

11-10

**The Lake Elmo Planning Commission
Will conduct a Public Hearing on
Monday, November 10, 2003 at 7:00 p.m.**

In Council Chambers,
Lake Elmo City Hall
3800 Laverne Ave. N.
Lake Elmo, MN 55042

AGENDA

- 1) Pledge of Allegiance
- 2) Agenda
- 3) Minutes
 - (1) September 15, 2003
 - (2) September 22, 2003
 - (3) October 14, 2003
- 4) Public Hearing – VARIANCE from Ordinary High Water Setback
Roger & Candice Johnson – 8048 Hill Trail North
- 5) 520 Site Plan – River Valley Christian Church
- 6) Adjourn

The public is invited to attend.

**City of Lake Elmo
Planning Commission Meeting
Minutes of November 10, 2003**

Chairman Helwig opened the Planning Commission Meeting at 7:00 p.m. COMMISSIONERS PRESENT: Berg, Meldahl, Ptacek, Deziel, Sedro, Van Pelt. STAFF PRESENT: Chuck Dillerud, City Planner and Kimberly Schaffel, Recording Secretary.

The meeting began with the Pledge of Allegiance.

AGENDA

M/S/P, Ptacek/Van Pelt, To approve the Agenda as presented. **VOTE: 8:0.**

MINUTES

M/S/P, Deziel/Ptacek, To accept the Minutes of September 15, 2003 as presented. **VOTE: 8:0.**

M/S/P, Ptacek/Deziel, To accept the Minutes of September 22, 2003 as presented. **VOTE: 8:0.**

Minutes of October 14, 2003

Commissioner Berg asked that Page 5 be changed to say that The Schiltgens are in favor of extending the moratorium.

M/S/P, Berg/Sedro, To accept the Minutes of October 14, 2003 as amended. **VOTE: 8:0.**

PUBLIC HEARING – VARIANCE FROM OHW – ROGER JOHNSON

City Planner

He reported that Mr. Johnson has made application to remodel and enlarge his residence, virtually all of which is located within the OHW Setback from Lake Demontreville. There was first a basement home and outhouses on this property that were removed in the 1970's. This is the second structure on this site. The applicant proposes an architectural revision to the home, and create an addition on the west side of the house to create two story additional living area some of which will be in the existing garage. He will create a new 3-car garage that is side loading rather than front loading. There is no additional encroachment to the lake setback. However, this is already a non-conforming structure created before the Shoreland Ordinance.

He stated that it is staff's opinion that is a reasonable use of the property, if enlargement is reasonable in this neighborhood, and others like it. To deny a variance would deny reasonable use of his property. Staff perspective is that this improvement brings the home to 2003 standards. He recommended the following Findings:

1. The property cannot be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed modifications are in keeping with both.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of Shoreland Regulations, and the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood, if said neighborhood is defined by the preponderance of contemporary lakefront housing in the City.

Based on those Findings, he reported that staff recommends approval of the variance requested. While no Valley Branch Watershed Permit is required, he also recommended the suggestions of the Valley Branch staff regarding protection of water quality be a condition of approval.

DNR has offered no opinions in this case.

Commissioner Bunn

VBWD recommended moving the old driveway. Is there a discrepancy in the agenda packet materials on this application as to where the new driveway would be located. She noted the driveway appeared in two different locations on drawings in the packet.

Roger Johnson

Removal of the existing driveway will be acceptable to applicant. The drawing showing the front loaded driveway was included in error.

Commissioner Deziel

Questioned Mr. Johnson as to whether he had reviewed the recommendations from VBWD, and was he comfortable with them?

Roger Johnson

Yes, and I will be keeping the site natural as it is.

THE CHAIR OPENED THE PUBLIC HEARING AT 7:15 P.M.

Jeff Reed, neighbor to the south

He stated that he has reviewed the plan, and thinks it is outstanding and beautiful, and an asset to the neighborhood. He asked if a tree on the south line of the property will be preserved.

Roger Johnson

He stated that the tree remains. The other side roof line is cut off in order to save the tree located there. If this tree is in the way, a notch will be made in the roof.

Jeff Reed

He reported that runoff from the Johnson property runs onto their property because the Johnsons are on higher ground. Maybe there should be drain tile between the two houses. If the construction causes a problem in their basement, who is responsible?

City Planner

In new development, we maintain positive drains between homes. New gutters added to the house would probably solve the problem. If Mr. Johnson wishes to avoid future difficulties, he will put on gutters.

Roger Johnson

The current garage and driveway slopes toward his house. Halfway out to the street is draining back to his house, and into the area between houses. New changes will divert half the water but gutters will be fine.

Jeff Reed

Those were his main areas of concern. It is an outstanding plan adding value to the neighborhood.

THE CHAIR CLOSED THE PUBLIC HEARING AT 7:22 P.M.

City Planner

Mr. Reed brings up a good point; the applicant should add roof gutters on the south overhang directing water westerly toward Hill Trail. That should solve the potential problem, and make the plan even better.

Roger Johnson

While directing the water to the road, the slope of the land is toward the house, if I regrade the current driveway, the current slope is toward the lake.

City Planner

Even if the land sloped to the north, runoff might conflict with the drainfield; gutters will give runoff a

long run before it reaches the lake. Best efforts are needed.

M/S/P, Sedro/Deziel, Recommend approval of the Shoreland Setback Variance for expansion of a non-conforming structure at 8048 Hill trail North, per staff plans dated November 6, 2003 subject to water quality protection recommendations provided by Valley Branch Watershed District being incorporated into the design and construction; and, that gutters be added and directed, and/or grading be performed, to insure the neighbors have no water problems as a result of this construction. **VOTE: 8:0.**

RIVER VALLEY CHRISTIAN CHURCH SITE PLAN REVIEW

City Planner

He reported that Pastor Neitzell of River Valley Christian Church stated that the church has applied to add a 30 car overflow parking area. He reported that during large events, parishioners have to park on Lake Elmo Avenue. The parking area will be made of crushed rock, not paved.

The City Planner reported that here are three primary staff concerns:

1. Addition of impervious surface - crushed rock essentially becomes impervious. He questions whether the existing storm water facility could accommodate the additional storm water runoff. Engineers at VBWD and Lake Elmo assure us the pond is large enough now but that will be the maximum allowable improvement. Further expansion will require an enlargement of the pond.
2. Public/Semi-Public Zoning District buffering requirements are extensive. On a site of this size, 6 acres, 100 feet on all sides of the site are required. The south 100 foot buffer is encroached on by this parking area. The City Attorney advises that a variance is required. The Planning commission can render a recommendation and have the Public Hearing at the City Council Meeting instead. It would be held December 2nd instead of November 18.
3. Interior landscaping will have to be incorporated into the crushed rock area with about two more landscape islands to meet City Code standards. Appropriately sized landscape islands should be added as a condition of approval.

Staff suggests a recommendation of approval. Generally this plan meets the provisions of the code.

Commissioner Bunn

What is to the south of there?

City Planner

Farm land, as well electric transmission towers as of today.

Commissioner Bunn

If this area to the south is developed in the future, buffering will become more of an issue. Could the parking area be moved northerly or westerly to allow more buffer zones, recognizing, however, that future development to the south?

City Planner

The buffer off Highway 36 is 200 feet, precluding moving the lot north. The lot is almost to the west buffer line already.

Commissioner Bunn

Future development on adjoining sites will probably put in a buffer too.

City Planner

If this site were an acre less in size, the buffer required would be only 50 feet.

Commissioner Ptacek

He stated that he is in favor of grandfathering the buffer consistent with the existing parking lot buffer it. He thinks it is the right thing to do.

M/S/P, Ptacek/Van Pelt, To recommend approval of the Section 520 Site Plan amendment subject to Council approval of the buffer set back and Variance to be requested at a Public Hearing conducted by the City Council, based upon the staff report of November 6, 2003, with conditions that no additional impervious surface improvements are undertaken without increasing the size of the storm water facility,; and, that properly sized landscape islands be constructed in the new parking area. Further, that the Council review the 100 feet buffer requirement in the public/semi-public portion of the zoning ordinance.
VOTE: 8:0.

Commissioner Ptacek

He asked if we didn't have a proposal for the golf practice facility of Hiner from Frattalone and Rehbein to use a product that acts like impervious surfacing but is actually pervious. It was plowable but expensive.

CITY COUNCIL UPDATES

The City Planer reported that the City Council tabled the Old Village Plan, and extended the development moratorium another 120 days. They approved hiring North American Wetland Engineering to do a wastewater assessment, and TKDA for the traffic forecasting. Those projects will be under way shortly.

Adjourned at 8:05 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary