



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 26, 2019**

Commissioner Weeks called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Cadenhead, Hartley, Holtz, Risner, Steil and Weeks

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** City Engineer Griffin, Planning Director Roberts, City Planner Prchal

**Approve Agenda:**

M/S/P: Hartley/Risner move to approve the agenda, ***Vote: 6-0, motion carried unanimously.***

**Approve Minutes:**

Weeks asked that the record reflects that the Public Hearing was opened and closed.

M/S/P: Hartley/Cadenhead, move to approve the July 22, 2019 minutes as amended, ***Vote: 6-0, motion carried unanimously.***

**Public Hearings**

9447 Stillwater Boulevard N. Variance Requests

Prchal reported that the applicant is requesting two variances to construct a new accessory structure on his property. The first request is for the location of the accessory building to be located closer to the front lot line than the principle structure and the second for the height of the proposed accessory structure. Accessory structures are limited to 22 ft. or the height of principle structure, whichever is more restrictive.

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted.

- 1) Staff findings for Practical Difficulties because of circumstances unique to the individual property.
  - **Variance for Height of Structure:** *Although the building exceeds the 22 foot height requirement the applicant has attempted to design the structure to mimic*

*the design of the home. Because the resemblance is similar to the principle building the request does appear to be reasonable.*

- **Variance for Accessory Building Setback:** *The request does appear to be reasonable because any location on the property would not require a variance. The 150 setback requirement from the lake would make placement behind the home on the west side impossible and placing the structure on the east side of the home would interfere with the shared driveway to the home south of the property (9495 Stillwater Blvd.)*

**2) Staff findings for Unique Circumstances not created by the landowner.**

- **Variance for Height of Structure:** *Staff had difficulty determining the unique circumstance that would warrant approval of the structures height. The site is relatively flat so there is no difficulty measuring the height of the building. Staff does not believe this criteria is met.*
- **Variance for Accessory Building Setback:** *The current residential structure was built by a previous owner, so there is no way the applicant would have been able to establish a different building location for the either structure to avoid the need for a variance. There is limited space in the rear of the home, Friedrich Pond requires a 150 ft. buffer and the property has a shared driveway that prevents the use of the other side of the property. Staff believes this criteria is met.*

**3) Staff findings for Character of Locality.**

- **Variance for Height of Structure:** *Although the structure may be measurably taller than some of the neighboring homes, according to the survey the foundation would be about 4 feet lower than the neighboring homes foundation. Staff believes this criteria is met.*
- **Variance for Accessory Building Setback:** *Although the structure would be located in front of the home, the proposed building location would not change the character of the local area. Staff believes this criteria is met.*

**4) Staff findings for Adjacent Properties and Traffic.**

- **Variance for Height of Structure:** *The structure would not be of such a height that it would begin to shade neighboring properties or structures, nor would it impair air flow. Furthermore, the height would not cause an increase of traffic or congestion of traffic.*
- **Variance for Accessory Building Setback:** *The location of the structure would not cause an increase of traffic or congestion, it would not shade the neighboring properties or structures, nor would it impair air flow.*

Weeks opened the Public Hearing.

Todd Elwire, applicant, explained the reason for the variance is because the garage was designed to match the existing house. He also explained that the height will be less than

the house and the property slopes about 4 feet to the location of the garage and will appear shorter. The siding on the building would be the same as the house. The applicant said the shed near the house would be removed when this structure is built.

Weeks closed the Public Hearing.

The Planning Commission discussed the merit of not including the portion of the roof that is decorative in measuring the height. They discussed the style of the roof of the existing structure and whether that was unique to the property itself to satisfy the conditions for approval. They also discussed if it was more important for the accessory structure to match roofline of the house or if the height to match the code requirements.

Cadenhead mentioned that he views similarity to the primary structure as same type and color of siding, but not including the roof line. Weeks added that there are existing structures on the site that do not have the same roofline as the proposed structure.

Roberts explained that it could be designed as a one story structure and then it would not require a variance to the City's height standard.

M/S/P: Holtz/Cadenhead move to approve the location variance with the removal one of the sheds shown on the survey, **Vote: 6-0, motion carried unanimously.**

M/S/P: Holtz/Risner move to deny the height variance on the grounds that it does not meet the criteria about unique circumstances of the property and recommend to the council that the top portion of the structure is classified as decorative and recommend that other solutions are provided to bring the structure to the 22 feet required in the Zoning Code, **Vote: 5-1, motion carried, with Hartley voting in opposition.**

M/S/P: Cadenhead/Hartley move to review other community accessory structure height requirements in rural zones, **Vote: 6-0, motion carried unanimously.**

### **New Business**

Review April 2019 Revisions to Engineering Design and Construction Standards Manual  
Griffin presented that the manual sets minimum requirements for public infrastructure, to construct consistent and compatible infrastructure throughout the City, to communicate with the development community about the standards and to expedite plan design, review, and approval. It provides 60 approved details that can be placed right into the plans that are submitted.

Griffin gave an example of a 28 foot wide road and some of the difficulty with those road widths for Public Works and Fire. He provided the new criteria for developing a 28 foot wide road under the new standards. He also mentioned that in high density development areas, the standard road width has now been increased to 36 feet. He

explained that the only development that would meet this level of density would be Springs and they are developing private roads, so this standard does not apply.

Griffin discussed some of the other Right-of-way changes such as distance for off-set roads, increasing the minimum pavement base, allowing stormwater ponds to be in private outlots with easements, and a number of other items.

Griffin also mentioned the he identified some discrepancies that he has passed along to Planning for review and that Engineering and Valley Brand Watershed District are close to having stormwater reuse standards.

M/S/P: Hartley/Steil move to the April 2019 Revisions to Engineering Design and Construction Standards Manual, **Vote: 6-0, motion carried unanimously.**

#### **City Council Updates – August 20, 2019**

1. Carmelite Chapel Variance and CUP approved 4-1.
2. Four Corners 2<sup>nd</sup> Addition Final PUD and Final Plat approved 5-0.

#### **Staff Updates**

1. Upcoming Meeting
  - a. September 9, 2019 – There will be three public hearings: One for Springs Apartment Final Plat and PUD, the second for a concept plan for a senior housing plan in the Eagle Point Business Park, and the final one will be for a new home on Hill Trail that needs several variances for Shoreland, bluffs, setbacks, and septic system setbacks.

Meeting adjourned at 8:45 pm

Respectfully submitted,

Tanya Nuss  
Permit Technician