



## MAYOR AND COUNCIL COMMUNICATION

DATE: 2/5/13

**CONSENT**

ITEM #: 12

**RESOLUTION NO. 2013-07**

**AGENDA ITEM:** Christ Lutheran Church Lot Size Variance – 3549 Lake Elmo Ave N

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick M. Johnson, City Planner

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a variance request from Christ Lutheran Church, 11194 36th Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North. The split is intended to allow the church to retain ownership of the majority of the parking lot on this site while selling the building to another party along with a small portion of the existing parking area. A variance is needed because the resulting parcels of 0.42 acres (building plus small parking area) and 0.27 acres (larger parking area on northern portion of site) are well below the minimum lot size requirement of one and a half acres in this district and would also not meet the minimum lot width requirements of the district.

The recommended motion to act on this request is as follows:

***“Move to approve Resolution 2013-07 approving a variance to allow Christ Lutheran Church to split its parcel at 3549 Lake Elmo Avenue into two separate lots that do not meet the minimum requirements of the GB – General Business zoning district for lot area and lot width.”***

**BACKGROUND INFORMATION:** The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission. Should the Council support the Planning Commission recommendation for approval of the request, the attached resolution reflects the findings that were adopted by the Commission with one additional condition that has been recommended by Staff.

**PLANNING COMMISSION REPORT:** The Planning Commission reviewed the variance request at its January 14, 2013 meeting and conducted a public hearing at this time. The Commission received a letter from Kathy Weeks, 3647 Lake Elmo Avenue North, opposed to the granting of the variance. Jim Kelly, as a representative of the church, discussed the rationale behind the request for the lot split. He noted that a potential buyer of the old Lake Elmo Bank building has indicated that they do not need all of the parking that is presently associated with this building.

The Commission discussed the parking situation on the property, and generally supported the variance with a condition that the church allow any future building owners to share the parking area it will retain. The Commission further recommended that this agreement be reciprocal to also allow the church to use the parking that would be retained by the owner of the old bank building.

After further review of the request by Staff, the Council is being asked to consider one additional condition related to the existing storm water retention area that lies adjacent to the proposed boundary between the lots. Because this existing rain garden infiltration area would remain entirely under the ownership of the church and yet collects storm water runoff from the adjacent parking area, a drainage easement should be placed over the infiltration area in order to ensure its continued use and availability for the future owner of the bank building. This additional condition has been drafted as part of the attached resolution of approval.

**PLANNING COMMISSION RECOMMENDATION:** Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the variance request from Christ Lutheran Church, 11194 36th Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North by undertaking the following action:

***“Move to approve Resolution 2013-07 approving a variance to allow Christ Lutheran Church to split its parcel at 3549 Lake Elmo Avenue into two separate lots that do not meet the minimum requirements of the GB – General Business zoning district for lot area and lot width.”***

**ATTACHMENTS:**

1. Resolution 2013-07
2. Planning Commission Report (1/14/13)
3. Application Form
4. Application Narrative
5. Letter from Potential Buyer
6. Location Map
7. Certificate of Survey for Lot Split
8. Letter from Kathy Weeks (3647 Lake Elmo Ave N)

**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