



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/5/2013

CONSENT

ITEM #: 11

MOTION

AGENDA ITEM: Conditional Use Permit – Raleigh Creek Culvert Removal

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo has received an application for a Conditional Use Permit (CUP) from Valley Branch Watershed District (VBWD) to conduct grading in a floodway in order to remove a culvert located at Raleigh Creek and the former 28th Street. The Planning Commission held a Public Hearing on January 14, 2013 and recommended approval of the CUP. The project is being completed at the request of the City in response to requests by nearby residents to mitigate instances of flooding in the area due to blockages in the culvert during sub-freezing temperatures.

BACKGROUND INFORMATION:

The area surrounding the culvert located at Raleigh Creek and the former 28th Street has experienced flooding due to blockages caused by ice. The VBWD has previously attempted to remedy this situation by deicing the culvert through various methods. These efforts have proved ineffective and costly. In order to remedy this situation, the VBWD has determined to remove the culvert to respond to the complaints of nearby property-owners.

The Planning Commission held a Public Hearing at its meeting on January 14, 2013. Mr. Nathan Campeau, the VBWD engineer, explained that the work would be completed at a time when the creek bed is dry to minimize problems related to erosion control. With this consideration in mind, the work could be undertaken during the winter before the snow melts, or in late summer. During the Public Hearing, Mr. Jim Palecek, Mr. Glen Wichelmann and Mr. Thomas Regan, three residents of the area, spoke in favor of the project. After the Public Hearing, the Planning Commission voted unanimously to recommend approval of the CUP.

STAFF REPORT:

The grading that is to occur is intended to return the creek to its original pre-culvert cross-section or natural vegetative state. As part of the VBWD's application, they have submitted a grading plan to detail the parameters of the grading work. Additional details can be found in the VBWD application materials, as well as the City Engineer Report (1/7/13). Per the Engineer's comments, Staff will work with VBWD if any difficulties arise as part of the grading project. In addition, the applicant should be cognizant of the other comments found in the Engineer's report, including notification of adjacent property owners, required erosion control efforts, and notification of any significant tree removal.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval of the Conditional Use Permit by taking the following action:

“Move to approve Resolution 2013-06, approving the Conditional Use Permit allowing the Valley Branch Watershed District to conduct grading in a floodplain to facilitate the removal of a culvert located at Raleigh Creek and the former 28th Street, as recommend by the Planning Commission.”

ATTACHMENTS:

1. Resolution 2013-06
2. Planning Commission Report, 1-14-13
3. VBWD CUP Application
4. City Engineer's Report, 1-7-13

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....Planning Director
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates