
- 4) The Zoning Administrator shall set the date for the public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. The Council may waive the mailed notice requirements for a City-wide amendment to this Chapter initiated by the Planning Commission or Council.



## INFORMATION MEMO

# Land Use Ordinance Mistakes

*Find and fix common land use mistakes in your city's ordinances. Avoid land use problems and claims by reviewing time limits for action, voting threshold requirements, restrictions on nonconforming uses, standards for conditional use and variances and zoning rules for manufactured homes.*

### RELEVANT LINKS:

Minn. Stat. §§ 462.357 -  
.365.

Minn. Stat. § 15.99.

LMC information memo,  
*Zoning Guide for Cities*,  
Section V-A, The 60-Day  
Rule.

## I. Basis for land use ordinances

The legal foundation for land use ordinances in Minnesota is the Municipal Planning Act, which was passed by the state Legislature in 1965 and authorizes cities to adopt land use ordinances. The Act has been amended many times over the years. The purpose of the Act is to provide municipalities with the powers and a uniform procedure for conducting and implementing municipal planning. City leaders should make sure their zoning and subdivision ordinances are consistent with the Municipal Planning Act and state and federal laws.

Cities should periodically review their zoning and subdivision ordinances to ensure they are consistent with current laws, court decisions, staff interpretations, unwritten policies (practices), comprehensive plans, and other community goals.

Consult the city attorney for any changes that may be needed. There are a few common mistakes to watch out for, discussed in the next sections.

## II. Time limits

In 1995, Minnesota joined over two dozen states in adopting an "automatic approval" statute referred to as the "60-day rule," the statute provides that a city must approve or deny a written request related to zoning within 60 days or it is deemed approved. It's important to note that the final decision must be made within those 60 days – not advisory decisions made by planning commissions or other bodies.

Some city zoning ordinances have built-in time limits for acting on requests that exceed the 60 days permitted by the 60-day rule. Timelines for conditional use ordinances or should be changed to conform to the 60-day rule.

This material is provided as general information and is not a substitute for consulting your attorney for advice concerning specific situations.

**RELEVANT LINKS:**

[Minn. Stat. § 462.357, subd. 2.](#)

### **III. Voting thresholds**

In 2001, the Legislature changed the Municipal Planning Act requirements regarding the vote of the city council necessary to adopt or amend a zoning ordinance. The prior law was that a supermajority (two-thirds) vote of the council was needed to adopt or amend a zoning ordinance.

The statute was changed so that a simple majority of the council is all that is required with one exception – a two-thirds vote of the council is required to change the zoning classification of a district from residential to either commercial or industrial.

City land use ordinance provisions that have other supermajority requirements are probably not consistent with state law and should be removed.



Memorandum

TO: Planning & Zoning Commission  
FROM: Kurt Glaser, City Attorney  
DATE: 09/10/2019  
RE: Proposed Ordinance Changes  
Outdoor Storage

**SUMMARY:** Changes to the proposed Ordinance text have been made below, the body of this memo is unchanged.

Chapter 11.02, Definitions:

**NOTE, THE TERM "OUTDOOR STORAGE" HAS BEEN REMOVED FROM THE CHAPTER 11 AND IS NOT USED ANYWHERE ELSE IN THE CODE. REFERENCES USING THE TERM "OUTDOOR STORAGE" HAVE BEEN CHANGED TO "EXTERIOR STORAGE". "OUTSIDE STORAGE" IS USED IN CHAPTER 15.**

~~"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.~~

**"Exterior Storage"** - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**SECTION 11.60. PERFORMANCE STANDARDS.**

Any item outside of a principal or accessory structure is allowable as either an Accessory Use or Conditional Use in each land use district. "Exterior storage" as set forth in Chapter 11, shall govern business and multiuse districts. "Outside storage" as set forth in Chapter 15, shall govern residential district.

**Subd. 12. Exterior Storage.**

- A. All materials and equipment shall be stored within a building or fully screened by fencing from adjacent properties and the street, except for the following: clothes lines, recreational equipment, patio furniture, patio furniture, firewood and operable and currently licensed automobiles and trucks weighing not more than one ton. *capacity*
- B. In non-residential and multiuse districts, all materials, equipment, and items shall be stored within a building or fully screened from adjacent properties and the street. The exceptions are: (1) merchandise being displayed for immediate sale; (2) materials and equipment currently being used for construction on the premises; (3) merchandise located on service station pump islands.

*double text*

*most pickups will weigh over 1 ton empty*



- C. In non-residential district, up to three commercial vehicles such as delivery and service trucks up to 12,000 pounds of gross weight may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 12,000 pounds shall require screening.

NOTE, SUBDIVISION 14 IS DELETED AND MOVED TO CHAPTER 15.

~~Subd. 14. **Parking or Storage of Motor Home or Travel Trailer.** One travel trailer, motor home, camper, or similar vehicle may be parked or stored on a residential site when used by the family residing in the dwelling on such site. Such vehicles or items shall have affixed thereto current registration or license plates as required by law and shall be stored so that same shall meet all minimum side, front and rear yard setback requirements of the residential district of this Chapter and such parking or storage shall otherwise meet all other requirements of any other City Code provision and State laws. None of such parked or stored vehicles or items shall be connected to any water or sewage disposal system on said residential property where same is so parked or stored.~~

---

## SECTION 15.102. DEFINITIONS.

**Subd. 1. Definitions.** The following definitions shall apply in the interpretation and enforcement of this Chapter.

A. **"Recreational vehicle"** – The following are considered Recreational Vehicles:

- a. Motor vehicles and trailers which include living quarters designed for temporary accommodation; or,
- b. Mobile vehicles used for recreational purposes capable of being towed or being self-propelled, including but not limited to boats, watercraft, snowmobiles, or all-terrain vehicles.
- c. A recreational vehicle does not include a manufactured home, construction trailer, or any other vehicle or trailer designed for permanent habitation as evidenced by its capability for a permanent connection to a water, sewer or electricity service.

— Do we need to identify "Tiny Houses"?

B. **"Trailer"** - an unpowered vehicle capable of being towed by another.

C. **"Fish house"** - A shelter, generally used for ice fishing or fish spearing, commonly known as an ice shelter, dark house, fish house, or wheelhouse, otherwise requiring a license from the State. These shelters include any shelter ever licensed for use when taking fish from public waters. Once any structure or shelter is licensed by the State for use as a fish house, it is thereafter designated to be a "fish house" under this definition.



### SECTION 15.103. GENERAL REQUIREMENTS.

#### Subd. 1 (F) [GOVERNING RESIDENTIAL PROPERTY]

Outside Storage. Where allowed in a zoning district, the outside storage of materials, equipment or other personal property on or adjacent to any building property shall conform to the following:

1) All materials, equipment or other personal property shall be stored within a building or fully screened by fencing from adjacent properties and the street, except for the following: clothes lines, recreational equipment, patio furniture, firewood and operable, currently licensed automobiles and trucks weighing not more than one ton, and those other exceptions defined in subsection 3 (below).

2) No commercial vehicles of over one (1) ton capacity or commercial trailers shall be parked or stored in any residential district except when loading, unloading or rendering a service. All vehicles equipped with truck parking permits shall be exempt.

3) a) The outside storage of boats, unoccupied boat trailers, unoccupied trailers with a maximum gross weight of 3,000 pounds, or fish houses is permissible in the areas defined below; and,

b) The outside storage of one recreational vehicle is permissible in the areas defined below.

*— snowmobile trailers with multiple sleds*

c) The permissible areas for outside storage are defined as:

i) Rear yard at least ten (10) feet from the rear property line; and,

ii) Side yard at least five (5) feet from the side property line.

iii) Except that anywhere in the Front yard, storage is limited to the area at least ten (10) feet from the back curb line and then only on a driveway surface.

iv) In no case shall boats, unoccupied boat trailers, unoccupied trailers with the maximum gross weight of 3,000 pounds or recreational vehicles be parked to cause a safety hazard due to poor traffic sight distance or inaccessibility to properties by emergency vehicles or persons.

v) All trailers stored pursuant to this section may not be used to store materials and equipment on or about the trailer, with the

exception that boat trailers may store a boat intended for use with the trailer. *and snowmobiles?*

4) The outside storage of boats, trailers, fish houses, and recreational vehicles defined in this subsection are:

(a) Not required to be parked, stand or operate only on a hard and dust-free surface when parked in a rear or side yard, as otherwise required by Section 11.60, subdivision 22 (H).

(b) Shall have affixed thereto current registration or license plates as required by law and shall be stored.

(c) Shall not be connected to any water or sewage disposal system.

5) The outside storage of firewood shall be restricted to the side or rear yards provided it is no closer than five (5) feet to any property line. Such wood shall be stacked in a neat, orderly, safe manner. The maximum height allowed is six (6) feet. Storage of firewood in the front yard shall be permitted for loading and unloading on temporary basis only not to exceed five (5) days.

6) For purposes of this section, materials or equipment existing outside of a building for a period greater than 24 hours shall be considered "stored." Stored materials, equipment or personal property shall not be used for human habitation.

---

**NOTE, SECTION 15.103 REQUIRES AN EXCEPTION FROM THE PARKING REQUIREMENT IN SECTION 11.60**

#### **Section 11.60 PERFORMANCE STANDARDS**

**Subd. 22. Parking. H.** Design, Maintenance, and Installation. 1) All open off-street parking areas and access to those areas shall be paved and improved with a hard and dust-free surface, *and vehicles shall park, stand or operate only on that surface.*

---



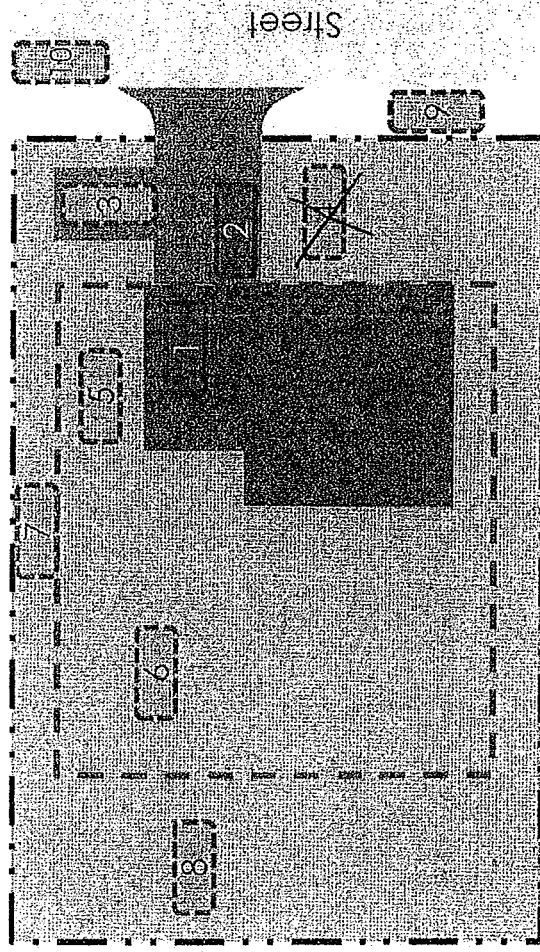
## PROPOSED STORAGE PER DISTRICT

These Accessory and Conditional Uses would be added to the existing Table of Uses.

*Imp  
or  
cup*

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1		-No RV, Trailer, or Fish House Storage on property with any commercial use -Outside, RV or Fish House Storage allowed on residential property	Outside or exterior storage on property with any commercial use
M-2		-No RV, Trailer, or Fish House Storage on property with any commercial use -Outside, RV or Fish House Storage allowed on residential property	Outside or exterior storage on property with any commercial use
B-1		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-2		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-3		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-4		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-5		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
R-1		-Allowed: Outside Storage, RV, Trailer, or Fish House Storage	
R-2		-Allowed: Outside Storage, RV, Trailer, or Fish House Storage	
R-3		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
R-4		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
R-5		-No RV, Trailer, or Fish House Storage	Outside or exterior storage

Version 09/10/2019 pending before P&Z.



# Potential Storage Locations on Residential Lots:

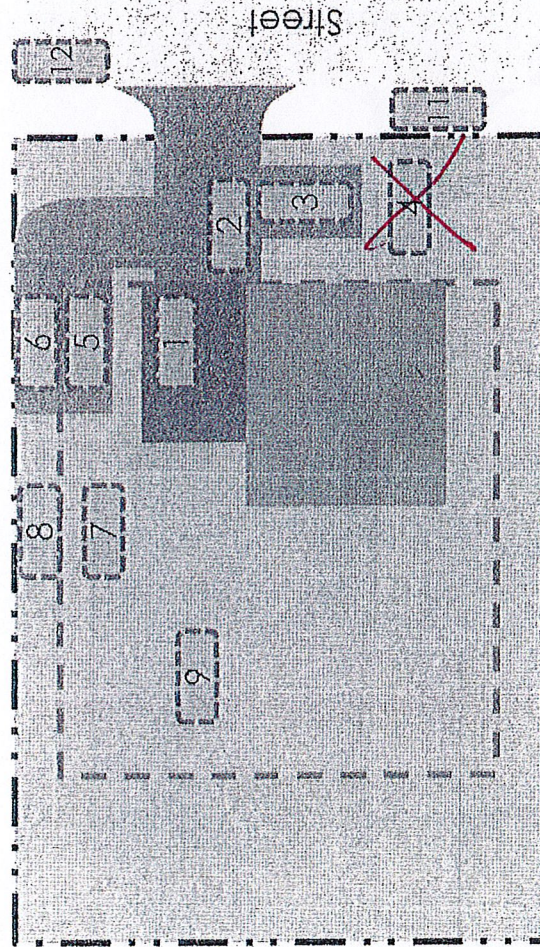
- 1) Garage
- 2) Driveway
- 3) Parking space
- 4) Front yard
- 5) Side yard
- 6) Rear yard
- 7) Side setback
- 8) Rear setback
- 9) Right-of-way
- 10) On-street parking



# Potential Vehicle Locations on Residential Lots:

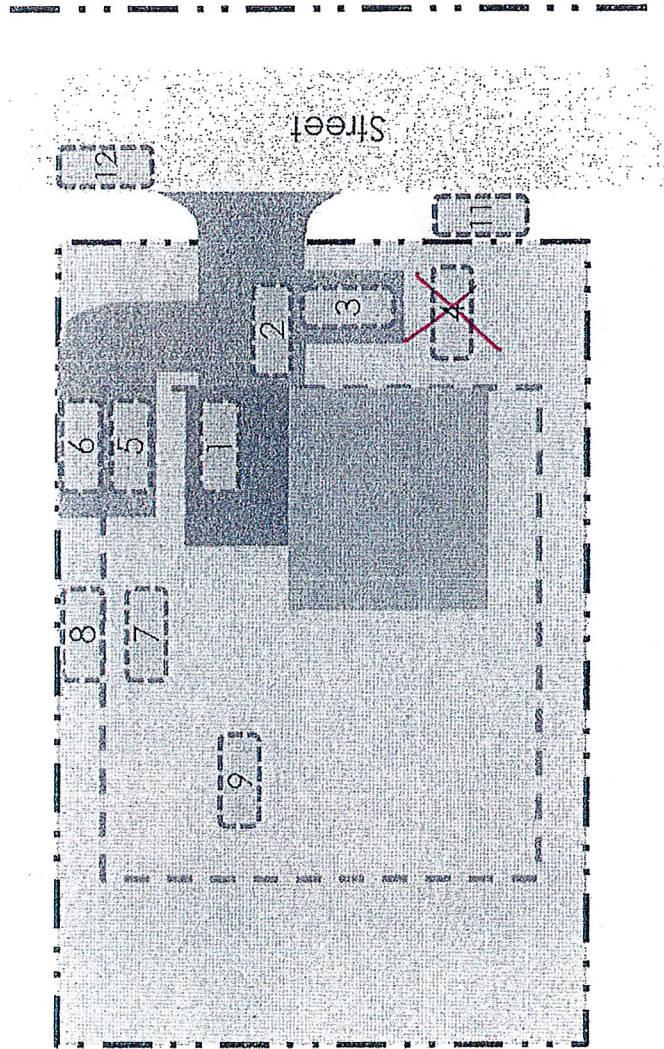
- 1) Garage
- 2) Driveway
- 3) Parking space
- 4) Front yard
- 5) Side on pavement
- 6) Side setback on pavement
- 7) Rear on yard
- 8) Side setback
- 9) Rear yard
- 10) Rear setback
- 11) Right-of-way
- 12) On-street parking

*section 16.103  
subd 1(F) 3c iii  
"Driveway only"  
in front yard*



# Potential Boat/Camper Locations on Residential Lots:

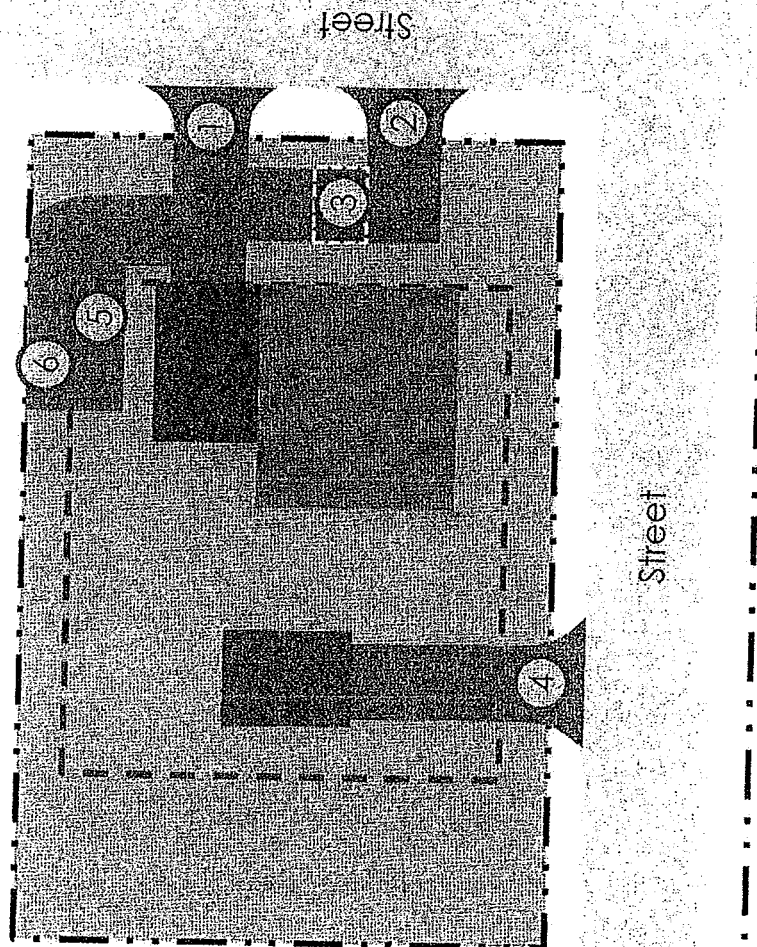
- 1) Garage
- 2) Driveway
- 3) Parking space
- 4) Front yard
- 5) Side on pavement
- 6) Side setback on pavement
- 7) Rear on yard
- 8) Side setback
- 9) Rear yard
- 10) Rear setback
- 11) Right-of-way
- 12) On-street parking





# Potential Driveway Locations on Residential Lots:

- 1) Primary driveway into garage
- 2) Second driveway/front
- 3) Drive-through connection
- 4) Second driveway/corner lot
- 5) Extension/side yard
- 6) Extension/side setback



**Unapproved minutes  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
NOVEMBER 7, 2019 – 7:00 P.M.  
9180 LEXINGTON AVENUE**

**1. CALL TO ORDER: – Mayor Murphy**

A. Roll Call - Council Members: DeVries, Harris, and Hughes

*Mayor Murphy called to order the Regular City Council meeting for November 7, 2019 at 7:00 p.m. Councilmember's present: Devries, Harris, and Hughes. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Mike Kaeding, Tyler Stadler, Marie Dickover from Norhart; Tim Harmsen, Dinkytown Rentals; Joe Hammer, Citizen; Bob Dedyne, Citizen; Kathy Dedyne, Citizen; Numerous Centennial High School students; John and Sherri Urbanski; Police Officer Matt Giese*

**2. CITIZENS FORUM**

*No citizens were present to address the council on items not on the agenda.*

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

*Councilmember Devries made a motion to approve the agenda as typewritten. Councilmember Harris seconded the motion. Motion carried 4-0.*

**4. NORHART/LEXINGTON LOFTS DEVELOPER WILL PROVIDE A PRESENTATION ON THEIR PROPOSED DEVELOPMENT AND APPLICATION FOR ZONING REQUESTS.**

*Mike Kaeding, President, Norhart, was provided a PowerPoint presentation and overview of the proposed 355-unit apartment complex – Lexington Lofts – and explained the application for zoning requests.*

*Bob Dedyne  
8780 Dunlap Ave.  
Lexington Mn.*

*Mr. Dedyne explained that these proposed apartments are inconsistent with the character of the community. Discussion ensued.*

**Tim Harmsen**  
**Owner, Ephesians Apartments**

**Mr. Harmsen asked about the types of apartments being constructed with Lexington Lofts. Discussion ensued.**

**Councilmember Harris asked about the 5-story sky lounge and if the people in the west apartment would have access to those amenities. Kaeding responded by saying that tenants in all of the buildings will have access to these amenities. Discussion ensued.**

**Kathy Dedyne**  
**8780 Dunlap Ave.**  
**Lexington, MN.**

**Ms Dedyne asked about the other developments in the community in the past 3-years. She asked why there is a big push for these developments. Discussion ensued.**

**Blake Dewberry asked what impact this development will have on the school system. Discussion ensued.**

**Joe Hammer**  
**8892 Dunlap Ave.**  
**Lexington, MN**

**Mr. Hammer asked where it goes from here? Ephesians is planning another building. Councilmember Devries explained that the apartment complexes that the Ephesians has purchased have a lot of problems with police calls. Discussion ensued.**

## **5. INFORMATIONAL REPORTS:**

- A. Airport (Mayor Murphy) – Mayor Murphy stated that the next airport meeting is in November.**
- B. Cable Commission (Mayor Murphy) – No cable commission meeting was held.**
- C. City Administrator (Bill Petracek) – Petracek asked for feedback on the new sign on Lexington and Lake Drive. Discussion ensued.**

## **6. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Reports 10-10-19 - 10-29-19**
- B. Council Workshop minutes – October 17, 2019**
- C. Minnesota Secretary of State – Notice of 2020 Presidential Nomination Primary Tuesday, March 3, 2020**
- D. Anoka County Elections – Notice of 2020 Presidential Nomination Primary**
- E. Public Notice – Closed Executive Session – November 7, 2019**

*No discussion on Letters and Communications*

**7. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – October 17, 2019
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13639 through 13642  
Check #'s 45498 through 45557  
Check #'s 12853 through 12869  
Check #'s 12870 through 12881

*Councilmember Hughes made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Motion carried 4-0.*

**8. ACTION ITEMS:**

- A. Recommendation to approve Resolution NO. 19-22 A Resolution Adopting Preliminary Plat For Lexington Lofts

*Councilmember Hughes asked about the 13' setbacks. Marie Dickover, Lexington Lofts, explained that is only on the main building. Hughes added that he is concerned about the buildings being too close to the street. Discussion ensued.*

*Councilmember Harris asked about the tree lines and screenings along the street. Tyler Stadler, Lexington Lofts, explained that they have various types of trees being planned for planting along Restwood and Griggs Ave. Discussion ensued.*

*Mayor Murphy asked about Tot Park and safe parking for the park. Discussion ensued. Murphy asked if Norhart would consider putting parking spots on the property for the park. Kaeding felt that it would affect their financing for the project negatively. Discussion ensued.*

*Councilmember Devries called for a vote.*

*Councilmember Devries made a motion to approve Resolution NO. 19-22 A Resolution Adopting Preliminary Plat for Lexington Lofts. Councilmember Harris seconded the motion. Motion carried 3-1*

- B. Recommendation to approve Ordinance NO 19-02 An Ordinance Of The City Council Of Lexington, Minnesota, Approving A Planned Unit Development For The Plat Lexington Lofts

*Councilmember Harris made a motion to approve Ordinance NO 19-02 An Ordinance Of The City Council Of Lexington, Minnesota, Approving A Planned Unit Development For The Plat Lexington Lofts. Councilmember Devries seconded the motion. Motion failed 3-1 (approval needed a 4/5th majority vote)*

- C. Recommendation to Approve Final Payment for the City Hall Security Upgrades in the amount of \$17,436.25 to Broadview Builders, Inc.

***Councilmember Harris made a motion to Approve Final Payment for the City Hall Security Upgrades in the amount of \$17,436.25 to Broadview Builders, Inc. Councilmember Hughes seconded the motion. Motion carried 4-0.***

- D. Recommendation to Approve Resolution NO. 19-21 – A Resolution Amending the Naming Of Appointees For 2019

***Councilmember Harris made a motion to approve Resolution NO. 19-21 – A Resolution Amending the Naming Of Appointees for 2019. Councilmember Hughes seconded the motion. Motion carried 3-1.***

***Mayor Murphy asked Devries why he voted against the Resolution. Councilmember Devries stated that he wanted to finish the year as the alternate for the Governing Board, and the amended Resolution does not have him in that position. Mayor Murphy asked if the vote can be reopened for discussion. Councilmember's Harris and Hughes were okay with reopening the vote for discussion. Discussion ensued.***

***Mayor Murphy stated he would like to put Devries back on as the alternate for the Police Governing Board. Petrcek stated he can have a new Resolution by tomorrow for the Mayor to be sign if the Council agrees.***

***Councilmember Hughes made a motion to approve Resolution NO. 19-21 – A Resolution Amending the Naming Of Appointees for 2019 with Councilmember Devries being appointed as the alternate for the Police Governing Board. Councilmember Harris seconded the motion. Motion carried 3-0.***

- E. First Reading of Proposed Ordinance 19-01 – An Ordinance Amending Section 3.30 – Rules and Regulation to Sewerage Service

***Petrcek explained that a community that provides a water and sewer utility generally has this type of language requiring the property owner to maintain their sewer service pipe that connects their home or business to the City's sewer main. He added that our water utility ordinance already has this requirement in the regulations and by adopting this ordinance, the sewer utility ordinance will have the same requirements. Discussion ensued.***

***Attorney Glaser read proposed ordinance 19-01. No action was taken.***

## **9. CLOSED SESSION**

*Attorney Glaser explained the need for the city council to go into closed session.*

*Councilmember Hughes made a motion to convene into closed session for the city attorney to provide a confidential update on the status of the October 14<sup>th</sup> mediation regarding Parkview Homes LLC vs. City of Lexington at 8:29 p.m. to Councilmember Devries seconded the motion. Motion carried 4-0.*

- a) Attorney-Client Privileged discussion regarding Parkview Homes LLC v. City of Lexington. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session in order for the city attorney to provide a confidential update on the status of the case following the Oct 14 mediation.

*Councilmember Harris made a motion to reconvene into open session at 8:35 p.m. Councilmember Hughes seconded the motion. Motion carried 4-0.*

Attorney-Client Privileged discussion regarding threatened litigation involving Lease Finance Group and/or First Resource Bank. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session in order for the City Council to seek and receive candid advice from legal counsel regarding litigation strategy.

*Councilmember Hughes made a motion to convene back into closed session at 8:35 p.m. to discuss threatened litigation involving Lease Finance Group and/or First Resource Bank. Councilmember Devries seconded the motion. Motion carried 4-0.*

## **10. RECONVENE FROM CLOSED SESSION**

*Councilmember Hughes made a motion to reconvene into open session at 8:58 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.*

*Councilmember Devries made a motion authorizing the City Attorney to answer and defend any legal action that may arise from the dispute involving Lease Finance Group or First Resource Bank. Councilmember Harris seconded the motion. Motion carried 4-0.*

## **11. MAYOR AND COUNCIL INPUT**

*Councilmember Harris stated that she feels that if City staff plants some shrubs, trees or plants around the new sign at Lexington Ave. and Lake Drive would be sufficient. Petracek stated that staff felt that the old signs should be installed behind the new sign. Harris stated it wouldn't look good. Petracek asked if the rest of the council thought the same.*

*The consensus of the Council was to direct the city administrator to have city staff plant some shrubs or plants behind the new sign.*

## **12. ADJOURNMENT**

*Councilmember Devries made motion to adjourn the meeting at 9:03 p.m. Councilmember Harris seconded the motion. Motion carried 4-0.*

**Minutes**  
**CITY OF LEXINGTON**  
**REGULAR COUNCIL MEETING**  
**NOVEMBER 21, 2019– 7:00 P.M.**  
**9180 LEXINGTON AVENUE**

- 1. CALL TO ORDER:** – Mayor Murphy
  - A. Roll Call - Council Members: DeVries, Harris, and Hughes

*Mayor Murphy called to order the Regular City Council meeting for November 21, 2019 at 7:00 p.m. Councilmember's present: Devries, Harris, and Hughes. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Cindy Hanson, County Commissioner Candidate; Quad Press reporter; Numerous Centennial High School students.*

**2. CITIZENS FORUM**

*No citizens were present to discuss items not on the agenda*

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

*Councilmember Devries made a motion to approve the agenda as typewritten. Councilmember Harris seconded the motion. Motion carried 4-0.*

**4. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Reports – 11-1 through 11-1-19
- B. City Report – October 2019
- C. North Metro TV – October 2019 Update
- D. Council Workshop meeting minutes- November 7, 2019
- E. Planning & Zoning meeting minutes – November 12, 2019

*No discussion on Letters and Communications*

**5. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – November 7, 2019
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13643 through 13649  
Check #'s 45558 through 45609  
Check #'s 12887 through 12901  
Check #'s 12902 through 12909  
VOID #45596



C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

***Councilmember Hughes made a motion to approve the consent agenda items. Councilmember Devries seconded the motion. Motion carried 4-0.***

**6. ACTION ITEMS:**

- A. 2nd Reading of Ordinance NO. 19-01 An Ordinance Amending  
Section 3.30 – Rules and Regulation to Sewerage Service

***Attorney Glaser provided the second reading of Ordinance NO. 19-01 An Ordinance Amending Section 3.30 – Rules and Regulation to Sewerage Service.***

- B. Recommendation to approve Ordinance NO. 19-01 An Ordinance  
Amending Section 3.30 – Rules and Regulation to Sewerage Service

***Councilmember Hughes made a motion to approve Ordinance NO. 19-01 An Ordinance Amending Section 3.30 – Rules and Regulation to Sewerage Service. Councilmember Harris seconded the motion. Motion carried 4-0.***

- C. Anoka County 2020 Agreement for Residential Recycling Program

***Councilmember Hughes made a motion to approve the Anoka County 2020 Agreement for Residential Recycling Program. Councilmember Harris seconded the motion. Motion carried 4-0.***

- D. Recommendation to approve Resolution NO. 19-23 A Resolution  
Certifying Delinquent Water and Sewer Assessments Against Benefited  
Property

***Councilmember Devries made a motion to approve Resolution NO. 19-23 A Resolution Certifying Delinquent Water and Sewer Assessments against Benefited Property. Councilmember Hughes seconded the motion. Motion carried 4-0.***

**7. MAYOR AND COUNCIL INPUT**

***Councilmember Devries asked why public works wasn't out sanding and salting following the snow we received. He added that Anoka County was out. Petracek stated that Public works has criteria they use to determine the need to sand and salt, and it probably didn't meet that criteria.***

## **8. ADMINISTRATOR INPUT**

*Petracek stated that Mayor Murphy is signed up for the newly elected official's workshop on January 24th and 25th. He added that there is an advanced version for veteran elected officials if they want some continued education on that same date for \$275.00 per person. Discussion ensued.*

*Councilmember Hughes and Harris requested to attend the advanced version of the conference, too. Petracek stated he will have staff sign them up for the conference.*

## **9. ADJOURNMENT**

*Councilmember Hughes made motion to adjourn the meeting at 7:08 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.*