

## City of Lake Elmo

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*gell*

The Lake Elmo Planning Commission will meet  
**MONDAY, MARCH 11, 2002, at 7:00 p.m.**  
in the Council Chambers of City Hall, 3800 Laverne Avenue North,  
Lake Elmo, Minnesota.

### CONVENE AS MAINTENANCE ADVISORY SPECIAL PROJECTS

1. Agenda
2. Minutes – February 11, 2002
3. TKDA – Community Facilities Consultant  
Discussion: Demographics; Other Cities Services.
4. Other
5. Adjourn

### CONVENE AS REGULAR PLANNING COMMISSION

1. Agenda
2. Minutes – February 25, 2002
3. **Public Hearing:** Daniel Rude – 3250 Kraft Circle  
Variance to Minimum Lot Size-R-1 Zoning
4. Other
5. Adjourn



**Regular Section Approved 02/25/02 MAC Draft**

**Lake Elmo  
Planning Commission**

**Monday, February 11, 2002  
Meeting Minutes**

<b>Convene as Maintenance Advisory Planning Commission</b>
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Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Dege, Gustafson, Deziel, Bunn, Sessing, Helwig, Herber, Stanley, Sedro, Talcott, and Taylor. Absent: Commissioners Berg and Mandel. Also present: Planner Dillerud.

**1. Agenda**

**M/S/P Helwig/Stanley – to accept the Agenda, as presented.  
(Motion Passed 9-0).**

**2. Minutes**

**M/S/P Helwig/Armstrong – to approve the Maintenance Advisory Planning Commission Meeting Minutes from November 26, 2001.  
(Motion Passed 5-0-4). Abstain: Gustafson, Talcott, Bunn, and Helwig.**

*(Enter Herber, Sedro, and Taylor)*

**3. TKDA – Community Facilities Forecast Workshop**

*(Enter Ptacek)*

Chairman Armstrong adjourned the Maintenance Advisory Planning Commission at 7:23 p.m.

<b>BREAK</b>
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**DRAFT**

**STUDY REPORT**

**DEMOGRAPHIC PROFILE**

**CITY OF LAKE ELMO, MINNESOTA**

**Date:** March 5, 2002  
**Comm. No.** 12436-02

**TKDA**

TOLTZ, KING, DUVALL, ANDERSON  
AND ASSOCIATES, INCORPORATED

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**DEMOGRAPHIC PROFILE  
CITY OF LAKE ELMO, MINNESOTA**

**MARCH 5, 2002**

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# DEMOGRAPHIC PROFILE CITY OF LAKE ELMO, MINNESOTA

MARCH 5, 2002

## 1. Introduction

Lake Elmo is on the eastern edge of the Twin Cities Metropolitan Area. It is bounded by the City of Grant on the North, Baytown Township and West Lakeland Township on the East, Woodbury on the South and Oakdale on the West. It consists of approximately 25 square miles, most of which is not intensively developed.

Compared to some of its neighboring cities, the City of Lake Elmo has experienced moderate growth in the past. Both Oakdale, which is almost completely developed, and Woodbury, which still has considerable available land, have developed at urban densities based upon availability of public services, especially public sewers and water.

Lake Elmo's past growth has resulted from the City's desire to remain largely rural and rural residential. Although some public sewer serves commercial, business and institutional development in the southwest corner of the City, most development in the City is on private septic systems or congregate treatment systems at rural densities. For the most part, the City intends to continue developing at rural densities, with some higher-density development without public sewers in the Old Village Area.

## 2. Population and Household Trends

In the last 30 years, population and household growth rates in the City of Lake Elmo have exceeded growth in both the metropolitan area and the state. Between 1970 and 2000 the number of households grew 155 percent in the City, 75.2 percent in the region and 64.3 percent in the state (See Table 1). Population increased at a slower rate in Lake Elmo during this period (70.2 percent), the region (37.9 percent) and the state (29.2 percent) (See Table 2). The most important growth decade for Lake Elmo was the 1970's, which witnessed considerable rural growth as well as occupancy of Cimarron, a 505 unit manufactured housing development created between 1967 and 1969. In the 1980's, the City grew more rapidly than the state, but fell behind regional growth. Since 1990, the City grew faster than the region; this growth is the result of mostly rural, clustered development that has attracted "second house" professionals and business people to the City.

Although Lake Elmo is generally perceived as lukewarm to growth, the data indicates that Lake Elmo has generally exceeded both the state and the region in population and household growth rates. Therefore, one could describe growth in the City compared to the region and the state as moderate to rapid over the last few decades.

Since the 1970's, Lake Elmo, like the state and the region, has experienced faster growth in households than population. This is the result of the "Baby Boom Generation's" coming of age, beginning in the 1970's, leaving home, forming households and families. Since the household is the basic unit for which local governments must provide services, this number is critical in planning facilities and services in the future.

**Table 1  
Household Trends**

	1970	1980	1990	2000	% Change 1970- 2000
<b>Lake Elmo</b>	918	1,687	1,937	2,347	155.66%
<b>TC Region</b>	573,634	721,357	875,504	1,005,000	75.20%
<b>State</b>	1,153,946	1,445,222	1,647,853	1,895,127	64.23%

Source: U.S. Census Bureau

**Table 2  
Population Trends**

	1970	1980	1990	2000	% Change 1970-2000
<b>Lake Elmo</b>	4,032	5,296	5,903	6,863	70.21%
<b>TC Region</b>	1,874,612	1,985,873	2,288,729	2,586,340	37.97%
<b>State</b>	3,806,103	4,075,970	4,375,099	4,919,479	29.25%

Source: U.S. Census Bureau

Lake Elmo has, in the last three decades, maintained a bigger average household size than either the region or the state. In 1970, the average household size in Lake Elmo was 4.3 persons per household (See Table 3), whereas the average household size in the state and the region was 3.3. Since 1970, household size has consistently decreased nationally, and within the state and the region. This trend is reflected in the gradual decrease in persons per household in Lake Elmo as well, to 2.9 persons per household in 2000. This is still a larger number of persons per household than the state and the region, which both show 2.6 average persons per household.



**Table 3**  
**Household Size**

	1970	1980	1990	2000
<b>Lake Elmo</b>	4.3	3.1	3.0	2.9
<b>TC Region</b>	3.3	2.7	2.6	2.6
<b>State</b>	3.3	2.8	2.6	2.6

Source: U.S. Census Bureau

There are several reasons for higher persons per household in Lake Elmo. Of the total number of households in the City in 2000, 82 percent are family households, and 41.6 percent have their own children under 18 years of age at home. In comparison, only 64.4 percent of households within the region are family households and only 33.4 percent of all households have their own children under 18 years of age. In Lake Elmo, only 18 percent of households were nonfamily (one or more unrelated individuals), whereas in the region 35.6 percent were nonfamily households. Nonfamily households often consist of small households of one or two people, oftentimes young singles setting up their own apartments or elderly and widowed individuals. As the next section will show, Lake Elmo has smaller percentages of its population in these age categories (20 - 34 and 65 - 65+) than either Washington County or the region.

### **3. Age Breakdowns**

Lake Elmo, in 2000, had a slightly higher percentage of males than females, (50.7 percent males, 49.3 percent females) (See Table 4). This is unusual since Washington County, the Metropolitan Area and the state all have a slightly higher number of females than males. This is largely due to the fact that Lake Elmo has a smaller proportion of older people than either the county or the region; 7 percent of the City's population was 65 and over, whereas 7.6 percent of the County's population was 65 and over and 9.7 percent of the region's population was 65 and over. This reflects the fact that there are no facilities for the elderly within Lake Elmo at present. When an elderly person needs assisted care or even a nursing home, they must move to a nearby city such as Stillwater or Oakdale.

Even with the lower percentage of very elderly people in Lake Elmo, the median age in the City (37.3 years) is higher than the County's (35.1), the region's (34.3) or the state's (35.4). This means that there is a higher proportion of people in the "middle ages" in Lake Elmo. In Lake Elmo, in 2000, 47.2 percent of the population was between the ages of 35 and 44; in Washington County the proportion was 42.5 percent, in the region it was 39 percent and in the state it was 38.5 percent. This suggests that there is less migration in and out of Lake Elmo than elsewhere and, due to the cost of housing, those who are moving in are a little older, probably buying their second house. Aside from Cimarron, there are few "affordable" housing opportunities in the City.

**Table 4**  
**Age Breakdowns--2000**

	Lake Elmo		Washington County		T.C. Region	
Subject	Number	Percent	Number	Percent	Number	Percent
Total Population	6,863	100	201,130	100	2,642,056	100
Sex and Age						
Male	3,477	50.7	99,970	49.7	1,301,693	49.3
Female	3,386	49.3	101,160	50.3	1,340,363	50.7
Under 5 Years	487	7.1	15,346	7.6	188,236	7.1
5 to 9 years	552	8.0	16,946	8.4	198,690	7.5
10 to 14 years	594	8.7	17,037	8.5	197,611	7.5
15 to 19 years	543	7.9	14,564	7.2	183,491	6.9
20 to 24 years	324	4.7	9,058	4.5	173,732	6.6
25 to 34 years	648	9.4	27,341	13.6	411,155	15.6
35 to 44 years	1,361	19.8	38,877	19.3	469,324	17.8
45 to 54 years	1,185	17.3	30,210	15.0	363,592	13.8
55 to 59 years	402	5.9	9,850	4.9	117,051	4.4
60 to 64 years	286	4.2	6,634	3.3	83,929	3.2
65 to 74 years	330	4.8	8,830	4.4	130,615	4.9
75 to 84 years	121	1.8	4,782	2.4	90,292	3.4
85 years and over	30	0.4	1,655	0.8	34,338	1.3
Median age (years)	37.3	X	35.1	X	34.3	X
18 years and over	4,859	70.8	141,905	70.6	1,944,522	73.6
Male	2,452	35.7	69,795	34.7	944,588	35.8
Female	2,407	35.1	72,110	35.9	999,934	37.8
21 years and over	4,618	67.3	135,455	67.3	1,839,982	69.6
62 years and over	630	9.2	18,889	9.4	302,605	11.5
65 years and over	481	7.0	15,267	7.6	255,245	9.7
Male	233	3.4	6,572	3.3	102,871	3.9
Female	248	3.6	8,695	4.3	152,374	5.8

Source: U. S. Census Bureau



A recent report of the St. Paul Association of Realtors listed median housing prices based upon sales in 2001. In 1996, the median housing price in Lake Elmo was \$179,000, which rose to \$345,000 in 2001, a 92% increase in five years. Median house prices for 2001, ranged from \$187,000 in Oakdale to \$215,000 in Stillwater to \$448,000 in West Lakeland Township.

Lake Elmo is very similar to Washington County in terms of the percentage of children in the population. In both cases, 31.7 percent of the populations were 19 years of age or younger. The region had 29 percent in these age cohorts and the state had 29.1 percent in these cohorts.

#### **4. Relationship, Household by Type and Race**

The preponderance (99.4 percent) of people in Lake Elmo in 2000, lived within households. Only 0.6 percent or 43 people lived in group quarters. Children in households made up 35.1 percent of the population in Lake Elmo, which is slightly higher than the regional percentage of 30.2. The higher number of children in Lake Elmo contributes to the larger household size of the City. In addition, the percentage of female householders with no husband present is only 7.8 percent in the City, compared to 8.5 percent in Washington County and 9.9 percent in the Metropolitan Area. This lower percent in Lake Elmo is probably the result of a combination of factors: fewer single people move into Lake Elmo (only 4.1 percent of Lake Elmo's housing stock is rental) and the high cost of housing (\$345,000 was the median cost of a housing in 2001) which requires two incomes to support.

Racially, Lake Elmo is predominantly white (97 percent) compared to 93.6 percent in Washington County and 84.7 percent in the region. The majority of nonwhites in Lake Elmo are Asian (2.0 percent), which is similar to the County's percentage (2.1). Unlike the County, which has 1.8 percent Black or African American, Lake Elmo has only 0.7 percent Black or African American.

#### **5. Housing Occupancy and Housing Tenure**

Of the total number of housing units in the City, at the time of the Census only 1.8 percent were vacant, which is a very low vacancy rate. In Washington County, the vacancy rate was 3 percent while the vacancy rate in the Metropolitan Area was 2.5 percent. The City's very low vacancy rate contributes to the relatively high cost of housing in the City. The majority of housing in the City is owner occupied (95.9 percent) with only 4.1 percent renter-occupied. In Washington County 85.7 percent is owner-occupied and within the Metropolitan Area 71.4 percent is owner occupied. The high ownership rate in Lake Elmo also contributes to the low vacancy rate in the City.

#### **6. Occupations**

Information on occupations for minor civil divisions like Lake Elmo will not be available from the 2000 Census until later in 2002. In order to obtain some understanding of the occupations of residents of Lake Elmo, it is necessary to rely on 1990 Census data. Although it is dated, it can give some clues as to the occupational makeup of the population of the City.

Table 5 shows the occupational breakdown of the City in 1990, compared to the similar breakdown for the entire region. Generally the breakdowns of occupational categories are similar between Lake Elmo and the region. The City has a slightly smaller percentage of workers in the category "Executive, administrative and managerial" than the region, 12.9 percent to 14.5 percent. However, the City has a higher percentage of people in the category "Professional specialty occupations" than the region, 18.2 percent to 15.5 percent. This can be explained by the higher number of scientists, engineers and others who work at 3M and Imation nearby.

**Table 5**  
**Occupations in Lake Elmo and the T.C. Region--1990**

	Lake Elmo		T.C. Region	
	Number	Percent	Number	Percent
Managerial, professional specialty	988	31.2	374,325	30.1
Technical, sales, administrative support	1,143	35.9	448,556	36.1
Service	304	9.6	152,169	12.3
Farming, forestry, fishing	31	1.1	9,811	0.8
Precision production, craft, repair	359	11.4	112,156	9
Operators, fabricators, laborers	348	10.8	146,620	11.7
Total	3,173	100	1,243,637	100

Source: U.S. Census

The percentage of workers within the "Technical, sales and administrative support occupations" is very similar in the region (36.1 percent) and Lake Elmo (35.9 percent). Service occupations, generally lower paying jobs, employ 12.3 percent of the regional workers, but only 9.6 percent of the City's workers. "Precision production, craft and repair occupations" make up a slightly higher percentage of workers in the City (11.2 percent) than the region (9 percent) as well. This reflects employment at Andersen Windows in Bayport, which employs many workers within this category.

The occupation category "Operators, fabricators and laborers", which consists of machine operators, assemblers, inspectors, transportation occupations, handlers, helpers and laborers, makes up 10.8 percent of the workforce in Lake Elmo and 11.7 percent in the region. In general, the occupational workforce in Lake Elmo was more "white collar" especially in terms of scientific workers than the region. Lake Elmo also had a lower percentage of workers in the traditionally lower paying service sectors. These conclusions are confirmed in the income discussion of this report.

## **7. Income**

Income data, like occupation data, will not be available for some time from the 2000 Census. As a rough approximation, one can take 1990 Census income information and apply a factor (1.4282), which represents the change in the U.S. Consumer Price Index for all urban consumers. Applying this factor to 1990 median incomes gives some idea of relative incomes in the City and the region.

Table 6 compares median household, family and nonfamily household incomes in Lake Elmo and the region. Median household income represents income coming into a household for all kinds of households - families, room-mates and singles, or some combination. For Lake Elmo in 2000, median household income was \$65,243, which was 24 percent higher than median regional household income of \$52,383. Family income, which reflects families of at least two related people, was again much higher in Lake Elmo (\$72,946) than the region (\$62,528). Median nonfamily household income was also higher in the City (\$33,662) than the region (\$31,787).

The combination of a number of factors including occupations, the higher percentage of people in the prime working ages, the proximity of major employers and higher housing prices affect the overall income levels of people within the City of Lake Elmo. More people engage in higher paying occupations and more of those people are at their prime earning ages. Major employers including



3M, Imation, State Farm Insurance, Andersen Windows and Hartford insurance are located around the edges of the City, making commutes easy and short. High housing prices effectively self-select the kinds of people who can live in the community, thus continuing the higher income status of the community.

**Table 6**  
**Median Household, Family and Nonfamily**  
**Household Income in 2000\***

	<b>Lake Elmo</b>	<b>Region</b>
Median Household Income	\$65,243	\$52,383
Median Family Income	\$72,946	\$62,528
Median Nonfamily Household Income	\$33,662	\$31,787

\*Adjusted from 1990 Census income data

Source: U. S. Census

## **8. Forecasts**

The basis for planning is population, household and employment forecasts. Within the Twin Cities Metropolitan Area, the Metropolitan Council traditionally prepares these forecasts for the region, counties, cities and townships. Historically, the Council prepared forecasts for 20 years, thus 2020. In the planning process, the local municipalities either accept and adopt the regional forecasts, or develop their own. The forecasts, whichever are adopted, form the basis for the comprehensive plan, including the community facilities portion of the plan. Since households are usually the unit that demands services of a municipality, they will be the focus of this discussion.

In its comprehensive plan, the City of Lake Elmo adopted the forecasts of the Metropolitan Council. (It should be noted that the Metropolitan Council is developing new forecasts as a result of the 2000 Census. These forecasts will be available about mid 2002.) The City believes it can accommodate these forecasts with continued rural cluster development and some "Village Scale Housing" around the Old Village.

Table 7 and Figure 1 show population forecasts for Lake Elmo, Washington County and the Region. Population in Lake Elmo is expected to grow by 82 percent over the next 20 years or by 4.1 percent per year. This will increase the population of the City by 5,637 people, or about 280 people per year. This growth represents an increase in the rate and amount of population compared to 1980 - 2000, during which the City's population grew by 29.6 percent or 2,831 (141 people per year).

Between 2000 and 2010, Washington County's population is anticipated to grow by 40.7 percent, while the region's growth is expected to be at 17.2 percent. From a population perspective, Lake Elmo will grow considerably faster than the last 20 years, and substantially faster than either Washington County or the Region.

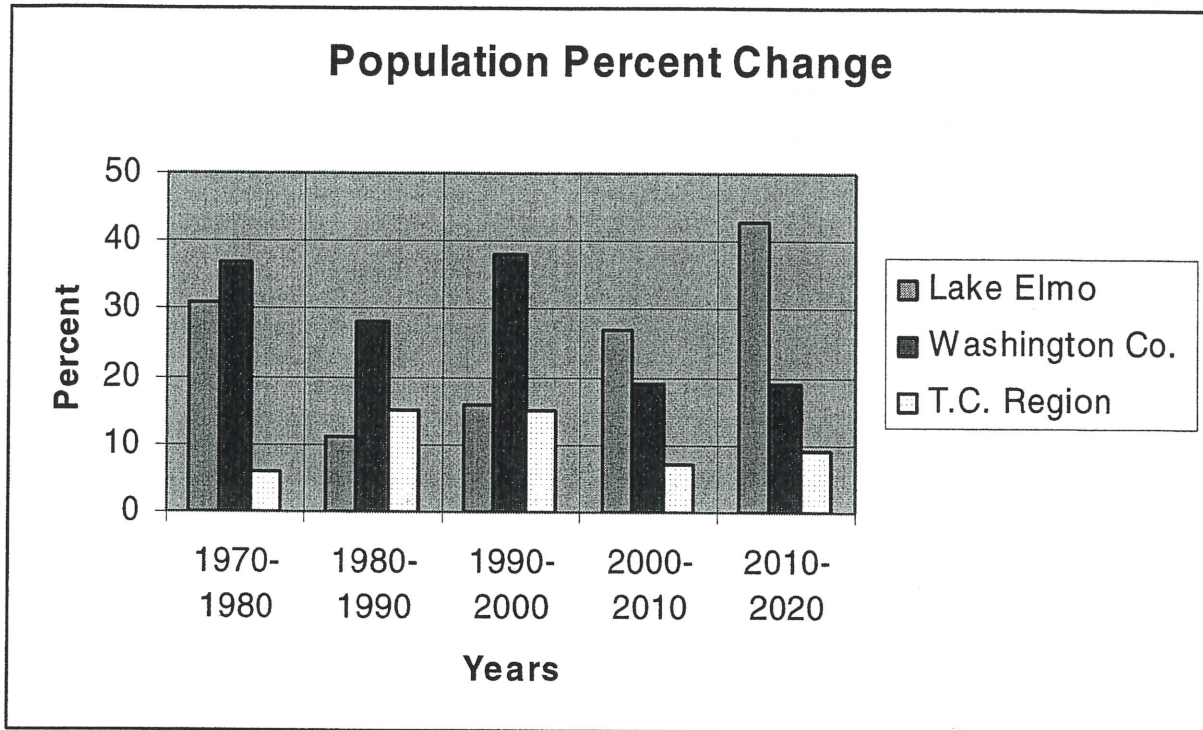
**Table 7**  
**Population Forecasts, 2000-2020**

	2000	2010	2020	%Change 2000/2020
<b>Lake Elmo</b>	6,863	8,700	12,500	82%
<b>Washington County</b>	201,130	238,560	282,960	40.70%
<b>T.C. Region</b>	2,642,056	2,842,770	3,097,130	17.20%

Source: Metropolitan Council of the Twin Cities, March 1997

As important as overall forecasts are, it is critical to understand how the population will look in terms of age. Age structure will affect the need for governmental services in the future. From its plan, the City indicates that it intends to "stay the course"; that is, to continue the policies of the last 10 years in the City. From a development view, this means continued clustered development in the majority of the City with some "village level density" around the old village. Most likely, village level density will be low density by urban standards (one third to one half acre lots), which will continue the high cost of land and the high cost of housing. Given this reality, Lake Elmo can expect to continue to attract people of similar income levels to the City. This results in families in the 35 to 45 year age levels with families for the most part already established.

Figure 1



Given these assumptions, the population will grow proportionate to its makeup today with a slight aging due to the high numbers of people in the 35 to 54 age bracket now (See Table 8). Birth rates and death rates will not vary appreciably in the next 20 years, so one can expect to see more people in each age cohort. Of course, unless some form of housing suitable for elderly is made available, the 65 and over age cohort will continue to drop off as elderly move to other cities after retirement. Providing housing opportunities for the elderly is a policy decision that the City will need to address as part of its Village Area planning.

The major effect of the population increase by age will be the greater numbers of people in each age cohort. In other words, the school age population (5 to 19 years) will increase by 1,385 students from 1,689 in 2000 to 3,074 in 2020. This will, of course, have implications for area schools but also for the City if the population of young people reaches a size where parents expect some level of recreation opportunities.

Without deliberate policy changes to affect housing choices and opportunities, the City will continue to see a relatively small proportion of its population in the 20 to 34 years age group, which is the age group where family units are formed. On the other hand, the 35 to 54 years age group will continue to be the dominant age group in the City, with well over a third (37 percent) of the City's population in this age group.



**Table 8**  
**Population Forecasts By Age, 2000--2020**

	2000		2010		2020	
	Number	Percent	Number	Percent	Number	Percent
Under 5 Years	487	7.1	617	7.1	887	7.1
5 to 9 years	552	8	699	8	1004	8
10 to 14 years	594	8.7	753	8.7	1081	8.7
15 to 19 years	543	7.9	688	7.9	989	7.9
20 to 24 years	324	4.7	411	4.7	591	4.7
25 to 34 years	648	9.4	822	9.4	1,180	9.4
35 to 44 years	1,361	19.8	1,725	19.8	2,479	19.8
45 to 54 years	1,185	17.3	1,502	17.3	2,158	17.3
55 to 59 years	402	5.9	511	5.9	733	5.9
60 to 64 years	286	4.2	363	4.2	522	4.2
65 to 74 years	330	4.8	418	4.8	600	4.8
75 to 84 years	121	1.8	153	1.8	221	1.8
85 years and over	30	0.4	38	0.4	55	0.4
Total	6,863	100	8,700	100	12,500	100

Source: Metropolitan Council of the Twin Cities, TKDA

Household growth and formation will increase even more rapidly than population over the next 20 years (See Table 9 and Figure 2). The number of households in Lake Elmo will grow from 2,347 in 2000 to 4,700 in 2020, an increase of 100.2 percent. In order to reach these forecasts, the City will need to add about 118 new housing units to the City per year. Between 1980 and 2000 the City increased the number of households by 660 or 33 housing units per year. Between 2000 and 2020, both Washington County and the Region will grow by considerably less than the City - Washington County by 51.7 percent and the Region by 23.4 percent. As with population, the City of Lake Elmo will show substantial household growth over the next 20 years.

The pressure for increased growth will come as a result of several push/pull forces. Pulling will be the attractive character of the City, its available land, its good transportation access and its proximity to major employers such as Andersen Windows, 3M, State Farm Insurance, Hartford Insurance, Imation as well as the two central cities and the Bloomington Strip. Push factors include the fact that Oakdale is mostly developed, Woodbury will slow its growth rate, and the City of Grant will take minimal growth. From the East, West Lakeland is gradually filling up, and Stillwater is expanding westward.

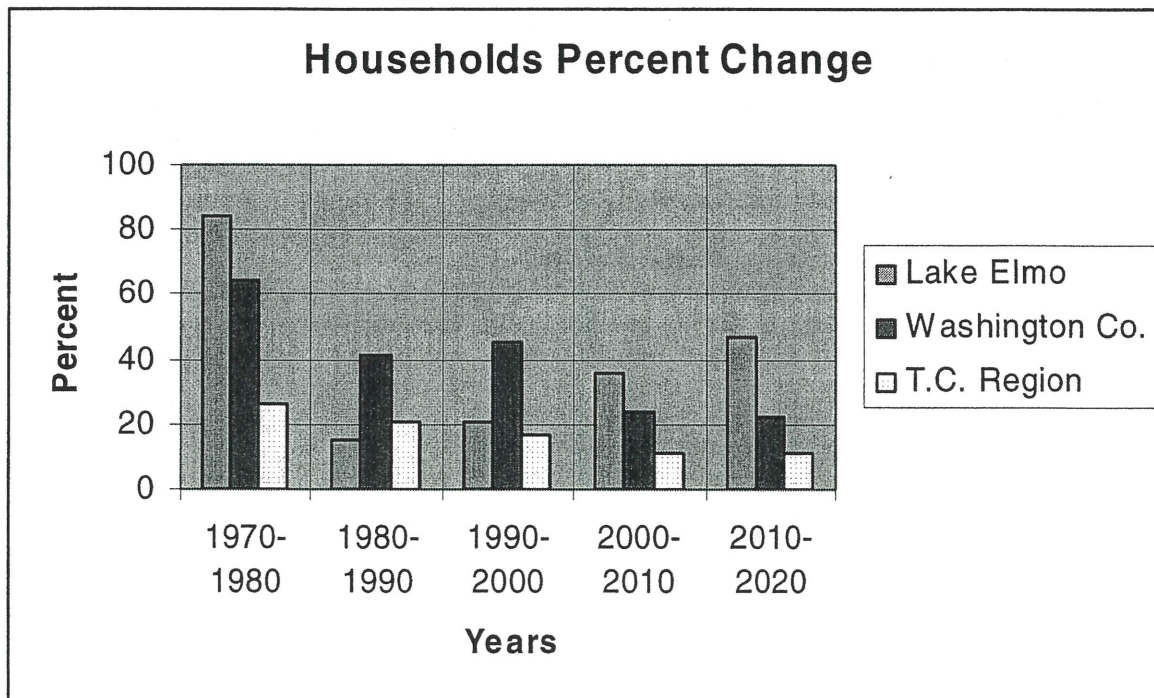


**Table 9**  
**Household Forecasts, 2000-2020**

	2000	2010	2020	% Change 2000- 2020
<b>Lake Elmo</b>	2,347	3,200	4,700	100%
<b>Washington County</b>	71,462	88,570	108,420	51.70%
<b>T.C. Region</b>	1,021,454	1,134,000	1,265,000	23.80%

Source: Metropolitan Council of the Twin Cities, March 1997

**Figure 2**



Employment is also expected to increase substantially over the next 20 years (See Table 10). Employment will grow by 79 percent in Lake Elmo by 2020; employment growth in Washington County will clip at 37.4 percent; and employment Region-wide will expand by 16.9 percent. As with population and households, employment will be on the upswing in Lake Elmo over the next 20 years. The City has planned for this growth primarily in the corridor between 10th Avenue and I-94.

**Table 10**  
**Employment Forecasts, 2000-2020**

	2000	2010	2020	% Change 2000-2020
<b>Lake Elmo</b>	1,480	2,150	2,650	79%
<b>Washington County</b>	56,770	70,160	78,030	37.40%
<b>T.C. Region</b>	1,514,000	1,685,990	1,770,730	16.90%

Source: Metropolitan Council of the Twin Cities, March 1997

## 9. Findings and Conclusions

- ▶ In the last decade, the City of Lake Elmo has grown more rapidly than the seven-county metropolitan area; most of this growth has occurred on rural lots and rural clustered development.
- ▶ Lake Elmo historically has a larger persons per household than either the state or the region; in 2000, the number of persons per household was 2.9 in Lake Elmo and 2.6 in the region and the state. This slightly higher number of persons per household will likely continue through 2020.
- ▶ The family unit has been the predominant household in Lake Elmo (82 percent in 2000) compared to 64 percent in the region. This trend will likely continue as single family dwelling units continue to be the predominant housing type in the City.
- ▶ Lake Elmo will continue to have lower percentages of its population in the elderly ages (especially 75 years of age and older) unless housing that fits this age group is produced in the City.
- ▶ The City had a higher median age (37.3 years) than the County (35.1) or the region (34.3) in 2000, and this trend will continue as a result of the cost of housing in the City, the lack of multi-family housing, and the tendency of some elderly to "hang onto" their existing housing as long as they can.
- ▶ Lake Elmo, like Washington County, will continue to have a slightly higher percentage of children in its population (31.7 percent) vs. 29 percent in the region. The number of children in Lake Elmo will increase 82 percent from 2,176 in 2000 to 3,961 in 2020.
- ▶ Today over 99 percent of people in Lake Elmo live in households, less than one percent in group quarters. There is no reason to expect these percentages to change in the future. Today 97 percent of people in Lake Elmo are white. There is no reason to expect these percentages to change.
- ▶ Vacancy rates in Lake Elmo in 2000 were very low (1.8 percent). Without increase in building of multifamily units, there is no reason to expect the rate to increase in the long run, although depending upon the market, short-term rates could increase.

- ▶ With stable, well-paying companies ringing Lake Elmo, and the relatively high cost of housing in the City, the occupational makeup of the population will likely stay the same over the next 20 years.
- ▶ For the same reasons, income levels will remain high in the City, certainly higher than the region and the county. It should be noted that in a recent national analysis, Washington County was one of the richest in terms of family income in the Country.
- ▶ Housing prices, which relate to land prices, will continue to remain high in Lake Elmo. This will determine who can move to the City based on income and occupations.
- ▶ Percentage wise, the population of Lake Elmo will grow (82 percent) much more rapidly than Washington County (40 percent) or the region (17 percent) between 2000 and 2020.
- ▶ Households will grow even more rapidly than population during this period, by 100 percent in Lake Elmo compared to 51 percent in Washington County and 23 percent in the region.
- ▶ Because the City's Comprehensive Plan will maintain the status quo in the City in terms of land use policies, the age structure of the population will resemble the current age structure with the greatest percentage of people in the 35-55 year age cohort. The proportion of children will remain the same, and the proportion of elderly will remain the same. The overall population will age slightly as the Baby Boomers continue to age in place.

#### 10. Summary

In 20 years the City of Lake Elmo will look very similar to today in terms of demographic characteristics—age structure, occupations, incomes, racial makeup, number of people in families, types of housing, etc. The major changes will be in the numbers of people per household, which will likely continue to decrease nationally as well as locally. Of course the overall population of the City will be considerably larger, by 82 percent, which will have implications for community facilities and services. As more people enter the community, demand for additional services from snow plows to meeting space to parks, will grow.



# DRAFT

## Group 1 - Population Forecasts for 0-5 years (2000-2005) - Population up to 7,000

### CITIES

	Hugo 6,363	Corcoran 5,630	Lake Elmo 6,863
<b>2000 Population:</b>			
<b>General Government:</b>			
Contracted engineering?	Yes 0	Yes 0	Yes 0
No, number of in-house?			
Contracted planning?	No 1	Yes 0	No 1
No, number of in-house?			
Other major contracted services?	Legal	City Assessor, Bldg Inspector, City Attorney	Animal Control, City Attorney, Assessing
<b>Public Safety:</b>			
Contract Police?	Yes	No	Yes
Yes, agreement?	County - 1 full-time deputy	3 plus 1 chief	County - 2 full-time deputies
No, number of full-time police officers?	0	1	0
No, number of police facilities and size?	0		0
Planned expansions of police facilities?	not for next 3 years.	Facilities Committee established to review future expansion	To be determined
Contract Fire?	No	Yes, with Rogers, Hanover, Loreto, and Hamel	No
No, number of full-time firefighters?	0	0	0
No, number of volunteer firefighters?	23	0	28
No, number of fire stations and size?	1	0	2 - 1 is shared with Public Works
Planned expansions of fire facilities?	not for next 3 years	Facilities Committee established to review future expansion	To be determined
Does public safety cover civil defense?		Yes	
<b>Public Works:</b>			
Number of full-time public works employees?	2	4 full-time and 1 part-time	2 full-time and 1 shared
Number of public works facilities and size?	1	2 (1 office and 1 shop)	1 shared with fire
Planned expansions of public works facilities?	Yes	Yes	To be determined
<b>Public Satisfaction of Level of Services:</b>			
Does City feel it provides adequate:			
General Government	Yes	Yes	
Public Safety	Yes	Yes	
Public Works	Yes	Yes	
Parks & Recreation	Yes	Yes	

Group 2 - Population Forecasts for 5-10 years (2005-2010) - Population of 7,000-10,000

CITIES

	Orono 7,538	Shorewood 7,400	Lake Elmo 8,700
<b>2000 Population:</b>			
<b>General Government:</b>			
Contracted engineering?	Yes	Yes, occasionally	
No, number of in-house?	0	2 - engineer and eng. tech	
Contracted planning?	No	No	
No, number of in-house?			
Other major contracted services?	City Attorney	City Attorney	
<b>Public Safety:</b>			
Contract Police?	No	Yes	
Yes, agreement?		Joint powers with Excelsior, Tonka Bay, Deephaven, Greenhaven	
No, number of full-time police officers?	18		
No, number of police facilities and size?	1	2	
Planned expansions of police facilities?	No	potential police/fire station through EDA	
<b>Contract Fire?</b>			
No, number of full-time firefighters?	Yes, with Mound, Long Lake, Maple Plain, & Wayzata	Joint powers with Excelsior, Tonka Bay, Deephaven, Greenhaven	
No, number of volunteer firefighters?	0	0	
No, number of fire stations and size?	110	40	
Planned expansions of fire facilities?	4, 1 each city, 0 in Orono	2	
Does public safety cover civil defense?	No	potential police/fire station through EDA	
<b>Public Works:</b>			
Number of full-time public works employees?	Yes	Yes	
Number of public works facilities and size?	9	8	
Planned expansions of public works facilities?	1 + small water plant	1 shed	
<b>Public Satisfaction of Level of Services:</b>			
Does City feel it provides adequate:	No	No	
General Government	Yes	Yes	
Public Safety	Yes	Yes	
Public Works	Yes	Yes	
Parks & Recreation	Yes	Yes	



Group 3 - Population Forecasts for 10-15 years (2010-2015) - Population of 10,001-12,400

CITIES

2000 Population:		Farmington 12,365	Mendota Heights 11,434	Lake Elmo 10,500
<b>General Government:</b>				
Contracted engineering?		Yes	No	
No, number of in-house?		3, assistant city eng., eng. Tech., & secretary		
Contracted planning?		No	Yes	
No, number of in-house?		1	0	
Other major contracted services?			City Attorney, Ambulance Service	
<b>Public Safety:</b>				
Contract Police?		No	No	
Yes, agreement?		12	30	
No, number of full-time police officers?		1 - City Hall (2,500 sq. ft.)	1	
No, number of police facilities and size?		1 - completed in May (15,000 sq.ft.)	No	
Planned expansions of police facilities?				
Contract Fire?		No	No	
No, number of full-time firefighters?		1 paid professional	part-time fire marshall and chief	
No, number of volunteer firefighters?		36 volunteers	30	
No, number of fire stations and size?		1	1	
Planned expansions of fire facilities?		Yes - 5-7 years, when pop. reaches 20,000	No	
Does public safety cover civil defense?			Yes	
<b>Public Works:</b>				
Number of full-time public works employees?		10	10	
Number of public works facilities and size?		1 will be completed in June - 41,000 sq.ft., sharing with parks department	1	
Planned expansions of public works facilities?		1 will be completed in June - 41,000 sq.ft., sharing with parks department	No	
<b>Public Satisfaction of Level of Services:</b>				



Group 4 - Population Forecasts for 15-20 years (2015-2020) - Population of 12,401-

CITIES

	Lino Lakes 16,791	Rosemount 14,619	Lake Elmo 12,500
<b>2000 Population:</b>			
<b>General Government:</b>			
Contracted engineering? No, number of in-house?	Yes 0	Yes 3 - engineering tech.	
Contracted planning? No, number of in-house?	Yes 2	Yes 2	
Other major contracted services?	Assessing with County	Legal	
<b>Public Safety:</b>			
Contract Police?	No	No	
Yes, agreement?			
No, number of full-time police officers?	21	15	
No, number of police facilities and size?	1	1	
Planned expansions of police facilities?	Will add 1 officer in 2002	No, completed expansion in 2001	
<b>Contract Fire:</b>			
No, number of full-time firefighters?	0	Yes 0	
No, number of volunteer firefighters?	52	31	
No, number of fire stations and size?	3, only 1 located in city	2	
Planned expansions of fire facilities?	No	No	
Does public safety cover civil defense?	Yes	Yes	
<b>Public Works:</b>			
Number of full-time public works employees?		17	
Number of public works facilities and size?	1	1	
Planned expansions of public works facilities?	No	No, completed 2 years ago	
<b>Public Satisfaction of Level of Services:</b>			
Does City feel it provides adequate:			
General Government	Yes	Yes	
Public Safety	Yes	Yes	
Public Works	Yes	Yes	
Parks & Recreation	Yes	Yes	

## Group 1 - Population Forecasts for 0-5 years (2000-2005) - Population up to 7,000

SERVICES	CITIES					
	Hugo		Corcoran		Lake Elmo	
	2000 Population: 6,363		5,630		6,863	
	Expenditures	Per Capita	Expenditures	Per Capita	Expenditures	Per Capita
<b>General Government</b>						
Mayor and Council	18,660	3	10,694	2	90,357	13
Elections	6,184	1	3,945	1	10,390	2
Administration	130,619	21	77,036	14	172,169	** 25
Clerk	-	-	72,496	13	-	-
Septic Committee	-	-	90	0	-	-
Treasurer	52,152	8	-	-	-	-
Finance Director	66,914	11	-	-	-	-
Planning and Zoning	65,772	10	63,974	* 11	113,430	** 17
Newspaper/Newsletter	-	-	4,867	1	-	-
Auditing	-	-	4,600	1	-	-
City Center	-	-	31,700	6	-	-
<b>Professional/Community Services</b>						
Assessing	26,078	4	34,747	* 6	23,598	3
Accounting Services	7,185	1	-	-	15,919	2
Legal Services	77,597	* 12	44,465	* 8	68,550	10
Engineering	226,320	* 36	-	-	53,025	8
Building Inspector	-	0	-	-	90,401	13
General Government Building	38,076	6	-	-	-	-
Other General Government	-	-	46,559	8	-	-
<b>General Government Total</b>	<b>715,557</b>	<b>112</b>	<b>395,173</b>	<b>70</b>	<b>637,839</b>	<b>93</b>
<b>Public Safety</b>						
Police Protection	236,380	* 37	321,823	57	269,161	* 39
Fire Department	149,244	23	132,000	* 23	198,972	29
Building Inspection	123,827	19	40,319	* 7	-	-
Animal Control	5,005	1	-	-	18,248	* 3
<b>Public Safety Total</b>	<b>514,456</b>	<b>81</b>	<b>494,142</b>	<b>88</b>	<b>486,381</b>	<b>71</b>
<b>Public Works</b>						
Streets and Highways	86,620	(1) 14	388,938	69	267,630	39
Street Lighting	41,059	(1) 6	-	-	13,072	* 2
Streets	213,493	(1) 34	-	-	-	-
Snow and Ice Removal	-	-	12,807	2	-	-
Engineering	-	-	26,060	* 5	-	-
Recycling	-	-	44,844	8	-	-
<b>Public Works Total</b>	<b>341,172</b>	<b>54</b>	<b>472,649</b>	<b>84</b>	<b>280,702</b>	<b>41</b>
<b>Community Development</b>						
Total	55,598	9	-	-	-	-
<b>Community Development Total</b>	<b>55,598</b>	<b>9</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Parks and Recreation</b>						
Parks	19,871	3	49,153	9	122,940	18
Hockey	-	-	3,359	1	-	-
Weed Control	-	-	129	0	-	-
<b>Parks and Recreation Total</b>	<b>19,871</b>	<b>3</b>	<b>52,641</b>	<b>9</b>	<b>122,940</b>	<b>18</b>
<b>Sanitation and other:</b>						
Flood pumping	-	-	-	-	2,922	0
Recycling	-	-	-	-	-	-
Storm emergency	-	-	-	-	61,083	9
<b>Sanitation and Other Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>64,005</b>	<b>9</b>
<b>Other Unallocated</b>						
Total	52,518	8	-	-	-	-
<b>Other Unallocated Total</b>	<b>52,518</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Expenditures</b>	<b>1,699,172</b>	<b>267</b>	<b>1,414,605</b>	<b>251</b>	<b>1,591,867</b>	<b>232</b>

(1) Hugo does not have public works category - these three combined under Highways and Streets category

\* Full contracted services

\*\* Partial contracted services



Group 2 - Population Forecasts for 5-10 years (2005-2010) - Population of 7,000 -10,000

		<b>CITIES</b>					
		<b>Orono</b>		<b>Shorewood</b>		<b>Lake Elmo</b>	
<b>2000 Population:</b>		<b>7,538</b>		<b>7400</b>		<b>8,700</b>	
<b>SERVICES</b>		Expenditures	Per Capita	Expenditures	Per Capita	Expenditures	Per Capita
<b>General Government</b>							
Mayor and Council		-	-	66,071	9	114,543	13
Elections		-	-	-	-	17,400	2
Administration		-	-	134,152	18	217,500 **	25
Finance		-	-	103,103	14	-	-
Professional Services		- *	-	321,279 *	43	-	-
Professional/Community Services							
Assessing		-	-	-	-	26,100	3
Accounting Services		-	-	-	-	17,400	2
Legal Services		-	-	-	-	87,000	10
Engineering		-	-	- *	-	69,600	8
Planning and Zoning		-	-	88,364	12	147,900 **	17
General Government Buildings		-	-	93,655	13	-	-
Building Inspector		-	-	-	0	114,598	13
Other General Government		-	-	177,962	24	-	-
<b>General Government Total</b>		-	-	<b>984,586</b>	<b>133</b>	<b>812,041</b>	<b>93</b>
<b>Public Safety</b>							
Police Protection		-	-	549,882 *	74	339,300 *	39
Fire Protection		- *	-	191,175 *	26	252,300	29
Animal Control		-	-	18,574	3	26,100 *	3
Building Inspection		-	-	67,852	9	-	-
<b>Public Safety Total</b>		-	-	<b>827,483</b>	<b>112</b>	<b>617,700</b>	<b>71</b>
<b>Public Works</b>							
General Maintenance		-	-	223,471	30	-	-
Streets and Highways		-	-	113,102	15	339,300	39
Street Lighting		-	-	-	-	17,400 *	2
Snow and Ice Removal		-	-	32,110	4	-	-
Traffic Control		-	-	38,217	5	-	-
Sanitation and Waste Removal		-	-	7,679	1	-	-
Tree Maintenance		-	-	20,445	3	-	-
<b>Public Works Total</b>		-	-	<b>435,024</b>	<b>59</b>	<b>356,700</b>	<b>41</b>
<b>Parks and Recreation</b>							
Parks		-	-	-	-	156,600	18
Recreation		-	-	-	-	-	-
Culture and Recreation		-	-	135,891	18	-	-
<b>Parks and Recreation Total</b>		-	-	<b>135,891</b>	<b>18</b>	<b>156,600</b>	<b>18</b>
<b>Sanitation and other:</b>							
Flood Pumping		-	-	-	-	2,871	0
Recycling		-	-	-	-	-	-
Storm Emergency		-	-	-	-	78,300	9
<b>Sanitation and Other Total</b>		-	-	-	-	<b>81,171</b>	<b>9</b>
<b>Total Expenditures</b>		-	-	<b>2,382,984</b>	<b>322</b>	<b>2,024,212</b>	<b>233</b>

\* Estimated 2010 Population for the City of Lake Elmo

\* Full contracted services

\*\* Partial contracted services

Group 3 - Population Forecasts for 10-15 years (2010-2015) - Population of 10,001 -12,400

2000 Population:	CITIES					
	Farmington		Mendota Heights		Lake Elmo	
	12,365		11,434		10,500	
SERVICES	Expenditures	Per Capita	Expenditures	Per Capita	Expenditures	Per Capita
<b>General Government</b>						
Mayor and Council	59,671	5	-	-	136,500	13
Elections	-	-	-	-	21,000	2
Administration	-	-	-	-	262,500 **	25
Planning and Zoning	-	-	-	-	178,500 **	17
Professional/Community Services						
Assessing	-	-	-	-	31,500	3
Accounting Services	-	-	-	-	21,000	2
Legal Services	-	-	-	-	105,000	10
Engineering	-	-	-	-	84,000	8
Building Inspector	-	-	-	-	136,500	13
Administration and Finance	796,087	64	-	-	-	-
Community Development	424,781	34	-	-	-	-
<b>General Government Total</b>	<b>1,280,539</b>	<b>104</b>	<b>-</b>	<b>-</b>	<b>976,500</b>	<b>93</b>
<b>Public Safety</b>						
Police	1,222,766	99	-	-	409,500 *	39
Fire	253,377	20	-	-	304,500	29
Animal Control	-	-	-	-	31,500 *	3
Rescue Squad	35,797	3	-	-	-	-
<b>Public Safety Total</b>	<b>1,511,940</b>	<b>122</b>	<b>-</b>	<b>-</b>	<b>745,500</b>	<b>71</b>
<b>Public Works</b>						
Streets and Highways					409,500	39
Street Lighting					21,000 *	2
Engineering	172,274	14	-	-	-	-
Streets	495,703	40	-	-	-	-
<b>Public Works Total</b>	<b>667,977</b>	<b>54</b>	<b>-</b>	<b>-</b>	<b>430,500</b>	<b>41</b>
<b>Parks and Recreation</b>						
Parks	-	-	-	-	189,000	18
Tree Management	30,331	2	-	-	-	-
Recreation	116,994	9	-	-	-	-
Park and Facility Maintenance	325,583	26	-	-	-	-
Swimming Pool	110,697	9	-	-	-	-
Senior Center	77,699	6	-	-	-	-
<b>Parks and Recreation Total</b>	<b>661,304</b>	<b>53</b>	<b>-</b>	<b>-</b>	<b>189,000</b>	<b>18</b>
<b>Sanitation and other:</b>						
Flood Pumping	-	-	-	-	3,465	0
Recycling	-	-	-	-	-	-
Storm Emergency	-	-	-	-	94,500	9
<b>Sanitation and Other Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>97,965</b>	<b>9</b>
<b>Total Expenditures</b>	<b>4,121,760</b>	<b>333</b>	<b>-</b>	<b>-</b>	<b>2,436,000</b>	<b>232</b>

\* Estimated 2015 Population for the City of Lake Elmo

\* Full contracted services

\*\* Partial contracted services

4,121,760



Group 4 - Population Forecasts for 15-20 years (2015-2020) - Population of 12,401-

2000 Population:	CITIES					
	Lino Lakes		Rosemount		Lake Elmo	
	16,791		14,619		12,500	
SERVICES	Expenditures	Per Capita	Expenditures	Per Capita	Expenditures	Per Capita
<b>General Government</b>						
Mayor and Council	88,905	5	63,329	4	162,500	13
Executive	-	-	260,493	18	-	-
Elections	40,436	2	15,293	1	25,000	2
Administration	351,585	21	-	-	312,500	** 25
Planning and Zoning	-	-	-	-	212,500	** 17
Professional/Community Services						
Assessing	-	-	-	-	37,500	3
Accounting Services	-	-	-	-	25,000	2
Legal Services	-	-	-	-	125,000	10
Engineering	-	-	-	-	100,000	8
Building Inspector	-	-	-	-	162,500	13
Finance	270,462	16	149,825	10	-	-
Cable TV	1,819	0	-	-	-	-
Consultants	147,100	9	-	-	-	-
Economic Development	202,797	12	-	-	-	-
Planning and Zoning Commission	142,766	9	-	-	-	-
Engineering/Planning	176,101	* 10	-	*	-	-
Senior Service	13,858	1	-	-	-	-
Charter Commission	1,053	0	-	-	-	-
General Government Buildings	333,646	20	-	-	-	-
Community Development	-	-	386,431	26	-	-
General Government	-	-	267,039	18	-	-
<b>General Government Total</b>	<b>1,770,528</b>	<b>105</b>	<b>1,142,410</b>	<b>78</b>	<b>1,162,500</b>	<b>93</b>
<b>Public Safety</b>						
Police Department	1,656,590	99	1,407,562	96	487,500	* 39
Fire Department	294,005	18	171,476	12	362,500	29
Animal Control	-	-	-	-	37,500	* 3
Building Inspection	207,751	12	-	-	-	-
<b>Public Safety Total</b>	<b>2,158,346</b>	<b>129</b>	<b>1,579,038</b>	<b>108</b>	<b>887,500</b>	<b>71</b>
<b>Public Works</b>						
Streets and Highways	-	-	-	-	487,500	39
Street Lighting	-	-	-	-	25,000	* 2
Government Buildings Maintenance	-	-	264,148	18	-	-
Fleet Maintenance	259,665	15	354,889	24	-	-
Street Maintenance	526,755	31	945,116	65	-	-
Park Maintenance	-	-	323,417	22	-	-
<b>Public Works Total</b>	<b>786,420</b>	<b>47</b>	<b>1,887,570</b>	<b>129</b>	<b>512,500</b>	<b>41</b>
<b>Parks and Recreation</b>						
Parks	441,399	26	-	-	225,000	18
Recreation	214,464	13	-	-	-	-
Parks and Recreation	-	-	691,126	47	-	-
<b>Parks and Recreation Total</b>	<b>655,863</b>	<b>39</b>	<b>691,126</b>	<b>47</b>	<b>225,000</b>	<b>18</b>
<b>Sanitation and other:</b>						
Flood Pumping	-	-	-	-	4,125	0
Recycling	-	-	-	-	-	-
Storm Emergency	-	-	-	-	112,500	9
<b>Sanitation and Other Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>116,625</b>	<b>9</b>
<b>Conservation of Natural Resources</b>						
Forestry	70,226	4	-	-	-	-
Storm Damage Cleanup	-	-	-	-	-	-
Environmental	40,791	2	-	-	-	-
Solid Waste Abatement	30,974	2	-	-	-	-
<b>Conservation of Natural Resources Total</b>	<b>141,991</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Expenditures</b>	<b>5,513,148</b>	<b>328</b>	<b>5,300,144</b>	<b>363</b>	<b>2,904,125</b>	<b>232</b>

\* Estimated 2020 Population for the City of Lake Elmo

\* Full contracted services

\*\* Partial contracted services

## **DRAFT**

### **Lake Elmo Planning Commission**

#### **Meeting Minutes Monday, February 25, 2002**

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Bunn, Taylor, Mandel, Helwig, Sedro, Sessing, Berg, Williams, Ptacek, Herber, Herreid, Deziel, Pelletier, Bucheck. Also present: Planner Dillerud.

<b>Convene as Old Village Special Project Planning Commission</b>
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**1. Agenda**

M/S/P Helwig, Sedro - to approve the agenda, as presented.  
(Motion Passed 16-0).

**2. Minutes**

M/S/P Helwig/Sedro - to approve the Meeting Minutes – October 10, 2001, as presented.  
(Motion Passed 11-0-4). Abstain: Taylor, Bunn, Williams, and Pelletier

**3. Discussion: Old Village Issues**

Planner Dillerud reported that the City Council approved the Planning Commission recommendation to hire Thorbeck Architects as the consultant for the Community Development Grant regarding Old Village Design Guidelines; discussed State Aid

Discussed State Aid for LE Avenue; has not made any engineering studies, hopefully the first bridge will be crossed at the next CC meeting.

Commissioner Armstrong asked if there was anything the Planning Commission could do to aid Thorbeck Architects at this time.



Planner Dillerud said proper public involvement was necessary, so in some manner a third party would be involved, but that he had nothing to offer at this point.

Commissioner John asked what the advantages would be for the City to maintain ownership of Lake Elmo Avenue.

Planner Dillerud said the day may come when signalization of Highway 5 and Lake Elmo Avenue would happen, and if the City is proud owner of Lake Elmo Avenue, 1/3 of the cost for installation of the signal equipment would become City expense; if the County maintained ownership, City would have no cost involvement. He mentioned another solution is that MnDOT has other thoughts for the intersection, and the problem is Highway 5, and that they do not care what Lake Elmo thinks regarding traffic calming ideas.

Commissioner Sessing asked if the City done any study for funding regarding maintenance of Lake Elmo Avenue.

Planner Dillerud said no studies had been done, but facilities forecasting was being approached.

Commissioner Bunn said she was impressed by the Thorbeck suggestion of more up front discussion, and that they needed clearer guidance regarding definitional and concept things.

Planner Dillerud said he did not support too much time be spent discussing ideas without the consultant's attendance.

Commissioner Williams said he was concerned that the call for sidewalks in the Old Village has still gone nowhere.

Commissioner Mandel said he also does not understand the delay in getting a time-table and estimates for sidewalks.

Commissioner Deziel said he did not think the public was motivated for [installation] sidewalks. He suggested waiting another 6-9 months for the Thorbeck design results.

Commissioner Mandel reminded Commissioner Deziel of the Minnesota Design Team input and the public input, as well.

Commissioner Herreid said he talked to County 10 years ago, and lots of folks have to walk in the street, and he also has a problem with flooding in front of his business on Lake Elmo Avenue.

Commissioner Williams said he does not know the ultimate design for the Thorbeck design, and eventually, the Planning Commission may decide a big fancy sidewalk is not necessary. He said one factor that would make a difference in a recommendation would be to at the very least, have the figures available for review.

Commissioner Bucheck said if the City Council is not willing to approve a study, would they approve an inventory of what is currently available [sidewalks in the old village].

Planner Dillerud said the City Council took no action when this issue was brought before them last fall.

Commissioner Williams asked that the sidewalk issue and the discussion with Thorbeck not occur at the same meeting.

Planner Dillerud agreed.

**M/S/P Williams/Armstrong – to request the City Council take action to approve the services of the City Engineer to begin designing a sidewalk system in the Old Village area from Highway 5 to the railroad tracks. (Motion Passed 14-0).**

It was agreed that the April 15<sup>th</sup>, 2002 meeting will include discussion with the residents of the Old Village regarding April, 15th will be OV Special Projects Planning Commission, include in the discussion with the residents of the Old Village.

<p><b>ADJOURN AS OLD VILLAGE SPECIAL PROJECTS PLANNING COMMISSION</b></p>
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<p><b>CONVENE AS REGULAR PLANNING COMMISSION</b></p>
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**1. Agenda**

**M/S/P to approve the agenda, as presented.  
(Motion Passed 9-0).**

**2. Minutes**

**M/S/P Armstrong/Helwig - to approve the February 11, 2002 Meeting Minutes as presented.  
(Motion Passed 9-0).**

**3. PUBLIC HEARING:                      Zoning Variance for Front Setback  
Greg Kissner – 9873 55<sup>th</sup> Street**

Planner Dillerud explained that the Final Plat for Lake Elmo Vista neighborhood was approved by the City Council on June 5, 2001 and five lots were platted on the 55<sup>th</sup> Street cul-de-sac. He noted that Kissner Homes submitted an application for a building permit to construct a home on Lot 2 on January 9, 2002 and the documentation included a survey that proposed a home to be located 64.01 feet from the 55<sup>th</sup> Street property line. He said construction commenced reaching a stage of completed and backfilled basement foundation.

Planner Dillerud explained that he was advised of the inconsistency with RE Zoning setback standards and confirmed an error in the approval of the building plans based upon the front setback on Lot 2. He said a "Stop Work Order" was immediately issued and the builder was notified.

**Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:55 p.m. NO COMMENTS**

Commissioner Deziel asked the applicant what his considerations were when he was establishing site lines and determining placement of the structure.

Mr. Kissner said he had "walked the lot" several times, but was not aware of the 100 foot setback requirement. He explained he thought he was in compliance with City Codes when he applied for the building permit. He noted the plan reflected the best location for the house, and that grading and landscaping were taken into account.

Commissioner Taylor asked the applicant how many houses he had built in Lake Elmo.

Mr. Kissner said he worked for Santani Homes, who built homes in Torre Pines, and his company built three homes in Meyer's Pineridge, which is an OP residential development.



Commissioner Deziel suggested that applicants sometimes take much more time to note conditions than the Planning Commission does when determining setback requirements.

Commissioner Bunn asked the applicant if he read the RE Zoning requirements before applying for the building permit.

Mr. Kissner said he had not.

Commissioner Bunn stated the City should not be in the business of granting variances, and did not find the findings compelling enough to provide a recommendation for approval.

Commissioner Ptacek said just because the City made an error, the applicant should understand they have some responsibility to understand zoning standards, as well.

Commissioner Deziel stated the applicant has a strong case against the City, based upon the Cardinal Ridge issue.

Mr. Kissner said he was aware of the Cardinal Ridge issue, as well.

Commissioner Sessing agreed that the variance should be granted, and the City has to accept some responsibility.

Commissioner Sedro stated she could get by the fact that the only hardship is economic.

Commissioner Deziel stated if we [City] don't recommend approval of the variance request, there could be a lawsuit.

Chairman Armstrong said legal issues are very grey; the applicant has an investment, and relied on the City for that investment; and he would recommend the variance be approved.

Commissioner Helwig stated that it may be fine for this lot, but would the adjoining property owner ask for the same setback.

Planner Dillerud said he was not worried about a request in the RE Zoning District.



Commissioner Berg asked about conditions of the Cardinal Ridge situation, and if they were applicable to this scenario.

Planner Dillerud said no, they are not the same conditions.

**M/S/P Mandel/ Herber – to recommend of a zoning variance to permit a front setback of 64.01 feet on Lot 2, Block 1 Lake Elmo Vista (9873 55<sup>th</sup> Street North) based upon:**

1. The combination of minimal RE lot depth, and plan review oversight by the City present a unique and extraordinary set of circumstances regarding the front setback proposed by the variance application.
2. Approval of the requested variance will not inure particular rights to this applicant that would not be available to other property owners in the RE zoning district under exactly the same circumstances.
3. The special circumstances unique to this applicant and property are not solely the result of the applicant's actions.
4. The granting of the variance under the particular circumstances of this application will not confer on the applicant privilege denied to other property owners in the RE zoning district.
5. The variance is the minimum required to alleviate the hardship.
6. The variance would not be materially detrimental to the purposes of the zoning Ordinance.
7. The variance is not based on economic hardship alone.

**(Motion Passed 5-4).**

Commissioner Bunn suggested amending the forms which applicants agree to at the time of issuance of building permits.

4. **Site and Building Plan Review: United Properties  
Eagle Point Business Park**

Planner Dillerud stated that the applicant has made the following modifications to the Site Plan and recommends the Planning Commission recommend approval based upon: The site has been increased in area from 12.69 acres to 13.45 acres; The structure has been enlarged from 10,000 square feet to 118,600 square feet, with 100,970 to be constructed in Phase 1; The total parking proposed to be constructed with Phase 1 is 460, with an additional 112 stalls with the later building phase; The exterior surfacing has become all glass and brick, with a banding of light brick, rather than the "CMU Block"; The grading and landscaping plan has been modified to provide a significant screening component along the north property line – both by discontinuous berm and landscape treatment. He noted the engineers continue to work on the surface water containment and treatment issues.

Commissioner Sedro inquired concerning the height of the parking lot lighting.

Planner Dillerud replied that they were 25', well within the approved standards for the Planned Unit Development.

Commissioner Taylor asked where the pending will be located on the site.

**George Burkards**  
**United Properties**

Mr. Burkards explained the location of the pending on the entire Eagle Point Business Park site. He also noted that the South Washington Watershed District has reviewed the plan and is agreeable to, and likes the pending plan they have proposed.

Commissioner Ptacek asked if the new plan reflected shifting the building site further to the south. He said he supports the plan considering an agreement with Xcel has been executed.

Commissioner Sedro suggested additional conifers be added to the landscaping plan near the west end of the north berm.

**M/S/P Taylor/Deziel – to recommend approval of the Site Plan for United Properties that is Staff-dated February 22, 2002 subject to the following conditions:**

1. **Modification of the surface water plan as required by the City Engineer.**
2. **Compliance with all requirements of the City Engineer.**

3. Submission of a landscape contractors cost estimate for the landscape; and, provision of security to the City to assure landscape plan execution and 2 years survivability.
4. Payment of Park dedication fee-in-lieu, as prescribed by Eagle Point Business Center Development Agreement.
5. Modification of the exterior lighting plan to eliminate "hot spots" of 3 candle power; or, City Council waiver of the 3 candle power standard/amendment to Section 1350.05 Subd.2 to accommodate lighting "hot spots".
6. Approval of a Final Plat creating the site from Outlot B; and, a Development Agreement Addendum for Eagle Point Business Park addressing utility and public street improvements required to support this site.

(Motion Passed 8-1). Opposed: Sedro: Not opposed to the development, but would like to see more conifers in the Xcel easement berm.

#### 5. Limited Business – Amend Conditional Uses

Planner Dillerud acknowledged the City Council's direction to the Planning Commission to consider permitted and conditional uses in the Limited Business Zoning Text. He asked Commissioner Bunn to discuss amendments as presented in her written proposal to the other Commissioners.

Commissioner Bunn reviewed her recommendations, as found in her memo dated February 19, 2002 to the Planning Commission.

Deziel thanked Commissioner Bunn for providing an analysis.

Commissioner Ptacek said he favors working to get the two zones in line; liked the use of limited retail uses directly related to the primary use, eliminating retail sales, but it may be impossible to keep a functioning list.

Commissioner Sedro stated she likes the "hybrid" approach; and, liked Commissioner Bunn's ideas concerning accessory to the primary uses for retail business.

Commissioner Deziel said if the fear is "big-box", this could be solved simply by regulating the size of the building.



Chairman Armstrong said he was not supportive of creating a bunch of rules to make all kinds of existing businesses non-conforming. He noted that the "other similar" clause may put the City in a more defensive posture.

Commissioner Bunn suggested taking out the current conditional uses that do not exist.

**Planner Dillerud agreed to provide the Commissioners with an inventory of current Limited Business Uses.**

**Chairman Armstrong adjourned the meeting at 9:35 p.m.**

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Respectfully submitted, Cynthia Young-Planning Secretary

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** March 5, 2002 for the Meeting of March 11, 2002

**Applicant:** Daniel Rude

**Location:** West Side of Kraft Circle, South of 32<sup>nd</sup> Street

**Requested Action:** Zoning Code Variance(s)

**Land Use Plan Guiding:** SRD (Single Family Residential)

**Existing Zoning:** R-1

**Site History and Existing Conditions:**

The Planning Commission denied a variance application at this location on September 24, 2002. The Commission's denial action was appealed by the applicant. The appeal was not heard by the City Council. The applicant has requested City reconsideration of the previous variance application based on an enlarged site area. Staff has agreed to present this modified application to the Planning Commission/City Council as an amendment to the earlier application. A Public Hearing Notice has been published, however, to overcome any potential process issues regarding consideration of the amended application. For all practical purposes, therefore, this becomes a new application.

The City Code has been amended as to Zoning Variance process since the 2002 consideration of this application. Based on the present Code procedures, the Planning Commission will conduct the Public Hearing; and, adopt a recommendation to the City Council, rather than render a decision. The necessity for Findings in support of that recommendations remains, however.

The detailed "Site History" regarding this site is addressed in the attached copy of the September 18, 2001 Planning Staff Report, and therefore not repeated here. Since preparation of that report, the applicant has petitioned the City for connection of this site to the 32<sup>nd</sup> Street 201 Wastewater Treatment System. We have attached the Staff memo to the City Council from the February 5, 2002 City Council meeting, at which the applicant's request was considered. I have also attached the City Council Minutes of February 5, 2002, which describe the discussion of the applicant's 201 connection request, as well as the Council's action denying that request.

**Discussion and Analysis:**

There are two major differences between the applicant's 2001 variance application, and that which is now before the Commission:

1. The area of the land parcel for which a variance from the R-1 lot area standard is requested.
2. An increased site area over which drain fields for a private wastewater system are possible – making the ability to provide area for those two drain fields probable, rather than doubtful.

Both of those are "conditional" in nature, however. This application is made on the assumption that the City will sell the applicant approximately 12,000 square feet of the City-owned land located immediately West of the applicant's 12,000 square foot (or 10,000 square foot, depending on whether the area of the lot under Kraft Circle is included) parcel. A portion of this City-owned land was sold earlier this year (subject to appropriate parcel division/consolidation) to a neighboring land owner in immediate need of a replacement drain field location. The City Council has directed that no further sales of City-owned land be made until a Policy is established governing such sales. The City Council will be considering a draft Policy at its February 6, 2002 meeting.

Based on the assumption that the City will sell the additional 12,000 square feet of land to the applicant, this application is to allow construction of a new home on a parcel of 22,000-24,000 square feet with private on-site wastewater treatment. Since the parcel assumed is not a "Lot of Record" in its assumed configuration, the standard from which variance is requested is 1.5 acres (65,340 square feet). In addition, the applicant is the owner of three other contiguous parcels, the sum area of which does not meet the 1.5 acre R-1 minimum lot area requirement. A second variance is required from the terms of Section 300.09 Subd.2., regarding the required combination of separate contiguous non-conforming parcels of land under single ownership. Finally, a variance is required from Section 300.09 Subd. 8, regarding the need for at least 1 acre of on-site sewage treatment area for each dwelling unit.

The applicant has concurrently applied to combine his other three tax parcels (all fronting 32<sup>nd</sup> Street North) into a single parcel. The sum of all 4 of the applicant's parcels, plus the area of land proposed to be acquired from the City is still well short of 1.5 acres (approximately 45,000 square feet, or 7/10 of an acre, including Kraft Circle)

Most of the "Discussion" found in the September 18, 2001 Planning Staff Report on the previous application focused on two areas of concern:

1. The high probability that there would not be adequate space on the 12,000 square foot parcel for a second drain field.
2. Concern with the effective residential density that would result from approving a new residence on a lot ; and, the potential compounding of that density by future variance actions using that application as a precedent.

Assuming that the applicant's land purchase from the City is consummated, the probability that a second "back up" drain field site can be accommodated is increased – but not assured. At this point, the applicant has not invested in the investigations necessary to determine soils suitability for drain fields. One impediment to the variance for lot area would, therefore, likely be reduced or eliminated by adding lot area, as proposed.

The second issue – that of effective residential density – is reduced by a factor of one-half when compared to the previous application. If one assumes that there is a certain measure of logic to support the lot area standards of the R-1 zoning district, one may (at this proposed lot area – 24,000 square feet) conclude that the residential density issue is partly addressed as well. The rationale for residential density standards (incorrectly, but commonly, reflected by minimum lot size requirements) is a function of several factors that will result from land development – sometimes referred to as "externalities". Those include traffic generation, impacts on municipal and educational services and facilities, and others. Whether or not a site is served with public or private wastewater handling is but one of those externalities. Where public sewer is available, it



becomes a matter of conveyance and treatment system capacities – the capacity is either there or it is not. The permitted residential density can – and often is – based on that factor (treatment capacity) alone when public waste treatment is available.

That same concern/logic is likely one basis for the 1.5 acre R-1 lot area minimum in the Lake Elmo zoning ordinance. In Lake Elmo's case, however, it is not the capacity of a wastewater plant at issue, but rather the aggregated wastewater treatment carrying capacity of the soils. While individual on-site wastewater treatment systems may be of adequate size and design to each function properly for the residence, at some point the combined impact (density) of multiple individual systems in a given geographic area may exceed the capability of the soils to process the waste product from the multiple drain fields. The density of homes/private septic systems at which that soils capability is lost will vary with the types of soils encountered. A density equal to home sites not less than 1.5 acres in area (6/10 units per acre) has been determined to be a safe assumption for soils caring capacity for the R-1 areas of in Lake Elmo (primarily the areas of the City that were platted under earlier – or non-existent – zoning regulations).

### **Findings and Recommendations:**

We have carefully considered the 7 Findings recommended by Staff, and adopted by the Planning Commission regarding the 2001 variance application. This review was to determine how those findings could now be different, given the increased site size the applicant now conditionally proposes, together with any impact on those findings that may result from recent interpretations of the City Code confirmed by the City Council (particularly the intended meaning of the zoning ordinance terms, "with sanitary sewer"). Considering those factors, the Findings of September 18, 2001 appear remain accurate and valid essentially as written:

1. The requested variance does not exhibit extraordinary or exceptional circumstances which do not apply generally to other properties in the R-1 zone or vicinity of the site. A significant number of vacant tax parcels, zoned R-1 and of a similar parcel area exist within the platted area of the Old Village.
2. The granting of the variance will confer on the applicant a special privilege that is denied by standards of the Zoning Ordinance to other owners of land under similar circumstances within the R-1 district. Numerous vacant tax parcels of similar area are denied the privilege to construct a residence that would be conferred on the applicant by approval of the variance.
3. The granting of the variance would be materially detrimental to the purposes of the Zoning Ordinance by establishing a significantly reduced standard for unsewered R-1 lot area. Granting of the variance request would nearly triple the land use intensity from that assumed by the Zoning Ordinance for unsewered parcels.
4. The hardship claimed by the applicant is economic alone.
5. The hardship claimed is the direct result of actions by the applicant by his failure to combine several substandard lots of record that are contiguous.
6. The applicant's existing reasonable use of the subject parcel is established by the fact that, when the area of the subject parcel is combined with the area of the three additional contiguous parcels owned by the applicant, and the land area proposed to be purchased by the applicant from the City, the resulting sum area is substandard for a single residence by R-1 standards. There is no hardship demonstrated by lack of reasonable use of the subject parcel.
7. The approval of the variance would be inconsistent with the provisions of Section 300.09, Subd. 2 of the City Code regarding contiguous non-conforming parcels of record in common ownership.

**Planning Commission Actions Requested:**

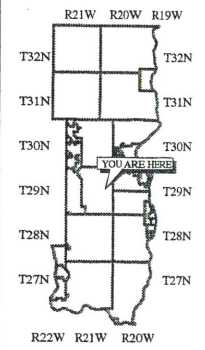
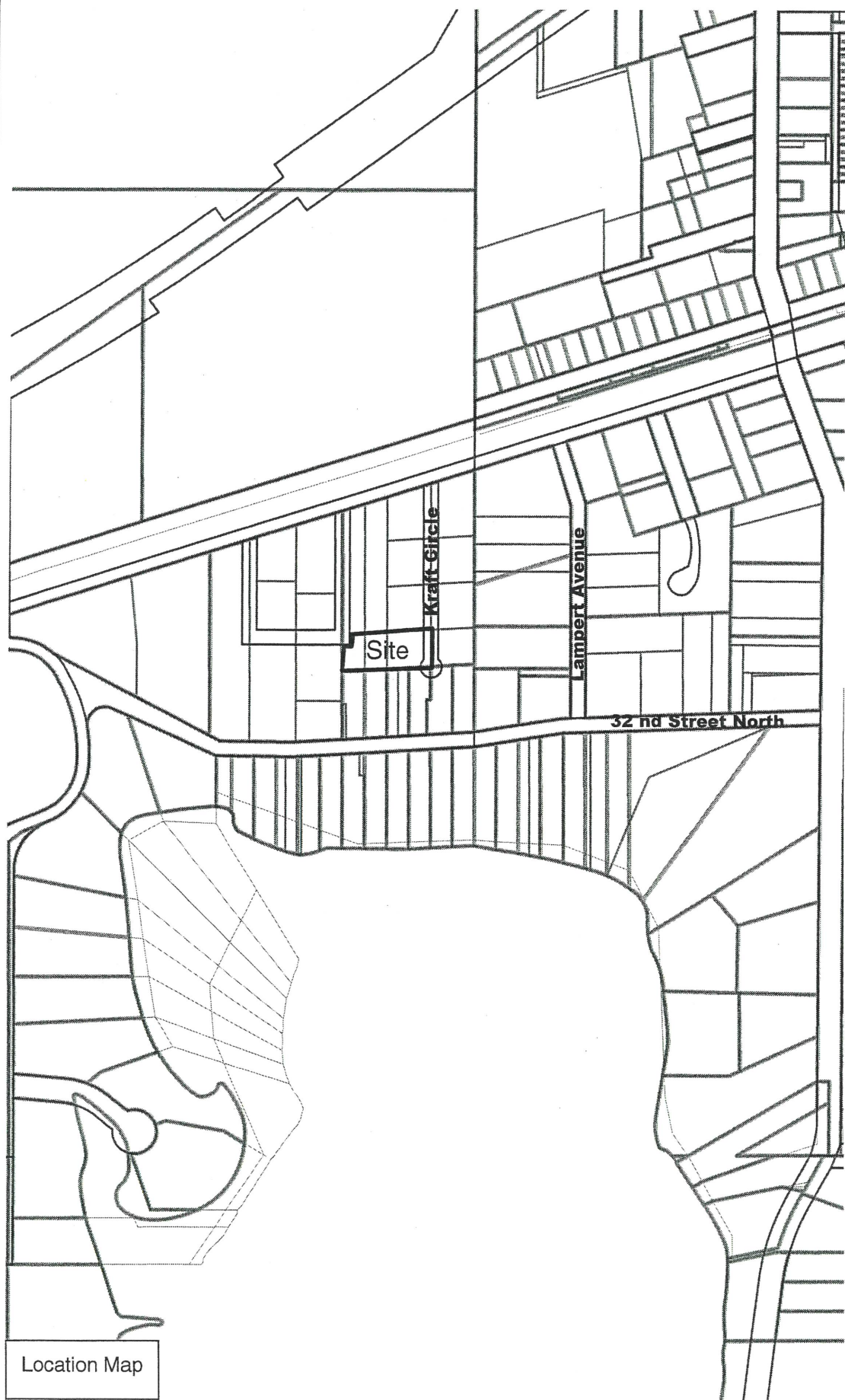
Motion to recommend denial of the application of Daniel Rude for variances to Section 300.07 Subd. 4C3 (R-1 Minimum Lot Area); Section 300.09 Subd.2. (Contiguous Parcel Ownership); and, Section 300.09 Subd. 8 (Minimum Sewage Treatment Area) based on the seven Findings found in the Planning Staff Report dated March 5, 2002.

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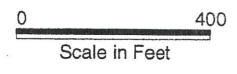
Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Applicant's Documentation
3. City Council Minutes of February 5, 2002
4. Staff Memo to Council for February 5, 2002
5. Planning Commission Minutes of September 24, 2001
6. September 18, 2001 Planning Staff Report



Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.  
Phone (651) 430-6875

Parcel data based on AS400 information current through January 31, 2002.  
Map printed: March 6, 2002



DANIEL B. RUDE  
3250 KRAFT CIRCLE NORTH  
LAKE ELMO, MINNESOTA 55042  
Home: 651.779.6564  
Office: 651.779.9435  
dbrude@EDCHome.com

RECEIVED  
FEB 8 2002  
CITY OF LAKE ELMO

Wednesday, February 6, 2002

Mr. Chuck Dillerud  
City of Lake Elmo  
3800 Laverne Av. N.  
Lake Elmo, MN 55042

re: Amended Variance Application

Dear Mr. Dillerud:

I hereby withdraw my request to appeal the September 25, 2001 Planning Commission action on my variance application. I am reserving my right to appeal following further Planning Commission consideration.

I would like to exercise my option to appear before the Planning Commission with an amended variance application, as we discussed in a phone conversation on October 16, 2001, and confirmed in your October 17, 2001, letter.

I would like to amend the application to include:

- an request to purchase the lot offered by the City
- an application to combine my lot and the City lot into a single tax parcel
- a application for a lot size variance from R-1 zoning requirements
- a site plan showing primary and secondary septic IAW with R-1 zoning (included)
- an application combine my other three parcels into a single tax parcel

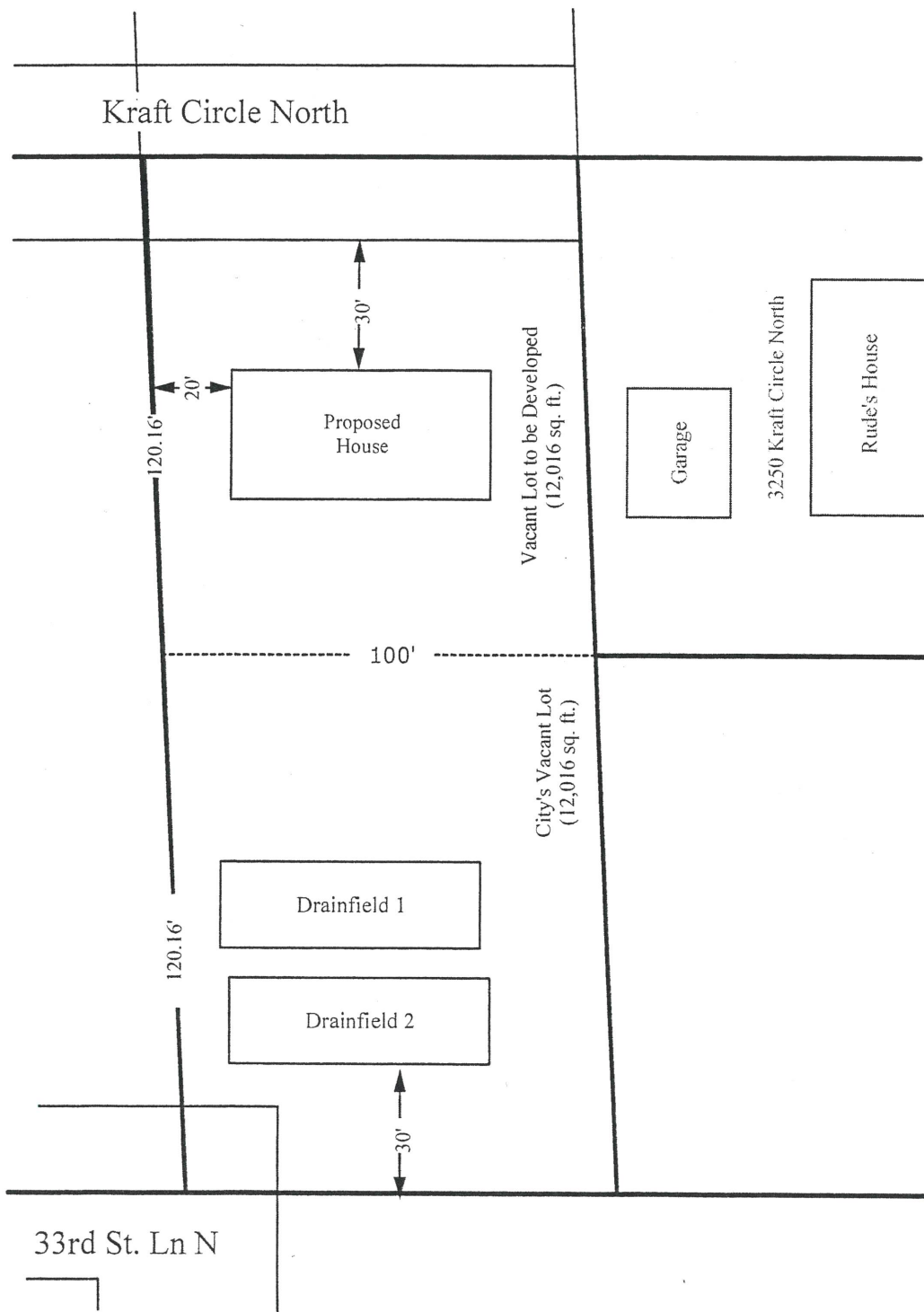
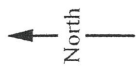
Thank you for your prompt attention to this matter. Please contact me if you have any questions.

Regards,



Daniel B. Rude

# Kraft Circle Site Plan



M/S/P Siedow/DeLapp – to adopt Resolution No. 2002-06, as amended, A Resolution granting a Minor Subdivision to MFC Properties 94 L.P. (Motion passed 5-0).

M/S/P Siedow/DeLapp – to adopt Resolution No. 2002-07, A Resolution Granting a Comprehensive Plan Amendment Guiding Land Use From RED to RAD to MFC Properties 94, L.P. (Motion passed 5-0).

M/S/P Armstrong/DeLapp – to adopt Ordinance No. 97-99, An Ordinance Amending Section 300.07 “Zoning District Map” of the Lake Elmo Municipal Code for MFC Properties 94. L.C. to rezone property from RR to AG based on conformity with the Comprehensive Plan. (Motion passed 5-0).

M/S/P Siedow/DeLapp – to adopt Resolution No. 2002-08, A Resolution Granting a Conditional Use Permit for a Golf Practice Facility to Hiner Development. (Motion passed 5-0).

#### B. Request for 201 Sewer System Connection – Dan Rude

The City Planner provided a chronology of the communications, assumptions and actions, since mid-2001, of Dan Rude’s request to hook up to the 201 system on 32<sup>nd</sup> Street.

The City Planner referenced a February 1, 2002 memo to the City from the City Engineer regarding design capacity of the 201 system on 32<sup>nd</sup> Street. According to this memo, the drainfield was designed to accommodate 1500 gallons per day or 10 bedrooms, using a soil sizing factor of 2.0. Further review of the soil indicates a factor of 1.27 could have been used, and the actual number of bedrooms that the system is designed to treat is 16.

Dan Rude provided comments to the Council and staff regarding his requests to hook up to the 32<sup>nd</sup> Street 201 system. This document is made part of these minutes by reference.

The City Administrator reminded the Council that the 201 Program was a federally funded program to upgrade faulty or failing septic systems in sensitive areas within the City (Such as lakeside properties), and was not intended to replace on-site systems for new construction. The Administrator recommended that any remaining capacity in the 32<sup>nd</sup> Street 201 be reserved for other lakeshore properties in the general vicinity of the 32<sup>nd</sup> Street system, as specified in Section 700 of the Lake Elmo Municipal Code.

There was a home on 32<sup>nd</sup> Street that was recently allowed to hookup to the existing 201 system. The new home is set back 75 feet back (away from the lake) from the original home, but by doing that, the property owner eliminated a viable site for an on-site septic system. There is an agreement between the City and the property owner that the original home will be removed before a certificate of occupancy will be given for the new home. Council member Armstrong, who was on the Council at the time the 201 program was instituted, and Council member Dunn agreed the program was never intended to be a city



wide convenience, but for lots with existing homes around the lake with faulty septic systems.

Council member DeLapp commented that the target audience was not to subsidize new development, but where we might need an incentive to improve an existing situation.

Dan Rude asked if the vacant land owned by the City is still available to purchase, as he would want to purchase a lot and add on to his lot to create a 24,000 sq.ft. lot. The staff responded to Mr. Rude that there would not be any sale of city-owned property until a policy for selling city-owned land was developed by the staff, and approved by the Council.

M/S/P DeLapp/Dunn – to deny the request by Dan Rude for hookup to the 32<sup>nd</sup> Street 201 System based on the City Engineer's report dated February 1, 2002, and based on the staff's report dated February 5, 2002. (Motion passed 5-0).

The City Administrator will draft a policy for the sale of city-owned property and present it to the City Council for consideration at the March 5<sup>th</sup> meeting.

The City Administrator will also draft a policy for the use of city-owned property for failing septic systems for Council consideration at the March 5<sup>th</sup> meeting.

#### C. Eagle Point Business Park – Amendments to Development Agreement

City Planner Dillerud reported two issues, as noted in the Request for Council Action Memo, have surfaced that require Council consideration for amendments to the Development Agreement. One issue is to incorporate City payment of Park dedication and Sanitary Sewer assessment (only) on Outlot D. Further, that the street assessment levied on Outlot D be the financial responsibility of the developer; and that there is no amendment to the cost of the bridge improvements and resulting Administrative Fee.

Mr. Burkards, United Properties, was sick and asked that the matter be tabled. In his letter dated December 19, 2001, Mr. Burkards asked the City to consider reducing the administrative fee on the two bridges of this project because the box culvert could have been built instead of the arch bridges that have been installed and did not use any additional staff time to review and approve the bridges that we would have for the box culverts. City Engineer Prew responded this is true, but our policy is that we figure our administrative fee by what is designed and built.

The Council agreed that the Development Agreement should be as comprehensive as possible and made the following motion.

M/S/P Armstrong/Dunn – to approve amendment to the Eagle Point Business Park 2<sup>nd</sup> Development Agreement to incorporate City payment of Park Dedication and Sanitary

<b>Lake Elmo City Council February 5, 2002</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9B</b>
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**Agenda Item:** Request for 201 Sewer System Connection – Daniel Rude

**Background Information for February 5, 2002:**

Mr. Rude is the owner of 4 contiguous tax parcels lying between Kraft Circle and 32<sup>nd</sup> Street North. Three of those tax parcels front 32<sup>nd</sup> Street North, and essentially make up Mr. Rude's existing home site. The fourth tax parcel owned by Mr. Rude is the extreme southwest "lot" of those several lots that front the Kraft Circle cul-de-sac – and it is the only one of those Kraft Circle parcels that remains vacant. This parcel measures 100 feet (frontage on Kraft Circle) by 120 feet (measured to the center of Kraft Circle); or 100 feet (measured to the west edge of the Kraft Circle ROW). Therefore that parcel is of 12,000 square feet or 10,000 square feet area, depending on the point of measurement. Mr. Rude has requested connection to the existing 32<sup>nd</sup> Street 201 system as wastewater treatment to service a new house on the 12,000 square foot parcel.

As requested by the Council we have prepared the chronology of the communications, assumptions and actions regarding this issue since mid-2001. We have also discussed the several issues involved with Tom Prew, Jerry Filla, and Larry Bohrer. Based on these discussions, and careful review of the City Code (both Sections 300 and 700) we advise the Council as follows regarding Mr. Rude's request:

1. At the time the R-1 lot area standard of 24,000 square feet "with sanitary sewer" was placed in Section 300 of the Code, the terms "sanitary sewer" meant municipal sewer connected to Metropolitan Interceptor, and conveyed to the Metropolitan Sewer Plants for treatment. Therefore, connection of a parcel of land to the 201 system does not qualify as "with sanitary sewer" for the purposes of determining allowable minimum lot area. The City Planner, lacking that historic perspective, has incorrectly interpreted Section 300 regarding what qualifies a parcel to be conforming at 24,000 square feet of area.

**(Rude – Continued on Page 2)**

**Action items:**

Motion(s) by the Council providing Staff and Mr. Rude with direction with regard to his requests.

**Person responsible:**

  
City Planner

**Attachments:**

1. Daniel Rude Letter of January 8, 2002
2. Location Map
3. Chronology of Correspondence/Actions

**Time Allocated:**

**(Rude - Continued from Page 1)**

2. Section 700 governs 201 systems. Section 700.04 Subd.2B2 states the law as to the circumstances under which a new house may be connected to 201 System (Community Sewer System). New construction connections (such as requested by Mr. Rude) may only be permitted "...if capacity is available in all components of the particular community sewage system over what is needed to accommodate all existing structures."

3. The City Engineer has determined that the 32<sup>nd</sup> Street Community Sewage System has a design capacity for 16 bedrooms. He has further determined that 8 bedrooms are presently connected to this system. The attached graphic displays the parcels now served, as well as other parcels that are on private septic systems within what could be considered the 32<sup>nd</sup> Street 201 system's "service area".

4. Based on the foregoing, there is no remaining capacity in the 32<sup>nd</sup> Street Community Sewage System (201) to accommodate new construction. According to the terms of Section 700, the request of Mr. Rude to connect a new construction structure to the 32<sup>nd</sup> Street Community Sewage System (201) should not be approved.



### Chronology/Documents – Rude/ Hegna

City Staff was contacted by a perspective purchaser of the Rude Kraft Circle parcel (Mr. Hegna) early in 2001 regarding the ability of that perspective purchaser to obtain a City permit to construct a new home on that parcel. There was also a realtor involved, as well as Mr. Rude, resulting in several independent inquiries regarding the same situation. Staff (City Planner) advised all parties as follows:

1. That the subject parcel is zoned R-1, carrying a minimum parcel area standard of 1.5 acres (65,340 square feet) “without sanitary sewer”; and 24,000 square feet “with sanitary sewer”. More on that distinction will follow. The lot width standard is 125 feet in both cases. The parcel is clearly non-conforming, by either area minimum standard.
2. That the subject parcel probably qualifies as a “Parcel of Record” – that is, it existed as non-conforming at the time the R-1 zoning standards were adopted by the City. As such, the Zoning ordinance (300.09, Subd. 1) provides for two possible ways that the R-1 minimums may be modified:
  - a. If the parcel is at least “...60% of the minimum requirements...” (60% of 1.5 acres equals 39,204 square feet), or
  - b. The parcel “...was of record as of October 16, 1979...” and was of at least one acre in area.(43,560 square feet)

It appeared to staff that this parcel would qualify for either exception, but (at 12,000 square feet) it would still be non-conforming as to area, and not buildable without approval of a variance – if less of a variance in degree as the result of it qualifying as a “parcel of record”.

3. That no permit could be issued for construction of a home on the parcel without a variance from one of the area standards specified by the Code.
4. That wastewater treatment would be a key issue (but not the only issue) with any variance application. We could not see how the parcel was large enough to accommodate a home and 2 septic drain field sites. This was well before we heard that another parcel on Kraft Circle (Peterson) was having problems with its single drain field.
5. That the zoning issue of lot area might be positively influenced if the parcel was served by “sanitary sewer” – 60% of 24,000 square feet gets one a lot closer to the 10,000 or 12,000 square feet the parcel offers.
6. That the terms “sanitary sewer” are defined by Section 150 of the City Code imply that wastewater discharged to a common collection pipe is “sanitary

sewer” - not necessarily connection to Regional Sewer treatment. In that case, if the parcel were connected to an existing 201 system (or a new system of a similar common treatment design, by another name), the parcel may qualify as being “with sanitary sewer”, and therefore be subject application of the 60% of 24, 000 square feet minimum area standard. A lot area variance would still be necessary, but the wastewater issue would be addressed, and the degree of parcel area variance would be substantially less.

7. That an existing 201 system is located in the neighborhood, with a force main lateral running down 32<sup>nd</sup> Street. At that time we were unaware of the remaining capacity of that system, or whether connection of a new home (versus an existing home with a failing private septic system) was consistent with City policies.
8. That the City was shown as the owner of land lying west and contiguous to the subject parcel, which may be available for either enhancing this parcel’s lot area, and/or as the location for the second drain field for this parcel.

Staff advised the parties that we would request the City Engineer’s opinion as to both the capacity if the existing 201 system; and, his understanding of the City’s policy regarding connection to any 201 system. Mr. Prew responded to our request by a letter dated July 2, 2001. Mr. Prew did not specifically suggest that there is, or is not, remaining capacity in the 32<sup>nd</sup> Street 201 system – except to say that present volume used is about 50% of design volume. He did say, however, that he was hesitant to recommend connection of this parcel to that system. We advised Mr. Rude of the City Engineer’s recommendations by our letter of July 9, 2001.

During an August 15, 2001 meeting on the subject, Mr. Rude’s realtor hand delivered to the City Planner a copy of a July 15 letter. The letter acknowledged the non-conformity of the subject parcel, and made a series of requests of the City – including requests (but not formal application) for zoning variances.

On August 18, 2001 Rude/Hegna submitted a formal application for the necessary zoning variances to overcome the parcel area non-conformity, and allow construction of a new home. Staff certified the application materials as “complete” on August 28. The variance application did not propose 201 connection, or additional lot area being added to the subject parcel – it simply requested a variance to 60% of the R-1 area standard. The Planning Commission considered the application at its September 24 meeting; and, denied the variance, based on 7 findings. (copies of all pertinent documents related to the variance application/processing are attached)

Mr. Rude delivered a letter to the Planning Commission Chair - appealing the variance denial - on the evening of September 24, immediately following the action by the Commission. Administrator Kueffner acknowledged the appeal by her letter of September 25, 2001. The appeal did not appear on the Council agenda for two reasons:

1. Planning Staff miscalculated the timing of the appeal to the Council. At that time, the Code provided a 10 day "window" to present the appeal, as well as a separate 10 day "window" to advise the applicant. (these Code provisions have, since then, been repealed by the Council) The Council meeting of October 2 would have been too early, and we overlooked the mandatory 10 day written Notice to the Appellant of our intent to place the appeal on the October 16 Council agenda. Beyond that date, it was technically too late – although we certainly would have proceeded with the appeal had Mr. Rude so desired, and we advised him of that fact.

2. After we advised Mr. Rude of the timing issue, he suggested that he desired to request reconsideration of the variance by the Planning Commission anyway, based on modifications to his application – to which planning staff concurred by our October 17, 2001 letter.

Thereafter we spoke both with Mr. Rude, and his attorney, resulting in his attorney's letter of November 6, 2001, where the attorney requests that the 201 connection issue, and the adjacent City owned land issue, be brought to the Council for decisions. We did not move on this request immediately since, by that time, the entire Kraft Circle sewer/City land issue was being addressed. We believed then (and advised Mr. Rude) that his answers regarding a sewer solution would come out of the Kraft Circle research and discussions that were then under way.

Once the overall Kraft Circle matter was concluded Mr. Rude knew how that resolution did and did not impact his situation. In a letter received by the City on January 8, 2002 Mr. Rude again asked for a place on the Council agenda to address the 201 system connection. The City Planner had handled all matters concerning Mr. Rude's parcel to that date; and, was the proper staff member to prepare the cover materials for the Council regarding Mr. Rude's January 8 request. Since the City Planner was out of the office that entire week, the matter did not appear on the January 14 Council Agenda, as expected by Mr. Rude.



City of Lake Elmo  
Washington County, Minnesota

Resolution No. PZ 2001-93

A RESOLUTION REGARDING ZONING STANDARDS VARIANCE  
Robert Hegna - Daniel Rude  
3250 Kraft Circle North

WHEREAS, the Lake Elmo Planning Commission, at its September 24, 2001 meeting, reviewed and heard testimony regarding the application of Robert Hegna and Daniel Rude, to vary from the standards of Section 300.07 Subd. 4.C.3. R-1 One Family Residential - Minimum District Requirements of the Lake Elmo City Code with respect to the property located at:

The parcel the vacant lot of 3250 Kraft Circle N, legally described as Part of Lot 7 being S 100 FT of E'ly 120.16 FT of W'ly 240.32 FT 1<sup>st</sup> REARR Lot 3.

WHEREAS, said variance is described as follows:

The applicant proposes construction of a residential structure on a parcel of record that is less than 60% of the R-1 District minimum parcel area for a parcel of record.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo Planning Commission does hereby make the following findings concerning said variances:

1. The requested variance does not exhibit extraordinary or exceptional circumstances, which do not generally apply to other properties in the R-1 zone or vicinity of the site. A significant number of vacant tax parcels, zoned R-1 and of a similar parcel exist within the platted area of the Old Village. The granting of the requested variance will effectively amend the provision of the City Code establishing the special provision addressing a reduced allowable lot area for "Lots of Record" in the R-1 zoning district.
2. The granting of the variance will confer on the applicant a special privilege that is denied by standards of the Zoning Ordinance to other owners of land under similar circumstances within the R-1 district. Numerous vacant tax parcels of similar area are denied the privilege to construct a residence that would be conferred on the applicant by approval of the variance.
3. The granting of the variance would be materially detrimental to the purposes of the Zoning Ordinance by establishing a significantly reduced standard for R-1 lot area on "Parcels of Record." Granting of the variance request would triple the land use intensity from that assumed by the Zoning Ordinance; and likewise assumed in the design and function of the various elements of Public infrastructure that are dependent on land use intensity.
4. The hardship claimed by the applicant is economic alone.
5. The hardship claimed is a direct result of actions by the applicant by his failure to combine several substandard lots of record that are contiguous.

6. The applicant's existing reasonable use of the subject parcel is established by the fact that, when the area of the subject parcel is combined with the area of the three additional contiguous parcels owned by the applicant, the resulting sum area is substandard for a single residence by R-1 standards. There is no hardship demonstrated by lack of reasonable use of the subject parcel.
7. The approval of the variance would be inconsistent with the provisions of Section 300.09, Subd. 2 of the City Code regarding contiguous non-conforming parcels of record in common ownership.

BE IT FURTHER RESOLVED, that the Lake Elmo Planning Commission hereby denies this order.

ADOPTED, by the Lake Elmo Planning Commission this 24th day of September 2001.

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Thomas Armstrong, Chairman  
Lake Elmo Planning Commission

ATTEST:

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Mary Kueffner, City Administrator

Chairman Armstrong acknowledge a petition of 81 names in favor of the installation of the tower.

Chairman Armstrong closed the public hearing at 6:40 p.m.

Commissioner Deziel stated the new ordinance was adopted and published August 29, 2001. The original ordinance was not read properly by the building official and there was no permitting process before.

M/S/P Armstrong/Brass 5-0-1: Abstain: Taylor - to recommend to the City Council approval of an amateur radio antenna tower permit for Bob Helwig, 8247 27<sup>th</sup> Street N., based on the following findings:

1. That Mr. & Mrs. Bob Helwig have FCC Amateur Radio Licenses.
2. That the tower is minimum size and dimensions to overcome high wire obstacles.
3. That the tower is a professionally designed Rohn manufactured tower. The applicant has provided numerous drawings and engineering specs for assembly of tower.
4. That it is recommended the City obtain an annual letter from Bob Helwig or a knowledgeable party stating the tower is in good working order, that the Helwigs are still using the tower, has homeowners insurance, and the City has no liability with this tower.
5. That the distance is adequate with a fall down tower radius a minimum of 110' tip from adjoining property.

**4. PUBLIC HEARING: Variances (continued from September 10, 2001) Joe Kiesling, 9359 Jane Road N.**

The City received a letter from Joe Kiesling's Attorney requesting this item be tabled until the October 10<sup>th</sup> Planning Commission meeting.

M/S/P Armstrong/Brass - to accept Joe Kiesling's request for his variance request item be tabled to October 10, 2001 Planning Commission meeting. (Motion passed 6-0) Bob Helwig not in attendance for vote.

**5. PUBLIC HEARING: Variances Hegna/Rude 3250 Kraft Circle**

Planner Dillerud presented the history of the rearrangement of Lake Elmo Park. He reported that since the division of Lot 7, all but one of the 8 parcels now owned by the City were sold to individuals and homes were constructed on each of those 7 parcels. The one remaining parcel has



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remained a separate tax parcel of approximately 12,000 sq.ft. owned by the Rudes. The sum area of the Rude's 4 separate and contiguous tax parcels is approximately 33,780 sq.ft. and does not meet the 60% Lot of Record rule in R-1 zoning.

Planning Commissioner Deziel brought up the Anthony Carlone variance in terms of the findings. Planner Dillerud responded the applications are not parallel.

Mr. Rude presented a verbal presentation of reasons why he thought his variance request should be approved. He stated the 201 program could be a backup, but did not get a copy of the 201 policy.

Dillerud responded he could not find any policy stating the 201 program can only be used for failing systems as Tom Prew and Mike Bouthilet have attested. If there were a lack of policy for joining the 201 Program, then the Council would have to set policy.

Chairman Armstrong opened up the public hearing at 7:21 p.m.

No one spoke for or against the variance request.

Chairman Armstrong closed the public hearing at 7:22 p.m.

Planning Commissioner Deziel stated no one had applied in 10 years for a 201 permit. If there are 35 vacant parcels in the City, he doesn't see this as a bad thing. He does have a problem with class distinction with our civil servants not being able to find affordable housing in Washington County. A wastewater treatment system, as in Fields of St. Croix, could be installed, which would make these small lots developable at an affordable price.

Commissioner Berg indicated the Old Village does need its own standards and would like to see this as a front burner issue. This is a legislature function. Currently, the R-1 zoning district requires 1 ½ acre minimum, which does not work in the Old Village.

Chairman Armstrong added they needed to identify what lot size would be appropriate. The major concern is wastewater in the Old Village. Density was too much and that is why the City needed the 201 program.



M/S/P Ptacek/Brass – to draft a resolution to deny zoning variances requested by Hegna/Rude based on seven findings stated in the City Planner's staff report. (Motion passed 6-1:Abstain Dreziel: The City could install a common wastewater treatment for the Old Village.)

**6. PUBLIC HEARING: Amend Conditional Use Permit**

Country Air Golf Facility, Ray & Jane Salus 404 Lake Elmo Avenue

Planner Dillerud reported that a Conditional Use Permit was approved for a "Golf Driving Range" on this 24-acre site in 1990. That CUP was amended in 1993 (Resolution No. 93-19) to include a "three hole golf practice facility". Work on the golf practice facility was initiated, but never completed or placed in service. The 1993 CUP amendment approved the use of the northeast quarter of the site (approximately 8 acres) for 3 regulation length golf holes. The present application for amendment proposes to substitute 18 "pitch and putt" holes on the same area of the site.

Ray Salus explained the reason for the "pitch and putt" is to enjoy natural beauty while playing golf, provide a fun and safe place for family. All income levels can afford this. Trees will be planted, and there will be no grading except for the holes. Holding ponds will look like a park.

Chairman Armstrong opened up the public hearing at 7:55 p.m.

No one spoke for or against the amendment.

Chairman Armstrong closed the public hearing at 7:56 p.m.

M/S/P Armstrong/Deziel - to recommend an amendment of the CUP for a Golf Driving Range approved by Resolution 93-19, with the substitution of 18 pitch and putt holes on the same area of the site as the previously approved three hole golf practice facility. (Motion passed 7-0).

**7. PUBLIC HEARING: Zoning Text Amendment Add "Therapeutic Massage" to General Business**

Planner Dillerud reported the Staff noticed a Public Hearing to consider amendment of the text of the General (GB) zoning district to add the use "Massage Therapy". This consideration and Commission direction regarding the Hearing was the result of inquiries received by staff as to the legal zoning status of this use. In response to an inquiry for a prospective new massage practitioner, staff determined that no forms of massage are



**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** September 18, 2001 for the Meeting of September 24, 2001

**Applicant:** Hegna/Rude

**Location:** End Lot, West Side of Kraft Circle, South of 32<sup>nd</sup> Street North

**Requested Action:** Zoning Variances

**Land Use Plan Guiding:** SRD (Single Family Residence)

**Existing Zoning:** R-1

**Site History and Existing Conditions:**

The subject site is a part of platted Lot 7, Block 3 Rearrangement of Lake Elmo Park – and there was more than one rearrangement of that plat it appears. The original Lot 7 was 4 acres in area, while the lots of Block 3 lying south of Lot 7 (and fronting 32<sup>nd</sup> Street North) all appear to have been platted in the 11,000-12,000 square feet area range.

At some point after the “rearrangement” noted above, Lot 7 was further divided in some manner to create 10 separate tax parcels, each with a “long legal”, not Lot/Block number. This was perhaps some form of (not so) “Minor Subdivision”. There are no City records that document when, how and why that happened. The east 2/3 of that 4 acre parcel was, in this manner, divided into 8 parcels of 12,000 to 16,000 square feet each, together with what must have been an easement to create Kraft Circle as an overlay to the parcels – not as a platted street.

The west 1/3 (approximately 54,000 square feet) of the 4 acre Lot 7 was divided, in the same manner and at the same point (we assume) into two long, narrow parcels. For reasons unclear to present City Staff, the City became the owner of the two west parcels at some point. This is not park land, nor the site of a 201 system. It has been suggested that the City became the owner as the result of tax forfeiture – but that has not been confirmed.

During the many years (decades) since that mysterious division of Lot 7, all but one of the 8 parcels not owned by the City were sold to individuals, and homes were constructed on each of those 7 parcels. The one remaining parcel has remained a separate tax parcel of approximately 12,000 square feet, owned by the Rudes.

The Rudes are also shown by County Records as the owners of three additional separate tax parcels of 10,172 square feet (on which the Rude home is physically located); 5,470 square feet, and 6,034 square feet, all of which are physically contiguous with the subject parcel. The sum area of the Rude’s 4 separate and contiguous tax parcels is approximately 33,800 square feet – ¾ acre. Section 300.09, Subd. 2 of the City Code clearly specifies that, where separate contiguous tax parcels are owned in common, “no sale or development” of any of the parcels can be undertaken if one or more of the parcels are substandard by reason of width or area.

There are limited City records regarding this site. The address records available for the Rude address relate only to the original home construction, and subsequent improvements to that home.

## Discussion and Analysis:

The recollections and records of Staff that predate this application extend back to earlier in 2001. Mr. Rude contacted City Staff several months ago with basic questions regarding possible construction of a new home on the subject 12, 000 square foot tax parcel. Staff advised Mr. Rude that we detected two major issues regarding such a scenario:

1. The 12,000 square foot parcel was significantly smaller than the 1.5 acre (65,340 square feet) minimum lot size in the R-1 zoning district for parcels "without sanitary sewer" (R-1 standards from 300.07 Subd. 4C3 of the City Code, Page 300-25). Even assuming the parcel existed at the time of adoption of these standards, and therefore qualified for "grandfather" treatment under Section 300.09 Subd. 1 (60% of the standard), the parcel would still be far short of the 39,204 square feet that 60% of 1.5 acres calculates to.
2. It would be extremely unlikely that two drainfield sites (a primary and backup) could be located on a 12,000 foot lot. Possible, but not likely.

Our discussion then turned to exactly what the R-1 Code language "without sanitary sewer" and "with sanitary sewer" means – since there is no sanitary sewer, in the usual sense, in this (and most) of Lake Elmo. We observed to Mr. Rude that we recalled at least one Tri-Lakes case of house reconstruction on a substandard lot that was served by a 201 septic system where that wastewater solution was considered "with sanitary sewer" for the purposes of lot area calculations. Since a force main to the 32<sup>nd</sup> Street 201 system runs by the Rude "home" lot on 32<sup>nd</sup>, we suggested that there may be some question as to whether hook-up of this parcel could mitigate (but not totally overcome) the huge lot area problems with R-1 standards; and, address the lack of area for drain fields on the 12,000 square foot parcel. We suggested Mr. Rude request a Finding as to whether capacity exists in the 32<sup>nd</sup> Street 201 system before even considering that strategy.

Mr. Rude made that inquiry in writing on June 8, 2001 (letter attached). On July 9 Planning Staff responded to Mr. Rude's inquiry in a manner consistent with the City Engineer's letter of July 2, 2001 (copies of both letters attached) – essentially saying that while there may be capacity available in the 201 system, that capacity has been essentially reserved for private system failure events in this area near the lake – not new homes.

Mr. Rude then drafted a second letter (July 15 – also attached) requesting a waiver of the City Engineer's recommendation regarding hook-up to the 201 system. This was delivered to Staff by Mr. Rude's realtor. We have no evidence that the original was ever mailed to Administrator Kueffner.

At some point during this span of 3+ months from Mr. Rude's initial inquiry of Staff, he entered into a Purchase Agreement with Mr. Hegna for sale of the subject 12,000 square foot parcel – hence, Mr. Hegna has joined in this variance application.

Mr. Rude's variance application appears to seek relief from the standards of Section 300.09, Subd.1 to permit construction of a single residence on a parcel of record that is less than 60% of the minimum lot size standard of the R-1 zoning district. As it stands at this time, the variance



would be from 60% of the 1.5 acre R-1 standard for minimum lot size "without sanitary sewer". The applicant proposes to construct a residence on a parcel of record of approximately 12,000 square feet where the 60% standard would require a minimum of 39,204 square feet. No other variances are specifically applied for at this time – nor have any other variances been Noticed. The applicant's submitted graphics show a house on the lot, as well as a proposed septic system – neither is an issue at this point.

This variance application must be reviewed for compliance with the same variance standards of the Zoning Ordinance as any other. All of the listed standards that apply must be found by the Planning Commission to approve the variance. The applicant has submitted documentation in support of this variance that relies exclusively on the existence of the parcel as a separate tax parcel. The argument appears to be that, since it is a separate tax parcel, it is a hardship to the applicant to not be allowed to build a residence on it.

Regardless of what some property rights advocates may contend, there is such a thing as an "unbuildable parcel". The courts have upheld the concept of unbuildable as something different than "public taking" at both the State and Federal levels. Unbuildable because of the probability of harmful impacts that will result to the Public. Those harmful impacts (in the case of a substandard lot area) relate to the increased land use intensity – beyond that assumed by the stated minimum lot area of the Code. That increased land use intensity leads to issues of excessive surface water, excessive wastewater, excessive potable water consumption, excessive traffic generation and to the other quantifiable factors over which the Public maintains a vigilance in the persona of Planning Commissions and City Councils. Of course there are the other less quantifiable issues of "space" and "crowding" as well.

Surely it is difficult to imagine that one more house would tip the balance of quantifiable impacts on the Public to "negative". But, it could (and likely would) go much further than that in this case. Of 635 tax parcels within the general geographic area of the Old Village, 108 parcels are both vacant and are of less existing lot area than 60% of the R-1 lot area minimum of 1.5 acres. Many of those existing tax parcels are less than the 12,000 square feet area of the subject (including Mr. Rude's two other vacant tax parcels), but 35 are of an area between 12,000 square feet, and the 39,204 square feet that is the 60% "Lot of Record" minimum in R-1.

Even assuming some of these 35 tax parcels to be land locked, wetlands, City owned, or in some other manner physically constrained (therefore unbuildable for reasons other than size), it is probable, as well, that other geographic areas of the City with older platting (or division actions) have similarly-sized vacant parcels. The potential for Public impacts, as described above, become very real when viewed from a City-wide and precedence perspective. The argument could (and would) go to substandard tax parcels beyond this single applicant's.

### **Findings and Recommendations:**

Staff makes the following Findings with regard to this variance application, in the terms of the required Planning Commission Findings of Section 300.06, Subd. 3A:

1. The requested variance does not exhibit extraordinary or exceptional circumstances which do not apply generally to other properties in the R-1 zone or vicinity of the site. A significant number of vacant tax parcels, zoned R-1 and of a similar parcel area exist within the platted area of the Old Village. The granting of the requested variance will effectively amend the



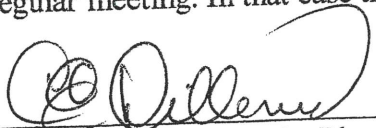
- provision of the City Code establishing the special provision addressing a reduced allowable lot area for "Lots of Record" in the R-1 zoning district.
2. The granting of the variance will confer on the applicant a special privilege that is denied by standards of the Zoning Ordinance to other owners of land under similar circumstances within the R-1 district. Numerous vacant tax parcels of similar area are denied the privilege to construct a residence that would be conferred on the applicant by approval of the variance.
  3. The granting of the variance would be materially detrimental to the purposes of the Zoning Ordinance by establishing a significantly reduced standard for R-1 lot area on "Parcels of Record". Granting of the variance request would triple the land use intensity from that assumed by the Zoning Ordinance; and likewise assumed in the design and function of the various elements of Public infrastructure that are dependent on land use intensity.
  4. The hardship claimed by the applicant is economic alone.
  5. The hardship claimed is the direct result of actions by the applicant by his failure to combine several substandard lots of record that are contiguous.
  6. The applicant's existing reasonable use of the subject parcel is established by the fact that, when the area of the subject parcel is combined with the area of the three additional contiguous parcels owned by the applicant, the resulting sum area is substandard for a single residence by R-1 standards. There is no hardship demonstrated by lack of reasonable use of the subject parcel.
  7. The approval of the variance would be inconsistent with the provisions of Section 300.09, Subd. 2 of the City Code regarding contiguous non-conforming parcels of record in common ownership.

Based on the foregoing, Staff recommends that the variance be **denied**.

#### **Planning Commission Actions Requested:**

Motion to adopt the attached Planning Commission Resolution # \_\_\_\_\_, denying the variance application of Robert Hegna and Daniel Rude, based on the Findings provided.

Should the Planning Commission conclude alternative Finding that would form the basis for variance approval, Staff requests those Finding be stated; and, Staff be directed to provide an approval resolution containing those Findings for consideration of the Commission at its next regular meeting. In that case the Hegna/Rude application should be tabled.

  
\_\_\_\_\_  
Charles E. Dillerud, City Planner

#### **Attachments:**

1. Draft Resolution of Denial
2. Location Map
3. Staff Graphics
4. Referenced Communications
5. City Engineer's Recommendations
6. Applicant's Documentation and Graphics