

**City of Lake Elmo  
Washington County, Minnesota**

**Resolution No. PZ 99-64**

**A RESOLUTION REGARDING A VARIANCE TO THE SHORELAND STANDARDS  
(IMPERVIOUS SURFACE) UNITED PROPERTIES-EAGLE POINT BUSINESS PARK**

**WHEREAS**, The Lake Elmo Planning Commission has reviewed and heard testimony regarding the application of United Properties, Eagle Point Business Park, to vary from the standards of Section 325.05, Subd. 7 B. Shoreland District Storm Water Management Specific Standards requirements of the Lake Elmo City Code with respect to the property described as follows:

**Eagle Point Business Park, Planned Unit Development  
generally located at Inwood Avenue and Hudson Boulevard,  
adjacent to unnamed tributary stream.**

**WHEREAS**, said variance is described as follows:

1. To permit an overall impervious surface of 24% for the entire Shoreland within the site, where the specified standard is 15% or 6,000 square feet, whichever is less.

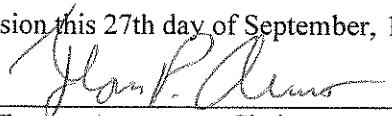
**NOW, THEREFORE, BE IT RESOLVED**, that the Lake Elmo Planning Commission does hereby make the following findings concerning said variance:

1. The extent of the shoreland for this site shall be measured from the centerline of the tributary stream upon the advise of the DNR.
2. There is no other location within Lake Elmo where a tributary stream is located within a Business Park zoning district. The application for variance represents a unique physical circumstance, not applicable to other properties within shoreland areas or subject to BP zoning.
3. Storm water from impervious surface created in this shoreland area will be directed to, held, and treated consistent with National Urban Runoff policy, and will not contribute to the increased stream flows or water quality degradation of the tributary stream in the manner generally intended to be mitigated by impervious coverage standards.
4. The literal interpretation of impervious surface standards will substantially deprive this property owner of property rights commonly enjoyed by other property owners in BP zoned or land use-guided sites.
5. The shoreland standards from which variance is requested post-date the owner's title to the property; and, exceed State shoreland model standards. Therefore, the circumstances of the variance are not the result of actions of the applicant, but rather the City.
6. The granting of the variance will not confer on the applicant rights or privileges not available to owners of other sites zoned or land use guided BP.
7. The applicant has demonstrated that the variance proposed be the minimum required to alleviate hardship.

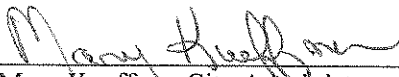
8. The variance would not be materially detrimental to other properties in the same zone, or to the purposes of the Shoreland zoning district due to extensive infrastructure design to collect, treat and retain storm water planned for this site.
9. The requested variance to allow 24% impervious surface coverage on the site is within DNR recommended impervious coverage maximum of 25%.

**BE IT FURTHER RESOLVED**, that the Lake Elmo Planning Commission hereby approves and issues this Order.

**ADOPTED**, by the Lake Elmo Planning Commission this 27th day of September, 1999.

  
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Thomas Armstrong, Chairman  
Lake Elmo Planning Commission

ATTEST:

  
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Mary Kueffner, City Administrator