

City of Lake Elmo

Phone: 651-777-5510

Fax: 651-777-9615

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Planning Commission will meet
WEDNESDAY, May 30, 2001, at 7:00 p.m.
in the Council Chambers of City Hall,
3800 Laverne Avenue North, Lake Elmo, Minnesota.

CONVENE AS Maintenance Advisory SPECIAL PROJECTS

1. Agenda
2. Capital Improvement Program (CIP) 2002-2006
3. Public Works – Facility Expansion
4. Other

ADJOURN AS Maintenance Advisory SPECIAL PROJECTS

CONVENE AS Regular Planning Commission

1. Agenda
2. Minutes – Regular Meeting, Monday, May 14, 2001
3. **Public Hearing: Minor Subdivision & Variance**
8655 27th Street
Joe Carlone – applicant
4. Shoreland Ordinance
5. Other
6. Adjourn

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Lake Elmo
Planning Commission

Meeting Minutes
Wednesday, May 30, 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 Berg, Deziel, Helwig, Mandel, Sedro, Talcott, Dege, and Stanley. Absent Commissioners Brass, Herber, Ptacek, Sessing, Taylor, and Gustafson. Also present: Planner Dillerud, Public Works Superintendent Olinger, and Fire Chief Malmquist.

CONVENE AS MAINTENANCE ADVISORY PLANNING COMMISSION

1. Agenda

M/S/P Berg/Mandel – to approve the agenda, as presented.
(Motion Passed 9-0).

2. Introduction of Commission members.

The Commissioners and Department Heads introduced themselves, after which Planner Dillerud presented two handouts that detailed the role of the Maintenance Advisory Committee, and the 5-year Capital Improvement Plan.

3. Public Works – Maintenance Facility Expansion

Superintendent Olinger said the MPCA (Minnesota Pollution Control Agency) limits any additional growth to the South at the current Maintenance facility site. He noted that he had had dialogue with officials at the MPCA, and they said it might be possible to expand to the North. He said a 42' x 120' facility, with heated concrete floors would remedy the necessity to house the equipment in the same area where washing bays are located. He said he thought the City council was agreeable to this proposal. He said he had contacted Menard's with a concept plan, and was awaiting an estimate.

Planner Dillerud said the Fire Department, which has a second location within the maintenance facility, would benefit greatly from this proposed expansion, as well. He noted that the City had purchased a site for a possible maintenance facility, and the Village Commission also discussed a possible site. He urged the Planning Commission to tour the existing Public Works maintenance facility/Fire Station.

Chairman Armstrong asked if the Public Works Department intended to make any major purchases before the Fall of 2001.

Chief Malmquist said the Fire Department was considering a new "Suburban" to replace the current vehicle, which is used for medical response. He said the "grass rig" also needed replacement, and noted the fire department internal committee has worked on that proposal for nearly 3 months. He also mentioned the squad needed to be replaced, as its use has changed.

Commissioner Dege encouraged all the Commission members to take a "walk-through" of the current facilities; he promoted the construction of a new maintenance facility; and, said he felt it was just as important to keep good personnel as it was to have new facilities.

The Commissioners agreed to meet Wednesday, June 6, 2001, at 7:00 p.m. at the Fire Station One, to tour that facility, then on to the Public Works/Fire Station facility on Jamaica Avenue.

4. CAPITAL IMPROVEMENT PLAN

Planner Dillerud explained that the City had not done a Capital Improvement Plan for 2 years. He explained that all department heads would be contacted, and required to develop a master capital improvement plan, after which a Public Hearing would be called for June 25th.

Commissioner Dege asked what the chances were of activating the site chosen for a new Public Works facility.

Planner Dillerud said the City expected growth levels to be nearly 100 units per year. He said an option to deal with that growth might be outsourcing.

Commissioner Talcott requested further information be brought forth regarding emergency sirens. He said the City had been re-mapped and it was calculated that ten additional emergency sirens were necessary. He said City funds have been set aside annually with sufficient available for at least one new siren.

Commissioner Dege asked if the use of emergency sirens was mandated by the State.

Chief Malmquist said he was not sure, but would research the issue.

**M/S/P Berg/Helwig – to recommend the City Council approve a no fee study of emergency siren locations in the City.
(Motion Passed 9-0).**

Chairman Armstrong adjourned the Maintenance Advisory Planning Commission at 7:45 p.m.

CONVENE AS REGULAR PLANNING COMMISSION

1. Agenda

Add: Tower Ordinance

**M/S/P Mandel/Armstrong – to approve the agenda, as amended.
(Motion Passed 6-0).**

2. Minutes – Postpone to June 11, 2001.

**3. PUBLIC HEARING: Minor Subdivision & Variance
 8655 27th Street
 Anthony Carlone**

Planner Dillerud explained that the site is comprised of two separate vacant tax parcels that were a combination of 11 platted lots in the Tablyn Park residential development. He noted Tablyn Park was platted during an earlier era of land use designation in Lake Elmo when lots were mostly 15,000 square feet in area, including all the lots subject to the application. He said some years ago, when the City encouraged owners of multiple platted lot parcels to combine lots into single tax parcels, the applicant did so by combining 6 of the 15,000 square foot platted lots into a single tax parcel of 75,000 square feet fronting 27th Street and 5 lots fronting Irish Avenue into a second tax parcel of 92,200 square feet. He explained that the applicant now proposes to divide the two parcels into 5 non-conforming lots and adding the remaining lot to an adjoining parcel. He said since all 5 "new" lots would be well under the minimum area standards for R-1 lots, a variance would be required. He said that at first blush, a minor subdivision was indicated, but upon further review by the City Attorney, it was not necessary to re-plat; the proposal is not to further sub-divide, but rather create a waiver of platting. He said the applicant provided septic analysis of all 5 proposed "new" lots indicating adequate areas are available on each lot to serve as primary and secondary drain fields. He stated staff finds the following regarding compliance of the proposed variances:

1. There would appear to be somewhat unique circumstances regarding the parcels as they exist. They were created in an unusual configuration (length to width) in response to issues unrelated to the practicality of the end use intended by the original platting, after being first platted in character with adjacent parcels.
2. The literal interpretation of the lot area standards of the R-1 district in this case would deprive the applicant of rights enjoyed by other property owners in the Tablyn Park neighborhood, if not all R-1 zoned areas of the City. The average lot size in this neighborhood is 24,000 square feet, or 37% of the R-1 minimum standard. The variances would result in parcels in excess of 30,000 square feet, or 46% of the R-1 lot size standard. Lots of Record is considered by the Zoning Ordinance to be conforming at 39,000 square feet.
3. It is reported by the applicant, and confirmed by City staff that was involved at the time, that the combination of the originally platted lots into the two large existing tax parcels was advocated by the City. As such, the actions resulting in the existing parcel areas are not totally attributable to the applicant.
4. The variances requested would not confer on the applicant any privilege that has been denied to other property owners in this neighborhood, if not all R-1 zoned areas of the City. Prior variance approvals have used the Average Lot size of the Neighborhood criterion.
5. To the extent the hardship demonstrated is that of the unusual configuration of the existing tax parcels, the variances requested is the minimum necessary to alleviate excessive lot aspect ratios.
6. The variances will not be detrimental to the purpose of the Zoning Code, nor to properties within this neighborhood and zone.
7. The hardship may be, in part, economic but is also demonstrated to be, in part, the unique and constrained existing parcel configuration.

**Tim Freeman (Representing applicant)
Folz, Freeman, and Dupay**

Mr. Freeman presented an aerial view of Tablyn Park development, which illustrated how the resulting lots would appear, that being well above the neighborhood average in lot area.

Chairman Armstrong opened the comment portion of the Public Hearing at 8:10 p.m.

Greg Malmquist
8549 Ironwood Avenue

Mr. Malmquist asked if any additional restrictions would be imposed upon Lot 11, after it was consolidated with his parcel, which is Lot 12.

Planner Dillerud said, "No."

Chairman Armstrong closed the comment portion of the Public Hearing at 8:11 p.m.

Commissioner Sedro stated although she did not want to deprive the applicant reasonable use of the land, she was not comfortable with supporting the proposal.

Planner Dillerud said the application was reasonable when compared to neighboring lots size.

M/S/P Armstrong/Helwig – to approve Resolution PZ2001-36, granting a variance to Anthony Carlone based on the following findings:

1. There would appear to be somewhat unique circumstances regarding the parcels as they exist. They were created in an unusual configuration (length to width) in response to issues unrelated to the practicality of the end use intended by the original platting, after being first platted in character with adjacent parcels.
2. The literal interpretation of the lot area standards of the R-1 district in this case would deprive the applicant of rights enjoyed by other property owners in the Tablyn Park neighborhood, if not all R-1 zoned areas of the City. The average lot size in this neighborhood is 24,000 square feet, or 37% of the R-1 minimum standard. The variances would result in parcels in excess of 30,000 square feet, or 46% of the R-1 lot size standard. Lots of Record is considered by the Zoning Ordinance to be conforming at 39,000 square feet.
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Subject to the following conditions:

1. **Compliance with the recommendations of the City Engineer, and City Attorney – if any.**

2. **Concurrent combination of the remnant parcels (Lot 11, Block 2 Tablyn Park) with the Lot 12, Block 2 Tablyn Park.**
3. **The combination of existing tax parcel proposed shall be reviewed and processed as a waiver of sub division regulations.**

(Motion Passed 5-1). Opposed: Sedro

4. Shoreland Ordinance

Planner Dillerud said he understood that the Lake Elmo Shoreland standards were developed in a cooperative project involving planning consultant Mike Black, and the DNR. As found in his staff report, he discussed seven areas of departure from the State rules he detected in the City Shoreland Ordinance.

Commissioner Deziel asked if the DNR appealed the Kiesling variance approval.

Planner Dillerud said, "No, the City Administrator appealed the [Planning Commission] decision."

Commissioner Mandel said he supported the City making it easier for people who lived in the Shoreland District to upgrade their property without having to apply for a variance. He said that only made common sense to make the City more attractive.

Planner Dillerud said the two most troubling issues for lakeside property owners was expansion to existing structures with non-conforming lot sizes, and the setback from the Ordinary High Water level.

Commissioner Berg suggested that it is the landowner's responsibility to improve the lake quality as an offset to changes to structures within the OHW.

The Commissioners discussed, and made changes to the seven criteria found in the Planner's report, and made the following motion:

M/S/P Armstrong/Mandel – to recommend the City Council consider the amendments, and direct the Planning Commission to pursue further amendments to the Shoreland Ordinance.

(Motion Passed 6-0).

5. OTHER: Tower Ordinance

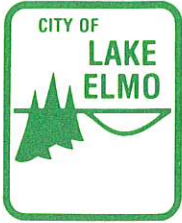
Chairman Armstrong presented the August 1, 2000 Tower Ordinance, which the Planning Commission sent to the City Council for comment.

M/S/P Armstrong/Sedro – to request the City Council review and comment on the August 1, 2000 draft Tower Ordinance.

(Motion Passed 5-0-1). Abstain: Helwig

Chairman Armstrong adjourned the meeting at 9:00 p.m.

Respectfully submitted, Cynthia Young-Planning Secretary



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**Note – The purpose of this notice is to alert you to the up-coming meeting. A complete agenda packet will be sent later this week. Thanks, Cynthia Young-Planning Secretary*

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(Motion Passed 5-0-1). Abstain: Helwig

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Respectfully submitted, Cynthia Young-Planning Secretary