

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

AGENDA

LAKE ELMO PLANNING COMMISSION

TUESDAY, March 25, 1986

- 7:30 p.m. Meeting Convenes
1. Agenda
 2. Minutes: March 10, 1986
 3. Simple Lot Subdivision: Steve Grabski
 4. Procedural Guidelines: City Attorney Comments
- 8:00 p.m.
5. Comprehensive Plan Update
 - a. 1979 Goal and Policy Statements
 - b. 1990 Future Land Use Plan and Map
 - c. Select review items for 4-14-86 meeting.
 6. Other
 7. Adjourn

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 10, 1986

Vice-Chairman Graves called the meeting to order at 7:31 p.m. in the City Council Chambers. Present: Novak, Moe (arrived 8:10 p.m.), Schiltz (arrived 7:40 p.m.), Martens, Bucheck, Raleigh, Williams, Haacke, and City Administrator Overby. Absent: Prince, Reuther.

1. Agenda

City Administrator Overby advised the Planning Commission that the regular scheduled City Council Meeting on March 18, 1986 has been rescheduled to March 24, 1986 because of a conflict with the State Caucus.

M/S/P Martens/Williams - to hold the next Planning Commission meeting on Tuesday, March 25, 1986 at 7:30 p.m. in the City Council Chambers. (Motion carried 7-0).

2. Minutes: February 24, 1986

M/S/P Raleigh/Novak - to approve the minutes of the February 24, 1986 Planning Commission meeting as amended. (Motion carried 6-0-2<abstain: Graves, Martens>).

3. Public Hearing - Simple Lot Subdivision and Preliminary Plat
Ken Sovereign

Vice-Chairman Graves opened up the public hearing at 7:37 p.m. in the City Council Chambers.

Bruce Folz, Land Planner representing Ken Sovereign, explained that the applicant wants to subdivide a 2.9 acre parcel at 4415 Olson Lake Trail N. into two single family residential lots. Since this property is unplatted, the single lot subdivision process does not apply and platting is required. The plat abuts Olson Lake, therefore Shoreland Regulations also apply. City Engineer's review on the proposed preliminary plat dated March 6, 1986 to the Planning Commission addressed these issues.

The following variances will be needed: a variance from the 1.5 acre lot size requirement on Lot 1, a variance from the 150 foot frontage on Olson Lake is required by the Shoreland District Ordinance is needed for both lots 1 and 2, a variance from the 1% Rule for surface water runoff ponding areas.

Based on the law, Ken Sovereign believes that for tax and ownership purposes these are two separate ownerships, one under Ken and Janet Sovereign and the other under Janet Sovereign which she inherited.

Commission member Schiltz asked if Ken could add more land to his

lot from Janet's in order to make the lots more conforming. Folz stated that Janet Sovereign will not allow their joint ownership to infringe upon what she owns herself.

Vice-chariman Graves pointed out that it would be to the Sovereign's benefit to readjust the property lines to make three saleable lots, instead of two, but Bruce Folz is saying that you cannot force them to do it so the commission does have the option to deny the application.

Novak asked if any of the homes in this area are in the 201 Program and Bruce Folz answered he did not know if they were having any problems.

Williams asked if the applicants have contacted Washington County Highway Department to make sure driveway permits can be secured for these lots. Folz responded that they have not made application, but he doesn't perceive this as a problem.

Chuck Surface, 8142 Hidden Bay Trail - Sovereigns will be planning to subdivide in the future and if you give him the variances for two lakeshore properties with the smaller lakeshore frontage now, this would start a precedent. To me this doesn't sound like much of a hardship when they own the land all around the south and east side.

Len Kedrowski, 8162 Hidden Bay Trail, - We have easement rights on the stub road and the cul-de-sac and there was no mention on the legal papers that accompanied our easement of any future use as far as access to that property. Folz answered that at the time the public hearing this question was raised to make it a complete turn at the cul-de-sac and it was the City's intentions to make the cul-de-sac a public street and the approval should be in the minutes.

Ann Bucheck asked Bruce Folz what the hardship was and the answer being the physical conditions of the boundaries being the fact that you have two separate ownerships.

Vice-Chairman Graves closed the public hearing at 8:28 p.m.

M/S/P Williams/Bucheck - to recommend to the City Council to deny the simple lot subdivision of a 2.9 acre parcel requested by Ken Sovereign at 4415 Olson Lake Trail N. (Motion carried 9-0).

Martens - voted no because of not having the 1.5 acreage and the 150 foot frontage. Even with two separate ownerships being involved, you would try to strike a deal or buy property to solve this problem.

Moe, Schiltz - voted no because the Sovereigns were not willing to compromise when the flexibility is there.

Raleigh - voted no based on that Ken and Janet Sovereign are willing to deed a portion of the southeasterly most lot and add to

another lot, but yet the owner of that lot is not willing to deed a portion to lot #1.

Novak - voted no because it does not conform to our code regarding acreage and frontage.

4. Simple Lot Subdivision: Northrup/Smith

Mrs. Constance K. Smith proposes to subdivide her 5.9 acre parcel at 3200 Lake Elmo Avenue into two lots. The applicants came before the Planning Commission on October 28, 1985, but have modified their plan and have provided new information.

When this matter was considered in 1985, four concerns were expressed by the Planning Commission and the City Engineer.

1. Unusual lot configuration resulting in excessive road frontage along 32nd street.
2. Revised lot width more conforming to shoreland regulation of 150 feet minimum.
3. Show location and suitability of alternate drainfield site. The applicant has submitted information to satisfy this concern.
4. Provide a statement by a soil scientist stating that side hill seepage will not occur on the primary drainfield site. The applicant has submitted information to satisfy this concern.

On October 28, 1985, the Planning Commission asked the applicants to have a cleaner lot line instead of the initial angle. Therefore the applicants have revised the easterly property line of Parcel A so that the frontage on 32nd Street is reduced to 215 feet, but in doing so, they have reduced the lot area to 1.12 acres. The applicants have not made any attempt to resolve concern #2 above. This has been stated by City Engineer Bohrer in his letter of March 6, 1986 to the Planning Commission.

Mr. Northrup advised the commission that the DNR has sent a letter stating that looking at the rest of the lots on the lake and saw how much water frontage is there, and they do not see a problem with this provided that drainfields are adequate. He asked the commission "why do you have a problem with them having a 60 foot lake frontage when no other house on the lake has 150 feet except for Mrs. Smith"? The precedent has been set with issuing a building permit to Kromschroder. We have not changed the lake frontage because Mrs. Smith will not let us have more land so we have demonstrated a hardship.

M/No Second/F Raleigh/ - suggests that this application be tabled for the purpose of the applicant to draw the second lot on the map for the City Council to fully understand any hardship that may exist. Northrup answered that we don't know if there will ever be

a second lot.

M/No Second/F Moe/ - To recommend to the City Council to accept the Northrup/Smith request for a Simple Lot Subdivision.

M/S/P Novak/Buchek - to recommend to the City Council to deny the request for a Simple Lot Subdivision by Matt Northrup/Constance Smith at 3200 Lake Elmo Avenue. (Motion carried 8-1<Moe: There are smaller lots with 60 feet or less of lakeshore frontage all around Lake Elmo>).

Novak - I could not vote for this when thirty minutes earlier I declined for the same reason, it does not conform to code in terms of acreage and lake frontage.

Buchek - By cleaning up the lines, you have reduced the lot area to 1.12 acres and as the DNR stated it could meet more the minimum standards than it does at this time.

Haacke - I have more of a problem with the shortage of lakeshore frontage.

Schiltz - They have come in with information requested and satisfied two concerns, but they have to present their hardship to the City Council and then they can decide.

Graves - I would be more in a position to approve this if I saw the entire parcel being divided into three lots and address this situation now.

This will be put on the March 24, 1986 City Council agenda.

5. Simple Lot Subdivision - Steve Grabski

Steve Grabski is requesting a simple lot subdivision for the purpose of adding a parcel to an existing tract to create one lot. The lot is adjacent to Lake DeMontreville; therefore, shoreland regulations apply.

This subject has been discussed at previous City Council meetings. If this simple lot subdivision is granted, this would permit the sale and possible development of Lots 616-620 and 519-523. A letter from the applicant outlining their interpretation of the history of events concerning this property and adjacent property in Lane's Demontreville Country Club Addition, minutes from the 9-18-84, 1-8-85 and 6-4-85 City Council meeting and City Engineer's Bohrer review dated March 6, 1986 was made available to the Planning Commission.

Graves asked if the purpose of this consolidation of the lots would be to develop a lot which would more closely conform to City codes for building purposes and Grabski agreed.

Graves asked Grabski if he or any parcels of property involved in civil suit relative to consolidation and Grabski answered there

was no legal action. Sandra Wackerfuss stated that the previous action that was pending has never been settled because she is involved in it. She has legal tittle to 610, 611, 528, 529 which are involved in this subdivision.

Sandra Wackerfuss of 8148 Hill Trail and Harry Zabrok of 8120 Hill Trail were present and brought up concerns regarding the placement of septic systems that are on the 201 Program, sharing of a questionable driveway and if there is a pending civil suit.

Sandra Wackerfuss - If you allow this subdivision and he gets that land, granted it is no longer involved in the 201 problem, then the septic system has to go on property that I own because Mr. Marchio will not own enough land to put a septic system on. Now you will have a house that has no place to put a septic ssystem.

Steve Grabski informed the Planning Commission that he has a letter from Mr. Marchio stating that he has no objection to the development of lot 616-620 and lots 519-523 providing that there will be no water runoff problems and the quality of homes would be consistent with the homes in the area.

Williams - Referring back to the 1-8-85 minutes, Steve Grabski essentially took three non-conforming lots out of one non-conforming lot and sold the only acceptable site for a drainfielld lot 610 and 611 that had been planned for lot 612 through 615 and lot 524 through 527 where a house now exists and is to be included in the 201 program. What this means is that our 201 Program will probably have to buy back lots 610 and 611 to get enough land to solve the setic system problem. They recommended to have this land sale rescinded which they never did. Then it states that they couldn't buy it back so then they said it was a legal question between the two property owners.

Graves - I feel very uncomfortable with my ability to separate who belongs to what and what the legal ramifications are. I would feel much more comfortable if we had an opinion from our City Attorney relative to the status of the 201 Plan and if there is a pending civil suit involved.

Novak suggested input from the City Engineer if these lots are on the 201 Program.

M/S/P Williams/Novak - To table this simple lot subdivision by Steve Grabski for more information from the City Engineer and City Attorney. (Motion carried 5-4<Moe, Haacke, Schiltz, Graves>).

Williams - Based on what I have read, I do not see the end result of the discussions (9-18-84 City Council minutes) from the City Council and there may be more information that we need to know.

Novak - I need input from the City Engineer regarding the placement of the septic systems for the 201 Program.

6. Final Plat Approval: Lake Elmo Heights

The preliminary plat has been reviewed and approved by the City Council and the variances for lot size were granted by the City Council on 9-17-85. In the City Engineer's review Bohrer stated that the final plat is in conformity with the preliminary plat and the City Code and suggests recommending approval. The approval should include the minimum building elevations set forth in the VBWD permit. Construction plans and specifications will be checked and approved by this office, developer's agreement and bond are to be submitted before the City officials sign the final plat.

M/S/P Williams/Moe - to recommend Final Plat approval by the City Council for Lake Elmo Heights (SW corner of Stillwater Blvd. and Inwood) contingent upon the drainage questions being resolved as part of the developer's agreement between the applicant and the City; also contingent upon payment of parks donation fees of \$250 per lot. (Motion carried 8-0-1<Novak>).

M/S/P Moe/Haacke - to adjourn the Planning Commission meeting at 10:10 p.m. (Motion carried 9-0).