



## 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, February 26, 2007, at 7:00 p.m.**

### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Minutes
  - a. January 22, 2007
4. PUBLIC HEARING: Variance to Lot Width ~ 3200 Lake Elmo Avenue
  - a. Minor Subdivision – 3200 Lake Elmo Avenue
5. Government Training Services
6. 2007 Work Plan
7. City Council Updates
  - a. February 13 – Joint Workshop City Council & Planning Commission Work Session
  - b. February 20 – Septic System Variances Approved for 11225 31<sup>st</sup> St. N.
  - c. February 20 – Moratorium on Sexually Oriented Businesses
  - d. February 20 – Commercial Outdoor Social Events
  - e. February 27 - Alternative Urban Areawide Review (AUAR) Selection
  - f. March 6 – City Council presentation of Old Village Master Plan
  - g. Future meeting – Draft Park Plan
8. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 26, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Ptacek, Fliflet, Armstrong, Van Zandt, Lyzenga, Roth, Deziel, and Schneider. STAFF PRESENT: Senior Planner Gozola, Interim Administrator T. Bouthilet, and Planner Matzek.

**Pledge of Allegiance**

**Agenda**

Add 7H. Handout from Park Commission

M/S/P, Van Zandt/Deziel to accept the Agenda as amended. Vote: 8:0

**Minutes**

M/S/P, Roth/Lyzenga to accept the Minutes of January 22, 2007 as presented. Vote: 8:0.

**Variance to Lot Width - 3200 Lake Elmo Avenue**

Senior Planner Gozola introduced the application for a variance to lot width at 3200 Lake Elmo Avenue in order to create a minor subdivision on the applicant's land. A public hearing was held at the January 22, 2007 Planning Commission meeting. The application was then tabled at that meeting. The applicant's have since altered the proposed lot line to reduce the variances from two to one. Parcel F is proposed to have increased frontage along Lake Elmo Avenue. Due to the new configuration, the road frontage along 32<sup>nd</sup> Street would be the front yard and the lot width would be met at that location. The lot width at the shoreland setback on Parcel F continues to not meet the required 150 foot width.

At the previous meeting there was discussion of whether to recommend the movement of the existing driveway to access 32<sup>nd</sup> Street. Senior Planner Gozola stated that section 400.14 Subd. 8(f) of the City Code states that with a subdivision, the lots shall access onto local streets wherever possible. Staff would ask that the applicant's work with the City Engineer to relocate the existing driveway onto 32<sup>nd</sup> Street.

Senior Planner Gozola identified a number of potential vehicle accident conflict points that are possible in turning in and out of the existing driveway from Lake Elmo Avenue. By moving the driveway, three conflict points would be eliminated. He stated that the level of traffic is anticipated to increase on Lake Elmo Avenue because of the planned and guided growth. The number of average vehicles per day were presented as is shown in the City's current Comprehensive Plan.

Senior Planner Gozola stated that he would still recommend requiring the standard utility easements around the perimeter of the proposed lots. He suggested allowing a one year timeframe for the applicants to hook the homes up to city water.

The applicants are proposing two septic locations for the two proposed lots. As the Comprehensive Plan identifies this area as slated for sewer, an approval of this variance should not preclude the city, if it so chooses to do so in the future, from requiring the land owners to

hook up to the future sewer lines. There is currently no policy in place requiring existing land owners to hook up to sewer in the future.

Staff is recommending approval with the nine conditions listed in the report.

Chairman Ptacek asked for clarification on the one year timeline for hooking up to water.

Senior Planner Gozola stated it would be helpful to the City to have a timeline for homeowners to connect to the city water lines.

*Anthony Dorland, applicant's attorney*

Mr. Dorland stated that on page seven of the staff report is the listed conditions of approval. His clients are opposed to #1, 3, and 4 for the main reason that the conditions are applicable for the subdivision of unimproved land where there is not an existing water supply. That is not the case in this situation. Staff has come up with new reasons such as safety for the movement of the existing driveway. He is concerned about driving on 32<sup>nd</sup> Street because it is very narrow and may not be any safer. He stated that the requested easement would contain existing non-conforming structures which the applicant would like to keep. The applicant would be willing to grant a sewer easement. Mr. Dorland stated that the applicant already has a safe and adequate water supply. It is not necessary to shut down the existing well.

Commissioner Deziel asked Mr. Dorland what was the objection to condition #3 regarding the standard drainage easements.

Mr. Dorland said there are two legally non-conforming structures along the southern property line. If there is an easement, a utility company could say the structures need to be removed. The pillars on the existing driveway would also fall within the easement.

Planner Gozola said he would request 10 foot easements along the roadway, 20 feet along the lakeshore, and 5 feet along side property lines.

Chairman Ptacek asked if there would be protection for the existing non-conforming structures.

Gozola stated that may be an issue for the City Attorney.

*Carolyn Horttor, Co-applicant*

Ms. Horttor stated she would like to address the three recommendations the attorney addressed. She stated that 32<sup>nd</sup> Street is narrow and lined with vegetation. Currently, both 32<sup>nd</sup> Street and Lake Elmo Avenue have speed limits of 30 mph. The existing driveway has an excellent view of oncoming traffic. There is a 3 foot shoulder on Lake Elmo Avenue which also helps. She spoke with Joe Lux and Carol Hanson at Washington County regarding the proposed additional driveway. The permit is on file with the City for the proposed future driveway. She has seen more accidents on 32<sup>nd</sup> Street. The existing driveway does not cause flooding concerns.

Ms. Horttor stated that with condition #4 she does not have concerns about attaching the new home to water and sewer. However, the existing home has a deep existing well that has an excellent water source and is tested annually by the property owner.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:27 P.M.

*Constance Smith, Co-applicant*

Ms. Smith stated that a lot of people park on 32<sup>nd</sup> Street in front of the garages and it is a dangerous road.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:28 P.M.

Commissioner Deziel suggested taking the conditions piece by piece since there are a few contentious recommendations.

Chairman Ptacek asked for a straw vote to determine if the commission should look at the conditions individually. The commission agreed to look at conditions 1, 3, and 4 separately with an 8:0 vote.

Chairman Ptacek asked for clarification on condition #1.

Senior Planner Gozola stated that the County has no choice about the existing driveway as it is legally non-conforming. He said Joe Lux with the County would like the City to get rid of the existing driveway.

Commissioner Deziel recalled the applicant's statement previously that they always stop to look and therefore it may be dangerous. The City may need improvements to 32<sup>nd</sup> Street; it may be too narrow. The Senior Planner has identified good statistics for moving the existing driveway.

Commissioner Roth asked if there was any distinction between built and new subdivisions in Ch 400.

Senior Planner Gozola said there is not a distinction.

Commissioner Fliflet stated that Senior Planner Gozola made good points, but she does not think the movement would create a safer location for the driveway. It is 30 mph in this location and does not see the speed increasing. There is only one driveway access. She would not support this condition.

Chairman Ptacek asked for a straw poll for condition #1. This resulted in a tie 4:4

Commissioner Armstrong stated that condition #3 regarding the easements is pretty standard. Statutes allow the property owner to keep the existing structures. This is an important condition since utilities are going to be added in the future

Commissioner Deziel asked if the utility company could make them remove the buildings.

Commissioner Armstrong stated he did not think so, but he was not sure.

Senior Planner Gozola stated that for all practical purposes the easements would be for drainage purposes in the future. He is not sure it would be used for utilities.

Commissioner Fliflet suggested the City Attorney may have suggestions for rewording the easement to protect the homeowners regarding the existing buildings.

Chairman Ptacek asked if they were unanimous in leaving in #3. There was agreement of the Planning Commission.

Commissioner Fliflet asked if the City Code addressed developments with an existing building or if it assumed it was all raw land.

Senior Planner Gozola stated he is fairly confident in his interpretation of code.

Commissioner Armstrong stated he thought the city would not be forcing residents to hook up to utilities unless there was a health, safety and welfare issue. He would like to see condition #4 deleted.

Commissioner VanZandt said that in the tri-lakes area there is concern if they will be forced to hook up to water. That is a major concern.

Chairman Ptacek said he will differ from Commissioner Armstrong's view of condition #4. He has some concern about the contamination plume.

Commissioner Deziel said he believes this is a safe area currently for water. He agrees with Tom that as long as individual's wells continue to function, the city should not force them to hook up.

M/S/P Armstrong/Fliflet to approve striking conditions 1 and 4 from the staff report. 4:4

### **Government Training Services**

Assistant Planner Matzek encouraged the Planning Commission to attend a workshop that is offered through the Government Training Services. She requested a response by March 2<sup>nd</sup>.

### **2007 Work Plan**

Senior Planner Gozola said the commission discussed this work plan at the February 13<sup>th</sup> joint meeting with the City Council. He created the prioritized work plan from the meeting discussion. Since then, he has spoken with the Metropolitan Council representative regarding the zoning district ordinances. He confirmed with the representative that interim zoning ordinances would be appropriate for the village area and the area South of 10<sup>th</sup> Street.

Chairman Ptacek asked for any additional input on the list.

Commissioner Fliflet said she thought the first thing that needed to be done was a current zoning map.

Senior Planner Gozola said it was a general task staff was working on.

Commissioner Deziel said the items on the work plan do not have to be done concurrently, but some things can be worked on simultaneously.

M/S/P, Roth/Van Zandt motion to approve the 2007 work plan. Vote: 8:0.

### **City Council Updates**

Planner Matzek stated that a joint meeting was held on February 13<sup>th</sup> between the Planning Commission and the City Council. A work plan was created and allowed an open dialog between the commission and the City Council. At the February 20<sup>th</sup> Council meeting a septic

system variance was approved at 11225 31<sup>st</sup> St. N., a moratorium was placed on sexually oriented businesses, and commercial outdoor social events was discussed. On February 27<sup>th</sup> the consulting village planners will give a presentation on the Village Area Master Plan. At an unknown future meeting, the draft park plan will be reviewed by the Planning Commission.

**Handout from Park Commission**

Chairman Ptacek said he had received a statement on Sunfish Lake Park from Parks Chairman Steele and would like to distribute it to the commission for their information.

Mayor Johnston stated that the city has an unmet need for approximately 20 acres of play fields which are currently planned for in the village area, with a need for additional playfields by 2030. Thirty acres of land South of Sunfish Lake Park is currently being used for agriculture. One of the questions the City needs to consider is the financial implications of where the playfields would be built. It should be considered to place low intensity uses like ball fields in that 30 acres.

Adjourned at 7:59 p.m.

Respectfully submitted,



Kelli Matzek  
Planner