



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, April 9, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. March 12, 2007
4. PUBLIC HEARING: An application to allow variances to Shoreland District regulations relating to lot widths for parcels which will be created as part of a minor subdivision for the property located at 3200 Lake Elmo Avenue.
5. PUBLIC HEARING: Rezoning of all properties located south of 10th street and north of I-94 to be consistent with the recently approved comprehensive plan.
(CANCELLED)
6. PUBLIC HEARING: Rezoning of all properties located within the designated Village Area to be consistent with the recently approved comprehensive plan.
(CANCELLED)
7. City Council Updates
 - a. March 29 – 2nd Village Area Master Plan Open House
 - b. April 3 – Village Development Moratorium approved
 - c. April 3 – Ordinance 97-167 Commercial Social Outdoor Events repealed
 - d. April 3 – JP Bush Homes Variances – off-site approved; drainfield easement size denied
8. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of April 9, 2007**

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

Agenda

Commissioner Armstrong added item 7e. Discussion of Village Area Master Plan.

M/S/P, Van Zandt/Roth, to approve agenda as amended. Vote: 9:0.

Minutes

Commissioner Schneider would like to add to page 4 after the mention of amenities in the village area that Mr. Jacobson did not respond to his two financial questions.

M/S/P, Helwig/Lyzenga, to approve minutes as amended; 6:0:3 (abstain Ptacek, Pelletier, Roth)

Public Hearing: Variance; Shoreland; 3200 Lake Elmo Avenue

Senior Planner Gozola identified this as the second time this application for a minor subdivision and variance has been before the Planning Commission. At the January meeting, two variances were discussed - variances for lot width at both the road and lakeshore setback. It was tabled and the applicants came back in February and eliminated the width variance at the road setback, leaving one variance. According to the city code, the lot width must also be measured at the lakeshore, which is why it is brought back to the commission at this time. The two variances to be reviewed are the lot widths at the lakeshore and at the lakeshore setback. The only change in the staff report is the removal of the condition that the existing home must hook up to the city water system. The applicants have moved the proposed home further north to address concerns brought up by property owners to the west. The proposed lot could be created without a variance if it did not have the lakeshore. The DNR did not see any environmental issues with the application. Staff believes this additional variance request has not changed the nature of the variance request, that it is reasonable for the reasons as outlined on page two of the staff report, and recommends approval.

Commissioner Schneider asked to see the diagram showing the neighborhood. He requested confirmation that the parcel to the west of the lot was once a part of this lot.

Senior Planner Gozola confirmed that it was once part of this lot. In 1966 a variance was granted to allow that lot to be created.

Mr. Dorland, applicant's attorney

Constance Smith bought the property in 1964. When Mr. Northrup applied for an application, the Council at that time asked why the lot was not split in two. The response was that the intent was to create two additional lots for the two daughters. If this was a rectangular lot, there would not be adequate space, but the proposed lot allows room for the house and septic. The proposed house location will preserve many of the trees. Thirty-second street is not up to code for width and they would prefer the existing driveway stay on Lake Elmo Avenue. If the traffic gets worse, they can move the driveway later.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:17 P.M.

Matt Northrup, 11075 32nd St.

He has talked to Council members in the past month and they would like to see the applicants work with them to move their adjacent property line. If the lot width was altered, an additional variance would not be needed on the mother's house. In 1986, the Council was insistent with the application that the lot meets the lot area requirement.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:22 P.M.

Commissioner Helwig asked where the DNR letter was.

Mr. Northrup said he provided copies of the letter at the last meeting.

Senior Planner Gozola said he would like to address Mr. Northrup's comments. The lot line that separates Mr. Northrup's lot and 3200 Lake Elmo Avenue could be adjusted to provide a driveway location for the new lot that would remove less vegetation. However, this may require additional variances. An easement could also be created to allow a new driveway for the proposed lot through the corner of Mr. Northrup's property. Lot width, as used in the Lake Elmo code, is measured at the building setback. The building setback is defined as the building line. The applicants have adjusted the proposed lot line so that the parent lot does not require a variance.

Mr. Dorland stated that the definition of lot width is the same as it was in 1986 and the same analysis would have applied.

M/S/P, Deziel/Lyzenga to recommend approval of the requested minor subdivision and lot width variances based on the applicant's submission, the contents of the staff report, public testimony and other evidence available to the commission.

Commissioner Fliflet stated she would not be in favor of the application due to the condition that the driveway would be moved. She said she is not sure that it is a safer location.

Commissioner Armstrong said the code says the driveway should be twenty feet from the intersection. It is currently twelve feet now, so an additional eight feet would not make a big difference.

Commissioner Pelletier asked if this is the city's only opportunity to have this condition met.

Senior Planner Gozola stated that this is the opportunity. On page six of the staff report it states that this is a requirement, so if the commission would like to remove this condition, the variance criteria would need to be addressed.

The motion was approved. Vote: 5:4

Public Hearing: Rezoning of properties South of 10th

and

Public Hearing: Rezoning of properties in the Village Area

Senior Planner Gozola stated that although there were two hearings planned, staff is asking they be cancelled. There was some concern residents did not fully understand the process at this time. In the past month, the new Administrator Susan Hoyt has heard from a number of residents and has gotten the impression that there was some confusion regarding this process. Planner Gozola went over the proposed timeline and has already been working on the holding zoning district language. He had originally planned to use overlay districts, but the City Attorney preferred to proceed with holding districts instead.

Chairman Ptacek said he appreciates that the administrator is trying to carefully proceed with this process. He believes this may not be new information as it does not include the neighborhood conservation text.

Commissioner Armstrong stated that the Metropolitan Council does not want development at more than one dwelling per twenty acres. He asked why this was taking so long.

Senior Planner Gozola stated it is true that there will be minimal impact from this rezoning. It is important to make sure people understand the process.

Commissioner Armstrong said he has a concern about the existing neighborhood in the old village. He asked Planner Gozola how the number of 380 was arrived at regarding parcels to be notified in the village area.

Senior Planner Gozola stated that an indepth analysis has not yet occurred. Three hundred eighty was a worst case scenario on who would receive letters – both those being rezoned and those near properties being rezoned.

Commissioner Armstrong said he is opposed to putting the existing old village homes into the holding pattern as he does not want to give the Metropolitan Council the idea that those will be planned for sewer. The holding district should be for the larger parcels.

Senior Planner Gozola stated that he will look into past correspondence to verify the correct direction.

Chairman Ptacek stated that those property owners of parcels south of 10th street have been in to the city and probably know what is going on.

Commissioner Fliflet would like to see information sent out with the notice so people would not have to attend the public open house unless they had additional questions.

Council Updates

Planner Matzek stated that on March 29th there was a second Village Area Master Plan Open House. At the April 3rd Council meeting a moratorium for village development was approved, ordinance 97-167 Commercial Social Outdoor Events was repealed, and JP Bush Homes variance application for an off-site septic system was approved and the variance for the reduced one acre septic system area requirement was denied.

Discussion of Village Area Master Plan

Commissioner Armstrong said that the Sunday newspaper had an article about the Village Area Plan. People are concerned that this plan is set in stone. When the plan was presented to them, they were told not to worry about the numbers. He would like to urge his fellow commissioners to attend the workshop at the following night's meeting. This concept plan drives the preliminary and final plat.

Commissioner Fliflet stated that she was unhappy with the lack of the commissions involvement.

Adjourned at 7:54 p.m.

Respectfully submitted,



Kelli Matzek
Planner