

RESOLUTION NO. 2007-033

**RESOLUTION APPROVING A MINOR SUBDIVISION AND LOT WIDTH
VARIANCES FOR 3200 LAKE ELMO AVENUE**

WHEREAS, the City of Lake Elmo is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of Lake Elmo has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and,

WHEREAS, Constance Smith ("Applicant") is owner of property ("property") in Lake Elmo which is legally described as follows:

Parent Parcel
Certificate of the Title No. 34018

That part of Lots 1, 2 and 3, Block 1, LAKE ELMO PARK, according to the plat thereof on the file and of record in the office of the County Recorder, Washington County, Minnesota described as follows:

Commencing at the northeast corner of said Lot 1, thence South 87 degrees 08 minutes 37 seconds West, bearings are based on the Washington County Coordinate System, South Zone, along the north line of said Lot 1, a distance of 139.93 to the most easterly corner of said Lot 2; thence South 66 degrees 07 minutes and 57 seconds West, a distance of 357.21 feet to the point of beginning; thence North 66 degrees 07 minutes 57 seconds East, a distance of 357.21 feet to said most easterly corner of Lot 2; thence North 87 degrees 08 minutes 37 seconds East along the north line of said Lot 1, a distance of 139.93 feet to the northeast corner of said Lot 1; thence South 00 degrees 37 minutes 37 seconds East, along the east line of said Lot 1, a distance of 275.39 feet to the southeast corner of said Lot 1; thence South 56 degrees 49 minutes 39 seconds West, along the southeasterly line of said Lot 1, a distance of 546 feet, more or less to the shore of Lake Elmo; thence northerly and northwesterly, along said shore of Lake Elmo, a distance of 225 feet, more or less, to its intersection with a line that bears South 22 degrees 38 minutes 25 seconds West from the point of beginning; thence North 22 degrees 38 minutes 25 seconds East, a distance of 267 feet, more or less to the point of beginning. This parcel contains 4.38 acres, more or less.

WHEREAS, the property is located within the R-1 zoning district; and,

WHEREAS, the Applicant is requesting approval of a minor subdivision to create two lots on the property; and,

WHEREAS, proposed parcel "F" is to be legally described as follows:

PARCEL F

That part of Lots 1, 2, and 3, Block 1, LAKE ELMO PARK, according to the plat thereof, on file and of record in the Office of the County Recorder, Washington County, Minnesota described as follows:

Commencing at the northeast corner of said Lot 1; thence South 87 degrees 08 minutes 37 seconds West, bearings are based on the Washington County Coordinate System, South Zone, along the north line of said Lot 1, a distance of 139.93 feet to the most easterly corner of said Lot 2; thence South 66 degrees 07 minutes 57 seconds West, a distance of 357.21 feet to the point of beginning of the parcel of land to be described; thence North 66 degrees 07 minutes 57 seconds East, a distance of 357.21 feet to said most easterly corner of Lot 2; thence North 87 degrees 08 minutes 37 seconds East, along said north line of Lot 1, a distance of 139.93 feet to said northeast corner of Lot 1; thence South 00 degrees 37 minutes 37 seconds East, along the east line of said Lot 1, a distance of 141.39 feet; thence North 89 degrees 36 minutes 04 seconds West, a distance of 204.23 feet; thence South 53 degrees 07 minutes 00 seconds West, a distance of 230.93 feet; thence South 37 degrees 20 minutes 41 seconds West, a distance of 217 feet, more or less, to the shore of Lake Elmo; thence northwesterly, along said shore of Lake Elmo, a distance of 68 feet, more or less, to its intersection with a line that bears South 22 degrees 38 minutes 25 seconds West from the point of beginning; thence North 22 degrees 38 minutes 25 seconds East, a distance of 286 feet, more or less, to the point of beginning.

This parcel contains 1.896 acres, more or less.

WHEREAS, proposed parcel "G" is to be legally described as follows:

PARCEL G

That part of Lots 1, 2 and 3, Block 1, LAKE ELMO PARK, according to the plat thereof on file and of record in the Office of the County Recorder, Washington County, Minnesota described as follows:

Commencing at the northeast corner of said Lot 1; thence South 00 degrees 37 minutes 37 seconds East, bearings are based on the Washington County Coordinate System, South Zone, along the east line of said Lot 1, a distance of 141.39 feet to the point of beginning of the parcel of land to be described; thence North 89 degrees 36 minutes 04 seconds West, a distance of 204.23 feet; thence South 53 degrees 07 minutes 00 seconds West, a distance of 230.93 feet; thence South 37 degrees 20 minutes 41 seconds West, a distance of 217 feet, more or less, to the shore of Lake Elmo; thence southeasterly, along said shore of Lake Elmo, a distance of 148 feet, more or less, to its intersection with the southeasterly line of said Lot 1; thence North 56 degrees 49 minutes 39 seconds East, along said southeasterly line of Lot 1, a distance of 568 feet, more or less, to the southeast corner of said Lot 1; thence North 00 degrees 37 minutes 37 seconds West, along said east line of Lot 1, a distance of 134.00 feet to the point of beginning.

This parcel contains 2.575 acres, more or less.

WHEREAS, parcel "F" will require a 79.5 foot lot width variance from the required 150 foot lot width requirement at the OHW; and

WHEREAS, parcel "F" will also require a 54 foot lot width variance from the required 150 foot lot width requirement at the lakeshore setback.

WHEREAS, the Planning Commission held a public hearing and reviewed the requested minor subdivision and variances on April 9, 2007, and recommended approval of the requested minor subdivision and variances with conditions; and,

WHEREAS, the City Council reviewed the requests on April 17, 2007, and made the following findings of fact:

1. The land being divided is nearly large enough to support *three* lots based on the minimum lot size requirement of the R-1 district. The two proposed lots resulting from the minor subdivision will still be *the* two largest lots on the NE corner of Lake Elmo. Therefore the proposed use is a reasonable use of the Property.
2. The "pie shape" of the existing property is unique and was not created by the Property owner.
3. Neither City staff nor the DNR find that any environmental impacts will result from the granting of the variance that could not otherwise occur.
4. The development of the property for one additional home site will not change the character of the neighborhood.
5. An access from 32nd Street for the new parcel will increase traffic safety and is required by the City code.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo hereby approves the requested minor subdivision on the property; and, as illustrated and surveyed by Landmark, Inc. on March 21, 2007.

BE IT FURTHER RESOLVED, that the City Council of the City of Lake Elmo hereby approves a 79.5 foot lot width variance from the required 150 foot lot width requirement at the OHW for proposed parcel "F;" and,


BE IT FURTHER RESOLVED, that the City Council of the City of Lake Elmo hereby approves a 54 foot lot width variance from the required 150 foot lot width requirement at the lakeshore setback for proposed parcel "F;" and,

BE IT FURTHER RESOLVED, that the approval of the requested minor subdivision and variances shall include the following conditions:

1. The existing driveway shall be relocated onto 32nd Street to a location subject to approval by the City Engineer, and in accordance with the requirements of City Code chapter 14;

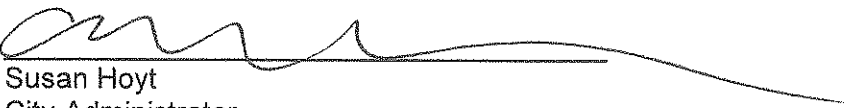
2. All above ground utilities servicing the existing home (if any) shall be placed underground prior to accepting an application for final plat;
3. Standard drainage and utility easements shall be provided to the City around the boundaries of all lots, wetlands, and lakes as guided by the City Engineer. Such easements shall be legally conveyed to the City before issuance of any future building permits.
4. Installation of two new septic systems at this time shall not exclude both properties from hooking up to the municipal system if mandated by the City in the future.
5. Silt fence shall be shown at the construction limits for the proposed house, driveway and street that will be constructed with this development;
6. The applicant shall obtain and adhere to all necessary permits and approvals from the VBWD;
7. The applicant shall pay a cash-in-lieu fee of \$3500 to satisfy the city's park dedication requirements.
8. All structures on proposed parcel "F" shall be a minimum of 195 feet from the OHW of Lake Elmo.
9. Compliance with any additional requirements established by the City Engineer and City Attorney.

This resolution was adopted by the City Council of the City of Lake Elmo on the 17th day of April 2007, by a vote of 4 Ayes and 1 Nays.



Mayor Dean Johnson

ATTEST:



Susan Hoyt
City Administrator

(SEAL)