



## City of Lake Elmo

3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615  
[www.LakeElmo.Org](http://www.LakeElmo.Org)

### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, November 27, 2006, at 7:00 p.m.**

#### AGENDA

1. Pledge of Allegiance
2. Agenda Approval
3. Minutes
  - a. November 6, 2006
  - b. October 30, 2006
4. PUBLIC HEARING: Variances ~ Bennett Avenue ~ Miller
5. PUBLIC HEARING: Preliminary Plat ~ Eagle Point Business Park 7<sup>th</sup> Addition
  - a. Site Plan Review for Phase 3 Office Center
6. PUBLIC HEARING: Amend Zoning Districts and Map
7. Leave of Absence ~ Helwig
8. City Council Updates
9. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 11, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Van Zandt, Roth, Deziel, Ptacek, Pelletier, Armstrong, Lyzenga, Schneider, Fliflet, and McGinnis. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez. ALSO PRESENT: Councilmember Liz Johnson.

**Pledge of Allegiance**

**Agenda**

M/S/P, Ptacek/Armstrong to add City Council Updates and accept the Agenda as amended.  
Vote: 9:0.

**Zoning Ordinance**

Planner Dillerud explained where the Planning Commission is with regard to work on the Zoning Ordinance. More extra meetings will be necessary. Wednesdays, September 20 and October 18 were selected. A timeline was distributed by the Assistant Planner. The commission agreed 9:0.

M/S/P, Deziel/Roth, To move Swimming Pools from the Building Code to the Zoning Code.  
Vote: 9:0.

Mining was removed from the Zoning Ordinance originally because we only have existing and will not allow any additional. The Planner will ask the City Attorney about whether we should incorporate it into the new Zoning Ordinance.

M/S/P, Deziel/Fliflet to leave noise where it is now in the Code. Vote: 9:0.

The Assistant Planner resubmitted the information from the last meeting into legislative format and incorporated changes from the last meeting.

Add: "Or utility extensions," on D-4 paragraph I. 9:0.

Add "notwithstanding" meaning "in spite of" in accordance with the definition used in state statutes on D-7 A92. 9:0.

A single recreational vehicle. 9:0.

M/S/P, Armstrong/Ptacek to combine 5 and 9 into the title of recreational vehicles, boats, and trailers and combine both paragraphs because they overlap each other. Vote: 9:0.

25 feet for recreational vehicles seemed restrictive. 15 feet from right of way or from the curb or from the property line.

Boats and trailers stored anywhere but in the rear yard.

M/S/P, Ptacek/Fliflet Boats and trailers less than 25 feet in size stored in rear yard only. Everything must be stored and distance from property line more than 10 feet. Vote: 6:3  
Armstrong, Deziel, and Roth Opposed.

The Planner said the commission could recommend Code worded to allow in other yards by CUP where a rear yard is not accessible.

Maximum length 24 feet, one item, five feet from rear or side lot line. In front yard only in your driveway.

The Planner said there is a need for exceptions.

M/S/P, Armstrong/Roth add it to the work plan and move forward. Vote: 9:0.

D-8, 154.227 B Exterior Storage in All Districts

Add no vehicle may be used for SALE except seasonal sales in AG zone. First determine what you are trying to ban and then go into exceptions. No vehicle or temporary structure may be used for primary business. No business or storage shall be conducted in non-residential districts from vehicles, cargo containers, tents, trailers except those specifically permitted by permit or CUP. Get more specific.

M/S/P, Armstrong/Lyzenga To strike B under 227 and add D under 226 and direct staff to draft something to see what we are trying to ban or move it somewhere else. Vote: 9:0.

154.228 Give it more than four days. 14 days, leave it as it is (7 days), Section E in 154.227. Keep 228 just for unlicensed.

M/S/P, Armstrong/Roth Passenger vehicles and trucks which are incapable of \_\_\_\_\_, move it up to 227 E allowing fourteen days and make 228 unlicensed passenger vehicles and trucks will be allowed to remain seven days. Vote: 9:0.

154.22 Defining Junk will be moved to definitions

154.229 Bulk Storage Liquid should be only 1,000 gallons. Not broken don't fix it.

154.230 Radiation and Electrical Interference

Strike out Fall out Shelters?

154.231 Explosives

154.232 Common Open Space and Amenities. Leave it in.

### City Council Updates

The Planner said the Bergmann variance was passed and the minor subdivision will come forward. Apostolic Bible Church to amend the Comprehensive Plan back to RAD and RR. The church was not ready, and it was tabled for a full Council. Planner reported status of Village Master Plan. MPCA, Mn/DOT, county and property owners to get the plan executed meetings this next week. 2020 plan for LEAirport. Which of 3 options for future airport concept, add more hangars on east side, extending sw/ne runway 3200 feet, or extending to 3900 feet and all

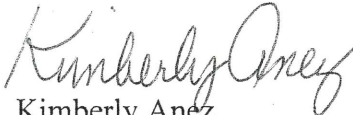
**APPROVED: 11-13-06**

options included adding onto hangars. Council opted for no growth. Xcel back to site in West Lakeland Township for Fly Ash. Environmental assessment scoping worksheet was filed. Council said to go ahead and comment. The City is still supporting our neighbors in our objections.

Administrator Rafferty presented a reminder of the Open House for the Public Works Facility. 9 to noon on Saturday. PFC Contamination Information Meeting will be held Thursday night beginning at 6 p.m. at Oak-Land Junior High.

Adjourned 8:39 p.m.

Respectfully submitted,



Kimberly Anez  
Recording Secretary

**City of Lake Elmo  
Special Planning Commission Meeting  
Minutes of November 6, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 6:32 p.m. COMMISSIONERS PRESENT: Van Zandt, Lyzenga, Fliflet, Roth (6:31), Pelletier (6:32), Armstrong (6:33), McGinnis (6:35), and Schneider (6:38), and Deziel (6:46). STAFF PRESENT: Planner Dillerud, Assistant Planner Matzek, and Recording Secretary Anez.

**Pledge of Allegiance**

**Agenda**

M/S/P, Lyzenga/Van Zandt to accept the Agenda as presented. Vote: 7:0.

**Minutes**

M/S/P, Lyzenga/Van Zandt, to accept the Minutes of October 23, 2006 as presented. Vote: 6:0:1 Abstain-Fliflet, Absence.

M/S/P, Van Zandt/Lyzenga to accept the Minutes of October 17, 2006 as presented. Vote: 5:0:2 Abstain-Fliflet/Roth, Absence.

**Zoning Ordinance**

January 16, 2007 is the date the zoning map and districts for the Comprehensive Plan must be approved by the City Council. The map is already determined by the Comprehensive Plan. Planner Dillerud said he is considering a hearing date for November 27, 2006. December 11 could be available for more work on the map and the districts if they are needed. November 18 and 20 are available for extra meetings if necessary.

Planner Dillerud said the Assistant Planner will address Accessory Buildings and some housekeeping issues tonight. Antennas will be pulled from the existing code without much change.

Assistant Planner Matzek said definitions of accessory structures will be moved into the definitions section after changes have been made.

**154.270 Accessory Building Type.** The existing text contradicts itself in some regards. For example, in one location a door fourteen feet in height is allowed, but on page 3 there is a ten foot maximum. Another issue mentioned is that the code does not decipher in which zoning district which types of accessory buildings are allowed.

*Commissioner Deziel arrived at 6:46 p.m.*

Assistant Planner Matzek explained that the table on page 3 would replace the identification of accessory structure sizes allowed. The proposed chart does not identify accessory structure sizes allowed based on zoning, but instead on lot size. The chart numbers would need to be looked at further and a column added regarding the number of accessory structures allowed. The chart came from Orono's code.

Chairman Helwig said the size of the building corresponded to the size of the lot. He suggested going just by lot size.

Commissioner Armstrong said he ran some of the numbers and according to the chart, found an average of 1.75% of the lot size was permitted for accessory structures. He suggested continuing to regulate that certain accessory structures shall not exceed the size of the primary structure. State statute does not allow cities to regulate purely agricultural buildings. He suggested a maximum square footage for accessory buildings on larger parcels.

The commission discussed tool sheds, gazebos, and pool sheds. The Assistant Planner said there should be a square footage allowable without a building permit. The commission agreed to change it to the proposed 120 square feet throughout the code.

**154.271** The commission suggested creating a general accessory definition combining 2, 3, and 4. Agriculture Farm Buildings and Tool Sheds should be left separate. The commission agreed to strike the chart on page three and instead use percentages. The commission agreed.

There is redundancy with regard to the gross floor area not exceeding size of the principal structure. Delete I and modify E to accommodate what I is trying to say. Begin with "No accessory buildings..."

Change K so it addresses multi-family uses.

**154.272 Setback and Location.** The Assistant Planner will delete added text in E. The commission agreed.

**154.278 Temporary Farm Dwelling.** The Planner recommended deleting all of this section because it is archaic. The commission agreed.

**154.290 Recreational Camping Area.** Delete it. The commission agreed.

**154.320 Setbacks.** Leave Zoning Administrator in there.

Chairman Helwig asked if cookie cutter homes could be eliminated. Commissioner Armstrong said there was an anti-monotony standard in Lane Kendig's draft zoning ordinance. The Planner will bring it to the commission.

Assistant Planner Matzek said she is still working on 60 pages of definitions for next week. She handed out 105 pages of the clean zoning text as of October 23, 2006.

The Planner said the commission will deal with three districts tonight, three business districts and a mixed use district.

**LB-Limited Business** is primarily an office district but will have some other uses.

**GB-General Business** has been the most permissive of our districts.

The Planner said he removed a lot of the septic requirements in these districts. He asked the commissioners to review the list of uses to ensure they are agreeable for the Village Area.

## **VR - Village Residential District**

The Planner said the area surrounding the existing Old Village is zoned VR. The Village Plan will provide detailed guidance for those undeveloped areas. The Planner provided a draft ordinance for the new district. Most of the minimum district requirements for VR come from the RR district requirements.

Commissioner Armstrong said he is leery of non-residential uses. Legally a CUP gives the applicant certain rights. He would like to reference the GB or LB list of uses. The commission agreed.

The Chairman adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Kimberly Anez  
Recording Secretary

**City of Lake Elmo  
Special Planning Commission Meeting  
Minutes of October 30, 2006**

Chairman Helwig called to order the special meeting of the Lake Elmo Planning Commission at 6:30 p.m. COMMISSIONERS PRESENT: Van Zandt, Lyzenga, Ptacek, Roth, Fliflet, Deziel, McGinnis (6:31), Armstrong (6:32), STAFF PRESENT: Planner Dillerud, Assistant Planner Matzek, and Recording Secretary Anez.

**Pledge of Allegiance**

**Agenda**

M/S/P, Ptacek/Lyzenga to accept the Agenda as presented. Vote: 7:0.

**Zoning Ordinance**

**154.560 B. 1. Bed and Breakfasts.**

The Commission raised a question about fire code. The commission said that 15 beds is excessive for conversion of an old farmhouse so they lowered it to six units per establishment. The commission agreed.

Alcohol sales versus complimentary alcohol were discussed.

**154.561 Residential Shelters.**

The commission questioned whether this section covers group homes. There was another question of whether it would be out of scale with the neighborhood but the Assistant Planner said a group home would have to meet underlying zoning.

The commissioners asked for this section to be set aside to see more research and look at state code.

M/S/P, Armstrong/Fliflet to save Residential Shelters for a later time after further research. Vote: 6:3, Nay: Lyzenga, Roth, Deziel.

**154.570 Manufactured Home Park.**

The Assistant Planner said that Minimum Lot Size was increased from 6,000 to 7,800 square feet and lot widths and depths were increased based on the fact that houses are getting larger today. The commission agreed. Commissioner Lyzenga said walkways should be increased to the standard size of sidewalks, 3 feet. The commission agreed.

The existing code requires off-street parking space for at least two automobiles per lot. The commission agreed to change parking standards to require three off-street parking spaces per lot.

Strike "one story or" and "whichever is least" under R. Building Height Requirements.

**154.578 Accessory Buildings.** The commission agreed to change existing code to allow two accessory structures as mentioned in the first sentence and add the word "combined" to the following phrase "maximum allowable floor area combined shall not exceed..." In C.3., strike the word "park."

**154.582 Operational Standards for Manufactured Home Park.**

Inspections Prior to Sale. The Assistant Planner said she thinks this state statute has been



repealed. Remove reference to Minnesota Statutes.

The Planner would like Street Maintenance to be removed. The commission agreed with a straw vote of 8:0:1, Abstain-Deziel.

**154.584 Inspections. B. Registration record.**

Commissioner Lyzenga objected to three words, “inspect the register.” The Planner suggested the entire paragraph could be eliminated.

M/S/P, Armstrong/Ptacek, to strike paragraph B. Registration record from 154.584 Inspections. Vote: 8:1, Nay-Fliflet.

**154.595 Election to Receive Relocation Costs.**

The commission suggested that the dollar amounts in paragraphs A and B need to be increased. Check to verify if the dollar amounts are state statute. Commissioner Lyzenga thought the amount was far too small and unrealistic. The Planners will investigate and report back to the commission.

The commission also suggested that subletting should not be allowed or there should be a rental clause. Assistant Planner Matzek will research the topic.

**154.610 Sexually Oriented Uses**

**154.612 Prohibited Uses.** The proposed text was drafted by the City Attorney originally for the City of Shoreview. The Assistant Planner said Adult Entertainment Establishments can be prohibited because of a new statute. The statute allows cities within 50 miles of an existing adult entertainment establishment to prohibit the use outright.

**154.611 Regulation of Location.** Conditional Use Permits would be required for adult establishments. A.2. There was a question of whether any location in the city would be eligible for this type of establishment.

The proposed Tree Preservation Code from Oak Park Heights was recommended by the City Forester. Commissioner Armstrong said he wants it clear that this code is only triggered with application for a new development. He proposed striking the first paragraph in 1307.020 Applicability. The commission agreed.

**FSD and SRD3.5 Draft District Standards**

The City Planner presented drafts for two new districts. Each district has a purpose statement. Permitted Uses should be changed to include Commercial Agriculture. Home Occupations is currently written as a use within the district, but this may change.

RR District Standards are very similar to those requirements in the FSD district. Lot Area should be a nominal 20 acres, not ten acres.

**SRD3.5**

There was discussion of the potential increase in density in the Old Village from the 600 new units approved to over 1,000 units. The Met Council originally said they would not allow the City to transfer units but later said the Comprehensive Plan could be altered below 10<sup>th</sup> Street to average 3 units per acre, thereby allowing the extra units to go into the Village. The city currently does not have that in writing. The Planner said the Village Area Plan is still in progress.

The purpose of SRD3.5 is to convert the FSD District to developable land when sewer becomes available. The Planner said that parcels of 40 acres or larger may develop. He said that larger initial parcels allow for the shifting of units to sufficiently buffer existing developments.

It was suggested to change the permitted use "Commercial Agriculture" to "As Permitted by the Livestock Ordinances."

The commission suggested that Conditional Use Permit uses could be difficult to address in order of determining secondary uses.

Commissioner Ptacek said the ordinance appears to be appropriate and that the city will enforce the appropriate development standards. He was relieved to reduce the density below 10<sup>th</sup> Street, and is concerned to see what that will mean for density in the Old Village.

Commissioner Armstrong said standards need to be established before the first PUD comes in and suggested 3B to limit to 5 or 10 percent of total development area.

Commissioner Lyzenga questioned why commercial was necessary at all.

After discussion it was concluded to keep the commercial text, but to make it more restrictive. The commission agreed.

Commissioner Roth expressed additional concern for existing developments. He suggested the text should read, "All structure setbacks abutting residential lots existing as of January 1, 2007, shall be no less than..." The commission agreed.

The Chairman adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Kimberly Anez  
Recording Secretary

**City of Lake Elmo  
PLANNING COMMISSION  
2007 Meeting Schedule**

December 25, 2006		<i>No Meeting, City Hall Closed</i>
January 8	Monday	<i>Annual Meeting - Election of Officers</i>
January 22	Monday	
February 12	Monday	
February 26	Monday	
March 12	Monday	
March 26	Monday	
April 9	Monday	
April 23	Monday	
May 14	Monday	
May 30	Wednesday	<i>Monday Holiday</i>
June 11	Monday	
June 25	Monday	
July 9	Monday	
July 23	Monday	
August 13	Monday	
August 27	Monday	
September 10	Monday	<i>Annual Work Plan Meeting with City Council</i>
September 24	Monday	
October 10	Wednesday	<i>Monday is Columbus Day</i>
October 22	Monday	
November 14	Wednesday	<i>Monday is Veteran's Day</i>
November 26	Monday	
December 10	Monday	
December 24		<i>No Meeting, City Hall Closed</i>

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** November 22, 2006 for the Meeting of November 27, 2006

**Applicant:** Neil and Elizabeth Miller

**Location:** Property I.D. No. 05.029.21.44.0024 and 05.029.21.44.0026

**Requested Action:** Zoning Variance for Lot Size and Road Frontage

**Land Use Plan Guiding:** NC

**Existing Zoning:** R-1 (Shoreland Overlay)

**Site History and Existing Conditions:**

The proposed variances are for two existing separate parcels. The two 18,000 square foot tax parcels are each created by a combination of 9 of the "shotgun" lots created near Lake Demontreville decades ago. Then in 1980, all of Mack Avenue and a portion of Bennett Avenue were vacated and portions of the dedicated and unimproved right-of-way were combined with the adjacent properties. A portion of the vacated Mack Avenue was combined with the northern parcel for the entire length of the property. A portion of the vacated Bennett Avenue was combined with the southern parcel for approximately 120 feet. The remaining 60 feet of Bennett Avenue which abuts the southern parcel was not vacated.

The northern parcel with the dedicated easement land is approximately 0.5 acres (21,600 square feet) in size. The southern parcel with the dedicated easement land is approximately 0.47 acres (20,400 square feet) in size. If combined, the parcel would be 0.96 acres (42,000 square feet) in size.

The relationship of the lot to a public street is unusual. The two parcels are currently landlocked with regards to a developed roadway. The lot has approximately 60 feet of street frontage along the dedicated portion of Bennett Avenue. However, this road is unimproved.

Staff has found no record of a dwelling being located on either of the two properties.

**Discussion and Analysis:**

The proposed variances are for lot size and road frontage.

*Lot Size*

As mentioned previously, if the parcels were combined, the resulting parcel would be 0.96 acres (42,000 square feet in size), which is 0.54 acres (23,340 square feet) less than the required 1.5 acres (65,340 square feet) for the R-1 Zoning District.

*Road Frontage*

The property would have approximately 60 feet of access along a dedicated, but unimproved right-of-way.

300.09 Subd. 9 Lot Width on a Public Street reads:

“All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel on a dedicated and approved public roadway to the width derived from applying the lot width requirement in each zoning district.”

*Driveway*

The applicant has written in their application submittals that at the time of their closing on the land, they were granted an easement to allow access to an existing driveway, thereby giving them access to 50<sup>th</sup> Street North.

To connect to the existing driveway, a driveway addition is proposed to be located within the dedicated and unimproved Bennett Avenue. This brings up some concern of the city's liability for allowing a private drive within a public property. Please see condition #5 below.

The Fire Chief has written a response to the application (see attachment) regarding access for safety vehicles.

*Engineer Comments*

“There are currently 2 houses using the unimproved Argyle Street / Bennett Avenue right-of-way. These were probably permitted before Lake Elmo was incorporated as a City. I do not recommend adding another house to this area without improving the street.”

“Although having 3 houses use a single unimproved street may initially be ok; the Council has seen in the past that this can become a problem when future residents need to agree on maintenance and other issues. Snowplowing would not be performed on this street as it is not improved. Again, this can become a long term safety issue.”

“The existing right-of-ways may be too small to construct a standard City street. Additional easements or right-or-way would be needed.”

“A preliminary septic system design has been submitted and appears acceptable.”

*DNR*

The DNR had no comment on the application.

**Findings and Recommendations:**

Based on the foregoing analysis staff suggest the following Findings regarding this application for variance are suggested as follow:

1. The property can not be put to reasonable use without the granting of the variance requested.
2. The variance requested results from circumstances unique to platted properties; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.
4. Granting of the variance will create a health, safety and welfare issue with regards to access of the property.

If the Commission would like to recommend approval of the variance applications, staff would suggest the following conditions be added:

Conditions:

1. The properties will be combined into a single property with an updated legal description.
2. The Warrantee Deed will need to be updated to include those vacated portions of Bennet Avenue and Mack Avenue.
3. The driveway addition added as well as the existing driveway that will be connected to shall be built with a minimum width of 14 feet. A minimum height of 14 feet above the driveway must also be cleared and maintained.
4. The city must receive a copy of the recorded grant of easement allowing the applicants to connect to an existing driveway.
5. The applicant must sign an indemnification agreement regarding that portion of the driveway which would be located on public property.
6. Any future buildings or structures built upon the property must meet applicable setbacks and other requirements within the City Code unless a variance is granted.
7. A city grading permit is required for construction of a house on this lot.

**Planning Commission Actions Requested:**

Staff would recommend denial of the application based on the concern of safe access for emergency vehicles.

Motion to recommend denial of the variance to lot size and lot width on a public street at the proposed site to create a buildable lot based on the Findings of the Planning Staff Report of November 27, 2006.

If the Commission recommends approval:

Motion to recommend approval of the variance to lot size and lot width on a public street at the proposed site to create a buildable lot based on 1, 2, and 3 of the Findings of the Planning Staff Report of November 27, 2006, and subject to the conditions outlined in the Planning Staff Report of November 27, 2006.

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Kelli Matzek, Assistant Planner

**Attachments:**

1. Location Map
2. Fire Chief Comment Email
3. Applicant's Documentation and Graphics

November 8, 2006

Variance request by Neil and Elizabeth Miller

My only concern regarding this request is adequate access for emergency vehicles. I researched the driveway code and could find no minimum standards for either width or height.

Our vehicles are 8' in width (10' with mirrors). I am recommending a minimum of 12' and preferably 14' to allow for turning and access to our cabinets with doors open. Also a minimum height of 14', which must be maintained. We may also want to consult the city engineer regarding turning radiuses for driveways to avoid sharp angles.

I would recommend a 14' width for this variance.

Sincerely,

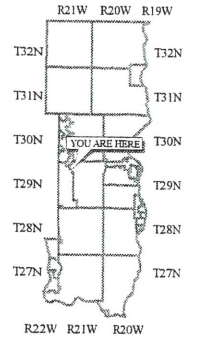


Greg Malmquist, Chief

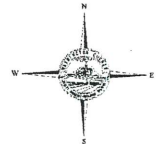
Cc: Chuck Dillerud  
Kelli Matzek  
Kim Anez

# LAKE DEMONTREVILLE

MINN DIV OF WATERS  
PROTECTED WATERS 82-101 P



Vicinity Map



0 278  
Scale in Feet

MINN DIV OF WATERS  
PROTECTED WATERS 82-101 P

BEACH ADJ LOTS 711-746  
VACATED PER DOC 131846  
8 BK 18 MACD PG 821

BEACH ADJ LOTS 711-746  
VACATED PER DOC 131846  
8 BK 18 MACD PG 821

BEACH ADJ LOTS 694-718  
VACATED PER BK 16 MISC PG 921

BEACH ADJ LOT 693  
VACATED PER DOC 437867

FORMER LAND SUBJECT TO  
REDEVELOPMENT PER  
REDEVELOPMENT PER

VACATED BEACH  
DOC 31848

VACATED MACK AVENUE  
BOOK 213 DEEDS PG 618

VACATED BENNETT AVENUE  
BOOK 213 DEEDS PG 618

VACATED BENNETT AVENUE  
DOC 52203

DEDICATED BENNETT AVENUE  
DOC 52203

50TH STREET NORTH  
ROAD CENTERLINE PER 2000 AERIAL PHOTO

50TH STREET NORTH

05-029-21-44-0024  
05-029-21-44-0026

Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.  
Source: Washington County Surveyor's Office. Phone (651) 430-6875  
Parcel data based on AS400 information



**Kelli Matzek**

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**From:** Kimberly Anez

**Sent:** Wednesday, November 22, 2006 4:17 PM

**To:** Kelli Matzek

**Subject:** Valley Branch-Bennett Avenue

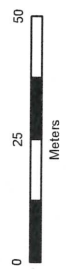
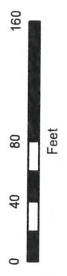
John Hanson of Valley Branch Watershed District was unable to complete his review on time. He told me has two concerns: elevation and septic due to a wetland adjacent to the Miller property. His report should be submitted in time for the meeting.

:) *Kim*

Kimberly Anez  
Sr. Program Support Assistant

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11/22/2006



*Distributed at PZ meeting on 1/27/2006.*

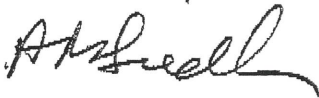
Allen R. Siedle  
7951 Hill Trail Ct.  
Lake Elmo, Minn. 55042  
25<sup>th</sup> November 2006

City Council of Lake Elmo:

I am writing you in the matter of a public hearing about Property ID numbers 05.029.21.44.0024 and 0.5.029.21.44.0026 because I will be out of town on the day and time of the hearing.

The variance request is objectionable for two reasons. The first is whether the Municipal Code means what it says; or whether it means what is convenient at the moment. The code has as reasonable bases a desire to maintain quality of lifestyle; and to avoid burdening the environment. The variances sought require so elastic a reading of the code as to defeat its purposes. Granting them would leave the city council with little principled reason not to rule similarly in similar situations where the land parcel is grossly nonconforming.

Second, the combined parcels are very near a wetland. No one has come forth with an assessment of the impact of the proposed building activity on the wetland and on the wildlife that make it their home. An evaluation of environmental impact ensuing from the variances, if granted, should be made.



*Distributed at PZ Meeting  
on November 27, 2006.*

**Fax**

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To: *City Council* From: *A.R. Siedle*  
Company: *Lake Elmo* Dept/Division:  
Location: Location:  
Fax: *651-777-9615* Phone: Fax: *651-737-2590*  
No. of pages: *1* Date/Time: *11/24/06*

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Comments:

Michael and Maura Severin  
8012 - 50<sup>th</sup> Street North  
Lake Elmo, MN 55042  
November 24, 2006

RECEIVED

11/27/2006

City of Lake Elmo

Re: Miller Variance

To Whom It May Concern:

I have lived next to the property in question for 27 years. I feel I know what is there as well as anyone.


I see no reason to deny this request for a variance. Having lived in the neighborhood for 27 years, I have seen many homes built, some on lots smaller than this.

Through the years, several attempts have been made to secure this property for the purpose of building. However, the only access to the property was on unimproved city streets that all knew well would never be improved.

Poor planning in 1926 still effects some properties in this neighborhood. This property now has good access on an existing driveway, meets lot size requirements pursuant to the 60% rule, and has perked out well for a septic system.

I see no reason to deny the current owners full use of their property. It only seems fair that if a property is assessed taxes and street improvements, that it should also be treated the same as any of the other properties in the neighborhood. Granting this variance will give the city the opportunity to vacate existing, worthless streets and clean up Denny Lanes mess from 1926.

Respectfully submitted,

  
Maura Severin

Michael and Maura Severin

*Distributed at Pz meeting  
on 11/27/2006.*

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** November 22, 2005 for the Meeting of November 27, 2006

**Applicant:** United Properties Investment, LLC

**Location:** Northwest Corner of Hudson Blvd. and Eagle Point Blvd.

**Requested Action:** Preliminary Plat and Site Plan

**Land Use Plan Guiding:** Business Park

**Existing Zoning:** BP (Business Park)

**Site History and Existing Conditions:**

The Final Plat of Eagle Point Business Park 2<sup>nd</sup> Addition, creating Outlot A was approved by the City Council on September 4, 2001. Outlot A was further divided with the plat for Eagle Point Business Park 4<sup>th</sup> Addition (City and County Credit Union).

The site of this application is the westerly 8.835 acres of Outlot A. The City had previously approved a PUD Plan encompassing the entire 120 acres of the Eagle Point Business Park, including this site. Exhibits to the PUD Plan documentation provide for allowable uses, lot specifications, master signage and related development standards. Where the PUD does not address a particular development standard, the Business Park and other related City Code standards are applicable. A proposed departure from those standards not already addressed by the PUD Plan should be processed as a PUD Plan Amendment

City water and sewer services are both available to the site.

**Discussion and Analysis:**

The applicant proposes to create two parcels from Eagle Point 2<sup>nd</sup> Outlot A with a replat, and receive approval of a Preliminary Plat and Section 520 Site Plan.

*Lot One*

The first parcel proposed is 3.773 acres in size. A site plan review was not performed as no construction is proposed for this lot at this time. The applicant anticipates an additional office building to be located on this site at some point in the future.

*Lot Two*

The second parcel proposed is 5.062 acres in size. The applicant is proposing to construct a 40,000 square foot office building on the site. The building will be a two story flat roof design, faced primarily with brick and glass. The accent materials will be architectural metal panels and are proposed to match the Phase 2 building.

After subtracting the two proposed parcels, the remaining Outlot A will be 19.490 acres in size.

*Driveway/Street*

The private driveway will match in design the public streets in the business park. The northbound access to Eagle Point boulevard will have both a right and left turn lane. There will be a center island within the driveway to promote traffic calming. Although this is not a public street, the City Engineer would recommend that some channalization and directional medians be added to better insure that drivers are not confused as they travel through the roundabout.

### *Drainage*

The applicant shall receive SWWD approval for this project prior to approval by the City. The proposed development is in keeping with the overall site grading and drainage plan for this subdivision. Some SWWD standards have changed since this area was first proposed. The developer is complying with these revised rules by adding infiltration areas as part of the storm sewer system.

DNR approval is also needed for work within the protected waters.

### *Sanitary Sewer.*

This building will be served by municipal sewer previously install by the developer. A private 8-inch sanitary sewer service will be extended from the public sewer to the building. Connection to the City infrastructure shall be inspected by the City Engineer.

### *Watermain*

An 8-inch watermain will be extended to the building from the public watermain along Inwood Avenue. The Fire Chief should review and approve hydrant placement around the building. A marker sign is required at all valves not in the street.

The private watermain shall be designed so that that it can be looped back to a public watermain when Lot 1 is developed.

### *Easements*

The drainage easement along the east property line should be enlarged to encompass the stream and the existing pond.

### *DNR Review*

The DNR has reviewed the materials for the Eagle Point Business Park 7<sup>th</sup> Addition. There is disagreement between the applicant and the DNR on the setbacks from the watercourse. This issue will be further researched by staff and discussed with both the applicant and the DNR in an attempt to clarify the setback location.

### *Lighting*

No exterior lighting plan has been submitted, but the developer has indicated in the cover letter that the exterior lighting will be shoebox (90 degree cutoff) style on 25 foot standards consistent with those in other developments at Eagle Point Business Park, which should comply with the City's lighting standards. A complete illumination graphic will be required to ensure at-grade foot candle compliance prior to building permit issuance.

The City Code requires 160 parking spaces. The applicant's graphics include 190 off-street parking. The PUD Plan-required 10 foot side yard parking setback is maintained on the subject site so no such demonstration is necessary.

### *Landscape Plan*

The City Forester has provided a review of the application:

"I have reviewed the landscape plan for the Eagle Point III office park, dated 10/26/06. The general concept and design are attractive and suit the site and purpose of the project. The plant list is good, consisting of hardy, attractive plants which require little maintenance. Swamp white oak is specified to be planted in several of the parking lot medians and I question whether there will be

enough rooting space in a median to accommodate a tree with such a large mature size. Japanese tree lilac would be a better choice for parking lot medians, since it is a small statured tree with good tolerance to de-icing salts. The following language should be added to the "planting detail" for trees: "Twine should be removed from the base of the trunk and the top of the burlap should be removed or folded back into the planting hole before the root ball is covered with soil. Also, the top rungs of any wire basket enclosing the root ball s hould be removed before back-filling". There are a total of 88 trees (73 of them deciduous, overstory trees) specified to be planted in the landscape plan...."

**Findings and Recommendations:**

Based on the foregoing, staff suggests the Commission find the proposed Site Plan and Preliminary Plat complies with the standards and requirements of the City Code and the approved Eagle Point Business Park PUD Plan; and, that the proposed Final Plat of Eagle Point Business Park 7<sup>th</sup> Addition complies with City Code platting requirements and the approved Preliminary Plat of the Eagle Point Business Park.

**Planning Commission Actions Requested:**

Motion to recommend to the City Council that the Preliminary Plat of Eagle Point Business Park 7<sup>th</sup> Addition and Section 520 Site Plan for a 40,000 square foot office building on Lot 2, Block 1 of Eagle Point Business Park 7<sup>th</sup> Addition be approved subject to the following:

1. Compliance with the recommendations of the City Engineer.
2. Compliance with the recommendations of the Watershed District, as found to be reasonable and practical by the City Engineer.
3. Only parking depicted by the Site Plan located specifically on Lot 2, Block 1 Eagle Point Business Park 7<sup>th</sup> Addition is hereby approved.
4. Submission of a complete exterior lighting photometric plan demonstrating compliance with the City exterior lighting standards prior to issuance of a building permit.
5. Submission of a Letter of Credit equal to 100% of the site landscape improvements guaranteeing survival of those improvements for 2 growing seasons, as prescribed by Section 520 of the City Code.
6. Payment of Park Dedication Fees-in-Lieu \$12,133.61 (5.062X\$2,397) prior to City release of the Final Plat for recording. The Development Agreement is now structured to collect a pro rata portion of those fees with each building permit issued within the business park.

---

Kelli Matzek, Assistant Planner

**Attachments:**

1. Location Map
2. Applicant's Documentation





# EAGLE POINT BUSINESS PARK 7TH ADDITION

KNOW ALL BY THESE PRESENTS: That UNITED LAND LLC, a Minnesota limited liability company, owner and proprietor of the following described property, situated in the County of Washington, State of Minnesota to wit:

Outlot A, EAGLE POINT BUSINESS PARK 5TH ADDITION, according to the plot thereof filed of record in the office of the Registrar of Titles in and for Washington County, Minnesota.

As evidenced by Certificate of Title No. \_\_\_\_\_

Has caused the same to be surveyed and platted as EAGLE POINT BUSINESS PARK 7TH ADDITION, and does hereby donate and dedicate to the public the easements created by this plat for drainage and utility purposes only.

In witness whereof said UNITED LAND LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officers this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

UNITED LAND LLC

BY: \_\_\_\_\_ its \_\_\_\_\_ and \_\_\_\_\_ its \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ by \_\_\_\_\_ its \_\_\_\_\_ and \_\_\_\_\_ its \_\_\_\_\_ of said UNITED LAND LLC, a Minnesota limited liability company, on behalf of said company.

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

I, Mark S. Hanson, hereby certify that I have surveyed and platted the property described on this plat as EAGLE POINT BUSINESS PARK 7TH ADDITION; that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02, Subd. 1 or public highways to be designated other than as shown.

Mark S. Hanson, Land Surveyor  
Minnesota License No. 15480

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ by Mark S. Hanson, Minnesota License No. 15480.

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

This plat of EAGLE POINT BUSINESS PARK 7TH ADDITION was approved by the City Council of the City of Lake Elmo, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

SIGNED: \_\_\_\_\_  
Mayor

SIGNED: \_\_\_\_\_  
City Administrator

Pursuant to Chapter 820, Laws of Minnesota, 1971, this plat has been approved this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

BY: \_\_\_\_\_  
Washington County Surveyor

BY: \_\_\_\_\_  
Deputy

There are no delinquent taxes, the current taxes due and payable for the year 200\_\_ have been paid, and transfer has been entered this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

BY: \_\_\_\_\_  
Washington County Auditor/Treasurer

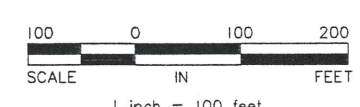
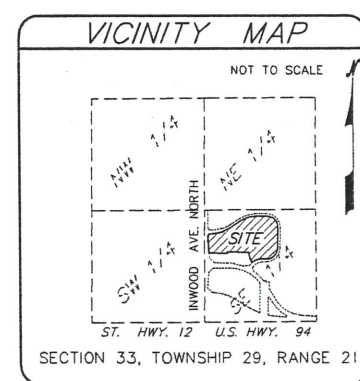
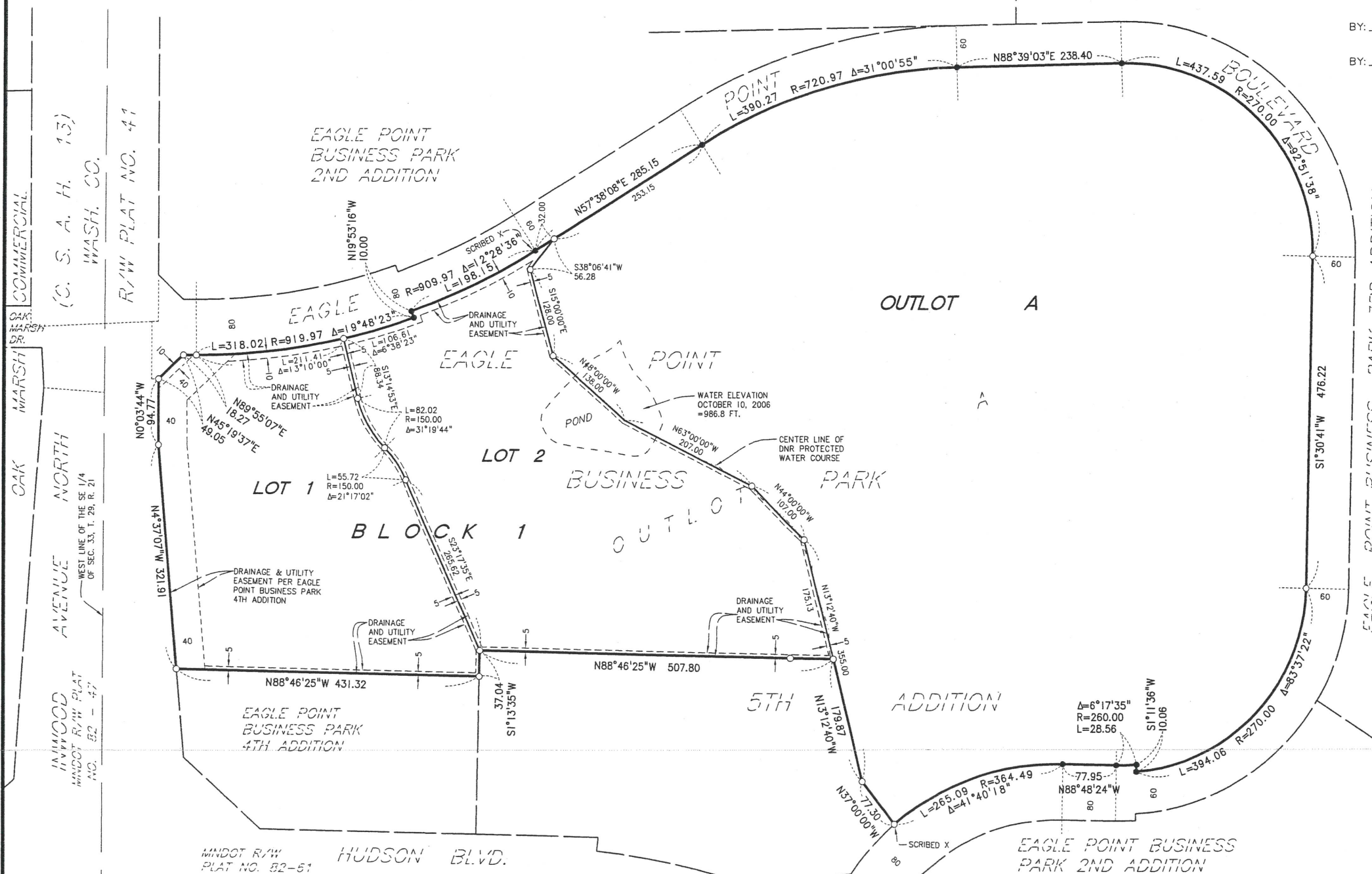
BY: \_\_\_\_\_  
Deputy

Document Number \_\_\_\_\_

I hereby certify that this instrument was recorded in the Office of the Registrar of Titles for record on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M., and was duly recorded in Washington County Records.

BY: \_\_\_\_\_  
Washington County Registrar of Titles

BY: \_\_\_\_\_  
Deputy



○ Denotes, 1/2 inch by 16 inch iron pipe with plastic cap inscribed RLS 15480, unless otherwise noted.

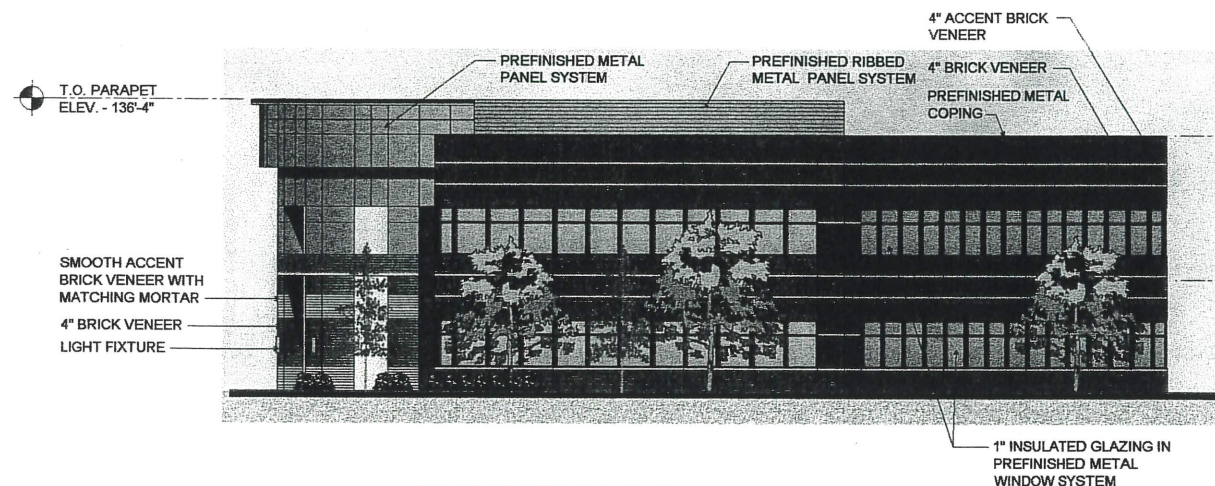
● Denotes found, 1/2 inch by 16 inch iron pipe with plastic cap inscribed RLS 16456, unless otherwise noted.

Orientation of this bearing system is based on the Washington County Coordinate system. (NAD83)

BENCH MARK:  
Railroad spike in south face of 3rd set of double power poles east of Inwood Avenue North. Elevation = 1012.65 feet (N.G.V.D. 1929)

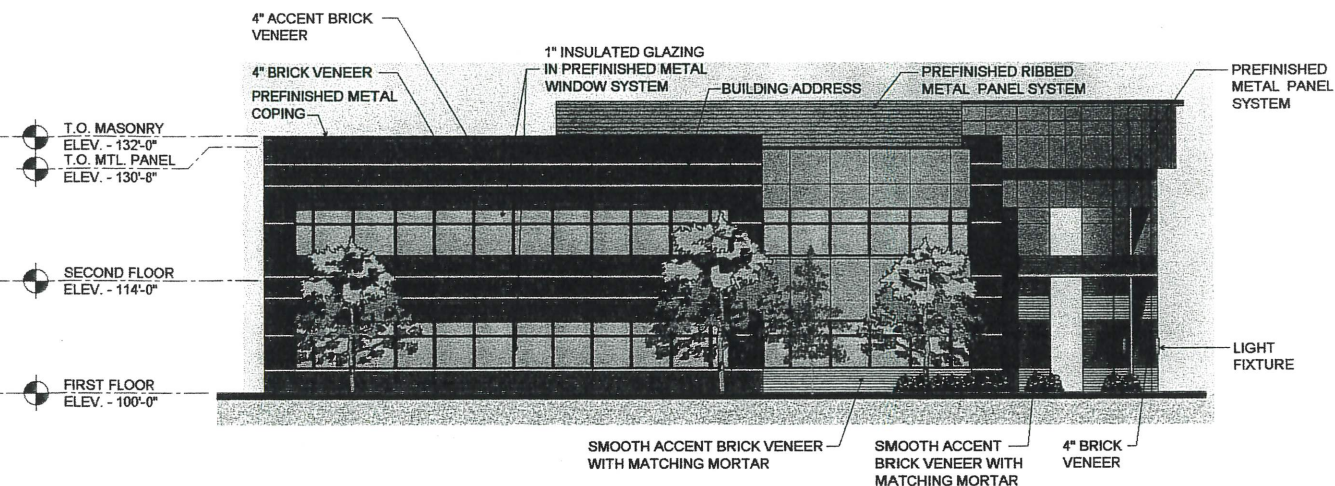
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OCT 27 2009  
file copy

**Sunde Land Surveying, LLC.**



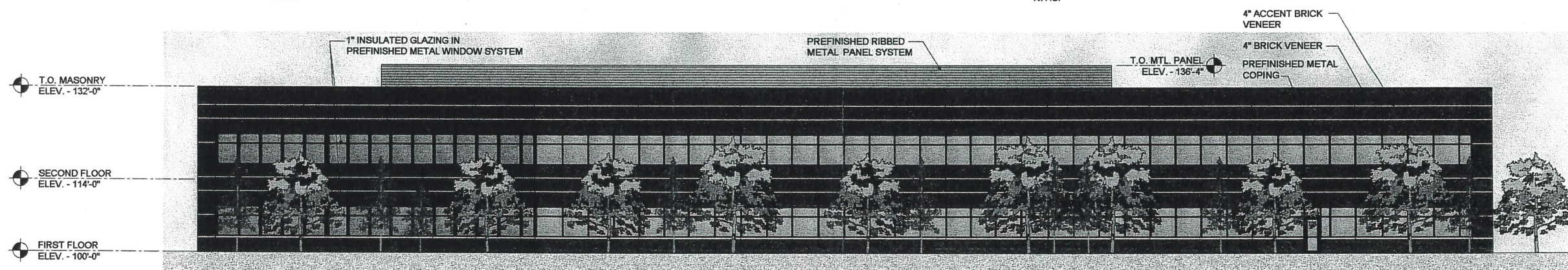
EAST EXTERIOR ELEVATION

N.T.S.



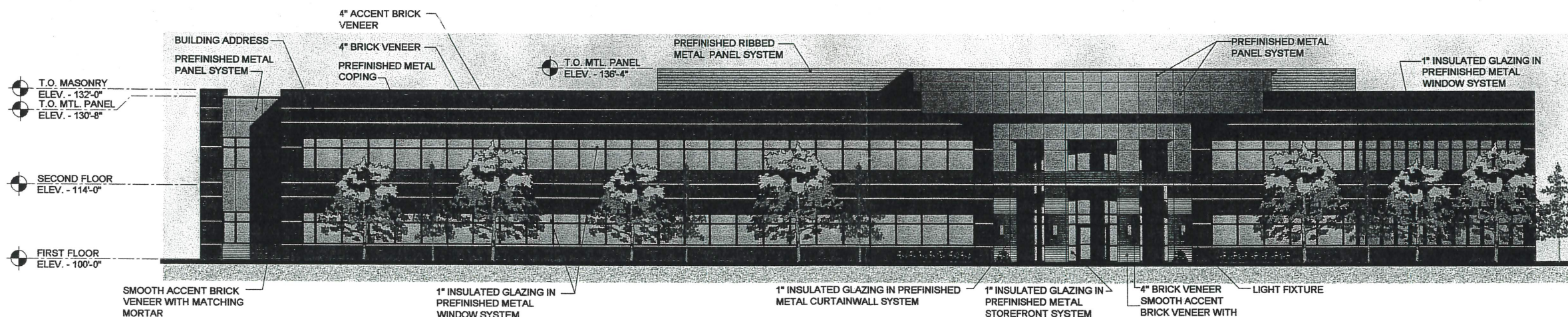
WEST EXTERIOR ELEVATION

N.T.S.



NORTH EXTERIOR ELEVATION

N.T.S.



SOUTH EXTERIOR ELEVATION

N.T.S.

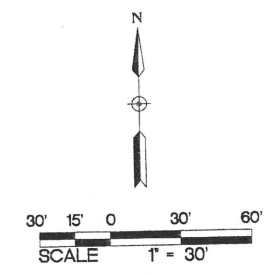
RECEIVED  
OCT 27 2006

*file copy*

206061 October 27, 2006



1 GEOMETRIC AND PAVING PLAN  
1" = 30'



PROPOSED PLAN SYMBOLS		ABBREVIATIONS	
PROPERTY LINE	---	BLDG	Building
IRRIGATION SLEEVE	---	BM	Bench Mark
LIGHT DUTY BITUMINOUS PAVEMENT	[Pattern]	CONC	Concrete
HEAVY DUTY BITUMINOUS PAVEMENT	[Pattern]	EX	Existing
CONCRETE SIDEWALK	[Pattern]	FFE	First Floor Elevation
PARKING LOT STALL COUNT	(C)	R	Radius
HANDICAP STALL	[Symbol]	SF	Square Foot
PEDESTRIAN CURB RAMP	[Symbol]	SP	Surface Parking
HANDICAP PARKING SIGN	[Symbol]	TYP.	Typical
RETAINING WALL	---		

- GENERAL NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
  2. ALL PRIVATE CURB AND GUTTER IS TO BE B612 CONCRETE CURB AND GUTTER UNLESS NOTED OTHERWISE.
  3. NO SIDEWALK IS TO HAVE MORE THAN A 2% CROSS SLOPE OR MORE THAN A SIX LONGITUDINAL SLOPE.
  4. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR PROPOSED BUILDING LAYOUT.
  5. FOLLOW ALL CITY OF LAKE ELMO AND WASHINGTON COUNTY RULES, REGULATIONS AND SPECIFICATIONS WHEN WORKING IN PUBLIC RIGHT OF WAY.
  6. NO PONDING OF WATER WILL BE ALLOWED WHERE NEW PAVEMENT MATCHES INTO EXISTING PAVEMENT.
  7. ALL PARKING STALLS, EXCEPT HANDICAP STALLS, ARE TO BE 9 FEET WIDE BY 18 FEET LONG.
  8. REFER TO STRUCTURAL PLANS FOR STOOD DETAILS.

PARKING COUNT:	
REGULAR PARKING STALLS:	184
HANDICAP STALLS:	6
TOTAL:	190

SETBACKS:	
BUILDING SETBACK:	10 FEET FROM PROPERTY LINE.
PARKING LOT SETBACK:	10 FEET FROM PROPERTY LINE.

PARKING CALCULATIONS:	
UPPER PARKING AREA:	22,918.6 S.F.
UPPER PARKING GREEN SPACE:	1,608.18 S.F.
GREEN SPACE RECD.:	2,201.85 S.F.
LOWER PARKING AREA:	48,434.6 S.F.
LOWER PARKING GREEN SPACE:	3,286.36 S.F.
GREEN SPACE RECD.:	4,543.48 S.F.
TOTAL PARKING AREA:	68,453.3 S.F.
TOTAL PARKING GREEN SPACE:	6,894.54 S.F.
TOTAL GREEN SPACE RECD.:	6,745.33 S.F.
	10.0%
	10.0%

- KEYED NOTES**
- KEYED NOTES ARE DENOTED BY [Symbol] ON PLAN.
1. INSTALL CONCRETE WALK PER DETAIL 8/C4.1.
  2. INSTALL LIGHT-DUTY BITUMINOUS PAVEMENT PER DETAIL 10/C4.1.
  3. INSTALL HEAVY-DUTY BITUMINOUS PAVEMENT PER DETAIL 9/C4.1.
  4. INSTALL PEDESTRIAN CURB RAMP PER DETAIL 4/C4.1.
  5. INSTALL TYPE B612 CONCRETE CURB AND GUTTER PER DETAIL 7/C4.1.
  6. INSTALL IRRIGATION SLEEVE PER DETAIL 11/C4.1.
  7. PROPOSED MONUMENT SIGN LOCATION. REFER TO ARCHITECTURAL PLANS.
  8. TRASH ENCLOSURE. REFER TO ARCHITECTURAL.
  9. INSTALL HANDICAP PARKING SIGN PER DETAIL 12/C4.1.
  10. INSTALL NOSE-DOWN CURB PER DETAIL 13/C4.1. REFER TO GRADING PLAN FOR GRADES AT FRONT ENTRY.
  11. INSTALL BITUMINOUS CURB PER DETAIL 10/C4.0.
  12. TRANSFORMER PAD.
  13. INSTALL CONCRETE CURB OPENING FOR STORM WATER DRAINAGE PER DETAIL 6/C4.0.

**BKBM ENGINEERS**  
 1147 Oglethorpe Blvd  
 Kansas City, MO 64111  
 Phone: (816) 843-0000  
 Fax: (816) 843-0001  
 E-Mail: bkbm@bkbm.com

**ACI BOLD**  
 ARCHITECTS PLANNERS INTERIOR DESIGNERS

1147 Oglethorpe Blvd  
 Kansas City, MO 64111  
 Phone: (816) 843-0001  
 Fax: (816) 843-0001  
 E-Mail: aci@aci-boland.com

**UNITED PROPERTIES**  
 EAGLE POINT BUSINESS PARK

**EAGLE POINT OFFICE CENTER - PHASE THREE**

Date: \_\_\_\_\_  
 BKBM Job Number: \_\_\_\_\_  
 Drawn By: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Revisions: \_\_\_\_\_  
 Number: \_\_\_\_\_ Date: \_\_\_\_\_

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**C3.0**  
 © 2008 BKBM ENGINEERS  
 GEOMETRIC AND PAVI

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** November 22, 2005 for the Meeting of November 27, 2006

**Item: Draft Zoning Districts and Draft Zoning Map**

Due to personnel issues and further notification requirements, staff requests the item be tabled to an indefinite future meeting.

Comments and discussion may still occur with both the public and the Planning Commission members.

**Planning Commission Actions Requested:**

No action is requested at this time.

---

Kelli Matzek, Assistant Planner

**Attachments:**

1. DRAFT Proposed Zoning Map (Updated)

