



# City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

**The Lake Elmo Planning Commission will meet WEDNESDAY, OCTOBER 13, 1999 at 6:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.**

**(6:00 p.m. the Planning Commission will continue its discussion of the Comprehensive Plan)**

## 7:00 AGENDA



1. Agenda
2. Minutes – September 27, 1999
3. **PUBLIC HEARING: James Marchio  
8130 Hill Trail North  
Variance to Section 325.06 – Shoreland Standards**
4. **PUBLIC HEARING: Meyer's Pineridge – Terry Emerson, applicant  
Open Space Residential Development  
Conditional Use Permit  
Development Stage Plan  
Preliminary Plat**
5. Other
6. Adjourn

**Lake Elmo Planning Commission  
Meeting Minutes**

**Wednesday, October 13, 1999**

*(The Planning Commission met at 6:00 p.m. to continue  
its discussion of the Comprehensive Plan.)*

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Berg, Brass, Gerard, Herber, Mandel, Sedro and Sessing. Absent: Commissioners Helwig, Lipman, and Ptacek. Also present: City Planner Dillerud.

**1. AGENDA**

**M/S/P Sessing/Herber – to approve the agenda as presented.  
(Motion Passed 8-0).**

**2. MINUTES**

**M/S/P Armstrong/Sessing – to approve the Minutes from the September 27, 1999 meeting, as amended.  
(Motion Passed 3-0-5).**

**3. PUBLIC HEARING: James Marchio**

**8130 Hill Trail North  
Variance to Section 325.06 – Shoreland Standards**

Planner Dillerud stated that the Mr. Marchio had applied for a building permit to improve an existing porch, which is roofed, but has no walls. Planner Dillerud explained the home on the site appears to have been constructed several decades ago, which was well before there were Shoreland Standards. He noted that the applicant proposes to enclose the sides of the existing 180 square foot covered porch to create a three season porch. Since the deck/porch is located 72 feet from the OHW, the Building Official determined the addition of sides to the existing floor and roof would result in the structure being out of compliance with the Shoreland Ordinance – thus, the variance application. He said the Minnesota DNR suggested conditions, but generally has no objections to approval of this variance. He said staff recommends approval of the variance based upon the findings noted in the staff report.

**James Marchio (applicant)**

**8130 Hill Trail North**

*No additional comments.*

**Chairman Armstrong opened the comment portion of the Public Hearing at 7:13 p.m.**

**Don Wackerfuss**

**8148 Hill Trail North**

*Mr. Wackerfuss said he was 98% in favor of the variance and improvement to his neighbors property, but asked that the exterior of the project be finished.*

**Chairman Armstrong closed the comment portion of the Public Hearing at 7:14 p.m.**

Mr. Marchio stated that he would completely finish the exterior of the proposed structure, garage and primary structure, and would not remove any additional trees from the site.

**M/S/P Gerard/Sedro – to approve Resolution No. PZ 99-69, a variance for James Marchio to enclose an existing covered deck located 72 feet from the Ordinary High Water Level of Lake DeMontreville, where a 100 foot structure set back is required by Shoreland Standards, based on the following findings:**

1. **Extraordinary and substantially unique circumstances apply to the property which do not generally apply to other properties in the vicinity or elsewhere in the Shoreland District, by the nature of the existing covered deck appurtenance to the house, which pre-dates Shoreland Standards - uncommon occurrence in the City. No additional set back encroachment or impervious site coverage would result from the variance.**
2. **Property owners in the R-1 zoning district typically enjoy the right to enclose covered decks. To deny this property owner that right by literal interpretation of Shoreland Standards, under the unique circumstances presented, would reasonably deprive this applicant of those normally enjoyed rights.**
3. **The existing circumstances of a covered porch within 72 feet of the Ordinary High Water Level pre-date the applicant's ownership of the site and the existence of Shoreland Standards.**
4. **Due to the unique physical circumstances of the existing site/structure and the historic circumstances of the site, no special privilege will be conferred to the applicant by the approval of this variance.**
5. **There is no alternate or lesser variance that could be granted to accomplish the applicant's plan.**
6. **Due to the heavily wooded nature of the immediate vicinity and the location of the structure nearly 30 feet above the lake, the variance would not be detrimental to surrounding properties or the shoreland Standards of the Zoning Ordinance.**
7. **Minnesota DNR has reported that it does not object to approval of this variance.**

and, the following conditions,

1. **The three-season porch must not approach any closer to Lake DeMontreville than the existing porch.**
2. **The applicant must take steps to ensure that erosion will not occur from the site during the period of construction.**
3. **The structure must be screened from view on Lake DeMontreville by the use of existing trees, the planting of additional trees, color and any other measures that meet the approval of the City.**

(Motion Passed 8-0).

4. **PUBLIC HEARING: Meyer's Pineridge – Terry Emerson, applicant  
Open Space Residential Development  
Conditional Use Permit  
Development Stage Plan  
Preliminary Plat**

Planner Dillerud explained that the Preliminary Plat for Meyer's Pineridge Open Space Residential Development Preliminary Plat and Development Stage Plan reflects no change from the previously approved Concept Phase plans, except the engineering plans are now available at this phase. He noted that previously, the Planning Commission had raised the issue of a trail connection to 53<sup>rd</sup> Street North. Planner Dillerud indicated he provided the Planning Commission with three separate approval resolutions; Development Stage Plan, Preliminary Plat and Conditional Use Permit, all containing findings and conditions found in his staff report.

**Tim Freeman**

**Folz, Freeman & Dupay**

Applicant's Representative

Mr. Freeman indicated in addition to the City Planner's comments, there had been hydrology tests done on the entire site with 2, 10 and 100 year pre-development and after grading models. He said the results of the tests are found in a report and are available to those interested. He indicated the report does take into account the adjacent wetlands.

Chairman Armstrong said there appeared to be a small wetland located on Block 2.Lot 4 of the preliminary plat, and it looked as if the home site infringed on the wetland.

Mr. Freeman said there was a very small and insignificant wetland on that lot, and it would be filled in-responsive to the "de minimus" rule of the State Wetlands Regulations.

Chairman Armstrong opened the comment portion of the Public Hearing at 7:37 p.m.

**George Crocker**

**5093 Keats Avenue**

*Mr. Crocker reiterated his concerns regarding noise and lighting pollution that may occur as a result of this development; asked for some additional buffering on his property across from the entrance; asked how the open space will be developed and that he is not interested in a field of weeds; asked that the prospective homebuyers be alerted to the possibility of high nitrates in the groundwater.*

**Katie Dege**

**5193 Keats**

*Ms. Dege asked that the Commissioners think about adding additional landscaping near the entrance to this development, and she noted her concern for post-development run-off.*

**Bill Vogel**

**5044 Keats Avenue**

*Mr. Vogel said he prefers to see a more linear trail system. He noted he sees no connection to any other system within the city.*

**Gary Melin**

**5247 Jerome Court North**

*Mr. Melin said he was in favor of a Trail connection to 53<sup>rd</sup> Street.*

**Mary Keran**

**9535 55<sup>th</sup> Street North**

*Ms. Keran indicated she was concerned that the current trail plan did not connect with 53<sup>rd</sup> Street and said she was disappointed the city is not looking a little closer at the resulting increase in traffic that may occur; she also asked that the trees in the open space be protected.*

**Doug Pepin**  
9571 53<sup>rd</sup> Street

*Mr. Pepin congratulated the developer for creating a fine project. He did say he thought "we are creating a bigger animal" by installing a trail system in this development.*

**Karin Schubert**  
5222 Keats

*Ms. Schubert wanted to know what would be in the open space; concerned about the run-off; noted there is a trailer currently parked on the property.*

**Chairman Armstrong closed the comment portion of the Public Hearing at 7:50 p.m.**

**Mr. Freeman responded to the resident concerns as follows:**

There will be plantings in the open space and at the entrance to the development, but was opposed to plantings on property not owned by the applicant.

No significant changes will be made to the open space. It will remain natural and the only active use in the open space is the trail.

The post/pre-development run-off calculations for 2, 10, and 100 year study is available at his office.

The developer will make every effort to save the trees on the north end of the site, and Mr. Emerson may move trees onto the site.

Agreed to check out the concern brought forth by Karin Schubert that someone related to this project may have been doing some "digging" on her property.

**M/S/P Mandel/Gerard – to recommend approval of Resolution No. 99-\_\_ approving the Development Stage Plan for "Meyer's Pineridge" based on the following findings:**

1. The application generally complies with the submission requirements for an OP Development Stage Plan prescribed by Section 300 of the City Code.
2. The site is within the Open Space Development Area designated by the Comprehensive Plan; and OP development is a Conditional Use in the existing AG zoning district.
3. The Development Stage Plan complies with the mathematical requirements of the OP Ordinance, and is eligible for 9 units per 20 acres of gross site area – 22 Units, based on open space easements, Village green and qualifying length of pedestrian trails.
4. The required amount of Preserved Open Space, as 50% of the buildable area of the site, is proposed for perpetual Open Space Easement.

**and, based on the following conditions:**

1. Compliance with the requirements of the City Engineer's Memo.
2. Compliance with the performance standards for OP developments specified by Chapter 300 of the City Code.

**and,**

**Resolution No. 99-\_\_, approving the Preliminary Plat for an Open Space Residential Development known as "Meyer's Pineridge" based on the following finding:**

1. **The Plans submitted appear to substantially comply with the submission requirements and design standards of Chapter 400 (Subdivision) and/or the OP Design Standards, as applicable.**

and, based on the following condition:

1. **Compliance with the recommendations of the City Engineer.**

and,

**Resolution No. 99-\_\_\_, approving a Conditional Use Permit for an Open Space Development in the Agricultural Zoning District known as "Meyer's Pineridge", based on the following findings:**

1. **The site is located within the Open Space Preservation Area, as defined by the Comprehensive Plan, and therefore is in substantial compliance with the Comprehensive Plan.**
2. **The OP appears to present no negative impacts on the health, safety, morals, convenience or general welfare of occupants of surrounding lands beyond those anticipated by the Comprehensive Plan as usual and customary from development under the Open Space Ordinance.**
3. **There would appear to be no adverse impacts on traffic and parking on adjacent streets or land beyond those anticipated by the Comprehensive Plan for OP development.**
4. **The OP Plan does not appear to result in a negative impact on property values in the surrounding area.**
5. **The OP Plan does not appear to present negative impacts on utilities and schools beyond those anticipated by the Comprehensive Plan for OP development.**

**(Motion Passed 8-0).**

**Chairman Armstrong adjourned the meeting at 8:20 p.m.**

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Respectfully submitted, Cynthia Young-Planning Secretary