



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

Meeting Notice

The Lake Elmo Planning Commission will meet **Monday, February 9, 1998** at 7:00 pm
in the City Council Chambers of City Hall, 3800 Laverne Avenue North,
Lake Elmo

Agenda

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1. Agenda

2. Approval of minutes, January 12, 1998

3. **PUBLIC HEARING:**

Case No. SUB/98-02 A minor subdivision (lot line adjustment) of a parcel of land to eliminate an overlap between two properties. The parcel is located at 5471 Lake Elmo Avenue in RR, Rural Residential Zoning District, Gabe Sherman, applicant.

4. **PUBLIC HEARING:** Wildflower Shores (formally Lake Elmo Hamlet Estates)

Case No. SUB/98-03 Preliminary Plat and Plan for an open space development consisting of 26 single family residential lots and 30 acres of open space. The property is located north of State Highway 5 and west of Beaut Crest in OP, Open Space Preservation District, Jack Buxell, applicant.

5. **PUBLIC HEARING:**

Case No. ZAT/98-04 A Zoning Text Amendment to the Parking Lot Landscape Standards.

6. **PUBLIC HEARING:**

Case No. CPA/98-05 A Comprehensive Plan Amendment to a change a land use designation for a 12, 500 sq.ft.. parcel of land from SRD, Suburban Residential to URD, Urban Residential Density. The property is located at 11074 and 11076 35th Street, William Helmgren, applicant

7. Set date for workshop on amendments to the OP, Open Space Ordinance

APPROVED

**City of Lake Elmo
Planning Commission**

Meeting Minutes, Monday, February 9, 1998

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of Lake Elmo City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Brass, Graczyk, Carlson, Herber, Helwig, Mandel and Berg. Absent: Commissioners Sessing and Monette. Also Present: City Planner Pung-Terwedo, City Engineer Prew, Councilmember DeLapp.

1. Agenda

**Commissioner Carlson added: 8.a Status of GTS Workshop
8.b Discussion of Roberts Rules of Order
8.c City Council Representative**

**M/S/P Carlson/Berg – to approve the agenda, as amended.
(Motion Passed 8-0).**

2. Minutes

**M/S/P Helwig/Mandel – to approve the minutes for the January 12, 1998 meeting.
(Motion Passed 7-0-1) Abstain: Berg, absent from 1/12/98 meeting.**

3. PUBLIC HEARING: Case No. SUB/98-02 A minor subdivision (lot line adjustment) of a parcel of land to eliminate an overlap between two properties. The parcel is located at 5471 Lake Elmo Avenue in RR, Rural Residential Zoning District, Gabe Sherman, applicant.

City Planner Pung-Terwedo said that presently, there is an overlap of two properties located at 5471 and 5295 Lake Elmo Avenue North. She said the request is to solve the problem with a minor subdivision and submit new legal descriptions to Washington County. She clarified the situation as follows: Mr. Pott is willing to move his North property line South to reflect where the assumed property line has been. Mr. Sherman will therefore own this area.

Chairman Armstrong opened the comment portion of the Public Hearing at 7:08 p.m.

Gabe Sherman

5471 Lake Elmo Avenue North

Said Mr. Pott owns two parcels and the correct address for this case is 5429 Lake Elmo Avenue North.

Chairman Armstrong closed the comment portion of the Public Hearing at 7:10 p.m.

**M/S/P Carlson/Berg – to recommend approval of Case No. SUB/98-02, a minor subdivision request by Gabriel Sherman.
(Motion Passed 8-0).**

4. PUBLIC HEARING: Case No. SUB/98-03 Preliminary Plat and Plan for an open Space development consisting of 26 single family residential lots and 30 acres of open space. The property is located North of State Highway 5 and West of Beaut Crest in OP, Open Space Preservation Zoning District. Wildflower Shores, (formerly Lake Elmo Hamlet Estates), Jack Buxell, applicant.

City Planner Pung-Terwedo discussed the background of this case as follows:

On September 2, 1997, the City Council approved an Open Space development Concept Plan. Several issues were unresolved regarding the concept plan which includes clarification on the final density, a water agreement with the City of Oakdale and a resolution on the grading permit.

Jack Buxell, applicant, discussed the proposed lake, and detailed the asphalt trail system which connects to a woodchip path to the east and north. Said yes, to the 25-lot density at this time.

Chairman Armstrong opened the comment portion of the Public Hearing at 7:25 p.m.

Dan O'Keefe
8867 85th Street North

In favor of the proposal. Who will maintain the Lake? What is the lake depth?

Mr. Buxell said the homeowners association would maintain the lake and it might be possible to aerate and stock with fish. The depth of the lake will be 15 feet.

City Engineer Prew explained that the lakebed would be sealed with 2 feet of imported clay. Also said normal water levels should be consistent.

Jeff Berg
Washington County Soil and Water Conservation District

Reviewed his letter to William A.T. McCully, Glen Rehbein Companies, regarding grading issues and pond maintenance. Explained that the true definition of a wetland requires three criteria: hydrology, hydrophytes and proper soils. Said the proposed "Lake" is not a wetland.

Opposed to the proposal:

Bob Winter
8809 36th Street North

Wants open field between his property and his to minimize the impact of the proposed pond. His primary concern is the pond; how will this impact his existing basement and septic system.

Chairman Armstrong closed the comment portion of the Public Hearing at 7:40 p.m.

William McCully
Rehbein Excavating

Explained the water level below the pond was at 25 feet. Expects there to be very low amounts of water seepage into the ground. Most of the water level fluctuation will occur due to evaporation and rain amounts, not seepage. Said Valley Branch Watershed District has reviewed this proposal and recommends three-6" lifts of clay be applied to the lakebed as a base.

Mr. Buxell said currently, more water was seeping into the ground than will be in a pond situation. He also said the pond would be virtually maintenance free.

Commissioner Helwig asked about the liability issue regarding the pond.

Mr. Buxell said no plans have been made to have the Homeowners Association be responsible for liability of the lake situation.

M/S/P Carlson/Helwig – to table Case No SUB/98-05 Preliminary Plat and Plan for Wildflower Shores until calculations on mounding underneath the pond can be reviewed and the density issue is resolved.

(Motion Passed 7-0-1). Abstain: Berg, conflict of interest.

5. PUBLIC HEARING: Case No. ZAT/98-04 A Zoning Text Amendment to the Parking Lot Landscape Standards.

City Planner Pung-Terwedo said, as directed by the Planning Commission and City Council, an amendment to the Landscape Standards for Parking areas within the City is presented for final review. She said the changes recommended by the Planning Commission from a previous meeting are reflected in the draft amendment, along with several sketches designed by Councilmember Steve DeLapp, which illustrates parking lot landscaping.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 8:11 p.m. – NO COMMENTS.

Commissioner Mandel asked the City Planner if existing owners of parking lots would be required to make changes to their property if these amendments were adopted. City Planner Pung-Terwedo stated no, only future projects would be required to meet the new standards.

M/S/P Berg/Brass – to recommend approval of Case No. ZAT/98-04, A Zoning Text Amendment to the Parking Lot Landscape Standards.

(Motion Passed 8-0).

6. PUBLIC HEARING: Case No. CPA/98-05 A Comprehensive Plan Amendment to change a land use designation for a 12,500 square foot parcel of land from SRD, Suburban Residential to URD, Urban Residential Density. The property is located at 11074 and 11076 35th Street North, William Hjelmgren, applicant.

City Planner Pung-Terwedo introduced the site as a small, urban parcel and home with accessory building constructed prior to 1900. She reminded the Planning Commissioners that currently, a development moratorium exists in the “old village” area and no rezoning requests are allowed at this time. She reviewed the existing comprehensive plan policies. Based upon the following findings, she recommends denial of this request: The proposed, two duplex units are not consistent with the existing comprehensive plan policies for the village area; The City of Lake Elmo has not amended the Comprehensive Plan to establish policies for multiple family housing at this site; The City of Lake Elmo has not amended its Future Land Use Map to allow these types of uses; Currently, there is a legal non-conforming duplex on the site which CAN remain, but cannot be expanded; and the proposed zoning is GB, General Business.

Chairman Armstrong opened the comment portion of the Public Hearing at 8:20 p.m.

**Greg Galler
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.
(Representing William and Joan Hjelmgren)**

Mr. Galler reviewed the proposed FINDINGS OF FACT attachment. He said the applicant’s reason for seeking rezoning is so they may continue to use the property for multi-dwelling family use. He detailed the history of the parcel and also referenced a petition, signed by all the adjacent property owners, which supports the proposed rezoning. Mr. Galler stated the applicant could opt to use their property for business use, pursuant to current zoning standards.

Chairman Armstrong closed the comment portion of the Public Hearing at 8:25 p.m.

The Commissioners agreed that although the surrounding residents unanimously support the rezone, and current non-conforming use is occurring on this property, they agree with City Planner Pung-Terwedo's recommendation to deny based upon her findings. A subsequent motion will follow, recommending the City Council direct the Village Commission address this issue and arrive at a recommendation for the applicant.

M/S/P Carlson/Helwig – to recommend denial of Case No. CPA/98-05 A Comprehensive Plan Amendment to change a land use designation for a 12,500 square foot parcel of land from SRD, Suburban Residential to URD, Urban Residential Density, based on the following finding:

- 1. The proposed, two duplex units are not consistent with our existing comprehensive plan policies for the village area.**
- 2. The City of Lake Elmo has not amended the Comprehensive Plan to establish policies for multiple family housing at this site.**
- 3. The City of Lake Elmo has not amended its Future Land Use Map to allow these types of uses.**
- 4. Currently, there is a legal nonconforming duplex on the site which can remain but cannot be expanded.**
- 5. The proposed zoning is GB, General Business.**

(Motion Passed 8-0).

M/S/P Berg/Mandel – to recommend the City Council direct the Village Commission address Case No. CPA/98-05 and arrive at a recommendation for the applicant.

(Motion Passed 8-0).

7. M/S/P Armstrong/Helwig – to direct staff to invite the City Council to the 2/23/98 Planning Commission meeting in order to continue the further discussion of the amendments to the OP Ordinance. (Motion Passed 8-0).

8.a Status of GTS Workshop

City Planner Pung-Terwedo said she will contact the Government Workshop coordinator and present possible meeting dates on 2/23/98 Planning Commission meeting.

8.b Roberts Rules of Order

City Planner Pung-Terwedo said the City owns a videotape titled "Roberts Rules of Order" and the Commissioners agreed to come to a Planning Commission meeting early one night to view such videotape.

8.c City Council liaison to the Planning Commission.

Currently, there is no liaison from the City Council to the Planning Commission. The City Council will rotate this duty until a permanent liaison is appointed.

Chairman Armstrong adjourned the meeting at 8:50 p.m.

Respectfully submitted, Cynthia Young-Recording Secretary