

**CITY OF LAKE ELMO**  
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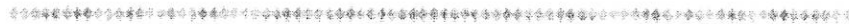
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**Lake Elmo Planning Commission**  
**SPECIAL MEETING NOTICE**  
**Tuesday, August 9, 2005, 7:00 p.m.**



**Council Chambers**  
**Lake Elmo City Hall**  
**3800 Laverne Avenue North**  
**Lake Elmo**



**AGENDA**

1. Pledge of Allegiance
2. Agenda
3. PUBLIC HEARING: Variance to Lot Size – Hardy
4. Site Plan Review – Village North Office Park
5. Recommendation – Stonegate Streets Vacations
6. City Council Update
7. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 9, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Deziel, Lyzenga, Ptacek, Schneider, Pelletier, Sedro, Fliflet and Armstrong. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston, Councilmembers Johnson, Conlin, Smith, and DeLapp.

**Agenda**

M/S/P, Ptacek/Sedro, To accept the Agenda as amended to add 5A Comp Plan. VOTE: 9:0.

**PUBLIC HEARING: Variance to Lot Size – Hardy**

The Planner introduced the variance request by David and Linda Hardy to move the Earl Friedrich farmhouse onto a lot substandard in size across the street. The existing lot of record is 17,000 square feet in size exclusive of right-of-way. The variance requested must demonstrate a hardship. The primary reason for the application is the historic nature and character of the house and the applicant's desire to see it preserved.

The Planner said that the home could be served potentially by public water. A site plan provided by the applicant indicates room for a drainfield and backup drainfield. However, no percolation tests have been performed. Should the Planning Commission choose to recommend approval, a condition for percolation tests and septic design would be necessary.

The Planner noted that there are many substandard sized lots in the city. He said he cannot find the physical hardship in this application. Staff recommends denial because the parcel is not unique and the hardship is self-created.

Commissioner Deziel asked how the applicant is creating the hardship. The Planner said the house could be moved to a lot of size. Commissioner Sedro asked if the farmhouse could be stored on a corner of the original property until a large enough lot is found. The Planner said perhaps with an escrow it could be allowed. Commissioner Fliflet asked if there are other lots in the neighborhood where it could be moved. The Planner said he did not know. Commissioner Schneider asked how this parcel got to be this small. The Planner said there are no records in city files on it. The description is in metes and bounds indicating the division may have happened a long time ago.

Commissioner Deziel asked whether the hardship on the property is that the parcel was created before the zoning ordinance took effect. He asked if this was different from the lots in Tablyn Park where variances were granted. The Planner did not recall cases where the lot was substandard but only those with setback issues.

Commissioner Fliflet asked how long it will be before torn down if the house is not moved. Tim Freeman said within two to four weeks.

Commissioner Lyzenga asked if there was a parcel available in the new development. Tim Freeman said there is none.

**Linda Hardy, Applicant**

Ms. Hardy said the new road in the FARMS will go directly through this home. The lot is 105 X 170. The homes closest are 50 to 60 feet wide. An expert confirmed the house will work on this lot. The house is 130 years old with a one hundred year certificate from the state. The developer has no place to put it. Ms. Hardy could not afford to move it elsewhere. It will cost a great deal to move and restore it. The lot where the house would be located was originally purchased from Hattie Friedrich, the matriarch of the Friedrich Family. She said the old photo depicts Anton Friedrich, the original owner of the home.

Chairman Helwig asked about percolation of the soil. Ms. Hardy replied that John Buelow of Buelow Excavating said he would have no problem with the soil, and he designs and installs septic systems. A friend who is an expert in compaction also said it was good soil for siting the house.

The Chairman opened the Public Hearing at 7:38 p.m.

**Chris Klein**

Mr. Klein lives adjacent to the lot in question. He is in the septic business and is licensed by the state. The soil seems to be sandy and very good for septic systems that last a long time and is also excellent for siting houses.

**Gloria Knoblach**

Ms. Knoblach is a neighbor, and would like to see the Friedrich house preserved. She said Lake Elmo does not have many houses built in this era. She has enjoyed looking at the house through her kitchen window. There are not many old farmhouses in Washington County.

**Tim Freeman, FFE**

Mr. Freeman represents the developer across the street. The size of the building makes it difficult to move very far due to low lying wires and canopy trees. It would be tough to move it elsewhere. The only logical place to move it is across the street or possibly across Highway 5. Who is going to take a buildable lot put this house onto it, and then restore it? It is unique to find a person to try to preserve such a house. It cannot go in their development or they would lose one buildable lot. The city has approved substandard lots in the tri-lakes area not because of historic houses but because they could be buildable.

Commissioner Armstrong said he is a long standing member of the Oakdale-Lake Elmo Historical Society. There is a record of this building in photos at Gorman's Restaurant. There are also valid reasons for preserving history. Courts find a legitimate use and function for historic use. It would be a shame to lose it. The neighbors like it. He has seen hardships not as credible as this one. He said the applicants are engaging in a labor of love for the right reasons. He would support this variance.

M/S/P, Armstrong/Schneider, to recommend approval of the variance application by the Hardys for a variance to lot size based upon the following Findings:

1. To save a farmhouse that is over 100 years old from certain destruction.
2. Historic preservation is a valid and legitimate goal of local government and a long standing pursuit of Lake Elmo.
3. Granting the variance will not negatively impact the neighborhood because the subject lot is larger than adjacent lots.

Subject to the Condition that a septic system is designed that is satisfactory to the City Engineer.

Commissioner Deziel said another consideration is the city gets credit for every house. This is a great example of in-fill housing. We are already plowing and maintaining the street in front of this lot.

Commissioner Pelletier said the city is trying to preserve our rural character, and this is the essence of preserving historic character. She asked what happens if the perc test fails. The Planner said it is up to the applicant to establish whether a conventional septic system could function on this site, a mound, or an alternative system.

Commissioner Sedro asked if houses neighboring this lot that are on very small lots were built before the code. The Planner said probably so, that most houses pre-date 1980.

Commissioner Deziel said the City Attorney clarified reasonable use as whether an application is a reasonable request. He said a residential house in a residential neighborhood is reasonable.

Commissioner Ptacek supports Commissioner Armstrong's comments. He is usually tough on variances as well but in this case of historic preservation, he would support it.

**VOTE: 9:0.**

The Chairman noted that Jim Friedrich's letter of support was not read into the record for the Hardy variance during the Public Hearing. It will be included as an attachment to the minutes.

#### **Site Plan Review – Village North Office Park**

The Planner explained this is an amendment to the 520 Site Plan for Village North Office Park to construct an office structure just north of City Hall. A previous site plan was approved but the amendment the applicants are reconfiguring the site, not the building, to reflect new urbanism that provides for a friendlier pedestrian environment. The revised plan moves the structure further forward toward the street. This will also increase the size of the site. A minor subdivision had been created but this site modification will result in another action by administration for a minor subdivision. Some parking will remain in the front. Two items from the previous site plan are site lighting that should be modified to adjust heights of fixtures and to adjust foot candles consistent with code. Findings and recommendations are that the site plan complies with GB design standards even as modified, landscaping peninsulas comply, 3 conditions would be compliance with the City Engineer recommendations, a satisfactory wastewater treatment system will be a primary condition there. Originally they will have a private system but they will hook up when regional sewer arrives. VBWD compliance as is reasonable and practical as determined by the City Engineer, and site lighting plans must be modified.

#### **Tim Freeman, FFE**

The reason for adding more land to the site was to make sure the building met setbacks after being moved forward.

#### **Mark Putman, Site Designer**

Mr. Putman said they tried to move the building forward and move some parking behind it in more traditional design.

M/S/P, Ptacek/Sedro, To recommend approval of the amended Site Plan for Village North because it makes the site look better and is a more desirable plan, subject to the following Conditions from the staff report dated August 3, 2005:

1. Compliance with the recommendations of the City Engineer – specifically regarding wastewater treatment, both temporary and permanent.
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be reasonable and practical by the City Engineer.
3. Submission by the applicant of exterior lighting plans compliant with Section 1350 of the *Lake Elmo Municipal Code* prior to the issuance of a Building Permit.

**VOTE: 9:0.**

#### **RECOMMENDATION – Vacation of Streets within Stonegate**

*Commissioner Ptacek left the table for the discussion and vote.*

The Planner said the neighborhood of Stonegate submitted a petition to vacate the stub streets in Stonegate probably as a result of Comprehensive Planning. City Council conducted a public hearing on July 19, 2005. They asked staff to prepare a resolution of approval because the legal descriptions are complex. There are three stub streets: one is 8<sup>th</sup> Street North. Land to the west is zoned SRD3.5 which is about 8 times as dense as this neighborhood. There are no public utilities in the street now. The eastern portion of the plat is Julep Court North which ends in a cul de sac. Land to east is SRD3.5. The third street extends to the south plat boundary. The City Engineer recommendation expresses concern that the vacation is premature, and because neighborhood traffic will increase on 10<sup>th</sup> Street North. He said that Lake Elmo Planning Commission Meeting Minutes of August 9, 2005

the City Engineer said it could modify the geometrics of the cul de sac. There is a park trailway extension in the western part of the plat but it goes nowhere from that location.

M/S/P, Armstrong/Sedro, To recommend vacation of stub streets within the Stonegate neighborhood by whatever means necessary to protect existing residents in Stonegate.

VOTE: 8:1, Nay: Deziel – Wants to protect those residents but thinks this action is premature. Does not think it is in the best interest of the City to take out options.

*Commissioner Ptacek returned to the table.*

Chairman Helwig said it is in best interest of the city now. These residents are going to be subjected to a great deal and the city has promised to protect them and the lifestyles they have now. If it is done now it won't be hanging over their heads.

The Planner clarified that the park aspect will remain. If right of way is gone, the city will take back an easement for that trail and park.

### **Comprehensive Plan ~ 2030**

The Planner picked up the discussion from the August 8 public hearing meeting. Alternative language has been drafted for protective graduation for existing neighborhoods below 10<sup>th</sup> Street. Traffic results from our Comp Plan show future traffic, though part of that number is from background traffic. That map is shown as Figure 11. The Commissioner suggested to the Planner to delete that map from the Comp Plan. Delete three pages within Transportation numbered VIII-10, Paragraph 2015 Conditions, Item 2. Delete that as well. VIII-15, a similar paragraph, delete that as well. VIII-20 another similar paragraph to be deleted as well. The Planner said the city acknowledges difficult traffic situations are created over time. However, solutions suggested by the maps or paragraphs make it appear they are the only ones available. Affirmative actions could reduce background traffic. If Hwy 5 becomes turnback to the city and/or traffic calming is installed, it could discourage traffic as a result. As much as 20% could be discouraged. Some of the same measures could be applied to other routes. Page 25-VIII, Paragraph 2, references widening roads to four lanes. The Planner recommended modifying that sentence. He said he is concerned that we do not have a corner on solutions. He reminded the Commission that it was proposed last evening removing the Old Village detail map from the Land Use Plan.

M/S/P, Helwig/Armstrong, to add, remove, and modify the areas indicated:

1. Delete Map entitled, *Figure 11* from the Transportation Plan.
2. Delete numbered paragraph 2, Page VIII – 10, and modification of the preceding paragraph to correspond.
3. Delete numbered paragraph 2, Page VIII – 15, and modification of the preceding paragraph to correspond.
4. Delete numbered paragraph 2, Page VIII – 20, and modification of the preceding paragraph to correspond.
5. Modify sentence referencing widening to four lanes on Page VIII-25, Paragraph 2.
6. Remove Old Village detail map from the Land Use Plan.

VOTE: 9:0.

M/S/P, Ptacek/Sedro, To add the draft language for protective graduation of density for existing neighborhoods below 10<sup>th</sup> Street and place it under SRD3.5 in the Land Use Plan as well as in the City-wide Planning Policy under the I-94 Corridor Planning Policy.

VOTE: 9:0.

7. Add alternative draft language.

Commissioner Deziel said there seems be equal emphasis on Stonegate, Midland Meadows, and The Forest. Backyards of Midland Meadows are indicated as zoning up. The Planner said there are different circumstances but once developed below 10<sup>th</sup> Street, their backyards will be impacted. Once that occurs, the language should be applicable to those parcels as well. Adding to III-3 under 3.5 as a second paragraph.

Commissioner Ptacek asked about adding it to I-94 Freeway Planning Policy as well. II-6, policy section. The Planner said it could be added to II-7 number 7.

Commissioner Deziel asked if we have to modify the Map III-3B. SRD3.5 does not depict lots correctly on the map on page III-3B, *Future Land Use Plan*. Some are still under RAD. Commissioner Schneider asked about Schiltgen property density. The Planner said the minimum of three but some will be more than that. He said we have to demonstrate 600 units in the Old Village. We could just commit to the 600 with a broad idea of where it will be located.

THE CHAIRMAN RECESSED AT 8:31 P.M. AND RECONVENED THE MEETING AT 8:41 P.M.

M/S/P, Deziel/Helwig, to remove the Old Village Detail Map from Chapter III-5A due to errors and too much detail because the city has hired a development coordinator and four property owners have hired their own design coordinators which may modify the geography though not the unit count of 600.

VOTE: 9:0.

Commissioner Ptacek asked about the farthest east corner of the city. One property owner requested zoning up or be annexed into OPH, and he asked about the outcome. The Planner said we have seen one request to reguide and rezone which was denied for numerous reasons. Subsequently the owner petitioned to annex into OPH. Those City Councils discussed the subject and unless our Council was in favor they would not consider that favorably and it was denied. We have heard from that owner requesting higher density or intense use due to the Manning interchange. The Planning Commission discussed it during the RAD discussion. It was not approved by the City Council.

Commissioner Sedro asked for follow up on the Latin phrase meaning under protest. Commissioner Deziel said everyone is well aware of the pressure and circumstance of this plan. He said he sees no advantage putting it forward because it is unnecessarily incendiary.

M/S/P, Schneider/Deziel, To add the *Memorandum of Understanding* to the Appendix.

VOTE: 9:0

M/S/P, Armstrong/Ptacek, To amend Chapter IX-5, Section F, Parkland Classification, *Regional Park*, to strengthen the statements there saying the city opposes any additional development within the regional park reserve, and the park should retain its reserve status with only 20% of the Lake Elmo Regional Park to ever be developed.

VOTE: 9:0

M/S/F, Armstrong/Schneider, to modify the *Future Water Plan* map on page VII-11A to show only existing water system and the water system as necessary to provide water to future sewered areas and the approved improvements along Highway 5.

The Planner said the map depicts trunk watermain. The city needs to build a system sufficient in terms of pressure and bonding. We are going to interconnect our water systems if we want it to function properly. It is intended to connect the west end of the city to the water system.

Commissioner Fliflet said VII-11 Table verbiage has specifics about wells to be constructed and other things in that section. The Planner said that much of the watermain shown is north of Highway 5 other than west of Keats and north of Tri-Lakes. It is under contract or bonded already. Then the south part addresses the new development, and lining up Lake Elmo Avenue completes the loop in the system. Commissioner Schneider said he is not comfortable with locations specified by dots on the map. Commissioner Ptacek said he understands the logic but would prefer alternative motion adding verbiage about policy for existing residents. Mirror the sewer language in the Water Plan. Nobody is living there now.

Commissioner Deziel asked for clarification about whether we get to skip the five year review in 2010. The Planner said we have to review all this in five years in some manner. He said a System Statement will be coming later this year. We are not exempted from the process.

The Planner said that all that work is underway except for pumphouse number 3. Add that language into the Water Use Plan for areas where they are not forced to hook up.

Commissioner Armstrong suggested keeping the engineering schedule on page 11 and remove some of the detail on the map. Benevolence can change in the future. He said we should put the reins on it and review it in 2010.

VOTE: 2:6:1 Aye: Schneider/Armstrong. Abstain: Pelletier – Did not have enough time to review the information thoroughly.

M/S/P, Ptacek/Deziel, To add language to Chapter VII Water Supply reiterating similarly what was said in Chapter II-6 for sewer: add that assurance that residents who do not want to hook up and don't need to hook up will not have to hook up to water (or sewer). In the Policy Statement, add it to Chapter VII, and not just under *I-94 Freeway Corridor*.

VOTE: 9:0

M/S/P, Schneider/Armstrong, To modify the *Future Water Plan* map so that any water lines not already planned and bonded for should be shown in a different color with an explanation in the Legend that those lines are potential future water lines.

VOTE: 9:0.

The Planner will double-check with the water supply engineer to be sure we can turn it around in time.

M/S/P, Armstrong/Sedro, To modify the Acknowledgment page of the Comprehensive Plan to say:

Public Hearing was held at Oakland Jr. High on August 8, 2005.  
Reviewed and forwarded *sub recuso* by Planning Commission on August 9, 2005;

Reflecting that this work was done under protest.

The Mayor reminded commission that the Met Council had the authority to put us back up to 35,000 population and urban reserve. He thinks it unwise to add an inflammatory comment that accomplishes nothing and could be damaging. Commissioner Deziel said look at some of the stuff that was venting in the original plan. The Comprehensive Plan is not a good place to vent. Commissioner Armstrong said we have to respect authority of court and Met Council, changing their stance based upon phrase *sub recusa*, smiling through this process sends a message in a subdued tasteful way.

VOTE: 5:4, Nay: Deziel/Pelletier/Lyzenga/Helwig. Pelletier- firmly agrees with the motion but it is pointless to keep putting it into our document. She thinks we made our point and wants it over with.

**AMENDED & APPROVED: 09/26/05**

M/S/P, Deziel/Lyzenga, To forward the Comprehensive Plan ~ 2030 as modified to the City Council.

VOTE: 7:2, Nay: Ptacek/Schneider.

Adjourned 9:18 p.m.

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary