



# 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  
**MONDAY, APRIL 8, 2002, at 7:00 p.m.**  
in the Council Chambers of City Hall, 3800 Laverne Avenue North,  
Lake Elmo, Minnesota

## **CONVENE AS REGULAR PLANNING COMMISSION**

1. Agenda
2. MINUTES: March 25, 2002
3. PUBLIC HEARING: Zoning Variance – Minimum Lot Size  
Patrick Kinney – PJK Realty, Inc.
4. PUBLIC HEARING: Open Space Preservation Concept Plan  
Krongard/Wier

## **CONVENE AS MAINTENANCE ADVISORY SPECIAL PROJECTS**

1. Agenda
2. TKDA - Community Facilities Forecast
  1. Revised Demographic Information
  2. Revised and Additional Information re: Services for other cities
  3. Report on Building Inventory Condition Analysis
  4. Next Steps
3. Public Works Request for Capital Improvement

Apr 8th

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 25, 2002

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council chambers at City Hall. PRESENT: Armstrong, Taylor, Deziel, Sessing, Helwig, Sedro and Planner Dillerud.

**1. AGENDA**

M/S/P Helwig Deziel – to approve the March 25, 2002 Planning Commission Agenda, as presented. (Motion passed 6-0.)

**2. MINUTES: March 11, 2002**

M/S/P Sedro/Helwig – to approve the March 11, 2002 Planning Commission Minutes, as amended. (Motion passed 5-1 Abstain Taylor)

**3. PUBLIC HEARING: United Properties, Preliminary Plat of Outlot B  
Eagle Point Business Park 2nd Addition**

Planner Dillerud reported the preliminary plat is to replat one of the 2001 outlots in Eagle Point Business Park to create the site for the Bremer Financial project, for which a Site Plan has already been approved by the City Council. Dillerud explained the preliminary plat is consistent with the process of land division, consistent with the approved PUD Plan; and consistent with the approved Site Plan for Bremer Financial. Staff recommended approval of the preliminary plat.

Chairman Armstrong opened up the Public Hearing at 7:02 p.m.  
There was no one to speak for or against the preliminary plat application.  
Chairman Armstrong closed the public hearing at 7:03 p.m.

M/S/P Sessing/Sedro – to recommend to the City Council approval of the Preliminary Plat of Eagle Point Business Park 3rd Addition per plans staff dated February 21, 2002, subject to the following condition:

1. Compliance with the recommendations of the City Engineer. (Motion passed 6-0.)

**4. PUBLIC HEARING Zoning Ordinance Amendment Accessory Structures**

The Zoning Ordinance include a clause that requests the written approval by adjacent property owners, as one condition for approval of location garages or other accessory structures closer to the front property line than the principal structure on the lot. Planner Dillerud explained the provision for property owners written approval is probable illegal in this state, called referendum zoning. The City Council directed that the Commission consider repealing that neighbor's permission clause from the code.

Chairman Armstrong opened the Public Hearing at 7:05 p.m.

There was no one to speak for or against the amendment.  
Chairman Armstrong closed the Public Hearing at 7:06 p.m.

Commissioner Sessing suggested repealing the entire ordinance and have the applicants go through the variance process. Chairman Armstrong stated this provision is not used often, but would like some standards in place. Commissioner Sedro asked why the other zoning districts are not included.

M/S/P Sessing/Helwig -- to recommend to the Council repealing the entire ordinance because this would allow granting a variance rather than require the applicant to go thru the variance process. (Motion passed 5-1 Deziel: A variance is a costly application and he would rather set up some guidelines).

5. PUBLIC HEARING: Zoning Variances – Shoreland Overlay District  
Kevin & Lori Peterson, 8278 Hidden Bay Ct.

Planner Dillerud reported the applicants have proposed two additions to the existing home. A 288 sq.ft. addition to the north end of the home and a one level 120 sq.ft. addition to the street side (east) of the home. The addition to the north end of the home will be an expansion of the non-conformity of the structure and cannot be permitted without a variance. The addition will be no closer to the OHW than the existing home and within the required 100 foot OHW setback.

Planner Dillerud indicated the DNR had no objections with the variance request. The City engineer has not responded on wastewater and staff needs to get his input before it goes to Council.

Kevin Peterson stated they are looking for more space

Chairman Armstrong open up the Public Hearing at 7:22 p.m.  
There was no one to speak for or against the zoning variances.  
Chairman closed the Public Hearing at 7:23 p.m.

Commissioner Deziel asked Findings #5 be changed to “any addition to the existing house would require a variance of this nature. This variance is the minimum variances necessary to alleviate the hardship”.

M/S/P Deziel/Armstrong – to recommend approval of the Shoreland Overlay District variance for Lori and Kevin Peterson at 8278 Hidden Bay Court, based on home expansion plans staff dated March 21, 2002 and the Findings of the Planning Staff Report dated March 21, 2002 to include the word change of Finding #5 and add Finding #7; contingent on the approval that the septic system will handle the house with the variances approved by the City Eng. (Motion passed 6 -0).

6. PUBLIC HEARING: Family Violence Network/Dee Flatau  
9730 Hudson Blvd, Rezoning from HB to LB, CUP

Planner Dillerud explained the zoning map has not been changed and still shows the use as (HB) Highway Business, but guided as (LB) Limited Business and should have been zoned LB years ago. This is a two part application, First part is to rezone to LB and then deal with the CUP. Dillerud found out today there are a few physical modifications for health, safety and welfare. Dillerud had talked to Filla, who stated even though this facility is not specifically licensed; the proposed use is surely dependent care.

Beverly Dusso, FVN, explained this facility would be a short term shelter for women and children. They need enough time, 3-5 years, to raise the money for a property site for a permanent shelter facility. They are asking permission for a façade and to close all doors to the outside. There is a need for a room to dine together and a staff room. This facility would have a 32 maximum occupancy. There are no live in staff, but have three shifts. Dave Engstrom stated they could live with the conditions now, usable for the purpose, but may come back after talking to architect for a variance to add onto the building for security and safety issues. A committee is working on building a new shelter so this facility would be sold and the proceeds used to build a new facility.

Chairman Armstrong opened up the Public Hearing at 7:45 p.m.

There was no one to speak for or against the application.

Chairman Armstrong closed the Public Hearing at 7:46 p.m.

M/S/P Armstrong/ Taylor – to recommend to the Council approval of the rezoning of 9730 Hudson Blvd. from Highway Business to Limited Business, based on compliance with the Comprehensive Plan. (Motion passed 6-0).

M/S/P Armstrong/Taylor – to recommend to the Council that the use posed by applicant of FVN/HTC, Inc. is of the same general character as “licensed dependent care center”. (Motion passed 6-0).

Planner Dillerud explained if the Planning Commission is to approve the CUP then the applicant should go to their architect and bring back for consideration no footprint expansion doorway removal.

M/S/P Armstrong/Taylor – to recommend approval of a Conditional Use Permit for FVN/HTC, Inc. to permit the use of the existing facility, with the enclosure of the sidewalk area, doorway removal, and no footprint expansion, at 9730 Hudson Blvd. for temporary housing of women and children based on a Finding that the proposed use complies with the standards of Section 300.06, Subd. 4; and subject to the conditions specified by the March 21, 2002 Planning Staff Report. (Motion passed 6-0).

#### 7. Daniel Rude Variance

Planner Dillerud reported the City Attorney had investigated the history of the minimum lot size in the R1 zoning and the platting of the site. The City Engineer reviewed the soil investigation submitted by the Petersons for a new septic system a few hundred feet north

of the Rude site. Prew stated in his letter that it would appear that the 6,400 sq.ft of area would be required for the two drain fields to serve the Rude site if the City owned land is included.

Dillerud explained that the Council continued its consideration of a policy regarding sale of city owned land.

Dan Rude didn't have any more to say than what was in his letter presented to the Commission at their last meeting.

Commissioner Helwig asked the applicant to consider postponement until the Council makes up its mind on whether they would sell city owned land. If the Council decides not to sell Mr. Rude the land, then he would have a problem with the variance application.

M/S/P Helwig/Taylor - to table application until we get a definite response from the Council if the land would be sold or not sold to Mr. Rude. (Motion passed 3-2 Armstrong, Deziel-1; Sedro abstain.)

Mr. Rude stated if the City permits selling lot, he would not go ahead with purchase if he could not combine the land.

Commissioner Deziel wanted to approve variance contingent on sale of land. Armstrong and Taylor would not approve. Sedro had a concern on septic if it will hurt the environment around it.

Chairman Armstrong brought up his concern on the 60 day rule. This application could have to go on the April 2 council agenda for Mr. Rude to request an extension. It is not fair to the applicant and have the applicant come back and seeing no progress. Commissioner Helwig stated if the Council denies variance application and then in a certain month period the City sells the land, Mr. Rude now has to pay the variance fee.

Commissioner Sedro asked the City Eng to comment on the aggregate affect??

#### 8. Allowable Uses in the Limited Business Zone

Chairman Armstrong stated if this is what the Commission wants to do then we should not put the weasel words in it. He did have a concern about creating the Big Boxes. The City will overhaul LB when the consultant gets hired to work on the zoning code.

The following changes were recommended:

Exhibit 2, 3. Conditional Uses in Limited Business

Item #4 Business Services. The word "etc." gets you into trouble and should be deleted.

Item #9 Light Manufacturing What is light manufacturing??

Item #10 Limited Retail Sales should be stricken.

Item #11 Limited Retail Uses.....Move all the wording from right to left and leave as is.

Item #15 Restaurants and Cafeterias. The people don't want a McDonalds

Item #22 Other similar to Uses: Strike this item

Item #25 Accessory Uses. Dillerud stated this is common language. Add wording "incidental to a permitted use or conditional use". The wording "as determined by the Council is unusual".

The Commission agreed to taking out the language that is not specific and would get the City into trouble.

M/S/P Helwig/Taylor – to deincorporate the recommendations made by Chairman Armstrong. (Motion passed 5-1:Deziel).

Commissioner member Sedro suggested limiting by size.

Bruce Miller explained that a Best Buy is 45,000 sq.ft., Home Depot is 100,000 sq.ft. A Big Box would be 20,000 plus sq.ft. He is trying to bring in something without requiring utilities and is aiming for the office users. A Furniture store has the least amount of traffic. A Best Buy and Home Depot give four times the amount of traffic. Mr. Miller stated putting in a 10,000 sq.ft. building on 3 ½ Acres is not economical. Impervious surface is 40,000 sq.ft so the code does have some limitations.

Commissioner Sessing suggested limiting Big Boxes by traffic as in parking lot size and the square footage of the building.

M/S/P Sedro/Helwig – that the conditional uses, after Chairman Armstrong's recommendation for elimination and Light Manufacturing, be limited to the floor area to under 20,000 sq.ft.. (Motion passed 4-2 Deziel, Armstrong – would have a hard time to meet impervious surface coverage requirement.)

Planner Dillerud will provide a clean draft of the LB Uses for the Planning Commission before they call a Public Hearing.

Commission adjourn the meeting at 8:40 p.m.