

# City of Lake Elmo

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3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Planning Commission will meet  
**MONDAY, May 14, 2001, at 7:00 p.m.**  
in the Council Chambers of City Hall,  
3800 Laverne Avenue North, Lake Elmo, Minnesota.

**CONVENE AS OLD VILLAGE SPECIAL PROJECTS**

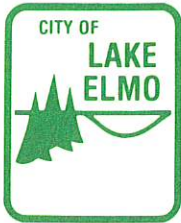
1. Minutes – March 26, 2001 (*Special Projects Section*)
2. 2001 WORK PLAN
3. Other

**ADJOURN AS OLD VILLAGE SPECIAL PROJECTS**

**CONVENE AS REGULAR PLANNING COMMISSION**

1. Agenda
2. Minutes – April 23, 2001 (*Regular Planning Commission Section*)
3. **Public Hearing:** (*Continued from April 23, 2001*)  
Siverson – Conditional Use Permit  
Low Impact AG  
8940 15<sup>th</sup> Street
4. **Public Hearing:** (*Continued from April 23, 2001*)  
Carriage Station  
Planned Unit Development  
Highway 5/50<sup>th</sup> Street/55<sup>th</sup> Street
5. **Public Hearing:** **Variations**  
9359 Jane Road  
Joseph Kiesling
6. **Public Hearing:** **Variations**  
9369 Jane Road  
Robert & Lucy Golish
7. Shoreland Ordinance
8. Other
9. Adjourn

May 14  
Spec.  
O.V.



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### ADJOURN AS OLD VILLAGE SPECIAL PROJECTS

Approved: June 14, 2001

**Planning Commission  
Meeting Minutes**

Monday, May 14, 2001

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 Deziel, Helwig, Herber, Mandel, Sedro, Sessing, Taylor, John, Herried, Bucheck, and Williams. Absent: Commissioners Berg, Brass, Ptacek, and Frost. Also present: Planner Dillerud.

**CONVENE AS OLD VILLAGE SPECIAL PROJECTS**

1. **Minutes – March 26, 2001, Special Projects: Old Village Section**  
M/S/P Armstrong/Williams to approve the meeting Minutes from the March 26, 2001 Old Village Special Projects, as presented.  
(Motion Passed 11-0-1). Abstain: Taylor

2. **2001 Work Plan (Old Village)**

Planner Dillerud reported that the City Council approved the recommendation for the Old Village Special Projects be discussed the first Planning Commission meeting of each month. He noted that the City Council did not approve the formation of an official ad hoc committee, but said if individuals cared to gather and discuss Old Village items, that would certainly be appropriate. He said the Old Village Architectural Guidelines were approved as policy only, and not in ordinance form, further explaining that the policy may well include graphic representations, and eventually become a published document.

Commissioner John asked if the City Council commented on the function of the Old Village Special Projects members, questioning if they endorsed planning or just expected a response to Old Village proposals.

Planner Dillerud explained that; the City Council expected the Planning Commission to provide a work plan; the City Council had approved the tax abatement program, which means more than ½ the funds were earmarked for Old Village Programs; ½ of the Community Development Block Grant would focus on follow-up to the Old Village Plan.

The Commissioners discussed parking, wetland treatment systems, traffic on Highway 5 & County Road 17, roundabouts, and traffic signalization on Highway 5.

Planner Dillerud explained that an official from Washington County Transportation Department said there had been some discussion concerning the “turning back” of County Road 17 from the I-94 corridor to 10<sup>th</sup> Street, back to the City. He noted that it might be worthwhile to explore extending the area to Highway 5.

**M/S/P Williams/Bucheck – to recommend sidewalks be installed on Lake Elmo Avenue from Highway 5 to the railroad tracks, and one block east and west as the number one priority on the 2001 Work Plan.**

The discussion continued to include Laverne Avenue in the sidewalk plan, and that the residents in the Old Village area wanted to see something positive-that it is indeed time to take some action.

(Motion Passed 12-0).

The Commissioners discussed several other non-prioritized issues for the work plan.

M/S/P Armstrong/Mandel - to initiate an Old Village work plan to include:

Wetland treatment systems, senior housing, parking, streetscape design, drainage, in addition to sidewalks.

Commissioner Bucheck encouraged her fellow Planning Commissioners to take a look at the Old Village areas before the June 11, 2001 meeting.

(Motion Passed 12-0).

ADJOURN AS OLD VILLAGE SPECIAL PROJECTS
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CONVENE AS REGULAR PLANNING COMMISSION
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1. Agenda

Add: Discussion concerning buffering.

M/S/P Helwig/Sessing - to approve the Agenda, as amended.

(Motion Passed 8-0).

2. Minutes

M/S/P Helwig/Mandel - to approve the Minutes (Regular Section) from the April 23, 2001 meeting, as presented

(Motion Passed 7-0-1). Abstain: Taylor

3. PUBLIC HEARING:

Siverson - Conditional Use Permit  
Low-Impact Use  
8940 15<sup>th</sup> Street

Planner Dillerud noted that this application was tabled at the April 23, 2001 meeting to allow staff and the Commission members an opportunity to review the graphics submitted by the applicants at that meeting. He said the purpose of the additional graphics presented on April 23 was to better demonstrate the effectiveness of the proposed screening of outdoor storage by cross section. He noted the basic question was whether the proposed screening would accomplish the purpose and intent of the Non-Ag Conditional Use Permit ordinance concerning screening outdoor storage. He also explained that the Ordinance is clear regarding outdoor storage screening in that the screening should be effective and total when observed by reasonable persons under reasonable conditions, and, the screening must be effective year round.

The Commissioners expressed their concerns regarding access from 16<sup>th</sup> Street and the hours of operation of the storage business.

Mr. Siverson (applicant) stated he wanted to be a "good neighbor". He noted he would comply with all the standards set forth in Section 520 [Site Plan] of the Municipal Code. He said the hours of operation should be 8:00 a.m. to sunset.

**Chairman Armstrong opened the comment portion of the Public Hearing at 8:30 p.m.**

**Tom Wiener**

**Developer/Cardinal Ridge**

*Mr. Wiener said he was not comfortable with the currently proposed landscape plan.*

**Don Jeske**

**Resident**

*Mr. Jeske said he supported the approval of the Conditional Use Permit. He noted the CUP offered the property owner a way to keep the land working for them by keeping it "rural". He noted that he now sees over 20 homes, when he thought there would only be 10 at the most. He said 15<sup>th</sup> Street has more traffic from Linder's Greenhouse operation than would be generated by this proposal. He said the trails in Parkview Estates neighborhood were all overgrown, and the trails in Cardinal Ridge neighborhood might end up the same way.*

**Chairman Armstrong closed the comment portion of the Public Hearing at 8:40 p.m.**

**M/S/P Armstrong/Sessing - to recommend the City Council approve a Conditional Use Permit for Low-Impact Storage with the following conditions:**

1. Compliance with Section 520 standards;
2. 15<sup>th</sup> Street be used as the only access to the site, 16<sup>th</sup> Street for emergencies only;
3. Screening shall be reasonable;
4. Hours of operation shall be 8:00 a.m. - sunset, daily.

(Motion Passed 8-0).

4. PUBLIC HEARING:

Carriage Homes XI  
Planned Unit Development  
Development Stage Plan/Preliminary Plat/  
Final Plan and Site Plan  
Southwest Quadrant of 55<sup>th</sup> Street & State Hwy 5

Planner Dillerud said the City Council approved the Final Planned Unit Development Plan for Carriage Station in June 2000. He explained that at that time, no specific Planned Unit Development Final Plan or site Plan was a part of the approval for Lot 15 of Block 1, which is zoned Limited Business. He noted the standards for Limited Business (LB) as a total floor area of all buildings on the site is not to exceed 25,000 square feet, and only uses permitted should be administrative and professional offices. He said the applicant presented specific plans, which depicts a plan view Site Plan/Landscape Plan/Exterior Lighting Plan for the entire 4.5 acres site; a Preliminary Plat for the site; and, architectural and floor plan details with respect to one of the four structures depicted on the site plan. He said, from the submitted plans, it appeared that the developer intends to construct one initial building, and the remaining three building in stages, which is a departure from the previously approved plan. He said staff conceded that the submission is a PUD, and therefore it becomes the purpose and intent of the zoning district standards that should apply. He also noted the four-structure site design was in conflict with the purpose and intent of

Limited Business standards adjacent to residential development, stating some sort of alternative form of residential/commercial mitigation might be possible, but that the applicant was responsible for that solution.

**John Arkell**  
**Carriage Homes XI**

Mr. Arkell discussed the landscaping graphic plan, which detailed 80, 6'-8' coniferous trees, spaced 15-20 feet apart. He said the total area of the four proposed separate buildings would not exceed the previously approved 25,000 square feet. He said the small businesses that intend to locate on this Limited Business site expressed the desire to own their building. He said he felt this proposal would have a positive impact on the community.

**Chairman Armstrong opened and closed the comment portion of the Public Hearing at 9:10 p.m. NO COMMENTS**

**M/S/F Armstrong/Deziel - to recommend the City Council approve the Planned Unit Development Stage Plan for Lot 15, Block 1, Carriage Station, per plans staff dated May 8, 2001, and including the noted departures from Section 300 and Section 400 standards. (Motion Failed 2-5). Opposed: Herber, Mandel, Sedro, Sessing, and Taylor.**

**M/S/P Sessing/Taylor - to recommend the City Council deny the Planned Unit Development Stage Plan for Lot 15, Block 1, Carriage Station, per plans staff dated May 8, 2001, and including the noted departures from Section 300 and Section 400 standards. (Motion Passed 5-2). Opposed: Armstrong and Deziel.**

**5. PUBLIC HEARING: Joe and Lori Kiesling  
9359 Jane Road North  
Variances:  
Shoreland & Non-Conforming Structure**

Planner Dillerud reviewed the history of the site located at 9359 Jane Road North, as found in his staff report. He explained that the applicant's request is to enlarge the current structure, all of which is within the 100-foot Ordinary High Water setback, along with the decking that was appeared to be negotiated out of the variance approval in 1990-1991. He said staff accepted the variance application, but questioned what happened to the "never again" agreement, which was a condition of the 1991 variance approval.

Planner Dillerud said there was a mistake in the assumption that the City must follow what the DNR says regarding Shoreland issues.

Planner Dillerud said the applicant proposes to remodel and enlarge his existing home, and, add decking to the lakeside of the house, which is similar to the originally (1990) proposed plan. He noted a 2-story, lower level garage addition is also proposed, that would replace the existing deck at the Southeast end of the structure. He said the applicant had provided documentation with respect to the mandatory variance Findings that the Planning Commission must make in total to approve any type of zoning variance.

Commissioner Deziel said he had been a guest at the Kiesling's, and wondered what the reason was that they had not extended their deck the full length of the structure (lakeside). He asked if, aside from the DNR guidelines, would the applicant even need a variance.

Joe Kiesling (applicant)  
9359 Jane Road

Mr. Kiesling said there had been several variances granted to neighboring property owners for expansion and remodeling of houses in the shoreland District. He said the reason he applied for the variance was because his family needed more interior space and the alterations would not be any closer to Lake Jane than already exists.

Chairman Armstrong opened the comment portion of the Public Hearing at 9:35 p.m.

Lori Hammerly  
Resident

*Ms. Hammerly stated that she supported the variances. She said the proposed improvements would not be occur any closer to the lake than already exists, and that the deck would improve the view from the lake.*

Chairman Armstrong closed the comment portion of the Public Hearing at 9:37 p.m.

Commissioner Taylor asked if any flooding of Lake Jane had occurred since 1988.

Mr. Kiesling said the structure was raised and he removed a deck in 1988.

Commissioner Mandel stated he would not be opposed to granting the variances because the improvements would not be any closer to the lake.

Commissioner Sedro asked if the City was liable for any flooding problems that might occur if any structure was expanded closer to the lake than already exists.

Planner Dillerud said if the Planning Commission keeps on granting variances, they would be "ratcheting" themselves.

Mr. Kiesling said he had spoken with Mayor Hunt, who suggested forming a study group to look at the Shoreland Ordinance.

*(exit Commissioner Helwig)*

**M/S/P Deziel/Herber – to approve Resolution PZ2001-30, granting variances to Joe and Lori Kiesling to enlarge the existing structure 22 feet from the OHW where 100 feet is required, and, to alter a non-conforming structure, based upon the following Findings of Fact:**

1. The physical circumstances of this site are unusual, in a citywide context, due to platting prior to adjustment of the Ordinary High Water of Lake Jane and the adoption of Shoreland standards by the City. Few parcels in the City exhibit similar constraints of lot depth that from these two factors.
2. Reasonable improvements, remodeling and additions to a home are a right normally enjoyed by other property owners in the area. Many examples of such improvements in the neighborhood were cited. A literal interpretation of the setback standard would preclude the applicant from enjoying these rights.
3. The conditions leading to this variance resulted from actions of the City prior plat approval; the Watershed District by establishing Lake Jane Ordinary High Water well after platting the parcel; and, the State Legislature by mandating Shoreland Zoning well after platting approval. The applicant was not party to those actions.

4. No special privilege will be granted to the applicant not enjoyed by the majority of property owners in this zoning district.
5. Since any expansion of the existing building would require the proposed variance; the variance applied for is the minimum variance required alleviating the hardship demonstrated.
6. The variance will not be materially detrimental to the purposes of the Zoning Ordinance or other properties.

(Motion Passed 5-1-1). Opposed Mandel, Abstain: Taylor.

6. PUBLIC HEARING: Robert & Lucy Golish  
9369 Jane Road North  
Variances: Shoreland

Planner Dillerud said the applicant proposes construction of a new house on the site at a higher elevation, explaining that simply raising the current structure may not be feasible, due to its being situated nearly 6 feet below the surface of Jane Road. He said the applicant advised him that the surface water from the roadway and adjacent home sites remains a problem. He noted that the site is zoned R-1, as well as being located within the Shoreland Overlay District. He said the applicant provided a narrative statement addressing the variance Findings. He said it appeared that the new house location could be several feet closer to Jane Road while maintaining the 30-foot setback standard to Jane Road. He said staff recommended approval of the Shoreland variance, based on the Findings with the (2) conditions as found in Resolution 2001-31.

Chairman Armstrong opened the comment portion of the Public Hearing at 10:05 p.m.

Joe Kiesling  
9369 Jane Road

*Mr. Kiesling described the location of the property, and stated his support for the variances. He said parking along Jane Road was a problem, and by granting this variance, it would help the situation.*

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

Robert Golish  
Applicant

Mr. Golish said he wanted to tear down the existing house, and rebuild-moving the new structure further away from Lake Jane.

Lucy Golish  
Applicant

Mrs. Golish stated their existing home had only 2 bedrooms and they needed a 3-bedroom home with a two-car garage to accommodate their family. She also said this new location would be their retirement home.

M/S/P Deziel/Taylor - to approve Resolution PZ2001-31 granting a Shoreland Standards Variance to Robert and Lucy Golish, 9369 Jane Road, to place a structure 44.2 feet to 52.7 feet from the Ordinary High Water (OHW) level, where 100 feet is required; and, a variance to allow a lot width of 103.34 feet, where 150 feet is required, based on the following Findings:



1. The physical circumstances of this site are unusual, in a citywide context, due to platting prior to adjustment of the Ordinary High Water of Lake Jane and the adoption of Shoreland standards by the City. Few parcels in the City exhibit similar constraints of lot depth that result from these two factors.
2. Protection of homes from surface water flooding is a right normally enjoyed by other property owners. A literal interpretation of the setback standards, when coupled with the age of the existing structure would preclude the applicant from enjoying these rights.
3. The conditions leading to this variance resulted from actions of the City by prior approval; the Watershed District by establishing Lake Jane Ordinary High Water well after platting of the parcel; and, the State Legislature by mandating Shoreland Zoning well after plat approval. The applicant was not party to those actions.
4. No special privilege will be granted to the applicant not enjoyed by the majority of property owners in this zoning district.
5. The variance will not be materially detrimental to the purposes of the Zoning Ordinance or other properties.

(Motion Passed 6-1). Opposed: Mandel.

#### 6. OTHER

Commissioner Sessing requested further discussion of buffers in the residential zoning districts be discussed at future meetings.

Chairman Armstrong adjourned the meeting at 10:20 p.m.

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Respectfully submitted, Cynthia Young-Planning Secretary