



City of Lake Elmo

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Lake Elmo, Minnesota 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, May 11, 2009, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. March 23, 2009
 - b. April 13, 2009
4. Public Hearings
 - a. None
5. Business Items
 - a. Future Land Use Discussion at 400 Keats Avenue
6. Informational Items - verbal
 - a. Staff update on National Conference attendance
 - b. Update on Wireless Telecommunication Tower
7. City Council Updates
 - a. May 5, 2009
 - i. Sign Ordinance - tabled
 - ii. Economic Development Recommendations
 - iii. Final Adoption of AUAR – approved
 - iv. 2030 Comprehensive Plan updates – approved all but Transportation Plan which was tabled
 - v. Metro Cities Policy Committee
8. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of March 23, 2009**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Anderson, Bidon, Hall, McGinnis, Pearson, Van Zandt, and Ziertman. Absent: Britz, Fliflet, Ptacek, and Van Erem. STAFF PRESENT: Planning Director Klatt, Senior Planner Gozola and Planner Matzek.

Agenda

Chairman Van Zandt added the item "New Commissioner Training Report."

New Commissioner Training Report

Commissioner Bidon said he thought the Government Training Services workshop was worthwhile and provided understanding for the ordinances and the job of the city staff.

Minutes – February 9, 2009

M/S/P, McGinnis/Ziertman. Vote: 6:0. Abstentions: Hall

Public Hearing

None.

Business Items - Sign Ordinance

Senior Planner Gozola reviewed the changes to the draft sign ordinance that were suggested by the commission at the March 9th meeting.

Commissioner Hall said the banner definition identifies that it shall not be a permanent sign.

Senior Planner Gozola said he would remove that part of the definition.

Commissioner Ziertman identified that for item two under the building identification portion, the building address is required on each principle building, but some homes are so far back from the roadway or are hidden by trees that it would not be practical.

Senior Planner Gozola suggested the text "in a visible location from the right-of-way."

Commissioner Hall recommended requiring it both on the house and at a location on the roadway.

Senior Planner Gozola stated that there are examples where multiple properties access a roadway on one driveway.

Planning Director Klatt said it would be difficult to go back to existing homes and enforce. This ordinance would be with new building permit applications.

Commissioner Hall moved to recommend revising the proposed ordinance to say that building addresses for all buildings should have an identifying number between three and twelve inches in height that is viewable from the road. Seconded by Commissioner Ziertman.

Senior Planner Gozola said that the language as it stands currently is only for residential and not businesses, but the proposed language would include businesses. He would ask that it be separated if that is the direction the commission would like to go in.

Chairman Van Zandt said the emergency services crews need to quickly find addresses and it should be clearly marked.

Planning Director Klatt identified language from the State Fire Code which requires new and existing buildings shall have approved address numbers, building numbers, or approved building identification placed at a position that is plainly visible from the street or road fronting the property. Buildings with multiple tenants shall place approved addresses at front or rear doors to identify each address.

M/S/P, Ziertman/Hall to get rid of the language in sub. 2 in the proposed ordinance as it is already covered by the State Building Code. Vote: 7:0.

Senior Planner Gozola reiterated that the only remaining language would be what was proposed in Sub 1. He is looking for formal action on ordinance.

M/S/P, McGinnis/Hall, move to recommend the sign ordinance as amended. Vote 7:0.

Wireless Telecommunication

Planning Director Klatt provided an update to the wireless telecommunication ordinance process. He identified the process: review of the current ordinance, alternatives discussion, questions for the planning commission, next steps and then asked for feedback.

Commissioner Hall asked if the railroad right-of-way is an option for locating towers.

Planning Director Klatt said it would probably not be available as an easement would identify it is for transportation and not utilities. He said it may be helpful to do an inventory of existing structures of a certain height for co-location options to help facilitate the process.

Chairman Van Zandt suggested commissioners begin to formulate their input and talk to their neighbors.

Commissioner Bidon suggested the city should build a tower and collect the rent.

Planning Director Klatt said the city is moving forward in soliciting Request For Qualifications from consultants to rewrite the ordinance.

General Updates

Planning Commission 2009 Work Plan

Planning Director Klatt said the City Council made a few changes to the work plan, attached is the final version.

Commissioner Hall asked how the Village Area Planning will be done.

Planning Director Klatt said staff will be bringing forward next steps for the village area.

Comprehensive Plan Update

Planning Director Klatt said he is working with the city engineer to bring forward the Surface Water Plan, Water Plan, and Transportation Plan chapters for a formal public hearing.

MnDOT Highway 5 Project

Planning Director Klatt said MnDOT conducted an open house on reconstruction plans for Highway 5. The plan is to add a lane from Manning Ave to 55th Street. Washington County is still waiting to hear if the State would get the funding through the stimulus package for the project. If Lake Elmo is interested in a trail along the road, it would be beyond the proposed project.

Urban Land Institute; Community Research Project

Planner Matzek said the city has agreed to participate in a project with ULI and Citizens League focusing on public participation processes. Lake Elmo is one of three communities in this larger study.

City Council Updates

Planning Director Klatt said the City Council did decide to move forward with Final AUAR. A ten day comment period will begin shortly and assuming no objections are received from a State Agency, the city will be able to then adopt the Final AUAR document.

Adjourned at 8:54 p.m.

Respectfully submitted,

Kelli Matzek
Planner

**City of Lake Elmo
Planning Commission Meeting
Minutes of April 13, 2009**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Anderson, Bidon, Britz, Fliflet, Hall, Pearson, Van Erem, Van Zandt, and Ziertman. Absent: McGinnis and Ptacek. STAFF PRESENT: Planning Director Klatt, Planner Matzek, Assistant Engineer Stempski, and TKDA Consultant Bryant Fusek.

Agenda

M/S/P, Hall/Fliflet, to approve the agenda as presented. Vote: 9:0.

Minutes - March 9, 2009

Commissioner Fliflet stated that the minutes do not identify who seconded the motion on the last page of the minutes.

Planner Matzek said that she did not have that information as the tape of the meeting was cut off.

M/S/P, Anderson/Pearson, move to approve as presented. Vote: 9:0.

Public Hearing – Comprehensive Plan Update, Transportation Chapter

Klatt gave a brief overview of where the city is at in the Comprehensive Plan update process and what the city is required to do.

Assistant Engineer Stempski said the draft Transportation Plan chapter of the Comprehensive Plan is now complete and ready for the commission's review.

Bryant Fusek, TKDA Transportation Engineer

Mr. Fusek said the proposed draft plan was built off the previous Lake Elmo transportation plan. He spoke of the goals and objectives, roadway system, transit facilities, trail system, rail, aviation, and plan implementation. He showed maps to illustrate a base scenario and an improved scenario for State Highway 36. Two proposed changes to the plan are to downgrade Lake Elmo Avenue from an arterial to a major collector and to eliminate one of the policy statements from the previous transportation plan.

Commissioner Fliflet asked for clarification on what is meant by maintaining East and West access to Highway 36 from County Road 17.

Mr. Fusek said traffic should be able to turn left or right onto Highway 36 at the intersection.

Chairman Van Zandt asked how far a frontage road on the north side of Highway 36 would run.

Mr. Fusek said it would run the full length of the road on the north side of the highway.

Commissioner Ziertman identified a chart on page twenty-one that models travel demand based on land use. She disagrees with the numbers as various businesses along Highway 36, such as Rock Point Church, are not taken into consideration.

Planning Director Klatt said that although staff did notice that distinction as well, those employment areas were not calculated in the county's model, so we did not include them in the city's model.

Mr. Fusek said that although the city does not want to dismiss that information, the impact on traffic volumes would likely not make any changes to the recommendations in the plan. He also said that one of the proposals the model does not take into consideration is a roundabout on Highway 5 as it can also reduce the volume.

Commissioner Fliflet said that trail use as a means to a destination should be further emphasized in the transportation plan.

Commissioner Van Erem asked if there was a timeline for implementing the recommendations of turning the road back to city and the quiet zones for the railroad.

Mr. Fusek said it could be implemented at any time, but it could be costly.

Commissioner Fliflet said that safety and parking at the elementary school should be further emphasized as they are problems.

Mr. Fusek said the plan does identify that intersection as a problem because of the crash rates.

Commissioner Fliflet suggested adding a pedestrian/child/safety zone/school area section to the plan as it would heighten its importance.

Planning Director Klatt said the plan should reference the Safe Routes to School study with proposed improvements.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:26 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:27 P.M.

M/S/P, Fliflet/Hall, move to recommend approval of a revised transportation plan with a few additions: heighten awareness of school zones and the importance of those intersections; emphasis on trails system with regards to destinations; and with the implementation section that was handed out. Vote: 9:0.

Business Item – *Comprehensive Plan Update: Park Plan; Review of Metropolitan Council's response*

Planner Matzek identified that the Park Plan is further along than the other three components being updated this year. After years of work and public input, the plan was sent in for an informal review by the Metropolitan Council. They provided four comments: to include eight "in-holding" parcels for future acquisition for the Lake Elmo Regional Park Reserve, to move the Special Use Park Search Area so it did not overlap with the Park Reserve, to add text for the Washington County Greenway Regional Trail which was already shown on a map, and to submit the trail plan for their formal review. None of the requests have any impact on the intent or function of the plan.

M/S/P, Van Zandt/Ziertman, move to recommend approval of the changes. Vote: 8:0:1. Pearson abstained as he was uncomfortable with the possible future lake access on Lake Elmo.

Informational Item: Village Area AUAR Update

Planning Director Klatt stated that the City Council authorized the distribution of the Final AUAR for a 10 day comment period with April 13th as the deadline. He then outlined what the city has done so far including the basic background engineering work. One of the next steps will be to estimate the costs associated with the project.

City Council Update

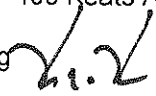
Planner Matzek said that the council reviewed and discussed the Huges variance at 2931 Jonquil Trail North, but tabled the application to a future date.

Adjourned at 8:49 p.m.

Respectfully submitted,

Kelli Matzek
Planner

Planning Commission
Date: 5/11/09
Concept Plan Review
Item: 5a

ITEM: Future Land Use Discussion – 400 Keats Avenue
SUBMITTED BY: Kyle Klatt, Director of Planning 
REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a concept plan for the redevelopment of a former golf practice facility at 400 Keats Avenue. The project proposer is seeking feedback from the Commission regarding the proposed re-use of the site for an outdoor amphitheater and performing arts center. The attached staff report provides a general overview of the request and a summary of the relevant land use and zoning issues.

The Planning Commission is not being asked to take any formal action with regards to the concept plan. Any feedback provided will be used by the applicant to help determine whether or not the plan is feasible to pursue.

RECOMMENDATION:

Staff recommends that the Planning Commission review the proposed concept plan and provide informal comments to the applicant.

ORDER OF BUSINESS:

- Introduction Kyle Klatt, Director of Planning
- Report by staff..... Kyle Klatt, Director of Planning
- Presentation by Project Proposers Brian McGoldrich/Greg Schlink
- Questions/Comments from the Planning Commission Planning Commission

ATTACHMENTS:

- Staff Report
- Concept Plan
- Aerial Images of Site (facing north and south)
- AG – Agriculture Zoning District Regulations

City of Lake Elmo Planning Department
Concept Plan Review and Discussion

To: Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 5/11/09

Applicant: Brian McGoldrich/Greg Schlink

Owner: Gary T. Mulcahey, Sr. – MM One Golf, LLC

Location: 400 Keats Avenue

Zoning: A - Agriculture

Introductory Information

Requested Action: Brian McGoldrich, as a representative of Gary Mulcahey, has been investigating proposed uses for the now abandoned Mulligan Masters Golf Facility at 400 Keats Avenue. He has requested an opportunity to discuss proposed uses with the Planning Commission, focusing on the potential re-use of the site for an outdoor amphitheater. Another potential partner, Greg Schlink, has also been coordinating with Mr. McGoldrich on a more ambitious project that would include an indoor concert hall/performing arts center on this same site.

The information that is being presented to the Planning Commission at this time is conceptual, and does not represent a formal application that requires action by the City Council. The Planning Commission is being asked to provide feedback regarding the proposed development plans. The Staff report below summarizes the relevant Planning and Zoning issues that pertain to the site and the process that might be necessary to move forward with the development plans.

This proposal was introduced at a public forum to the City Council in October of 2008; the City Council directed the applicant to discuss the proposal with the Planning Commission before proceeding any further with a formal request.

Property Information: The property under consideration is approximately 40 acres in size (including road right-of-way) and located along Keats Avenue roughly midway between the I-94 Corridor and South 10th Street. In early 2003 the City approved a series of requests to accommodate a golf practice facility on the site, including a Comprehensive Plan amendment, rezoning, and conditional use permit. After a minor modification of the planned office area in 2004 the site became functional and was known as Mulligan Masters. The golf facility has since ceased operations, and because the site has not been occupied for over one year, the conditional use permit (CUP) has expired. Any future use of the site will either need to secure a new conditional use permit to operate a golf practice facility or will need to observe the list of permitted and conditional

**Proposed
Concept
Plan:**

activities in the A – Agriculture zoning district.

Brian McGoldrich has been working with the property owner to identify a new use for the property at 400 Keats Avenue, and is seeking suggestions for re-use of the golf practice facility. One concept that Mr. McGoldrich has pursued is converting the site into an amphitheater and concert venue in accordance with the attached concept plan. This plan depicts an outdoor amphitheater with seating for 6,000 people in addition to an adjacent concert hall that would seat approximately 1,500 people. At this point in time, the plan is very preliminary in nature and only depicts a general layout that could work on the property.

Beyond the construction of the actual concert hall and amphitheater, the most significant component of the plan is the provision of over 1,650 parking stalls, which would be located in a circular arch around the main structures. This circular configuration is somewhat similar to the existing layout of the golf course practice holes. The site plan for Mulligan Masters included an extensive amount of grading and landscaping work, all of which would be significantly impacted by the construction of a new building and parking areas on the site.

**Applicable
Codes:**

Section 154.018 Administration.

Subd 4. Conditional Use Permits. Outlines the general requirements for all conditionally permitted uses in Lake Elmo.

(A) Granting/denial. Conditional use permits may be granted or denied in any district by action of the governing body according to the standards for that district in granting a conditional use permit, the governing body shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities, the effect on property values of property in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it determines that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the community nor will cause serious traffic congestion, nor hazards, nor will seriously depreciate surrounding property values, and that the use is in harmony with the general purpose and intent of this chapter and the Comprehensive Plan, the Council may grant the permits (emphasis added by staff).

Section 154.033 AG or A – Agricultural

Zoning district provisions attached – please note list of permitted and conditional uses.

Section 154.019 Interim Use Permits

Contains the City's requirements for granting an interim use permit.

Section 150.230 Interstate Corridor Overlay District

Special requirement for uses located within the interstate highway corridor.

Findings & General Site Overview

| | |
|-------------------|--|
| Site Data: | <p><i>Current Zoning:</i> AG – Agricultural</p> <p><i>Holding Zoning:</i> HD-A-SRD</p> <p><i>Comp Plan Future Land Use:</i> SRD – Sewered Residential Development (3.5 units per acre)</p> <p><i>Development Staging:</i> 2020-2030 sewer service area</p> <p><i>Water Service:</i> Future service area</p> <p><i>Adjacent Uses (Current):</i> Aggregate Mining – North Agriculture – West and East Vacant – South</p> <p><i>Future Adjacent Uses:</i> SRD – 3.5 DU/Acre</p> |
|-------------------|--|

Concept Review:

| | |
|-----------------------------|--|
| Land Use Discussion: | <p>Since the Planning Commission is being asked to conduct only a conceptual review of the proposed site development plan, the most basic questions that should be addressed concern the appropriate approval necessary to move forward with a request on this site. Based on the information provided to date, please note the following:</p> |
|-----------------------------|--|

- The amphitheater appears to be allowed as “Commercial Recreation of a Rural Nature” on the A – Agriculture District use chart. The performing arts center does not show up in any of the use classifications within the A – Agriculture or any other zoning district in the City.
- Neither use would be consistent with the 2030 Comprehensive Plan for this site, which is guided for sewered residential development at a density of 3.5 units per acre. All of the land surrounding the proposed site is guided in a similar manner.

If the Planning Commission were to decide that an amphitheater is not consistent or compatible with the proposed future uses in this area, it could use this finding as a basis for denial of a conditional use permit. Concentrating on just the amphitheater, this particular use could work well as an interim use provided minimal improvements are necessary to the site and if the property owner was willing to commit to a specific end date for the activity. The City cannot impose an expiration date on a conditional use but can do so as part of an interim use request. At present, the A – Agriculture zoning district does not permit amphitheaters (or outdoor recreation) as in interim use,

and adding this use to the list of permitted activities would require a zoning text amendment.

The other portion of the concept plan, the performing arts center, is much more problematic based on the current and future land uses planned for the area. Although the City could consider amending the zoning ordinance to allow a performing arts center as an interim use, the investment and proposed activity as depicted on the submitted concept plan does not appear temporary in nature. A permanent building would require a Comprehensive Plan amendment and rezoning to a district that would allow a permanent facility. A performance arts center is most similar to the list of uses allowed in the PF – Public Facilities zoning district.

Outside of the broader planning and zoning issues related to the proposed uses, other relevant issues should be considered by the Planning Commission, including:

- *Parking.* The concept plan indicates that the proposed facilities would need 1,654 parking spaces, which is a substantial increase over the parking provided for the golf facility. The applicant has suggested that a pervious system could be used for some of the proposed parking to help mitigate storm water runoff and to keep the site looking natural. Based on the total site occupancy (number of seats) the number of suggested stalls is close to the City's parking standards for public assembly uses.
- *Traffic.* A traffic analysis would be needed with the proposal to determine potential impacts on Keats Avenue (CSAH 19). There is currently one entrance into the facility, and a new access is shown on the concept plan. Given the potential for large amounts of traffic entering and exiting the site at peak times, understanding the potential impacts of this traffic will be a critical piece of any land use analysis for this site.
- *Grading/Erosion Control.* The golf facility site plans included an extensive grading and erosion control plan. The proposed site plan would impact the approved grading and storm water management system, and the additional buildings, parking areas, and other impervious surfaces would require further analysis. The concept plan does not leave a lot of room for additional storm water mitigation on the site.
- *Landscaping/Buffering.* Because the proposed uses are located in an area that is planned for residential development, appropriate buffers should be developed, if the plan moves forward, to make sure that the activities on the site do not negatively impact adjacent residential uses. Preserving existing trees and other natural vegetation would help buffer potential future uses on this site.
- *Future Land Uses.* Although the surrounding land is predominately comprised of agricultural and mining activity, or otherwise vacant, all of the land surrounding the site is planned for sewered residential development. Any re-use of the golf facility should be evaluated for compatibility with the future surrounding uses. This is especially true if a permanent use is allowed that will

not cease when sewer is extended to the area.

- *REC Unit Counts.* Lake Elmo's Comprehensive Plan specifies that a certain number of residential units and Residential Equivalency Units pertaining to sewer service must hook into the regional sewer system by 2030. A low REC unit count on the applicant's site would eliminate a fairly large area planned for approximately 120 units of the City's total number required.

The applicant has indicated that he is willing to consider alternative uses of the site and would welcome any feedback from the Planning Commission on this matter.

If the Commission were reviewing the concept plan as a conditional use permit, the following impacts would need to be considered as part of its review:

1. *Effects on the health, safety, morals, convenience, or general welfare of surrounding lands.*
2. *Traffic & Parking conditions.*
3. *Effects on utility and school capacities.*
4. *Effect on property values of surrounding lands.*
5. *Effect of the proposed use on the Comprehensive Plan.*

Alternatives:

There are several different ways that the proposed concept plan could move forward on the applicant's site. These options include the following:

1. Comprehensive Plan Amendment and Rezoning to a district that would allow an outdoor amphitheater and performing arts center. A zoning change would also need to include a text amendment to add a performing arts center or concert hall to the district use chart. A change may not be necessary if the outdoor amphitheater is the only land use option pursued. In all cases, consistency with the Comprehensive Plan would be an issue.
2. Planned Unit Development/Mater Planned Community. A Planned Development could be approved to allow a staged development or overall site redevelopment project. Consistency with the Comprehensive Plan would still be an issue that needs to be addressed. If housing were added to the overall plan for the site, it would help reduce concerns about the lack of REC units and provide additional buffering from other residential uses.
3. Interim Use Permit. An Interim Use could be established in the A – Agriculture zoning district to allow for an outdoor amphitheatre. The zoning ordinance would need to be amended to establish a specific interim use in the AG-district. This option would be the most consistent with the Comprehensive Plan since the City could establish a termination date based on the provision of sewer service to the site or the development of adjacent parcels.
4. Alternate Sites. The performing arts center could be established in another location, and may be a use that is more compatible in a Public Facilities zoning

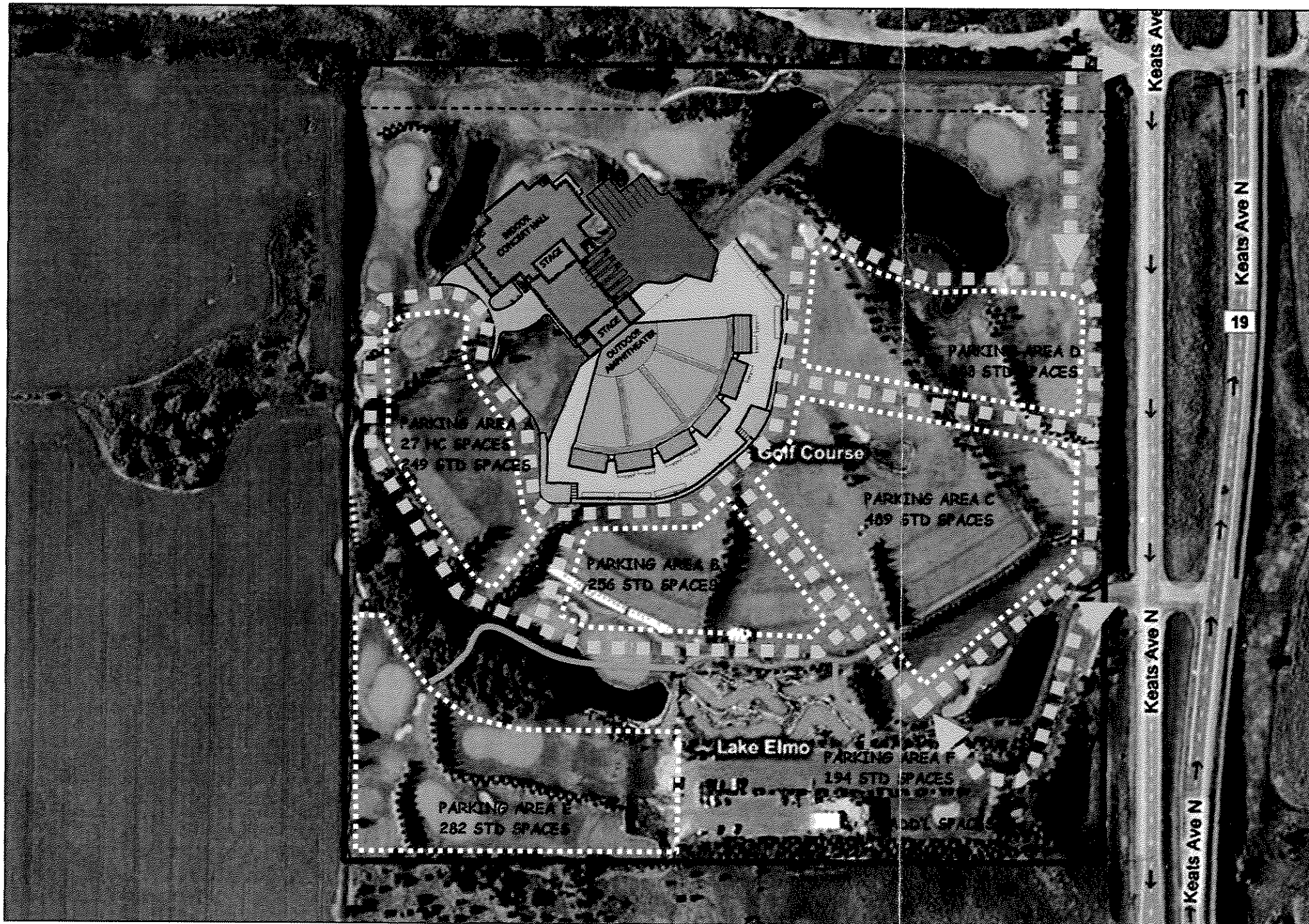
district, business zoning district, or as part of the Village planning area. At present, a performing arts center would not be permitted in any of the City's zoning districts and could only be considered with a text amendment to the Ordinance.

5. If the concept plan is not deemed acceptable the property could be used in accordance with the uses allowed under the A – Agriculture zoning district. The improvements that have been previously made to the site make this property difficult to convert back to an agricultural use.

Conclusion:

The Planning Commission is being asked to review the submitted concept plan and provide any feedback to the project proposers. This review is not a formal request and the Planning Commission does not need to take any formal action. Regardless of any comments received, an application could be submitted to develop the site in accordance with the options noted above. The Commission's feedback will help the property owner decide whether or not to pursue a land use or zoning change on the site or to further develop plans in accordance with the concept plan.

cc: Brian McGoldrich, Greg Schlink

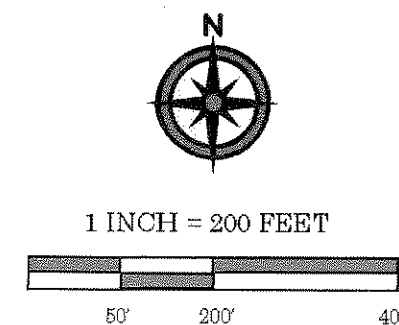


SITE DATA

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|------------------|----------------|
| INDOOR SEATING | 1,500 +/- |
| OUTDOOR SEATING | 6,000 +/- |
| HANDICAP PARKING | 27 |
| STANDARD PARKING | 1,627 1,654 |

LEGEND

| | |
|---------------------|--|
| VEHICLE CIRCULATION | |
| PEDESTRIAN TRAIL | |
| PARKING ON TURF | |



400 Keats Avenue - Aerial Image (N)





400 Keats Avenue - Aerial Image (S)

§ 154.033 AG OR A – AGRICULTURAL.

(A) *Permitted uses and structures.*

- (1) Commercial agriculture and horticulture;
- (2) Poultry facilities meeting state and federal regulations;
- (3) Farm buildings;
- (4) Farm drainage and irrigation systems;
- (5) Forestry meeting state and federal regulations;
- (6) One farm dwelling per farm (also see §§ 154.091 and 154.105);
- (7) One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, provided:
 - (a) The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
 - (b) The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and
 - (c) The dwelling is separated by at least 300 feet from the nearest farm building.
- (8) Seasonal open sales lots for agricultural and horticultural products produced on the premises;
- (9) Pick-your-own or cut-your-own type sales operations for products grown on the premises; and
- (10) Joint ownership of property or ownership by association or rental for the purpose of providing private gardens or forest plots to its members or lessees.

(B) *Uses permitted by conditional use permit.*

- (1) Greenhouses;
- (2) Kennels;
- (3) Stables;

Lake Elmo, MN Code of Ordinances

(4) Commercial recreation of a rural nature, including outdoor target ranges;

(5) Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis, including sorting, grading, and packing fruits and vegetables for the owner, lessee, or sublessee; agricultural produce milling and processing for the owner, lessee, or sublessee; horticultural services; fruit picking; grain cleaning; veterinary services; boarding and training of horses;

(6) Open space development projects, as regulated by §§ 150.175 *et seq.*;

(Ord. 97-40, passed 12-1-1998; Am. Ord. 97-182, passed 10-3-2006)

(7) Non-agricultural low impact uses pursuant to the standards described in division (F) of this section; and

(Am. Ord. 97-57, passed 7-18-2000; Am. Ord. 97-191, passed 4-3-2007)

(C) *Accessory uses and structures* (see §§ 154.092 and 154.093).

(1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures as defined in § 11.01;

(2) Private garages, carports, screen houses, conservatories, playhouses, swimming pools and storage buildings, as defined in § 11.01, for use by occupants of the principal structures; and

(Am. Ord. 97-38, passed 11-17-1998)

(3) Home occupations.

(D) *Minimum district requirements.*

| <i>Agricultural Zoning District</i> | <i>Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered</i> | <i>Non-Farm Dwellings and Activities if Clustered</i> |
|-------------------------------------|---|---|
| Lot Size | Nominal 40 acres A 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations | 1-1/2 acres (if clustered) |
| Lot Width | 300 feet | 125 feet |

Lake Elmo, MN Code of Ordinances

| | | |
|---|--|--|
| Primary Building setback from property lines: (Also see § 154.082) | | |
| Front: | 200 feet | 30 feet |
| Side (Interior): | 200 feet | 10 feet |
| Rear: | 200 feet | 40 feet |
| Side Corner: | 200 feet | 25 feet |
| Arterial Street: | 200 feet | 50 feet |
| Primary Building Height (Also see § 154.083) | 35 feet | 35 feet |
| Off-Street Parking (Also see § 154.095) | N/A | 3 spaces per dwelling unit |
| Accessory Building or Structure setback from property lines: (Also see §§ 154.092 and 154.093) | | |
| Front: | 200 feet | 30 feet |
| Side (Interior): | 200 feet | 10 feet |
| Rear: | 200 feet | 40 feet |
| <i>Agricultural Zoning District</i> | <i>Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered</i> | <i>Non-Farm Dwellings and Activities if Clustered</i> |
| Side Corner: | 200 feet | 25 feet |
| Arterial Street: | 200 feet | 50 feet |
| Setback for all animal buildings, feedlots, and manure storage sites shall be as follows: (Also see §§ 154.092 and 154.093) | | N/A |
| Any property line | 200 feet | N/A |
| Any existing well, or residential structure on the same parcel | 50 feet | N/A |

Lake Elmo, MN Code of Ordinances

| | | |
|---|----------|-----|
| Any existing well, or residential structure on an adjacent or nearby parcel | 200 feet | N/A |
| Any body of seasonal or year-round surface water | 200 feet | N/A |

| <i>Agricultural Zoning District</i> | <i>Minimum District Requirements</i> |
|---|---|
| Septic Drainfield Regulations (Also see §§ 51.002 through 51.008) | All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited. |
| Minimum Width of Primary Dwelling or Structure | All dwelling units must be at least 20 feet wide through the main living area of the structure. |
| Footings | All dwelling units must have frost footing. Continuous frost footings are not required for porches, decks, and other appendages as long as proper post-type footings, per existing Building Codes are constructed. |
| Minimum Lot Size for Clustering | The entire tract of land for which a cluster development as proposed shall not be less than 61 acres in size. |

| <i>Agricultural Zoning District</i> | <i>Minimum District Requirements</i> |
|--|---|
| Cluster Density | The maximum number of dwelling units proposed for the entire tract, including any existing buildings, shall not exceed 1 unit per 40 acres or major part of the tract. For example, a tract of land consisting of 101 acres might qualify for 3 dwelling units on a prorated basis. |
| Minimum and Maximum Road Frontage in Cluster Development | A parcel on which a dwelling unit is located shall have at least 125 feet of frontage along a public street and a maximum of 500 feet. |
| Signage | See §§ 151.115 through 151.124 |

Lake Elmo, MN Code of Ordinances

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| Driveway Width | See § 93.26 |
|----------------|-------------|

(Am. Ord. 97-57, passed 7-18-2000)

(E) *Clustered development standards.*

(1) The Council hereby finds that cluster development, as defined in this chapter, provides a means to preserve good agricultural land, open green space, scenic views, and other desirable features of the natural environment. It is, accordingly, the purpose of the cluster development standards to permit and encourage cluster development where appropriate.

(2) The owner of any tract of land in an agricultural district may submit a plan for the use and development of the tract of land as a cluster development and apply for a permit authorizing completion of the project according to the plan. The plan for the proposed project shall conform to all of the regulations applicable to agricultural districts, except as follows:

(a) A plat shall be approved that complies with the city's subdivision ordinance; the entire parcel of land shall be included within the plat;

(b) All new lots created by the cluster development shall be contiguous;

(c) Each lot created shall be used for no more than 1 single-family home which shall meet the following requirements: Each dwelling unit shall be located on a separate parcel of record in the office of the County Recorder and/or County Auditor; the separate parcel shall be at least 1-1/2 and not more than 2 acres in size, except the remaining large lot; and

(d) Any land which is to be set aside as an outlot shall be clearly identified as such on the plat, and shall be dedicated as permanent open space in a manner approved by the City Attorney and City Council.

(F) *Non-agricultural low impact use standards.*

(1) (a) The city desires to maintain and preserve open space and agricultural land within the city. The city recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells his or her land for development. The city further recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by conditional use permit, might allow a farmer or large property owner an economical use of his or her property that is zoned for agriculture. The following standards shall apply to these types of uses.

(b) It is also the intent of the city to preserve the appearance of rural character within the community by establishing standards for the setback and screening from

Lake Elmo, MN Code of Ordinances

adjacent property and public roadways by natural features of any open storage as may be associated with the non-agricultural use.

(Am. Ord. 97-76, passed 3-6-2001)

(2) (a) All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.

(b) The area where the non-agricultural low impact use is located shall be legally defined as approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.

(c) Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.

(d) Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land, with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.

(Am. Ord. 97-112, passed 6-18-2002)

(e) Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the conditional use permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the conditional use permit.

(Am. Ord. 97-71, passed 3-6-2001)

(f) Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.

(g) The property owner shall maintain the remaining land or farm outside of the CUP Area in accordance with the permitted uses of the Agricultural zoning district

Lake Elmo, MN Code of Ordinances
and the required practices of the Soil and Water Conservation District.

(h) All lighting shall comply with the city's regulations.

(i) All signs shall comply with the city's regulations.

(j) Rate and volume of runoff from the CUP shall not exceed the 1% rule and shall be verified by the City Engineer.

(k) In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the conditional use permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the city agrees otherwise. This section shall not apply if the city initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.

(l) All conditional use permits granted to a non-agricultural low impact use shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.

(m) The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.

(H) *Commercial outdoor social events.* Subject to the following required conditions:

(1) A site tax parcel area not less than 10 acres;

(2) No existing permanent or newly constructed structures may be used. Tents are allowed;

(3) Events limited to twice weekly and only during the months of May through October;

(4) Attendance at events shall be limited to 250 people;

(5) Compliance with city code ambient noise standards;

(6) All parking shall be off-street, and shall be set back and/or adequately screened from adjoining properties;

(7) Limiting the hours for any event to 10:00 a.m. to 10:00 p.m., including take down activity. All event-related people must be off the site by 10:00 p.m.;

(8) On-site portable sanitation adequately sized for the events;

(9) Prohibiting charging an admission fee for any commercial outdoor social

Lake Elmo, MN Code of Ordinances

event; and

(10) The lighting meets code and lights go off at 10:00 p.m.

(1997 Code, § 300.07 Subd. 4.A) (Ord. 97-57, passed 7-18-2000; Am. Ord. 97-167, passed 5-16-2006; Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-205, passed 12-4-2007)