



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday January 13, 2020
at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. December 9, 2019
4. Public Hearings
 - a. **VARIANCES - Accessory Building** (Location and Size): (10092 Stillwater Lane).
 - b. **REZONING AND VARIANCES: (Stillwater Boulevard – Pat Kinney)** The City will be considering:
 - a. A Variance for minimum lot size to build a single-family home.
 - b. A variance for the minimum area for septic system.
 - c. Rezoning: A change to the zoning map for part of the site from RE (residential estate) to RS (rural single family).
 - c. **REZONING:** The City will be considering a zoning map amendment for several small vacant properties. The proposed zoning map change would be from RE (residential estate) to RS (rural single-family) and would include the vacant parcels to the north of the properties located 8282, 8308, 8364, 8428 and 8488 Stillwater Boulevard.
 - d. **PLANNED UNIT DEVELOPMENT – PRELIMINARY PLAN REVIEW and COMPREHENSIVE PLAN AMENDMENT: Applewood Pointe Senior Housing.** (Southeast corner of Hudson Boulevard and Eagle Point Boulevard).
 - e. **COMPREHENSIVE PLAN AMENDMENTS:** The City of Lake Elmo is proposing several amendments to the City's 2040 Comprehensive Plan. These changes include:
 1. Expanding the MUSA (Metropolitan Urban Service Area) to include the existing Heritage Farms 44-lot subdivision located near Manning Avenue and south of 30th Street.
 2. A change the land use designation of this area from RAD (rural area development) to V-LDR (village low density).
 3. Updates to the Wastewater Services and Facilities plan to include the 44 additional housing units.
5. New Business
 - a. 2020 Planning Commission Work Plan
 - b. Election of Officers – Chairperson and Vice Chairperson
6. Communications/Updates
 - a. City Council Update
 - 12-17-19 Meeting – Stillwater Schools Bus Terminal CUP Revision (tabled)
 - 01-07-20 Meeting – Stillwater Schools Bus Terminal CUP Revision, Lake Elmo Senior Living (39th Street)

b. Staff Updates

1. JAZB Public Hearing - Thursday 1-23-2020, 5-8 PM, Oak-Land Middle School

c. Upcoming PC Meetings:

1. January 27, 2020
2. February 10, 2020

7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of December 9, 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: none

STAFF PRESENT: Planning Director Roberts, City Planner Prchal

Approve Agenda:

M/S/P: Cadenhead/Hartley move to approve the agenda as presented, **Vote: 5-0, motion carried unanimously.**

Approve Minutes:

M/S/P: Hartley/Risner move to approve the November 13, 2019 minutes, **Vote: 5-0, motion carried unanimously.**

Public Hearings

Conditional Use Permit Amendment

Prchal presented that the 834 School District is requesting an amendment to the CUP for their school bus terminal. They want to amend Condition #9 of the approved CUP from *"the property shall be connected to City Sewer and Water prior to operation of the bus terminal"* to *"[t]he School District may operate its bus terminal at the property using the well and septic system (septic tank and temporary toilets) either until the School District connects to City sewer and water or until December 31, 2020, whichever comes first. The School District agrees to connect to City sewer and water within 30 days after it becomes available."* Staff is recommending denial of the amendment to the CUP for the transportation center at 11530 Hudson Blvd N.

Holtz asked about the sprinkler requirement, if it can operate on well water, if there is an alternative fire hookup tank that could assist. Staff said that the school district could answer those questions. Holtz also asked about the City revoking a CUP.

Weeks opened the Public Hearing.

Kristen Hoheisel – Executive Director of Finance and Operations for District 834 – 1875 Greeley St S – she is also a resident at 5802 Lily Ave. She explained the system they are using is the one that was in place when they purchased the building she also read a narrative about the fire suppression to address Commission member questions. Added heat and smoke detection in all maintenance bays and offices that will alert with horns and strobes and is monitored continually by Summit Fire. The original maintenance bays have a hook up where a pumper truck can connect to the building to extinguish the fire. She went on to explain that the School District is looking to extend the CUP since they have met all the requirements they could and have spent \$2 million on the property. The developer has to provide the water and sewer to the property so the School District may make the connection since it runs along other properties within the overall development.

Cadenhead asked if there is a time line. Hoheisel answered that there is cautious optimism and that the developer is currently working with the City Administrator and City Council to get a 429 improvement project or something worked out.

Holtz pointed out that the location is not far from the original bus location and that it located in the most heavily populated and growth area for the district. Holtz asked if the Planning Commission denied the extension and the City Council revoked the CUP what would the impact be to the district and the students.

Hoheisel answered that if a location could be found to store the buses, every route would need to be altered to allow additional time for travel. A new location would bring additional costs to invest in and in additional drive time for the buses. She explained that since it is winter also, that can lead to many delays already. She explained this was a long term investment in the site. She explained the site is larger than the previous site, to house more buses and employees. She also stated that they will be looking to establish a new contract with a bus service and having a facility helps with the negotiation process and reduces costs.

Weeks closed the Public Hearing.

Terry Emmerson – 2204 Legion Lane Cir N – developer. Explained that he is working on getting easements and property owners to cooperate on services. He explained that he could provide smaller service lines that could service the property but not continue toward the future developments to the east. The City wants a 24 inch mainline sewer down and extend toward Manning.

Nick Dragisich - Baker Tilley St. Paul – representing Emerson spoke and answered questions. Has established that the City will obtain the easements across private property for the utilities. He explained the most recent setback is the relocation of the

gas line. He said that the development is a benefit to the City, additional time is needed to complete the items.

Discussions about waiting to doing it correctly by obtaining the easements and running the larger sewer line

M/S/P: Holtz/Cadenhead move to approve the request for an amendment to Condition #9 of the CUP. The Planning Commission is recommending that *"the School District may operate its bus terminal at the property using the well and septic system (septic tank and temporary toilets) until the School District connects to City sewer and water or until December 31, 2020, whichever comes first."*, **Vote: 5-0, motion carried unanimously.**

Planned Unit Development – Final Plan Review

Roberts presented that the City has received a request from Frisbee Properties LLC for the approval of the final Planned Unit Development (PUD) Plan for a 60 unit rental senior (ages 55 plus) housing development to be known as Lake Elmo Senior Living. This development is proposed for a 5 acre parcel on the north side of 39th Street North, just to the east of Arbor Glen Senior Living facility.

On October 16, 2019, the Planning Commission held a public hearing and reviewed the preliminary PUD plans and recommended approval of the preliminary PUD plans, subject to conditions.

On November 5, 2019, the City Council approved the preliminary PUD plans with 20 amenity points for increased density, subject to the conditions listed in the staff report.

Cadenhead asked about the connection to utilities and repair of roadway. Roberts explained that there is a stub to the property and the driveway entrance would be the only area needing repair.

Hartley pointed out that the language of the code seems to penalize properties for adding additional trees and landscaping.

Weeks asked what changes have been made. Roberts stated that it is mainly tweaks to meet Engineering and Watershed requirements. Holtz mentioned that it is now clear they will be retaining the large trees at the rear of the property which had been a concern to residents.

Weeks opened the Public Hearing. No one from the public spoke.

The applicant – Matt Frisbee stated things are moving along as hoped and expected. He said he hopes to get started end of March or beginning of April and wrap up most of construction within a year, with final patio homes within 18 months.

Weeks closed the Public Hearing.

M/S/P: Cadenhead/Steil move to recommend approval of the request for approval of the final PUD Plan as requested by Matt Frisbee (Ayers Associates) for PID# 13.029.21.22.0013 for the project to be known as Lake Elmo Senior Living located on the north side of 39th Street North, east of Arbor Glen, subject to recommended findings and conditions of approval as listed in the staff report, **Vote: 5-0, motion carried unanimously.**

Minor Subdivision – DPS Lake Elmo

Roberts reported that the Planning Commission is being asked to consider a minor subdivision request from Continental 483 Fund (Continental Development) and Alan Dale (the property owner) to divide approximately 69 acres of land into four separate development parcels. The proposed minor subdivision would facilitate the transfer of separate parcels to developers before the recording of their respective final plats. This includes the site (proposed Outlot D) for the construction of the Springs Apartments to be located on the northeast corner of Hudson Boulevard and Julia Avenue North. Staff is recommending approval of the minor subdivision, subject to conditions.

Hartley asked how the City obtains Julia Avenue in this approval. Roberts explained that there are already utilities and the City has easements for those they will also dedicate street easements. When the Springs purchases the property and wants to develop, they will need to Final Plat and establish a lot and block, at that time there will be a Right-of-Way platted and when Pulte develops, they will plat their Right-of-Way for Julia and 5th Street.

Weeks opened the Public Hearing. No one from the public spoke. Weeks close the

M/S/P: Hartley/ Holtz move to recommend approval of the proposed DPS Lake Elmo minor subdivision that will subdivide the property between Hudson Boulevard and 5th Street north into four development parcels, subject to the applicant/owner dedicating to the City a 100-foot-wide street easement for future Julia Avenue and removing Outlot E from the subdivision. **Vote: 5-0, motion carried unanimously.**

New Business

Driveway Ordinance Code Amendment

Prchal presented that the City reviewed Code Language pertaining to driveway curb cuts in 2018. During that review it was determined if a lot was able to meet specific conditions then a second curb cut could be allowed. One of the main limiting factors to this is the road classification. Additional access would not be allowed for lots that face a collector or arterial roadway.

Cadenhead suggested that the language is simplified. Hartley pointed out that the way it is written it would still restrict some properties.

M/S/P: Holtz/Hartley move to recommend approval of the proposed changes, amending "...properties addressed to a road that is..." to "...properties having access to a road that is..."

Vote: 5-0, motion carried unanimously.

Staff and Commission Updates

At the November 19, 2019 meeting City Council adopted all the changes the Subdivision Ordinance except the sketch plan review they changed that to require a staff review of the sketch plan review.

Roberts said there will be no meeting on December 23rd and that the City is looking for new Planning Commission members. There is one current vacancy and at least one other member that will not be reapplying. Everyone thanked Hartley for his service. Hartley thanked everyone for their service as well.

Meeting adjourned at 8:44 pm

Respectfully submitted,

Tanya Nuss
Permit Technician



STAFF REPORT

DATE: 1/13/20

REGULAR

ITEM#: 4 – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Variance Requests for 10092 Stillwater Lane.
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City has received variance requests from applicant Dan Grunder, for the property located at 10092 Stillwater Lane. The request is for a variance from the City Code requirement which does not allow an accessory building closer to the front lot line than the principle building. The Applicant may also need a variance for the size of the building. The proposed building would meet the allowed size but there is a lean-to attached to the north side of the building that would increase it over the allowed size limit. Staff met with the resident and discussed with them the requirements of the code and how it will apply to the property.

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing, review the requests, and make a recommendation(s) on the requested variances.

REVIEW/ANALYSIS:

<i>PID</i>	14.029.21.32.0010
<i>Existing Land Use/Zoning:</i>	Single-family zone as Rural Single Family.
<i>Surrounding Land Use/ Zoning:</i>	Single family homes.
<i>History:</i>	The property has been used as a single family dwelling.
<i>Deadline for Action:</i>	Application Complete – 12/6/2019 60 Day Deadline – 2/4/2020 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	<ul style="list-style-type: none"> • Article V - Zoning Administration and Enforcement • Article XI – Rural Districts

PROPOSED VARIANCES

Variance Requests. The applicant is requesting to build an accessory building closer to the front lot line than the principle structure. Furthermore, they are also requesting to build a structure that is larger than what is allowed for the zoning district.

Standard	Required	Proposed
Setback from the Front Property Line. Location 154.406 C.	30 ft. Or The Principle Structure	222.1 ft. The shed will be closer to the front lot line.
Structure Size Location 154.406 Table 9-3	1,750 sqft.	1,290 sqft Structure 516 sqft. Lean-to (1,806 sqft. total)

Location of Shed:

154.406 C. Structure Location, Rural Districts. No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot.

The applicant would like to place the structure slightly closer to the front lot line than the home for several reasons. If the shed was located in the rear yard there would be several issues in accessing the building as well as flooding, which is stated in the applicants narrative. Access to the rear of the property from the east side could cause interference with a power line(s) and access to the rear from the west would require new fill and grading to create a grade that is reasonable for vehicular access.



When variance requests are submitted to the City, Staff reviews them with bit of skepticism to ensure that there is a sense of reason, if recommending approval. Giving the property a cursory look there doesn't appear to be much of a leg to stand on when it comes to recommending/granting approval. There is a perfectly graded rear yard that is flat and has no vegetative obstructions. Although the power lines to the east and required grading to the west presented additional "hardships" that does not necessarily appear significant enough on their own. Although the yard in the rear is a perfect location for a shed it is misleading. During rain events the rear yard becomes flooded, which does present a hardship for the property.





Estimated Location of water.

The



applicant would like to locate the shed closer to the front lot line than the home because the rear yard becomes extremely saturated during rain events, beyond that a large number of trees would be required for clearing (given the location they would place it) and they would be building into a hill side. The currently proposed location is relatively flat and would not require tree clearing or excessive fill to prepare the pad.

Structure Size:

The rural section of the City Zoning code has a table which outlines the maximum size that an accessory building can be. The size allowance is determined by the size of the property. In this instance the property consists of 4.74 acres which, based off of table 9-2 offers a maximum size of 1,750 sqft. The applicant is requesting a 1,290 sqft. building with a 516 sqft. lean-to with a total footprint of 1,806 which is 56 sqft. over the maximum allowed building size.

Table 9-3: Accessory Buildings, Rural Zoning Districts

Lot Size	Maximum Structure Size^a (square feet)	No. of Permitted Bldgs
under 1 acre	1,200	1
1 – 1.99 acres	1,500	1
2 – 4.99 acres	1,750	1
5 – 9.99 acres	2,000	2
10 – 14.99 acres	2,500	2 ^b
15 – 19.99 acres	3,000	2 ^b
20 – 39.99 acres	4,000	2 ^b
40+ acres	Unregulated ^c	Unregulated ^c

AGENCY REVIEW

There have not been any comments submitted from other agencies or departments.

Neighboring Comments – Comments from neighboring properties have all been supportive.

RECOMMENDED FINDINGS

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. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties –
“Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS:

- **Variance for Size of Structure:** *With respect to the proposed variance for the size of the structure, strict enforcement of the City's zoning regulation will not cause practical difficulties and the applicant. Understanding this standard is discretionary the request for an additional 56 sqft. is not an unreasonable request when discussing a 1,750 sqft. requirement. This request would only be 3.1% larger than the required code but unique circumstances do not appear to be present.*
 - **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of structure strict enforcement of the City's zoning regulations will cause practical difficulties and the applicant is proposing to use the property in a reasonable manner. The request can be considered reasonable when all factors are considered as a whole. The eastern access will have difficulty contending with overhead utility lines, western access would require filling and grading to create a slope that is reasonable for access, and placement of a shed in the rear yard that becomes excessively saturated and would put it at risk of flooding.*
- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

- **Variance for Size of Structure:** *With respect to the proposed variance relating to the size of the structure, the plight of the Applicant is not unique and has been caused by the applicant. When considering the request for a larger shed there does not appear to be a unique circumstance. It is not practical to assume there would be a burden applied if the shed was required to meet the required size.*
 - **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of the structure, the plight of the Applicant is unique and has not been caused by the applicant. Considering that more grading, tree removal, and water all pose an issue in the rear yard, placement slightly closer to the front lot line appears to be reasonable. With the applicant being unable to have reasonable control of where flooding may or may not occur on the property the situation does appear to be unique.*
- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

- **Variance for Size of Structure:** *With respect to the proposed variance for the size of the structure, the proposed variance will not alter the essential character of the locality. There is sufficient screening to the property and it is difficult to believe that an additional 56 sqft. would be reasonably noticed.*
- **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of the structure, the proposed variance will not alter the essential character of the locality. The*

majority of homes in the area do not appear to have accessory buildings. With that said it is expected to be incredibly difficult to reasonably notice the building and claiming that its impact would be negative is a stretch.

- 4) Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

FINDINGS.

- **Variance for Size of Structure:** *With respect to the proposed variance for the size of the structure, the proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values. The structures size would not be of such that it would begin to shade neighboring properties or structures, nor would it impair air flow. Furthermore, the size of the structure would not cause an increase of traffic or congestion of traffic.*
- **Variance for Accessory Building Setback:** *With respect to the proposed variance for the location of the structure, the proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values. The location of the structure would not shade the neighboring properties or structures, nor would it impair air flow.*

RECOMMENDED CONDITIONS

1. That the Applicant obtain all applicable permits including but not limited to a City building permit.
2. If approved this variance approval is valid for 1 year and would expire on XXX. (date set after council approval)
3. The shed must be reduced to 1,750 sqft.

FISCAL IMPACT:

The proposed variance is not expected to have fiscal impact on the City.

OPTIONS:

The Commission may:

- Recommend approval of the proposed variances, with recommended findings and conditions.
- Amend the recommended findings and conditions and recommend approval of the variances,
- Move to recommend denial of all variances, citing findings for denial.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval with the following motion:

“Move to recommend approval of the variance request for the location of an accessory building and recommend denial for the size of the proposed accessory building for the property at 10092 Stillwater Lane.”

ATTACHMENTS:

- 1) Narrative
- 2) Survey
- 3) Additional Pictures
- 4) Neighboring Comments
- 5) Site Map

2 Written Statements

a. A list of all current property owners:

1. Michelle Grundner
2. Daniel Grundner

b. A listing of the following site data:

1. Parcel Identification Number: 14.029.21.32.0010
2. Parcel Size: 4.7 acres, 206,608 sq ft
3. Existing Use of Land and Current Zoning: Rural Residential (RR)

c. State Provisions of Lake Elmo City Code: 154.406 C

d. Specific written description and how it varies from Lake Elmo Code

Lake Elmo Code says that any outbuildings need to be equal or behind the main residence. We are building a pole barn that we would like to vary from the code to put it slightly in front of the main residence.

e. Narrative regarding any pre-application discussion with staff:

We, as the homeowners, reached out to Ben Prchal to consider the variance from code. He advised to complete the variance paperwork to consider the request to submit the variance. We have reached out on a number of occasions to seek clarity of the requirements of the variance as we move forward.

f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.

Placing the pole barn behind the home, would impose on drainage issues that we have longstanding. The power line that runs through the property on the east side would have to be lowered/buried or raised in order to gain access to the pole barn. The west side of the property is heavily treed with steep topography.

g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.

The house sits near the back of the property not leaving a lot of room space for a yard or another structure.

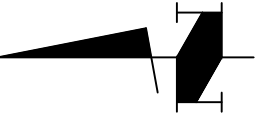
h. Justify that the granting of the variance would not alter the essential character of the neighborhood.

The location we are seeking variance for is flat and open not in view of any/all neighbors including traffic through Sunfish Lake Park making it an ideal location for installation. By putting behind the main residence, it will alter the essential character of the neighborhood. The pole barn colors will be close to matching the same colors of the main residence.

Legal Description

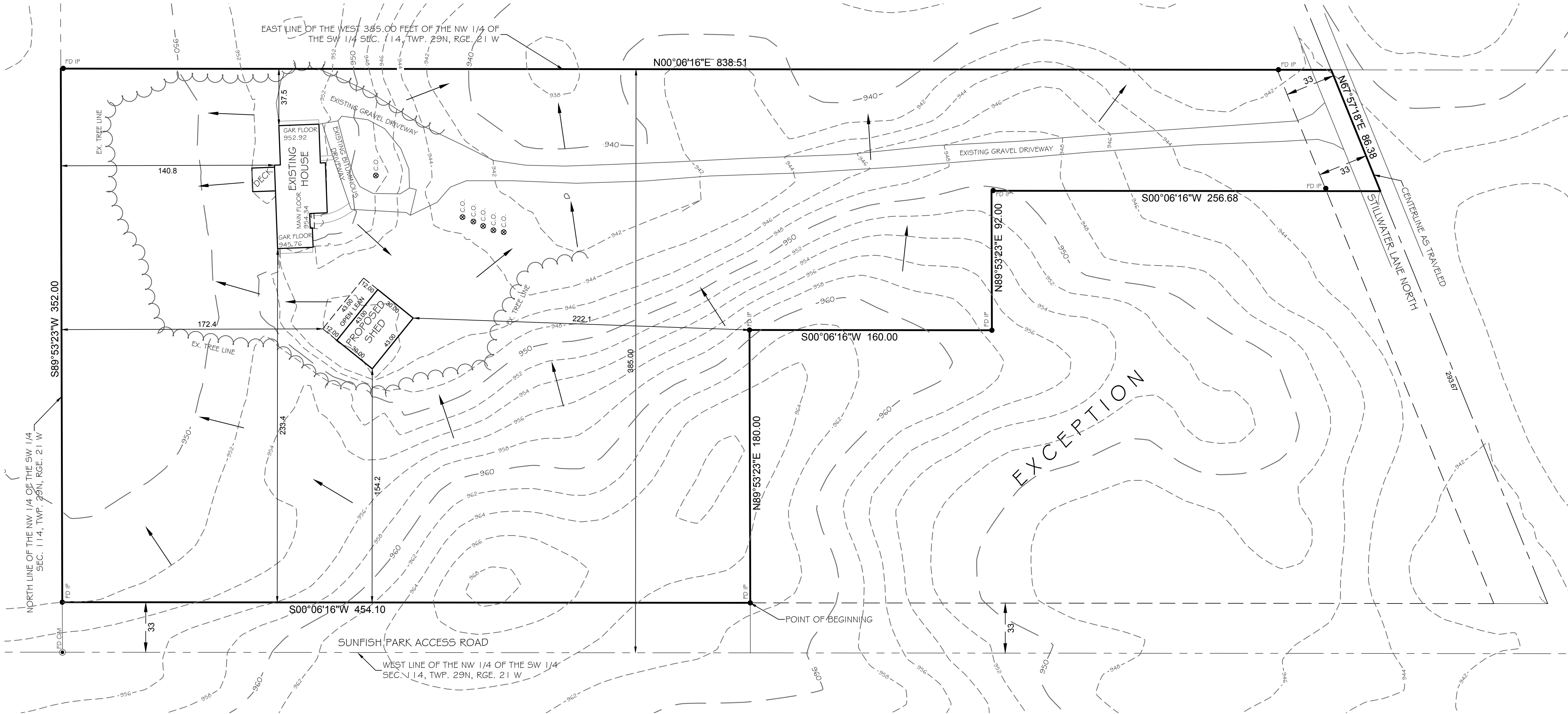
The West 385.00 feet of the NW 1/4 of the SW 1/4 of section 14, Township 29N, Range 21W, Village of Lake Elmo, Washington County, Minnesota, lying North of the centerline of Stillwater Lane North, (formerly Minn. HWY 212), excepting therefrom the following described tract; Commencing at the NW corner of the NW 1/4 of the SW 1/4 of Section 14, Township 29N, Range 21W, Washington County, Minnesota, thence South along the West line of said NW 1/4 of the SW 1/4 for 454.1 feet; thence East parallel with the North line of said NW 1/4 of the SW 1/4 for 33.0 feet to the point of beginning of said exception tract thence continuing East, parallel with said North line of the NW 1/4 of the SW 1/4 for 180.00 feet; thence South parallel with said West line of said NW 1/4 of the SW 1/4 for 160.00 feet; thence East parallel with the North line of said NW 1/4 of the SW 1/4 for 92.00 feet; thence South parallel with said West line of said NW 1/4 of the SW 1/4 for 256.6 feet to its intersection with the centerline of Stillwater Lane No. (formerly Minn. HWY 212) for 293 feet, more or less, to its intersection with a line drawn parallel with and 33.00 feet easterly from said West line of NW 1/4 of the SW1/4; thence North parallel with said West line of said NW 1/4 of the SW 1/4 for 525.2 feet to the point of beginning. Containing 5.4 acres, more or less, subject to the right-of-way of Stillwater Lane North (formerly Minn. HWY 212), and together with an easement for roadway purposes over and across the West 33.0 feet of the above described 5.4 acre tract.

CERTIFICATE OF SURVEY



SCALE : 1" = 40'

LOT AREA : 206,608 SQ. FT.
EXISTING HOUSE AREA : 2,298 SQ. FT.
PORCH AREA : 27 SQ. FT.
EXISTING BITUMINOUS DRIVEWAY AREA : 1,010 SQ. FT.
EXISTING GRAVEL DRIVEWAY AREA : 10,691 SQ. FT.
EXISTING STILLWATER LANE N. AREA : 1,037 SQ. FT.
EXISTING SIDEWALK AREA : 313 SQ. FT.
OPEN SPACE SPACE AREA : 189,941 SQ. FT.
PROPOSED SHED AREA : 1,290 SQ. FT.



LEGEND

- 000.0 DENOTES EXISTING ELEVATION
- (000.0) DENOTES PROPOSED ELEVATION
- 000.0 DENOTES AS BUILT ELEVATION
- DENOTES DIRECTION OF SURFACE DRAINAGE
- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES WOOD HUB
- DENOTES NAIL
- ⊠ DENOTES EXISTING UTILITY BOX
- DENOTES EXISTING POWER POLE
- DENOTES EXISTING LIGHT POLE
- ⊙ DENOTES EXISTING STORM MANHOLE
- DENOTES EXISTING CATCH BASIN
- △ DENOTES EXISTING F.E.S.
- ⊕ DENOTES EXISTING HYDRANT
- ⊙ DENOTES EXISTING SERVICE OR CLEANOUT
- ⊙ DENOTES EXISTING SANITARY MANHOLE
- ⊕ DENOTES EXISTING CONSERVATION POST OR WET LAND BUFFER POST
- DENOTES EXISTING TREE
- DENOTES EXISTING RETAINING WALL
- DENOTES PROPOSED RETAINING WALL
- DENOTES EXISTING TREELINE
- DENOTES EXISTING FENCE

1. No specific soils investigation has been performed on this lot by the surveyor. The suitability of the soils to support the specific house is not the responsibility of the surveyor.
- 2.No title information was provided for this survey. This survey does not purport to show all easements of record.
3. See architectural plans for final building dimensions.

PROBE ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS,
PLANNERS AND LAND SURVEYORS
1000 EAST 146th ST., STE. 240, BURNSVILLE, MN 55337 PH (952)432-3000

I hereby certify that this is a true and correct representation of a tract as shown and described hereon. As prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.
Russell P. Damlo
RUSSELL P. DAMLO Minn. Reg. No. 19086 11-7-2019 Date

PREPARED FOR:
DAN GRUNDER

PROJECT NO. 16990.00
ADDRESS:
10092 STILLWATER LANE,
LAKE ELMO, MN







Ben Prchal

From: Miriam Bergmark <mjbergmark@comcast.net>
Sent: Monday, January 6, 2020 10:48 AM
To: Ben Prchal
Subject: Variance Request for 10092 Stillwater Lane N

Caution: This email originated outside our organization; please use caution.

January 6, 2020

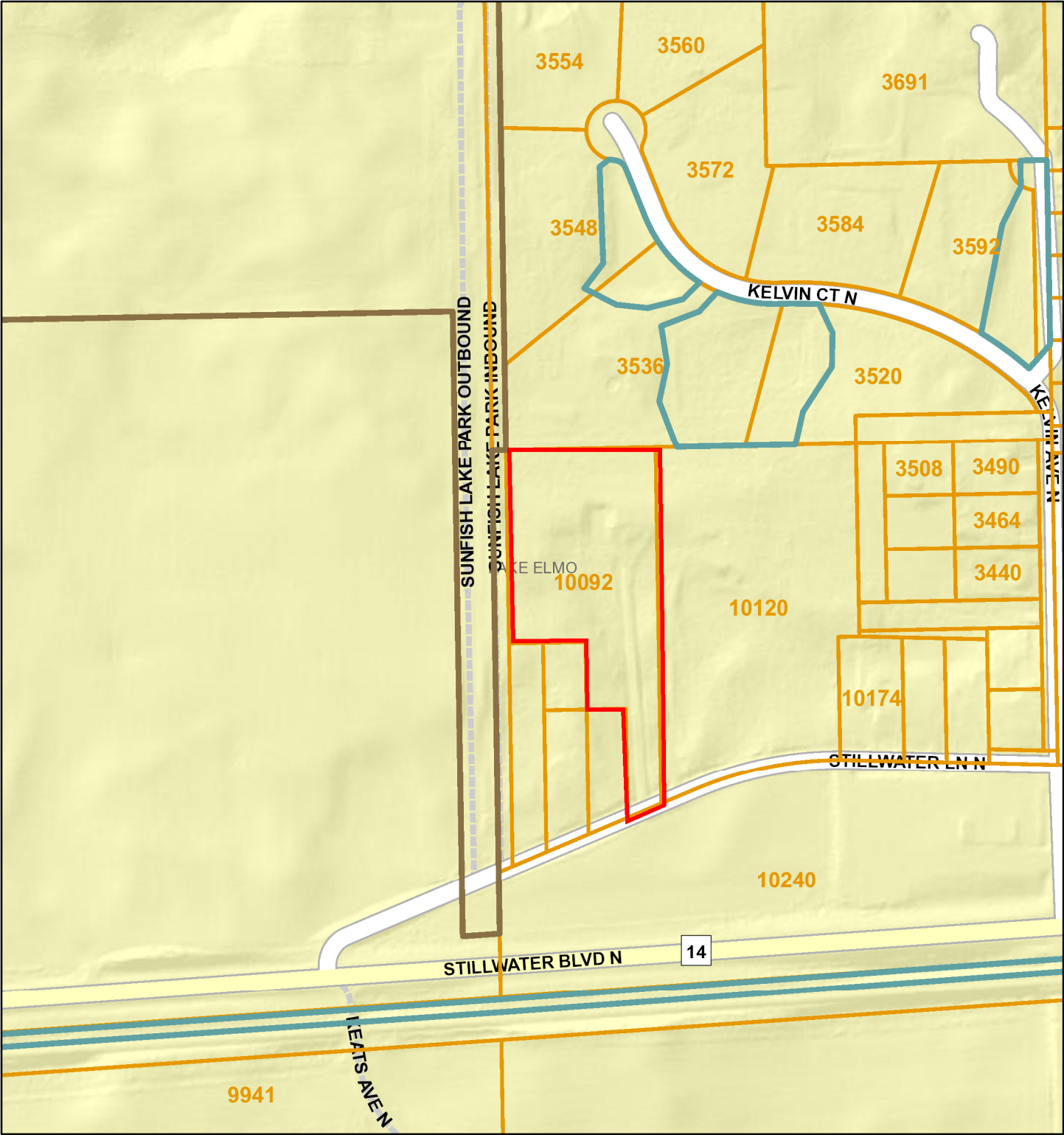
To: Mr. Ben Prchal, City Planner
RE: Variance Request for 10092 Stillwater Lane N, Lake Elmo

We live at 10032 Stillwater Lane in Lake Elmo. We have spoken with our neighbor Dan Grunder regarding his planned project for an accessory building on his property. We agree with his plans and do not believe there will be any negative impact to our property if the variance is granted. We support his request for the variance.

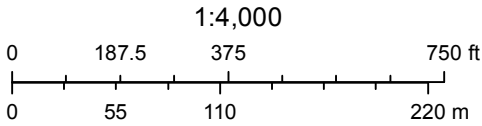
Thank you,

Miriam J. Bergmark
David Duepner

Washington County, MN



January 7, 2020



Ben Prchal

From: Sharon Lentsch <slentsch@comcast.net>
Sent: Monday, January 6, 2020 9:24 AM
To: Ben Prchal
Subject: Dan Grunder - Pole Barn Variance Request

Caution: This email originated outside our organization; please use caution.

Dear Ben,

I understand there is going to be a hearing regarding the variance request by Dan Grunder at 10092 Stillwater Ln, Lake Elmo. I will be out of town, but just wanted to let you know that I don't have any issues with the pole barn being up front.

Please feel free to contact me with any questions.

Sharon Lentsch
3536 Kelvin Ct. N
Lake Elmo, MN 55042
651-338-2568

Ben Prchal

From: STEVE KALLEVANG <STEVEKALLEVANG@msn.com>
Sent: Monday, January 6, 2020 5:44 PM
To: Ben Prchal
Subject: Fw: Variance Request for 10092 Stillwater Lane N

Caution: This email originated outside our organization; please use caution.

Ben:

I received your letter dated Dec 30, 2019 regarding the variance the Grunder's have requested for their proposed shed. My wife and I live next door to the Grunders on their east at 10120 Stillwater Lane N.

My wife and I have no objections, no concerns with the variance request to build a shed in the location the Grunders are requesting. In fact I think the location they're requesting is an ideal location given the topography of their lot and their house location within the lot.

I'm not planning on attending the Jan 13 Planning Meeting, but if you'd like to discuss the variance request more with me, please feel free to contact me at 651-336-4515.

Best Regards,

Steve and Linda Kallevang, 10120 Stillwater Lane N.



STAFF REPORT

DATE: 1/13/20

REGULAR

ITEM#: 4 – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Variance and Zoning Amendment Requests for 8340 Stillwater Boulevard.
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City has received variance requests from applicant Patrick Kinney, for the property located at 8340 Stillwater Boulevard. The applicant is requesting a variance from the City Code requirement(s) for maximum allowed impervious surface, minimum lot size, and minimum septic size requirement. This request is unique because there are two lots which are relevant to the request which stem from two different developments, which are also zoned differently. One zoned as Rural Single Family (RS) and the other as Residential Estate (RE). The record is blurry as to why the lots were placed with each other yet not combined while also allowing different zoning to remain. During this review the City will also be considering a zoning map amendment for the neighboring properties, which have the same “issue.”

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing, review, and make a recommendation(s) on the requested variance(s) and re-zoning. In addition, City Staff is asking the Planning Commission to comment on an additional zoning map amendment, separate from the variance requests.

REVIEW/ANALYSIS:

<i>PID</i>	16.029.21.34.0008 & 16.029.21.34.0015
<i>Existing Land Use/Zoning:</i>	Single-family zone as Rural Single Family/Residential Estate.
<i>Surrounding Land Use/ Zoning:</i>	Single family homes.
<i>History:</i>	The property has been vacant.
<i>Deadline for Action:</i>	Application Complete – 12/2/2019 60 Day Deadline – 1/30/2020 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	<ul style="list-style-type: none"> • Article V - Zoning Administration and Enforcement • Article VI – Non-Conforming Uses, Buildings, and Structures • Article IV – Additional Regulations and Modifications • Article XI – Rural Districts • Article XVII – Shoreland Management Overlay District

PROPOSED VARIANCES

Details. The property (*lot 1 on the survey*) was platted with the Beau Haven Development in 1961. The approval for that development allowed lots to range around .45 acres. The smaller parcels to the north were added later in 1994 with the Eagle Point Creek Development. Staff speculates that the smaller parcels exist because of a variance given during the approval of Eagle Point for “lot ratio” citing “topographical hardships.” Nonetheless, it is clear to Staff that there were different expectations for developments in 1961. With the property in question being substandard in size and never having been built on, the need for a variance is triggered regarding lot size. Furthermore, the City expects to see two distinct locations for a septic drainfields for properties that are not able to connect to City sewer. There are two separate drainfields indicated on the survey but they fall short of the sizing requirement.

Variance Requests. The applicant is requesting to build a vacant lot that is not capable of meeting the required septic size of 20,000 sqft. and a variance is also required because the lot does not meet the current lot size requirement for the RS zoning district (*south parcel*) or RE zoning district (*north parcel*). There are provisions in the City Code to allow properties that are not capable of meeting the code to build without a variance (*154.08 A. listed below*). However, this property does not meet the qualifiers to meet that provision. The “primary parcel” (*lot 1 on survey*) is a platted lot. However, the rear lot (outlot G, lot 2) is setup as an outlot. Because of this they cannot be combined and used as one lot, unless the outlot becomes platted. But the Owner can combined them for tax purposes. To explain further, they will be combined for taxing purposes but there will be an artificial line separating the “buildable” area from the outlot. Combining the parcels would create a lot that is .69 acres in size. The RS (*Rural Single Family*) district requires a 1.5 acre minimum. Slightly correlated to the lot size is the required septic area. The City code requires 20,000 sqft. for a primary and secondary drain field. If the drainfield aspect of the code were to be fully enforced the primary/secondary drainfield would take up 65% of the useable land between the two parcels.

Standard	Required	Proposed
Minimum Lot Size Requirement <i>154.402 table 9-2</i>	1.5 acres	.41 acres (<i>lot 1</i>) .28 acres (<i>lot 2, outlot</i>) (.69 <i>Combined Acreage</i>)
Drainfield Area Requirement <i>154.404 B.</i>	20,000 sqft.	8,600 sqft.

154.080 A. Additions and Expectations to Minimum Area, Height, and Other Requirements.

“...Any such lot or parcel of land which is in a residential district may be used for single-family detached dwelling purposes, provided the area and width of the lot are within 60% of the minimum requirements of this chapter; provided, all setback requirements of this chapter must be maintained; and provided, it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling...”
Continued.

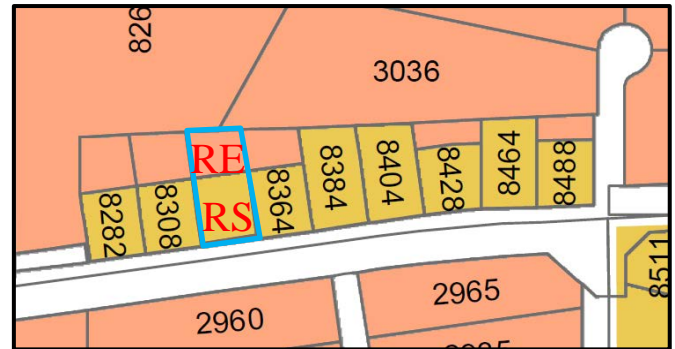
“...Any 1-acre lot which was of record before October 16, 1979 may be used for single-family detached dwelling purposes...”

Because the combined of acreage will only equate to 46% of what is required the property will not qualify for meeting the exemption in the code. The lot is also less than 1-acres and cannot qualify as a buildable lot even though it was platted before 1979. Assuming a septic permit can be obtained (*Obtained from Washington County*) all other code requirements appear to be met.



Zoning and Lot Requirements:

The City Code states in section 154.080 C. parcels that are contiguous to each other, substandard in size, which are under the same ownership must be combined. This would be an ideal time to enforce this code provision. Currently the southern parcel is zoned as RS while the northern parcel is zoned as RE. Staff believes both parcels should be zoned as RS. This opinion is further supported by a variance that was granted in 2004 for 8384 Stillwater Blvd. This property required a variance for the location of a garage and as a condition of that approval the City required *“That there be a tax parcel consolidation of Outlot E with Lot 5 of Beau-Haven.”* Staff did not find records indicating when the consolidation for 8464 or 8404 Stillwater Blvd took place.



Summary of Code Requirements:

- The northern lot (Outlot E) must be rezoned to RS
- The properties, Lot 7 and Outlot E must be combined for taxing purposes.
- Two variances are required
 - Approval for lot size variance is required for lot 1 as depicted on the survey.
 - Approval of septic are not meeting the 20,000 sqft. is required.

Previous Variance Requests:

In 2002 Pat Kinney requested approval from the City for the same property to have it considered buildable. Based on previous reports and the outline of the resolution it appears that some aspects of the code are similar while others have changed. At that time the City voted to deny the request based on the following findings (*Resolution 2002-068 attached*);

- The Kinney Property (given its location, size, prior ownership by an adjacent property owner, and lack of public sanitary sewer) was and can be used in a reasonable manner as part of one or more adjacent parcels, just as it had been used prior to the acquisition of the Kinney Property by Patrick Kinney.
- The plight of the property owner is due to circumstances created by the previous owner of the property and by the applicant, and is not due to the unique circumstances of the property.
- The variance, if granted, may not change the character of the neighborhood, but a final determination on this point cannot be made without a complete set of plans demonstrating that a single family dwelling can be constructed in compliance with all other zoning and flood plain regulations.
- The applicant has not proven an undue hardship.

Staff believes that the findings are very weak and not very well put together. In fact, one finding explicitly states that the plight of the owner is due to the previous owner. That alone is contradictory when citing findings for a variance. Further stating that the request may not change the neighborhood, City Staff cannot deny a building permit on design alone. If the applicant was not requesting a variance from setbacks or impervious surface then it would be out of bounds for Staff to suggest that the home would change the character of the locality. Based on what Staff understands the lot/sub-division was created for a single family home(s), the construction of said home would be in line with that intent. Furthermore, it is unreasonable for the average resident to fully comprehend what it means to prepare a narrative that would support them for Variance approval. Staff believes it is their responsibility to assist residents on their way through the process but still make a responsible recommendation to the elected.

Re-Zoning of Neighboring Parcels:

To clean up the zoning map Staff believes it would be appropriate for the City to rezone parcels 16.029.21.34.0017, 16.029.21.34.0016, 16.029.21.34.0014, 16.029.21.34.0011, 16.029.21.34.0009 from Residential Estate (RE) to Rural Single Family (RS). Addressing the issue now would eliminate the burden for the existing owners or future owners from needing to request a zoning map amendment. The proposed re-zoning is consistent with the 2040 Comprehensive Plan.



AGENCY REVIEW

Washington County Planning Dept. - Washington County did respond with some historical information on the two plats but did not ask the City to apply any conditions of approval.

City of Lake Elmo Engineer - The City engineer memo has been attached for review. Most of the comments are pertaining to the septic system and Planning Staff is recommending the comments as conditions of approval.

MN DNR – The DNR has provided a response to the proposal and stated that the properties should be combined.

8364 Stillwater Blvd. N. – The property owner provided an email to City Staff stating that they are not in favor of the request and stated that they had opposed similar request in the past (2002). Further stating that additional property owners were not in favor. (Email and additional information attached).

RECOMMENDED FINDINGS

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. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties

“Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS:

- **Variance for Lot Size:** *With respect to the proposed variance for the size of the lot, strict enforcement of the City's zoning regulations will cause practical difficulties and the applicant. The applicant is requesting to use the property in a reasonable manner, as it was originally intended. With that said, the idea to build a new home on this lot falls in line with the existing neighborhood but a hardship is now created simply because of a lapse in time, which is now only applicable to this lot within the sub-division. There is not a request to further reduce the size of the lot, instead the lot would become further conforming due to the required tax identification consolidation. The request is reasonable and the criteria is met.*

- **Variance for Septic Area:** *With respect to the proposed variance for the septic area, strict enforcement of the City's zoning regulations will cause practical difficulties and the applicant is proposing to use the property in a reasonable manner. A request for a single family home is a reasonable request. Furthermore, it has been proven, by the construction of homes on the other lots in the development that septic systems are capable of functioning on a lot of this size. With Washington County being the permitting authority if a system can be established and is capable of functioning properly the request becomes reasonable. The criteria is met.*

2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

- **Variance for Lot Size:** *With respect to the proposed variance relating to the size of the lot, the plight of the property is unique and has not been caused by the Applicant. The Applicant did not have hand in influencing the development of the lot nor were they involved when determining the minimum lot size for the RS zoning district. The issue only appears to exist because the property failed to develop years after the approval for the development, which is not the fault of the existing property owner. Because of this the existing owner and future owners would be required to obtain a variance to build.*
- **Variance for Septic Area:** *With respect to the proposed variance for the size of the septic area, the plight of the Applicant is unique and has not been caused by the applicant. The requirement of the property to achieve 20,000 sqft. of septic area is a large request when considering that the required septic area would take up 65.7% of the property area. Furthermore, if the property is capable of achieving a septic permit from Washington County, the permitting authority, the 20,000 sqft. requirement appears arbitrary.*

3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

- **Variance for Lot Size:** *With respect to the proposed variance for the size of the lot, the proposed variance will not alter the essential character of the locality. The request to build on the lot is not out of the ordinary for the neighborhood. The lot size(s) will be no smaller or larger than they were in 1961 and 1994. The applicant is also not seeking a variance relating to setbacks or impervious surface. With Staff being unable to deny a permit strictly based on design the home would not conflict with this criteria, since no additional variances are requested.*
- **Variance for Septic Area:** *With respect to the proposed variance for the area of the septic area, the proposed variance will not alter the essential character of the locality. There is no way to visually assess the property and come to the conclusion that the septic field requirement has or has not been satisfied. The criteria has been met.*

4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

FINDINGS.

- **Variance for Lot Size:** *With respect to the proposed variance for the size of the lot, the proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values. The lot itself has not changed, only the code has.*
- **Variance for Septic Area:** *With respect to the proposed variance for the septic area, the proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values. The required size of the septic area has no bearing on any of the required metrics that are required for evaluation.*

RECOMMENDED CONDITIONS

1. *The applicant shall receive and provide to the City an approved septic permit from Washington County as well as the soil survey used to receive approval.*
2. *Lot grading revisions shall be required prior to issuing a building permit. The City is asking for a defined drainage swale along the westerly property line to direct water to the rear of the lot.*
3. *The applicant shall combine Lot 7 of Beau-Haven and Outlot G of Eagle Point Creek Estates to achieve one tax identification number, prior to the City issuing a building permit.*
4. *Unless future code amendments state otherwise, Outlot G cannot be built on, with the exception of the septic system, prior to it being formally platted.*
5. *The applicant shall submit to the City a building permit for the new home. Which will include a revised grading plan/survey that meets the requirements of the City Code and approving Conditions.*

FISCAL IMPACT:

The proposed variance is not expected to have fiscal impact on the City.

OPTIONS:

The Commission may:

- Recommend approval of the proposed variances, subject to recommended findings and conditions of approval.
- Amend the recommended findings and conditions and recommend approval of the variances, subject to the newly outlined findings and conditions of approval.
- Move to recommend denial of all variances, citing findings for denial.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval with the following motions:

“Move to recommend approval of the requested variances to reduce the minimum lot size and minimum septic area required for the Rural Single Family Zoning District, for the property at 8340 Stillwater Boulevard.”

“Move to recommend approval for the rezoning of the parcels 16.029.21.34.0017, 16.029.21.34.0016, 16.029.21.34.0014, 16.029.21.34.0011, 16.029.21.34.0009 from Residential Estate (RE) to Rural Single Family (RS).”

ATTACHMENTS:

- 1) Narrative
- 2) Survey
- 3) Neighboring Comments
- 4) Resolution 2002-068
- 5) Beau-Haven Plat
- 6) Eagle Point Creek Estates
- 7) FEMA MAP

Variance Request for Lot 7 and Lot 6 Beau Haven

2. a PJK Realty Inc, Patrick Kinney Attached Document
- B See attached tax statements. Zoned Residential
- c. _____ Minimum lot size
- d. I am applying for a variance to build a single family lot just as my surrounding 8 neighbors have when this lot was platted. Lake Elmo changed its ordinances on Lot size after this lot had been platted thus deeming this lot non conforming. I am not asking for anything different than my neighboring homes other than the ability to build a single family home.
- e. I have had discussion's with Mr Roberts concerning this application and have attached all the pertinent information regarding moving forward with my request.
- f. At this present time I cannot build anything on this lot, which again when it was platted was the intent. Therefore not granting a variance would deem this lot basically worthless.
- g. The plight of the landowner in this case was created by the City changing its lot size requirements after this subdivision was platted, before the landowner had a chance to build a home. In my opinion this should have been grandfathered in and not required the variance process in which I am going through.
- h. Granting a variance would not alter the neighborhood in any way, only adding another conforming single family home to this subdivision.

CERTIFICATE OF SURVEY

~for~ Pat Kinney

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 1-30-08.
- Bearings shown are on an assumed datum. Benchmark in MnDOT Station- MICHAEL MN163. Elevation = 919.43, NGVD datum 1929.
- Curb shots are taken at the top and back of curb.
- OHWL is defined as the top of bank of the channell. Setbacks for for drainfield is 75 feet and setback for septic tanks is 100 feet from OHWL. No wetlands observed on the site by EG Rud & Sons on 1-30-08.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Existing zoning is RS and RE.
- Lot area is 30,403 sq. ft. (0.69± Acres)
- Borings shown from prior septic design by Eklin Soil Testing per location and report dated 4-27-01. New borings from Brain Humpal dated 6-25-19 are shown from report dated 7-19-19. Shaded area denotes a 8600sf drainfield per said plan, area accounts for the primary and secondary drainfield systems.
- No "bluff" exists on the site. Lot rises 25.9' above the OHWL of the creek with a slope grade of 10.8%. Ordinance reads that "An area with an average slope of less than 18% over a distance of 50' or more shall not be considered part of a bluff".
- Proposed house pad as shown is for design purposes only. Actual proposed home for building permit may vary.

PROPERTY DESCRIPTION

Parcel 1 PIN#16.029.21.34.0008 (Area=17,883sf; Zoned (RS) Residential Single Family)

Lot 7, except the Southerly 7 feet thereof, BEAU HAVEN, Washington County, Minnesota, according to the recorded plat thereof.

Parcel 2 PIN#16.029.21.34.0015 (Area=12,520sf; Zoned (RE) Residential Estates)

Outlot G, EAGLE POINT CREEK ESTATES, Washington County, Minnesota, according to the recorded plat thereof.

TOTAL AREA OF PARCELS 1 & 2 = 30,403 sf (0.698 ACRES)

PROPERTY ZONING & VARIANCE REQUEST

EXISTING ZONING IS RS and RE. REZONE THE RE PARCEL TO RS AND COMBINE AS ONE PARCEL.

ZONING REQUIREMENTS ARE: LOT SIZE MINIMUM IS 1.5 ACRES. LOT WIDTH MINIMUM IS 125 FEET. BUILDING SETBACKS ARE 30' FRONT, 50' FRONT ARTERIAL, 10' SIDES, 40' REAR. MINIMUM OF 1 ACRE OF LAND SUITABLE FOR DRAINFIELDS.

VARIANCE REQUESTED FOR LOT SIZE MINIMUM OF 0.698 ACRES. VARIANCE REQUESTED FOR MINIMUM SEPTIC OF 8600 SF.

PROPOSED HOUSE PAD ELEVATIONS:
(9.0' BASEMENT WALLS; WALKOUT)

TOP OF BLOCK = 961.2
GARAGE FLOOR = 960.8
TOP KNEEWALL = 955.7
LOWEST FLOOR = 952.5
TOP OF FOOTING = 952.2

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DANIEL W. OBERMILLER
Date: 11/04/19 License No. 25341

DRAWN BY: DWO	JOB NO: 19-867	DATE: 11/04/19
CHECK BY: DWO	SCANNED <input type="checkbox"/>	
1		
2		
3		
NO.	DATE	DESCRIPTION BY



EST. 1977

E.G. RUD & SONS, INC.

Professional Land Surveyors

6776 Lake Drive NE, Suite 110

Lino Lakes, MN 55014

Tel. (651) 361-8200 Fax (651) 361-8701

www.egrud.com

11/4/2019 10:05:00 AM CST



Marie and John Duffert
8264 Stillwater Boulevard
Lake Elmo, Minnesota 55042
marieduffert@comcast.net
John.Duffert@state.mn.us
(651)493-4408

January 6, 2020

ADDRESS THIS AS REQUIRED
BY NOTICE OF HEARING

Dear Members of the Lake Elmo City Council and Planning Commission:

We are writing to voice our strong objections to PJK Realty's request for a variance allowing it to build a home on a substandard lot located at Beau Haven Lot 7, Lot G Eagle Point Creek Estates; 16.029.21.24.0008 /16.029.21.34.0015. This matter is scheduled to be considered by the Planning Commission at your meeting on January 13, 2020.

We own a home at 8364 Stillwater Blvd N, which is located immediately to the east of PJK Realty's substandard lot. We have owned and lived in our home since 2001.

There are clear reasons why a variance should not be granted in this case, and these are explained in Paragraph II below. But, before getting into those specifics, we think it is important to first disclose facts that the City found relevant in previously denying PJK Realty's similar variance request in 2002 and to explain why those facts were important in 2002, continue to be important today, and support a wholesale denial of this new variance request without further inquiry.

I. The Relevant Facts and Analysis Omitted from the Variance Request Support a Denial.

This lot was held as vacant land for many years, but previous property owners failed to pay real estate taxes and in 1994 Washington County sold the vacant lot for back taxes to Scott and Kimberly Beaver, the then owners of the residence immediately to its west (Lot 8 with an address of 8308 Stillwater Blvd.). The Beavers purchased the lot for a relatively small price and the vacant lot enlarged and enhanced the value of their residential lot. County records reflect that in August, 2001, they sold the two lots to separate buyers: Lot 8 was sold on August 23, 2001, and Lot 7 was sold to PJK Realty on August 10, 2001. Clearly, a greater price could be extracted by dividing lots among different purchasers in this manner. The sellers and purchasers were aware (or should have been aware) of the zoning restrictions, which have been in place for years.

The size of the Beavers' residential lot and their tax forfeited vacant lot each was less than the required 1.5 acres under Lake Elmo's ordinance enacted in 1997. When the ordinance became effective, the Beavers' vacant lot and their contiguous residential lot merged together into one lot under the mandatory provisions of Paragraph C of Section 154.080 of Lake Elmo's zoning ordinance.¹ Also, according to the specific mandate of that ordinance, the vacant lot could not thereafter be considered a separate parcel of land for the purpose of sale or development. Neither could it be split or subdivided without City approval under the provisions of paragraphs G and D of Section 154.080, respectively.

We pointed out much of the ownership history to the City of Lake Elmo when PJK Realty requested a variance for this substandard lot in 2002. See attached copies of correspondence. We also pointed out that the property had merged and that the Minnesota Court of Appeals had affirmed the validity and enforceability of merger ordinances. Recognizing that the two properties had merged, the City Council denied PJK Realty's 2002 request for a variance. Now, PKJ Realty again asks the City to grant a variance for the same reasons set forth in its 2002 request but does not acknowledge the merger or otherwise provide the City with this relevant historical information.

In light of the merger and the inability of PJK Realty's lot to be treated as a separate parcel of land for the purpose of sale and development under the zoning ordinance and other applicable law, the 2002 variance request was properly denied and was not appealed. The law and the relevant facts have not changed since 2002, and we respectfully ask the City to again deny the variance request and to instruct PJK Realty that the merger ordinance prohibits the construction of any future residence on this property.

II. Even if Construction Were Not Prohibited by the Merger, PJK Realty's Substandard Lot Would Not Qualify for a Variance.

As noted above, the lot cannot be developed at all under the merger ordinance and other applicable law, but even without regard to that controlling ordinance and law, this lot does not qualify for a variance. A landowner cannot build on a substandard lot in Lake Elmo unless (a) the nonconforming use is grandfathered under Lake Elmo's zoning ordinance; or (b) the property qualifies for a variance. Neither exception applies here.

A. The Nonconforming Use is Not Grandfathered Under Lake Elmo's Zoning Ordinance.

¹ "C. Contiguous Parcels. If, in a group of 2 or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this chapter, the individual lot or parcel cannot be considered as a separate parcel of land for the purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination will equal 1 or more parcels of land, each meeting the full lot width and area requirements of this chapter." Lake Elmo Zoning Ordinance, Article IV, Section 154.080, Paragraph C.

Grandfathering is a specifically authorized type of variance under Zoning Ordinance Section 154.080,² which allows a landowner to build a single-family dwelling on an existing substandard lot. But that applies only if the area of the lot is within 60% of the minimum lot size requirements, or 0.90 acres in this case (60% of 1.5-acre minimum requirement for property without sanitary sewer). At 0.66 acres, PJK Realty's lot simply does not qualify.

PJK Realty's request for a variance is simply a request to apply this grandfathering provision to its nonconforming lot. The only reasons PJK Realty cites in support of its request are the very same reasons behind the intent of the grandfathering ordinance. Recast as such, the lot does not qualify for a variance because it is too small, and PJK Realty's request should be denied.

B. The Property Also Does Not Qualify for a Variance.

Even if PJK Realty's request is not denied as a recast grandfathering argument it still should be denied because it cannot meet the requirements of a general variance. Lake Elmo's Zoning ordinance allows the City to grant a variance only if (a) strict enforcement of the zoning code would cause practical difficulties because of circumstances unique to the individual property; and then (b) only when a variance would be in keeping with the spirit and intent of the zoning ordinance.³ A variance should be denied because neither of these requirements can be met.

² "Existing Lot. An existing lot is a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this chapter. Any such lot or parcel of land which is in a residential district may be used for single-family detached dwelling purposes, provided the area and width of the lot are within 60% of the minimum requirements of this chapter; provided, all setback requirements of this chapter must be maintained; and provided, it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling. Any 1-acre lot which was of record before October 16, 1979 may be used for single-family detached dwelling purposes regardless of ownership of adjacent parcels, provided the lot meets all other requirements of this chapter."

³ § 154.109 VARIANCES.

A. In General. The Board of Adjustment shall have the power to grant variances to the provisions of this chapter under the following procedures and standards.

1. A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed in §154.109.F.

a. A Variance Cannot Be Granted Because the Practical Difficulties Standard Cannot Be Met.

The variance cannot be granted because to do so the City must find that there are “unique circumstances,” and, as defined by Lake Elmo’s zoning requirements, this simply cannot be met. Under this requirement,

“[t]he problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the landowner/applicant.” Paragraph F2 of Code Section 154.109.

There are no “unique circumstances” here because PJK Realty created its own problem. PJK Realty complains that “the plight of the landowner in this case was created by the City changing its lot size requirements after this subdivision was platted, before the landowner had a chance to build a home.” To the contrary, PJK Realty’s “plight” was caused by its own purchase of a substandard lot in direct violation of Lake Elmo’s zoning ordinances, long after the current minimum lot size was implemented. PJK Realty, a real estate professional with real estate knowledge and skills, purchased this lot from a contiguous homeowner in an area well known to have 1.5 acre size limits for lots without sanitary sewer, without first getting any required permits. In short, PJK Realty purchased the lot with full knowledge that it needed a variance and with no good faith reason to believe the construction of a residence on the lot would be legal. PJK Realty argues that if a variance is not granted, the property would be rendered practically worthless. This argument is flawed because there was no economically viable use when PJK Realty purchased the property (other than to enhance the value of adjoining lots), and the denial of PJK Realty’s variance request will not change that. In fact, a variance would add value to the property that did not exist when PJK Realty purchased it.

In addition, there are no “unique circumstances” here. Many lots become nonconforming due to an increase in minimum lot requirements, so much so that Lake Elmo’s zoning ordinance includes a grandfather provision to specifically address this common situation. In addition, other surrounding property owners, including ourselves, own two or more separate lots. If variance requests such as this are granted, why would other Lake Elmo property owners not be encouraged to also seek variances by selling off non-confirming slivers of property? Why would they then not sell one lot while retaining or separately selling another? This is simply not a unique circumstance and the rules should apply to all of us, including PJK Realty.

The circumstance was created by the landowner and it is not unique. A variance should be denied for this reason alone.

b. A Variance Also Cannot Be Granted Because it Would Not Be In Keeping With the Spirit and Intent of the Ordinance.

Numerous Lake Elmo ordinances reflect a spirit and intent that is contrary to PJK Realty's variance request. For example, the grandfathering ordinance discussed above addresses lots that become noncompliant when zoning laws are changed to increase minimum lots sizes. The relief granted by that ordinance reflects the spirit and intent of Lake Elmo's ordinances and specifically indicates an intent to limit relief to lots that equal or exceed 60% of the increased minimum lot size. As noted above, the only reasons PKJ Realty cites in support its request for a variance are the very same reasons behind the grandfather ordinance; thus, the intent behind the ordinance's area limitations cannot be disregarded.

In addition, by (a) requiring a merger of contiguous substandard lots; (b) prohibiting construction on separate properties that have previously been merged; (c) preventing the division of lots to create a nonconforming lot; and (d) requiring subdivision approval of the division of any lot, Lake Elmo's zoning ordinances seek to bring properties in compliance with minimum lot sizes and curtail building on substandard lots. A variance in this situation would be contrary to the intent and spirit of Lake Elmo's zoning ordinances as demonstrated by all of these provisions.

Further, when we purchased our property in 2001, we relied on the zoning protections knowing that minimum lot requirements were 1.5 acres and that Lot 7 and Lot 8 cannot legally be split. We purchased our home in Lake Elmo in large part because of the open space in the neighborhood and Lake Elmo's historical sensitivity to these and similar issues. The construction of a house on a sliver of neighboring land will not fit into the neighborhood and will negatively affect our privacy, views, and enjoyment of our property. The ordinance was intended to address these issues, and a variance would not be in keeping with its intent and spirit.

In summary, we believe that the City should again confirm that the substandard lot was previously merged with the contiguous property to its west and does not qualify for a variance or any residential construction permit, but that if a variance is considered, it should be denied because there are no unique circumstances as required by the ordinance and under all of the facts here a variance would not be in keeping with the spirit and intent of the ordinances.

Thank you for your consideration.

Very truly yours,

John and Marie Duffert

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4285

Date: January 2, 2020

To: Ben Prchal, City Planner
From: Jack Griffin, P.E., City Engineer

Re: 8305-8364 Stillwater Boulevard
Rural Residential Lot Variances

A variance request was received to build a new home on combined existing parcels, including parcel 16.029.21.34.0008 and parcel 16.029.21.34.0015. The Rural Residential Lot is part of an existing plat at an unaddressed property between 8308 Stillwater Blvd. and 8364 Stillwater Blvd. The lot does not meet the minimum lot size requirements for its zoning district and the reserved septic areas, primary and secondary do not meet the required 20,000 SF. Engineering has the following review comments:

1. The survey proposes a 4,300 SF area to be reserved for the primary septic system and a 4,300 SF area to be reserved for the secondary septic system for a combined area of 8,600 SF. The City code requires a minimum of 20,000 square feet of land to be dedicated for septic system use and suitable for that use.
2. The septic treatment systems for this property fall under the jurisdiction and review of Washington County.

Recommendations:

1. The applicant should be required to submit a proposed septic system design for the property, including sizing for primary and secondary systems and for the specified home to be constructed on the property (e.g. number of bedrooms, etc.). A county approved septic system design should be submitted for the city files. The design should verify that the 8,600 SF of area is sufficient to provide both a primary and secondary system, or additional area must be identified and reserved as needed for the approved design.
2. The applicant should be required to submit to the City documentation that the proposed septic system areas are suitable for its intended use. The documentation must be based on detailed soil surveys and field inspections by the designer and should not be based on general assumptions.
3. Additional variances to the septic system design should not be permitted without further city review.
4. Lot grading revisions are required to create a more defined drainage swale along the westerly property line. Drainage should not be allowed toward to west onto the neighboring property, but rather must flow along the property line to the rear of the lot.

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2002-068

**A RESOLUTION DENYING PATRICK KINNEY/P.J. REALITY, INC.
REQUEST FOR A MINIMUM LOT SIZE ZONING VARIANCE**

A. WHEREAS, Patrick Kinney represents that he and/or his company, PJK Realty, Inc., is the record fee owner of the following described parcels (both herein the "Kinney Property"):

1. Lot 7, Beau Haven which is zoned R-1 and contains approximately 19,000 square feet; and
2. Outlot G, Eagle Point Creek Estates which is zoned RE and contains approximately 11,4000 square feet.

B. WHEREAS, Kinney has applied to the City of the Lake Elmo for a minimum lot size variance so that a residential dwelling could be constructed on the Kinney Property; and

C. WHEREAS, it appears that Outlot G, Eagle Point Creek Estates should have been rezoned from RE to R-1 in 1995; and

D. WHEREAS, the minimum lot size requirements for property located in the R-1 zone are less restrictive than the minimum lot size requirements of property located in the RE zone; and

E. WHEREAS, the City Planner has indicated that the City should treat the Kinney Property as if it were all zoned R-1 for purposes of reviewing this variance application thereby applying the less restrictive lot size standard to all of the Kinney Property; and

F. WHEREAS, the Kinney Property is not served by municipal sanitary sewer; and

G. WHEREAS, the City's development regulations indicate that:

1. For property which is not served by municipal sanitary sewer, the minimum lot size in an R-1 zone is 1 and ½ acres (300.07 Subd. 4 C.2).
2. Substandard lots will be considered buildable if the area and width of the substandard lot are at least 60% of the minimum requirements, and if it is demonstrated that a safe and adequate sewage treatment system can be installed (300.09 Subd. 1).

3. If two or more non-contiguous parcels are owned by the same person, the parcels must be combined to meet the minimum requirements (300.09 Subd. 2).

4. If public sewer is not available and not anticipated, single family home sites must have a one acre on-site sewage treatment area; and

H. WHEREAS, the Kinney Property:

1. Has 30,400 square feet;

2. Has a lot size which is only 48% of the minimum lot size requirement for property in R-1 zones;

3. Had been owned by the adjacent property owner who sold the property to Kinney;

4. Has less than one acre which can be utilized for an on-site sewage treatment area; and

I. WHEREAS, a portion of the Kinney Property is located within the 940 flood plain, and all of the Kinney Property is located within 300 feet of the shore line of Eagle Point Creek; and

J. WHEREAS, it has not been demonstrated that a residential building could be constructed in full compliance with all of the City's other zoning and flood plain regulations; and

K. WHEREAS, on May 29, 2002, the Lake Elmo Planning Commission, by a 4 to 3 vote, recommended approval of the variance;

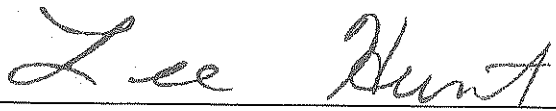
L. WHEREAS, on June 18, 2002, the Lake Elmo City Council considered the recommendations of the City Planner, the comments of the applicant and residents who appeared at the meeting, the recommendations of the Planning Commission and directed the City staff to prepare a resolution denying the application for a variance to be considered on July 16, 2002; and

M. WHEREAS, Patrick Kinney has twenty-three (23) years of real estate experience; did not review the City's regulations prior to purchasing the Kinney Property; did not apply for a variance prior to purchasing the Kinney Property; and did not purchase the Kinney Property contingent upon the granting of the variance by the City.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby denies the Kinney application for a minimum lot size variance and makes the following findings:

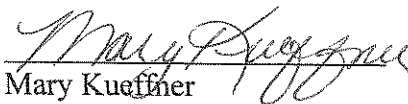
1. The Kinney Property (given its location, size, prior ownership by an adjacent property owner, and lack of public sanitary sewer) was and can be used in a reasonable manner as part of one or more adjacent parcels, just as it had been used prior to the acquisition of the Kinney Property by Patrick Kinney.
2. The plight of the property owner is due to circumstances created by the previous owner of the property and by the applicant, and is not due to the unique circumstances of the property.
3. The variance, if granted, may not change the character of the neighborhood, but a final determination on this point cannot be made without a complete set of plans demonstrating that a single family dwelling can be constructed in compliance with all other zoning and flood plain regulations.
4. The applicant has not proven an undue hardship.

ADOPTED, by the Lake Elmo City Council on the 16th day of July, 2002



Lee Hunt, Mayor

Attest:



Mary Kueffner
City Administrator

F:\users\LORJerry\LE\Kinney - Resolution Denying Zoning -02.wpd

I hereby certify to having surveyed the property described on this Plat as BEAU HAVEN Washington County, Minn. and have placed iron stakes at the corners as indicated and that the same is Sect. 16. There is no wet ground or any travelled road or easement on or across same except as shown.

Edgar C. Swenson
Reg. Prof. Engr. & Land Surveyor Cert. No. 67.

State of Minnesota
County of Washington
On this 22 day of Nov A.D. 1961 before me personally appeared the undersigned
Edgar C. Swenson to me known to be the person described in and who executed the foregoing instrument as his
own free act and deed.

Roy J. Johnson
Notary Public Washington County Minnesota

My Commission expires

Accepted and approved by the Township Board of Washington This 12 day of Nov A.D. 1961

Clerk

Accepted and approved by the Board of County Commissioners of Washington County Minnesota This 20 day of Nov A.D. 1961

Roy J. Johnson
County Auditor Washington County Minnesota

I hereby certify that the Taxes for the year 1960 on herein property are paid

Roy J. Johnson
Treasurer of Washington County, Minnesota

Taxes paid and transfer entered this 20 day of Nov A.D. 1961

Roy J. Johnson
Washington County Auditor

No filed for Record this day on A.D. 1961

Roy J. Johnson
Register of Deeds Washington County, Minnesota

This is to certify that we Paul G. Pierson and Dorothy A. Pierson husband and wife proprietors of the following described property to wit: All that part of the SE 1/4 and SW 1/4 of Section 16 and that part of the NW 1/4 of the NW 1/4 of Section 21 in T. 29 N. R. 21 W. Washington County, Minnesota bounded as follows:
Beginning at a point on the North right of way line of State Highway No. 212 now located and established said point being 234 ft. North and 33 ft. West from the SE corner of said NW 1/4 of the SW 1/4 of said Section 16. Thence S. 88° W. along the North right of way line said Hwy - 308 ft. Thence S. 82° 16' W. - 994.2 ft. to the west line of said NW 1/4 of the NW 1/4 of Section 21. Thence North along the west line - 150 ft. to a point on the East line of said NW 1/4 of the NW 1/4 of Section 16. Thence N. 82° 16' E. - 980 ft. Thence N. 88° E. - 318 ft. Thence S. 82° 16' W. - 150 ft. to the point of beginning. have caused the same to be surveyed and platting hereafter shall be known as BEAU HAVEN as shown by this Plat.

Witness our hands and Seals this 22 day of Nov A.D. 1961

In presence of

Paul G. Pierson
Dorothy A. Pierson

State of Minnesota
County of Washington

On this 22 day of Nov A.D. 1961 before me personally appeared the undersigned
Paul G. Pierson and Dorothy A. Pierson his wife, to me known to be the persons described in and who executed the foregoing instrument and that they executed the same as their own free and deed.

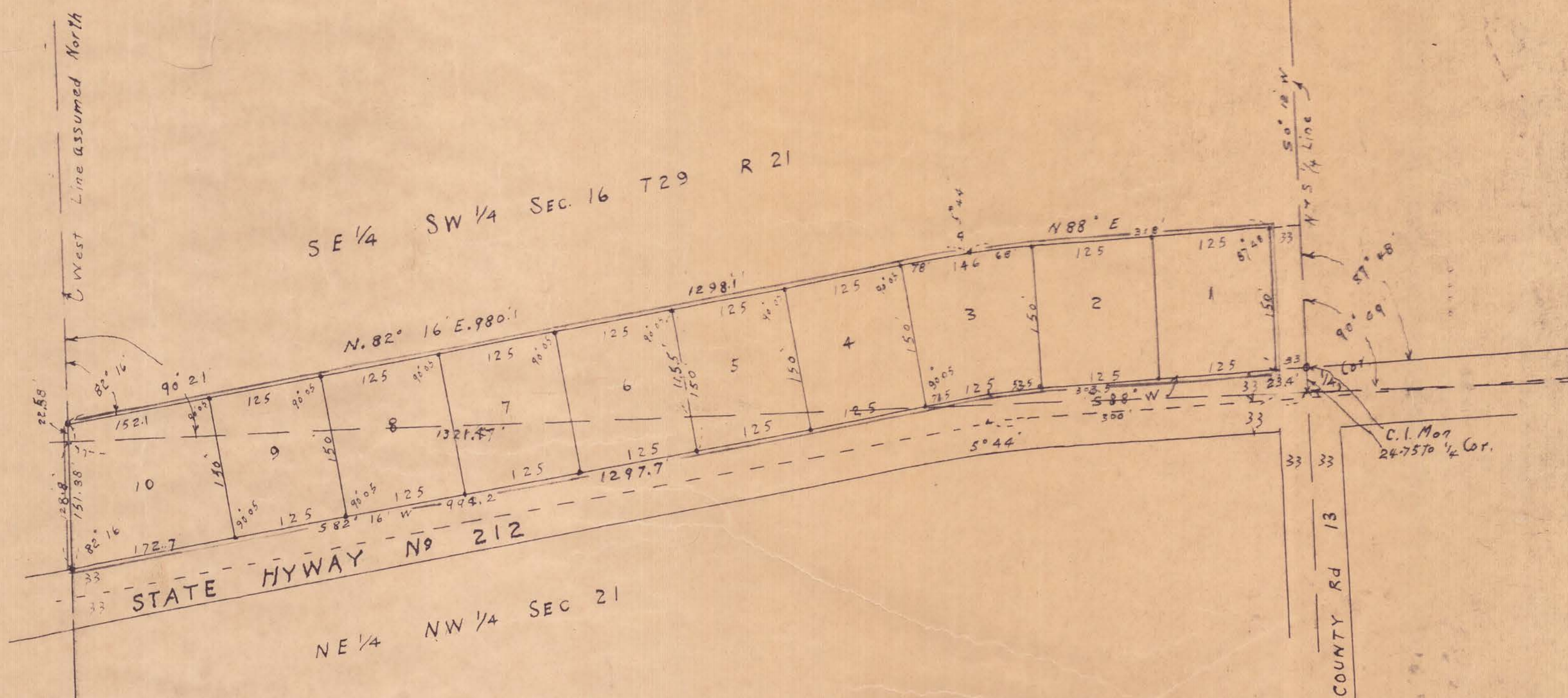
Roy J. Johnson
Notary Public Washington County, Minn.

My Commission Expires Nov 2-61

BEAU-HAVEN

SE 1/4 SW 1/4 SEC. 16 & NE 1/4 NW 1/4 SEC. 21
T 29 N R 21 W
WASHINGTON COUNTY MINN.
Indicates irons. Scale 1" = 100 ft. July 1961

Edgar C. Swenson
Surveyor



EAGLE POINT CREEK ESTATES

Folz, Freeman, Dupay & Associates, Inc.


 LAND SURVEYING • LAND PLANNING
 1815 NORTHWESTERN AVENUE • STILLWATER, MINNESOTA 55082
 (612) 439-8833

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That Jon W. Whitcomb, a single person, fee owner of the following described property situated in Washington County, Minnesota.

Lot 10 of BEAU-HAVEN, according to the recorded plat thereof on file in the office of the County Recorder, Washington County, Minnesota, EXCEPT that part thereof designated as Parcel 32 of WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 23, recorded as Document No. 393903 in the office of the County Recorder, Washington County, Minnesota.

ALSO, that part of the Southwest Quarter of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of Parcel 40 of said WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 23, lying southerly of the Chicago and Northwestern Railroad right-of-way as described in Book 7 of Deeds, page 106, recorded and on file is said office of the County Recorder, and lying westerly of the following described line:

Commencing at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 00 degrees 06 minutes 43 seconds East, assumed bearing, along the east line of said Southwest Quarter of the Southeast Quarter a distance of 864.56 feet to the southeasterly corner of said tract described in Book 7 of Deeds, page 106; thence South 87 degrees 00 minutes 59 seconds West along the southerly line of said tract 600.00 feet; thence South 02 degrees 59 minutes 01 second East along said southerly line 50.00 feet; thence South 87 degrees 00 minutes 59 seconds West along said southerly line 391.51 feet to the point of beginning of the line to be described; thence South 66 degrees 00 minutes 00 seconds East 58.09 feet; thence South 45 degrees 00 minutes 00 seconds East 196.00 feet; thence South 46 degrees 00 minutes 00 seconds East 129.00 feet; thence North 84 degrees 00 minutes 00 seconds East 52.00 feet; thence South 67 degrees 00 minutes 00 seconds East 77.00 feet; thence South 11 degrees 00 minutes 00 seconds East 107.00 feet; thence North 84 degrees 00 minutes 00 seconds East 84.00 feet; thence North 49 degrees 00 minutes 00 seconds East 137.00 feet; thence South 70 degrees 00 minutes 00 seconds East 77.00 feet to the west line of the East 300.00 feet of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 06 minutes 43 seconds West along said west line 356.63 feet to the northerly line of said Parcel 40 and said line there terminate.

ALSO, that part of the Southeast Quarter of the Southwest Quarter of said Section 16 lying southerly of the Chicago and Northwestern Railroad right-of-way as described in Book 7 of Deeds, page 106, recorded and on file is said office of the County Recorder EXCEPT that part thereof previously platted as said plat of BEAU-HAVEN and also, EXCEPT that part thereof lying within said WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 23.

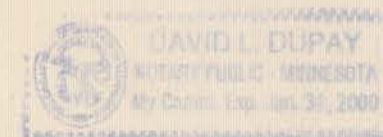
Have caused the same to be surveyed, platted and known as EAGLE POINT CREEK ESTATES and do hereby dedicate and donate to the public for public use forever Inwood Avenue North and also dedicate the easements as shown on this plat for drainage and/or utility purposes only.

In witness whereof said Jon W. Whitcomb, a single person, has set his hand and seal this 6TH day of NOVEMBER, 1995.

By Jon W. Whitcomb
Jon W. Whitcomb

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) The foregoing instrument was acknowledged before me this 6TH day of NOVEMBER, 1995 by Jon W. Whitcomb, a single person.

Notary Public, BEAUCHEMIN County, Minnesota My commission expires JANUARY 31, 2000



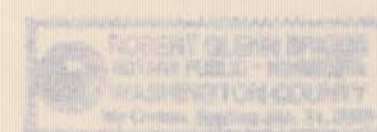
SURVEYORS CERTIFICATE

I, David L. Dupay, hereby certify that I have surveyed and platted the property described on this plat as EAGLE POINT CREEK ESTATES; that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot on the plat; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands, as defined in Minnesota Statutes, Section 505.02, Subd. 1, or public highways to be designated on said plat other than as shown.

David L. Dupay - Minnesota Registered Land Surveyor - Registration No. 17252

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) The foregoing certificate, by David L. Dupay, Registered Land Surveyor, was acknowledged before me, a Notary Public, this 6TH day of NOVEMBER, 1995.

Notary Public, WASHINGTON County, Minnesota My commission expires JANUARY 31, 2000



CITY OF LAKE ELMO

Approved by the City Council of the City of Lake Elmo, Minnesota, this 2ND day of OCTOBER, 1995. The provisions of Minnesota Statutes, Section 505.03, Subd. 2 have been satisfied.

Signed John Tolson Mayor Attest Mary P. Huggins Clerk

Reviewed by the City of Lake Elmo Planning Commission, this _____ day of _____, 199__.

Signed _____ Chairman Signed _____ Secretary

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, this plat has been approved this 24th day of November, 1995.

By James A. Nybeck Washington County Surveyor By _____

COUNTY AUDITOR/TREASURER

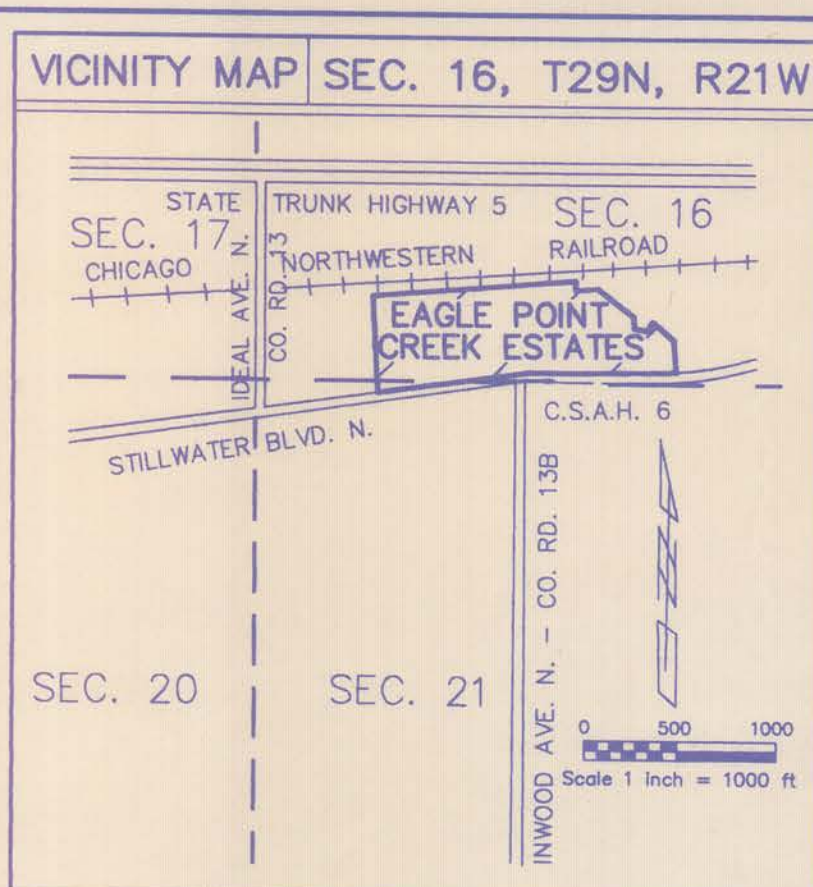
There are no delinquent taxes, the current taxes due and payable for the year 1995 have been paid, and transfer entered this 9th day of November, 1995.

By R.N. Stafford Washington County Auditor/Treasurer By Sherry A. Miller Deputy

COUNTY RECORDER

Document Number 862159
I hereby certify this instrument was filed in the office of the County Recorder for record on this 9TH day of November, 1995, at 1:48 o'clock P.M., and was recorded in Washington County Records.

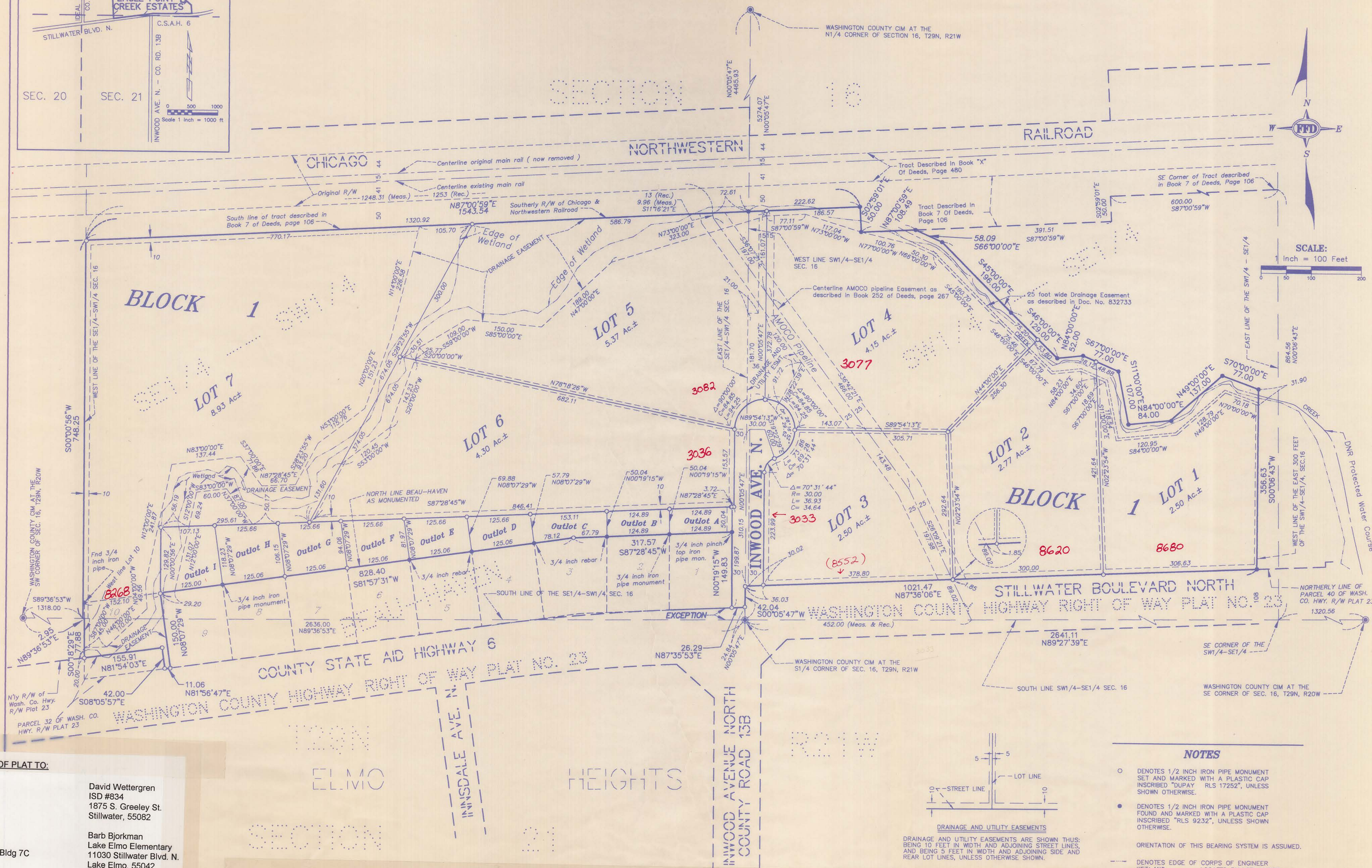
By _____ Washington County Recorder By _____ Deputy



EAGLE POINT CREEK ESTATES

CITY OF LAKE ELMO COPY

Folz, Freeman, Dupay & Associates, Inc.
LAND SURVEYING • LAND PLANNING
1815 NORTHWESTERN AVENUE • STILLWATER, MINNESOTA 55082
(612) 439-8833



SENT COPIES OF PLAT TO:

Kevin Stroman
NSP
825 Rice St.
St. Paul, 55117

Tim Lange
US West
70 West 4th St., Bldg 7C
St. Paul, 55102

Jim Wright
Lake Elmo Post Office

David Wettergren
ISD #834
1875 S. Greeley St.
Stillwater, 55082

Barb Bjorkman
Lake Elmo Elementary
11030 Stillwater Blvd. N.
Lake Elmo, 55042

NOTES

- DENOTES 1/2 INCH IRON PIPE MONUMENT SET AND MARKED WITH A PLASTIC CAP INSCRIBED "DUPAY RLS 17252", UNLESS SHOWN OTHERWISE.
- DENOTES 1/2 INCH IRON PIPE MONUMENT FOUND AND MARKED WITH A PLASTIC CAP INSCRIBED "RLS 9232", UNLESS SHOWN OTHERWISE.
- ORIENTATION OF THIS BEARING SYSTEM IS ASSUMED.
- DENOTES EDGE OF CORPS OF ENGINEER WETLAND --- LOCATED BY LORI MARCO, WETLAND BIOLOGIST

EAGLE POINT CREEK ESTATES

Sheet 2 of 2 Sheets

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 15. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3191

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was obtained from the Minnesota Land Management Information Center (LMIC). The orthophotos have a resolution of one meter and are dated 2008.

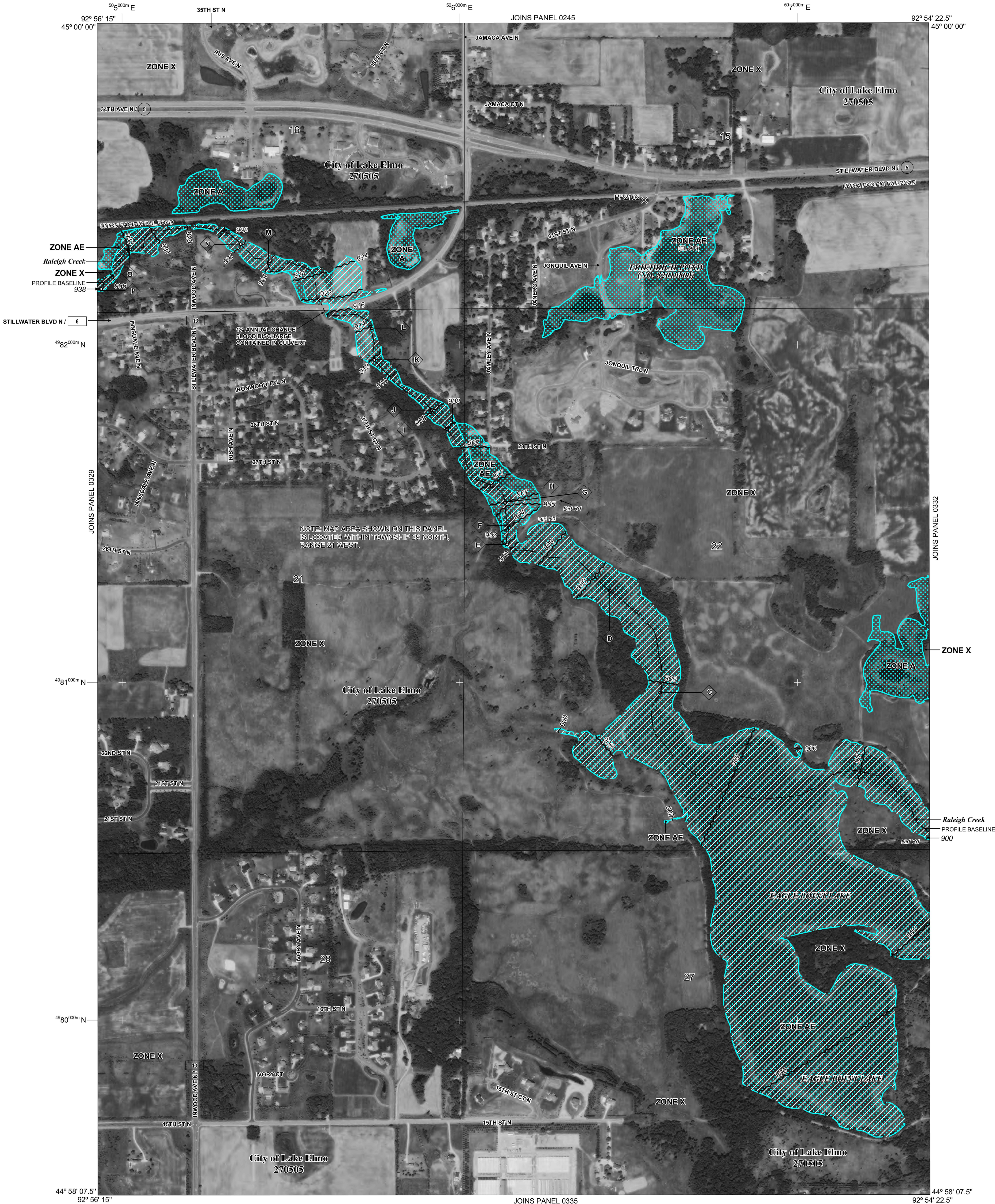
The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the FIS report. As a result of improved topographic data, the **profile baseline**, in some cases, may deviate significantly from the channel centerline or appear outside the Special Flood Hazard Area.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://www.msc.fema.gov>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/nfp>.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Base Flood Elevation line and value; elevation in feet*
- Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

- A** Cross section line
- 23** Transect line
- A** Modeled Node Label
- 45° 02' 08", 93° 02' 12" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 49° 00' 00" N 1000-meter Universal Transverse Mercator grid values, zone 15
- ML5510 x Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 River Mile

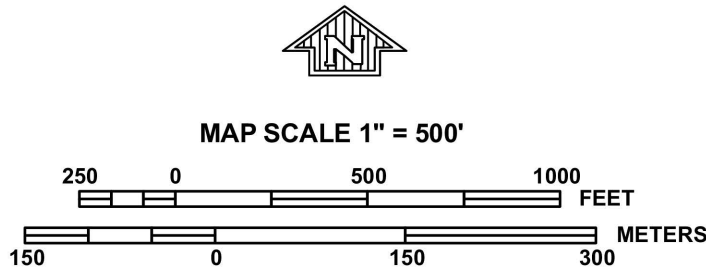
MAP REPOSITORIES
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
FEBRUARY 3, 2010

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



NFP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0331E

FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS

PANEL 331 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0331	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27163C0331E
EFFECTIVE DATE
FEBRUARY 3, 2010
Federal Emergency Management Agency



STAFF REPORT

DATE: 01/13/2020

REGULAR

ITEM #:

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Comprehensive Plan Amendments** – MUSA Boundary Change, Update to City's Wastewater Facilities and Land Use Plans – **Heritage Farms** Sanitary Sewer Service Area Extension and Re-guidance to Village Low Density Residential
REVIEWED BY: Ben Prchal, City Planner
Jack Griffin, City Engineer

BACKGROUND:

The City Council recently approved a public improvement project to extend sanitary sewer to the existing Heritage Farms subdivision. This development is located west of Manning Avenue and south of 30th Street and has 44 single-family homes that are now served by on-site sanitary sewer (septic) systems. The proposed public improvement project will extend sanitary sewer throughout the subdivision (along with other improvements) and will allow the property owners to connect to the City sanitary sewer system. The City is planning this improvement project for the 2020 construction season.

This sewer change, however, requires City Council and Met Council approval of several changes to the recently adopted 2040 Comprehensive Plan. The changes are required because the Heritage Farms subdivision is not now included in the MUSA (Metropolitan Urban Service Area) nor had the City included these 44 properties in the Wastewater calculations in the 2040 Comprehensive Plan. The proposed comprehensive plan amendments require a 4/5th affirmative vote by the City Council and approval by the Metropolitan Council.

(Please see the attached maps and tables for more information about the proposed changes).

ISSUE BEFORE PLANNING COMMISSION:

Should the City amend the MUSA Boundary and other relevant sections and elements of the 2040 Comprehensive Plan to include the Heritage Farms subdivision in the sanitary sewer service area?

PROPOSAL DETAILS/ANALYSIS:

Amendment to the MUSA Boundary. The MUSA Boundaries for the sanitary sewer service areas in the City of Lake Elmo are depicted on the maps on Pages 3-11 (Map 3-2), 3-17 (Map 3-3), 3-19 (Map 3-5), 3-26 (Map 3-7) and 9-5 (Map 9-1) of the 2040 Comprehensive Plan. The Heritage Farms subdivision is not now included in the MUSA in the City. As noted above, the City needs to change the MUSA boundary on all relevant maps in the Comprehensive Plan to include the Heritage Farms subdivision as part of the Comprehensive Plan Amendment in order for the sanitary sewer project to proceed.

Amendment to Wastewater Services and Facilities Plan. As part of their feasibility study, Engineering reviewed the possibility and effects of adding the 44 properties to the sanitary sewer system. They determined the sanitary system can accommodate these additional properties on the system. The City will

need to amend several tables in the existing Comprehensive Plan to show the addition of 44 single-family properties to the sanitary sewer system. They include Table 3-4 (page 3-21), Table 9-2 (page 9-8), Tables 9-3 and 9-4 (on page 9-9) and Table 9-5 (on page 9-10).

Amendment to Land Use Plan. The City will need to re-guide (change the land use designation) of aforementioned single-family properties in the Heritage Farms subdivision from RAD (rural area development) to the V-LDR (village low density). This is because the RAD land use designation is for areas not in the MUSA while the V-LDR designation is planned for areas within the Village Planning Area and identifies land intended for single-family detached housing development serviced by municipal sewer and water.

Met Council Review. The Met Council has confirmed that the usual jurisdictional review period for this Comprehensive Plan Amendment will likely not be required. Additionally, the request may qualify for administrative review by the Met Council, rather than full Council review, meaning that the approval process for this request may take a shorter time period than a typical Comprehensive Plan Amendment.

FISCAL IMPACT:

The City will be assessing the full cost (100%) of the sanitary sewer extension project to the 44 benefitting properties. The additional 44 properties on the City sanitary sewer system also will generate additional Sewer Access Charge (SAC) fees to the Sanitary Sewer Enterprise Fund.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of amendments to the Land Use Plan and to the Wastewater Services and Facilities Plan of the 2040 Comprehensive Plan by adding the 44 existing single-family home sites in the Heritage Farms subdivision to the City's sanitary sewer area.

“Motion to recommend approval of all necessary amendments to the 2040 Lake Elmo Comprehensive Plan (including those to the Land Use Plan and to Wastewater Services Plan) to add the existing 44 single-family properties in the Heritage Farms subdivision to the City’s sanitary sewer area.”

Additionally, Staff recommends that the Planning Commission recommend approval of an amendment to the Land Use Plan of the Comprehensive Plan, re-guiding the aforementioned existing 44 single-family properties from RAD (Rural Area Development) to V- LDR (Village Low-density Residential).

“Motion to recommend approval of a Comprehensive Plan Amendment re-guiding on the City’s Land Use Plan the existing single-family homes in the Heritage Farms subdivision from RAD (Rural Area Development) to V- LDR (Village Low-Density Residential).”

ATTACHMENTS:

Page 3-11 (Map 3-2)
Page 3-17 (Map 3-3)
Page 3-19 (Map 3-5)
Page 3-26 (Map 3-7)
Page 9-5 (Map 9-1)
Page 3-21 (Table 3-4)
Page 9-8 (Table 9-2)
Page 9-9 (Tables 9-3 and 9-4)
Page 9-10 (Table 9-5)
Pages 3-17 and 3-19 (Maps 3-3 and 3-5) Proposed Land Use Map Amendment to V-LDR

[illegible]

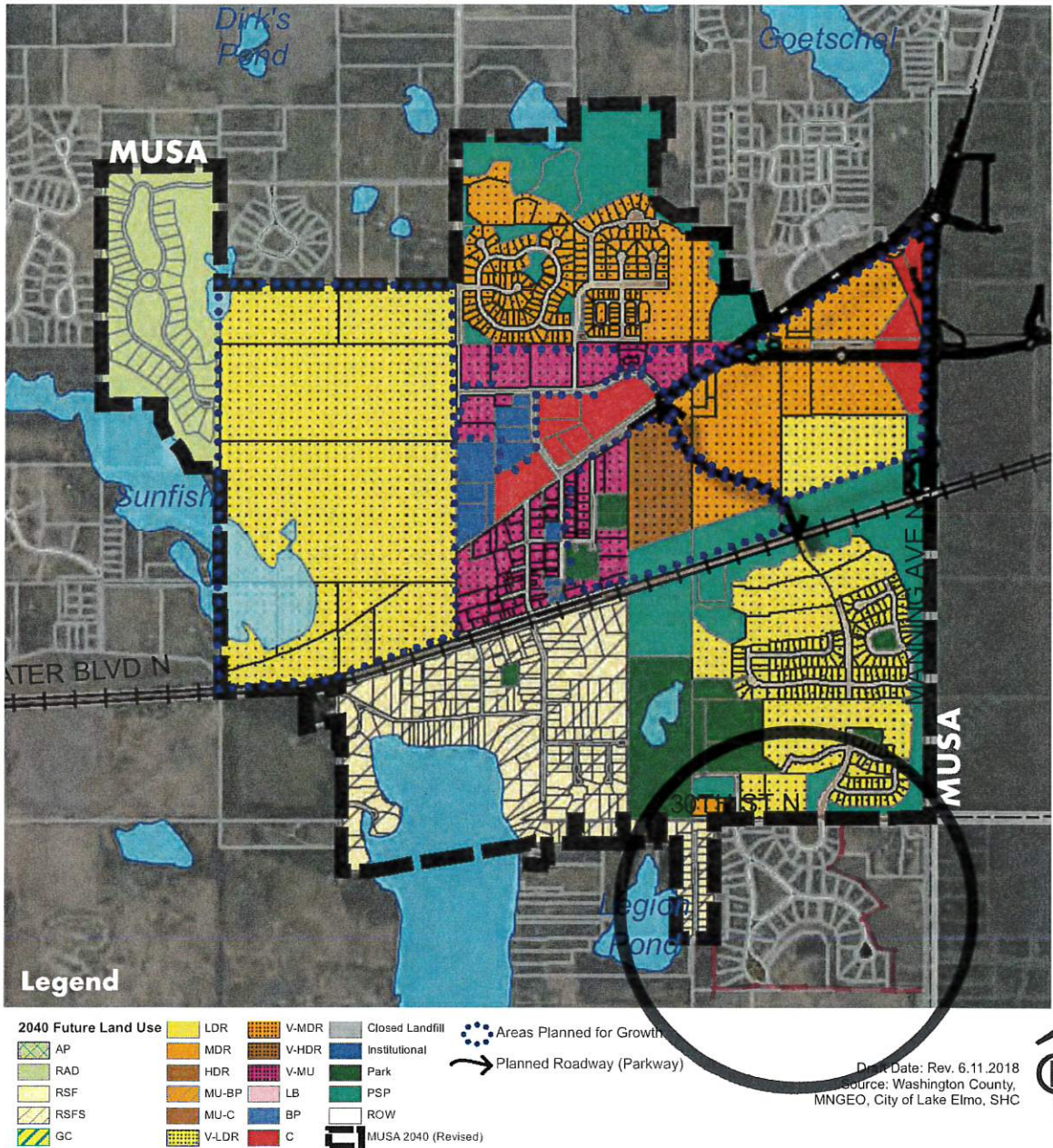
Legend

2040 Future Land Use	Color/Pattern	Category
AP	Yellow	Low Density Residential (LDR)
RAD	Orange	Medium Density Residential (MDR)
RSF	Light Green	Recreational Service Facility (RSF)
RSFS	Dark Green	Recreational Service Facility (RSFS)
GC	Dark Green	Greenland (GC)
V-MDR	Light Green	Very Low Density Residential (V-MDR)
V-HDR	Dark Green	Very High Density Residential (V-HDR)
V-MU	Dark Green	Very Medium Density Residential (V-MU)
MU-BP	Dark Green	Medium Density Residential (MU-BP)
MU-C	Dark Green	Medium Density Residential (MU-C)
V-LDR	Dark Green	Very Low Density Residential (V-LDR)
Closed Landfill	Dark Green	Closed Landfill
Institutional	Dark Green	Institutional
Park	Dark Green	Park
PSP	Dark Green	Park Service Facility (PSP)
ROW	Dark Green	Right of Way (ROW)
MUSA 2040 (Revised)	Dark Green	Municipal Utility Service Area (MUSA) 2040 (Revised)

Planned Roadway (Parkway)

Draft Date: Rev. 6.11.2018
Source: Washington County, MNGEO, City of Lake Elmo, SHC

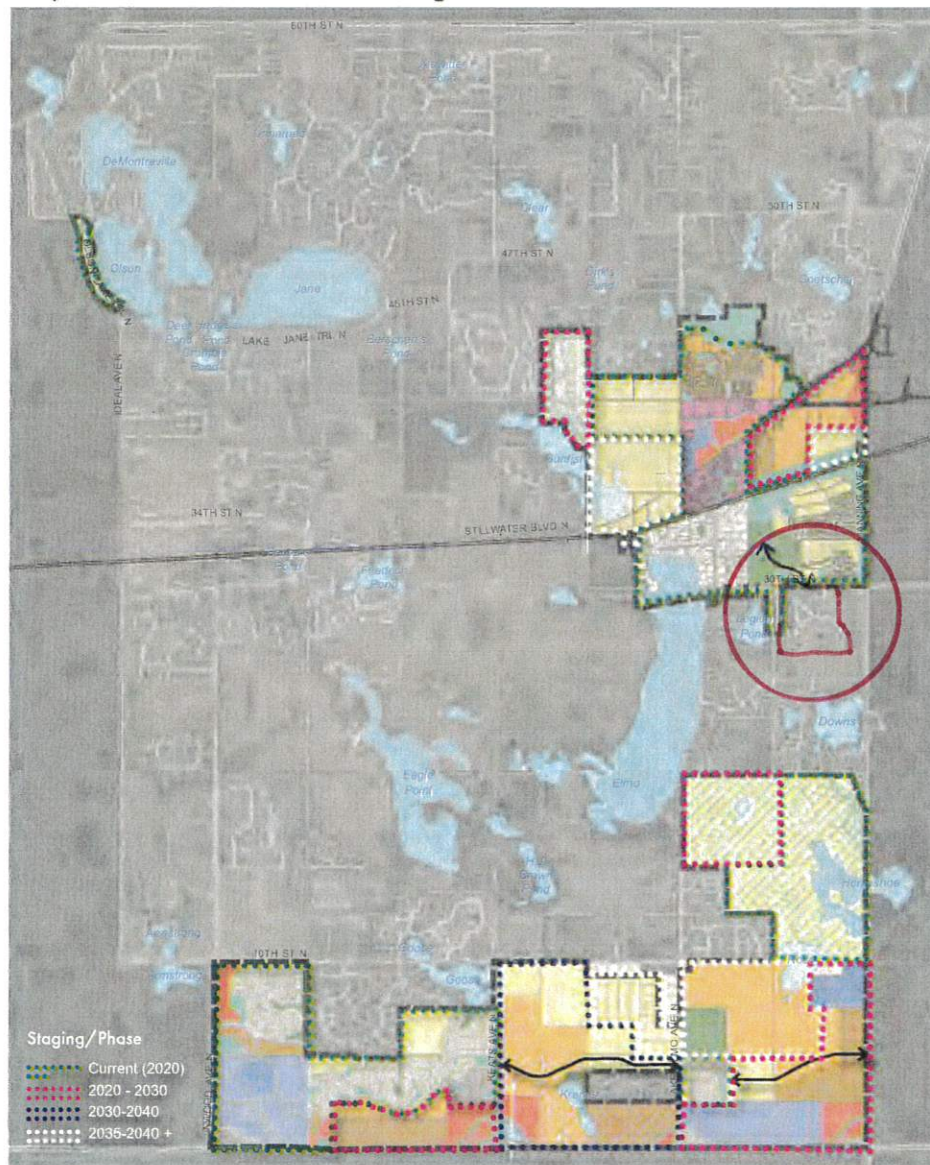
Map 3-5. Future Land Use – Village Planning Area Planned Growth



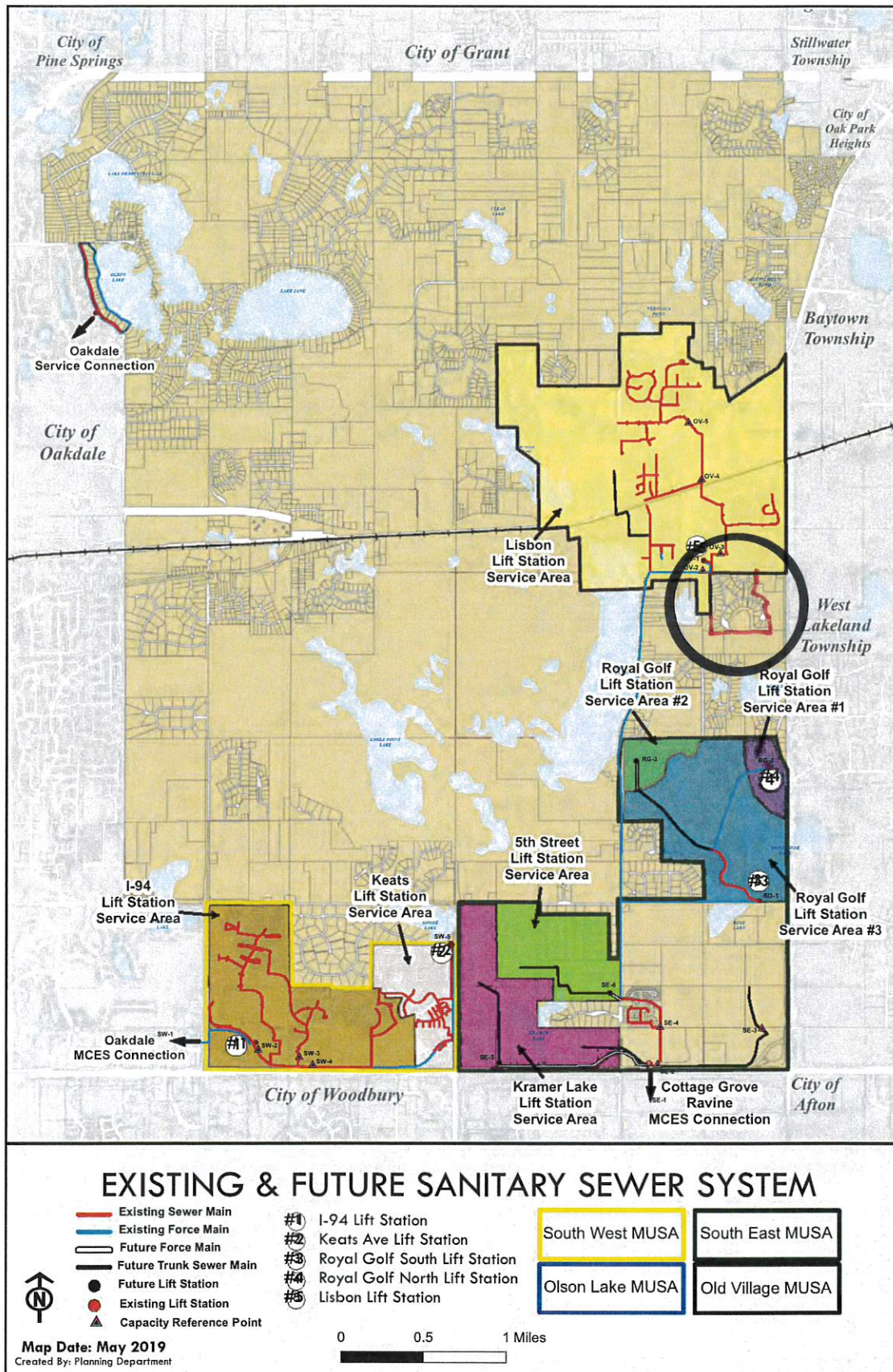
Phasing & Staged Growth

The majority of the City's growth in households and employment is anticipated to occur within the designated MUSA boundaries; however, there will be some continued development in the rural residential areas of the community consistent with the community's land use designations. Table 3-6 identifies gross acreages per land use designation, while calculations found in Table 3-3 provide net acreage calculations for each residential land use designation within the designated MUSA as noted. The City's objective is to plan for phased, contiguous growth to ensure adequate infrastructure and capacity are available to support development. Map 3-7 identifies four staging areas consistent with existing and planned water, wastewater and transportation infrastructure. The City acknowledges that market conditions, as well as other

Map 3-7. MUSA Growth & Phasing Plan



Map 9-1. Existing and Future Sanitary Sewer System



Revised Population & Household Projections

As noted in Table 3-3 the number of households, and thus the corresponding projected population, is consistent with the revised forecasts for the City as agreed to with the Metropolitan Council in June of 2019. As denoted in subsequent sections of this Chapter and the Sanitary Sewer Chapter, the City's infrastructure may need additional improvements to its infrastructure to serve the entire MUSA area depending on the ultimate commercial and/or business user and density of the residential neighborhoods. Thus capacity of the infrastructure within later staging areas will need to be evaluated, and development approvals contingent on appropriate system upgrades. Regardless, this Plan identifies and guides all land within the MUSA with an urbanized land use designation.

Table 3-4. Revised Population & Household Projections

	2020	2030	2040
Population Unsewered	6,502 6,371	7,319	7,457
Population Sewered	4,518 4,646	10,686	14,847
Total Population	11,020	18,005	22,304
Households Unsewered	2,242 2,198	2,642	2,742
Households Sewered	1,558 1,602	3,858	5,458
Total Households	3,800	6,500	8,200

Source: Metropolitan Council, SHC, City of Lake Elmo

3-21

FORECASTS

Population

The Metropolitan Council projects and publishes population and sewer usage forecasts for each City in the Metropolitan Area. This allocation is used in projecting future wastewater flows and system capacity to plan for additional infrastructure needs. Table 9-2 shows such forecasts for Lake Elmo.

Table 9-2. Population Forecasts for Lake Elmo

Forecast Year	Forecast Component	Population	Households	Employment
2010	MCES Sewered	0	0	623
	Unsewered	8,061	2,776	1,318
2020	MCES Sewered	4646 4,518	1602 1,558	2,338
	Unsewered	6374 6,502	2198 2,242	562
2030	MCES Sewered	10,687	3,858	2,788
	Unsewered	7,318	2,642	562
2040	MCES Sewered	14,846	5,458	3,238
	Unsewered	7,458	2,742	562

9-8

Projections, Capacity and Staging for Regional Sewer Service

Wastewater flow projections were generated for each MUSA area and regional interceptor for the 2020, 2030 and 2040 planning periods based on the anticipated land uses. Table 9-3 outlines these projections by sewer REC units, average day wastewater flows, and peak day wastewater flows. Table 9-4 summarizes projected flows for each MCES interceptor.

Table 9-5 then provides the capacity and design flow information for each major trunk sewer and lift station together with the estimated 2040 design flows. The Existing and Future Sanitary Plan Map (Map 9-1) shows sewer service staging in four phases in accordance with the Future Land Use Plan in Chapter 3.

Table 9-3. Projections by Sewer REC Units

Current (2020) Wastewater Flows by Interceptor						
	MCES WONE Interceptor/Oakdale			MCES Cottage Grove Ravine Interceptor		
	REC Units	Average Day Projected Flow (MGD)	Peak Day Projected Flow (GPM)	REC Units	Average Day Projected Flow (MGD)	Peak Day Projected Flow (GPM)
Old Village MUSA				821 865	0.23 0.24	594 609
Southeast Planning MUSA				150	0.04	114
Southwest Planning MUSA	821	0.23	594			
TOTALS	821	0.23	594	971 1,015	0.27 0.28	684 715

2020-2030 Wastewater Flows by Interceptor						
	MCES WONE Interceptor/Oakdale			MCES Cottage Grove Ravine Interceptor		
	REC Units	Average Day Projected Flow (MGD)	Peak Day Projected Flow (GPM)	REC Units	Average Day Projected Flow (MGD)	Peak Day Projected Flow (GPM)
Old Village MUSA				1,879	0.52	1,216
Southeast Planning MUSA				437	0.12	333
Southwest Planning MUSA	1,821	0.50	1,212			
TOTALS	1,821	0.50	1,212	2,316	0.64	1,499

2030-2040 Wastewater Flows by Interceptor						
	MCES WONE Interceptor/Oakdale			MCES Cottage Grove Ravine Interceptor		
	REC Units	Average Day Projected Flow (MGD)	Peak Day Projected Flow (GPM)	REC Units	Average Day Projected Flow (MGD)	Peak Day Projected Flow (GPM)
Old Village MUSA				2,109	0.58	1,365
Southeast Planning MUSA				1,383	0.38	948
Southwest Planning MUSA	2,290	0.63	1,482			
TOTALS	2,290	0.63	1,482	3,492	0.96	2,127

Table 9-4. Projected Flows for Each MCES Interceptor Service Area (MGD)

Average Day Projected Wastewater Flows by Interceptor (MGD)			Peak Day Projected Wastewater Flows by Interceptor (GPM)		
Year	WONE	Cottage Grove	Year	WONE	Cottage Grove
2020	0.23	0.27 0.28	2020	594	684 715
2030	0.50	0.64	2030	1,212	1,499
2040	0.63	0.96	2040	1,492	2,127

TABLE 9-5 Capacity and Design Flows for Local Trunk Sewers and Lift Stations

EASTERN LOCAL SEWER SERVICE DISTRICT: MCES COTTAGE GROVE RAVINE METER STATION

TRUNK SEWER / LIFT STATION SERVICE AREA	DESIGN CAPACITY				ESTIMATED 2040 REC				ESTIMATED EXCESS CAPACITY	
	TRUNK SEWER DIAMETER	REC	FLOW (MGD)	PEAK FLOW (GPM)	REC	FLOW (MGD)	PEAK FACTOR	PEAK FLOW (GPM)	REC	FLOW (MGD)
OV-5	12-inch Gravity Sewer	1,158	0.317		830	0.227	3.8	600	328	0.09
OV-4	15-inch Gravity Sewer	1,795	0.492		1,349	0.370	3.6	924	446	0.12
OV-3	18-inch Gravity Sewer	3,570	0.978		1,819	0.498	3.5	1,211	1,751	0.48
OV-2	15-inch Gravity Sewer	1,105	0.303		290	0.079	4.0	221	815	0.22
OV-1 (Lisbon LS)	16-inch Forcemain	2,580	0.707	1620	2,153	0.590	3.4	1,393	427	0.12
RG-3 (RG LS-1)	4-inch Forcemain	88	0.024	100	88	0.024	4.0	67	0	0.00
RG-2 (RG LS-2)	4-inch Forcemain	73	0.020	100	73	0.020	4.0	56	0	0.00
RG-1 (RG LS-3)	6-inch Forcemain	291	0.080	327	291	0.080	4.0	221	0	0.00
SE-6 (5th Street LS) - Future LS Post 2040	Forcemain Size TBD	855	0.234	620	0	0.000	4.0	0	855	0.23
SE-5 (Kramer Lk LS)	Forcemain Size TBD	1,479	0.405	990	220	0.060	4.0	167	1,259	0.34
SE-4 (MH 3-3)	24-inch Gravity Sewer	5,124	1.404		2,497	0.684		1,600*	2,627	0.72
SE-3	18-inch Gravity Sewer	2,453	0.672		500	0.137	3.9	371	1,953	0.54
SE-2 (MH 0-2)	24-inch Gravity Sewer	8,261	2.264		3,272	0.897	3.2	1,992	4,989	1.37
MCES CONNECTION LOCATION										
SE-1 (MH 0-1)	24-inch Gravity Sewer	9,740			3,492				6,248	1.71

*Peak flow based on combined lift station flow rates pumping into the system

WESTERN LOCAL SEWER SERVICE DISTRICT: MCES WONE INTERCEPTOR (CONNECTION THROUGH CITY OF OAKDALE)

TRUNK SEWER / LIFT STATION SERVICE AREA	EXISTING DESIGN CAPACITY				ESTIMATED 2040 REC				ESTIMATED EXCESS CAPACITY	
	TRUNK SEWER DIAMETER	REC	FLOW (MGD)	PEAK FLOW (GPM)	REC	FLOW (MGD)	PEAK FACTOR	PEAK FLOW (GPM)	REC	FLOW (MGD)
SW-5 (KEATS LS)	8-inch Forcemain	600	0.164	388	600	0.164		338*	0	0.00
SW-4	12-inch Gravity Sewer	1,065	0.292		1220	0.334	3.6	836	-155	-0.04
SW-3	12-inch Gravity Sewer	1,104	0.302		452	0.124	3.9	335	652	0.18
SW-2	15-inch Gravity Sewer	3,526	0.966		2290	0.627	3.4	1,482	1,236	0.34
MCES CONNECTION LOCATION										
SW-1 (I-94 LS)	8-inch Forcemain	1,500	0.411	1,000	2,290	0.627		1,482	-790	-0.22

*Peak flow based on combined lift station flow rates pumping into the system



PLANNING COMMISSION
DATE: 1/13/2020
AGENDA ITEM:
CASE #N/A

ITEM: 2020 Planning Department Work Plan
SUBMITTED BY: Ken Roberts, Planning Director
REVIEWED BY: Ben Prchal, City Planner
Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED:

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2020.

REQUEST DETAILS:

The Planning Department Staff has updated the 2019 Planning Work Plan for 2020 and below are the following that have been completed from the 2019 Plan:

- 2040 Comprehensive Plan approval
- Update the subdivision code ordinance
- Adopt Mixed Use Zoning
- Zoning code update for trailers in the front yard
- CIP review
- Contract with Muni Code (instead of American Legal) to update the City code

Some projects are currently in progress:

- Codify Zoning Ordinance(s)
- Comprehensive plan amendment(s)
- Submit application for Village Parkway railroad crossing
- Summary cheat sheet
- Update the PUD ordinance

It is the intent of staff to address the work plan projects in the order that they have been ranked. However, some projects, although ranked lower in terms of priority take less time to accomplish. Because of this other projects with a lower priority will be given attention before or in tandem with others of a higher rank.

REQUESTED ACTION:

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2020.

ATTACHMENT:

- 2020 Planning Department Work Plan (redline)

2020 Planning Department Work Plan

Prepared by the Lake Elmo Planning Commission: 01/13/20

Accepted by the City Council: _____



Key

Status	C – Complete IP – In Progress
PL	Priority Level (1-5 with 1 being the highest priority)

Project and Description	PL	Status
Zoning Map Amendments		
• To be done after 2040 Comprehensive Plan update	1	IP
Code Amendments		
• Codify Zoning Ordinance	1	
• Update PUD Ordinance to match OP PUD Process	2	IP
• Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community.	5	
• Resolve zoning conflicts with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County	4	IP
• Implement City airport zoning regulations for the airport safety zones within the Village Planning Area	4	IP
• Review and make recommendations about new Airport Zoning regulations after the approval of Airport Zoning regulations by the Lake Elmo JAZB and MnDOT	2	IP
• Review and Adopt the Mixed Use zoning	4	G
• Trailers in front or side yards (driveways)	3	
• Review PUD Ordinance – Remove Concept Plan review	4	IP
• Begin making corrections to the Zoning code.	3	IP
Comprehensive Plan Amendments		
2040 Comprehensive Plan Update		
• Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed	3	IP
• Prepare CPA to guide RR and A parcels less than 20 acres in size to RE	2	
• Look into modifying the Zoning Code and Comprehensive Plan to include requiring and/or incentivizing affordable housing in sewer development	4	
• Address amendments to the Comprehensive Plan as required	5	IP
Other Planning Initiatives		
• Submit application for new Village Parkway railroad crossing	4	IP

• Develop a policy or ordinance for stormwater reuse.	3	
• Add/Review Planning Module from Permit Works to track planning and zoning applications	3	
• Investigate conservation easement holder options/city policy	1	
• Provide a cheat sheet that summarizes key goals, strategies and characteristics of each land use designation that clearly describes the desired development in each area	3	IP
• Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area	3 4	
• Participate in the planning for and the expected land uses for the City-owned 180 acres of land near County Road 14 and Ideal Avenue	2	IP
Ongoing Planning Activities		
• Planning Commission review of Capital Improvement Plan for consistency with the Comprehensive Plan	3	IP
• Provide support to code enforcement program with the Building Inspector as the City's code enforcement officer	3	IP
• Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.	3	IP
• Update American Legal and the City website with new Archive older zoning files	4	IP
• Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;	1	IP
• Consistently update the City Code on the City website as well as American Legal <u>(Soon to be Muni Code)</u>	3	IP