





# City of Lake Elmo

Phone: 651-777-5510

Fax: 651-777-9615

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Old Village Special Projects Planning Commission  
and Regular Planning Commission  
will meet on **MONDAY, February 25, 2002, at 7:00 p.m.**  
in the Council Chambers of City Hall, 3800 Laverne Avenue North,  
Lake Elmo, Minnesota.

## AGENDA

1. Agenda
2. Minutes – Wednesday, October 10, 2001
3. Continued Discussion – 2002 Work Plan Components
4. Other
5. Adjourn

**DRAFT**

**Lake Elmo  
Planning Commission**

**Meeting Minutes  
Monday, February 25, 2002**

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 Bunn, Taylor, Mandel, Helwig, Sedro, Sessing, Berg, Williams, Ptacek, Herber, Herreid, Deziel, Pelletier, Bucheck. Also present: Planner Dillerud.

<b>Convene as Old Village Special Project Planning Commission</b>
---

**1. Agenda**

**M/S/P Helwig, Sedro - to approve the agenda, as presented.  
(Motion Passed 16-0).**

**2. Minutes**

**M/S/P Helwig/Sedro - to approve the Meeting Minutes – October 10, 2001, as presented.  
(Motion Passed 11-0-4). Abstain: Taylor, Bunn, Williams, and Pelletier**

**3. Discussion: Old Village Issues**

Planner Dillerud reported that the City Council approved the Planning Commission recommendation to hire Thorbeck Architects as the consultant for the Community Development Grant regarding Old Village Design Guidelines; discussed State Aid

Discussed State Aid for LE Avenue; has not made any engineering studies, hopefully the first bridge will be crossed at the next CC meeting.

Commissioner Armstrong asked if there was anything the Planning Commission could do to aid Thorbeck Architects at this time.

Planner Dillerud said proper public involvement was necessary, so in some manner a third party would be involved, but that he had nothing to offer at this point.

Commissioner John asked what the advantages would be for the City to maintain ownership of Lake Elmo Avenue.

Planner Dillerud said the day may come when signalization of Highway 5 and Lake Elmo Avenue would happen, and if the City is proud owner of Lake Elmo Avenue, 1/3 of the cost for installation of the signal equipment would become City expense; if the County maintained ownership, City would have no cost involvement. He mentioned another solution is that MnDOT has other thoughts for the intersection, and the problem is Highway 5, and that they do not care what Lake Elmo thinks regarding traffic calming ideas.

Commissioner Sessing asked if the City done any study for funding regarding maintenance of Lake Elmo Avenue.

Planner Dillerud said no studies had been done, but facilities forecasting was being approached.

Commissioner Bunn said she was impressed by the Thorbeck suggestion of more up front discussion, and that they needed clearer guidance regarding definitional and concept things.

Planner Dillerud said he did not support too much time be spent discussing ideas without the consultant's attendance.

Commissioner Williams said he was concerned that the call for sidewalks in the Old Village has still gone nowhere.

Commissioner Mandel said he also does not understand the delay in getting a time-table and estimates for sidewalks.

Commissioner Deziel said he did not think the public was motivated for [installation] sidewalks. He suggested waiting another 6-9 months for the Thorbeck design results.

Commissioner Mandel reminded Commissioner Deziel of the Minnesota Design Team input and the public input, as well.

Commissioner Herreid said he talked to County 10 years ago, and lots of folks have to walk in the street, and he also has a problem with flooding in front of his business on Lake Elmo Avenue.

Commissioner Williams said he does not know the ultimate design for the Thorbeck design, and eventually, the Planning Commission may decide a big fancy sidewalk is not necessary. He said one factor that would make a difference in a recommendation would be to at the very least, have the figures available for review.

Commissioner Bucheck said if the City Council is not willing to approve a study, would they approve an inventory of what is currently available [sidewalks in the old village].

Planner Dillerud said the City Council took no action when this issue was brought before them last fall.

Commissioner Williams asked that the sidewalk issue and the discussion with Thorbeck not occur at the same meeting.

Planner Dillerud agreed.

**M/S/P Williams/Armstrong – to request the City Council take action to approve the services of the City Engineer to begin designing a sidewalk system in the Old Village area from Highway 5 to the railroad tracks. (Motion Passed 14-0).**

It was agreed that the April 15<sup>th</sup>, 2002 meeting will include discussion with the residents of the Old Village regarding April, 15<sup>th</sup> will be OV Special Projects Planning Commission, include in the discussion with the residents of the Old Village.

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

**CONVENE AS REGULAR PLANNING COMMISSION**

**1. Agenda**

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

2. Minutes

M/S/P Armstrong/Helwig - to approve the February 11, 2002 Meeting Minutes as presented.

(Motion Passed 9-0).

3. PUBLIC HEARING: Zoning Variance for Front Setback  
Greg Kissner – 9873 55<sup>th</sup> Street

Planner Dillerud explained that the Final Plat for Lake Elmo Vista neighborhood was approved by the City Council on June 5, 2001 and five lots were platted on the 55<sup>th</sup> Street cul-de-sac. He noted that Kissner Homes submitted an application for a building permit to construct a home on Lot 2 on January 9, 2002 and the documentation included a survey that proposed a home to be located 64.01 feet from the 55<sup>th</sup> Street property line. He said construction commenced reaching a stage of completed and backfilled basement foundation.

Planner Dillerud explained that he was advised of the inconsistency with RE Zoning setback standards and confirmed an error in the approval of the building plans based upon the front setback on Lot 2. He said a “Stop Work Order” was immediately issued and the builder was notified.

**Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:55 p.m. NO COMMENTS**

Commissioner Deziel asked the applicant what his considerations were when he was establishing site lines and determining placement of the structure.

Mr. Kissner said he had “walked the lot” several times, but was not aware of the 100 foot setback requirement. He explained he thought he was in compliance with City Codes when he applied for the building permit. He noted the plan reflected the best location for the house, and that grading and landscaping were taken into account.

Commissioner Taylor asked the applicant how many houses he had built in Lake Elmo.

Mr. Kissner said he worked for Santani Homes, who built homes in Torre Pines, and his company built three homes in Meyer’s Pineridge, which is an OP residential development.

Commissioner Deziel suggested that applicants sometimes take much more time to note conditions than the Planning Commission does when determining setback requirements.

Commissioner Bunn asked the applicant if he read the RE Zoning requirements before applying for the building permit.

Mr. Kissner said he had not.

Commissioner Bunn stated the City should not be in the business of granting variances, and did not find the findings compelling enough to provide a recommendation for approval.

Commissioner Ptacek said just because the City made an error, the applicant should understand they have some responsibility to understand zoning standards, as well.

Commissioner Deziel stated the applicant has a strong case against the City, based upon the Cardinal Ridge issue.

Mr. Kissner said he was aware of the Cardinal Ridge issue, as well.

Commissioner Sessing agreed that the variance should be granted, and the City has to accept some responsibility.

Commissioner Sedro stated she could get by the fact that the only hardship is economic.

Commissioner Deziel stated if we [City] don't recommend approval of the variance request, there could be a lawsuit.

Chairman Armstrong said legal issues are very grey; the applicant has an investment, and relied on the City for that investment; and he would recommend the variance be approved.

Commissioner Helwig stated that it may be fine for this lot, but would the adjoining property owner ask for the same setback.

Planner Dillerud said he was not worried about a request in the RE Zoning District.

Commissioner Berg asked about conditions of the Cardinal Ridge situation, and if they were applicable to this scenario.

Planner Dillerud said no, they are not the same conditions.

**M/S/P Mandel/ Herber – to recommend of a zoning variance to permit a front setback of 64.01 feet on Lot 2, Block 1 Lake Elmo Vista (9873 55<sup>th</sup> Street North) based upon:**

1. The combination of minimal RE lot depth, and plan review oversight by the City present a unique and extraordinary set of circumstances regarding the front setback proposed by the variance application.
2. Approval of the requested variance will not inure particular rights to this applicant that would not be available to other property owners in the RE zoning district under exactly the same circumstances.
3. The special circumstances unique to this applicant and property are not solely the result of the applicant's actions.
4. The granting of the variance under the particular circumstances of this application will not confer on the applicant privilege denied to other property owners in the RE zoning district.
5. The variance is the minimum required to alleviate the hardship.
6. The variance would not be materially detrimental to the purposes of the zoning Ordinance.
7. The variance is not based on economic hardship alone.

**(Motion Passed 5-4).**

Commissioner Bunn suggested amending the forms which applicants agree to at the time of issuance of building permits.

4. **Site and Building Plan Review: United Properties  
Eagle Point Business Park**



Planner Dillerud stated that the applicant has made the following modifications to the Site Plan and recommends the Planning Commission recommend approval based upon: The site has been increased in area from 12.69 acres to 13.45 acres; The structure has been enlarged from 10,000 square feet to 118,600 square feet, with 100,970 to be constructed in Phase 1; The total parking proposed to be constructed with Phase 1 is 460, with an additional 112 stalls with the later building phase; The exterior surfacing has become all glass and brick, with a banding of light brick, rather than the "CMU Block"; The grading and landscaping plan has been modified to provide a significant screening component along the north property line – both by discontinuous berm and landscape treatment. He noted the engineers continue to work on the surface water containment and treatment issues.

Commissioner Sedro inquired concerning the height of the parking lot lighting.

Planner Dillerud replied that they were 25', well within the approved standards for the Planned Unit Development.

Commissioner Taylor asked where the pending will be located on the site.

**George Burkards  
United Properties**

Mr. Burkards explained the location of the pending on the entire Eagle Point Business Park site. He also noted that the South Washington Watershed District has reviewed the plan and is agreeable to, and likes the pending plan they have proposed.

Commissioner Ptacek asked if the new plan reflected shifting the building site further to the south. He said he supports the plan considering an agreement with Xcel has been executed.

Commissioner Sedro suggested additional conifers be added to the landscaping plan near the west end of the north berm.

**M/S/P Taylor/Deziel – to recommend approval of the Site Plan for United Properties that is Staff-dated February 22, 2002 subject to the following conditions:**

- 1. Modification of the surface water plan as required by the City Engineer.**
- 2. Compliance with all requirements of the City Engineer.**

3. Submission of a landscape contractors cost estimate for the landscape; and, provision of security to the City to assure landscape plan execution and 2 years survivability.
4. Payment of Park dedication fee-in-lieu, as prescribed by Eagle Point Business Center Development Agreement.
5. Modification of the exterior lighting plan to eliminate "hot spots" of 3 candle power; or, City Council waiver of the 3 candle power standard/amendment to Section 1350.05 Subd.2 to accommodate lighting "hot spots".
6. Approval of a Final Plat creating the site from Outlot B; and, a Development Agreement Addendum for Eagle Point Business Park addressing utility and public street improvements required to support this site.

(Motion Passed 8-1). Opposed: Sedro: Not opposed to the development, but would like to see more conifers in the Xcel easement berm.

#### 5. Limited Business – Amend Conditional Uses

Planner Dillerud acknowledged the City Council's direction to the Planning Commission to consider permitted and conditional uses in the Limited Business Zoning Text. He asked Commissioner Bunn to discuss amendments as presented in her written proposal to the other Commissioners.

Commissioner Bunn reviewed her recommendations, as found in her memo dated February 19, 2002 to the Planning Commission.

Deziel thanked Commissioner Bunn for providing an analysis.

Commissioner Ptacek said he favors working to get the two zones in line; liked the use of limited retail uses directly related to the primary use, eliminating retail sales, but it may be impossible to keep a functioning list.

Commissioner Sedro stated she likes the "hybrid" approach; and, liked Commissioner Bunn's ideas concerning accessory to the primary uses for retail business.

Commissioner Deziel said if the fear is "big-box", this could be solved simply by regulating the size of the building.

Chairman Armstrong said he was not supportive of creating a bunch of rules to make all kinds of existing businesses non-conforming. He noted that the "other similar" clause may put the City in a more defensive posture.

Commissioner Bunn suggested taking out the current conditional uses that do not exist.

**Planner Dillerud agreed to provide the Commissioners with an inventory of current Limited Business Uses.**

**Chairman Armstrong adjourned the meeting at 9:35 p.m.**

---

Respectfully submitted, Cynthia Young-Planning Secretary

Lake Elmo  
Planning Commission

Meeting Minutes  
Wednesday, October 10, 2001

APPROVED  
Old Village  
February 25, 2002

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

**CONVENE AS OLD VILLAGE SPECIAL PROJECTS**

**1. Sidewalks**

Planner Dillerud explained that the City Council adopted a work program for Old Village Area. He said when he brought the work program to the City Council, they agreed sidewalks were high priority but looked at drainage issues, as well. He suggested the next step might be to hire an engineer to do an analysis of the old village area, and then provide several streetscape designs. He suggested the analysis could be completed in phases to include; the current situation, what could be done, create character, staging, estimate. He suggested funding might come from tax abatement funds, with more funding available in 2002. He said that, generally, when a city completes a sidewalk project, part of the cost is assessed to property owners. He said if property owners were assessed in Lake Elmo, the project probably would not get done, and he is looking at this as a City funded project. He noted the current sidewalks on Lake Elmo Ave are in the County right-of-way.

**2. Stormwater Drainage**

Planner Dillerud said he had not found a study by TKDA with a solution to stormwater problems in the Old Village Area, but it might be "wrapped in" the reconstruction of Laverne project. He said the City Engineer told him a similar approach would be necessary. He explained that the City has annually budgeted into a stormwater reserve account, which is now over 6 figures. He suggested the Old Village Special Projects Planning Commission may wish to adopt a recommendation that they concur that stormwater is an issue, and direct the City Engineer to address. He noted the definition of "village scale housing" might be addressed first.

Commissioner Berg asked about the history regarding the installation of sidewalks whether this discussion was limited from Highway 5 to the railroad tracks.

Planner Dillerud noted that pedestrian movement is a big issue without a game plan.

Commissioner John said he did not favor too much discussion of sidewalks other than north of railroad tracks.

Commissioner Herreid said although other areas were of concern, 30<sup>th</sup> Street to name one, the community was not in favor of sidewalks, and a safe place to start is Lake Elmo Avenue.

Commissioner Bucheck suggested diverting some parking to behind buildings, rather than on Lake Elmo Avenue. She asked that the creek that goes under the street be addressed [relating to sidewalk placement].

Commissioner John said the natural waterway from the Schiltgen field through downtown to the lumberyard continues. He said the waterway has been leveled off and occasionally flooding occurs.

**M/S/P John/Armstrong - to recommend City Council direct the City Engineer provide costs and time table for installation of sidewalks and stormwater drainage improvements in the old village area, including the open the flow of the water, using the Thorbeck streetscape design as a guideline.**

**(Motion Passed 12-0).**

Commissioner Sessing said he thought it was a poor situation to ask City Engineer to estimate without a plan.

Planner Dillerud said the City Council could ask the City Engineer to provide a plan reflective of the streetscape [provided by Thorbeck], and look at drainage as a separate issue.

Commissioner Bucheck asked if we want places for pedestrian seating.

Commissioner Berg said in order to deal with drainage issues in the Old Village Area; they must be looked at further out from the Old Village to the hydrologic boundaries.

**M/S/P Berg/Sessing - to deal with issues in the Old Village over the entire sub-watershed, and they be addressed from a broader based hydrologic basis, to include direction as found in the approved Comprehensive Plan, and to engage the Valley Branch Watershed District, which has expertise in past studies in this area.**

**(Motion Passed 12-0).**

Commissioner Sessing commented that he sees the sidewalks/drainage problems as a same issue.

### **3. Architectural Guidelines**

Planner Dillerud announced that he has arranged for up a meeting (open to public) to discuss the Old Village Architectural Guidelines to "air out" some issues. He said the meeting is scheduled for Tuesday, October 23, 2001 at 7:00 p.m. in the Council Chambers.

<b>ADJOURN AS OLD VILLAGE SPECIAL PROJECTS</b>
--

<b>CONVENE AS REGULAR PLANNING COMMISSION</b>
---

#### **1. Agenda**

Move item 4 to after 6 (re-number agenda items).

**M/S/P Helwig/Berg - to approve the agenda, as amended.**

**(Motion Passed 9-0).**

#### **2. Minutes**

**M/S/P Armstrong/Berg to approve the September 24, 2001 meeting minutes, as amended.**

**(Motion Passed 5-0-4).**

#### **3. Public Hearing:**

**Variances**

**9359 Jane Road - Kiesling**

Withdrawn by applicant.