

AGENDA ITEM: Approval of Temporary Driveway
SUBMITTED BY: Ben Prchal, City Planner

BACKGROUND:

The City has been contacted by the property owner at 9350 31st St. because the existing access to the property has been flooded for several months and there is fear that the spring melt will continue to leave it flooded. The existing driveway splits two ponds and the best case scenario the waters will recede and the property owner will be able to continue use of the existing north south access onto 31st St. However, in the interim the property owner would like to install temporary access to the west over an existing outlot owned by the Farms of Lake Elmo HOA.

ISSUE BEFORE COUNCIL:

Does the City Council have an issue allowing a temporary access onto Jonquil Ave?

DETAILS AND ANALYSIS:

Since the temporary driveway will need to cross over an outlot there will be three players involved in order to get an approval. The outlot has a conservation easement over the property with the Minnesota Land Trust and the City being co-signers with the HOA being the owner of the land. The Land Trust will need to provide approval as well as the City. Staff has spoken to the Land Trust and though their approval letter is not included in the report it is certain that they will give approval of a temporary access, with conditions. Staff does not expect any of them to be unreasonable. The City should intend to uphold the Land Trust conditions but also apply some of their own. The list of conditions are outlined in the attached letter and cited below.

- A driveway permit will be required and engineering will need to see a scaled drawing of the proposed driveway as part of the permit.
- The driveway should connect to Jonquil at 90-degrees and meet the City's driveway ordinance widths and other standards.
- The curb stop located in the trail will need to be improved so that it will be protected for vehicular traffic.
- If or when the temporary driveway becomes un-necessary the property owner shall become responsible for restoring the curbing and area with the City ROW, as directed by the City.
- A culvert may be required to accommodate drainage and flow patterns. The need for a culvert shall be determined at the time the driveway permit is received by the City.
- Shall receive approval from the Minnesota Land Trust, HOA (Land Owner), and other agencies as applicable.
- Fulfill all requirements outlined in the approval letter issued by the Minnesota Land Trust.
- Any revisions to the plan will require review and further approval by City Staff.



Comments from Staff:

The property owner needs the approval of the City and at this point there does not appear to be a reason not to provide approval for temporary access for the property. Staff is under the impression that since the HOA also needs to provide approval it should be left up to them to determine if the access would become a burden or a nuisance to their neighborhood.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends approval of the access onto Jonquil Ave. If removed from the consent agenda Staff is recommending the following motion

“Move to approve driveway access onto Jonquil Ave for the property addressed as 9350 31st St.”

ATTACHMENTS

- Approval Letter
- Farm of Lake Elmo Plat – Shows the property and existing easements.
- Pictures of flooded driveway



Second Driveway Agreement

This approval pertains to the property at 9350 31st St. At this time it is understood by the City that the existing driveway accessing the property is underwater and has been flooded for several months by Friedrich Pond. Daniel Ellenbecker, the current property owner, has reached out to the City to assist in obtaining a new access to the property. Currently the property is land locked, except by the existing driveway easement that runs north/south from 31st St. With the property primarily sitting within the Farms of Lake Elmo Outlot C the only reasonable access would be to the west, connecting to Jonquil Ave. There is an existing conservation easement that governs the outlot, which the new driveway will need to cross over, and with the Minnesota Land Trust and the City of Lake Elmo acting as co-signers both parties will need to provide permission. The City of Lake Elmo is glad to assist and help residents when the opportunity becomes available. With that said the City also needs to protect the interest of other residents. The City is willing to grant approval subject to the conditions outlined below:

1. A driveway permit will be required and engineering will need to see a scaled drawing of the proposed driveway as part of the permit.
2. The driveway should connect to Jonquil at 90-degrees and meet the City's driveway ordinance widths and other standards.
3. The curb stop located in the trail will need to be improved so that it will be protected for vehicular traffic.
4. If or when the temporary driveway becomes un-necessary the property owner shall become responsible for restoring the curbing and area with the City ROW, as directed by the City.
5. A culvert may be required to accommodate drainage and flow patterns. The need for a culvert shall be determined at the time the driveway permit is received by the City.
6. Shall receive approval from the Minnesota Land Trust, HOA (Land Owner), and other agencies as applicable.
7. Fulfill all requirements outlined in the approval letter issued by the Minnesota Land Trust.
8. Any revisions to the plan will require review and further approval by City Staff.

Passed and duly adopted this _____ day November, 2019 by the City Council of the City of Lake Elmo, Minnesota.

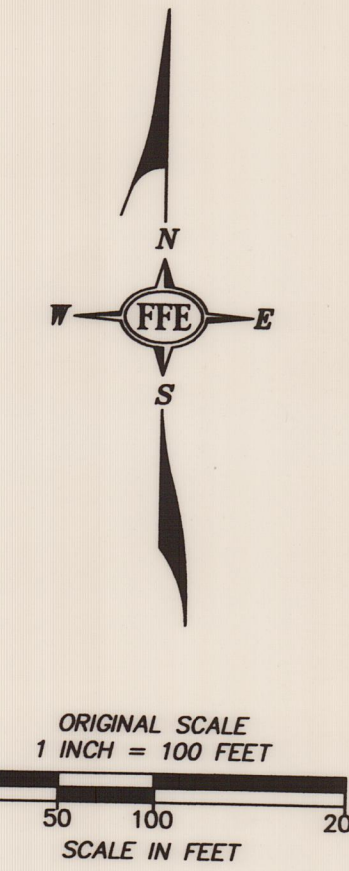
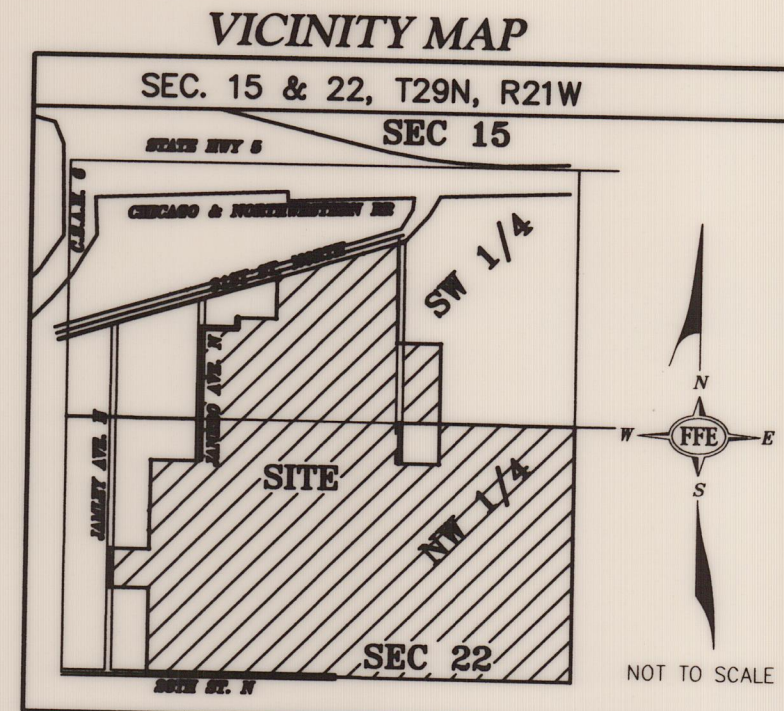
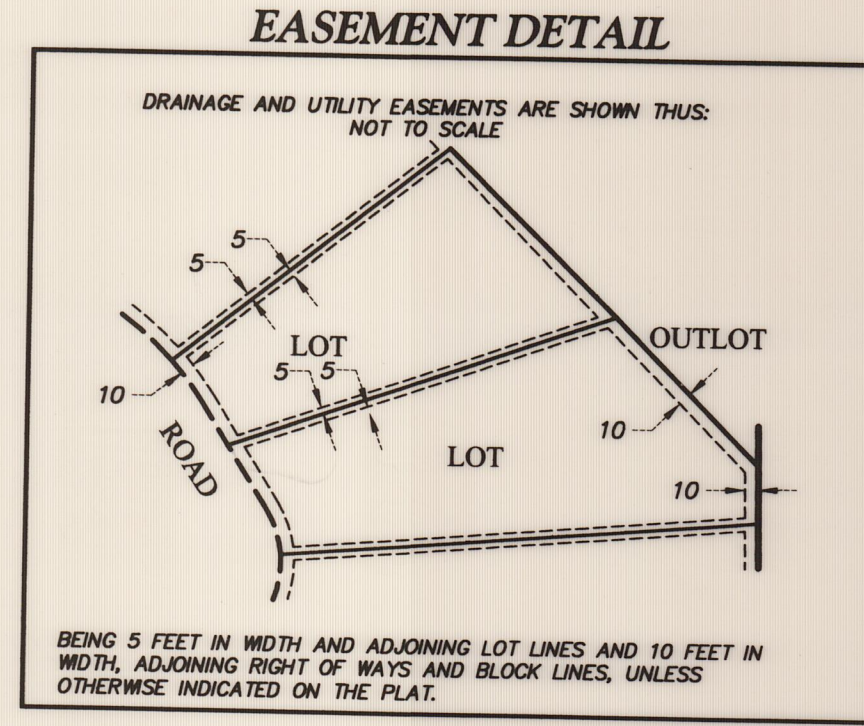
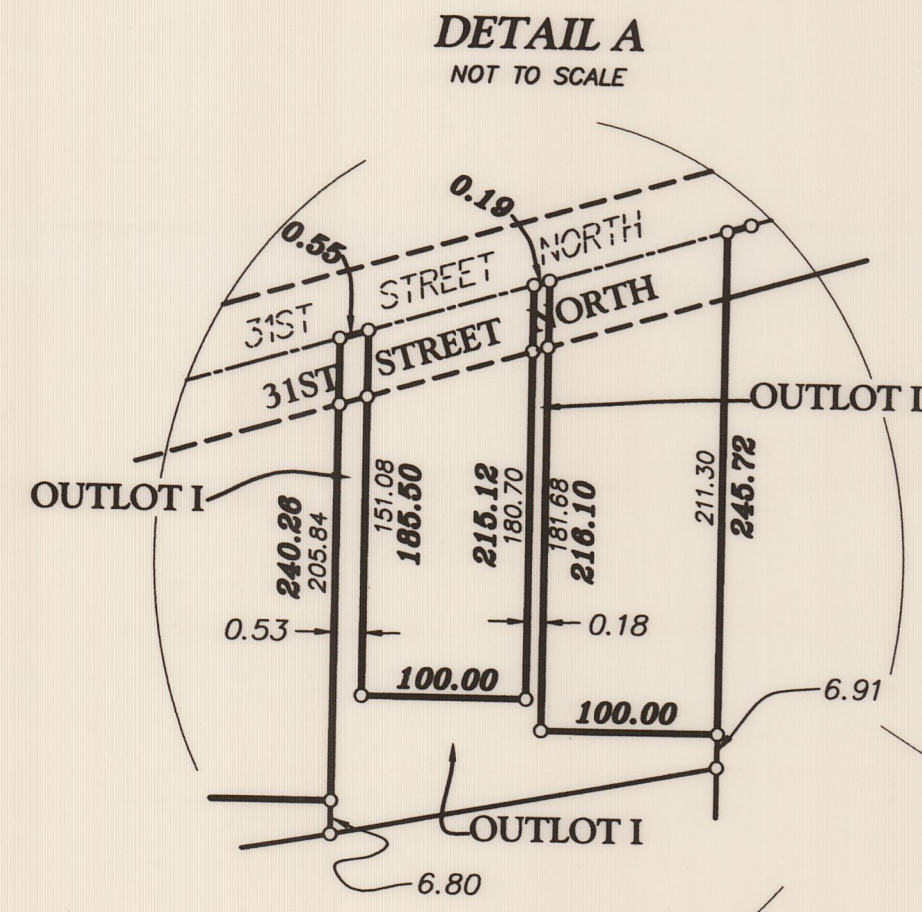
Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

FARMS OF LAKE ELMO

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WASHINGTON COUNTY
 CAST IRON MONUMENT
 AT NORTH 1/4 CORNER SEC 15

- LEGEND**
- DENOTES A SET 1/2 INCH X 18 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
 - DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- NOTES**
- 1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 15, T29N, R21W, WHICH BEARS SOUTH 89 DEGREES 54 MINUTES 29 SECONDS EAST.

