

# City of Lake Elmo

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The Lake Elmo Planning Commission will meet on  
Monday, June 11, 2001, at 7:00 p.m.  
in the Council Chambers of City Hall,  
3800 Laverne Avenue North, Lake Elmo, Minnesota.

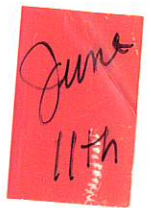
## CONVENE AS OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION

1. Agenda
2. Minutes – May 14, 2001
3. Review: Request for Proposals (RFP) for Community Development Block Grant (CDBG) funded Old Village related projects.

## ADJOURN AS OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION

## CONVENE AS REGULAR PLANNING COMMISSION

1. Agenda
2. Minutes - May 14, 2001  
May 30, 2001
3. Review: Request for Proposals (RFP) for Community Development Block Grant (CDBG) funded:
  - A. Zoning Ordinance
  - B. Cimarron Manufactured Housing Analysis Report  
*(Planner will present at meeting time)*
  - C. Community Facilities & Services Forecast
4. OTHER
5. Adjourn



**DRAFT: Old Village**  
**APPROVED: Regular Planning - June 25, 2001**

**Lake Elmo**  
**Planning Commission**

**Meeting Minutes**  
**Monday, June 11, 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, Brass, Deziel, Helwig, Herber, Mandel, Ptacek, Sedro, Sessing, Taylor, Bucheck, and Williams. Absent: Commissioners John, Herreid, and Frost. (Buckeck 7:15, Brass 7:05, Herber 7:10) Also present: Planner Dillerud.

<b>CONVENE AS OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION</b>
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**1. Agenda**

M/S/P Berg/Williams - to approve the agenda, as presented.  
(Motion Passed 10-0).

**2. Minutes - May 14, 2001**

M/S/P Helwig/Williams - to accept the Minutes from the May 14, 2001 Special Projects section, as amended.  
(Motion Passed 8-0-2). Abstain: Berg, Ptacek.

**3. Review RFP for CDBG funded Old Village related projects.**

Planner Dillerud reviewed the Community Development Block Grant (CDBG) application and approval procedure. He explained that the 2000-2020 Lake Elmo Comprehensive Plan includes specific policies and plans for the Old Village, and a key element is the future development of limited areas adjacent to mid-twentieth century housing. After presenting an overhead graphic which illustrated the old village planning areas, Planner Dillerud explained the purpose of the Request For Proposals (RFP) was to hire a consultant that would create plan view drawings that would best layout what old village scale housing would look like; present drawings with new areas reflecting the old village concept; and, an architectural rendering of housing, and/or a senior housing concept, the goal being to see what the old village looks like "before and after."

Planner Dillerud reviewed the description of tasks the consultant firm would provide assistance to the City with several suggested tasks. He requested the Commissioners offer any modifications to the RFP.

Commissioner Brass asked if the CDBG was confirmed.

Planner Dillerud said it was, and the total amount was \$90,000.00

Commissioner Williams asked for clarification that Reid Park not be included for "village scale" housing.

Planner Dillerud confirmed that there are no plans that indicate village scale housing in Reid Park.

Commissioner Bucheck asked if the City Council had made a decision regarding sidewalks in the old village.

Planner Dillerud said he brought the sidewalk issue to the City Council at its last meeting, but they "ran out of time", and would discuss sidewalks in the old village at a future meeting.

Commissioner Mandel asked if the consultant would consider the Village Commission submitted plan.

Planner Dillerud said the consultant would consider the Old Village policies, concept plan, and information provided by the Planning Commission.

Commissioner Brass asked if staff would seek advice from the residents of the old village area when the consulted was chosen.

Planner Dillerud explained that the City Council appointed the Planning Commission to accomplish that task, but that all meetings are open to the public.

Commissioner Bucheck suggested that the property owners in the old village area might want to listen to the RFP procedure. She said part of why people like to live in a smaller community is that they feel they can make recommendations and be heard.

Commissioner Berg said he agreed with Commissioner Bucheck, but that he felt it was his responsibility, as a Planning Commissioner who lives in the old village area, to talk to his neighbors.

Planner Dillerud suggested the residents of the old village be notified of the workshop with the City Council when the RFP's are discussed.

Chairman Armstrong agreed, and asked that the RFP be amended to reflect that change.

Commissioner Williams asked how long the selection process might take, and how long it would take the consultant to perform all four proposed tasks.

Planner Dillerud answered about one month to choose a consultant, after which, it should take them, hopefully, no more than six months to provide the report.

Commissioner Brass asked if HUD meant a certain "type" of housing was indicated in the plan.

Planner Dillerud said, typically HUD housing indicated low income, but that it was the City's choice, not theirs (HUD), and there were no "strings" attached to the grant.

Commissioner Mandel asked if the consultant would consider streets.

Planner Dillerud noted that streets would be considered and that housing may be grouped.

**M/S/P Armstrong/Berg - to recommend the City Council approve the CDBG RFP for the Old Village Neighborhood Design, as amended.  
(Motion Passed 11-0).**

**ADJOURN AS OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION**

## CONVENE AS REGULAR PLANNING COMMISSION

### 1. Agenda

- Add: 4.a Update on Highway 36  
4.b Variance Review Procedure

M/S/P Helwig/Sedro - to approve the agenda, as amended.  
(Motion Passed 9-0).

### 2. Minutes

M/S/P Armstrong/Sessing - to approve the May 14, 2001 Regular Planning Commission minutes, as amended.  
(Motion Passed 8-0-3). Abstain: Berg, Brass, and Ptacek.

M/S/P Deziel/Herber - to insert "Findings of Fact" in the Motion to approve Resolution No. PZ 2001-31A granting variances to Joe and Lori Kiesling, 9359 Jane Road North.  
(Motion Passed 6-0-3). Abstain: Berg: (the applicant must provide findings, not the Planning Commission, and it is unprecedented for a Planning Commissioner to do so), Brass, Ptacek.

M/S/P Helwig/Sedro - to approve the May 30, 2001 Regular Planning Commission minutes, as amended.  
(Motion Passed 6-0-5). Abstain: Brass, Herber, Ptacek, Sessing, and Taylor.

### 3.A Review RFP/CDBG: Zoning Code Element

Planner Dillerud said the new Lake Elmo Comprehensive Plan includes policies and plans for future development that accommodates community growth intending to maintain its rural character, environmental and open space preservation, and, the rebirth of the historic old village area. He noted that the existing Lake Elmo land use zoning code was originally prepared and adopted over 20 years ago, and that several neighborhoods were originally platted before any land use regulation was adopted by the City. He presented a draft RFP for the Zoning Code segment of the CDBG, and an overhead graphic that illustrated the areas in the City with current non-conforming structures, sub-zoning, and shoreland-flood plain zone. He noted that this was compounded by lake front properties in the Tri-Lakes area and old village area. He explained that later, a more suburban zoning code was adopted, which rendered most of the aforementioned properties legally non-conforming. He suggested a recommendation from a consultant is long overdue, based upon the variance activity.

Mr. Kielsing (resident) said, "at a recent Tri-Lakes Association meeting, Mayor Hunt appointed him as a representative to provide neighborhood input [to the Planning Commission] regarding non-conforming structures."

Commissioner Herber said 4% of the Planning Commission members lived in the Tri-Lakes area, and felt they were well represented, and there was no need for an additional sub-committee to report to the Planning Commission.

Planner Dillerud suggested the possibility of a 3-tiered ordinance, and the City could legitimately adopt 3 different zoning standards.

**M/S/P Armstrong/Sessing - to recommend the City Council approve the Zoning Code element of the CDBG RFP.  
(Motion Passed 9-0).**

### **3.B: Review RFP/CDBG Community Facilities/Staffing Forecasts**

Planner Dillerud presented the CDBG RFP for the Community Facilities/Staffing Forecasts element. He stated that staff could not accomplish the tasks found therein. He explained that there was a limited number of local consulting firms that had the experience, and personnel required undertaking the proposed tasks.

Commissioner Mandel stated the City has a responsibility to provide services to its residents, and if staff cannot do so with the facilities and equipment we now have, we need to make a decision now.

Commissioner Ptacek said he did not want to see the City make any more mistakes, and said there would be pro's and con's in waiting a year, but why not wait the one year to get a decision from a qualified consultant.

Planner Dillerud said when department heads say, "I need this or that", it is typically best to have a third party recommendation.

Commissioner Mandel stated he wanted the City to stop "stumbling" with this issue, and make a decision now, as it could be three years before anything got done.

Commissioner Sedro asked if any rental space was available, as a short-term solution.

Planner Dillerud said, "Not to his knowledge."

*(exit Brass 8:55 p.m.)*

**M/S/P Berg/Ptacek - to recommend the City Council approve the Community Facilities/Staffing Forecasts elements of the CDBG RFP.  
(Motion Passed 7-2). Opposed: Mandel, Taylor.**

### **4.A Highway 36 Corridor**

Planner Dillerud said the outcome of the 1994 Highway 36 study group, which included representatives from Washington County and MnDOT, was a recommendation that one day, Highway 36 become an "inter-regional corridor". He noted the group "ran the numbers" with a new bridge in Stillwater, but the bridge issue seems to have fallen through. He explained a complete plan would be submitted to the City Council, which includes a plan to modify the expressway by closing most intersections; installing an overpass on Lake Elmo Avenue; and, installing service roads. He said the proposal is to create an inter-regional corridor, along Highway 36, such as Highways 169, 52, and 212. He said the plan would be presented to the City Council June 19, 2001.

### **4.B Variances**

Chairman Armstrong said, in the past, the Planner presented two draft resolutions, with findings of fact recommending approval and denial in the variance procedure. He said eventually, the Planning Commission directed the Planner to provide only one recommending [approval or denial] resolution, noting the Commission would adopt a motion to table if its decision were contrary to what the Planner presented.

Commissioner Deziel said it seemed that it is not a problem if the recommendation is approval, no findings for denial are required. He suggested the Planner should present findings on both sides of the issue instead of taking sides.

Chairman Armstrong said the Planner acts as a professional and makes his recommendations based on the standards of the Municipal Code.

**M/S/P Armstrong/Taylor - to direct the Planner to continue to provide one resolution with findings of fact in reference to variances.  
(Motion Passed 9-0).**

**M/F Deziel - to direct the Planner to also provide affirmative findings for all variance applications, when the Planners recommendation is for denial of those variances.**

Commissioner Taylor thanked the Planner for his work, and said she appreciated, and relied on the comments found in the staff reports.

**Chairman Armstrong adjourned the meeting at 9:30 p.m.**

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Respectfully submitted, Cynthia Young - Planning Secretary

Variance Approved for Joe & Lori Kiesling on May 14, 2001

**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 result from these two factors.
2. Reasonable improvements, remodeling and additions to a home is 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 by 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 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. Since any expansion of the existing building would require the proposed variance; the variance applied for is the minimum variance required to alleviate the hardship demonstrated.
6. The variance will not be materially detrimental to the purposes of the Zoning Ordinance or other properties.

*Presented - June 11, 2001 P2 Regular meeting  
by Commissioner Deziel.*