

Chairman Prince called the meeting to order at 7:37 p.m.

Commissioners present: Lundquist, Michels, Dreher, Moe, Nazarian Lyall, Peterson and Alternate Graves. Absent - Gifford and Ryberg.

At the request of Commission members, Whittaker explained the Council action to seek a declaratory judgement on the hearing procedure and rezoning for the Chicago & Northwestern Railroad. He briefly explained the opinions of City Attorney Marshall and Attorney Jim Lammers.

1. MINUTES: April 25, 1983 -
M/S/P Moe/Graves to approve the minutes of April 25, 1983, as submitted. Carried 8-0. (Commissioner Lundquist arrived at 8:41)
2. OLD BUSINESS:
 - A. Return VBWD Surveys - Whittaker collected the completed surveys and returned them to Todd Williams later in the meeting.
 - B. Joint PZC/Council Meeting -

M/S/P Graves/Lyall to cancel the regular Planning Commission meeting for June 13 and meet jointly with the City Council June 14 at 7 p.m. Carried 9-0.
3. KEN SOVEREIGN - SIMPLE LOT DIVISION WITH LOT SIZE VARIANCE AND PLATTING REQUIREMENT VARIANCE - GOV'T LOT 2, SEC. 9:

Mr. Sovereign explained his proposal to split off a 1.15A parcel, which is presently a part of a 10 acre piece (parcel 0040). The 1.15A lot is partially located between property owned by Gunnar Gidlow (0030) and Janet Sovereign (0020-parcel 1 & 2). The lot, as proposed, meets front footage requirements, but does not meet the required 1 1/2 acre minimum. Parcels 1 & 2, owned by Mrs. Sovereign, have one legal description, one parcel number and is the site of an existing house. Access to parcels 1 & 2 is over a permanent easement across Sovereign's property via a private driveway. Mr. Sovereign stated the following reasons necessitating the lot configuration and size:

- this is a compensating lot between two lots having different ownership.
- area in front of parcels 1 & 2 needs to be retained for future septic/drainfield area expansion.
- believes running the front line further along Olson Lake Road, just to comply with the lot requirement, would be creating strip zoning. - City has approved and permitted smaller than minimum lots around the lake.
- New lot would access off Olson Lake Road - not Sovereign's driveway.
- more important to protect the front area for septic/drainfield expansion for parcels 1 & 2, then provide additional lot area for proposed Tract A. Also better to have the septic area to the front away from the lake side.
- Ordinance provides for variance - Hardship is that extending the front line to increase the lot size, would serve no useful purpose and create problems for future septic expansion for parcels 1 & 2.

3. KEN SOVEREIGN - Continued

- need to keep options open for future use of the property. Area in front of parcels 1 & 2 is unsuitable for a building site- would not comply and could not be developed into a buildable lot. Area to the south of parcels 1 & 2 is a potential buildable lot - moving the line of parcel 2 to provide future septic area would make it impossible to create a lot to the south.

Commission Comments -

- Graves - since the 10 acre parcel and parcels 1 & 2 are both owned by Sovereign's (even though parcels 1 & 2 are in Mrs. Sovereign's name), believes it is possible to provide future septic expansion for parcels 1 & 2 in another location.
- Whittaker - City is not suppose to create non-conforming parcels. Key question is the hardship - Mr. Sovereign maintains that because of the shape of parcel 1 & 2 that the proposed lot cannot be made any larger in order to comply with the area requirements of the Ordinance.
- Nazarian - based on the amount of land between parcel 1 & 2 and Olson Lake Tr, it appears to be adequate land to comply with the 1 1/2 acre regulation and still have enough property to provide for a future driveway and septic/drainfield expansion for parcel 1 & 2.
- Whittaker - explained that the 60% rule only applies to parcels of record.
- Commissioners Prince, Graves and Nazarian took issue with Mr. Sovereigns contention that a hardship of the land is created by having to use a buildable lot to the south of parcel 1 & 2 for future septic expansion of that parcel. Prince stated that the hardship has to be of the land, not financial in order to grant a variance.
- Sovereign - wants options left open - it serves no useful purpose to increase the land area along the road to make 1 1/2 acres, except to comply. Why should options be spoiled just to comply when this is a hardship. Another hardship is the Shoreland Ordinance Requirement for drainfield distance from a lake - ordinance requires 275', so expansion area for parcel 1 & 2 have to go in front of that property.
- Whittaker - clarified the Shoreland Regulation which requires 75 ft. from the high flood mark for drainfield location.

PLATTING -

- Mr. Sovereign requested a waiver of platting requirements.
- Graves - concerned about parcels 1 & 2. Would like to see an entire map of the Sovereign property with a proposed plat layout. (Commission discussed possible access to the Sovereign property from Hidden Bay - this was deemed unfeasible).
- Ken Sovereign - regarding Section 401.040 - Would agree to plat if 1.15 acre lot is approved and sold.
- Whittaker - Neudahl and Crombie were required to plat - should require platting as a matter of policy.
- Ken Sovereign - would agree to plat Tract A with 1.15 A and 125' of frontage on Olson Lake Trail and Parcels 1&2 with 1.3 acres and 125 feet of frontage on Olson Lake Trail.

M/ Graves to table Commission recommendation pending Mr. Sovereign submitting a plat for Tract A and Parcel 1&2 each having 125' of frontage on Olson Lake Trail. Graves withdrew his motion after Mr. Sovereign stated he would not plat the property unless this request for variance of a 1.15 acre lot were approved. He would agree if approval were contingent on platting.

3. KEN SOVEREIGN:

After further discussion with Mr. Sovereign, the Commission felt a reasonable compromise would be that Mr. Sovereign plat two lots - Tract A and Tract B, which would comprise parcel 1 & 2 combined. Each lot would have a minimum of 125' of frontage on Olson Lake Road. This action would increase the size of parcel 1&2 and also give it direct access and frontage on Olson Lake Trail.

M/S/P Michels/Moe to recommend denial of the Simple Lot Division, Variance and Platting Waiver submitted by Kenneth and Janet Sovereign. This denial is based on the understanding that Mr. Sovereign will apply for a Subdivision with a Plat for two parcels - Parcel A & Parcel B. Parcel B being in part Parcel 1 & 2 (37009-0020). Each parcel will have a minimum of 125 ft. of frontage on Olson Lake Trail. Carried 9-0.

 This item will be placed on the May 17 Council agenda.

4. GRACE COLOSIMO, 8896 JANE ROAD NORTH: Gov't Lot 5, Section 9 -
 Ms. Colosimo applied for a Simple Lot Division, Sec. 401.040A, to divide a 5 acre parcel into to parcels; a variance to build on an unimproved, unplatted road (Sec. 301.109); and for a Waiver of platting requirements. There is an existing home on the parcel.

The Commission reviewed the Building Inspector's memo of May 5, outlining the request and heard Ms. Colosimo's explanation of the proposal. The Building Inspector's memo indicated that residents on this street and the unimproved portion of Jane Road N. do not want the street improved. Colosimo's and Maistrovich have easments for access in their property deeds for the unplatted roadway.

--Whittaker - outlined the variances:

1. Subdivision Ordinance - this property is not platted and would require a variance if the lot were not platted.
2. Roadway - roadway to existing home is not a public or platted street. Also, road connecting to this road, although it is public right-of-way, is an unimproved public street. Ordinance require homes to front or have frontage on an improved public street.

--Grace Colosimo - road was the access to farm house north of this property (Gaylan Springborn home - old Krause farm). Colosimo's only one's using this driveway now. Unsure of the ownership of 0095 easement.

--Whittaker - subdivision would give Colosimo's new home frontage on an unimproved public right-of-way, Jane Rd. N., but, would leave existing parcel without frontage on any type of public right-of-way. City does not maintain the unimproved right-of-way because it has never been brought up to City Standards - upgrading has been suggested to residents living on this portion of Jane Rd. but no petition has ever been received. Colosimo's and Mastrovich were notified when their building permits were issued that no more homes could be built on these parcels until the road question was resolved.

--Grace Colosimo - her understanding that unless 100% of the residents agreed to improving the road, it would not be paved - this was the reason the building permits were issued since all the resident would not agree.

--Whittaker - 30% of residents fronting on street can petition - to date no petition has been submitted. Approving Colosimo request would require approving a similar request from Maistrovich, whose property also abuts the unplatted roadway.

4. GRACE COLOSIMO:

- Prince - could only consider variance to build on an unimproved road if the unplatted roadway, the north/south driveway, would be deeded to the City, thereby making the driveway unimproved public right-of-way.
- Nazarian - this should be done regardless.

The Commission agreed that a recommendation, at this time would be premature. The property owner of 37009-0095 needs to be established and if the owner would agree to deed the property to the City for right-of-way. Once this is resolved the Commission could consider the lot division.

- Lundquist - property is zoned R-1. Suggested dividing the parcel into three lots. Gives property owner the option of selling another lot, if desired, in the future.
- Nazarian - Not requiring platting would be inconsistent with past policy.
- Grace Colosimo - no sure there is enough frontage for three lots - only wants to divide into two parcels.
- Whittaker - explained Simple Lot Division vs Platting.
- Prince - cannot act on application before establishing ownership of the driveway and resolving the dedication question.

M/S/ Nazarian/Graves to table a recommendation on the Grace Colosimo Simple Lot Division, Variance, and Platting Waiver pending Ms. Colosimo securing a dedication agreement from the property owner of parcel 37009-0095.

Discussion:

- Whittaker will discuss the proposal of a home or homes located on an unimproved street off an unimproved street with the Council and report back to the Commission before they consider the platting question.
- Prince - at the very least, would have to be a public right-of-way or a private road agreement. Whittaker will forward a private road agreement form to Ms. Colosimo.

Motion carried 9-0.

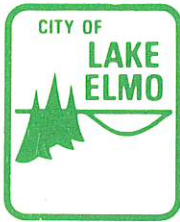
Whittaker will discuss these issues with the Council on May 17 and put it on the May 23 Commission agenda.

5. INDUSTRIAL AREAS IN COMP PLAN:

Whittaker reviewed and identified the Industrial and Mixed Urban Use Areas as planned in the Comprehensive Plan. Prince had requested the Commission to consider deleting the areas proposed in the plan and plan all industrial development for Section 32. Considerations were short and long term use, the ultimate and best use of the property, also location and how and the reasons for previous zoning. Another consideration in deleting an area, was to identify an alternate land use. Presently, Lake Elmo Hardwood is the only industrial zoned property in the City.

A poll of the Commission indicated that Dreher, Michels, Moe, Lyall, Peterson Nazarian and Lundquist felt the industrial areas identified in the Comp Plan should stay as they are in the plan.

M/S/P Moe/Graves to adjourn at 9:35 p.m. Carried 9-0.



City of Lake Elmo

777-5510

3880 Laverne Avenue North / Lake Elmo, Minnesota 55042

AGENDA

LAKE ELMO PLANNING COMMISSION

May 9, 1983

7:30 P.M.-- Meeting convenes

1. Minutes - April 25 meeting

2. Old Business

** A. Return VBWD surveys

B. Joint Meeting with City Council on
Comp Plan Amendments--June 14, 1983--7:00 P.M.
(Tuesday)

No Meeting June 13 unless pressing agenda
items come up

7:45 P.M.--3. Ken Sovereign-4415 Olson Lake Trail
request for Simple Lot Division and
Variance from requirement to Plat, and
1½ lot requirement-Govt. Lot 2, Section 9

8:15 P.M.--4. Grace Colosimo-8896 Jane Road North
Simple Lot Division with Variance from
requirement to Plat and subdividing on
unimproved street; unplatted street-Govt. Lot 5,
Section 9

8:45 P.M.--5. Industrial Areas in Comp. Plan

6. Other