

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-040

A RESOLUTION APPROVING AN OPEN SPACE VARIANCE
FOR WHISTLING VALLEY

WHEREAS, when the Lake Elmo City Council approved Whistling Valley (First Addition) in 2003, a 100 foot buffer setback to the east was permitted since OP development of the lands to the east was possible due to parcel size.

WHEREAS, the Whistling Valley developer, Bald Eagle Development, provided a landscape plan for this east property line, as is required where a 100 foot buffer is substituted for a 200 foot buffer.


WHEREAS, the land to the east is being developed as an OP-Whistling Valley 2nd Addition which features a sizeable outlot of Preserved Open Space abutting the eastern-most lots of Whistling Valley (side yard of Lot 4, Block 5; and rear yards of Lot 1-3 Block 6, Whistling Valley).

WHEREAS, Bald Eagle Development has requested a four-fifths OP Variance to eliminate the 100 foot east buffer of Whistling Valley since the approved design of Whistling Valley 2nd Addition will result in no homes in proximity to those side/rear yards which will enable additional flexibility as to house location on the 4 lots in Whistling Valley.

WHEREAS, Section 301.06 of the City Code provides that "OP Developments shall comply with the minimum standards unless modified by four-fifths affirmative votes of the City Council".


NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the OP Ordinance Setback variance for Whistling Valley to eliminate the 100 foot buffer requirement on Lot 4, Block 5; and Lots 1-3, Block 6 based on the purpose and intent of the buffer standards are met in this case by the compatible designs of Whistling Valley/Whistling Valley 2nd Addition.

ADOPTED by the Lake Elmo City Council on the 4th day of May, 2004.



Lee Hunt, Mayor

ATTEST:



Charles E. Dillerud
Acting City Administrator