

MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/2016

REGULAR #16

MOTION

AGENDA ITEM: High Pointe Sign Variance – IRET Properties, 8650 Hudson Blvd

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Joan Ziertman

SUGGESTED ORDER OF BUSINESS:

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

SUMMARY AND ACTION REQUESTED:

Staff and the Planning Commission are recommending the City Council to approve a variance request from IRET properties for a 5 foot height and 4 foot width variance from the Eagle Point Business Park Exterior Sign Design Agreement to allow a 35-foot high, 16-foot wide pylon sign with the following motion:

***“Move to adopt Resolution 2016-05 approving the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus.*”**

BACKGROUND AND STAFF REPORT:

The Eagle Point Business Park Planned Unit Development was platted in 1999 with the Eagle Point Business Park Exterior Sign Design Agreement which identified the zoning standards for the development, including signage. Based on the Agreement, pylon signs are allowed and can have a width of 12’ and a height of 25’, or 30’ depending on the interpretation. To complicate matters, sometime in the past Planning Staff prepared a written summary of the Eagle Point standards and determined that sign height was to be determined on a case-by-case basis. The applicant is seeking the sign to improve visibility for its multiple medical tenants.

In order to approve a variance, the applicant must demonstrate compliance with 4 required findings:

- 1) Practical Difficulties
- 2) Unique Circumstances
- 3) Character of the Locality
- 4) Adjacent Properties and Traffic

Staff reviewed the application and determined that the variance request met the 4 required findings. Additional detail about this review can be found in the Staff Report to the Planning Commission.

PLANNING COMMISSION REPORT:

The Planning Commission held a public hearing and reviewed the proposed variance on January 11, 2016. During the public hearing, no testimony was received and no other written comments were submitted to staff. The Planning Commission discussed the need for the sign, issues related to wayfinding, sign lighting, potential future driveway and site development, and the sign's potential effect on cut-through traffic in Park Dental's parking lot. After discussion of the proposed pylon sign and the requested variance, the Planning Commission recommended approval of the variance request (Vote: __) based on the findings in the staff report for this item. Further detail of the Planning Commission discussion can be found in the draft Planning Commission minutes.

RECOMMENDATION:

Staff and the Planning Commission are recommending the City Council to approve a variance request from IRET properties for a 5 foot height and 4 foot width variance from the Eagle Point Business Park Exterior Sign Design Agreement to allow a 35-foot high, 16-foot wide pylon sign with the following motion:

“Move to adopt Resolution 2016-05 approving the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus.

ATTACHMENT(S):

- Resolution 2016-__
- Draft Planning Commission Minutes 1/11/16
- Planning Commission Staff Report 1/11/16
- Applicant's Written Statement
- Exhibits C–H to Written Statement
- Site Survey
- Adjacent Pylon photos
- Letters of Support
- Eagle Point Development Standards

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

RESOLUTION NO 2016-05

*A RESOLUTION APPROVING A 5 FOOT HEIGHT AND 4 FOOT WIDTH VARIANCE TO
ALLOW FOR THE CONSTRUCTION OF A 35-FOOT TALL 16-FOOT WIDE PYLON SIGN AT
8650 HUDSON BLVD.*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, IRET Properties, on behalf of High Pointe Health Campus has submitted an application to the City of Lake Elmo (the "City") for a 5 foot height and 4 foot width variance to allow for a permanent 35 foot high, 16 foot wide pylon sign at the High Pointe Health Campus, 8650 Hudson Boulevard,

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on January 11, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated January 19, 2016; and

WHEREAS, the City Council considered said matter at its January 19, 2016 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance includes the following components:
 - a) A 5 foot height and 4 foot width variance to allow for a permanent 35 foot high, 16 foot wide pylon sign at the High Pointe Health Campus, 8650 Hudson Boulevard.
- 4) That the Variance will be located on property at 8650 Hudson Boulevard, Washington County, Minnesota with the following PID: 33.029.21.44.0007.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not

permitted. ***Specific Findings: Increasing the allowed height from 30-foot to 35-foot and the width from 12-foot to 16-foot for a pylon sign represents a reasonable use of the property. The property is zoned Business Park and is surrounded by other commercial uses. A larger nonconforming pylon sign exists adjacent to the site. Visibility to the site is difficult and identification of the multiple tenants is also reasonable. The variance is in keeping with the intent of the City's sign ordinance: to foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective signs that meet the need for business identification, advertising and communication. Staff determines that this criterion is met.***

- 6) The plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific Findings: The site, lot layout, and the poor visibility from Hudson Boulevard and Interstate 94 are unique and not circumstances created by the landowner. The Crossroads Collision and Park Dental buildings sit in front of the High Point Health facility limiting visibility. The facility sits to the rear of the site, the flat buildable area, leaving little physical presence on the Hudson Boulevard frontage. The restrictive sign design guidelines were created by the developer and approved by the City of Lake Elmo, not the current land owner/applicant. Staff determines that this criterion is met.***
- 7) The proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific Findings: The location of the property and surrounding properties are within the Business Park, or are Commercial zoning. There exists one other pylon sign within the locality, and others beyond that are larger and are noncompliant with the City's sign ordinance. The Eagle Point Business Park Agreement does allow a pylon sign. Staff determines that this criterion is met.***
- 8) The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. ***Specific Findings: The proposed variance will not impair an adequate supply of light and air to any properties adjacent to the proposed pylon sign site. The proposed pylon sign is located on an undeveloped portion of the applicant's lot. The presence of the sign will not present additional congestion on public streets, or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted.

Passed and duly adopted this 19th day of January, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Mike Pearson

ATTEST:

Julie Johnson
City Clerk



December 1, 2015

Mr. Stephen Wensman
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Land Use Application – Variance; High Pointe Medical Campus

Dear Mr. Wensman:

Enclosed please find the following:

1. Land Use Application – Variance
 - a. Exhibit A to application – property location and legal description
 - b. Exhibit B to application – detailed reason for request, with Exhibits
 - c. Exhibit C to application – practical difficulties related to application
2. Non-refundable fee in the amount of \$750.00 for processing the application
3. Written Statements (a-i as defined in the application) with the Exhibits A-H attached
4. Verification of ownership; title insurance commitment from Stewart Title
5. Certified list of property owners located within 350' of the property and certified by a licensed abstractor; provided by Commercial Partners Title
6. Property survey:
 - a. Ten (10) 11x17 copies
 - b. One (1) full size copy

Please contact me if you have any questions about this application.

Sincerely,

A handwritten signature in black ink that reads "Dawn Grant".

Dawn Grant, CCIM, CPM, RPA
Director of Commercial Asset Management

Enclosures

Cc: Mayor Pearson

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☒ Variance*(see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan

Applicant: IRET Properties, a North Dakota Limited Partnership
Address: 10050 Crosstown Circle, Suite 105, Eden Prairie, MN 55344
Phone #: 952-401-4831
Email Address: dgrant@iret.com


Fee Owner: IRET Properties, a North Dakota Limited Partnership
Address: 1400 31st Avenue Southwest, Suite 60, Minot, ND 58702
Phone #: 952-401-4831
Email Address: dgrant@iret.com

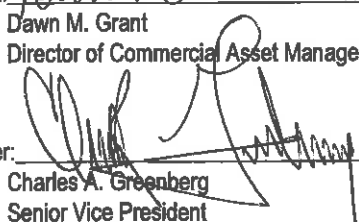
Property Location (Address and Complete (long) Legal Description: See attached Exhibit A

Detailed Reason for Request: See attached Exhibit B

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
See attached Exhibit C

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant:  Date: 12/1/15
Dawn M. Grant
Director of Commercial Asset Management

Signature of fee owner:  Date: 12/1/15
Charles A. Greenberg
Senior Vice President

VARIANCE PROCEDURE¹ FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A variance request is the mechanism that allows the City Council to determine whether a project deviating from code should be permitted. In order to successfully receive a variance, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed variance and obtain a land use application form from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the variance should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.²
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and noticing a public hearing.
5. The Planning Commission will hold the scheduled public hearing (2nd or 4th Monday of the month³); and will forward recommendations to the City Council for consideration (1st or 3rd Tuesday of the month³). Applicants are advised to attend both the commission and Council meetings and be open to questions regarding the request.
6. The City Council will consider the request and either grant or deny the variance.

Above all else, it is imperative that an applicant begin preparations as early as possible to ensure the application is submitted by the due date in any given month. Please anticipate that review by the Planning Commission will not occur until at least one month has passed from the date of submittal.

The City Council has established a non-refundable fee⁴ for processing variance applications. Please consult the fee schedule on the City website for current fee.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested variance should be granted. City staff is not authorized,

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

⁴ Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

At a minimum, the following materials must be submitted prior to deeming an application complete.

- | <u>Sub:</u> | <u>Req:</u> | <u>Item:</u> |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. A completed land use application form signed by all property owners and applicants along with payment of the proper filing fee. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Written statements providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form--pdf files or MS Word format): <ul style="list-style-type: none">a. A list of all current property owners (if individually owned), all general and limited partners (if a partnership), all managers and directors (if a limited liability company), and/or officers and directors (if a corporation) involved as either applicants or owners.b. A listing of the following site data: legal description of the property, parcel identification number(s), parcel size (in acres and square feet), existing use of land, and current zoning.c. State the provision(s) of the Lake Elmo City Code for which you seek a variance. <i>(For example, Section 300.07 Zoning Districts, Subd (4b3) – Minimum District Requirements)</i>d. A <u>specific written description of the proposal</u> and how it varies from the applicable provisions of Lake Elmo Code.e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.h. Justify that the granting of the variance would not alter the essential character of the neighborhoodi. Justify that the granting of the variance will not impair adequate light and air to adjacent properties and that it will not substantially increase the congestion of public streets or substantially diminish or impair property values in the neighborhood. |

- ☒ ☐ 3. **Verification of ownership** (a copy of a current title report, purchase agreement, etc.)

Sub: Req: Item:

- ☒ ☐ 4. **Address labels:** A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor.
- ☒ ☐ 5. **Ten (10) plan size copies (11x17 or larger), and one (1) electronic copy of a certified survey** depicting the lot upon which a variance is requested. The survey shall be at a readable and measurable engineering scale⁵, be pre-folded for distribution, and include the following information⁶:
- ☐ Location, Floor Area, and Building Envelope of Existing & Proposed Structures
 - ☐ Lot Lines
 - ☐ Parcel Size in Acres & Square Feet
 - ☐ Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line
 - ☐ Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height
 - ☐ Lowest Floor Elevation if any part of property is in flood plain
 - ☐ All Water Features: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water
 - ☐ Existing topographic character of land showing contours at 2' intervals
 - ☐ Proposed topographic character at 2' intervals
 - ☐ Flow arrows indicating direction of drainage
 - ☐ General location of wooded or heavily vegetated areas
 - ☐ All Adjacent Structures Within 100 Feet of Property
 - ☐ All Easements (Road, Utility, Drainage, etc.)
 - ☐ Public Right-of-Way Name (street name)
 - ☐ Proposed driveway location and proposed driveway grades
 - ☐ Wells & Neighboring Wells if New Drainfield is Installed
 - ☐ Septic System & Drainfield, or Sanitary Sewer Connection
 - ☐ Percolation Test & Soil Boring Holes (if applicable)
 - ☐ Hardcover Calculations--% and square footage of:

⁵ If your survey must be larger than 11x17 to be fully legible and to scale, we ask that four (4) copies be in the large format.

⁶ Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

- ☐ Building coverage
- ☐ Driveway and parking
- ☐ Public street right-of-way
- ☐ Open space and/or landscaped area
- ☐ Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- ☐ Location of adjacent Municipal boundaries

Survey requirements continued:

- ☐ Shoreline and/or tops of bluffs (if applicable)
- ☐ Administrative Information:
 - ☐ Scale
 - ☐ North Point
 - ☐ Signature of Surveyor
 - ☐ Date of Preparation (THE REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR!!!)
 - ☐ PID Number
 - ☐ Site Address
 - ☐ Legal Description
 - ☐ Subdivision Name (if applicable)
 - ☐ Zoning Classification

- ☐ ☐ 7. Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the variance request. Information deemed critical to the review process not listed in this handout may be requested⁷. Staff will list other requirements below:

☐ ☐ _____

☐ ☐ _____

If you have any further questions that are not covered by this handout, please contact the Planning Department at Lake Elmo City Hall: (651) 747-3912. We look forward to assisting you!

⁷ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

Exhibit A to Land Use Application/Variance
High Pointe Health Campus
IRET Properties, a North Dakota Limited Partnership

Address:

8650 Hudson Boulevard, Lake Elmo, Minnesota 55042

PID:

33.029.21.44.0007

Legal Description:

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.

Exhibit B to Land Use Application/Variance
High Pointe Health Campus
IRET Properties, a North Dakota Limited Partnership

Detailed Reason for Request:

Applicant is making this application for a variance to allow for the installation of a pylon sign at the southernmost portion of the property previously described, along Hudson Boulevard, approximately as shown on **Exhibit B-1** attached hereto.

High Pointe Medical Campus is part of the Eagle Point Business Park PUD exterior sign design which provides for a pylon sign of *approximately* 30' in height and 12' in width. Applicant is requesting a variance from this approximate height and width requirement to a pylon sign of 35' in height and 16' in width, at a value of approximately \$100,450.00. A drawing is attached as **Exhibit B-2** and a photograph depicting the proposed location is attached as **Exhibit B-3**.

Exhibit B-1 - Location of sign on property

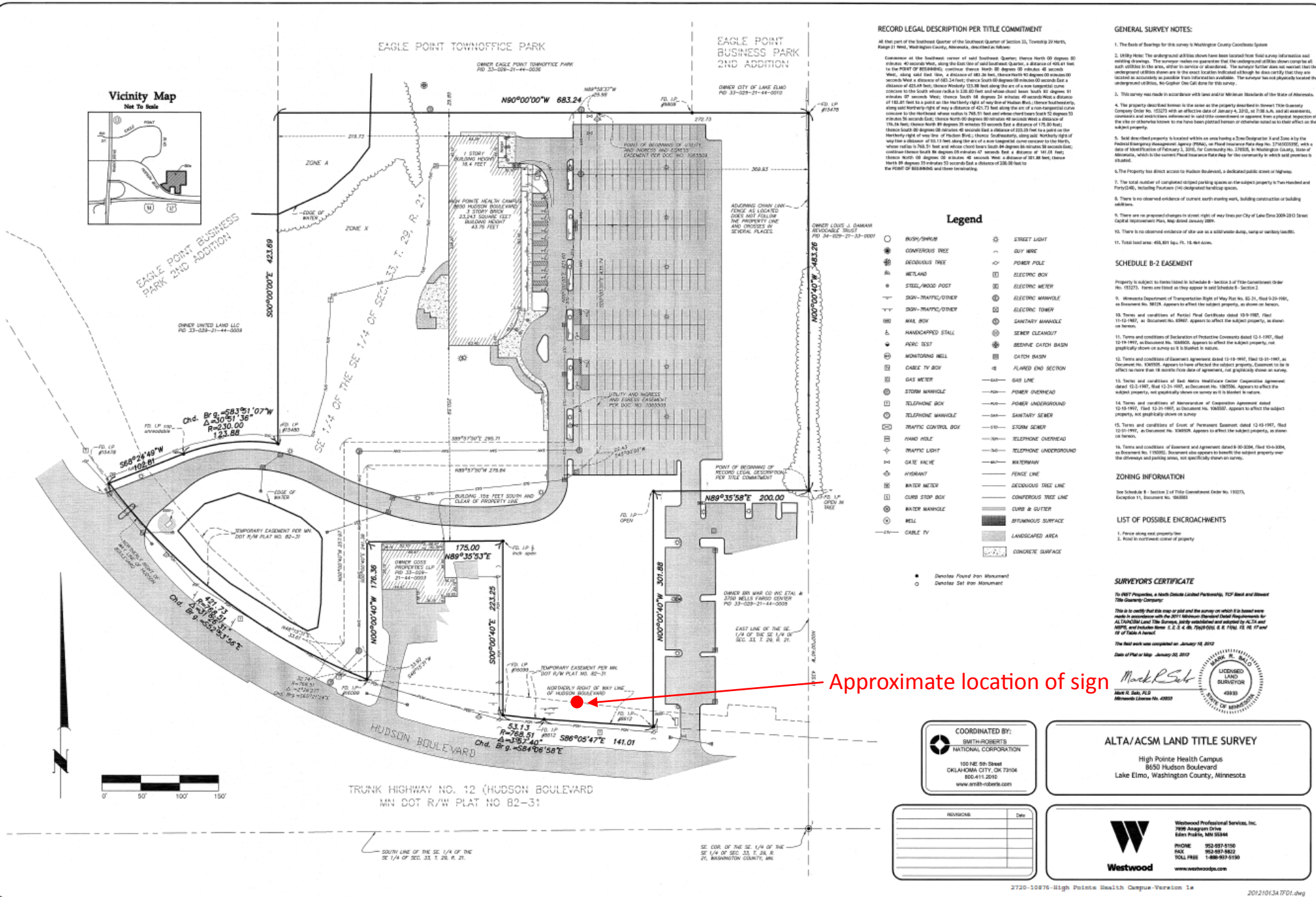
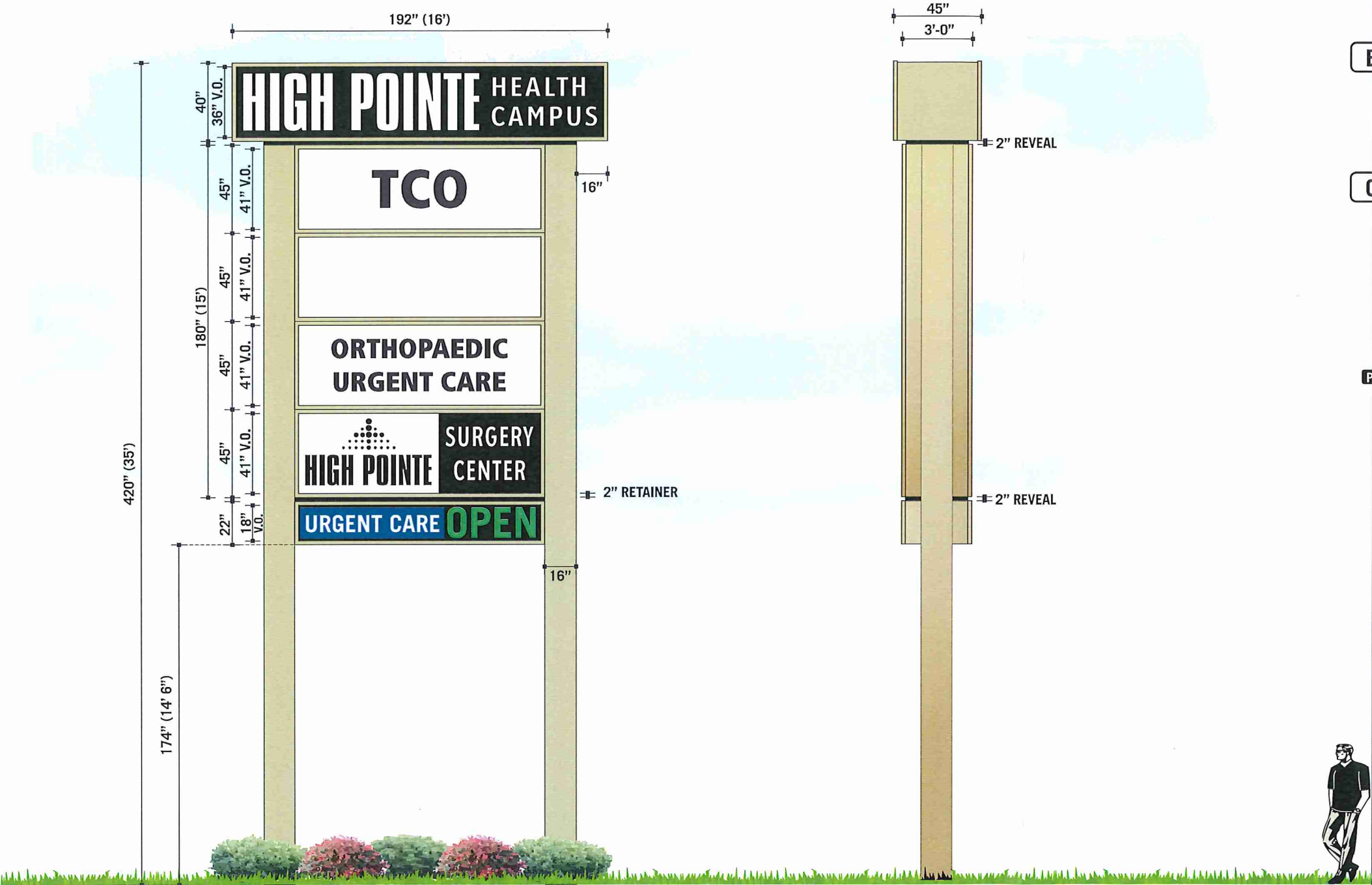


Exhibit B-2: Drawing of sign

LAKE ELMO, MN

OPTION: A



1 DOUBLE FACE ILLUMINATED PYLON - ELEVATION VIEW
SCALE: 3/16"=1'-0"

2 DOUBLE FACE ILLUMINATED PYLON - SIDE VIEW
SCALE: 3/16"=1'-0"

DESCRIPTION

- A** — ALUMINUM CABINET
- ALUM. CABINET PAINTED P1
- 2" ALUM. RETAINERS / DIVIDER BAR PAINTED P1
- B** — TENANT PANELS
- (4) 6'-0" x 9'-0" FLAT WHITE LEXAN TENANT PANELS WITH HANGER BARSS
- 3M TRANSLUCENT VINYL GRAPHICS
- WHITE LED ILLUMINATION
- C** — POLE WRAPPER
- 16" FABRICATED ALUMINUM POLE WRAPPER
- PAINTED TO MATCH CABINET

FINISH SCHEDULE

P1



MP12257 CABAT TRAIL LRV 28.5

- 1 CHANGE COPY
- 2 CHANGE COPY



www.nordquistsign.com

945 Pierce Butler Route, St. Paul, MN 55104
612.823.7291 877.823.7291

CLIENT:
HIGH POINTE
HEALTH CAMPUS

8650 Hudson Blvd. N.
Lake Elmo, MN 55042

SIGN TYPE:
D/F ILLUMINATED PYLON

CUSTOMER APPROVAL

NAME: _____

DATE: _____

REV 1: 01.29.15 JS
REV 2: 02.11.15 JS
REV 3: 07.20.15 RR

SALES: SH PR:
DESIGN: JS
DATE: 01.29.15
DWG: 5807

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LAKE ELMO, MN





NORDQUIST
SIGN COMPANY

www.nordquistsign.com

945 Pierce Butler Route, St. Paul, MN 55104
612.823.7291 877.823.7291

CLIENT: 

HIGH POINTE
HEALTH CAMPUS

8650 Hudson Blvd. N.
Lake Elmo, MN 55042

SIGN TYPE:
D/F ILLUMINATED PYLON

CUSTOMER APPROVAL

NAME: _____

DATE: _____

REV 1: 01.29.15 JS
REV 2: 02.11.15 JS
REV 3: 07.20.15 RR

SALES: SH PR:
DESIGN: JS
DATE: 01.29.15
DWG: 5807

These plans are the exclusive property of Walker Sign Holdings Inc. dba Nordquist Sign and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Walker Sign Holdings Inc. dba Nordquist Sign A sign manufactured according to these plans, distribution or exhibition of these plans to anyone other than employees of your company, or use of these plans to construct a sign similar to the one embodied herein, is expressly prohibited and will render the user liable for damages. Copyright 2014 © Walker Sign Holdings Inc. All rights reserved.



Exhibit C to Land Use Application/Variance
High Pointe Health Campus
IRET Properties, a North Dakota Limited Partnership

Practical Difficulties related to this application

High Pointe Medical Campus was developed originally as part of a larger health care campus. The current building is the initial medical building completed without other properties having been developed as originally proposed. It has poor visibility and access. The patients of the clinics/surgery center in the building have difficulty locating the building. Further, the lack of visibility of the building from the frontage road and I-94 provides for no marketing opportunity for the clinics/surgery center. These factors have also impeded leasing of the vacancies in the building while trying to compete with the locations in the City of Woodbury just across the freeway. Signage is being proposed in order to provide visibility to compete in the current marketplace.

The current sign design plan for the Eagle Point Business Park PUD Agreement provides for a pylon sign of approximately 30' in height and 12' in width. This is not feasible given the topography of the site and would not achieve the kind of height required to be visible from the frontage road, but more importantly from I-94. In order to accommodate the existing tenants and an additional prospective tenant, the width also needs to increase so that the names are appropriately legible from a distance.

Therefore a variance is being requested to increase the height by 16.5% to 35' and the width by 33% to 16'.

Written Statements to Land Use Application/Variance

High Pointe Health Campus

IRET Properties, a North Dakota Limited Partnership

- a) A list of all current property owners
IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota
- b) A listing of following site data: legal description of property, parcel identification number(s), parcel size (in acres and square feet), existing use of land and current zoning
- Legal description: see attached **Exhibit A to Written Statements**
 - Parcel identification number(s): 33.029.21.44.0007
 - Parcel size (acres and square feet): 10.464 acres and 455,831 square feet
 - Existing use of land: 3-story brick medical office building with parking lot and vacant land
 - Current zoning district: BP – Business Park/Light Manufacturing per City of Lake Elmo Zoning Map; see attached **Exhibit B to Written Statements**
- c) State the provisions(s) of the Lake Elmo City Code for which you seek a variance
Variance being considered according to the provisions of §154.017. Variance from the approved Eagle Pointe Business Park PUD, which is in essence the zoning district. A variance is from the negotiated sign regulations in the PUD Agreement. Please refer to a letter from the City of Lake Elmo (Mr. Kyle Klatt) attached to **Exhibit C to Written Statements**.
- d) A specific written description of the proposal and how it varies from the applicable provisions of Lake Elmo Code
The Eagle Point Business Park PUD exterior sign design provides for a tenant pylon sign, at *approximately 30' in height and 12' in width*. Due to topography of the site and to achieve the amount of panels needed for High Pointe Medical Campus, a pylon sign of 35' in height and 16' in width is being proposed. Please refer to *Exhibits B-2 and B-3* attached *detailed reason for request* as part of this land use application.
- e) A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance
Dawn Grant of IRET Properties and Steve Hirtz of Nordquist Signs met with Nick Johnson of the City of Lake Elmo Planning Department on January 14, 2015 to discuss the possibility of increasing the size of a pylon sign along Hudson Boulevard, which would be a variance from the negotiated sign regulations in the Eagle Point Business Park PUD Agreement that governs the High Pointe Medical Campus (HPMC). In meeting with Mr. Johnson was provided a proposed sign drawing (at 35' in height and 18' in width) and Dawn Grant discussed hardship of visibility and competition of the City of Woodbury's more visible properties for patients of the HPMC tenants. Mr. Johnson agreed to take it under advisement. On January 15, 2015, Mr. Johnson stated that our initial request was a 16% variance in height, but more than a 50% variance in width and requested a revision to our initial drawing. We provided a revised drawing on January

30, 2015, attempting to work within the PUD's approximate approved height and width of 30' and 12' respectively, while trying to achieve what the property needs, and therefore created a revised drawing of 38' in height and 16' wide, a 27% and 33% variance respectively. Mr. Johnson asked that a lower height sign was considered and a revised drawing was submitted for 35' in height. On February 9, 2015, Mr. Johnson indicated that he would meet with other staff and provide feedback. On February 20, 2015, after meeting with other staff members, Mr. Johnson provided in an e-mail that *"the 35' feet in height will work. In addition, the proposed width should also work. Please note that this interpretation is based on the approved Eagle Point Business Park Sign Plan which allows for approximately 30 feet in heights and approximately 12 feet in width"*. In response to this e-mail, Dawn Grant indicated that IRET would meet with the tenants of the building and inquired if a permit application was the next step. Mr. Johnson responded by e-mail that applying for a permit application would be the next step. This sequence of e-mails is attached as **Exhibit D to Written Statements**. In light of this approval from Mr. Johnson through mid-July, IRET worked with existing and prospective tenants to ascertain locations on the proposed sign. On July 23, 2015, Nordquist Sign (Steve Hirtz) applied for the permit application as was documented in the February 20, 2015 e-mail from Mr. Johnson. After not hearing a response (both e-mail and voice mail) for several days, Steve Hirtz contacted the City of Lake Elmo on August 3, 2015 and was notified that Mr. Johnson was no longer employed there and Steve Hirtz was assigned to Kyle Klatt as the new planning department representative. Steve Hirtz resent the permit application, along with the e-mail correspondence from Mr. Johnson that provided approval subject to the permit application, and after waiting for several weeks, Dawn Grant contacted Mr. Klatt as to the status on August 25, 2015 of the permit application. On September 2, 2015, Mr. Klatt denied the sign permit application and provided a formal letter (attached as **Exhibit E to Written Statements**) and an e-mail correspondence with options for pursuing alternative signage options (attached as **Exhibit F to Written Statements**). Dawn Grant contacted Mayor Pearson to discuss the situation of the length of time for responses and asked the City of Lake Elmo to honor the original approval by Mr. Johnson. Apparently after internal discussions, the denial was not going to change and September 23, 2015, Mr. Klatt again denied the permit application and required that either a variance application or zoning appeal should be applied for. In several e-mail and voice mails following this e-mail from Mr. Klatt, Dawn Grant asked Mr. Klatt for guidance on which of the applications was more applicable. After no response, sometime in October, Dawn Grant contacted Mayor Pearson again as to not being able to get a response from Mr. Klatt and was informed that Mr. Klatt was leaving the City of Lake Elmo in early November. Dawn Grant was then given the name of Ben Gozola, a temporary planning staff member to work with on the process. Mr. Gozola deferred the question to Steve Wensman, a new planner who would start on November 2, 2015. Mr. Gozola and Mr. Wensman discussed the issue and on November 6, 2015, Mr. Wensman answered the question of which application process was more applicable and asked that a variance application be filed.

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

The property was developed originally as part of a larger health care campus. The current building is the initial medical building completed without other properties developed and therefore has poor visibility and access. The patients of the clinics/surgery center in the building have difficulty locating the building. Further, the lack of visibility of the building from the

frontage road and more importantly from I-94, provides for no marketing opportunity for the clinics/surgery center. These factors have also impeded leasing of the vacancies in the building, with the 45,721 square foot building standing at 24.5% vacant which is far under the market for medical office buildings in the surrounding market. The signage proposed would provide the visibility that is necessary in order to compete effectively. A minimum of four panels is required for current tenants, leaving one available for prospective tenant of the remaining vacancy. In order to provide identity of the campus, as well as readable sign panels for each tenant while being able to see the sign visibly from both the frontage road and I-94, the 35' proposed is necessary. In preparing for the initial meeting, both Dawn Grant and Steve Hirtz spent a great deal of time ascertaining the right height in order to achieve the level of visibility necessary (otherwise the sign at a lower height would simply not achieve what is necessary). It is the opinion of the applicant that the viability of the building and tenant's future success in the City of Lake Elmo depends in part on the pylon sign approval. Two of the major tenants in the building (High Pointe Surgery Center and Twin Cities Orthopedics) have provided letters of support and justification for the pylon sign. Please find these letters attached **Exhibit G and H to the Written Statements**.

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

High Pointe Medical Campus (HPMC) is not in the heart of the local medical community; which is located mostly in Woodbury. The City of Woodbury has been and continues to be the strongest competition to the City of Lake Elmo. Many prospective tenants have not considered HPMC because it has a Lake Elmo address. Even though less than a mile from Woodbury and as accessible from I-94, tenants such as an independent pediatrics clinic were in the market for space and chose not to consider HPMC because it was not in the City of Woodbury. To further exacerbate the current market conditions, there are new medical office buildings and two new surgery centers announced in the City of Woodbury (Tria Orthopedics and Summit Orthopedics). One of HPMC's major tenants is St. Croix Orthopaedics, a division of Twin Cities Orthopedics, who want to grow their presence and compete head on, are planning on providing urgent care services in 2016, but feel strongly that without signage visibility, they cannot effectively compete. HPMC's largest tenant, High Pointe Surgery Center serves not just the local community but throughout the Twin Cities and greater Minnesota. One of the main issues facing their continued success is visibility and patient access. IRET Properties currently has two prospects to lease the remaining vacancy and increase the viability of HPMC, who have both indicated they will not consider HPMC without the approved pylon sign.

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

The proposed sign is tasteful and the only thing in question is the height and width of the sign. Given the proposed location, it provides visibility from I-94 and the frontage road without impeding the neighborhood. The installation of the proposed sign has no different affect than an existing pylon sign on the neighboring property to the west. Please refer to the proposed location photo attached to the *detailed reason for request* exhibit of this land use application.

- i) Justify that granting of the variance will not impair adequate light and air to adjacent properties and that it will not substantially increase the congestion of public streets or substantially diminish or impair property values in the neighborhood

The proposed sign at 35' in height and 16' in width will not cause any impairment to light and air, and will not cause congestion. Please refer to the proposed location photo attached to the *detailed reason for request* exhibit of this land use application. The property values of the neighboring properties with existing signage available on the frontage road, will not be diminished in value; it cannot have an affect on what already exists. The only probably affect on property values would be an increase in value of HPMC when fully occupied and the possibility of an addition to the existing building if additional tenants are achieved or existing tenants expand.

Exhibit A to Written Statements – Legal Description

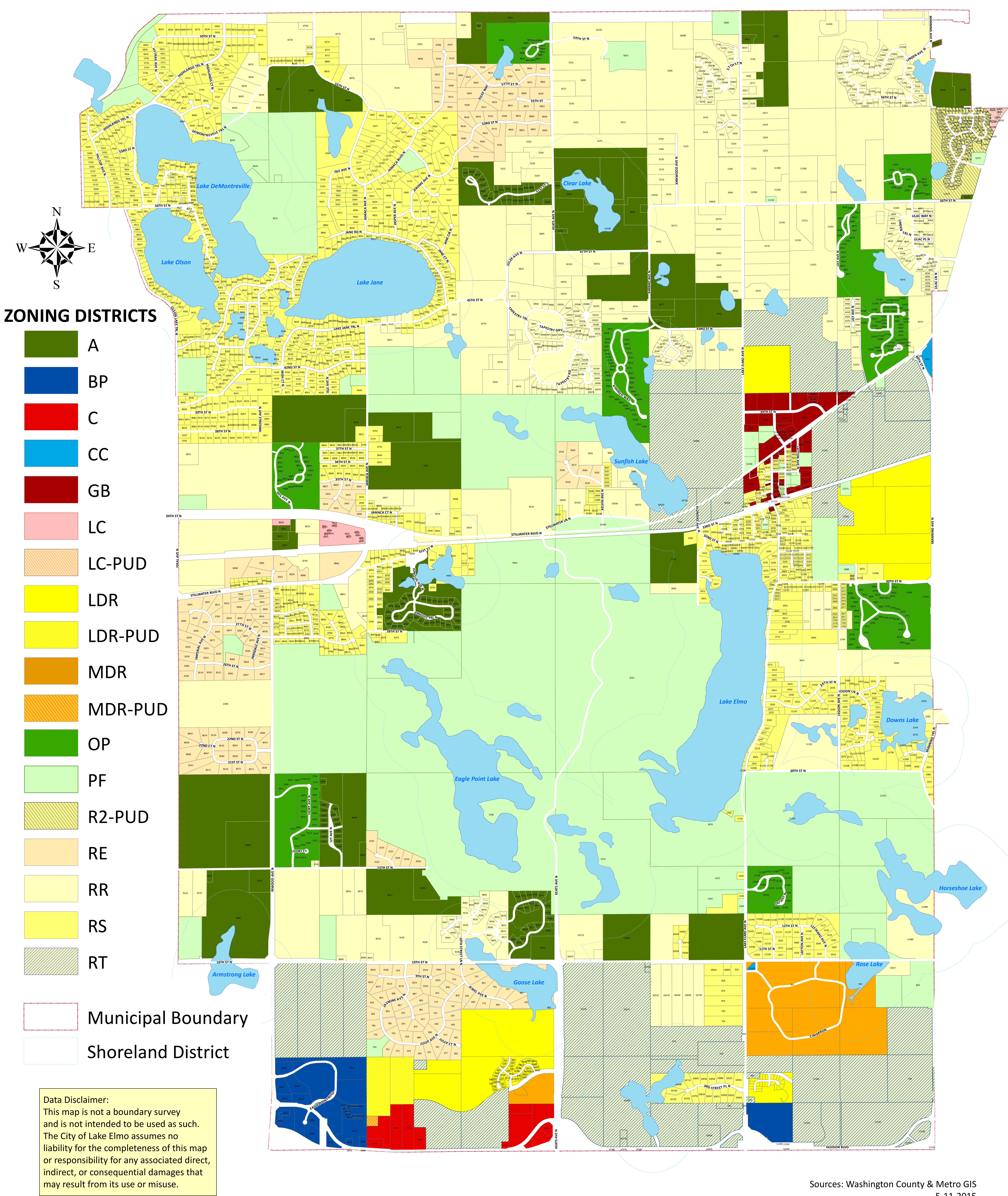
Land Use Application/Variance

High Pointe Health Campus

IRET Properties, a North Dakota Limited Partnership

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.



Official Zoning Map





Exhibit C to Written Statment
Land Use Variance
Application
IRET Properties

September 2, 2015

Steven M. Hirtz
Nordquist Sign Company
945 Pierce Butler Route
St. Paul, MN 55104

Re: Sign Permit Application – High Point Health Campus

Mr. Hirtz,

I am writing to inform you that the City of Lake Elmo is hereby denying your request for a sign permit for 8650 Hudson Boulevard North. The reasons for the denial are as follows:

- The sign permit application specifies that the sign will be 35 feet in height and is taller than the maximum height specified in the development standards for the Eagle Point Business Park Planned Unit Development (PUD) as approved by the City of Lake Elmo.

Although the Eagle Point PUD Standards include an exterior sign design plan and location plan that depicts an approximate height for pylon signs within the park, the written standards contain specific requirements for signs in two locations as follows:

Proposed Standard: Monument and pylon signs (25' maximum height) may be constructed within 20' of the street right-of-way.

Proposed Standard (Revised): The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.

In this case, it is our staff's interpretation that the more restrict provisions in the PUD development standards will apply to individual sites. This is consistent with the administration of the City's Zoning Ordinance which states that: *where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.*

Please contact me if you have any questions about the City's review of this permit or the interpretation of the sign requirements for the Eagle Point Business Park as described above

Sincerely,

Kyle Klatt
Community Development Director

Exhibit D to Written Statements
Land Use Application
IRET Properties

Dawn Grant - IRET

From: Nick Johnson <NJohnson@lakeelmo.org>
Sent: Friday, February 20, 2015 1:45 PM
To: Dawn Grant - IRET
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger; Rick Chase
Subject: RE: High Pointe Medical Campus - pylon sign
Attachments: Sign_permit app 10.7.13.pdf; BuildingPermitApplication 3.19.14.pdf

Dawn,

That's correct. If you want to proceed, you can apply for a sign permit through me. Attached is the sign permit application. In addition, given the size of the sign, you will also need a building permit (attached). The building permit will need to include all the necessary engineering due to the size of the sign. If you have questions about what will need to be submitted with regards to the building permit, contact Rick Chase, the Building Official. Generally speaking, the plans will need to be signed/stamped by a certified engineer. An electrical permit will also be required. Rick Chase is a good resource to navigate that process.

Let us know if you have additional questions.

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org
(w) 651-747-3912 | (f) 651-747-3901
www.lakeelmo.org

-----Original Message-----

From: Dawn Grant - IRET [mailto:DGrant@iret.com]
Sent: Friday, February 20, 2015 1:38 PM
To: Nick Johnson
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: RE: High Pointe Medical Campus - pylon sign

Thank you so much! We will discuss with our tenants and then apply for a permit if that's our next step with you?

Dawn M. Grant, CCIM, CPM, RPA
Director of Commercial Asset Management
IRET Properties
10050 Crosstown Circle
Suite 105
Eden Prairie, MN 55344
952.401.4831 (phone) | 952.401.7058 (fax) dgrant@iret.com www.iret.com | NYSE Symbol: IRET a subsidiary of
Investors Real Estate Trust

-----Original Message-----

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]

Sent: Friday, February 20, 2015 8:53 AM
To: Dawn Grant - IRET
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: RE: High Pointe Medical Campus - pylon sign

Dawn,

I apologize, I thought I responded earlier. The 35' feet in height will work. In addition, the proposed width should also work. Please note that this interpretation is based on the approved Eagle Point Business Park Sign Plan which allows for approximately 30 feet in heights and approximately 12 feet in width.

Let us know if you have any questions.

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org
(w) 651-747-3912 | (f) 651-747-3901
www.lakeelmo.org

-----Original Message-----

From: Dawn Grant - IRET [mailto:DGrant@iret.com]
Sent: Friday, February 20, 2015 6:48 AM
To: Nick Johnson
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: Re: High Pointe Medical Campus - pylon sign

Hi Nick. I hope you are well. I was wondering what you thought of our latest version? I have a meeting with one of our major tenants on Tuesday and would love to give an update if I could. Thanks and have a great weekend. Dawn

Dawn Grant, CCIM, CPM, RPA

C 612-940-8499 <tel:612-940-8499>

Sent from my iPhone

On Feb 13, 2015, at 3:26 PM, "Dawn Grant - IRET" <DGrant@iret.com <mailto:DGrant@iret.com> > wrote:

Hi Nick:

We took another stab at this and like the attached that lessens the overall height to 35' and using only 3 tenant names (we would like to go to four which is also shown on the attached, but we feel the last name may be lost in the sight line from the freeway). What do you think?

Thanks and have a great weekend!

Dawn

Dawn M. Grant, CCIM, CPM, RPA
Director of Commercial Asset Management
IRET Properties

-----Original Message-----

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]
Sent: Monday, February 09, 2015 12:43 PM
To: Dawn Grant - IRET
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: RE: High Pointe Medical Campus - pylon sign

Dawn,

In discussing the updated version of the sign with the Community Development Director, I think the updated sign is a bit too high. In working within the constraints of "approximately" 30 feet in height and 12 feet in width, 38 feet is too high from our perspective to be defensible. In working in the realm of "approximately", I believe that the width of the updated sign (16 feet) is acceptable. In addition, the previous sign had a height of 35 feet, which was within a range that we were comfortable. 38 feet in height, however, is too great a deviation. We would like to be within 5 feet if possible. Could the proposed sign be reduced to 35 feet in height and keep the width as is? The "approximately" language does give us a little bit of latitude, but we need to be in the ball park for it to be defensible.

I would mention that there are a few other sign requests out there that may drive an ordinance amendment to our sign code. However, I don't know what direction that may go, and it may take longer than your desired time period. There still is the option of the variance, although less desirable due to process, cost and timing.

Let me know what you think about our review. I am happy to answer any questions you may have. At the end of the day, we want to assist you as best we can while still being able to defend our decisions as being in the reasonable range of "approximately".

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org <mailto:njohnson@lakeelmo.org>
(w) 651-747-3912 | (f) 651-747-3901
www.lakeelmo.org <http://www.lakeelmo.org>

-----Original Message-----

From: Dawn Grant - IRET [mailto:DGrant@iret.com]
Sent: Friday, January 30, 2015 11:46 AM
To: Nick Johnson
Cc: Steve M. Hirtz
Subject: High Pointe Medical Campus - pylon sign

Nick:

Thanks again for your time a couple of weeks ago to discuss the proposed pylon sign for High Pointe Medical Campus. We recognized the issue of allowing too much of a variance. As you mentioned, our last drawing was a 16% variance in height, but more than a 50% variance in width.

Trying to work within the "approximate" approved height and width of 30' and 12' respectively, while trying to achieve what we need, we created the attached which is 38' high and 16' wide, a 27% and 33% variance respectively.

What do you think of this revision? I'll be out next week on brief medical leave, not checking e-mail the first few days, but will be back in e-mail world mid-late in the week.

My husband and I did come to Lake Elmo that Saturday after we met for lunch at the Lake Elmo Inn. You are right - the bar area is a nice quiet area to be. Thanks for the tip. It was fun.

Dawn

Dawn M. Grant, CCIM, CPM, RPA

Director of Commercial Asset Management

IRET Properties

10050 Crosstown Circle

Suite 105

Eden Prairie, MN 55344

952.401.4831 (phone) | 952.401.7058 (fax)

dgrant@iret.com <mailto:dgrant@iret.com> <mailto:dgrant@iret.com>

www.iret.com <http://www.iret.com> <http://www.iret.com> | NYSE Symbol: IRET

a subsidiary of Investors Real Estate Trust

<5807 HIGH POINTE HEALTH CAMPUS Lake Elmo pylon_02 11 15.pdf>



Exhibit E to Written Statment
Land Use Variance
Application
IRET Properties

September 2, 2015

Steven M. Hirtz
Nordquist Sign Company
945 Pierce Butler Route
St. Paul, MN 55104

Re: Sign Permit Application – High Point Health Campus

Mr. Hirtz,

I am writing to inform you that the City of Lake Elmo is hereby denying your request for a sign permit for 8650 Hudson Boulevard North. The reasons for the denial are as follows:

- The sign permit application specifies that the sign will be 35 feet in height and is taller than the maximum height specified in the development standards for the Eagle Point Business Park Planned Unit Development (PUD) as approved by the City of Lake Elmo.

Although the Eagle Point PUD Standards include an exterior sign design plan and location plan that depicts an approximate height for pylon signs within the park, the written standards contain specific requirements for signs in two locations as follows:

Proposed Standard: Monument and pylon signs (25' maximum height) may be constructed within 20' of the street right-of-way.

Proposed Standard (Revised): The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.

In this case, it is our staff's interpretation that the more restrict provisions in the PUD development standards will apply to individual sites. This is consistent with the administration of the City's Zoning Ordinance which states that: *where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.*

Please contact me if you have any questions about the City's review of this permit or the interpretation of the sign requirements for the Eagle Point Business Park as described above

Sincerely,

Kyle Klatt
Community Development Director

**Exhibit F to Written Statements
Land Use Variance Application
IRET Properties**

From: [Kyle Klatt](#)
To: [Steve M. Hirtz](#)
Cc: [Dawn Grant - IRET](#); mikepearson1965@yahoo.com; [Clark Schroeder](#)
Subject: RE: High Pointe Medical Campus - pylon sign
Date: Wednesday, September 02, 2015 4:08:26 PM
Attachments: [SKMBT_C25315090214530.pdf](#)
[Eagle Point Development Standards - Reduced.pdf](#)

Steve:

Attached is the City's formal response letter to the sign permit application for High Pointe Medical Campus. I am also attaching the full set of development standards for the Eagle Point Business Park that are on file in our office for your consideration.

I was able to contact Nick Johnson to discuss his previous correspondence with you concerning this matter. While he and I were in agreement on the potential interpretation and application of the illustrative drawing included in the Eagle Point Business Park Development Standards, neither of us caught the written standards specific to signs when this initial review was performed. I apologize for the earlier direction you were given, but at this point, I need to take into account all pertinent information as part of our formal sign permit review. The attached letter documents the specific reasons for the denial of the permit request.

Based on the City's decision regarding this matter, you have the following options in order to continue perusing alternative signage options for this site:

- Revise the plans to conform to the sign height standard of 25 feet.
- Appeal the interpretation of the Eagle Point Business Park Development Standards to the City's Board of Adjustment and Appeals (which is the City Council)
- Request a variance to allow a higher sign than allowed under the City's Zoning Ordinance; or
- Apply for an amendment to the Eagle Point Business Park PUD to allow a sign that is higher than allowed under the development standards or to change the maximum sign height throughout the business park.

If you wish to pursue any of these options or if you have any general questions about the City's review, please contact me.

Kyle Klatt
Community Development Director
City of Lake Elmo
(651) 747-3911

-----Original Message-----

From: Steve M. Hirtz [<mailto:SteveH@nordquistsign.com>]
Sent: Friday, August 21, 2015 9:07 AM
To: Kyle Klatt <KKlatt@lakeelmo.org>
Cc: 'Dawn Grant - IRET' <DGrant@iret.com>
Subject: RE: High Pointe Medical Campus - pylon sign

Hello Kyle -

I am checking in to see if there is need for additional information from us and if there is an updated on our submittal.

Thanks,

Steve

Exhibit G to Written Statements
Land Use Application
IRET Properties



8650 Hudson Blvd. N., Suite 235 Lake Elmo, MN 55042
651-702-7400 866-328-4490

www.hpsurgery.com

November 23, 2015

Mayor Mike Pearson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mike,

Hope you are doing well. I was going to connect with you today after the boys' basketball tournament but didn't want to burden you with Lake Elmo City business at that time. I am writing on behalf of High Pointe Surgery Center. Our surgery center was formed in 1998 and has been a vibrant, successful business in the City of Lake Elmo. Our patients not only come from Lake Elmo but from as far away as the Iron Range and the surrounding Twin Cities' metropolitan area. As health care continues to evolve, we are also seeing patients from all over the United States and even so far as other countries. We believe we offer Lake Elmo something that otherwise wouldn't be available – local, high quality, cost-effective health care. The campus also provides many other high quality health care services (e.g. Twin Cities Orthopedics, OSI Therapy, and Pediatric & Young Adult Medicine).

One of the main issues facing us today is visibility and patient access. Our location is not in the heart of the local medical community; therefore, we must find ways to enhance our signage and visibility. Very soon, we will have a competing surgery center across I-94 in Woodbury. Prior to this happening we are hopeful the City of Lake Elmo will allow our building owners, IRET, the ability to move ahead with driveway monument signage. It is my understanding that IRET has gone through all necessary protocols for us to place new signage. However, the Lake Elmo city administration and council challenges have created roadblocks for us to move forward. Our monument signs have not been updated since opening in 1998; therefore, IRET's request is not unreasonable or made in haste.

I'm hopeful you can help us move this forward and have it resolved by the end of this year. It would be great if we could count on new signage in early January 2016. I appreciate your help Mike. If you would like to visit with me and/or if there is anything I can do to help move this forward, please don't hesitate to let me know.

Take care,

Traci Albers

Digitally signed by Traci Albers
DN: cn=Traci Albers, o, ou,
email=talbers@nmscmg.com, c=US
Date: 2015.11.22 13:47:54 -06'00'

Traci Albers, Executive Director



Part of Twin Cities Orthopedics

PHYSICIANS

Jaclyn M. Bailey, M.D.
Bruce J. Bartie, D.O.
Melanie L. Berg, D.P.M.
Glenn W. Ciegler, M.D., Ph.D.
Benjamin L. Clair, D.P.M.
Thomas K. Comfort, M.D.
Jason P. Dieterle, D.O., M.S.
Jessica M. Downes, M.D.
Christian M. DuBois, M.D.
Paul D. Hartleben, M.D., M.B.A.
Nancy A. Henry-Socha, M.D., MEd
Nicholas L. Holmes, M.D.
Ryan R. Karlstad, M.D.
Eric E. Kirksson, M.D.
Robert V. Knowlan, M.D.
Kevin E. Lindgren, M.D.
Michael R. Meisterling, M.D.
Steven W. Meisterling, M.D.
Steven D. Meletiou, M.D.
Nicholas J. Meyer, M.D.
David H. Palmer, M.D.
Timothy J. Panek, M.D.
Erik J. Peterson, M.D.
Andrea M. Saterbak, M.D.
William T. Schneider, M.D.
Troy A. Vargas, D.P.M.
Nicholas G. Weiss, M.D.

EMERITUS

Robert C. Meisterling, M.D.

5803 Neal Avenue North
Oak Park Heights, MN 55082-2177
Tel: 651/439-8807
Toll free: 800/423-1088
Fax: 651/439-0232

October 23, 2015

Mayor Mike Pearson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: High Pointe Building Signage

Dear Mayor Pearson,

Twin Cities Orthopedics (TCO) (previously St. Croix Orthopaedics) is a long time and consistent tenant in the High Pointe Health Campus building, located at 8650 Hudson Boulevard in Lake Elmo. The landlords, IRET, have consistently heard my concerns related to the visibility of the campus, the signage on the building and the monument sign located at the entrance of the facility. We have grown our presence on this campus with increased services, expanded hours and additional volumes, all without the support of this critical component for our patients.

IRET has been diligent, professional and supportive of addressing these concerns by working with the sign vendor to modify the existing signage. They worked directly with the City of Lake Elmo, receiving a written approval subject to a permit application and went through all the appropriate channels. After months and months of delays, due to staffing changes and internal issues with the City of Lake Elmo government, I was informed that there are even further delays in moving forward with the signage that was previously approved. We understand they will be filing a variance application or appeal, which TCO will unanimously support.

TCO has 34 locations throughout the metro area and in Western Wisconsin. The signage process with other city entities is typically straight forward, easy and streamlined. In every instance of my dealings with the City of Lake Elmo related to this campus, I am always extremely disappointment and frustrated by the responsiveness to your business owners within your city.

We are planning on further expanding our business in January 2016 by providing urgent care services 7 days per week from 8 a.m. to 8 p.m. The visibility and signage is an important element in that overall business strategy to ensure success. I am requesting an expedited approval process on the previously agreed upon signage so that we can complete installation as soon as possible.

Sincerely,

Melanie (Mel) Sullivan, Ed.D., MBA
CEO – East Metro

Cc: Dawn Grant, IRET

**Verification of Ownership
Land Use Application
IRET Properties**

INFORMATION

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Policy contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or you as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT. YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

TITLE INSURANCE COMMITMENT
Issued by



AGREEMENT TO ISSUE POLICY

We agree to issue policy to you according to the terms of the Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-I.

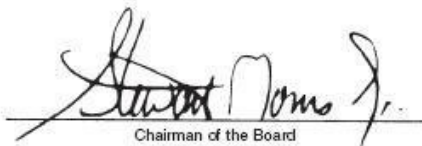
The Exceptions in Schedule B-II.

The Conditions on Page 2.

This Commitment is not valid without SCHEDULE A and Sections I and II of SCHEDULE B.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.


Chairman of the Board




President

Countersigned:

Authorized Countersignature

Stewart Title of Minnesota, Inc.
Company

Bloomington, Minnesota
City, State

CONDITIONS

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting your title according to the state statutes where your land is located.

2. LATER DEFECTS

The Exceptions in Schedule B – Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attach between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B – Section I are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

Comply with the Requirements shown in Schedule B – Section I

or

Eliminate with our written consent any Exceptions shown in Schedule B – Section II.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.



ESTABLISHED 1893

INCORPORATED 1908

A NAME

RECOGNIZED NATIONALLY

AS BEING

SYNONYMOUS WITH

QUALITY



P.O. Box 2029
Houston, Texas 77252

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AGREEMENT TO ISSUE POLICY	1
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SCHEDULE B-I – REQUIREMENTS	
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SCHEDULE A

Customer Reference #: 955743

Order Number: 153273

1. Effective Date: **January 4, 2012** at 7:00 A.M.
2. Policy or Policies to be issued: Amount of Insurance
 - (a) ALTA Owner's **2006**
Proposed Insured: **NONE**
 - (b) ALTA Loan **2006** \$5,400,000.00
Proposed Insured: **TCF Bank**, its successors and/or assigns
3. The estate or interest in the land described or referred to in this Commitment and covered herein is fee simple and is at the effective date hereof vested in:

[IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota](#)
4. The land referred to in this Commitment is located in the County of **Washington**, State of **Minnesota**, and described as follows:

SEE ATTACHED EXHIBIT A

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE A

EXHIBIT A

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.

Being Torrens property. [Certificate No.: 60591](#)

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE B – Section I

Requirements

Order Number: 153273

THIS COMMITMENT IS NOT AN ABSTRACT, EXAMINATION, REPORT, OR REPRESENTATION OF FACT OR TITLE AND DOES NOT CREATE AND SHALL NOT BE THE BASIS OF ANY CLAIM FOR NEGLIGENCE, NEGLIGENT MISREPRESENTATION OR OTHER TORT CLAIM OR ACTION. THE SOLE LIABILITY OF COMPANY AND ITS TITLE INSURANCE AGENT SHALL ARISE UNDER AND BE GOVERNED BY PARAGRAPH THREE (3) OF THE CONDITIONS.

The following are the requirements to be complied with:

1. A properly executed and recordable mortgage from IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota, to TCF Bank.
2. Affidavit Regarding Borrower(s) executed by IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota.
3. The company requires the following to be satisfied, subordinated or partially released:
Mortgage, Security Agreement and Fixture Financing Statement in the original principal amount of \$8,100,000.00, dated 11-8-1998, filed 12-17-1998, as [Document No. 1075768](#), between East Metro Medical Building, LLC, a Minnesota limited liability company, mortgagor, and The Variable Annuity Life Insurance Company, a Texas corporation, mortgagee.
Amended by Consent, Assumption, Loan Modification, Amendment to Mortgage, Security Agreement and Fixture Financing Statement and Indemnification Agreement dated 7-30-2004, filed 10-5-2004, as [Document No. 1150298](#); mortgage assumed by IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota.
4. The company requires the following to be satisfied, subordinated or partially released:
Absolute Assignment of Leases and Rents dated 12-8-1998, filed 12-17-1998, as [Document No. 1075769](#), between East Metro Medical Building, LLC, a Minnesota limited liability company, assignor, and The Variable Annuity Life Insurance Company, a Texas corporation, assignee.
Amended by Consent, Assumption, Loan Modification, Amendment to Mortgage, Security Agreement and Fixture Financing Statement and Indemnification Agreement dated 7-30-2004, filed 10-5-2004, as [Document No. 1150298](#); assignment assumed by IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota.

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE B – Section II

Exceptions

Order Number: 153273

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
2. Rights or claims of parties in possession, not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Rights or claims of tenants, as tenants only, in possession under unrecorded leases.
7. Taxes for the year 2011 in the amount of \$346,110.00. They are paid in full. Base Tax amount \$343,323.63.
PIN: 33.029.21.44.0007. Non-Homestead
There are no delinquent taxes of record.
8. Special and pending assessments, if any.
Note: An assessment search has been requested and the results of that search will follow by revision.
9. Minnesota Department of Transportation Right of Way Plat No. 82-31, filed 9-29-1981, as [Document No. 58129](#).
10. Terms and conditions of Partial Final Certificate dated 10-9-1987, filed 11-12-1987, as [Document No. 85987](#).
11. Terms and conditions of Declaration of Protective Covenants dated 12-1-1997, filed 12-19-1997, as [Document No. 1065503](#).
12. Terms and conditions of Easement Agreement dated 12-10-1997, filed 12-31-1997, as [Document No. 1065505](#).

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE B – Section II

Exceptions

13. Terms and conditions of East Metro Healthcare Center Cooperation Agreement dated 12-2-1997, filed 12-31-1997, as [Document No. 1065506](#).
14. Terms and conditions of Memorandum of Cooperation Agreement dated 12-10-1997, filed 12-31-1997, as [Document No. 1065507](#).
15. Terms and conditions of Grant of Permanent Easement dated 12-10-1997, filed 12-31-1997, as [Document No. 1065509](#).
16. Terms and conditions of Easement and Agreement dated 8-30-2004, filed 10-6-2004, as [Document No. 1150352](#).

**STEWART TITLE
GUARANTY COMPANY**

Parcel Search: October 20, 2015 at 9:13 a.m. by SURVPUB
350 feet surrounding 3302921440007. 49 parcels, 29 labels.

0402821110006
3302921440003
3302921440005
3302921440006
3302921440007
3302921440009
3302921440010
3302921440012
3302921440013
3302921440014
3302921440015
3302921440016
3302921440017
3302921440018
3302921440019
3302921440020
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3302921440038
3302921440039
3302921440040
3302921440041
3402921330003
3402921330010
3402921330011
3402921330012
3402921330013
3402921330014
3402921330015
3402921330022
3402921330023
3402921330024
3402921330025
3402921330027

S A MILLER LLC
or Current Resident
16845 108TH ST N
STILLWATER MN 55082

HANCOCK DAVE & JEAN M
or Current Resident
7574 185TH ST
CHIPPEWA FALLS WI 54729

CJ BLOSSOM LLC
or Current Resident
8631 EAGLE POINT BLVD
LAKE ELMO MN 55042

GIGUERE ROBIN M
or Current Resident
1101 PARIS AVE N
WEST LAKELAND MN 55082

IRET PROPERTIES
or Current Resident
1400 31ST AVE SW # 60
MINOT ND 58702-1988

SCHNY ZONE LLC
or Current Resident
8625 EAGLE POINT BLVD
LAKE ELMO MN 55042

CASEY LEE E
or Current Resident
8617 EAGLE POINT BLVD
LAKE ELMO MN 55042

EJM PROPERTIES LLC
or Current Resident
8653 EAGLE POINT BLVD
LAKE ELMO MN 55042

JTAAA PROPERTIES LLC
or Current Resident
8649 EAGLE POINT BLVD
LAKE ELMO MN 55042

JTZ LLC & TMZ LLC
or Current Resident
8615 EAGLE POINT BLVD
LAKE ELMO MN 55042

CITY OF LAKE ELMO
or Current Resident
3800 LAVERNE AVE N
LAKE ELMO MN 55042

UNITED LAND LLC
or Current Resident
3600 AMERICAN BLVD W # 750
BLOOMINGTON MN 55431-1079

EAGLE POINT TOWNOFFICE PARK ASSN INC
or Current Resident
2970 CHASKA BLVD
CHASKA MN 55318

ZYWIEC JOSEPH J & DEBORAH A
or Current Resident
7980 113TH ST S
COTTAGE GROVE MN 55016

CITY OF WOODBURY
or Current Resident
8301 VALLEY CREEK RD
WOODBURY MN 55125

OP4 BOULDER PONDS LLC
or Current Resident
11455 VIKING DR # 350
EDEN PRAIRIE MN 55344

BACHMANN CLINIC PROPERTY LLC
or Current Resident
8669 EAGLE POINT BLVD
LAKE ELMO MN 55042

BRI MAR CO INC ETAL
or Current Resident
7450 FRANCE AVE S # 260
EDINA MN 55435

LEGACY ASSET PROPERTIES LLC
or Current Resident
8623 EAGLE POINT BLVD
LAKE ELMO MN 55042

D GETSCH LLC
or Current Resident
11711 ASTER WAY
WOODBURY MN 55129

CREATIVE HOMES INC
or Current Resident
707 COMMERCE DR #410
WOODBURY MN 55125

P & R PROP GROUP LLP
or Current Resident
8661 EAGLE POINT BLVD
LAKE ELMO MN 55042

LAW SPACE LLC
or Current Resident
8681 EAGLE POINT BLVD
LAKE ELMO MN 55042

NORMAN JAMES LLC
or Current Resident
8362 TAMARACK VILLAGE #119-160
WOODBURY MN 55125-3392

HLI PROP LLC
or Current Resident
7202 NEWBURY RD
WOODBURY MN 55125

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or Current Resident
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COTTAGE GROVE MN 55016

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LAKE ELMO MN 55042

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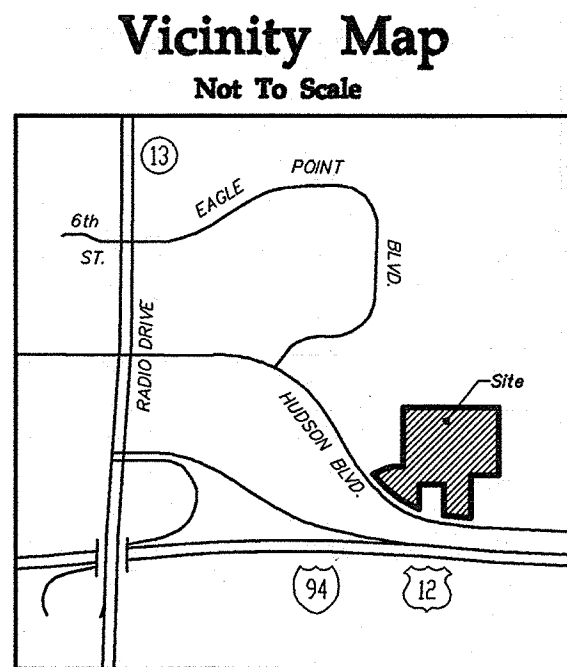
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or Current Resident
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ROSEVILLE MN 55113

MILES LLC
or Current Resident
8657 EAGLE POINT BLVD
LAKE ELMO MN 55042



EAGLE POINT TOWNOFFICE PARK

OWNER EAGLE POINT TOWNOFFICE PARK
PID 33-029-21-44-0036

EAGLE POINT
BUSINESS PARK
2ND ADDITION

OWNER CITY OF LAKE ELMO
PID 33-029-21-44-0010

EAGLE POINT BUSINESS
PARK 2ND ADDITION

OWNER UNITED LAND LLC
PID 33-029-21-44-0009

RECORD LEGAL DESCRIPTION PER TITLE COMMITMENT

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North,
Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 483.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.

Legend

	BUSH/SHRUB		STREET LIGHT
	CONIFEROUS TREE		GUY WIRE
	DECIDUOUS TREE		POWER POLE
	WETLAND		ELECTRIC BOX
	STEEL/WOOD POST		ELECTRIC METER
	SIGN-TRAFFIC/OTHER		ELECTRIC MANHOLE
	SIGN-TRAFFIC/OTHER		ELECTRIC TOWER
	MAIL BOX		SANITARY MANHOLE
	HANDICAPPED STALL		SEWER CLEANOUT
	PERC TEST		BEEHIVE CATCH BASIN
	MONITORING WELL		CATCH BASIN
	CABLE TV BOX		FLARED END SECTION
	GAS METER		GAS LINE
	STORM MANHOLE		POWER OVERHEAD
	TELEPHONE BOX		POWER UNDERGROUND
	TELEPHONE MANHOLE		SANITARY SEWER
	TRAFFIC CONTROL BOX		STORM SEWER
	HAND HOLE		TELEPHONE OVERHEAD
	TRAFFIC LIGHT		TELEPHONE UNDERGROUND
	GATE VALVE		WATERMAIN
	HYDRANT		FENCE LINE
	WATER METER		DECIDUOUS TREE LINE
	CURB STOP BOX		CONIFEROUS TREE LINE
	WATER MANHOLE		CURB & GUTTER
	WELL		BITUMINOUS SURFACE
	CABLE TV		LANDSCAPED AREA
			CONCRETE SURFACE

• Denotes Found Iron Monument
○ Denotes Set Iron Monument

GENERAL SURVEY NOTES:

- The Basis of Bearings for this survey is Washington County Coordinate System
- Utility Note: The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities, No Gopher One Call done for this survey.
- This survey was made in accordance with laws and/or Minimum Standards of the State of Minnesota.
- The property described herein is the same as the property described in Stewart Title Guaranty Company Order No. 153273 with an effective date of January 4, 2012, at 7:00 A.M. and all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.
- Said described property is located within an area having a Zone Designation X and Zone A by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 27163C0335E, with a date of identification of February 3, 2010, for Community No. 270505, in Washington County, State of Minnesota, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
- The Property has direct access to Hudson Boulevard, a dedicated public street or highway.
- The total number of completed striped parking spaces on the subject property is Two Hundred and Forty(240), including Fourteen (14) designated handicap spaces.
- There is no observed evidence of current earth moving work, building construction or building additions.
- There are no proposed changes in street right of way lines per City of Lake Elmo 2009-2013 Street Capital Improvement Plan, Map dated January 2009.
- There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- Total land area: 455,831 Squ. Ft. 10.464 Acres.

SCHEDULE B-2 EASEMENT

Property is subject to items listed in Schedule B - Section 2 of Title Commitment Order No. 153273. Items are listed as they appear in said Schedule B - Section 2

- Minnesota Department of Transportation Right of Way Plat No. 82-31, filed 9-29-1981, as Document No. 58129. Appears to affect the subject property, as shown on hereon.
- Terms and conditions of Partial Final Certificate dated 10-9-1987, filed 11-12-1987, as Document No. 85987. Appears to affect the subject property, as shown on hereon.
- Terms and conditions of Declaration of Protective Covenants dated 12-1-1997, filed 12-19-1997, as Document No. 1065503. Appears to affect the subject property, not graphically shown on survey as it is blanket in nature.
- Terms and conditions of Easement Agreement dated 12-10-1997, filed 12-31-1997, as Document No. 1065505. Appears to have affected the subject property, Easement to be in effect no more than 18 months from date of agreement, not graphically shown on survey.
- Terms and conditions of East Metro Healthcare Center Cooperation Agreement dated 12-2-1997, filed 12-31-1997, as Document No. 1065506. Appears to affect the subject property, not graphically shown on survey as it is blanket in nature.
- Terms and conditions of Memorandum of Cooperation Agreement dated 12-10-1997, filed 12-31-1997, as Document No. 1065507. Appears to affect the subject property, not graphically shown on survey.
- Terms and conditions of Grant of Permanent Easement dated 12-1-1997, filed 12-31-1997, as Document No. 1065509. Appears to affect the subject property, as shown on hereon.
- Terms and conditions of Easement and Agreement dated 8-30-2004, filed 10-6-2004, as Document No. 1150352. Document also appears to benefit the subject property over the driveways and parking areas, not specifically shown on survey.

ZONING INFORMATION

See Schedule B - Section 2 of Title Commitment Order No. 153273, Exception 11, Document No. 1065503

LIST OF POSSIBLE ENCROACHMENTS

- Fence along east property line
- Pond in northwest corner of property

SURVEYOR'S CERTIFICATE

To IRET Properties, a North Dakota Limited Partnership, TCF Bank and Stewart Title Guaranty Company:

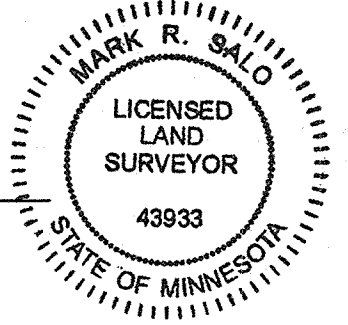
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6b, 7(a)(1)(c), 8, 9, 11(a), 13, 16, 17 and 18 of Table A hereto.

The field work was completed on January 18, 2012

Date of Plat or Map January 20, 2012

Mark R. Salo

Mark R. Salo, PLS
Minnesota License No. 43933



COORDINATED BY:
SMITH-ROBERTS
NATIONAL CORPORATION
100 NE 6th Street
OKLAHOMA CITY, OK 73104
800.411.2010
www.smith-roberts.com

ALTA/ACSM LAND TITLE SURVEY

High Pointe Health Campus
8650 Hudson Boulevard
Lake Elmo, Washington County, Minnesota



Westwood Professional Services, Inc.
7699 Anagram Drive
Eden Prairie, MN 55344
PHONE 952-937-5150
FAX 952-937-5822
TOLL FREE 1-888-937-5150
www.westwoodps.com

REVISIONS	Date



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

Development Standards for Eagle Point Business Park

300.12 subd. (1)(B) and 300.12(2). No Business Park structure shall exceed 60' in height. Parapet walls shall not exceed more than 4' above the height permitted of the building.

300.13 subd (6)(A)(3) Parking spaces shall be 9' X 18' at the developments north of Hudson Blvd and 10' X 20' South of Hudson Blvd, with the exception of the hotel and restaurant which needs to be 9' X 18' spacing. Parking spaces for the handicapped shall be minimum of 12' X 20'. 20% of the spaces in an office development can be compact car size 8' X 16". The size of parking space may be altered upon approval of Zoning Administrator.

300.13 subd. (6)(B)(6)(D) The primary landscaping materials shall be shade trees with shrubs, hedges, etc., used only to complement trees, not as the sole means of landscaping. Landscaping and irrigation will be done on a project by project basis. If landscaping within the NSP easement is disturbed, it needs to be replaced by NSP, or the property owner. Berming and landscaping must be approved within one year of City Council approval.

Permitted Uses: Banks, medical clinics, offices, schools (business, professional and private trade), office showrooms.

Conditional Uses: Business services, conference centers, health clubs, hotels and motels, day care centers, limited retail, medical, dental and research labs, recording studios, restaurants and cafeterias, theaters, teleconferencing transmission facilities, veterinary clinics, and hotel.

Minimum Lot Area: 2.0 acres. Lots less than 2.0 acres might be approved on a project by project basis through a conditional use permit.

Minimum Lot Frontage: 200' with the exception of 50' pm a cul-de-sac.

Lot Width/Depth Ratio: 1/3.5

Minimum Building Setbacks: 50' for the front and street frontage, and 10' for side and rear frontage. When abutting residential uses, the current ordinance requirement will apply.

Minimum Parking Setbacks: Front: 20', Side: 10', Side(street): 20', Rear: 10'

Minimum Building Foundation Size: 10,000 s.f.

Parking Ratio: One space for each 250 s.f. of office building area or one space per two employees, whichever is greater. One space per 2,000 s.f of storage, warehouse and 1 space per 1,000 s.f. of showroom.

Pathways: 8' wide pathways as part of the City's trail system and the City will maintain.

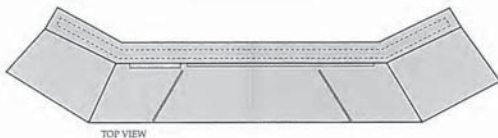
Storm Water Control: Storm water management requirements should be averaged over the PUD area as a whole. The tributary setback will be 30' from the tributary setback, and the parking setback will be 10' from the tributary setback.

Lighting Height: 30' maximum

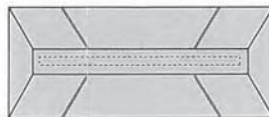
Sign Height: Businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case by case basis by the City.

Pond Maintenance: Recommend the creation of a District to take care of pond maintenance.

ORDINANCE REQUIREMENTS	PROPOSED DEVELOPMENT STANDARDS (5/28/99)	PLANNING COMMISSION'S COMMENTS (6/14/99)	PROPOSED DEVELOPMENT STANDARDS REVISED (6/23/99)	PLANNING COMMISSION RESPONSE (6/28/99)	City Council Response (7/13/99)
	space.		to approved R&D/Office/showroom uses, for those cases that are approved by the City as a conditional use.	showroom. Approved.	
<i>Pathways:</i>	5' wide bituminous	Would like to see 8'.	No Change. Pathways will be 8' wide. We propose giving the City R.O.W. for pathways. The City will install and maintain at their cost.	Recommend we install 8' wide pathways as part of City's trail system and the City will maintain. This was passed on to Park Commission.	Refer to Park Commission. <i>Paula D. Recommendation Accepted</i>
<i>Storm Water Control</i>	To new holding ponds.	Incorporate into green corridor and innovative storm water control procedures.	Storm water management requirements should be averaged over the PUD area as a whole. The creation of ponds provide innovative storm water management solutions for water quality treatment and rate control. The tributary setback will be 25' from ordinary high water mark. The building setback will be 30' from the tributary setback, and the parking setback will be 10' from the tributary setback.	Approved.	Approved.
<i>Lighting Height: 30'</i>	Variable; maximum permitted height to be 35'.	Show that there would be no spillover.	No change. We accept the City's current standard of 30' maximum.	Approved with reference to Chapter 1350.	Approved.
<i>Sign Height: Per Section 535</i>	Variable heights; to be reviewed with City on an individual site basis.	Pylon sign only.	<u>Sign Heights/Signage Plan</u> The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.	No recommendation or approval made.	Approved.
<i>Pond Maintenance</i>			<u>Pond Maintenance</u> We prefer that the City be required to maintain ponds and assess each property owner for their fair share, of the cost to do so.	Not an issue for Planning Commission's approval. Recommend the creation of a District to take care of pond maintenance.	Approved.
<i>M:\TONY\DEV\STANDARDS714.DOC</i>					



TOP VIEW



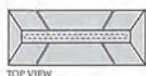
TOP VIEW



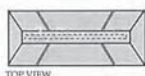
PRIMARY PROJECT IDENTIFICATION: Stone base, painted aluminum cabinet with cut through letters. Black letters during day; white illuminated letters at night. Approximately 15' high X 25' wide

SECONDARY PROJECT IDENTIFICATION: Painted cement base, painted aluminum cabinet with cut through letters. Black letters during day; white illuminated letters at night. Approximately 7' high X 12' wide

TENANT PYLON SIGNAGE: Painted aluminum base, painted aluminum cabinet with cut through letters. Top panel may be corporate colors and logo. **Approximately 30' high X 12' wide**



TOP VIEW



TOP VIEW



TOP VIEW



DIRECTIONAL: Painted cement base, non-illuminated aluminum cabinet with reflective black letters. Approximately 8' high X 6' wide

PRIMARY TENANT IDENTIFICATION: Painted cement base, painted aluminum cabinet with cut through letters. Black letters during day; white illuminated letters at night. Approximately 8' high X 6' wide (Option post and panel construction; white graphic background)

REGULATORY SIGNAGE: Painted 2 X 2 aluminum poles with standard DOT signage or custom regulatory signage as shown. Also includes Trail signage identification and direction.

ADDRESS SIGNAGE: All building addresses will be consistent letter style and sizing. Placement will be in upper corner but will be determined specific to site. Approximately 12" high.



United Properties
3500 West 80th Street
Minneapolis, MN

Eagle Point
Business Park
Lake Elmo, MN

Exterior
Sign Design



VISUAL
Communications

475 Cleveland
Avenue North
Suite 223
Ivy League Place
Saint Paul
Minnesota
55104
651-644-4494
Fax 644-4289

Project: 81007

Date: 5/25/99

Page:

1



PLANNING COMMISSION
DATE: 1/11/15
AGENDA ITEM: 5b – PUBLIC HEARING
CASE # 2015-40

ITEM: Sign Variance – IRET Properties, 8650 Hudson Blvd
SUBMITTED BY: Stephen Wensman, City Planner
REVIEWED BY: Joan Ziertman

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing to consider a request from IRET properties for a variance to allow a 35-foot high, 16-foot wide pylon sign. The maximum pylon sign height for the subject property according to the Eagle Point Business Park Exterior Sign Design Agreement is 30-foot high and 12-foot wide. Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings listed in the Staff Report with the following motion:

“Move to recommend approval of the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus based on the findings identified in the Staff Report.”

GENERAL INFORMATION

Applicant: IRET Properties, 10050 Crosstown Circle, Suite 105, Eden Prairie, MN 55344
Property Owners: IRET Properties, 1400 31st Ave SW, Suite 60, Minot ND 58702
Location: 8650 Hudson Blvd, Lake Elmo
PID Number: 33.029.21.44.0007
Request: Variance – 5’ height and 4’ width variance from the pylon sign regulations of the Eagle Point Business Park Exterior Sign Design Agreement
Existing Land Use: Medical Facilities
Existing Zoning: BP – Business Park
Surrounding Land Use: Medical Offices, Auto Body Repair, Offices
Surrounding Zoning: BP – Business Park
Comprehensive Plan: Business Park
Proposed Zoning: No Change
History: The subject property was platted as part of the Eagle Point Business Park Planned Unit Development.

Deadline for Action: Application Complete – 12/1/15
 60 Day Deadline – 1/30/16
 Extension Letter Mailed – No
 120 Day Deadline – 3/30/16

Applicable Regulations: Eagle Park Business Park PUD Agreement
 154.109 – Variances (Administration and Enforcement)

REQUEST DETAILS

The City of Lake Elmo has received a request from IRET Properties for a variance to allow a pylon sign that exceeds the maximum height and width allowed under the Eagle Park Business Park PUD Agreement. Under the Agreement, the maximum height and width for a pylon sign in this location would be 30-foot high and 12 foot wide feet. The applicant is requesting a 5-foot height and 4-foot width variance from the PUD Agreement to allow a 35-foot high and 16-foot wide pylon.

The applicant has provided a written statement to the City indicating the reason for the variance request. The written statement includes a narrative addressing how the proposed variance meets the four required findings to grant a variance under the City's Zoning Code and State Statute.

BACKGROUND

The subject property is located in the southeastern corner of the Eagle Point Business Park, east of Inwood Avenue (CSAH 13) and Eagle Point Boulevard. The attached Exhibit B highlights the location of the parcel and its proposed pylon sign location. The parcel was platted as part of the Eagle Point Business Park and is 10.46 acres in size. The subject property and surrounding properties are zoned BP – Business Park. In terms of land use, the surrounding properties are mostly comprised of offices and other commercial uses with the exception of a collision shop.

In terms of the physical characteristics of the property, the site is irregularly shaped with frontage on Hudson Boulevard, but with two other businesses, the Park Dental and Crossroads Collision carved into their Hudson Boulevard frontage. The High Point Health building is a 3-story brick building that sits up high toward the rear of the lot with the parking to its east side and entrance at the southeast corner of the building. The entrance drive curves behind the Crossroads Collision to Hudson Boulevard. The proposed pylon locations is on a vacant/undeveloped portion of the frontage between the Crossroads Collision and Park Dental. The location is the best location for providing visibility from Interstate 94, as it is the portion of the site where Hudson Boulevard runs parallel to the Interstate. Other signs for the High Point Medical Facility include a large wall sign that faces south and a small monument sign where the entrance drive meets Hudson Boulevard. The building is a multi-tenant building and site lacks signs depicting building tenants.

PLANNING AND ZONING ISSUES

In reviewing the applicable codes and planning considerations that apply to the subject property, Staff would like the Planning Commission to consider the following as it reviews this request:

- **The Eagle Point Business PUD Agreement.** According to the sign design regulations in the agreement, the text references a 25-foot height, whereas the text below the graphic depiction

of the pylon sign states, “approximately 30’ high x 12’ wide. Furthermore, the staff prepared summary of the Eagle Point Development Standards states:

*“**Sign Height:** Businesses can have signage on the building and a monument sign at the property’s entrance, and that a pylon sign must be approved on a case by case basis by the City.”*

- The only other pylon sign in the “locality” is a non-conforming pylon sign for Crossroads Collision. Further down the road to the east is one other pylon signs for Lamperts Lumber which is a much larger non-conforming sign.
- **Site Topography/Visibility.** As noted in the application, the building was one of the first to be constructed in the Eagle Point Business Park, and as other buildings have been constructed, some along the frontage, it has become increasingly difficult to find the businesses in the facility. Visibility is poor from Hudson Road and even more so from Interstate 94.
- **Regulatory Ambiguity.** As noted earlier, the Eagle Park Business Park PUD Agreement is somewhat ambiguous. The written text associated with the signs references a 25-foot height, whereas the graphic uses the term, “approximately 30-foot”. To further complicate the matter, a staff’s summary of the agreement states, “case by case” for pylon signs. This ambiguity has caused internal interpretation issues. When first presented with this proposal, Nick Johnson, the City Planner, stated that in an email to the applicant that the 35-foot pylon sign height, “will work”. Later, when Nick left the city, Kyle Klatt, the Development Director, denied the application. Based on the denial, present staff requested that applicant apply for a variance.
- **Regulatory Delays.** This process started on January 14, 2015 with an initial discussion with Nick Johnson the former City Planner. A formal sign permit application was made on July 23, 2015 which was denied by the Development Director on September 2, 2015. On November 6, 2015, the applicant discussed the process with the new City Planner and a variance application was submitted on December 1, 2015.

REVIEW AND ANALYSIS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant’s request.

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

Under this standard, the City would need to find that the placement of the proposed accessory structure in the proposed location is a reasonable use of the property.

FINDINGS: Increasing the allowed height from 30-foot to 35-foot and the width from 12-foot to 16-foot for a pylon sign represents a reasonable use of the property. The property is zoned Business Park and is surrounded by other commercial uses. A larger nonconforming pylon sign exists adjacent to the site. Visibility to the site is difficult and identification of the multiple tenants is also reasonable. The variance is in keeping with the intent of the City's sign ordinance: to foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective signs that meet the need for business identification, advertising and communication. Staff determines that this criterion is met.

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

In order to demonstrate compliance with this standard, the Planning Commission would need to identify those aspects of the applicant's property that would not pertain to other properties within the same zoning classification.

FINDINGS: The site, lot layout, and the poor visibility from Hudson Boulevard and Interstate 94 are unique and not circumstances created by the landowner. The Crossroads Collision and Park Dental buildings sit in front of the High Point Health facility limiting visibility. The facility sits to the rear of the site, the flat buildable area, leaving little physical presence on the Hudson Boulevard frontage. The restrictive sign design guidelines were created by the developer and approved by the City of Lake Elmo, not the current land owner/applicant. Staff determines that this criterion is met.

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

Propose findings for this criterion are as follows:

FINDINGS. The location of the property and surrounding properties are within the Business Park, or are Commercial zoning. There exists one other pylon sign within the locality, and others beyond that are larger and are noncompliant with the City's sign ordinance. The Eagle Point Business Park Agreement does allow a pylon sign. Staff determines that this criterion is met.

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

Propose findings for this criterion are as follows:

FINDINGS. The proposed variance will not impair an adequate supply of light and air to any properties adjacent to the proposed pylon sign site. The proposed pylon sign is located on an undeveloped portion of the applicant's lot. The presence of the sign will not present additional congestion on public streets, or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.

Please note that the applicant has also provided a set of findings as part of the attached narrative and supporting documentation included with the application.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings noted in items 1-4 above.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the variance request submitted by IRET Properties given that the request meets the four criteria for a variance.

The suggested motion for taking action on the Staff recommendation is as follows:

“Move to recommend approval of the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus based on the findings identified in the Staff Report.”

ATTACHMENTS:

1. Written Statement
 2. Exhibits C–H to Written Statement
 3. Site Survey
 4. Adjacent Pylon photos
 5. Letters of Support
 6. Eagle Point Development Standards
-

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Mayor Mike Pearson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Mn 55042

Re: High Pointe Health Campus Signage

Dear Mayor Pearson:

The Dental Specialists and Park Dental High Pointe have been located on the High Pointe Health Campus since 1998. We have consistently had concerns relating to the visibility of both practices on the campus and have had patients comment that it is difficult to find our practices. The Dental Specialists and Park Dental have both grown by increasing our services, increasing our patient base and our hours. All without the support of critical signage either lit or un-lit.

We have worked tirelessly directly with the City of Lake Elmo, receiving verbal approval for additional signage. However, after months of delay due to staffing changes and internal issues, we were informed that no further signage would be approved.

Park Dental and The Dental Specialists have over 40 locations throughout the Twin Cities and Western Wisconsin and the signage process has been easily moved along and approved. We are disappointed that further signage on the campus has not been allowed. Park Dental High Pointe has one lit sign on the west side of the building (only allowed one sign) which cannot be seen in driving from the East along the frontage road. With the new development going in to the East of our practice, we were looking for more signage on the building to easily identify the practice. Park Dental is open 7 a.m. – to 9 p.m. daily except for Friday which is 7 a.m – 4:00 p.m. And Saturdays for children. It is particularly difficult to locate the practice early in the morning or later in the day during Fall and Winter. Visibility is also critical for our emergency patients. The Dental Specialists are open 7:00 a.m. – 5:00 p.m. as well. Lighted monument signage would be helpful in the effort to locate the practice.

Visibility and signage are an important element in the overall service to our patients and potential patients. We are asking for approved signage on the campus for both The Dental Specialists and for Park Dental High Pointe. We thank you in advance for your attention to this matter.

Sincerely,



Dr. Alan Law
President, The Dental Specialists



Peter Swenson
Chief Administrator
Park Dental & The Dental Specialists



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/2016

REGULAR #17

MOTION

AGENDA ITEM: PF-Public or Semi-Public Zoning District Text Amendment

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Jack Griffin

SUGGESTED ORDER OF BUSINESS:

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

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo is requesting a zoning text amendment exempting *essential services* from certain dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District. Staff and the Planning Commission recommends the City Council approve the zoning text amendment pertaining to essential services in the PF – Public or Semi-Public District with the following motion:

“Move to approve Ordinance 08-__exempting essential services from certain dimensional and buffer requirements of the PF – Public or Semi-Public Zoning District”.

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo negotiated the sale of property for the 75 foot x 90 foot, .16 acre, Inwood Booster Station to be located adjacent to CSAH 13 (Inwood Avenue). A 15 foot setback from the current roadway easement is being preserved for future County right-of-way as required in the County’s Comprehensive Plan, leaving a 75 foot x 75 foot parcel upon which to site the booster station. Public facilities, such as the Booster Station, should be zoned PF–Public or Semi-Public as guided in the Comprehensive Plan. The newly created .16 acre lot does not meet the dimensional requirements of the PF Zoning District.

On January 11, 2016, the Planning Commission held a public hearing to consider exempting essential services from certain dimensional and buffer requirements of the PF–Public or Semi Public Zoning District. At the public hearing, two residents spoke: Mr. Vejtruba, 8457 26th St. N,

and Mr. Eberhard, the former land owner that negotiated with the city of the sale of the .16 acre parcel. Both residents asked questions of the planning commission, but neither opposed the ordinance amendment. The Planning Commission discussion was related to the need for the text amendment, and the need to maintain landscaping and screening with the exemption, architectural standards, and noise. The Planning Commission recommended approval of the zoning text amendment adding text related to setbacks, screening and noise.

FISCAL IMPACT:

The Inwood Booster Station is part of a 3.5 million dollar public project. The City has invested 18 months of staff time, \$45,000 in site acquisition, plus engineering and design of the facility.

RECOMMENDATION:

Staff and the Planning Commission recommends the City Council approve the zoning text amendment pertaining to essential services in the PF – Public or Semi-Public District with the following motion:

“Move to approve Ordinance 08-__exempting essential services from certain dimensional and buffer requirements of the PF – Public or Semi-Public Zoning District”.

ATTACHMENT(S):

- Planning Commission 1/11/2016 Planning Report
- Draft Ordinance Amendment 08-__



PLANNING COMMISSION
DATE: 01/11/16
AGENDA ITEM: 5c/d – PUBLIC HEARING
CASE #2015-45

City of Lake Elmo Planning Department
PF Zoning District Text Amendment – Rezoning to PF Zoning District

To: Planning Commission
From: Stephen Wensman, City Planner
Meeting Date: January 11, 2016
Applicant: City of Lake Elmo
Legal Address: All that part of the North 75.00 feet of the East 150.00 feet of the North ½ of the SW ¼ of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 98 – C.S.A.H. 13, according to the recorded plat thereof.
PID# 21.029.21.31.0002
Owner: City of Lake Elmo
Comprehensive Plan: Public or Semi Public

Summary and Request:

<i>Application Summary:</i>	The City of Lake Elmo is requesting a zoning text amendment to exempt <i>essential services</i> from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District. In addition, the city is requesting the rezoning of the Inwood Booster Station property from Rural Residential to PF – Public or Semi-Public Zoning District.
<i>Recommendation:</i>	Staff is recommending that the Planning Commission recommend approval of the zoning text amendment to exempt essential services from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District, and recommend approval of the rezoning of the Inwood Booster Station property, PID# 21.029.21.31.0002, from Rural Residential to PF – Public or Semi-Public Zoning District with the following motions: <ol style="list-style-type: none">1) <i>Move to approve a zoning text amendment exempting essential services from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District.</i>

-
- 2) *Move to approve a rezoning of Inwood Booster Station property from RR-Rural Residential to PF- Public and Semi-Public Zoning District.*

Attachments: Location Map
Draft Ordinance Amendment 97-__
Property Exhibit.

Zoning Text Amendment and Rezoning

Review: The City of Lake Elmo negotiated the sale of property for the 75 foot x 90 foot, .16 acre, Inwood Booster Station to be located adjacent to CSAH 13 (Inwood Avenue). A 15 foot setback from the current roadway easement is being preserved for future County right-of-way as required in the County's Comprehensive Plan, leaving a 75 foot x 75 foot parcel upon which to site the booster station. The Inwood Booster Station is an essential part of the city's water distribution system. By definition, public utilities are considered an essential service in the City Code of Ordinances:

§ 154.012, Subd. B, 11

ESSENTIAL SERVICES. *Underground or overhead gas, electric, steam, or water distribution systems; collection, communication, supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories, but not including buildings or transmission services.*

Essential services are a permitted use in all zoning districts, however, the City's comprehensive plan guides publicly owned facilities, such as essential services to the PF Zoning District.

§ 154.203 ESSENTIAL SERVICES.

Essential services as defined by this Ordinance are permitted in any district, provided that a site plan for any new or expanded service facility is filed with the Planning Department. The City Council may require site plan review of large facilities, upon the recommendation of the Planning Director.

The original parcel and the newly created parcel for the Inwood Booster Station are presently zoned RR-Rural Residential. The new Inwood Booster Station parcel should be zoned PF – Public or Semi-Public as guided in the city's comprehensive plan.

Upon review of the proposed rezoning to PF – Public or Semi-Public, it became apparent that the new parcel was non-conforming with the PF Zoning District dimensional, and buffer requirements. The requirements are important for most land uses, however, *essential services* are generally incidental and subordinate to the surrounding land uses, whatever they may be. In addition, it serves the welfare of the public to have the least amount of property in public ownership while serving the

essential needs of the public. For this reason, the City is requesting the amendment to exempt essential services from the district's dimensional, and buffer requirements of the PF Zoning District.

The PF District requirements are as follows:

Minimum Lot Width: 100 feet

Minimum Lot Depth: 150 feet

Setbacks from property lines: 50 feet

Buffer Requirement: 50 feet

As part of the purchase agreement, the city has the right to provide landscaping within the first 15 feet to the south and west of the parcel, upon permission for right of entry by the seller. The City is planning to provide a landscape screening of the Inwood Booster Station parcel.

Recommendation:

Staff recommends the Planning Commission recommend approval of the zoning text amendment and zoning map amendment with the following motions:

- 3) ***Move to approve a zoning text amendment exempting essential services from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District.***
- 4) ***Move to approve a rezoning of Inwood Booster Station property from RR- Rural Residential to PF- Public and Semi-Public Zoning District.***

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

ORDINANCE NO. 97-___

**AN ORDINANCE AMENDING SECTION 154.600 OF THE LAKE ELMO CITY CODE
TO EXEMPT ESSENTIAL SERVICES FROM THE PF- PUBLIC AND SEMI-PUBLIC
DIMENSIONAL AND BUFFER REQUIREMENTS**

The City Council of the City of Lake Elmo hereby ordains that Section 154.600 is hereby amended to read as follows:

ARTICLE I. PUBLIC AND SEMI-PUBLIC DISTRICTS

§ 154.600 PF – PUBLIC AND QUASI-PUBLIC OPEN SPACE.

- A. *Purpose and Intent.* The purpose and intent of the PF Zoning District is to allow uses and structures that are incidental and subordinate to the overall land uses permitted in the city. While allowing certain uses within the city, general performance standards have been established. This is intended to assure maintenance and preservation of the established rural character of the city by preserving agricultural land, woodlands, corridors, and other significant natural features, and provide buffering between PF and residential or other uses.
- B. *Uses Allowed by Conditional Use Permit.* In addition to the specific standards and criteria which may be cited below for respective uses, each application shall be evaluated based on the standards and criteria set forth in §§ 154.015 through 154.021 of this code. Uses allowed herein that are in existence within the city at the effective date of this chapter may continue the use as a permitted use. The following uses are conditionally permitted in the PF Zoning District:
1. Cemeteries, provided that:
 - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial; and
 - b. No mausoleum, crematorium, or other structure is permitted, except a 1-story tool or storage shed of 160 square feet floor maximum floor area.
 2. Places of worship, provided that:
 - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
 - b. No use may exceed 235 gallons wastewater generation per day per net acre of land;

- c. No on-site sewer system shall be designed to handle more than 5,000 gallons per day;
 - d. Exterior athletic fields shall not include spectator seating, public address facilities or lighting; and
 - e. No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure.
 - 3. Facilities for local, county and state government, provided that:
 - a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
 - b. The use and location is consistent with the community facilities element of the Comprehensive Plan; and
 - c. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive
 - 4. Libraries and museums (public and private), provided that:
 - a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive;
 - b. For private facilities, a plan is provided, together with a declaration and covenants to run with the title to the land, that prescribes perpetual maintenance, insurance and ownership responsibilities for all facilities and land area; and
 - c. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.
 - 5. Public and private schools (except licensed day care), provided that:
 - a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive; and
 - b. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.
 - 6. Historic sites and interpretive centers, provided that:
 - a. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial; and
 - b. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive.
- C. *Uses Allowed by Interim Use Permit.* The keeping of horses in conjunction with churches provided that:

1. The keeping of horses does not constitute a feedlot per Minn. Rules.
2. The property is directly adjacent to only Agricultural (A) and Rural Residential (RR) zoned properties that are not developed as open space preservation subdivisions. Roadways shall be considered an adequate buffer.
3. Evidence is provided to show adherence to all livestock and horse regulations in city code.

D. *Accessory Uses and Structures.* Uses and structures, which are clearly incidental and subordinate to the principal permitted uses and structures. All exterior materials of accessory structures must be the same as those of the principal structure.

E. Minimum district requirements.

1. District requirements in PF Zoning District.

<i>District Requirements in PF Zoning District⁴</i>		
	<i>With Structure</i>	Without Structure
Maximum Parcel Area	20	N.A.
Lot Width – Minimum:	100 Feet	N.A.
Lot Depth – Minimum:	150 Feet	N.A.
Primary Structure Setback from Property Line		
Front – Minimum:	50 Feet	N.A.
Side (Interior) – Minimum:	50 Feet	N.A.
Side (Corner) – Minimum:	50 Feet	N.A.
Rear – Minimum:	50 Feet	N.A.
Accessory Structure Setback from Property Line		
Front – Minimum:	50 Feet	N.A.
Side (Interior) – Minimum:	50 Feet	N.A.
Side (Corner) – Minimum:	50 Feet	N.A.
Rear – Minimum:	50 Feet	N.A.
Principal Structure Height -	50 Feet – Structure Side Walls Not	N.A.

Maximum	to Exceed 3.5 feet	
Accessory Structure Height - Maximum	35 Feet – Structure Side Walls Not to Exceed 18 Feet	N.A.
Unoccupied Structure Above the Highest Point of the Roof	25 Feet	-
Septic Drainfield Regulations	See §§51.002 through §§51.008	See §§51.002 through §§51.008
Signage	See §§154.212	See §§154.212

a. Essential services shall be exempt from the minimum district requirements of the PF Zoning District.

2. Maximum lot area, buffer width and impervious coverage shall be in compliance with the following table:

<i>Maximum Parcel Area^a</i>	Buffer Width (Feet)	Maximum Impervious Site Coverage
0 to 5 acres	50	39.5%
5.1 to 10 acres	100	38%
10.1 to 20 acres	150	35%

a. Essential services shall be exempt from the buffering requirements of the PF Zoning District.

F. Performance standards.

1. Generally

a. Architectural Standards

- i. It is the purpose and intent of the city, by the adoption of the performance standards of this division (F), to ensure commercial buildings constructed within the city are of a high quality of exterior appearance, consistent with the terms of Non-Residential Development Policy #5 of the 2000-2010 Lake Elmo Comprehensive Plan. It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.
- ii. It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The

variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.

- b. *Architectural and Site Plan Submittals.* New building proposals shall include architectural and site plans prepared by registered architect and shall show the following as a minimum:
 - i. Elevations of all sides of the buildings;
 - ii. Type and color of exterior building materials;
 - iii. Typical general floor plans;
 - iv. Dimensions of all structures; and
 - v. Location of trash containers, heating, cooling and ventilation equipment and systems.
- c. *Applicability – structure additions and renovation.*
 - i. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing any portion of an existing structure shall be exempt from the standards of this subdivision where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.
 - ii. Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standard of this subdivision.
- d. *Performance standards – primary exterior surfacing.*
 - i. The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard
 - ii. Primary exterior surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this section. Doors of any type of material, except glass, shall not be considered a primary exterior surface.
 - iii. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

- e. *Performance Standard – Exterior Surfacing Accents.* Not more than 30% of the exterior wall surfacing, as defined by division (F)(1)(d) above may be of the following listed accent materials, but no single accent material, except natural wood, may comprise more than 20% of the total of all accent materials; and no combustible materials shall be used:

- i. Cedar, redwood, wood siding
- ii. Cement fiber board;
- iii. Standing seam metal;
- iv. Architectural metal;
- v. Stucco;
- vi. Poured in place concrete (excluding “tilt-up” panels);
- vii. Architectural metal panels; and

(Am. Ord. 97-172, passed 6-20-2006)

- viii. Porcelain or ceramic tile.

- f. *Performance Standards – Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by this division.
- g. *Performance Standard – HVAC Units and Exterior Appurtenances.* All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure
- h. *Performance Standard – Visible Roofing Materials.* Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete, or slate.
- i. *Applicability – New Construction.* The standards of this division (F)(1) shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this division. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.

(Am. Ord. 97-168, passed 5-2-2006)

- 2. *Parking.* Each site shall be provided with off-street automobile parking as follows:

- a. *Places of Worship.* One space for each permanent and temporary 4 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings and uses shall be subject to additional requirements that are imposed by the city code.
- b. *Facilities for Local, County and State Government.* One space for each 250 square feet of office area. Facilities as may be provided in conjunction with

such buildings and uses shall be subject to additional requirements that are imposed by the city code.

- c. *School, Elementary and Junior High (public or private)*. Three spaces for each class room.
 - d. *School, High School (public or private)*. One space for each 2 students.
 - e. *Historic Sites and Interpretive Centers, libraries, and museums (public or private)*. One space for each 300 square feet of floor area.
3. *Landscaping*. All yard area shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees, and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris, and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming, landscaping, and/or fencing for the purpose of screening noise, sight, sound, and glare.
4. *Buffering*. Where areas abut residential districts, a buffer area and setback in compliance with this division (F) is required. The buffer requirement shall be applicable to any interior parcel property line, and not applied to property lines abutting improved public streets. No public/private streets or driveways, or off-street parking facilities may be located in the buffer area. The buffer area shall be completely defined and designed, and approved by the city prior to all final city approvals for construction on site. Prior to the issuance of a building permit or commencement of any improvements on site, the owner shall provide the city with a financial security for a minimum of 24 months unless a shorter term of security is specifically approved by the City Council, approved by the City Attorney, to assure construction of the buffer area. All landscaping shall comply with § 151.070.
5. *Signage*. All signs shall comply with § 151.121 of this Code.
6. *Lighting*. All lighting shall comply with §§ 150.035 through 150.038.
7. *Traffic*. All applications for a building permit responsive to the requirements of this section shall include a detailed report, certified by a registered engineer, demonstrating the extent of and quantitative impact on public roads from forecasted traffic of the use, based on ITE average daily and peak hour/event traffic. Forecasted traffic generation within the design capacity of an impacted public street, as determined by the City Engineer, shall be the primary determinant for approval of the site plan.

(Am. Ord. 97-62, passed 9-5-2000; Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-204, passed 12-11-2007)

Effective Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

Adoption Date

This Ordinance No. _____ was adopted on this 19 day of January, 2016, by a vote of _ Ayes and _ Nays.

Mayor Mike Pearson

ATTEST:

Clark Schroeder
Interim Administrator

This Ordinance No. __-__ was published on the __ day of ____, 2016.



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/2016

REGULAR #18

MOTION

AGENDA ITEM: Rezone Inwood Booster Station to PF Zoning District

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Jack Griffin

SUGGESTED ORDER OF BUSINESS:

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

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo is requesting the rezoning of the Inwood Booster Station property, PID# 21.029.21.31.0002 from Rural Residential to PF – Public or Semi-Public Zoning District with the following motion:

***“Move to approve Ordinance 08 - __ approving a Zoning Map Amendment to
rezone the Inwood Booster Station property, PID# 21.029.21.31.0002 from RR
-Rural Residential to PF – Public or Semi Public”.***

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo negotiated the sale of property for the 75 foot x 90 foot, .16 acre, Inwood Booster Station to be located adjacent to CSAH 13 (Inwood Avenue). A 15 foot setback from the current roadway easement is being preserved for future County right-of-way as required in the County’s Comprehensive Plan, leaving a 75 foot x 75 foot parcel upon which to site the booster station. Public facilities, such as the Booster Station, should be zoned PF–Public or Semi-Public as guided in the Comprehensive Plan.

On January 11, 2016, the Planning Commission held a public hearing to rezone the parcel from RR - Rural Residential to PF – Public or Semi Public. At the public hearing, two residents spoke: Mr. Vejtruba, 8457 26th St. N, and Mr. Eberhard, the former land owner that negotiated with the city of the sale of the .16 acre parcel. Both residents asked questions of the planning commission,

but neither opposed the rezoning. The Planning Commission recommended approval of the rezoning.

FISCAL IMPACT:

The Inwood Booster Station is part of a 3.5 million dollar public project. The City has invested 18 months of staff time, \$45,000 in site acquisition, plus engineering and design of the facility.

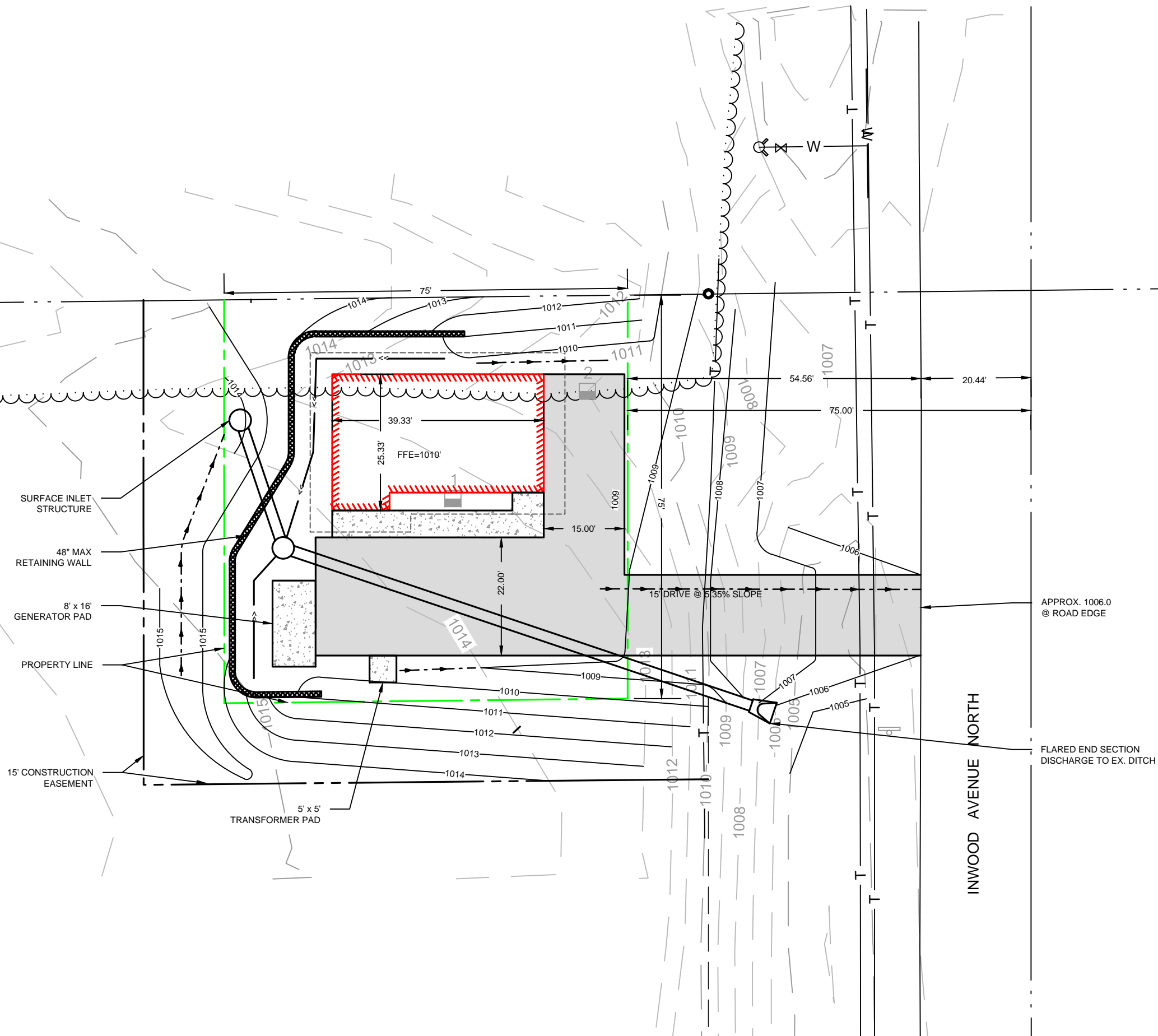
RECOMMENDATION:

The City of Lake Elmo is requesting the rezoning of the Inwood Booster Station property, PID# 21.029.21.31.0002 from Rural Residential to PF – Public or Semi-Public Zoning District with the following motion:

*“Move to approve Ordinance 08 - __ approving a Zoning Map Amendment to
rezone the Inwood Booster Station property, PID# 21.029.21.31.0002 from RR
-Rural Residential to PF – Public or Semi Public”.*

ATTACHMENT(S):

- Planning Commission 1/11/2016 Planning Report
- Inwood Booster Station Exhibit
- Location Map



PROJECT NO.:	09880003	SCALE:	AS SHOWN	NO.	DATE	REVISION	BY
PROJECT DATE:		DRAWN BY:	CES				
F.B.:		CHECKED BY:	LAJ				
PLOT DATE:	12/18/15	P:\9800s\9880s\9880\09880003\CADD\C3D\9880003 Design.dwg					

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

ENGINEER _____ DATE _____ REGNO _____
Date Registration No.



TRANSPORTATION • MUNICIPAL
DEVELOPMENT • ENVIRONMENTAL
60 Plaza Boulevard East St. Paul, MN 55107
612-548-3132 1-866-452-9454 Fax: 763-786-4574
Web Address: www.msa-ps.com
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EXHIBIT L

INWOOD BOOSTER STATION
CITY OF LAKE ELMO
WASHINGTON COUNTY, MN

FILE NO.
09880003
SHEET
EXHIBIT L



PLANNING COMMISSION
DATE: 01/11/16
AGENDA ITEM: 5c/d – PUBLIC HEARING
CASE #2015-45

City of Lake Elmo Planning Department
PF Zoning District Text Amendment – Rezoning to PF Zoning District

To: Planning Commission
From: Stephen Wensman, City Planner
Meeting Date: January 11, 2016
Applicant: City of Lake Elmo
Legal Address: All that part of the North 75.00 feet of the East 150.00 feet of the North ½ of the SW ¼ of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 98 – C.S.A.H. 13, according to the recorded plat thereof.
PID# 21.029.21.31.0002
Owner: City of Lake Elmo
Comprehensive Plan: Public or Semi Public

Summary and Request:

<i>Application Summary:</i>	The City of Lake Elmo is requesting a zoning text amendment to exempt <i>essential services</i> from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District. In addition, the city is requesting the rezoning of the Inwood Booster Station property from Rural Residential to PF – Public or Semi-Public Zoning District.
<i>Recommendation:</i>	Staff is recommending that the Planning Commission recommend approval of the zoning text amendment to exempt essential services from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District, and recommend approval of the rezoning of the Inwood Booster Station property, PID# 21.029.21.31.0002, from Rural Residential to PF – Public or Semi-Public Zoning District with the following motions: <ol style="list-style-type: none">1) <i>Move to approve a zoning text amendment exempting essential services from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District.</i>

-
- 2) *Move to approve a rezoning of Inwood Booster Station property from RR-Rural Residential to PF- Public and Semi-Public Zoning District.*

Attachments: Location Map
Draft Ordinance Amendment 97-__
Property Exhibit.

Zoning Text Amendment and Rezoning

Review: The City of Lake Elmo negotiated the sale of property for the 75 foot x 90 foot, .16 acre, Inwood Booster Station to be located adjacent to CSAH 13 (Inwood Avenue). A 15 foot setback from the current roadway easement is being preserved for future County right-of-way as required in the County's Comprehensive Plan, leaving a 75 foot x 75 foot parcel upon which to site the booster station. The Inwood Booster Station is an essential part of the city's water distribution system. By definition, public utilities are considered an essential service in the City Code of Ordinances:

§ 154.012, Subd. B, 11

ESSENTIAL SERVICES. *Underground or overhead gas, electric, steam, or water distribution systems; collection, communication, supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories, but not including buildings or transmission services.*

Essential services are a permitted use in all zoning districts, however, the City's comprehensive plan guides publicly owned facilities, such as essential services to the PF Zoning District.

§ 154.203 ESSENTIAL SERVICES.

Essential services as defined by this Ordinance are permitted in any district, provided that a site plan for any new or expanded service facility is filed with the Planning Department. The City Council may require site plan review of large facilities, upon the recommendation of the Planning Director.

The original parcel and the newly created parcel for the Inwood Booster Station are presently zoned RR-Rural Residential. The new Inwood Booster Station parcel should be zoned PF – Public or Semi-Public as guided in the city's comprehensive plan.

Upon review of the proposed rezoning to PF – Public or Semi-Public, it became apparent that the new parcel was non-conforming with the PF Zoning District dimensional, and buffer requirements. The requirements are important for most land uses, however, *essential services* are generally incidental and subordinate to the surrounding land uses, whatever they may be. In addition, it serves the welfare of the public to have the least amount of property in public ownership while serving the

essential needs of the public. For this reason, the City is requesting the amendment to exempt essential services from the district's dimensional, and buffer requirements of the PF Zoning District.

The PF District requirements are as follows:

Minimum Lot Width: 100 feet

Minimum Lot Depth: 150 feet

Setbacks from property lines: 50 feet

Buffer Requirement: 50 feet

As part of the purchase agreement, the city has the right to provide landscaping within the first 15 feet to the south and west of the parcel, upon permission for right of entry by the seller. The City is planning to provide a landscape screening of the Inwood Booster Station parcel.

Recommendation:

Staff recommends the Planning Commission recommend approval of the zoning text amendment and zoning map amendment with the following motions:

- 3) ***Move to approve a zoning text amendment exempting essential services from the dimensional and buffer requirements of the PF - Public or Semi-Public Zoning District.***
- 4) ***Move to approve a rezoning of Inwood Booster Station property from RR- Rural Residential to PF- Public and Semi-Public Zoning District.***



MAYOR & COUNCIL COMMUNICATION

DATE: January 19, 2016
REGULAR
ITEM # 19

AGENDA ITEM: Inwood Trunk Watermain Improvements– Approve Plans and Specifications, Calling Hearing on Improvement, and Order Advertisement for Bids

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: None.

The total estimated cost for the Inwood Trunk Watermain Improvements is \$2,000,000. The project is being completed in conjunction with the Inwood Water Booster Station Improvement which will be bid as a separate construction package. The project is scheduled to be paid through a combination of the City's Water Enterprise Fund, bonding and MN-DEED Water System Grant.

Approval of this resolution does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the plans and specifications, calling hearing on improvement, and ordering the advertisement for bids for the Inwood Trunk Watermain Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2016-04, approving the plans and specifications, calling hearing on improvement and ordering the advertisement for bids for the Inwood Trunk Watermain Improvements.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

In accordance with the 2016 Capital Improvement Plan, the city is extending trunk watermain along Inwood Avenue to deliver city water service to support growth and development along the I-94 corridor. This project serves the new developments between Keats Avenue and Inwood Avenue which includes Savona (Lennar), Boulder Ponds (Excelsior), Hammes Estates, Inwood PUD (Hans Hagen), and the existing properties within the Eagle Point Business Park.

On January 21, 2014, the council authorized the preparation of plans and specifications for the Inwood Avenue Trunk Watermain Improvements. Then on April 15, 2014 the project was put on hold and the bid date delayed until such a time that the City Administrator could secure the MN-DEED Water System Grant. The project funding has now been secured and the design consultant, MSA Professional Services, Inc., has updated the construction documents for the improvements to be constructed in 2016.

Plans and Specifications have been completed for the Inwood Trunk Watermain Improvements. The Engineer's opinion of total project cost is 2,000,000. The improvements include:

- Extension of a 16-inch diameter trunk watermain along Inwood Avenue from 26th Street North to Eagle Point Boulevard, connecting to the existing water system in the Eagle Point Business Park.
- At the direction of the city council, the project does not include water service to the Parkview Estates neighborhood.
- Installation of 2 service stubs to existing properties along Inwood Avenue to provide property owners the opportunity to connect to municipal water.
- Traffic control, erosion control, cleanup and restoration.

A feasibility report for this project was adopted by council on December 3, 2013. The report identified an opportunity to provide water service to residents in the Parkview Estates neighborhood. A public hearing for improvements was held on January 21, 2014 at which time the council heard from property owners in the neighborhood that they were not interested in City Water. At the conclusion of the hearing, Council directed staff to remove this scope from the proposed improvements.

Two properties along Inwood Avenue have been identified to be assessed a \$5,800 lateral benefit assessment since the trunk watermain will be placed adjacent to their residence. It is Staff's recommendation to call a hearing for improvements to follow the assessment proceedings identified in State Statute 429. Of these two properties, one assessment will be waived per the land purchase agreement for the Booster Station site.

RECOMMENDATION:

Staff is recommending that the City Council approve the plans and specifications, call a hearing on the improvements, and order the advertisement for bids for the Inwood Trunk Watermain Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2016-04, approving the plans and specifications, calling hearing on improvement, and ordering the advertisement for bids for the Inwood Trunk Watermain Improvements.”

ATTACHMENT(S):

1. Resolution 2016-04 Approving Plans and Specifications, Calling Hearing on Improvement, and Ordering Advertisement for Bids
2. Location Map.
3. Project Schedule.
4. Notice of Improvement Hearing Publication
5. Inwood Trunk Watermain Improvements Plans and Specification *(available for review at City Hall).*

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

RESOLUTION NO. 2016-04

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS,
CALLING HEARING ON IMPROVEMENT, AND ORDERING
ADVERTISEMENT FOR BIDS FOR THE
INWOOD TRUNK WATERMAIN IMPROVEMENTS**

WHEREAS, pursuant to City Council authorization, adopted on August 6, 2013, a feasibility report was prepared by FOCUS Engineering, Inc. for a booster station and improvements of trunk watermain facilities along Inwood Avenue N, from 26th Street to Eagle Point Business Park in order to provide access to the municipal water system; and

WHEREAS, the feasibility report recommends that connection service stubs be installed to properties located adjacent to the watermain improvements and recommends that a portion of the cost of the improvements be assessed pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429; and

WHEREAS, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels; and

WHEREAS, a public hearing was previously held on these proposed improvements on January 21, 2014 at which the City Council provided direction to eliminate the scope of improvements identified in the report to extend water service into Parkview Estates; and

WHEREAS, pursuant to a resolution passed by the City Council on the 21st day of January 2014, the City Engineer, together with MSA Professional Services, Inc. has prepared plans and specifications for the Inwood Trunk Watermain Improvements and has presented such plans and specifications to the Council for approval; and

WHEREAS, the public improvement hearing must be re-held since more than 12 months have passed.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall, and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and posted online with Quest Construction Data Network (QuestCDN.com) an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the

work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

3. That the City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of \$2,000,000.
4. A public hearing shall be held on such proposed improvements on the 1st day of March, 2016, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF
JANUARY 2016.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Julie Johnson
City Clerk

PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

INWOOD TRUNK WATERMAIN IMPROVEMENTS
PROJECT NO. 2014.130

January 2016

August 6, 2013 Council orders preparation of a Feasibility Report.

December 3, 2013 Presentation of Feasibility Report. Council accepts Report and calls Hearing.

January 21, 2014 Public Improvement Hearing. Council Orders the Improvement for the Inwood Trunk Watermain Improvements and the preparation of Plans and Specifications.

April 15, 2014 Council approves Plans and Specifications and orders Advertisement for Bids at the direction of the City Administrator.

Project was delayed due to delay in receipt of MN-DEED Water System Grant. Per State Statute, contractor bids must be received for the project within one-year of ordering the improvement. Therefore a new Public Improvement Hearing must be held.

January 19, 2016 Council approves Plans and Specifications; orders Ad for Bids; and calls Hearing.

February 18, 2016 Receive Contractor Bids.

March 1, 2016 Public Improvement Hearing. Council Orders the Improvement for the Inwood Trunk Watermain Improvements. Council accepts bids and awards contract.

April 7, 2016 Conduct Pre-construction meeting and issue Notice to Proceed.

August 26, 2016 Substantial Completion (watermain online and operational).

September 30, 2016 Final Completion (punch list and final paperwork).

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
INWOOD AVENUE TRUNK WATERMAIN IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, March 1, 2016, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement will consist of extending the water system approximately 2.1 miles south along Inwood Avenue beginning at 26th Street North and ending at Eagle Point Boulevard. This improvement will provide municipal water service to developing properties in the southwest part of the City. Individual service stubs will be installed to properties with existing homes that are located adjacent to the watermain improvements. Fire hydrants will be installed along the corridor, providing increased fire suppression capabilities in the extended service area.

The area proposed to be assessed for these improvements include the properties with existing residences and located along Inwood Avenue directly abutting the location of the proposed watermain improvements. The estimated total cost of the improvements is \$2,000,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: January 19, 2016

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on January 27, 2016 and February 3, 2016)

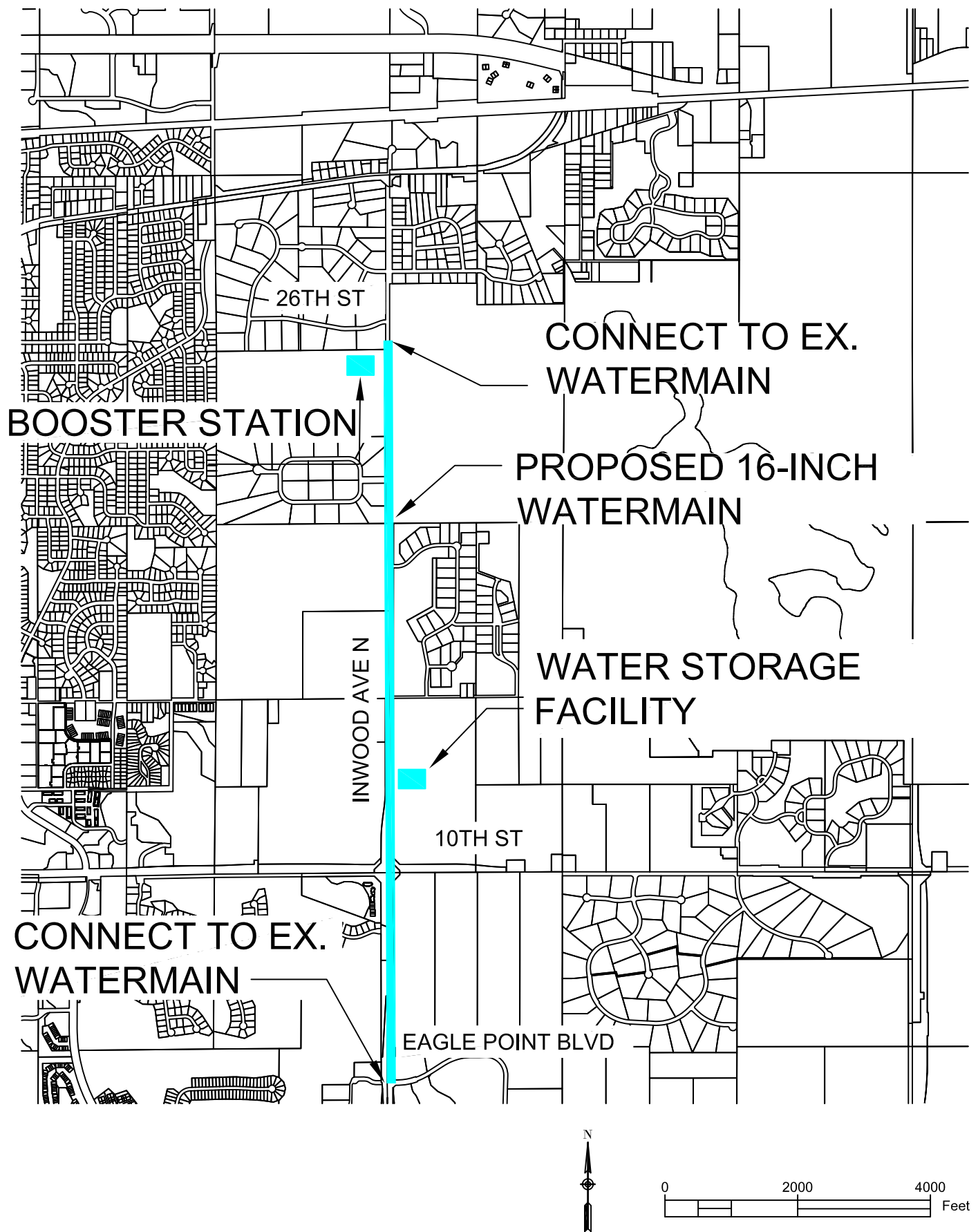


FIGURE NO. 1

LOCATION MAP

INWOOD BOOSTER STATION, TRUNK WATERMAIN
AND WATER TOWER IMPROVEMENTS

FOCUS
ENGINEERING

PROJ. NO. 2014.130
LAKE ELMO, MINNESOTA
OCTOBER, 2015



MAYOR & COUNCIL COMMUNICATION

DATE: January 19, 2016
REGULAR
ITEM # 20

AGENDA ITEM: Inwood Water Tower (No. 4) – Approve Plans and Specifications and Order Advertisement for Bids

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: None.

The total estimated project cost for the Inwood Water Tower (No. 4) Improvement is \$3,200,000. The improvements are scheduled for construction in 2016 as part of the City's Capital Improvement Plan. The Inwood Water Tower (No. 4) will be partially funded using MN-DEED Grant funds and partially funded through the issuance of general obligation bonds with bond payments made from the water enterprise fund.

Approval of this resolution does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the plans and specifications and ordering the advertisement for bids for the Inwood Water Tower (No. 4). The recommended motion for this action is as follows:

“Move to approve Resolution No. 2016-03, approving the plans and specifications and ordering the advertisement for bids for the Inwood Water Tower (No. 4).”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Inwood Water Tower (No. 4) is an elevated storage tank that will provide water supply and fire suppression storage for the City’s high pressure zone in the southwest portion of the City. The facility will be construction on a 1.5 acre lot located along Inwood Avenue approximately half-way between 10th Street and 15th Street. This site was purchased by the City in 2015.

The City retained the engineering design consultant (SEH) to complete a preliminary design evaluation for the Inwood Water Tower (No. 4), including recommendations for storage volume requirements and to evaluate the capital and life cycle costs for the two most common elevated tank styles. Following the direction of the Council on November 11, 2015 the final design was prepared for a 1.0 Million Gallon (MG) Composite Elevated Water Storage Tank. The composite style tank matches Water Tower No. 2 near the Public Works building.

Plans and Specifications have been completed for the Inwood Water Tower (No. 4) Improvements. The design engineer’s post design total estimated project cost is \$3,200,000. The improvements will be partially funded using MN-DEED Grant funds and partially funded through the issuance of general obligation bonds with bond payments made from the water enterprise fund.

Mezzanine spaces are often added in elevated storage tanks to provide space for telecommunication companies to locate their equipment interior to the tank. Inclusion of the mezzanine would potentially eliminate the need for telecommunication companies to install buildings on the grounds exterior to the tower if they seek the ability to install an antenna on the tank. The project has been designed to include the mezzanine space as an alternate bid for the Council to consider. The construction cost is estimated to add \$130,000 on top of the \$3,200,000 number presented in this report. Staff will present more information regarding this amenity at the meeting for Council discussion.

RECOMMENDATION:

Staff is recommending that the City Council approve the plans and specifications and order the advertisement for bids for the Inwood Water Tower (No. 4). The recommended motion for this action is as follows:

“Move to approve Resolution No. 2016-03, approving the plans and specifications and ordering the advertisement for bids for the Inwood Water Tower (No. 4).”

ATTACHMENT(S):

1. Resolution 2016-03 Approving Plans and Specifications and Ordering Advertisement for Bids
2. Location Map.
3. Project Schedule.
4. Inwood Water Tower (No. 4) Plans and Specification *(available for review at City Hall)*.

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

RESOLUTION NO. 2016-03

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS FOR THE
INWOOD WATER TOWER (NO. 4) IMPROVEMENTS**

WHEREAS, on October 6, 2015 the City Council directed the City Engineer, together with SEH, Inc. to prepare plans and specifications for the Inwood Water Tower (No. 4) Improvements, and

WHEREAS, plans and specifications for the Inwood Water Tower (No. 4) Improvements have been prepared for a 1,000,000 million gallon composite style water tower to be located on property recently purchased by the City along Inwood Avenue, between 10th Street and 15th Street.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall, and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and posted online with Quest Construction Data Network (QuestCDN.com) an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF
JANUARY 2016.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Julie Johnson
City Clerk

15TH STREET

PROPOSED WATER
TOWER PROPERTY
LOCATION

1.5 acres

80 foot R/W

INWOOD AVENUE

10TH STREET

1044

1040

1036

PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempksi, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

INWOOD WATER TOWER (NO. 4)
PROJECT NO. 2015.130

JANUARY 2016

October 6, 2015	Council approves consultant selection.
November 17, 2015	Preliminary Design. Council accepts preliminary design recommendations (water tower style, materials, and site plan).
January 19, 2016	Council approves Plans and Specifications and orders Advertisement for Bids.
February 18, 2016	Receive Contractor Bids.
March 1, 2016	Council accepts Bids and awards Contract.
April 7, 2016	Conduct Pre-construction meeting and issue Notice to Proceed.
October 1, 2017	Substantial Completion (water tower online and operational).
November 3, 2017	Final Completion (punch list and final paperwork).



MAYOR & COUNCIL COMMUNICATION

DATE: January 19, 2016

REGULAR

ITEM # 21

AGENDA ITEM: Library Board Appointments

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Nate Deprey, Library Director; Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The terms of Library Board Members Steve DeLapp and Sarah Linder expired December 31, 2015. Both have indicated that they would like to be reappointed to the Board, and Alternate Margot Seileni would like to be appointed as a full Board Member. Additionally, Tom DeGree has applied to fill a vacancy that currently exists on the Board.

LEGISLATIVE HISTORY: The Library Board took action at its January 13th meeting to eliminate the alternate positions and increase the Board from 7 members to 9 members. If the Council chooses to reappoint Steve DeLapp and Sarah Linder and appoint Margot Seileni and Tom DeGree, the Board will have 8 Members and one vacancy. The newly appointed and reappointed Members would serve three year terms that would expire December 31, 2018.

BACKGROUND INFORMATION (SWOT):

Strengths Appointing volunteers to fill vacancies on the Library Board ensures a quorum will be available at the meetings

Weaknesses	There are no identified weaknesses.
Opportunities	Filling current vacancies on the Library Board
Threats	There are no identified threats.

RECOMMENDATION: Staff recommends filling vacancies on the Library Board with the following motion:

“Motion to reappoint Steve DeLapp and Sarah Linder to the Library Board and appoint Margot Seileni and Tom Degree to the Library Board.”

Additionally, staff recommends Council direct staff to post the vacant Library Board position on the City website and FRESH weekly email.



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/16
REGULAR
ITEM #: 22
MOTION

AGENDA ITEM: Bureau of Mediation Services process

SUBMITTED BY: Mike Pearson

THROUGH: Clark Schroeder

REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

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

PUBLIC POLICY : Possible meeting management policies could be made

SUMMARY AND ACTION REQUESTED:

Unanimous vote by Council to engage in mediation services with the Bureau of Mediation Services (BMS) to improve the working dynamic of the city council.

BACKGROUND AND STAFF REPORT: In early August, the League of Minnesota Cities (LMC) was contacted to help mediate what was felt at the time as a decrease in working relations amongst council members. The LMC suggested the city work with the BMS to explore common ground amongst the council members and decrease conflict. The LMC and the BMS were invited to discuss and mediate council concerns. A number of meetings were held both with full council and a sub-set of council members, BMS staff and LMC staff. These meetings dealt with subject matter such as agenda setting, meeting decorum, council roles/lanes versus staff. At some point the BMS felt that progress was stalled and they withdrew from the process. They are willing to come back to the city council when there is full support from all council members to develop compromise on an issue which council is currently divided on.

RECOMMENDATION: It is the recommendation of the City Administrator that City Council invite the BMS back to provide mediation services for the purpose of improving meeting management/interaction and agenda setting.

Motion:

“The Lake Elmo City Council officially requests and invites the LMC and / or the BMS to continue working with the Council and city staff in an effort to improve the working dynamics of same; specifically, to help council resolve the issue of City Council meeting interaction and setting agendas.”



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/16

REGULAR

ITEM #: 23

MOTION

AGENDA ITEM: Council Role In Recommending Employees For Hire To Council

SUBMITTED BY: Clark Schroeder

THROUGH: Clark Schroeder

REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

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

PUBLIC POLICY STATEMENT: Council has the option to set policy regarding Council role in recommending employees to City Council for hire

SUMMARY AND ACTION REQUESTED:

Staff Recommend that with the exception of the City Administrator position, city staff interview and recommend for employment new hires to city council

BACKGROUND AND STAFF REPORT:

Lake Elmo's City Administrator ordinance states the following.

§ 31.29 PERSONNEL.

(A) Acts as personnel officer, and is responsible for implementation of city personnel policies with the authority to effectively recommend employment, discipline, or removal of city employees for Council action;

It is the opinion of the writer, this ordinance authorizes the City Administrator and his/her staff to recommend for employment all new hires. The involvement of Council Members in advising staff after they have sat in on interviews creates undue pressure on the Administrator to recommend to the City Council what the City Council Members have already recommended.

The city should operate in a fashion so that Council Members all have the same information at the same time when asked to make policy decisions. Having individual Council Members interview with applicants creates an imbalance of information and knowledge between council members. If council members wish to interview and make recommendations for hire to the City Council, all City Council Members should be invited in the interest of equality.

RECOMMENDATION:

Move to: “With the exception of the City Administrator position, interviewing and recommending candidates for employment to the City Council should be made by city staff.”

ATTACHMENT(S): None